

NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

Second Assembly

Parliamentary Record

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PART I

THE DEBATES

Tuesday 22 November 1977

Mr Speaker MacFarlane took the Chair at 10 am.

MESSAGE FROM THE ADMINISTRATOR

The ACTING CLERK: Honourable members, I have a message from His Honour the Administrator.

I inform the Assembly of the following action taken pursuant to the provisions of the Northern Territory (Administration) Act 1910 (as amended): His Excellency the Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, did on the 27th day of October 1977 declare that he withholds assent to the Administrative Actions (Investigation) Ordinance 1972, made by the Legislative Council and reserved by the Administrator for the Governor-General's pleasure.

I table the statement of reasons and a copy of the Federal Executive Council minutes.

PERSONAL EXPLANATION

Mr ISAACS (Opposition Leader): During the break since last sittings, I was quoted in the media in such a way that some honourable members believe implied disrespect to the Assembly and the office of Speaker. I make it clear that no such imputation was intended. I withdraw the words unreservedly and apologise for their use.

PETITION

USE OF DEROGATORY TERMS

Mr DOOLAN (Victoria River): I present a petition from certain residents of Palumpa, Port Keats, Kildurk Station, Wave Hill, Dagaragu, Hooker Creek and Victoria River Downs in the electorate of Victoria River. This relates to the use of derogatory terms by certain members of the Northern Territory Police Force in addressing Aboriginal Australians. The petition is respectfully worded and has been certified

by the Acting Clerk to be in accordance with Standing Orders. I move that the petition be received and read.

Motion agreed to.

To the honourable the Speaker and members of the Legislative Assembly for the Northern Territory.

The humble petition of the undersigned residents of Palumpa, Port Keats, Kildurk Station, Wave Hill, Dagaragu, Hooker Creek and Victoria River Downs are deeply concerned that some members of the Northern Territory Police Force habitually and constantly refer to Aboriginal Australians as coons or niggers which we resent. Your petitioners therefore humbly pray that the Assembly urge the honourable Majority Leader and Cabinet Member for Police to request the Commissioner for Police in the Northern Territory to instruct his officers to desist from using such derogatory terms so that they may give good example to the general public whom they serve and in future refer to us as Aboriginals, and your petitioners as in duty bound will ever pray.

BLUE TONGUE VIRUS

Mr STEELE (Transport and Industry): I wish to inform the House that a virus isolated from biting midges collected at Beatrice Hill Research Station during March 1975 has been identified as a member of the blue tongue group. This virus is one of 91 arboviruses isolated from 235,000 insects of 65 species collected by CSIRO from October 1974 to May 1976 in a study of potential carriers of ephemeral fever virus in the area.

In November 1976, this virus was sent to the Arboviruses Reference Laboratory at Yale, USA and on 24 October 1976 Yale reported that the virus was indistinguishable from blue tongue virus.

The Bureau of Animal Health arranged for the virus and anti-serum to be sent to Onderstepoort Blue Tongue Reference Laboratory in South Africa for confirm-

ation and serotyping. On November 11, Onderstepoort confirmed the virus as blue tongue by the complement fixation tests, but preliminary serotyping did not show any relationship with the 19 known serotypes of blue tongue. Further tests are being undertaken. The Department of the Northern Territory is undertaking a very large survey in the Territory by taking blood samples from every property and herd in order to define the geographical distribution of the virus. Results so far indicate a fairly large distribution in the top end of the Northern Territory. Further results are needed to define accurately the spread of the virus.

The Chief Inspector of Stock declared an area bounded roughly by the Victoria and Cox Rivers as a restricted area in accordance with section 22A of the Stock Diseases Ordinance. This declaration has been widely publicised in the press and was notified in the Gazette. This declaration effectively restricts the movement of ruminants out of the area into any other area within Australia. Officers of the department are fumigating internally all aircraft departing to the south from the restricted area. Australian states have prohibited the import of Territory livestock. Moreover, several overseas countries, including Canada, United Kingdom, Hong Kong, New Zealand and New Guinea have temporarily prohibited the importation of Australian livestock. It will take some time and further testing before the position of the virus becomes clearer. I will keep honourable members informed.

HUMAN TISSUE TRANSPLANTS

Mr EVERINGHAM (Majority Leader): I table a paper intitled Human Tissue Transplants which has been published by the Law Reform Commission. I move that the Assembly take note of the paper and seek leave to continue my remarks at a later hour.

Leave granted.

Debate adjourned.

DARWIN CYCLONE TRACY RELIEF TRUST FUND REPORTS

Mr EVERINGHAM (Majority Leader): I table the May, June, July and August 1977 reports of the Darwin Cyclone Tracy Relief Trust Fund.

Mrs LAWRIE (Nightcliff): I move that the reports be noted and seek leave to continue my remarks at a later hour.

Leave granted.

Debate adjourned.

ADMINISTRATOR'S SPEECH ADDRESS IN REPLY

Continued from 21 September 1977.

Mr EVERINGHAM (Majority Leader): In moving support . . .

Mr ISAACS (Opposition Leader): A point of order, Mr Speaker! I would draw attention to standing orders 47 and 48 which refer to one speech only. I will read standing order 47.

No member may speak twice to a question before the Assembly, except in explanation or reply.

I draw your attention to page 11 of the restricted Hansard for Wednesday 21 September, where the Majority Leader has already spoken on the matter of the address in reply and moved that the address be agreed to. I seconded the motion. I would say that the Majority Leader is out of order.

Mr ROBERTSON (Community and Social Development): The business before the House is the address in reply. I would submit, Sir, that both the mover and seconder can speak on this matter. Not to allow them to do so would deny the Majority Leader, and indeed the Opposition Leader, the right to speak on this traditional debate. The form of words used by the Majority Leader in moving the motion were, I submit, normal in such matters of moving an address in reply; they were the same as are used in other parliaments and, as such, would not deny his right to speak now.

Mr SPEAKER: Does the Majority Leader intend to speak in explanation?

Mr EVERINGHAM (Majority Leader): I simply moved the address in reply at the last sittings, as is normal, and I propose to enlarge on my remarks in support of the motion.

Mr SPEAKER: You can overcome this by seeking leave of the Assembly. Do you wish to seek leave?

Mr EVERINGHAM (Majority Leader): I would seek leave of the Assembly to continue my remarks.

Leave not granted.

Mr ROBERTSON (Community and Social Development): I move that the Majority Leader be now heard in relation to order of the day, government business number 2.

Mr ISAACS (Opposition Leader): Mr Speaker, the motion is out of order. The matter before the Chair, as I see it, is the point of order which I raised and I would ask you to rule on that.

Mr Robertson: It is interesting that the Opposition is in the business of gagging already.

Mr Isaacs: It is just a question of adhering to agreements; that is all, isn't it?

Mr Everingham: I adhere to agreements.

Mr Isaacs: No, you do not. Sorry, you have lost that one.

Mr SPEAKER: Honourable members, it has been pointed out to me by my adviser, the Acting Clerk, that the Opposition Leader has also disqualified himself from speaking on the address in reply because he seconded the motion.

Mr Isaacs: That is correct.

Mr SPEAKER: Therefore, I accept the point of order and call on the next speaker.

Mr PERKINS (MacDonnell): I have the honour, Mr Speaker, as the Deputy Leader of the Opposition to lead off the replies of the Opposition to the speech of his Honour the Administrator. I hope the honourable members on the benches opposite will bear with what I have to say, because it affects them directly and I hope that, in the course of these debates, it will make all their lives interesting and exciting.

The speech of His Honour the Administrator which, of course, was written in the office of the leader of the Majority Party, really made only a token reference to Aborigines as a significant factor in the political life of the Northern Territory - that is, the actual emergence of Aborigines as a real force in the political area. I believe that such a cursory reference is in line with the thinking and the actions of the Country Liberal Party over the past years. I believe the Country Liberal Party has actively worked against Aboriginal interests. It identifies itself with the enemies of progress in Aboriginal affairs and is noted by all as also being opposed to the granting of Aboriginal land rights to the real owners of the Northern Territory. It has actively sought to prevent the Aboriginal voice from being heard.

It was therefore no surprise that Aboriginal communities overwhelmingly voted for the Australian Labor Party in the election of August this year. This is the party which has been able to modify its thinking and its policies to take into account the needs, the aspirations and the priorities of Aborigines.

I believe it is a typical fact of the racism of the Country Liberal Party and the cynicism which it has for Aborigines that it has actively sought to explain away the massive rejection by Aborigines at the polls by what it describes as ignorance, an alleged inability on the part of Aborigines to think and what it alleges to be voter manipulation by the Australian Labor Party. It was none of these. The Abor-

iginal reaction at the Northern Territory poll was a rejection of the naked racism which has been perpetrated by the Country Liberal Party and reflected in particular by that party's desperate attempts to water down and to frustrate the granting of Aboriginal land rights, and of the Country Party's long history of looking to the interests of those at odds with Aboriginal development and identity, and of ignoring the needs and plight of the Aboriginal people.

Now, Mr Speaker, we have all just noted that in Western Australia there was a decision in the judicial case of Ernie Bridge which recognised who the tricksters and the manipulators are when it comes to Aboriginal voting. They are the conservative parties of this country. It is noteworthy that the electorate was the Kimberleys which is next door to the Territory. The fraud and the disgusting manoeuvring by the political allies of the Majority Party here were exposed by a judge of the Supreme Court in Western Australia. And we must add that he had not seen any sign of the people who were denied their votes not knowing what they wanted to do or for whom they wished to vote. It was interesting that the Premier of Western Australia, after the Western Australian poll in February of this year, also made allegations that were similar to those of the Country Liberal Party members of the Northern Territory who were stunned and who realised to their cost how significant and strong the Aboriginal vote is. As the Labor leader in Western Australia commented last week, and I quote: "There has been a public inquiry at which the Liberal Party failed to make a single allegation of voter manipulation or to produce a shred of evidence, and this was noted by Mr Justice Smith in his written judgment. The only manipulation which occurred was by the Liberal Party scrutineers attempting to ensure that Aboriginals cast invalid votes". I believe there was more than a little of that here in the Northern Territory too, as we witnessed - the changes that were made to the electoral regulations before the Northern Territory election. However, they did not succeed.

When the government in Western Australia was exposed for its actual fraud, it also sought to ram through the House a bill designed to legalize the denial of the political rights of Aboriginals. It was noteworthy and heartening that even the government members in that parliament did not have the stomach for that and the bill was defeated.

I note that the investigations into alleged abuses of electoral laws at the Northern Territory poll, commenced after the squeals of people who were not really able to face up to the reality that the people they had suppressed had now risen to throw them out, have now been completed. However, there have not been any charges laid or, as I understand it, even contemplated. Of course, there are members of the Country Liberal Party who pretend to be bemused by the turn of events. They think they have the welfare of Aboriginals at heart and they think they know best. What they have to learn is that they are hopelessly out of touch with the needs and the demands of Aboriginal people who are not really so stupid and are not fooled by what they easily recognise to be the betrayal and also the duplicity of the Country Liberal Party.

In this regard, Mr Speaker, the Majority Party reminds me of a bunch of bananas. They arrive in the Territory situation green. Then they have to turn yellow with time. And really not one of them is straight in his dealings with Aboriginals.

I wish, Mr Speaker, to

Mr ROBERTSON (Community and Social Development): A point of order, Mr Speaker! We are getting so close to accusations being made that members on this side of the House are dishonest that I would take a point of order, or at least ask you to request the honourable member to be a little more temperate in his language or run the risk of my moving that he no longer be heard.

Mr PERKINS: Mr Speaker, I would like, if I may, to continue with this speech. I can assure you that the rest of the speech has actual relevance to the address in reply.

A member: That would be a change.

Mr PERKINS: I take the point of the Executive Member for Community and Social Development.

Mr Robertson: I am delighted.

Mr PERKINS: Mr Speaker, just to rub the lessons in, I would like to review the results in the Northern Territory poll in respect of the electorates of Arnhem, Victoria River and MacDonnell.

Mr Vale: Why not Stuart?

Members injecting.

Mr SPEAKER: Order, order!

Mr PERKINS: Perhaps one of the significant factors which, in my opinion, contributed to the swing away from the Country Liberal Party has been the massive Aboriginal vote against the Country Liberal Party, especially in the rural electorates. The impact of the Aboriginal vote has been more evident in the rural electorates which have a predominantly Aboriginal population, and these are the electorates of Arnhem, MacDonnell and Victoria River. However, it does appear that there may have been a general trend in the Northern Territory of a massive Aboriginal vote against the Country Liberal Party. It is worth noting that even some members, who are unnamed, of the Country Liberal Party of this Assembly have recently been reported in the Darwin press as conceding that their dramatic losses at the poll this year had been due, to a certain extent, to the increase of Aboriginal votes against them.

It is also worth recording that late on election night itself, and during the next day, there were some media men and political commentators in the Territory who were already confidently proclaiming a large and comfortable

majority of up to 15 seats for the Country Liberal Party with only three seats for Labor and one Independent in the Legislative Assembly. Very little or no account was taken of the nature and extent of the Aboriginal vote which was yet to be counted in the rural electorates. During the next few days as the counting of votes from the rural areas commenced, it became apparent that there was a dramatic turn of events as compared with the earlier situation which was described by the political commentators. They were forced to change their analysis of the voting trends as it became apparent with each new day that there was a definite trend in Aboriginal voting patterns against the Country Liberal Party in rural electorates. This has contributed to the ALP's winning of three of the rural electorates. In Victoria River, Mr Doolan defeated Dr Letts who used to be the leader of the Majority Party in this Assembly. I believe that Mr Doolan's win for the ALP is a remarkable achievement in that he was able to unseat the man who provided the necessary leadership for the Country Liberal Party and in that he was able to attract effectively a considerable majority of the Aboriginal vote.

It is interesting to note the percentage change in votes for the Victoria River electorate between the two elections for the Legislative Assembly. In the 1974 Assembly poll, Dr Letts polled up to 69% of the primary votes whereas in the poll this year the figures show that his primary votes declined to approximately 42%, a swing away from him and CLP of up to 27%. On the other hand, Mr Jack Doolan, the new ALP member for Victoria River, received approximately 50% of the primary votes.

In the electorate of Arnhem, Mr Bob Collins, defeated the Country Liberal Party member, Mr Kentish, by a considerable margin of votes. On the figures available for the Northern Territory election of 1974, the Country Liberal Party member polled up to 66% of the primary votes whereas in the election in August of this year he

polled approximately 29% of the formal vote. On the other hand, the new ALP member for Arnhem, Mr Collins, polled up 63% of the primary votes. These figures represent a huge swing of up to 37% from the Country Liberal Party in Arnhem. This is a significant achievement for Bob Collins and the Australian Labor Party. It is significant again that a large majority of the primary votes which went to Bob Collins in Arnhem were in fact Aboriginal votes. Arnhem is an electorate with a predominantly Aboriginal population and with a large proportion of Aboriginal people on the electoral rolls who voted on election day.

In the electorate of MacDonnell, we have seen the demise of the Country Liberal Party and the convincing defeat of Mr Pollock by a considerable margin of votes. On the figures available for the Northern Territory elections for 1974, the Country Liberal Party member polled up to 51% of the primary votes while in the election this year he polled up to 33% of the primary votes. On the other hand, as a new ALP member for MacDonnell, I polled up to 61% of the primary votes. These figures represent in MacDonnell a swing away from the Country Liberal Party of 18%. Again, it is important to note that I was elected by a large majority of Aboriginal votes. The MacDonnell electorate is predominantly Aboriginal in terms of the total population and in terms of the people on the electoral roll.

It is important to note also that there was significant support for the ALP candidates from the non-Aboriginal people in the electorates to which I have referred. I believe that this was also a good indication that there was disenchantment with the Country Liberal Party and its policies among the European people in the rural areas.

In relation to Victoria River, Arnhem and MacDonnell, the size of the individual swing away from the Country Liberal Party is considerable when compared with the overall swing of up to 11½% away from the Country Liberal Party in the Northern Territory. More-

over in some of the predominantly Aboriginal communities within the electorates the total number of the primary votes which were cast in favour of the ALP candidates was massive. ALP candidates won not less than 60% of the total primary votes. In other communities, figures went up to nearly as much as 80% of the vote. Even Mr David Daniels, an independent Aboriginal candidate for the seat of Elsey, did reasonably well by being able to poll 20% of the primary votes, a significant proportion of which would have been Aboriginal votes from the Roper River, Bamyili and Katherine Aboriginal communities. He did better on a comparative percentage basis than the Progress Party anywhere in the Northern Territory.

There can be no doubt that Aboriginals in general were able to use their vote as a protest against the racist policy of the Country Liberal Party and in particular the complementary land rights legislation introduced by Dr Letts. In addition, the massive Aboriginal vote would appear to have been to some degree a protest against the Fraser government, the continual cutbacks in expenditure on Aboriginal affairs and broken promises which have been meted out to the Aboriginal people ever since the Fraser government came to power in 1975.

In respect of the complementary land rights legislation, there are many Aboriginal people who are concerned that the Majority Party was endeavouring to introduce a set of new laws which would undermine and erode the meaningful land rights of Aboriginals. This legislation was in many respects contrary to the spirit and intention of the Aboriginal Land Rights Act of last year. Aboriginal people became increasingly aware that Dr Letts had abrogated and also purposely undermined agreements reached with the federal Minister for Aboriginal Affairs concerning the whole question of Aboriginal land rights.

The pattern of Aboriginal voting was basically the same throughout the Northern Territory. It was a massive

vote of no confidence in the Country Liberal Party. It is typical of the contempt which the Country Liberal Party has for Aborigines that they choose to explain their failure to attract Aboriginal votes by having the audacity to suggest that Aborigines are not able to think for themselves nor able to judge political party credibility on the basis of the promises kept and broken. The Country Liberal Party misjudged the general feeling in Aboriginal communities and has paid the price. I believe that the party suffers the disadvantage of an ever increasing credibility gap amongst many Aborigines in the Northern Territory.

There were other factors too which influenced Aboriginal voters as well as Europeans. Aborigines have suffered no less and, in many cases, much more from the appalling economic conditions over which the Majority Party and the Fraser government has presided. Unemployment invariably hits Aborigines more severely than whites. With the low income of almost all Aborigines, the inflation that the Majority Party and its cousins in Canberra have promoted hit their pockets very hard indeed. In addition, the poor performance and incompetence of the Country Liberal Party administration over the past year has been felt by Aborigines and Europeans alike.

In particular, the CLP record on matters such as law and social reform, Aboriginal land rights, industrial safety, workers' compensation, consumer protection and environmental protection, to name a few, has been appalling and clearly demonstrates a sad history of neglect and complacency. During its years of power in the Assembly, the Country Liberal Party has failed to produce the necessary legislation on such matters as law reform, consumer protection, industrial safety, workers' compensation and environmental protection.

In addition, the Country Liberal Party did nothing about changing, for example, outdated anachronistic provisions in existing legislation. I use

as an example the Child Welfare Ordinance which continues to provide for the gaoling of children with adults in the Northern Territory prisons and does not provide the law courts with a suitable alternative arrangement, other than gaol, for children who are in conflict with the law.

Many people generally felt that the Majority Party should have performed more properly as legislators on matters of concern to the Territory, rather than spending most of their time in wasting the taxpayers' money on political conflict with the federal government for political motives of no real concern to the average Territorian. It is interesting to note also that some sections of the Territory community, especially those in the remote areas, were also dissatisfied with the fact that their local MLAs were not able to service their needs and their interests adequately. No doubt these constituents would have utilised the opportunity provided by the August election to express their dissatisfaction with the CLP through the ballot box.

Mr Speaker, make no mistake about it, Aboriginal people in the Northern Territory, and especially those in the rural electorates, used their votes deliberately to show their rejection of the Country Liberal Party because of its deplorable disregard for Aboriginal matters generally. Aborigines gave their trust to the Australian Labor Party. It is a trust which Labor will respect.

In the coming years, the Aboriginal voice will continue to be heard. As voter education programs continue and voter enrolment ensures that all of the Northern Territory's people can exercise their rights, their voice will be even stronger. The Aboriginal voice has to be heard because Aborigines need strong representation economically, politically and socially. They need representation which is not subservient to outside interests such as the mining companies of whose interests this Majority Party is little more than a paid spokesman.

Aboriginal Australians are the most dispossessed, denigrated, underprivileged, oppressed and poverty-stricken minority group in Australia. Aboriginals have the highest growth rate, the highest birth rate, the highest death rate, the worst health, the worst housing and the lowest educational, occupational, economic, legal, political and social status of any identifiable section of the Australian community. However, rising out of its suppression, the Aboriginal voice will be heard and its strength will be shown, as it was shown in August this year. No longer will this Chamber be able to ignore Aboriginal needs and aspirations and no longer will this Chamber be able to legislate against Aboriginal interests without Aboriginal reactions being felt. I submit that the Aboriginal vote is emerging as a real and a political force in the Territory and that it is likely to considerably influence the outcome of future elections in the Territory.

Mr ROBERTSON (Community and Social Development): I move that so much of standing orders be suspended as would prevent the Majority Leader from taking part in this debate. And it leaves me very disappointed to have to do this.

Mr ISAACS (Opposition Leader): I am happy to support the motion so long as it will not interfere with the agreement between myself, the Majority Leader, the manager of government business and the whip that I be allowed to commence my budget speech at a quarter past eleven, that is in ten minutes time. If that is the agreement, I am quite happy to support the motion that the relevant standing order be suspended to allow both the Majority Leader and myself to speak.

Motion agreed to.

Mr EVERINGHAM (Majority Leader): I am pleased to have the opportunity to speak on the address in reply. Listening to the member for MacDonnell, one would have thought that at any moment he would have said he was part of the

Majority Party. Despite what he said, this party continues to form a substantial majority in this Assembly. It will lead the Territory to self-government and self-determination, and the policies and philosophies of the Country Liberal Party will be carried out in this Assembly. The honourable member seems to be promoting racism. Venom is all that comes from his mouth; his pen appears to be dipped in this venom. He appears to be attempting to divide our community. He harks back to the past; this comforts me because the Country Liberal Party is looking to the future. It is just interesting to note that the Country Liberal Party holds the seats of Tiwi, Elsey, Barkly, Stuart and Nhulunbuy which are all rural seats. Some of them may have urban centres but they all have substantial Aboriginal populations and the Country Liberal Party obtained the support of the Aboriginal people in those areas. It is significant that the seats that the Country Liberal Party generally lost were seats held by executive members who had onerous duties which they carried out possibly at the expense of their electoral duties.

We heard from the member for MacDonnell that some members could not get around their electorates. I will tell you why, Mr Speaker. You know why but these people in their naivety know nothing about this; they expect the tap to be turned on for them and public money to flow at the drop of a hat. When we started in this Assembly our salary was \$7,000 and our conditions were nothing. Dr Letts, myself, the former member for Arnhem and one other member shared a fibro hut not 12 foot by 12 foot behind this Assembly building. And these fellows now complain; the Leader of the Opposition complains that his office is located in a demountable building in conditions that people in the northern suburbs would be quite happy to have as their home. These people just did not have the money to get around their electorates. They were given \$7,000. It was increased to \$12,000 eventually, but what were their electoral allowances?

Miserable sums. Were they able to charter aircraft the way these people can? Of course, they could not. All these things came in the last few months because, over the period that we were in office, we fought for them.

We will not submit to the misrepresentations of the likes of the member for MacDonnell. If he is going around making the misrepresentations that I have heard in this Assembly, about members of my party not being straight in their dealings with members of the Aboriginal community, then I damn him. He is beyond the pale; he is beneath contempt. I have plenty of friends in the Aboriginal community and I think I have been helping people in the Aboriginal community for longer than the member for MacDonnell. All I can say is that what is going on in those electorates that the honourable member was talking about is a sad thing. I am sure there is a very significant organisation there but let the honourable member be warned. The Country Liberal Party does not live in the past. It learns its lessons and it looks to the future. If certain people can get around organising things in a certain way, then let me say that the lesson is learned in this quarter.

Turning to the remarks I wish to make on the address in reply, I want to say something about the problems facing this party in relation to the establishment of the administrative machinery of government in the Northern Territory. Members would be aware of the substantial difficulties facing a Northern Territory government in establishing this administrative machinery using as a basis existing Commonwealth organisations in the Northern Territory to undertake government functions on a comparable basis to those carried out in the states. They would be aware also that there are some gaps in Commonwealth organisations where statelike responsibilities are concerned. The impending transfer of some functions of the Attorney-General's Department has pointed out the need for the appointment of a solicitor-general who would perform the duties of legal counsel to

the Northern Territory Executive and later to a Northern Territory government and who could also be the departmental head of the Department of Law. As you will recall, I have announced the appointment of Mr Ian Barker QC as the Northern Territory's first Solicitor-General and Director of Law, and indicated that his first task would be to oversee the transfer of functions and staff of the Commonwealth Attorney-General's Department to the control of his own department from 1 January.

Legislation is presently before the House to provide for the creation of an office of ombudsman. Following representations to the Prime Minister and recent discussions with the Commonwealth ombudsman, Professor Richardson, arrangements have now been made for an early amendment to the Commonwealth Ombudsman Act to exclude the Northern Territory from Commonwealth jurisdiction in this matter and for this amendment to come into force at the same time as the commencement of the Northern Territory Ombudsman Ordinance.

Amendments are being sought also to the bill to enable the jurisdiction of the Northern Territory ombudsman to extend to complaints against members of the police force and to broaden the range of investigations from one dealing merely with administrative actions to cover other actions in connection with or incidental to the exercise or performance of the duties of a member of the police force. The proposed amendments do not accept all the recommendations of the Law Reform Commission because the Majority Party considered that some of the recommendations were not appropriate to Northern Territory conditions. For instance, we did not accept an elite investigating force within the police force itself because we believe that the Northern Territory does not have sufficiently large a force to warrant this. We believe the investigations can be better carried out by members of the ombudsman's staff.

The amendments will provide that the ordinary procedures for investigations

of complaints will be followed first within the police force before a person can then require the matter to be referred to the ombudsman. For this purpose, a time lag has been provided. You will appreciate from this that the Majority Party does not accept that the principal or only means of investigating complaints against the police should be through the office of ombudsman. The Law Reform Commission has recognised that the Majority Party has accepted that there are persons with the requisite experience to undertake these investigations initially within the police force itself. If the person aggrieved by the complaint is not satisfied as a result of the police investigation, the Commissioner of Police can direct that the matter be referred to the ombudsman. In the interests of maintaining harmonious relationships between the police and members of the Northern Territory community, it is important that the independent office of ombudsman should be available to review as necessary the investigative actions of the police force. An ombudsman will be appointed and the act commence as early as possible so that the procedures under which persons in the Northern Territory may bring matters for investigation by the ombudsman may be widely promulgated.

His Honour the Administrator indicated in his speech that an office of ethnic affairs was to be established and some progress has been made since that time towards the appointment of a director of ethnic affairs and the recruitment of staff to enable the office to commence operations. With the substantial number of persons of various ethnic origins in the Northern Territory, it is very necessary that such an office, which will be concerned primarily with policy advising and with coordinating and assisting the work of government departments and voluntary agencies in this field, be established. I expect to be in a position shortly to announce the appointment of the director and several members of his staff. I hope that that announcement can be made before Christmas.

The Assembly executive has been faced with some special problems in planning its own work programs and in developing an overall policy relating to the total works program of the Territory. After examining and discussing works programming in some of the states, and particularly the operation of the Coordinator-General's Department in Queensland, it has been decided to establish an office of Coordinator-General within the Chief Secretary's Department. It would be concerned with the following broad functions: the preparation for consideration by the Territory executive of a coordinated plan of work for all Northern Territory departments, agencies and local government authorities; liaison with Commonwealth departments in the Northern Territory in respect of their works programs, services, roads, electricity and so on to areas where Commonwealth works programs would be undertaken; to collect information about and coordinate the preparation of environmental investigations and impact studies as required for major undertakings in the Northern Territory including those carried out by Commonwealth departments, and to collect and collate information and prepare plans for regional development. The office will operate with the director and a skeleton staff until such time as the Forward Planning and Major Projects Coordination Branch of the Department of the Northern Territory is transferred to the Northern Territory Public Service in July 1978.

One of my first actions as Majority Leader was to set in train a review of current Territory legislation to assess it against our policy initiatives and the need for effective state-type legislation. That review revealed the major deficiencies in the legislation. It was also obvious that much of it needed rewriting to make it a more suitable and effective tool for self-government in the Northern Territory. As we move towards responsible self-government and the establishment of a separate Northern Territory political entity, it is necessary that we legislate in this Assembly for matters now covered by Commonwealth

acts. Legislation covering treasury, audit and electoral matters are obvious examples of this need.

The review identified over 50 major legislative projects that will require either new legislation or the replacement of existing legislation. The first category includes the general field of industrial legislation and the establishment of an electricity authority. The second includes land, mining, local government, child welfare and corrective services legislation. As well, there are the daily problems that require collective legislative action of various degrees of complexity. To effectively encompass these projects will take time and the provision of resources which we lack at present. Project officers are required to research the legislative needs and devise appropriate drafting instructions which must then be passed to the legislative draftsman to prepare the necessary bills. All honourable members would agree that it is essential that appropriate legislation be developed for the orderly and effective government of the Territory. I have already taken action to strengthen and support the project and drafting staff, which I hope will shortly be reflected by a steadily increasing volume of legislation coming forward to this Assembly.

I turn now, Mr Speaker, to another important subject: the development of an appropriate coat of arms and flag or ensign for a Northern Territory government. Some honourable members may recall that on 19 June 1975 the then Majority Leader made a statement in this Assembly on the need to establish a coat of arms based on the various emblems which over the years had been accepted for incorporation in such insignia. The latest constitutional changes involving the establishment of a separate Northern Territory political entity carry with them the tradition that a mace should be used in this Assembly as a symbol of the authority of the Speaker. It is the traditional practice also that the coat of arms or the official emblems of that government are incorporated on the mace. Perhaps I

might recall for the information of honourable members that the floral emblem of the Territory is Sturt's desert rose, the bird emblem is the wedgetail eagle, the animal emblem is the red kangaroo and the colours of the Territory are black, white and ochre.

Responsibility for determination of matters associated with the coats of arms in democratic states is generally accepted as the prerogative of the government of the day - and I suppose it is accepted as being the prerogative of the government in dictatorial states as well. Acting on this basis, the Assembly executive has now taken steps towards the designing and recognition of a coat of arms. There are, as honourable members will probably appreciate, quite involved arrangements associated with the approval of the College of Arms, the preparation of letters patent and finally the exercise of the prerogative of the sovereign who gives approval through the College of Arms by the issue of letters patent. In other words, Mr Speaker, nothing ever seems to happen quickly. Honourable members will appreciate that, if a mace with the Northern Territory insignia is to be presented to this Assembly at the stage when a separate political entity is established, some urgency is associated with these moves. At the same time, we have instituted inquiries which will enable us to consider a suitable design for a flag or ensign.

There has been considerable publicity recently on problems in connection with drug and alcohol abuse in the Northern Territory and the nature of the legislative measures and programs which should be developed, particularly in Aboriginal communities, to combat alcohol abuse. I hope to be in a position to make a major statement in the Assembly at the next sittings covering the measures, both legislative and administrative, which the Majority Party believes should be developed in order to mitigate the effects of drug and alcohol abuse in this community. Having said that, I invite all honourable members and those voluntary agencies in the community who in

various ways have attempted to combat the problems associated with drug and alcohol abuse to present their views in writing to me or to the Executive Member for Health and Resources, to discuss measures which they believe could be developed to assist in overcoming some of these problems. I hope to have discussions with as many of the Aboriginal communities as I can in the new year so that whatever measures we introduce, whether through legislative or administrative means, will reflect the views of the people who, in various ways, are themselves endeavouring to meet the massive and destructive problems facing their communities.

A bald recital of the facts relating to the incidence of drug and alcohol abuse and their damaging effects, whilst indicating to us the forbidding nature of the problems facing the community, in the absence of community concern and involvement in preventative and rehabilitative measures can do little to provide solutions to the problems, and a statement that alcohol and drug abuse is a world-wide social problem and that its effect on ethnic minorities has been and is still catastrophic in itself does not present us with any new facts. What we must recognise is that until there can be full understanding by the majority of the members of our community of the massive effects of wasted lives and increased costs of social and rehabilitative services, we will not face the problem realistically and accept that there must be a full mobilisation of government and community resources if there is to be any significant impact on the insidious conditions that give rise to drug and alcohol abuse. I am not sure that the community fully realises the magnitude of the effort which must be mounted if we are even to begin dealing with these problems. We can, and do, mobilise all the forces of our communities through government and voluntary agencies in times of crises and especially in time of war. We have had programs on poverty in some parts of the third world. The situation in my view is serious enough for us to think in terms of mounting something approaching a war on drug and alcohol

abuse.

Because there has been a great deal of publicity given to the high unemployment, particularly among Aborigines, in the Northern Territory, I believe I should make some comment. As I recall the position, unemployment in 1972 represented approximately 1.4% of the Australian workforce and had escalated to around 5.4% of the workforce in 1975, when the Whitlam government was dismissed from office. Since that time, the Fraser government has directed the major thrust of its economic policy to reduce inflation by restraining the growth of the money supply and to maintain wage levels at the inflated level they had attained under the Whitlam government. This policy clearly recognises that unless some progress was made on these scores, Australia's economy would be locked into a rate of inflation which would simply not permit a large increase in investment and the provision of job opportunities which would significantly decrease the present level of unemployment. This view was generally supported by Mr Hayden when, as Treasurer in Mr Whitlam's government, in 1975 during his budget speech he said: "Today it is inflation which is the central policy problem. More inflation simply leads to more unemployment". I make those general observations merely to point out to honourable members that there is a strong nexus between inflation and unemployment. The Fraser government when taking office had stated that it would possibly take up to three years before levels both of inflation and unemployment would be brought within reasonable limits. I think I should observe also that Australia still has a lower unemployment rate than the average rate of the 24 OECD member countries.

I have been interested to examine the trends in the unemployment figures in the various centres of the Northern Territory and to examine some of the factors which influence those figures and which are quite special to the Northern Territory situation. In October this year some 3,915 persons were registered as unemployed, of whom

1,558 were Aborigines, the majority living in isolated tribal communities and representing some 36.7% of the total number of unemployed. Of the 2,283 persons unemployed in the Darwin employment office area, 639 representing 27.3% of the Darwin figure were under 21 years of age; 41 of these were school leavers which would seem to suggest that the bulk of the unemployed in Darwin are adult persons who may well come to Darwin in the hope of obtaining work or perhaps are passing through Darwin on their way to somewhere else.

There is no question that special provisions should be made to meet the problems associated with Aboriginal unemployment in the outlying centres. All of us who have had any concern for the welfare and wellbeing of Aborigines must have been concerned with the damaging and disastrous effect on Aborigines of the widespread payment of unemployment benefits to them. There are many community projects which could provide and maintain essential services to Aboriginal communities that could be organised by and funded through local Aboriginal councils. These could have a substantial impact on unemployment. 126 Aborigines are presently employed under the special works project 43 and the community development employment project 83 schemes. The latter scheme aims to provide funding to community organisations in amounts equivalent to the unemployment benefits that may have been available in order to generate employment in those communities. Projects being undertaken include road maintenance and fencing for the men, cleaning and sewing for the women. At present it is being applied only to one community in the Northern Territory as a pilot project. I propose to have further discussions with the Minister for Aboriginal Affairs to have this scheme more widely applied in the Northern Territory to assist in combatting unemployment. I will also be examining ways in which better coordination can be developed between the various agencies concerned with vocational training for Aborigines, with special reference to how the resources of the Darwin Community College can be

more effectively utilised for this purpose.

In addition, a matter of concern in the Northern Territory has been that of the mining and milling of uranium. I anticipate that a code in relation to the restraints on the mining and milling of uranium will be ready soon for promulgation as regulations under the Mines Regulation Ordinance. Finally, may I say this: I think when I first assumed office, I invited the Opposition Leader to cooperate with me as far as possible in ensuring that all Territorians received the best possible benefits that were obtainable. I said then that I believed he would be opposed to opposition for opposition's sake. This morning I heard on the ABC news that there was to be what seemed to be an Opposition war on the Majority Party on almost every point of our program. It seems to me that the Opposition Leader has, by his behaviour this morning, indicated that he does not propose to cooperate with me. Once more I say that I extend the hand of cooperation to the Opposition Leader. I believe that what Territorians want is not politics for politics' sake. I believe Territorians want the substantial benefits that good government can give them.

Mrs O'NEIL (Fannie Bay): I move that the debate be adjourned and made an order of the day for a later day.

If I might have an opportunity to explain my reasons for this motion, Mr Speaker, last Wednesday the Majority Leader, Mr Everingham, in speaking with the Opposition Leader about the order of business for this sittings, said that on Tuesday, that is today, we would be discussing the Allocation of Funds Bills. That is what we have anticipated. I accept the word of the manager of government business that he was not made aware of that fact. However, this morning he did say that we would move the Allocation of Funds Bills at 11.15.

I would also like to say to the Majority Leader that we are prepared to cooperate with them in the management

of business for the good order of this House and the Northern Territory, if we know what they are going to be doing. And we would like in future to have the courtesy of knowing what is happening more than half an hour before the House sits.

Mr ROBERTSON (Community and Social Development): Mr Speaker, I feel I must respond to that. That is tantamount to an accusation of telling lies. I was going to pull up the debate but I decided I would listen to the rest of it. What the honourable member is saying is merely the Opposition Leader's recollection of a particular conversation. Now there is a vast difference between his recollection and what was actually said. If we are going to place any credence on the Opposition Leader's recollection, then I might draw the attention of the House to a letter which he sent around to bookmakers in the Northern Territory which is an absolute refutation, in fact, of what his conversation with the media was at the time.

Debate adjourned.

ALLOCATION OF FUNDS
(APPROPRIATION) BILL (No. 1)

(Serial 4)

ALLOCATION OF FUNDS
(APPROPRIATION) BILL (No. 2)

(Serial 5)

Continued from 21 September 1977.

Mr ISAACS (Opposition Leader): The single most glaring deficiency in the Northern Territory budget introduced by the Executive Member for Finance and Planning is that it ignores the economic problems facing the Northern Territory. Apparently there are no problems to solve. Nowhere in the executive member's budget speech does he mention the Territory's record unemployment - 3,971 people out of jobs at the end of October, a drop of one compared to September. Perhaps an improvement of one is satisfactory to the Majority Party but it certainly is

not to the Australian Labor Party. In August 1977, there were 16.6 unemployed workers for each unfilled vacancy and, in September 1977, there were 17.3 unemployed workers in the Territory for each job vacancy. It is not satisfactory to the Labor Party that the causes of unemployment in the Northern Territory should continue without any attempt being made in this first appropriation in the Northern Territory Legislative Assembly to attack the reasons for the Territory having the highest unemployment rate of any region in Australia.

The budget speech acknowledges that the appropriation bills have provided the Majority Party with the opportunity to determine how the moneys appropriated by the Commonwealth are to be applied in the Territory. The executive member admits that the Majority Party has been unable to fully reflect their economic and social objectives. Local financial control is obviously not as gratifying as the Majority Party first perceived it to be. However, it is a political ideology that has been the Majority Party's motivation towards statehood for the Northern Territory and the acceptance of raising revenue broadly on the same levels that exist in the states. They have already failed in exercising local control to benefit the people of the Northern Territory. The future of the Territory looks equally futile. The budget does nothing to explain how the Territory will raise taxes similar to the states. For political reasons, the Majority Party refused to come clean during the Assembly election campaign about the cost to the Territory of their statehood plans. On 3 December 1975, it was recorded in Hansard that Dr Letts, the then Majority Leader said: "What it means is that we get no less money. We are not taxed any more heavily but, as Tasmania and the other states do, we will have a say in how the money is spent". Under pressure from the Australian Labor Party, Dr Letts admitted during the campaign that we would pay no more than state tax, that is, taxes would be increased to state levels.

In a report in the Northern Territory

News on 12 October 1977, Mr Everingham, the Majority Leader, was quoted as saying the report of a review of all government charges would be completed in a few days and increases were inevitable. For political reasons, charges that the Majority Leader has foreshadowed introducing in December will now be delayed until after the federal elections on 10 December.

The theme of my speech concerns the future cost of self-government to the people of the Northern Territory. The Opposition has reasonable grounds for opposing the financial arrangements being entered into by the Majority Party with the federal government and we feel that, because these arrangements will affect every person in the Northern Territory and because the arrangements flow directly from the budget speech of the executive member, it is essential that the rights and welfare of each and every one of us should be defended while there is still time to reassess the impact that the agreement will have on our future.

The Labor Party is opposed to the Majority Party's object of bringing the Northern Territory to statehood. The budget speech represents a major policy statement in relation to the financial arrangements outlined in the letter from the Minister of the Northern Territory to Dr Letts on 26 July. We believe it is not too late to adopt an alternative to the plan to bring the Northern Territory to statehood. The objectives of Labor's alternative to statehood are to place the aspirations of Territory people in a physical and political context that will realise our needs in a national context while retaining the right of self-determination. The Country Liberal Party's acceptance of the proposals to bring the Northern Territory to statehood demonstrates that they are a party lacking imagination, unaware of the unique problems of the state system, especially under a Fraser federal government, and unconcerned for the future welfare of this community.

The problems facing our community are most apparent when you get out of the

city centres. The isolated communities of the Northern Territory reflect in miniature the problems we have in our major centres - Katherine, Alice Springs, Tennant Creek and Darwin - the major difference being that the small communities do not pack as much political clout and, because they do not, the federal government and the Majority Party are insensitive to their needs. The Majority Leader obviously thinks it is excusable to wield the big stick in Larrimah when the community asked for assistance in retaining the electricity supply. He recently told the council of his party and I quote: "You have already seen how the Daly Waters power problem has been resolved by the application of a little common sense". The Daly Waters power supply has only recently been resolved due to the intervention of the Opposition.

Despite the heavy hand of the federal government and the Majority Party, the Northern Territory people continue to persevere with character that has been fashioned by the historic neglect of their needs. This pattern will go on repeating itself if the Territory becomes a state in the terms and conditions of the present agreement. Our community will be clearly divided between the people in the cities and the people in the country because nowhere in the financial arrangement is there any recognition of the needs or disadvantages of country people or any means of overcoming these problems. We already have inequalities between regions of the Northern Territory. Our standards of living, particularly if we do become a state, will be determined by where people live. The gap between communities will grow. The areas with the greatest needs are those with the least adequate resources.

The crux of the debate on whether the Northern Territory should become a state hinges on one criterion alone. It is a decision every man and woman in this community can make and should be allowed to make. Statehood should only be supported if in tangible and relative terms everyone in the Northern Territory benefits. This should be determined by a referendum. The

Majority Party's plan for statehood will create education standards, health services and communications. For people outside the cities, the cost of statehood will be measured not only by the increase in the cost of cheques, cigarettes, land taxes, vehicle registration and whatever other revenue-raising taxes the Majority Party can find, it will also mean the imposition of the "user pays" principle brought in by the Majority Leader in his negotiations for the people of Larrimah.

The advent of statehood will see a reduction in the living standards of all Territorians. The earning capacity of employees will fall with the withdrawal of district allowances, annual leave and air fare entitlements. These entitlements have become part of the families' income structure. Already the federal government and Territory employer organisations are making raids on those entitlements of the Northern Territory workers.

As well as having to pay more state-level charges, Territorians will have less money in their pockets with which to pay them. We will be caught in a concertina played to the tune of the Fraser federalism follies. Businesses will not escape the net either. They have established themselves here on the basis of a known cost structure. Everyone expects costs to rise with inflation. No one expects costs to escalate as dramatically as they will if the Majority Party has its way. If businesses can withstand such huge increases as Mr Llewellyn from the Australian Finance Conference recently said they could, then Territory consumers have been ripped off by retailers. Frankly, I do not believe that businesses relish the state-like charges any more than the consumers of the services they provide.

The new financial arrangements will mean that everyone pays more with less money to pay for it. What is needed instead of higher taxes is a cooperative approach at all levels that will see the business community develop to provide jobs for people and to equalise

the disparities between large and small communities under government programs supported by the areas of greatest capacity and best facilities. A spirit of cooperation has to be fostered if we see our future as a united region.

The increases in taxes will not benefit the business community, the worker, the housewife or provide a greater degree of equality for people on the land. A community facing as many problems as we face does not need more. We should not be entering into an agreement with the federal government that specifies a time span for statehood. If we are to have statehood, the basis should be the level of growth of the Territory's economy and population, its infrastructure and its capacity to stand on its collective feet. In the budget speech the executive member says: "I am hopeful that, in the not too distant future, the budget of the Assembly will be financed with funds appropriated by the federal parliament in accordance with a special financial agreement which has yet to be drawn up and approved by the Majority Leader and the Prime Minister, together with revenues derived from within the Territory now currently received by the Commonwealth government".

We have been given a brief outline of the form that that special financial agreement will take in the minister's letter of 26 July 1977 to Dr Letts. This alone makes a very good case for holding off on that agreement until we can be sure of a more equitable arrangement. I wish to turn in detail to that special financial arrangement but, before I do, I want to make special mention of the negotiations taking place just now between the Territory and the Commonwealth.

The Territory is getting hammered at the conference table. The recent appointment of Sir Leslie Melville as economic adviser by the Majority Leader is an admission of this fact. We do need experts leading us at the conferences. That is where the bargaining is done. What point is there in a lion tamer giving instructions to the novice from outside the cage? Yet, Sir Leslie

will not be in the front line. From the Majority Leader's utterances, Sir Leslie will not be even inside the big top. Without denigrating our present negotiators, they are being left for dead at the hands of the more experienced and knowledgeable opponents.

I wish now to turn specifically to that part of the budget speech relating to the special financial arrangements. I draw honourable member's attention to paragraph 7, clauses (a) and (d). of the letter from the Minister for the Northern Territory to the former Majority Leader concerning constitutional development. These deal with the recognition of an agreement by both parties, with the details spelled out in letters of understanding to be exchanged between the Prime Minister and the Chief Secretary. The Labor Party firmly believes that no financial undertaking between the Assembly of the Northern Territory and the federal government should rely solely on letters of understanding. Accompanying legislation, federal and local, should be introduced to guarantee the arrangements. We must have legislation, and to ask for anything less would be to ignore the lessons the states have learnt since federation. Clause (b) of the financial arrangements states:

The basis of the financial arrangements should be the principle that the acceptance of responsibility means the raising by the government of the Northern Territory of a reasonable proportion of the funds required to pay for services at the standards desired by the Territory people, and that overall financial arrangements between the Commonwealth government and the Northern Territory government should broadly follow those lines that exist between the Commonwealth and the states, due regard being had to the particular circumstances of the Northern Territory.

The Opposition strongly opposes the adoption of clause (b) and calls on the Majority Party to renegotiate the principles of comparable revenue raising on terms that will reflect the physical and economic needs of the

Territory because the impact of this particular clause will place an impossible burden on the people of the Northern Territory. Revenue raising is the central issue of Labor's opposition to the current negotiations with the federal government. If the Majority Party does not heed our warning and continues to make financial arrangements based on this principle, the people of the Northern Territory will inherit a legacy that will disadvantage them for years. If a Labor majority inherits the problems created by the Country Liberal Party's acceptance of this principle, we believe we can circumvent some of the mechanical processes to alleviate extreme hardship. However, we have the opportunity now to prevent hardship and that opportunity must be used to advantage before the agreement is sealed.

Clause (c) of paragraph 7 of the letter says that the "negotiation of financial arrangements" should take into account "any special disabilities of the Northern Territory". No one should be lulled into a sense of security by the mere utterance that special disabilities will be allowed for in the special financial agreement. The practical application for this budget proves that the federal government and the Majority Party are paying lip service to the problems of Northern Territory people. The executive member himself admits that, over the past two years, the Territory has suffered at the hands of Fraser's razor. The Territory has been shown no special consideration by the federal government. Clause (c) has no application except in the field of political rhetoric.

At first glance clause (e) of the paragraph relating to financial arrangements would appear to be a generous offer by the federal government. The proposal to include the Northern Territory in a personal income tax sharing arrangement does not however make any provision for the Northern Territory to be represented at premiers' meetings when the state premiers negotiate with the federal government on the tax-sharing formula that will be adopted. The reason for

being represented at these meetings is self interest and therefore necessary. The Opposition is also wary of entering into an agreement with the federal government for tax-sharing arrangements when the first stage of the tax-sharing scheme has proven to be a complete failure. The formula arrived at for the 1976-77 financial year has disadvantaged the states to such an extent that Fraser's new federalism policy has collapsed and has been superseded by the guaranteed minimum of the previous Whitlam government's financial assistance agreement. We understand that the fifth report of federal and state treasury officers points out that in 1979-80, all states are likely to be below the Whitlam minimum. It would be most unwise for the Territory to enter into the tax-sharing arrangement which we have already seen does not work and will probably be replaced by a totally different scheme.

Loan funds are briefly mentioned in clause (f): "Some Commonwealth funds be provided as loan funds under the same terms and conditions as state borrowing through the Loan Council programs." The six states received money from the federal government through the Loan Council programs in the following way: one-third of the total amount is a direct grant, with the remaining two-thirds being underwritten by the federal government on terms. The greatest proportion of capital works expenditure in the states is financed in this way and, because of the impact capital works expenditure has on the economy of the Northern Territory, the qualification contained in clause (f) must be spelt out. Why is clause (f) specific that "some" funds will be provided as loan funds? Loan Council borrowings are also important for the financing of small semi-government authorities that can, in the states, borrow up to \$1m without requiring the permission of the Loans Council. The restraints the federal government has placed upon the states have resulted in important functions being undertaken by small semi-government authorities that are not financially hindered by the federal government's cutbacks, because their borrowings of up to \$1m do not

affect the government's deficit. However, clause (g) will affect the mechanics of borrowings by small semi-government authorities in the Northern Territory because it provides that: "To ensure compliance with the gentlemen's agreement, borrowings by the government of the Northern Territory be subject to the approval of the Commonwealth Treasurer". Clause (g) must be clarified so that we know whether or not semi-government authorities' borrowing up to \$1m will have to be approved.

As the Northern Territory has only two municipal councils, other means of funding the vast majority of development works that will need to take place outside their boundaries need to be assured. If the Majority Party ignores this problem, it will be responsible for creating two classes of Territorians: the haves and the have-nots, the city and the isolated country. The proposal in clause (h) that the Northern Territory share in the federal government's second stage of the tax-sharing arrangement with the states is not only undesirable in principle but is also undesirable in practice. The only state that has even agreed to the second stage of the taxsharing arrangement is Western Australia. We should learn from the majority of states' reluctance to enter into this arrangement.

Finally clause (m) of the financial arrangements refers to a "periodic assessment" of the "fiscal disability of the Northern Territory vis-a-vis the states". The Opposition believes periodic assessment will be necessary but the timing of assessments will be dependent on the formula adopted for funding the Northern Territory. The Majority Party has not seen fit to disclose what formula they find satisfactory. There are other questions the Opposition feels should be answered, but have not been mentioned in the financial arrangements, before the special financial arrangements are agreed to. Nowhere in the letter from Mr Adermann is there mention of special purpose grants which will operate in the same way, for example, as section

96 grants, we will effectively be raising in taxes more in every dollar of expenditure than the states. Special purposes grants have been used by the states for general needs when the Grants Commission determines that "special grants are justified when a state through financial stress from any cause is unable, efficiently, to discharge its functions as a member of the federation, and should be determined by the amount of help found necessary to make it possible for that state, by reasonable effort, to function at a standard not appreciably below that of other states". In 1968-69, for example, Tasmania received 97% of the special purpose grants and in the previous year special grants made up 18.1% of the state's total revenue. The Majority Party is very fond of quoting Tasmania as an example of how small states are not financially disadvantaged under the federal system. The figures I have just quoted demonstrate how important section 96 grants are. This is a serious omission in the financial arrangements thus far.

The cost of housing, health and education which will be major budget expenses by 1979 receives no attention at all. We must have an assurance that the standards of housing, health and education do not suffer and that these services will be funded without additional cost in meeting the future needs of the Territory. This budget serves due warning to the people of the Northern Territory of the sort of treatment we can expect in the future. The executive member says in his budget speech: "The total funds covered by the two bills of some \$50m reflects an increase of 14% on the equivalent expenditure for 1976-77", which is approximately an increase of \$6m. Yet we find that that increase of 14% or \$6m is to be funded by the people of the Northern Territory in increased charges approved by the Majority Party. It is not coincidental that the \$6m increase in expenditure corresponds with the increase in revenue of \$6m to be paid to the federal Treasury announced in Mr Lynch's budget in August. I refer members to page 16 of the federal budget speech and page 135 of the

statements attached to that speech. In other words, we have witnessed a sleight of hand. The federal government has allocated \$50m, less \$6m, so the net outlay is in fact \$44m in round figures.

Last financial year the allocation was \$20,118,635 for operational expenses and \$23,835,381 for capital works - a total outlay \$43,954,016. That was the 1976-77 allocation. To show an improvement in the level of funding, the federal government should have, allowing for inflation of at least 10%, increased the allocation by roughly \$4.4m. The Northern Territory has been taken to the cleaners by the federal government in no uncertain manner.

The proportionate increases in allocations for capital works and operational expenses in this budget are a clear demonstration that the Majority Party has ignored the economic problems that have been created by the federal government's cutback in expenditure. The area of the Territory's economy desperately needing an injection of government funds - the building industry - has received an increase in capital works expenditure amounting to a miserable 3.2% while the allocation for operating expenses this year has been increased by 26% over last year's figures. Government spending on capital works could have stimulated work in the building industry and it could have put people into jobs. The Housing Commission, an area that could have ensured more capital works programs, received no increased allocation at all, despite the executive member's concern that housing is desperately short. The Majority Party and the federal government obviously did not have the welfare of the people of the Northern Territory at heart when they formulated this piece of trickery.

The Executive Member for Finance and Planning said in his budget speech that "income raised in the Northern Territory does not bear on our single-line appropriation budget". Yet this budget includes a commitment by the Majority Party to raise \$6m in additional

revenue. The executive member said that the Department of the Northern Territory is expected to receive an increase in revenue of \$3m from the sale of residential, industrial and commercial land. Last month's government land auctions were an absolute failure and it is very unlikely that revenue derived in this way will come anywhere near the target of \$3m - and of course, what better authority do I have than the Northern Territory News of 21 October 1977 to bear out the point. Blazoned on their front page - "Land Sale N.T. Budget Jolt". Quoting from this article: "Future government land auctions could be in doubt following last night's sale which has been described as the worst yet. Only 60% of the 50 lots offered were sold. The disappointing sale is a severe jolt to the Assembly budget". Further on, a leading real estate agent was quoted as follows: "Another leading real estate broker was not surprised by the poor response. There is definitely a downward trend in all business and a distinct lack of confidence in the town, he said. Of the 50 lots offered last night, 17 were passed in and two did not attract a single bid. Only two of the 12 lots offered in Sanderson were sold".

The Opposition is concerned that a short-fall in expected revenue raising will ultimately result in the federal government using a system of deficit funding that will bear directly on the single-line appropriation budget. What I am saying, by way of illustration, is this: if next year's appropriation is, for example, \$200m and the Territory is expected to raise \$40m in internal revenue, the Commonwealth will provide us only with \$160m. Their apparent kindness this year in not giving us a net figure - that is, giving us the full \$50m and asking us for \$6m in return rather than just giving us \$44m, has served the Commonwealth's purpose of establishing set guidelines for future financial arrangements. We are currently facing revenue increases which are of grave concern to us all, and obviously for the Majority Party the problem is how to squeeze it out of the Territory people. We have had some

surprising suggestions of how to achieve increases in Territory revenue-raising capacity. The former majority leader, Dr Letts, suggested duck-shooting licences, but the failure of the government's land auction means Territorians will either have to pay immediately for our lower revenue-raising ability or, in the long term, through deficit funding by the federal government. Neither of these options will benefit the Territory.

The Fraser-Everingham formula for statehood is not acceptable. The Labor Party is not prepared to accept that the people of the Northern Territory should be required to raise revenue to similar levels as in the states.

Mr Perron: When did you change your mind?

Mr ISAACS: I will come to you in a moment. Nor do we believe that to be a responsible, self-governing region, we must sell our birth right. The people of the Northern Territory have never felt they could carry that burden with their present needs and lack of resources. In fact, the joint parliamentary committee on constitutional development in the Northern Territory was given evidence by the chairman of the Country Liberal Party, Mr Alf Hooper, that no thought was possible on a timetable for the attainment of statehood for the Territory in the immediate future, because it would depend on population growth and economic growth. He went on to say: "It could be 25 or 50 years away. It is certainly not in the foreseeable future". That was in 1974. In 1977 we are already on the road to statehood. Labor is concerned about the welfare of the people of the Territory. The future aspirations of this community depend on overcoming existing problems first. Labor says that the right of Territory people to determine their own affairs is not in conflict with a continuing federareponsibility to develop northern Australia. Sir William Gunn, in a recent seminar on north Australia, said he believes the word "subsidy" should not be looked on as a dirty word. It is that realistic approach that the Labor

party endorses. The recent announcement by federal Opposition Leader, Mr Whitlam, of the proposed subsidy for Territory fuel prices is an indication of Labor's commitment to this region. It is not a convincing argument to weigh up the degree of responsible self-government with the level of subsidy. We have never accepted that one person is better than another because one is richer. Australians have never been told that a New South Welshman, for example, is better than a South Australian because one comes from a richer part of Australia.

The Labor Party believes a realistic alternative to paying the same level of taxes as the states would be to seek new increases at the level of increases occurring in the states rather than bring the level of taxes into line with state charges. We are saying we should not be expected to cover the gap that exists now between us and the states in relation to taxes raised. If we accept that to be as good as the next person we have to pay as much as him, probably even more, it will be the greatest piece of political delusion ever worked on a group of Australians.

The decision of whether or not the Northern Territory should become a state depends, as I have said, on one criterion: that everyone in the Northern Territory benefits. At the heart of this principle is the assessment of whether or not Territorians should be asked to accept the responsibility of raising revenue at the same level as the states. The Labor Party believes that to do so would be unrealistic and not in the interests of the Territory. State-like financial arrangements must be rejected.

Now I come to the bleating sheep. This is a slight deviation from the position we adopted in 1974 before the joint parliamentary committee on constitutional development. At that time, we were unaware of the enormous gap which existed between the standards of the states and ourselves, so far as the level of taxing is concerned. It was only during the Assembly election campaign, when we were able to quantify

the amounts, that the huge burden we will have to bear and shoulder became evident. We are big enough to see that. The enormity of the problem is perceived clearly when we see the impact of raising only \$6m locally. The Territory just cannot do it. We accept, however, that this gap cannot be exacerbated and that we should at least keep step with the rate of increases in the states from now on. This is the most that Territorians ought to bear.

The Labor Party would seek the long-term commitment by the federal government of funds for Territory development in the long-term interest of Australia. Labor's pledge to upgrade the Fort Hill wharf is a case in point. We reject attempts by the Majority Party to denigrate our right to self-determination because we ask for financial assistance. We reject the inference that we are second-class citizens because we have been and will need to continue to be subsidized by the federal government.

The single-line appropriation budget for this financial year, read together with the financial arrangement in the minister's letter, is a sleight of hand. We are disappointed the budget gives so little heart for the future of the Territory. I have dwelt at length on that part of the budget speech relating to the special financial arrangements, because that is what the Territory's future is all about. I have pointed out the deficiencies in a constructive way; I trust the Majority Party will take note and are able to use the material I have presented. The Opposition wants to see the best possible deal for the Territory and if we cannot put the Majority Party on the course we want, at least we can point out the pot holes in the road they are choosing.

Mr EVERINGHAM (Majority Leader): We listened this morning at some length to the Opposition Leader hammering the word "statehood" and hammering the concept of statehood as much as he possibly could because he is scared to use the words "responsible self-government". He knows the Country Liberal

Party is not pushing for statehood; it is pushing for responsible self-government. I and my predecessor have made numerous statements indicating that it is self-government that the Majority Party is heading for and not statehood.

We know the ALP ran its campaign in the last Legislative Assembly election on a lie to frighten and panic people. They tried to convince them that we were rushing into statehood. This is just not so. When you read Mr Adermann's letter, which was referred to by the Opposition Leader this morning, it becomes quite clear that Mr Adermann was talking about responsible self-government leading to eventual statehood. Just how long "eventual" is, I would not know but I am quite happy to endorse the remarks of Alf Hooper, the then chairman of the Northern Territory Country Liberal Party, when he said it could be 25 or 50 years away.

The Opposition Leader ignores my statement on constitutional development to this House in September when I said:

I wish to make it plain that in no way does this executive necessarily concur with all or any of the financial arrangements proposed by the minister in his statement of 14 September. These, I believe, are intended by the Commonwealth to establish its bargaining position and for this reason, amongst others, we must obtain the independent financial advice....The program for transfers cannot proceed without financial agreement and, until I am satisfied that the Territory is getting a fair deal financially, I will not be concluding an agreement.

I do not know how I can spell it out more plainly, Mr Speaker. How many times do I have to keep saying this and for how long will the ALP maintain the big lie. The CLP is not attempting to impose statehood on the Northern Territory and when statehood comes, if it ever does, it will be by the will of the people as far as I am concerned.

However, we are moving without any

apology to bring the Northern Territory to a situation of responsible self-government. The very word "responsible" has connotations which honourable members opposite may find hard to accept because of the spend-thrift nature of their political philosophy. The concept of responsibility entails a reasonable contribution towards their own betterment. It is all very well to say that "subsidy" is not a dirty word, and certainly I think you would find unanimous agreement in our ranks on that, but what federal government is going to completely subsidise the Territory's whole expenditure whilst handing over control of the distribution of that expenditure to a local executive? It is an invitation to a local executive to rape and pillage the federal government.

Despite what the Opposition Leader says, his own present leader - the man they have had to hide behind Bill Hayden - attempted to increase stamp duties in the Northern Territory to state levels when he had his chance in 1974. No doubt he was taking a sounding and God alone knows what else would have gone up if he had been allowed by the Legislative Council to jack up stamp duty. We acknowledge a commitment to increase certain charges to raise further revenue, but we will not give anything away for nothing. Immediately an election was called, I directed the cessation of work on revenue-raising matters because, in the unlikely event of a Labor victory, I want to see what their attitude to self-government will be before I give anything away. Certainly, I propose to try to hold any federal Labor government to the unlimited financial commitment the Opposition Leader has given here today. What a field day I will have! I will be operating on a carte blanche.

The figure of \$6m mentioned by the Opposition Leader means nothing; it was a "guestimate" by a Commonwealth inter-departmental committee. Any likely additional revenue raised in this financial year from Territory sources will be in the order of \$1 or \$2m at the very outside, nowhere near the \$15m the

ever so scupulous member for Millner predicted in the election campaign. May I read to you, Mr Speaker, a small selection of words from the Opposition Leader himself. This is from the Darwin Star of 4 August 1977:

Territorians will be asked to raise an extra \$15m in the NT budget.

We are debating that budget now. Where is the \$15m?

It will be raised within the Territory on top of normal internal revenue. The federal government would ask the Legislative Assembly to find the money through increased charges and taxation. Mr Isaacs countered with a charge that the CLP were keeping secret the interdepartmental committee report detailing the increased charges aired by the ALP and which a CLP majority intended to introduce at the first Assembly meeting after the election.

Then there is that source of great authority, as the Opposition Leader himself called it this morning, the NT News of 2 August 1977:

The extra charges will come into effect on 1 September. An inter-departmental report is circulating in the Territory and it has recommended these increases.

Then, the ABC reported on 10 June:

Mr Isaacs, the Opposition Leader, was reported as saying that the Majority Party knew about the coming federal budget and knew that Territorians were to be hit again in the local budget. Mr Isaacs said motor registration would go up and there were increases in the pipeline for water, sewerage and electricity. The first Territory budget would be no more than a massive raid on the pockets of Territorians and would be a disaster for the Territory.

Where are all those impositions today, Mr Speaker? Where are they in this budget? I will wait with interest to hear from the honourable members

opposite where they are included in this budget.

We heard the member for MacDonnell say this morning that there was a swing to the ALP in the recent election. There was, I concede a swing of less than 5% on the 1974 figures. People of the Northern Territory were certainly scared and intimidated by the deliberate misrepresentations of the Opposition but they still would not vote for it - any alternative was better. There were responsible men in the ALP but seemingly the days of responsible men in the ALP are gone. Let me remind you of bygone times by quoting the words of one of them. Mr Dick Ward said in a Legislative Council debate: "The Territory will never develop, as has been shown elsewhere throughout the world, until the people have the reins of government completely in their own hands".

Passing to the financial agreement which also received some filibuster this morning, we have been told that this budget sets the scene for the future financial arrangements between the Commonwealth and the Territory. Nothing could be further from the truth to use a phrase of which the Opposition Leader seems to be fond. The fact is that this budget is merely to fund the operations of the Northern Territory statutory authorities, police and other agencies transferred to the Assembly. It bears no relation to the shape of future financial arrangements; these are still being negotiated and the Northern Territory negotiators are not at any disadvantage to the Commonwealth. Nothing final can yet be said but I believe the key to the whole arrangement is the phrase, "the special disadvantages and disabilities of the Northern Territory". We have been hammering this with our team of experts so roundly slandered this morning as being incapable: Mr Ashley from the Department of Finance in Canberra who has been seconded to us, Mr Bourkes from the Western Australian Treasury, a very senior man there and Mr Nichols, a senior man from another state treasury. These men are able to lean on expert legal advice as well as the advice of

Sir Leslie Melville. I am insisting that the Grants Commission must be involved in the arrangements as an independent review authority whose recommendations have never been bypassed or overruled by any governments to assess these disadvantages and disabilities. We have, as a matter of course, raised the matter of special grants and all of these matters are to be resolved with the Commonwealth after the elections. I am satisfied that the negotiations are proceeding in a constructive manner and I believe also that our team of civil servant experts is to be congratulated.

What crude political strategies the Opposition is resorting to in saying that the CLP would sell the Territory short! Our futures lie here in the Northern Territory. A number of the members of the Majority Party have lived in the Territory all their lives and all of us have lived in the Northern Territory for many years. The Northern Territory is our home and who would sell his home? The country areas are not to be neglected under self-government and the proof of the pudding will be in the eating. We will see in three years what progress there has been in our country centres and districts. It is the very height of hypocrisy for the ALP to attack us on this score although we now notice the ALP candidate Mr John Waters - and I just wonder how his tax avoidance schemes are going - is unveiling his own fuel equalisation policy in a desperate attempt to stem the slide of support by people in the rural areas to the CLP.

We have put forward constructive proposals in Larrimah and Daly Waters and no big stick is being used at all. We have only bought into these situations to help Territorians because, in fact, we have no responsibility for electricity generation and supply until July of next year. The Housing Commission has maintained a high level of activity and I understand the Executive Member for Finance and Planning will be making a statement to this Assembly within the next few days on the additional funds which may be available

to the Housing Commission.

Local government has nothing to fear from self-government. We will be in there pushing for more funds for local government because the more they get the more it will be of benefit to all of us. As to tax-sharing arrangements, if these come to pass, they will merely represent one area of revenue. The whole broad spectrum will be subject to fiscal equalisation which will be the result of the Grants Commission being involved in a rolling assessment of the Territory's fiscal position.

In summary, the Territory executive's view is that the financial arrangements must provide a sound basis for the development of the social and community life of the Territory and that self-government is the essential and immediate objective. The move to statehood is a lot further away. However, there should be a clear understanding between the Commonwealth and the Territory governments as to how due regard is to be taken of the particular circumstances of the Territory and how cognizance is to be taken of any special disabilities of the Territory. Further, it is imperative that the above circumstances be referred to the Commonwealth Grants Commission and this task should be commenced as soon as practicable. Finally, I believe this budget is an expansionary one for the Territory. It is not as much as we would want but what budget ever has been? Certainly, the Jeremiahs and Jonahs on the other side who attack it must feel some dismay because this type of financial flexibility being available to the Territory executive would, I feel sure, mean curtains for the Opposition.

Ms D'ROZARIO (Sanderson): I endorse the remarks made earlier today by the Opposition Leader especially those in relation to the problems that the Territory is facing in its propulsion towards statehood, and I use that term despite the Majority Leader's protestations about it. Having heard the government member deliver his speech, portions of which his Majority Leader now denies, I can well understand the

decision of the former Chief Secretary to call an early election because, had we heard that speech at that time, the composition of these benches would certainly be different. It is a serious indictment of an executive which aspires to ministerial status that it should have such a disregard of the Territory's problems but perhaps it only affects that attitude to absolve itself of the obligation to seek out reasonable solutions.

I want to confine myself only to two matters raised in the speech made by the Executive Member for Finance and Planning. These matters I feel are of considerable significance to the future of the Northern Territory and I raise them here to illustrate how ill prepared this executive is to lead us into self-government or statehood or whatever term they like to use.

First, I want to deal with the honourable executive member's oblique references to the raising of revenue. Mr Perron's budget speech said nothing about the sources of this revenue. He was at some pains to point out that the Appropriation Bills represent the allocation of moneys appropriated from the federal government and that income raised in the Northern Territory does not bear upon the appropriation budget.

We of the Opposition, however, are not reassured by Mr Perron's view of the budget as having only an allocation function. Unfortunately, he himself let the cat out of the bag and, in doing so, he has virtually admitted that he has earned for the Territory the worst of both worlds. Whilst being apologetic that his Appropriation Bills, to use his own words - which I find startling - do not fully reflect the economic and social objectives of the Majority Party, he is quite happy to commit the Northern Territory to raising an additional \$6m. I do stress that it was \$6m mentioned by Mr Perron.

Mr SPEAKER: Order! The Executive Member for Finance and Planning would be the correct title to use in the Assembly.

Ms D'ROZARIO: I am sorry, Mr Speaker, I shall give the honourable member his due title. He has indeed committed us to raising this revenue and in doing so, we have missed out on both counts. We must now pay extra for the privilege of having our social and economic objectives compromised. Worse still, the honourable executive member has been hoodwinked into accepting this arrangement without first knowing the extent of revenue sources. He admits that a revenue-raising study is only now being undertaken to determine likely sources of revenue increase. He admits that he does not have the results of the study, yet he talks of making responsible budget decisions for balancing - not, be it noted, offsetting, but balancing - future funding of Northern Territory expenditure. His words of reassurance that charges for services will not be higher than charges imposed for comparable standards of services elsewhere in Australia must ring rather hollow for the consumers of these services in the Northern Territory.

The honourable executive member has given me plenty of reason to believe that he has not the first clue as to where the extra \$6m is to come from. One only has to refer to his somewhat hopeful explanations of expected increases in revenue from electricity charges and from government land sales. The honourable executive member is hopeful that improvements in billing and collection procedures will result in increased revenue pouring into the coffers from electricity charges and from government land sales. Well, Mr Speaker, last Sunday I witnessed an example of these procedures at the newly established Howard Springs postal agency. There was in that location a number of registered articles of mail. Those were bills for electricity consumed on rural blocks in the Howard Springs area. The postmistress there was moved to remark that there had not exactly been a rush of people trying to claim them, as they were addressed simply to the consumer.

The executive member is also hopeful that \$3m will be generated in revenue

from government land sales. The residential land auction of October 1977 and the auction for industrial land at Berrimah four months ago must now be the source of some concern to him. These auctions were total failures. The fact is that households and small businesses in the Territory have very little to look forward to and the executive member's budget gives them very little opportunity for mirth.

I call on the honourable executive member to state exactly what the sources of revenue increases will be and to table this information in this House during the current sittings. Only then will we of the Opposition be satisfied that the full implications of the Northern Territory budget have been made available for our scrutiny. Only when we are satisfied that the proposed revenue increases are fair and just will we be assured that the Majority Party has not entered into an agreement with its federal colleagues that the real level of expenditure of the Northern Territory in 1978-79 will be reduced unless the Northern Territory executive contributes its share to the revenue-raising effort.

The second matter upon which I wish to speak concerns the special arrangements into which the Northern Territory executive will enter with the federal government. Mr Speaker, in its haste to thrust statehood - and I make no apology, again, for using that word - upon the people of the Northern Territory, this executive appears to be entering into special arrangements with the federal government that cast the Northern Territory in the role of a pseudo state. It thereby confers upon the Northern Territory all the disadvantages of federal-state relations, with none of the constitutional safeguards. The present is not an auspicious time to be speaking about constitutional statehood when we witness the Fraser government's enthusiasm to divest itself of its responsibilities to the states. It is even less of a proposition to speak of the Northern Territory as a special type of entity whose financial arrangements follow closely on the federal-state

model but whose rights to representation in the federal parliament are in dispute.

It is a fact, Mr Speaker, that those advising the federal government and the Northern Territory executive have made elaborate arrangements that will fix the financial relationship of the Northern Territory to the Commonwealth as though the Northern Territory was constituted as a state. But what of the arrangements that have not been made by the negotiating parties but which are critical for the economic and political future of the Northern Territory?

The Northern Territory executive seems to me to be ill prepared to present the Northern Territory case and indeed there is serious doubt about whether the arrangements about which we have not been informed have even occurred to the Northern Territory negotiators. With the present predatory attitude of the federal government towards the states, I have no doubt they have occurred to the federal negotiators and they have naturally remained silent about the implications of federal-state relations.

Mr Speaker, I cite a few examples of the considerations about which the Northern Territory executive has been silent. First, the allocation of federal government payments to the states in the past has had only the most coincidental relationship with the national economic objectives. There is plenty of empirical evidence to show it. The fact is that the generous treatment of the states by the Commonwealth has been determined by political bargains. The Opposition is yet to be convinced that the Northern Territory executive has the high-powered bargaining ability that is necessary to wring concessions out of their federal colleagues. Our view is confirmed when we recall the scant regard for transport services in the Northern Territory that was displayed by the federal Minister for Transport here in 1976.

Secondly, the difference between the Northern Territory and the standard states in taxable capacity, population

density and the cost of providing services all point to the need for equalisation measures. But where these measures have been applied to other states, we find that the differences are still so large that they can only be explained by deducing that the real issues which cause the differences have escaped proper examination. What, for example, is the federal policy objective for Northern Territory economic development, for the stabilisation of employment, for the distribution of income? None of these questions has been answered. Has the Northern Territory executive even asked the questions and if it has not asked the questions, how can it reassure the population of the Northern Territory that we will be no worse off under their pseudo model of federal-state relations.

Thirdly, the Northern Territory executive likes to think that the Grants Commission will bail the Northern Territory out of any serious difficulty that it might find itself in. The Grants Commission, however, aspires to the type of operation whereby it sets up the basic financial arrangements for the states, and leaves individual states with both the means and the responsibility for meeting marginal increases in revenue. It seems to me that those advising the executive have specified the responsibility for revenue increases but not the means of achieving them. If the means are available, then again I call upon the honourable executive member to produce them. Clearly, the federal negotiators are ahead of us here.

Fourthly, the Northern Territory executive must know that financial imbalance is caused by three factors: differences in the pace of development, in revenue-raising capacity and in cost disabilities arising from differences in the standard of services. Does the Northern Territory executive know the extent of the differences? No doubt the Northern Territory executive is relying heavily on the development of uranium to speed up the pace of economic development. The irony here is that uranium development may actually put the Northern Territory in a position of

advantage relative to the states, and therefore cost the Northern Territory any claim to special considerations from the federal government. Again the Northern Territory has been informed only of the niceties of federal-state relations. Of course, even on the assumption that the presence of uranium deposits in the Northern Territory will earn the Northern Territory special consideration from the federal government, the point is that even with equalisation grants on a per capita basis, the Northern Territory will still suffer from tax and cost disabilities. Uranium deposits in the Northern Territory may well prove to be the embarrassment of riches for us here in the Northern Territory.

Fifthly, the CLP executive should know that the factors which contribute to cost disabilities are size, growth and population dispersion. But what can the executive do about any of these factors? They are simply beyond the control of any executive action. Cost disability will be with us, and while still on the subject of cost disability, I would like to point out that cost disability does not always derive from the diseconomies of small-scale operation. That is the conventional thinking of the CLP executive. When we consider the urgent problems resulting from large-scale development - urgent problems such as urban transport congestion, pollution and slum clearance - we find that the Northern Territory is actually in a position of advantage relative to the states. The cost of ameliorating these problems grows exponentially with size, and this puts the richer settlements in a position of needing special financial assistance. How well prepared is the Northern Territory executive to put the case for special assistance for the Northern Territory against compelling arguments which are now being put forward by the larger states of New South Wales and Victoria? The executive's negotiations are falling short of taking these matters into consideration. If they have been considered, the public has not been informed of them.

I raise these matters here so that

the public may fully understand the reluctance of the Opposition to accept the notion of statehood. If the Northern Territory is to have a degree of financial independence, the Opposition puts forward the suggestion that consideration be given to the Northern Territory, not as though it were constituted as a state but as though it were constituted as a regional corporation. The Northern Territory could then, for example, raise funds independently of the federal budget. I commend that suggestion for the consideration of the Northern Territory executive.

Mr. TUXWORTH (Resources and Health): I rise to support the budget presented by my colleague and to explain to the House some of the aspects of the budget as it reflects on the Department of Resources and Health, and also on some of the points that have been mentioned this morning relating to various aspects of unemployment, mining, tourism, etc.

I would like to start firstly with the section of the budget dealing with the Betting Control Board. The board is made up of members of the community and it controls racing and gambling in the Northern Territory. In its present transitional stage, this department carries full responsibility only for some of the functional areas. The operation and management responsibility for these functions which include parks, wildlife, environment, conservation, tourism, lotteries and gaming, rests with a number of statutory authorities of which the Betting Control Board is one. The Betting Control Board, in its disbursements this year, will be handling an amount of \$264,794 which will be split up amongst the racing clubs and charities.

I particularly want to emphasise this line because it falls into the area of potential revenue raising. We have an industry that is allegedly turning over \$51m a year in the Northern Territory. I say "allegedly" because there is no proof to support this one way or another. However, the tax that is being derived from this particular industry

is now reflecting back on the community to the tune of \$254,000. I present it as a possible base for future revenue raising because both the Majority Party and the Opposition have regarded this particular area for some time as an area for revenue raising.

I would be loath to suggest at this point just what amount of revenue raising would be available from gambling and racing in the Northern Territory. I have not prepared a paper to present before the House at this stage but I believe one will be ready later this year. There is no doubt that, whether the Northern Territory uses as a tax base in the gaming industry a system of TAB or taxing bookmakers, there is a great deal more potential for revenue raising. I believe it would be only fair and reasonable to the general community in the Northern Territory that these taxes be brought into line with what would be the norm in a state. I firmly believe the financial arrangements that will be the basis for the future prosperity of the economy in the Northern Territory should be made on very firm grounds. The Northern Territory has no future building an economy on the quicksand of borrowings and hopping from crisis to crisis as our colleagues on the other side would do by inventing schemes, borrowing and printing money. The Northern Territory, whether it is this year or next year or the year after, has to live within a set budget. Within that budget, it has the responsibility of providing the community with soundly based industries that can provide assets, profit and a tax base for the community.

One such area is the development of tourism. In this year's budget, the Majority Party has seen fit to increase the allocation to the Northern Territory Tourist Board to \$713,000 which is a 42% increase above the amount spent on the board in the last year. Of this, an additional \$255,000 will be provided purely for promotion and advertising within the states. It might be argued that this is not a very valid exercise on which to expend government funds. The tourist bureau in the Northern Territory has one prime objective: to

bring people from the other states to the Northern Territory so that the industry which caters for visitors and the travel trade can benefit. There is no doubt that the tourist industry would be one of the most labour intensive industries in Australia. Anybody who has any involvement with it knows the amount of energy and effort needed to put a passenger in an airline seat, or put a person to bed or feed an individual is enormous. This is generally not appreciated. I believe that development in this area in the years to come will be a great boost to our economy by giving employment to many Territorians. I believe it is an industry that will take up the slack quickly, given the continuation of the trend we have at the moment.

In 1971, the Northern Territory tourist industry catered for 112,000 people. This year, it is believed to have catered for something between 400,000 and 500,000 people. In the year 1995, the industry believes it will be catering for 900,000 people, two thirds of whom will be coming from overseas. These figures are purely conjectural at this stage. However, they give an idea of the type of development that can take place. They give an idea of the employment potential that is available to us should we go out and develop it. We are very firmly of the belief that we have the responsibility to the community to develop these things to the stage of fruition.

Complementary to the development of the tourist industry is the management of our national parks. I would be the last one to believe that we have the most satisfactory national parks arrangements in Australia. First, the move by the federal government to place several of the national parks under total federal jurisdiction was an unfortunate one and already the confusion and unhappiness of managing a park conjointly with the federal government has been experienced with Ayers Rock. However, we have made a reasonable start this year as the Reserves Board and Wildlife and National Parks have been allocated \$2,027,400 in the one-line budget of which \$1,140,000 will be

spent by the Reserves Board for the management of parks and another \$887,000 will go towards wildlife conservation. This figure is further augmented by the local raising of \$111,000 that the board will do in its own parks. The board's attitude in accepting responsibility of raising a fair amount of money locally is a responsible one and it will benefit the whole community in the long term.

Many of the reserves under the board's control have not been developed to their full potential. In fact, only nine of our reserves are currently manned on a full-time basis. In 1977-78, the budget provides for management and protection of these areas and for modest development programs. The largest reserve in the Territory, the Uluru-Ayers Rock National Park, was transferred in May 1977 to the Australian National Parks and Wildlife Service. The Northern Territory Reserves Board has retained the management function of this reserve. The allocations in the federal budget for Uluru were \$260,000 for operating expenses and \$500,000 for capital improvement. The expenditure of this money will be very timely as it is most essential for the further development of the tourist trade in this area that urgent works be carried on there to provide additional capacity. The further development of the Uluru National Park is considered to be of greatest importance and urgency. The Australian National Parks and Wildlife Service, which is now responsible for the park, has been given details of future development requirements and these include, among others, upgrading of the access road and airstrip, the provision of accommodation and services and legislation to cover lease arrangements on reserves.

Another major reserve development, which is also under the control of the National Parks and Wildlife Service, is the Kakadu National Park in the Alligator Rivers area. The management and responsibilities in relation to this park are still being negotiated. However, funds have been made available for this financial year for continued

management.

One thing that the board is currently concentrating on is a training program for Aboriginal rangers which has commenced at the old Telegraph Station at Alice Springs. The initial intake of five Aborigines has been financed by the Department of Employment and Industrial Relations and it is hoped that this will continue and expand. It is becoming increasingly more important that Aborigines be used in areas such as Kakadu, with which they have a traditional relationship. They have a very great contribution to make by way of providing information for visitors.

I would like to come back to a point that was raised by several speakers this morning: land sales in the Northern Territory. I am of the belief that land should be made available to as many people as possible at the cheapest possible rate throughout the community. My colleagues on the other side of the House would agree with this to the extent that they believe government should control and disperse land to the community in the Northern Territory so that this principle can be carried out. We now have a situation where the members of the Opposition are crying poor because the government branches are not raising the zillions they have been raising in the past at land auctions. In fact, the value of land is coming back to the field; supply is meeting the demand and the availability of cheap land in the community is becoming a reality. I was surprised to hear this morning both speakers on the other side of the House deploring the fact that cheap land is now available. I fail to understand them.

The employment prospects in the Northern Territory have potential provided we want to use and realise the assets and opportunities we have available to us. The Opposition Leader this morning made great play about unemployment and said that special funds, special considerations and special borrowings should be embarked upon to provide employment for people. We have an ideal opportunity for employment available to the people of the Northern

Territory sitting on our doorstep and waiting for development. I find it incongruous that the members of the party opposite should take the attitude of leaving uranium in the ground for two years and yet they are crying poor mouth because there are no work opportunities available for people in the community. They cannot have their cake and eat it.

We are going through a phase of growth and development and we are being weaned onto the principle of self-government. The meagre figure with which the Northern Territory executive has been asked to move towards self-government and responsibility is one that we have to live with and gain experience from. I would like to commend to the House the work that has been done by the executive member in preparing the budget because I believe it is a document that will serve the Northern Territory well in the years to come.

Mr PERKINS (MacDonnell): I rise to support and applaud the speeches by the Opposition Leader and the member for Sanderson in reply to the Northern Territory budget that was delivered in this House by the Executive Member for Finance and Planning. It is my intention to concentrate on an aspect of the budget papers which really has not been taken into account by the honourable member in his speech to this House. I refer to Budget Paper No. 4 and the works program of the Commonwealth government for this financial year in the Northern Territory.

I propose to be the devil's advocate for the interests of the people in the Alice Springs area. In particular, I wish to emphasise, at the outset, that the program for the Northern Territory clearly demonstrates again the problem with the Commonwealth government and the decision-makers in Canberra who are, in fact, allocating funds for the capital works expenditure programs in the Territory in a very disproportionate manner and in a manner which discriminates effectively against the people of Central Australia. Again, we have witnessed the allocation of funds

for capital expenditure heavily weighted in favour of Darwin and the Top End at the expense of the Alice Springs area and the other centres outside of Darwin.

I draw your attention to the works program for the Northern Territory in this financial year which is in Budget Paper No. 4. If you refer to this paper, you will find that the Darwin area with a population of 48,000 receives a total allocation in the order of \$77m for major works programs in this financial year. This includes the allocation of \$56.5m for the Darwin Reconstruction Commission. If you compare this with the Alice Springs area, which has a population of 14,000 people, you will find that Alice Springs receives a miserable allocation of \$6.5m for new works programs in this financial year. The remaining 38,000 people in the other centres of the Northern Territory all receive a total allocation of \$22m for major works programs. On a percentage basis, out of the total allocation of \$105.5m, you will see that Darwin receives 73% of the funds allocated, Alice Springs a miserable 6% and the other Territory centres 21%.

If we look at the budget allocation for major works for the various departments which are controlled by the Commonwealth in the Territory, we find a continuation of the trend to allocate vast amounts of funds to the Darwin region and very little or nothing to the Alice Springs region on a comparative basis. For instance, if we take the Department of the Northern Territory first, you will find that, out of its allocation of \$17.5m for major works, that department proposes an allocation of over \$9m for major works in the Darwin area and only \$2.5m for major works in the Alice Springs area, with a little over \$5m to be spent on major works in this financial year in other Territory centres. I suggest that such a distribution of government funds is clearly inequitable.

I draw your attention now to another Commonwealth department in the Northern Territory and that is the Department of

Education which, out of a total allocation of a little over \$11m for major works, proposes to allocate almost \$5m to the Darwin region and there is nothing in the allocation to the Alice Springs region for major works, only minor works, with the remaining balance of over \$6m to go to other Territory centres. The capital works program for the Department of Education is blatantly and inequitably weighted heavily in favour of the Darwin region and centres other than Alice Springs. This is a situation which has been brought about by the mindless and the "couldn't-care-less" decision-makers at the Commonwealth level. One school, the Ross Park Primary School in Alice Springs, has to miss out almost completely on much needed funds in this financial year for repairs and maintenance work, even though these needs have been expressed repeatedly.

I draw the attention of honourable members now to the allocation of the Department of Health, as proposed by the federal government. Out of its total allocation for major works of nearly \$2m, the Department of Health proposes to spend over \$1m in Darwin and Top End region, and to spend virtually nothing on the Alice Springs area in relation to major works. An examination of the breakdown of expenditure by the Department of Health in this financial year, which is evident in Budget Paper No. 4, indicates that there are no funds provided for expenditure of a major works nature in the Alice Springs area. Again the Department of Health expenditure is heavily concentrated in Darwin, in Katherine and in Gove at the expense again of the Alice Springs area. This fact alone is a disgrace when you consider the serious lack of adequate and proper health and dental care facilities in the Alice Springs area amongst Aborigines and Europeans alike.

Out of the total allocation of \$1m for major works for Telecom in the Territory, there is no provision of funds of a capital expenditure nature for the Alice Springs area in this financial year. Again, the funds are to be heavily expended in the Darwin area. It

has been known for quite some time that the Alice Springs area has a priority need for the proper installation of an STD facility and a microwave link up for direct telecast in order to improve the quality of communications generally. And yet the Fraser government has not seen fit to allocate the necessary funds for this purpose in this financial year. Whilst Darwin and Katherine and Tennant Creek have their proper STD facilities and their telecast live, Alice Springs has to miss out again. It is confronted with a continuing prospect of inadequate communication facilities. I believe such a situation is grossly unfair to the people of Alice Springs and therefore unacceptable. Of necessity, there should have been provision of adequate funds for such communication facilities to be upgraded immediately.

I ask, Mr Speaker, what in fact has the Majority Party of the Northern Territory done to have negotiations with the federal government to ensure that the Northern Territory receives adequate and proper funding, in particular the isolated areas and centres out of the Darwin area which are desperately in need of funds in order that adequate and proper facilities can be provided. I believe that such allocation of funds overall is considerably disproportionate and represents again the glaring inequalities in the distribution of funds in the Northern Territory by the Fraser government, especially in terms of needs and population, the geography and economic growth. One has to seriously question whether in fact the government officials responsible for these decisions about the allocation of funds for major works are really aware of the vital needs and the circumstances of the Alice Springs area, and whether they are authorities who are capable and appropriate to make these decisions without the full involvement of the members of this Assembly. In my opinion, Mr Speaker, the allocation of only \$6.5m to the Alice Springs area is totally inadequate and it represents a sellout by the Fraser government and the Majority Party in this Assembly of the real needs and interests of the

people of Alice Springs and Central Australia in general. It would not be unreasonable to charge the Fraser government and its colleagues in the Majority Party with contempt for and also a serious neglect of the funding needs and interests of the Alice Springs area.

In his budget speech in this Assembly, the Executive Member for Finance and Planning announced that the Northern Territory budget provides over \$1m for the activity of the Northern Territory Reserves Board, an increase of 22% over the previous year. In addition, he announced that the board will spend up to \$210,000 from its own revenues and will receive a further \$260,000 from the Commonwealth Department of Environment, Housing and Community Development for the operation and maintenance of Uluru National Park. I would suggest that the Executive Member for Resources and Health ought to get used to the term "Uluru", instead of referring to the new national park as Ayers Rock. I would draw to his attention the fact that the name has been changed, and quite appropriately so, to the Aboriginal term.

Although the executive member said that the level of the board's activities is important to the tourist trade and consequently to the economy of the Territory, what he did not say of course was that the Reserves Board actually considers its allocation of funds to be inadequate to carry out its job effectively at the Uluru National Park and other places, and therefore has indicated that it requires funds in the order of over \$2m to properly upgrade these facilities. I believe this is most unfortunate and a blow to the Territory's industry of tourism that the Northern Territory Reserves Board has not been allocated, as it ought to have been allocated, adequate funds in this financial year to carry out the total program effectively and with confidence. The fact that the Fraser government and the Majority Party have not really provided adequate funds for the Reserves Board is likely to have adverse effects on the tourist industry's operations generally, in that the

facilities will not be upgraded or improved to the extent that they ought to be for the consumer or the tourist. It is estimated that the tourist industry in the Territory is worth up to \$33m per year in direct expenditure in the Territory, with a turnover value of up to \$90m, and this is second only to the mining industry as we are told by the Executive Member for Finance and Planning.

In addition, the tourist industry probably offers a great potential for employment in the Territory and an increase of business in this area is also likely to stimulate other areas of the Territory's economy. Yet neither the Fraser government nor the Majority Party has even bothered to make adequate funds available in this financial year in order to give a proper boost to the tourist industry generally. I believe that for the Majority Party to claim on the one hand that it acknowledges the importance of tourism to the economy in the Territory and then on the other hand only allocate a little over \$1m to the Reserves Board and another \$713,000 and some funds for the Northern Territory Tourist Board, again demonstrates their hypocritical and inconsistent attitude towards the tourist industry in the Territory. How do they expect the Reserves Board to maintain the highest level of facilities if the Reserves Board has not the money in adequate amounts to do this?

In relation to the Commonwealth budget allocations - that is, for major works over the years - I submit again that the Darwin area has continually received the biggest cut of the financial cake, whilst Alice Springs has received the smallest portion. It is time that the inequalities in the distribution of funds in the Northern Territory be eradicated and that a better criteria for allocation of funds be worked out on the basis of needs, on the basis of population, on the basis of the geography of the area and on the basis of economic growth. The Alice Springs area must be provided with a fairer proportion of the total funds allocated in the Territory for capital

works in the ensuing years.

There would appear to be a definite need for sufficient funds to be provided for the Alice Springs area, for example, for new major work on the upgrading and the sealing of roads in the area in such places as Uluru National Park. I believe such programs are likely to overcome the transport and communication problems in the area, as well as provide a welcome boost to the local industry of tourism and also assist to reduce the high unemployment which is rampant in the Northern Territory at this stage. I draw honourable members' attention to the fact that the condition of most roads in Central Australia is appalling and therefore requires urgent action.

Now finally, I believe it has to be realised by the real decision-makers that major works undertaken in upgrading roads in Central Australia will boost the tourist industry and be of benefit in the long term to the Territory as a whole in respect of the general economy. These programs are also likely to enhance the prospects of the Territory developing its own economic infrastructure on a viable basis, with industries which will be self supporting in the future.

Mr STEELE (Transport and Industry): I am pleased to hear the member for MacDonnell talk about this year's budget rather than next year's budget, as other members here have today. Tears run down my cheeks, of course, when he talks about the money that needs to be spent and the money tree I have growing in my back yard at Fannie Bay. It really worries me. It seems to rhyme with the words "double taxation" or something like that.

But talking about this year's budget, I refer members firstly to the Opposition Leader's statement of 10 June: "The first Territory budget would be no more than a massive raid on the pockets of Territorians and would be a disaster for the Territory". Well, there is zero credibility in the Opposition Leader's remarks because he has not yet referred to this year's budget.

Now if I may in a calm, cool manner, I will go quietly over my boring speech on my budget. While the Northern Territory government will not assume full responsibility for state-type matters within the Northern Territory until July 1979, significant responsibilities have already been transferred and are covered by the 1977-78 Northern Territory budget tabled here. My portfolio already has financial and other responsibilities for the Motor Vehicle Registry, Northern Territory Fire Services, the Bush Fires Council, the Northern Territory Port Authority and the Primary Producers Board. An amount of \$5,607,300 has been provided for 1977-78 to provide for the administration of transport and industry responsibilities, comprising \$439,500 for the operation of the Bush Fires Council; \$715,400 for the Motor Vehicle Registry; \$100,000 for the Port Authority; \$40,400 for advisory boards; \$1,913,500 for the Primary Producers Board and \$64,100 for the nucleus of an executive section for my department. The largest individual component of the \$5.6m plus is for salaries and wages, with some further provision for industrial wages in the operational component. This wage and salary component is particularly high because the responsibilities assumed to date, particularly the Motor Vehicle Registry and fire services operations, are labour intensive. Thus at this stage the operation of the NTPS elements of transport and industry will be more adversely affected by salary and wage increases than will remaining Commonwealth controlled elements and any undue increases will place greater pressures on the overall efficiency of the department. We will, however, be expecting the Commonwealth to recognise this difficulty but, at the same time, we will be looking more closely at opportunities for greater efficiency because, now we have local control, we are in a better position to identify areas of inefficiency and implement cost-saving practices. The major expenditure unit is the NT Fire Brigade which operates stations in the city, Casuarina, Winnellie and in Alice Springs, Tennant Creek and Katherine.

Its role is not only to fight fires but to provide advice on preventative requirements and to advise on standards of fire protection required. This year's provisions do not allow for any major new spending initiatives. The emphasis is on improving the cost effectiveness of the service, to improve work arrangements and greater emphasis on fire prevention. An important aspect of this has been the precautionary burning of private land near Darwin at only nominal cost to landholders. This work has already contributed about \$4,000 in revenue and reduced considerable fire risks which occurred after previous late season rains followed by a protracted dry season. The Bush Fires Council's provision of \$439,500 includes \$11,000 for meetings of the central council and of regional fire control committees. Other components include \$99,000 in salaries and \$31,000 in industrial wages, \$122,000 for wildfire control plus \$20,000 for firebreak construction and assistance to landholders, and \$18,000 for advertising, printing and publications for preventative work. The service responsibilities under the Bush Fire Control Ordinance for bushfire prevention and control, safeguarding of lives and buildings, and prevention of unnecessary loss to rural produce in the Northern Territory provide for a balance between advisory work, publicity and preventative work as against the actual fighting of fires, once they have broken out. One major problem is that it is extremely difficult to estimate likely expenditure needs in wildfire control, because of seasonal conditions. Additional funds are being sought for this year as the below average rainfalls to date will result in a high level of fire activity throughout the Northern Territory. And in recent days 5,000 square miles were burnt out on the Barkly Tableland.

The \$715,400 for the Motor Vehicle Registry relates to the Darwin and Alice Springs registry offices and a head office provision, plus the allocation for the Northern Territory Road Safety Council operations and a secretary. Salaries and wages \$523,000 is the main item with operational costs

\$105,000, including \$20,365 for supply of number plates, \$24,000 for cleaning and \$30,000 for the Road Safety Council, being the second largest component. Separately there is a provision for \$150,000 in the DRC capital works program for a third testing bay at the Darwin registry. I have already spoken at the previous sittings on moves to improve the efficiency of the registry operations and the service to the public. It seems clear to me and I believe to the registry staff that with more direct relationship between the responsible executive member, myself, and the registry the drawbacks and the frustrations of a long hierarchical chain are no longer with us. The registry now has more direct responsibility for its own internal actions as compared with the previous Commonwealth arrangements. In essence this means that the registry is becoming more flexible and dynamic, with benefits to the taxpayer and to the government.

The Primary Producers Board allocation of \$1,913,500 relates mainly to the provision of loans - that is, \$1.8m - with a provision of \$21,090 for the operation of the board which is an advisory body and \$60,000 for salaries for the departmental staff servicing that advisory body.

The loan provision includes \$900,000 for rural adjustment of which \$670,000 is for new loans in 1977-78 and the other \$230,000, out of the \$900,000, is a revote of loans approved prior to 1977-78 but not fully drawn on. It also includes \$550,000 for development of marketing and processing, of which \$522,900 is for new loans in that particular category and \$27,100 revotes. Another \$350,000 is provided for beef carry-on finance, including \$260,300 for new loans. In addition to these amounts, further allocation is being sought from the Commonwealth. The loans are provided only on a last resort basis and where there appears reasonable prospects these will be effective. They provide a valuable backup to support the development of viable primary industry in the Northern Territory and help in short-term financial difficulties and so on. They

are particularly important in that they help the smaller operators although only when they are of a size that indicates long-term viability.

A further \$30,000 has been provided for consultant fees and we are looking at using this to fund sending our delegation overseas in the very near future for marketing research and promotion.

The provision for a transport and industry executive relates to the department's director and his supporting staff.

I am pleased to deliver the first of the budget speeches for this department. I congratulate the staff for their assistance and I commend these bills to honourable members.

Mrs LAWRIE (Nightcliff): Mr Speaker, the speech just delivered by my friend opposite highlights the shortcoming in this debate. He gave with considerable detail the expenditure of his department but of course was unable to give us the income, and it is revenue raising or income which has excited the curiosity of the public and rightfully so. Honourable members have queried this morning the lack of information on the level of the revenue to be raised and, without that detailed information, any debate on this budget lacks a lot. We can only talk about expenditure and a Commonwealth grant. The essence of the debate is lost.

Bearing that in mind, I would ask if the honourable executive member having responsibility in the area, our treasurer, could table in the House tomorrow the expenditure and receipts figures to the end of October. That would allow a comparison with the figures promulgated in the budget. It is especially important in the area of revenue to be raised because, without such a comparison, the debate loses a lot of its point. I am starting to wonder, of course, if it has any when we cannot get around to talking about revenue raising.

In general, the amounts provided in the budget are almost in all cases an

increase over last year's allocations. I can have no quarrel with that, but the real test will be to see what is achieved this year with the money available and what changes have to be made to the budget during the year so a more meaningful debate will take place next time.

I wish to turn specifically to some areas of the budget but before I do, I would like to reply to a point raised by the Executive Member for Resources and Health who was talking about the need for employment of Territorians and, in that context, mentioned the likelihood of the mining of uranium being of assistance. I would like to advise the honourable member that two young Territorians approached a mining company, I believe it was last week, asking for employment and were told: "I am sorry we are not employing any Territorians; we are getting our staff from outside the Territory". Now as further details come to hand, I will be glad to supply them to the honourable member because, if that is the attitude of companies engaged in the mining of uranium, I would expect executive members in this House to take quite an interest in their operations and induce a change of heart.

One of the areas of the budget which has again caught the interest of the public quite dramatically is the money given as community grants. There is an amount of \$250,000 altogether and a press release was prepared by the Executive Member for Community and Social Development, giving details of the allocation of this \$250,000. This is an area where I can understand that whatever the executive member responsible did, someone would believe he was wrong, that their particular special interest group had missed out and, in fact, where he could never satisfy all the people all the time. In fact, he would be lucky if he satisfies the majority of the people part of the time.

I would ask the honourable executive member, whom I expect to make some statement on the budget, if it is his intention to rely solely on the advice

of his department when allocating those moneys or if he is to seek broader community representation on the breakup of that particular cake.

In the allocation for the Northern Territory Tourist Board subsidy, division 26.5, there has been a whopping increase in advertising. This was alluded to by the executive member. It has gone from \$61,823 to \$166,500. That is an increase of \$100,000 in advertising for the NT Tourist Bureau. Given the fact that the money market in Australia is tight, I wonder if that was the best use for that \$100,000. And I ask the honourable executive member if he could give to this House at some future date an evaluation of the amount spent to see whether, in fact, the dramatic increase was warranted.

If I can move on to the new works program for the Northern Territory, some of the areas to which I intend referring are in my electorate. Two of them are the Nightcliff Primary School and the Nightcliff High School. I commend the inclusion in the budget of \$1,300,000 for the redevelopment of the primary school. The residents of Nightcliff fought long and hard just after the cyclone to have this school re-opened in its present dilapidated state. The Department of Education and the Department of Construction, or the Darwin Reconstruction Commission, took the view that we could do without it, completely disregarding community wishes. That departmental view has been put aside and the Darwin Reconstruction Commission has met three times with members of the school committee and with interested people in the area to try to get the best possible school for the amount of money available. In item 12 of that program, we see the erection of the library - these are the extensions to the Nightcliff High School. The former member for Sanderson will probably take some pleasure when she gets to hear of this, as I pressed her unmercifully during the life of the last Assembly to try to get some action from the federal government in restoring the living heart of the Nightcliff High School, its library facilities.

Also there is provision in the budget for the conversion of the infant health clinic to a dental therapy clinic in the Nightcliff area. This services Rapid Creek, Milner and Jingili too. I draw to the attention of the Majority Party the stupidity of having these wonderful facilities if there is not adequate staff to enable them to operate efficiently. It has come to my attention that whilst the capital works program for provision of dental therapists' activities has been going on apace - and I have no quarrel with that - the staffing of them has lagged behind. The provision of health services, of course, which is going to eventually come to this Assembly, is one of high cost. The honourable Majority Leader, at the previous session of this Assembly, assured me that his party was paying particular attention to the needs of Territorians wherever they may be for adequate health and education facilities. I mention this again in the budget debate because I still have fears that this Assembly will be landed with having to finance these activities without the resources to do so.

There is an amount of \$60,000 for the restoration of sporting facilities at the Darwin and Nightcliff High Schools. My only comment is: at last, and not before time; they are overdue. We see also provision of \$7,400,000 for the construction of the new Dripstone High School. In this context, may I advise the Assembly that the Nightcliff High School board of management has taken a considerable interest in the proposed Dripstone High School and on 11 November 1977 wrote to Senator Carrick, with a copy of the letter to the honourable executive member having responsibility in the area, plus one to myself and the member for Sanderson, advising the federal minister of the board's concern about the deletion of the 400-seat theatre. The board of management of Nightcliff High School believes very strongly that, as the contract price is believed to be less than it was first anticipated, the theatre at Dripstone High School should be reinstated in the program. I just seek clarification on that point from

the honourable executive member having responsibility in the area.

Also of particular interest to me is an amount of \$357,000 for the re-development of accommodation of phase 1 at East Arm Leprosarium. Probably only the Speaker of the House and myself will be aware of the fact that in the old Legislative Council - because we are the only two members still here - a completely bi-partisan approach was taken to matters such as this and members from both sides of the House, and the then official members, visited East Arm Leprosarium, viewed the facilities and had detailed discussions with the people running the facility regarding a proposed new leprosarium. I advise the House that there was considerable feeling at that time that, whatever move was made to relocate the leprosarium, there had to be adequate assurances that there would be plenty of bush land around the leprosarium to enable the patients to exist in comfort. Most of the patients of the East Arm Leprosarium are full-blood Aboriginal people. It was brought home to us very clearly when we inspected the leprosarium that they could not adequately cope with simply living in a ward for any considerable length of time. I can readily appreciate this because as a European I have the same difficulty in being incarcerated for long periods of time within four walls. I ask the executive member if we could be appraised of his intentions regarding the East Arm Leprosarium. I advise him of my continuing interest in this matter and ask that he perhaps invite members from all shades of political opinion to visit the facility to agree on the best possible solution.

There is an amount of \$45,000 in the budget for the re-roofing of Lyons Cottage. Whilst applauding that, I express my fears that other historic buildings are going to miss out, in particular the building on the Esplanade which was used before the cyclone as the naval headquarters. The interim committee on national estate, the forerunner of the Heritage Commission, made a recommendation for the restoration of these buildings and a sum of money was

given to the Darwin Reconstruction Commission. The only progress seems to have been with Lyons Cottage. Both the old museum and the naval headquarters are still in a sadly derelict state. I ask the Majority Party to seek an undertaking from the federal government that adequate funds will be provided for the restoration of these historical buildings. We do not have many in the Northern Territory; it is vitally important that we hold on to what we do have.

The Department of Northern Territory has provided \$50,000 for the provision of littoral drift erosion measures at Dripstone caves. May I say to the Majority Party that this has my complete support and the support of the vast majority of the citizens of Darwin who are interested in the preservation of our foreshore areas. Might I ask that this money be continually kept under review and, if extra funds are needed, they be accorded the highest priority.

Finally, there is a provision of \$6m for the Berrimah gaol. It was first mentioned in a report in 1938 that a new gaol was likely to be needed in Darwin. There has been inquiry after inquiry ever since that time. Mr Justice Ward headed a select committee of the Northern Territory Legislative Council which made very scathing remarks on the facilities available at Fannie Bay. The place was further diminished by Cyclone Tracy and to continue to have to hold people in a place like Fannie Bay is an absolute disgrace. Nothing can be done for a year or so but the provision of \$6m for this new facility is overdue and is welcomed not only in Darwin and the Northern Territory but right around Australia. There are those amongst us who deplore the need for any detention facility and who say the community should be more tolerant of wrongdoers and accept them more readily into its midst. We do not live in a perfect world; the community is not yet ready to tolerate greater depredations and, until such time as it is, people who are sentenced to confinement should have to serve that confinement in reasonable accommodation

with some hope of rehabilitation, and with some dignity.

By and large, I commend the capital works program of the Northern Territory budget. I can only repeat my earlier remarks that the proof of the pudding will be in the eating and a far more relevant debate will take place at a later stage to see how this budget has served our needs, how it needed to be altered and extended and, more importantly, what revenue had to be raised and was raised from the citizens of the Northern Territory.

Mr OLIVER (Alice Springs): I rise to speak in support of the Northern Territory budget. This is an historic bill and I congratulate the Executive Member for Finance and Planning on its presentation and worth.

I am particularly pleased with the allocation of funds to the Alice Springs district under Budget Paper No. 5 and I would like to comment briefly on these. The increase from \$2400 to \$8800 to upgrade Blatherskite Park is commendable as it illustrates the importance that has been placed on equestrian activities in Alice Springs. I make this point because I am president of the show society. The subsidies to the Alice Springs corporation have been well received, particularly the capital subsidies rising from \$39,570 to \$54,000. A great note is the sum of \$278,350 for the provision of a new municipal depot. A further welcome sum is \$220,000 for the upgrading of the streets that were not in a satisfactory condition at the time of the establishment of the corporation in 1971. Also greatly appreciated for our comfort and health is the sum of \$9,000 for mosquito control in the Alice Springs district.

The honourable member for MacDonnell set himself up as the devil's advocate for Alice Springs. I suggest that, before he sets himself up as anybody's advocate, he should have a bit of a look around. Referring to education, I would point out to the honourable member that a new high school is under construction in Alice Springs. The

majority of the schools in Alice Springs are relatively new and in good order and quite capable of coping with the population at the moment. On my last visit to Ross Park Primary School several months ago, I had a lengthy discussion with the headmaster about the school and, even though the situation at the moment is not good, he was quite pleased with the upgrading program at that school.

The STD and microwave link are connected because we need the microwave link to have STD. I understand this is under construction; the sites are being surveyed and the access roads have been built. We expect the microwave link to come through about 1979 and thus we will have our STD.

Remarking on the allocation of funds, I do not feel it is necessarily relevant to the size of population. The allocation of funds should be where the need is. This is possibly a dangerous thing to say but I feel, at the moment, that we not have a very great need in Alice Springs for a very large allocation of funds. Apart from some roads, there is certainly a fair amount to be done at Ayers Rock and I do concur with that.

Referring briefly to the question of revenue, I am quite confident that no undue burden will be placed on the people of the Northern Territory nor will they be disadvantaged in comparison with similar situations existing elsewhere in Australia. I am quite confident that the financial agreement with the federal government will eventually be satisfactorily concluded and I fail to see where any federal government will leave any sector of the Australian community in the lurch and struggling for its existence. I also fail to see where any member of the Majority Party will jeopardise his own future or that of his children for any minor political gain.

Mr DOOLAN (Victoria River): I am glad the subject of tourism has been mentioned because I intend to say something on rural roads. The allocation in 1977-78 for routine maintenance of pas-

toral roads is \$2,565,000, for beef cattle roads \$929,000, mining roads \$89,000, stock route roads \$130,000 - a total of \$3,713,000. For specific maintenance for pastoral roads and beef cattle roads the allocation is a further \$2,149,000, making a grand total of \$5,862,000. Out of this total of nearly \$6m, a sum of \$75,000 is allocated for works on the roads in the Daly River area on the eastern side of the river. This is apportioned as follows: for resheeting 29 to 45 kilometres of the Daly River road from the Stuart Highway to the Daly River crossing, there is \$20,000; for Woolianna road \$25,000; for Litchfield road, that is to service one of the Tipperary outstations, \$15,000; and for the construction of a gravel road access with a grid to Browns Creek, \$15,000.

If the beef road to Litchfield is extracted, the government is spending a paltry sum of \$60,000 to upgrade and improve an area which has possibly the greatest tourist potential in the Northern Territory. The area caters not only for southern tourists but is undoubtedly the favourite weekend camping spot for thousands of our local Darwin people. Surely, in a Territory crying out for revenue to fund a future state, it is nothing short of criminal not only not to provide adequate access for the people who live there and battle against nature when the mighty Daly has one of its periodic and seemingly more frequent floods but to be so short sighted in not ensuring all-weather access with a sealed highway from the Stuart Highway to the Daly. Tenders have been called for the construction of the large hotel-motel and camping area facility at the Woolianna turnoff and are now awaiting a decision. These call for a \$1m complex so elaborate that it has priced small operators out of tendering, yet only \$20,000 is allocated to reseal a gravel road which provides main access from the Stuart Highway.

The Daly has an enormous tourist potential and most people only get to see the river crossing, and then only when the main road from the bitumen is open. Sealing and providing crossings to

Woolianna, the old copper mine and many other features in the area would attract great numbers of tourists, both local and interstate, and produce a significant source of revenue which we badly need. The Daly has the added advantage of being within three hours driving time from Darwin. It seems to me that provision of only \$60,000 for maintenance of roads in this area is quite ridiculous.

If this miserly spending is stupid from a revenue point of view, what happens on the other side of the Daly is criminal. From the Daly to Port Keats is a stretch of 126 miles of what must surely be the Territory's worst road, except for the first 12 miles along the Elizabeth Downs road, Elizabeth Downs being another of Tipperary's outstations. This apology for a road beggars description. On the 126 miles of road, it is proposed to spend \$30,000 to regravell the bulldust section. This allocation is truly magnanimous when we consider that it provides the only road access to serve three communities of about 1300 people, two of these communities being the cattle stations at Peppimenarti and Palumpa. Port Keats itself is accessible by sea but the barge operators' prices are so high it is far more economical to truck supplies overland, although the transport operators have to charge high freight rates because of excessive damage to vehicles. No one in the area would expect all-weather road access to Port Keats but surely they are not unreasonable in expecting at least dry-season access by road.

Let us look at the cattle station angle. In the budget, under access roads to rural industries, there are 12 properties listed and it is proposed to expend \$295,000 on access roads to them. This averages just over \$24,500 per station. On this basis, Peppimenarti and Palumpa should expect \$49,000. Now for a community of 1000 people at Port Keats and the two cattle stations, they are allocated \$30,000. If any financial expert can justify such a miserable allocation, then I would be delighted to debate the point with him.

At Hooker Creek the allocation for maintenance of about 75 miles of road from the Buchanan Highway for this financial year is \$25,000. Again, Hooker Creek, or Lijamanu, as it is now gazetted, is a community of over 1000 population. When the Opposition Leader and myself visited Lijamanu, one of the first questions we were asked was what could we do about the road? So I put it to the executive now, what urgent measures can be taken to allocate more funds for road maintenance to service these communities, both having populations in excess of 1000 residents? Both Peppimenarti Station people and the Aboriginal people at Wave Hill will be putting forward proposals to tender for maintenance of roads servicing Aboriginal communities. Peppimenarti already has an adequate road plant. I think the only thing they are lacking at the moment is a water truck; they have a grader, a dozer, a couple of tip trucks and they are hot to go. I hope to have more to say about these proposals before the road work commences next year.

Debate adjourned.

ADJOURNMENT

Mr ROBERTSON (Community and Social Development): I move that the Assembly do now adjourn.

Mr Speaker, it looked as if you were almost going to have to adjourn the House. I might stand here and look around as people collect their wits. I would have thought perhaps with an election coming up, some on the opposite side might want to cast a little bit of trivia around the floor.

Mr Isaacs: That's all you're capable of.

Mr ROBERTSON: Yes, it's precisely what I am looking at, a piece of trivia. I wonder if the honourable gentleman interjected in his capacity as the honourable Opposition Leader or that of a religious bigot. I would like to express my disappointment to this House about a press release issued by

the honourable gentleman in relation to what was headlined "Isaacs Hits at Stand on Councils" which, of course, referred to the Regional Councils for Social Development. Now while I think it is fine, it is perfectly proper that we be criticised for our decisions, I had no doubt at all that our friends on the other side would, for political purposes, even if they themselves agreed with the decisions, they would have to disagree with them. What annoyed me, and I can assure the honourable gentleman that it annoyed a lot of Christian people in this Northern Territory, was his reference that I was a latterday Joh Bjelke-Petersen and, I will quote the honourable Opposition Leader: "I don't know whether he (Mr Robertson) prays as often as Joh does." Now that sort of thing, Mr Speaker, is quite unbecoming in a man holding the office of Opposition Leader. I think it is the type of smut that the Legislative Assembly should not expect to have inflicted on it and I certainly do not believe it is the type of thing that the Northern Territory people appreciate.

Mr COLLINS (Arnhem): I rise to speak with great difficulty this afternoon and I crave the indulgence of the House. I am afraid I am suffering from Alice Springs syndrome or Prince Charles syndrome or something, after some lunch I had today, and ask members to bear with me.

This afternoon I would like to make a few comments about the composition of the new Wildlife Advisory Council. I would like to make it clear right from the beginning that I am not referring to the commission: I am referring to the Wildlife Advisory Council.

I think criticising members of the commission itself would be very much a value judgment. I do not think it is vitally necessary for members of the commission to have academic or other expertise in conservation but when you consider that the commission's primary function is to conserve the wildlife of the Northern Territory and look after our national parks, it is very necessary for those men, apart from having

managerial and administrative ability, to have available to them expert advice. As I understand it, the advisory council has been created to do just that, to counsel the commission. I find it very difficult to understand what kind of reasoning was involved in the formulation of that council, what kind of criteria was used to determine who would serve on it. I would just like to have a look at the people who are in fact serving on the council.

Mr Hare, well, I think that is fair and reasonable. Mr Hyde is an agricultural scientist, the district agronomist at Alice Springs. Without detracting from the discipline for which Mr Hyde is qualified, it should be obvious to everyone that agricultural science is, by its very nature, an exploitive discipline rather than a conservation discipline. Mr Miller is a pastoralist, a grazier. Mr O'Brien is a surveyor - that is fair enough too. Mr Ryan - well, that takes a little bit of swallowing. I fail to see what a mining geologist in the employ of Geopeko can advise the commission in matters of conservation. Mr Stuart - that is really a strange one; Mr Stuart is a technician. I have tried in the short period of time available to me to get some more biographical information about Mr Stuart, but the only thing I can find out, the only thing that appears to qualify him is that he is president of the Suzuki four-wheel-drive club. I personally do not believe that four-wheel-drive clubs - and I make no bones about saying this - and national parks go very well together at all. Being a person who has been involved in using four-wheel-drives in the Northern Territory for many years, I am only too well aware of the damage those vehicles can cause and do cause to the environment, and I would severely question Mr Stuart's expertise on the council. The only two people on the council who in fact could be termed conservationists are the Aboriginal appointees, Galarrwuy Yunupingu and Wenten Rubuntja who represent a group of people who have been doing a fairly reasonable job of conserving the environment in the Northern Territory for about 40,000

years. I think, generally, a big question mark could be put against the rest of them.

The council does have an advisory role. Representatives of the agriculture, tourist and mining industries are well represented on it.

Mr Tuxworth: So they should be.

Mr COLLINS: I agree, but I do feel there is a huge gap in that no expert advice is available on that council on conservation and on biology. Now I know personally some of the people who have applied for positions on that council. Unfortunately, I am not at liberty to discuss who they are, at their request. I would like to have done so this afternoon and tabled what I know about these people in the Assembly, but having approached certain of these people, I was asked not to do so.

What amazes me is that there is, in fact, a wealth of talent available in the Northern Territory that could have served very properly on that council. That talent is obviously not being sought by the Legislative Assembly Majority Party and it disturbs me, considering the qualifications of some of the people who applied for positions on that body.

Comment has already been made - and I think it is fair comment - that the composition of the Wildlife Advisory Council casts a considerable degree of doubt on the ability of the Majority Party to govern a state of the Northern Territory. I have received horrified comment from Canberra today and yesterday as to the composition of that council. Remarks have been made to me in the vein, if that is the best talent the Majority Party can come up with to act in an expert advisory role on conservation and wildlife, then God help us when they get control of the place as a state. Trying to be as unbiased as I can be about it, trying as much as I can to leave party politics out of it, simply looking at it from my own background in environmental work and in conservation, I really cannot honestly work out what criteria were used in the

selection of the people on that council, and I say again, particularly considering the kind of people who applied for places on it.

The other thing that intrigues me considerably about the council - I am not a lawyer and I am quite prepared to be challenged by lawyers on this one - in the ordinance which is a Northern Territory law designed to protect our wildlife, section 80, subsection (3) says, talking about the Wildlife Advisory Council: "The Council shall consist of the director and eight other members." It specifically directs that the director of the council be appointed by the Administrator of the Northern Territory. It also specifically says: "The members of the Council, other than the director, shall be appointed by the executive member and notice of their appointment shall be published in the Gazette." Well, that is clear enough to my untrained mind. You turn to the Gazette where the appointments were, in fact, made and it says there on page 2: "I, John Armstrong England, the Administrator of the Northern Territory of Australia hereby appoint" and it names the members of the council. It would appear that the membership of the council is not legal because it does not comply with the Northern Territory law. It would appear - and I am quite happy to be corrected on this point - that the Majority Party has made a mistake. It says here, and I say it again just to get it clear in my own head, that the members of this council shall be appointed by the executive member and this appointment shall be published in the Gazette, but in the Gazette the appointments have, in fact, been made by the Administrator. I would suggest to the Majority Party that if it is correct that this has to be fixed up, it would be a very good opportunity to fix up the council at the same time.

Mrs PADGHAM-PURICH: I would like to say something regarding an answer I received this morning from the Executive Member for Transport and Industry regarding the 1080 poisoning of dingoes. He mentioned there was a program down south for the 1080 poisoning

of dingoes. As you all know, there is no known antidote for 1080 poison. Fundamentally, the 1080 poisoning program may, in fact, work for the betterment of the dingoes. It is an artificial culling of dingo numbers and may work to their benefit by breeding even on a better dingo that is more invincible in his own surroundings. Dingoes have been breeding by themselves for about 12,000 years and they have followed the survival of the fittest idea; only the fittest and fastest breed in any small group of dingoes reproduces. They run in small groups of four to ten and only the top dog and top bitch mate. The dog only mates at a certain time of the year and the bitch will usually eat any noisy or weak puppies. If the 1080 poisoning continues and if the baits are taken in any numbers, the remaining dingoes will be only those with the highest intelligence and the fittest who can find food elsewhere.

It has been found from a scientific project carried out on dingoes a couple of years ago - it was done for a period of about five years in Alice Springs - that only 5% to 8% of the normal diet of a dingo in the bush was cattle, sheep, goats or other human farm stock; the rest were small bush animals. Dingoes are a very necessary part of the ecological cycle; to do away with the dingo immediately raises problems. There is usually an upsurge in plague proportions of other animals which become pests and upset the ecological balance in the area. We have seen many rat plagues in the Northern Territory and I think it is no coincidence that these rat plagues take place after 1080 poisoning and other programs for dingo destruction.

The very real menace in all bush environments round any major settlements are the feral cats that kind people could not humanely destroy when they were kittens. They keep them as dear little furry bundles of fluff for the kiddies to play with and when they grow up and make demands on the family, they are dumped to fend for themselves. They fend for themselves all right; cats have all of nine lives. They can

live and reproduce prolifically in very adverse conditions to the vast detriment of the bush and other small animals. The dingo then loses his natural food and turns in desperation to human settlements to find food from the stock there or in the paddocks. The feral cat is the real problem and I would like to actively encourage a destruction program of every single feral cat, and the education of every cat owner to the damage their pets can do when they are let loose to fend for themselves.

Mr EVERINGHAM (Majority Leader): I feel obliged to pass some comments on the observations of the member for Arnhem in respect of the Parks and Wildlife Advisory Council. It is regrettable that he is not here to hear them but no doubt he can read them in Hansard. I certainly am sorry that he is personally indisposed this afternoon. If these food poisoning bugs continue to abound in the major Territory centres, I think we will scare all tourists away.

It appears that the member for Arnhem does concede that the commission itself is a very strong body of environmentalists which has been established by the Executive Council to administer the Territory Parks and Wildlife Conservation Ordinance. It would seem to me that there could be little argument with that contention. The rationale that I used in approaching this particular problem where we certainly had quite a number of applications was to place on the commission people who are strong in the field of environmental conservation and protection. They all claim to be experts; they may not have any particular scientific qualifications after their names but I believe they all have a long history and a good background in the environmental field. Having done this, it then occurred to me that there should be some input to the commission from various groups and organisations that are interested in the environment.

We are told that these people are considered unacceptable by environmentalists or at least unacceptable to the honourable member for Arnhem. What

is an environmentalist in that sense? I have used the term "environmentalist" in the connotation of a person who would not permit, for instance, mining on a national park and I believe that could probably be said for everyone who is on this commission. However, these people do have to have some input from other interest areas because we are all interested in the environment. I am a lawyer turned politician and I live most of my life in an office but I am still interested in the environment around me.

I do believe that we have selected a broad cross-section of people to be on the advisory council and they can only pass along advice to the commission which does not have to take that advice. I believe the commission will get the sort of cross-section of advice which the community would expect it to get. For instance, it will get the input of the Aboriginal people through the chairmen of the two land councils; it will get some input from four-wheel drive enthusiasts - and I share the concern of the honourable member for Arnhem, in respect of four-wheel drives creating havoc in the bush. Nevertheless, there are literally thousands of four-wheel drives in the Northern Territory and there has to be some communication between that very large body of people and the commission. We have a pastoralist on the council and also a tourist operator. Tourism is intimately bound up with national parks and wildlife.

I really cannot see the objection to the composition of the council. I am sorry if it has caused disquiet in certain circles but I would ask that these people be a little reasonable. Some of these people who are disquieted may be rather upset that they personally were not selected to be on this particular body. I believe the commission itself has expert employees working for it. One of the most vociferous critics of these appointments would be an employee of the Parks and Wildlife Commission; he is presently an employee of one of the constituents that will make it up. He can be called upon by the commission to give other

advice at any time. We only have a commission of five people, two of whom are appointed by government departments. In addition to appointing the director, there are only two people that we could place on the commission and you cannot put everyone who would like to be on the commission. Within the scope that we had available to us, we did the best possible job for the greatest number of people in the Northern Territory.

Mrs LAWRIE (Nightcliff): I rise to express my concern at the composition of the advisory council of the Parks and Wildlife Commission. Taking the Majority Leader's last point first, I appreciate that, as far as the commission members go, his executive had very little discretion. There is a nominee of the Minister for Environment, Housing and Community Development and that particular person has expertise in environmental matters. We have a nominee of the Minister for the Northern Territory and we have as chairman Tom Hare who has been head of the Reserves Board for years.

However, turning to the advisory council membership, the executive had complete discretion in their appointment within the terms of the ordinance. The appointment is encapsulated in section 80 of the Territory Parks and Wildlife Conservation Ordinance. The composition of the council should be the director and eight other members. The member for Arnhem referred to their appointment in the Gazette. But there is one further point. Subsection (3) indicated to the Majority Party the type of people who should be appointed: "The members shall be chosen for their expertise in scientific or technical fields that are relevant to the operation of this Ordinance, for their expert local knowledge or because they have special knowledge or skills relevant to the function of the Council."

I believe that, in the appointments which have taken place, it was drawing a fairly long bow to say that some of those appointees fitted subsection (3) of section 80. I appreciate the point made by the Majority Leader that one should have a range of opinion and

varying types of people on the advisory council. The quarrel seems to be that we do not, in fact, have that range because we do not have a biologist and we do not have a person who is acknowledged within the community of the Northern Territory, to the best of my knowledge, as an environmentalist. I appreciate that such a definition is hard to determine but the appointment would have been better received if, along with the four-wheel drive person, a mining company representative and others, a biologist had been included. I am assuming that Mr Ryan was appointed because of his mining expertise and his geological knowledge, which I do not dispute, and not in his other more political capacity as senior spokesman for the Progress Party. Damian Miller also has spent years of service on the Northern Territory Reserves Board. However, looking at the overall composition of the council, I think the executive should have been more aware that, in seeking to preserve a balance, they overbalanced and we do not have the legitimate environmental interests represented. I want to make one further point. I have mentioned a couple of the people on the advisory council by name but I do not wish an inference to be drawn that those are the particular people to whom I am objecting. May I make it quite clear that it is the overall composition which disturbs me and not the membership of any individual.

The member for Arnhem indicated that he had had comments from people down south and so have I. The Northern Territory, with its rich heritage of wildlife and natural attractions, has had the eyes and ears of Australia upon it because of the controversy over the boundaries of the Kakadu National Park and the competing interests which abound in that particular area. I do not know whether the Majority Party realise the intense interest of other Australians but intense interest there is, and I can only support the remarks of the member for Arnhem when he says that these particular appointments, taken as a whole, have caused extreme concern.

Mr MacFARLANE (Else): Mr Acting Speaker, I rise today not to provoke the Opposition Leader but actually to seek his support to allow me to continue my remarks without too much harassment. What I want to talk about today is the proposed trade delegation to South-east Asia.

I find it very difficult to maintain my position as Speaker and also to do what I came here to do originally, which is to represent the cattlemen - particularly now when cattlemen are, despite today's paper, in such dire straits. The trade commission which the executive has authorised, I noted in the paper, is to be headed by myself. The composition of the delegation has not been announced. However, it will be chosen by the Executive Member for Transport and Industry and approved by the Majority Leader. Where the delegation will go, at present, looks like Singapore, Malaysia, Hong Kong, Japan, South Korea, the Philippines, Indonesia and New Guinea. This is very comprehensive.

Mr Isaacs: You will never get back.

Mr MacFARLANE: However, I can assure you, Mr Acting Speaker, that I have no intention of giving up a month of my time travelling to these places for the benefit of the processor, the exporter. I am here to advance the lot of the producer, of the man who actually produces the beef. How to do this, I do not know. It was only the middle of last year when the Opposition Leader and I found ourselves on the same side of the fence in Katherine. We tried to persuade producers to endeavour to take over Northmeat and we found that no one was interested. Yet now the Cattlemen's Union, of which I am a very staunch member, is advocating this kind of thing in Queensland and having great success. They say that if they produce the beef, then the meatworks is only a killing facility to transfer beef on the hoof into beef in the box. It is as simple as that, as my old friend Dick Condon used to say.

So, how do we induce producers to become processors and to export their own goods? There are several ways. The first is that there is one service abattoir in the Northern Territory, Angliss in Darwin - without a railway line - and if producers had their own beef killed there and established their own processing facility, with no doubt the help of the government through the Primary Producers Board, they could then arrange their own contracts or contracts through a group to supply their produce direct to the markets which we hope to find. If we find no markets, well then, we should have stopped home in the first place. But it is a fairly simple situation, I feel. I have spoken to many people who have been in South-east Asia lately. Tom Bell who lost his seat to the honourable Majority Leader was one; he was in Singapore about the time of the Can Tiki expedition and he said there was a definite demand for beef of the quality we produce in the Top End. Of course, we have a geographical advantage. Freight from here should be much cheaper than freight on anything from 2000 miles away. The same goes for Hong Kong. Vegetables which we will be promoting could be flown from Darwin to Hong Kong. The magnificent lettuces you get in Katherine could find a ready market in Hong Kong.

Mrs Lawrie: They'd find a ready market in Darwin.

Mr MacFARLANE: Yes, well they should; they are the best in the world. But in Hong Kong you have a direct air service. There are sea foods also. One of the reasons for our concern with the lack of northern defence is something which was publicised by the federal member, Mr Sam Calder, the other day - fishing vessels are camping outside the 12-mile limit, coming in at dusk and fishing out our barramundi. This fish so titillates the Asian palate that I feel we are neglecting a major income earner by not protecting this fish. However, trying to sell our barramundi and prawns to Japan might be like taking coals to Newcastle. How do you get this extra money back to the pro-

ducer? He is the man you have to worry about. Everybody else is capable of looking after himself, but everything - whether it is a union rise in wages, whether it is a freight rise - it does not matter what happens, the beef producer has nowhere to pass it on. He just has to cope with it. It has driven him to distraction over the last three or four years, so we have to help him. Markets, sure, but after all these bad years, where does he get the money to operate his station decently, efficiently and reasonably? I had a bearded, wild-eyed ringer waltz up to me not long ago and he said to me, "Are you a rich station manager or are you a poverty-stricken station owner?" I had to tell him I was a station owner and I was lucky to have any money at all, and where it did come from was the Legislative Assembly.

This is what is happening. Somewhere along the line, we have to make the beef industry secure and efficient, and the first step is the markets. The second thing to do is to make sure the producer gets a fair price. Now you can blame the meatworks, or you can blame the meatworker. If the meatworker gets \$700 a week at Katherine, it is only a matter of about \$30 a head on each beast and yet in 1975 I think it was costing \$83.60 to process each beast. So you cannot blame the meatie for everything. Somewhere along the line is a greedy or inefficient meatworks. These costs have to be trimmed. This year Katherine will kill just about 40,000 head of cattle, breaking all records. They are heavier than average cattle and if ever that meatworks will make a quid, it will be this year. But let us not forget Point Stuart out in the buffalo area. It has killed 11,000 too - 11,000 buffaloes and cattle. So you have the expertise available. You have these expert meatworks managers who can run meatworks properly, efficiently, with a minimum of labour trouble. So I say there must be a solution somewhere whereby the producer can take over the processing and stand a chance of receiving a fair price.

Mr DOOLAN (Victoria River): I rise to read a letter from one of my con-

stituents from Wattie Creek. It reads:

Our people ask you to tell the government what we want and the Commissioner of Police to tell policemen they are not to call Aborigines "coons" or "niggers". We know that some policemen are very good to us and don't use these words but others are too cheeky.

You have told us now that the Fraser government mob would know and would not listen to you. If they will not listen to us in small things which make us feel ashamed, how can Aboriginal people believe them when they tell us that they want to help us in important things like our land?

The letter is signed by Vincent Lingiari, Order of Australia.

I believe that both the petition presented this morning and the letter would have been entirely unnecessary had the Majority Leader answered a couple of quite reasonable questions that were put to him last sittings. First, I asked if he had seen the report of the Joint Select Committee on Aboriginal Land Rights in the Northern Territory to which he answered, "yes". I asked whether he agreed that it was highly critical and he answered that my question was out of order. I should have framed it differently; I should have asked if he had read it rather than seen it. If he had read it, he would have known that it was extremely critical.

Later, I asked three questions in relation to the derogatory terms to which I have already referred. First, the Majority Leader blustered and protested and said that he did not have to answer them and you, Mr Speaker, ruled that he did. He jumped up and down, and gave an abrupt and petulant "no" and sat down. Did he say "no" to any one or all of the questions? I am not entirely clear on that but I think they were reasonable questions.

I do not want to indulge in histrionics and stamp and raise my fist and shout, "He'd better watch out", and

go on like he did. If he refrains from answering what I consider pretty reasonable questions, I suppose I can do nothing about it. I will give warning that this Assembly will receive a flood of petitions and letters for what they are worth. Perhaps petitions are not worth much but they are published in Hansard and they are seen by a lot of people.

I think that letter speaks for itself; it is pretty easy to understand. On the other hand, if he does not want to answer my questions, I might even lose that complex that he feels I am suffering from and perhaps I will even be able to emerge from behind that chip which partly obscures me - which I thought was an hilarious remark coming from someone who is almost totally obscured by sour grapes. This is no warning or promise but keep on ignoring the questions and I will keep on sending petitions, and we will come to a dead end.

Motion agreed to; the Assembly adjourned.

Wednesday 23 November 1977

Mr Speaker MacFarlane took the Chair at 10 am.

ASSEMBLY REPRESENTATION ON
FURTHER EDUCATION COUNCIL

Mr EVERINGHAM (Majority Leader): I move that the appointment of Mr M.B. Perron as the Assembly's representative on the Northern Territory Further Education Council be terminated and that Mr J.M. Robertson be appointed to that position.

In a letter dated 30 November 1976, the Minister for Education, Senator Carrick, invited this Assembly to nominate a member to serve on the Northern Territory Further Education Council. The council is a non-statutory body and is purely of an advisory nature to the minister. The previous Assembly nominated the then executive member with liaison responsibilities for education, Mr Perron, as its member. Mr Robertson is now responsible in this Assembly for the function of education.

Debate adjourned.

OBSERVER TO ADVISORY COUNCIL FOR
INTER-GOVERNMENTAL RELATIONS

Mr EVERINGHAM (Majority Leader): I move that the appointment of Dr G.A. Letts as the Assembly's observer at meetings of the Advisory Council for Inter-governmental Relations be terminated and that Mr P.A.E. Everingham be the Assembly's observer on that committee with the power to appoint another member as his deputy if he is unable to attend the meeting.

Some time ago, in fulfilment of a policy which it announced before the last election, the Commonwealth passed legislation to establish the Advisory Council for Inter-governmental Relations. This council is representative of three spheres of government in Australia and of other sections of the community. The members

of the council appointed by the Governor-General include 22 members made up as follows: three members of the Commonwealth parliament appointed on the nomination of the Prime Minister; two members of the Commonwealth parliament appointed on the nomination of the Leader of the Opposition; a member of the New South Wales parliament appointed by the premier and so on through the other state parliaments, giving six state members appointed by the premiers; six persons, not being members of parliament, appointed on the nomination of the Council of Local Government Associations; and five persons being Australian citizens but not being members of parliament who shall be appointed on the nomination of the Prime Minister made after consultation with the premiers of the participating states. There is very wide representation from Commonwealth, state and local spheres of government. Later on in the Commonwealth act, provision is made for representation by the Territory. Both the Australian Capital Territory Legislative Assembly and the Legislative Assembly of the Northern Territory may appoint one of its members to be an observer at meetings of the council. The council has met on several occasions and I understand the previous Majority Leader was able to attend a couple of those meetings. However, it is now necessary for this Assembly to nominate a new member and that is the purpose of this motion.

Debate adjourned.

CROWN LANDS BILL

(Serial 7)

Bill presented and read a first time.

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

The Crown Lands Ordinance and the Special Purposes Leases Ordinance refer to the granting of leases in the name of the Queen. The question of retaining the use of the royal style and title on

lease forms was investigated during a review aimed at modernising lease forms. Advice received from the British High Commissioner was that such usage was not only unnecessary but also inappropriate in relation to the granting of a lease. Clause 3 of the bill will therefore remove the reference. The bill will also insert in the regulation-making powers a power to prescribe penalties for offences against the regulations. Such a power once existed but would appear to have been inadvertently omitted when the powers were reviewed. It is obviously a necessary power because, without such a sanction, it is not possible to compel observance of the regulations. Clause 4 will insert such a power.

Debate adjourned.

VALIDATION OF ACTS BILL (Serial 24)

Bill presented and read a first time.

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

This is one of those unfortunate pieces of legislation which is rendered necessary by administrative oversight. The Companies Ordinance provides for the appointment of a Companies Auditors Board consisting of three people. The previous board was appointed for a term of two years expiring in November 1976. By an administrative oversight the board members purported to continue to act after that date. The oversight was in part due to departmental administrative changes involving the companies office. I believe that they were taken from the Attorney-General's Department and given to the Department of the Northern Territory. A new board has now been appointed, effective from 16 October 1977. However, there remains the problem of the validity of actions taken before that date. Crown Law advice was sought as to the need for legislation. I have now received the Director of Law's opinion, which is to the effect that the position should be legalised legislatively. I am happy to make a copy of this opinion available

to any member who requests it. In practical terms, it may be that nothing may ever result from any lack of validating legislation in this matter. I am not in a position to say this for sure, but I feel that if there is any doubt at all, it should be removed by legislation. The basic principle should be that the public should not be put at risk because of some breakdown in administration and, accordingly, because of the prospect of possible hardship, I have sought the urgent passage of this bill. I commend the bill to members.

Mr ISAACS (Opposition Leader): Mr Speaker, we are in agreement with the Majority Leader. It is a shame, of course, that the time of this Assembly is taken up by legislation to try to patch up the administrative mistakes being made by the departments. It seems to us to be a waste of the Assembly's time, not only of our time but also having the draftsman attend to these fairly minor matters. It is true, however, that some hardship may be caused by the non-passing of the bill and it is for that reason that we support the proposition.

Mr SPEAKER: Honourable members, I have examined the request of the Majority Leader and, under standing order 152, I declare the bill to be an urgent bill in that it would cause hardship with the normal delay of one month.

Debate adjourned.

LOCAL GOVERNMENT BILL

(Serial 18)

Bill presented and read a first time.

Mr ROBERTSON (Community and Social Development): I move that the bill be now read a second time.

The intention of this bill is threefold. Firstly, it makes provision for the transfer of municipal powers and functions to local government authorities established in the Northern Territory and to stage that transfer

over a period of time. Secondly, it will make provision for recounts in municipal elections. Thirdly, it will amend some minor legislative discrepancies in the Local Government Ordinance.

Clause 17 of the bill allows the Administrator-in-Council to "limit the powers and functions of the council, the mayor or the clerk of that municipality" and to vary these powers from time to time. Newly established authorities could then progressively adopt the various municipal functions during the setting-up period, thus avoiding many of the initial difficulties experienced in Darwin or Alice Springs when those particular areas took on local government. It is to be remembered that, under the existing system, they inherit the whole bucket of worms in one hit. It has been found that it is quite beyond their resources to cope with this in one unit handover. It is intended to implement this provision in the introduction of local government in Katherine and Tennant Creek should those two centres decide to accept local government offers. Maintenance of roads is expected to be the main function requiring staging.

This amendment foreshadows a more complete review currently in the drafting stage, revising the powers and functions of municipal authorities in the Northern Territory as described in sections 304, 305 and 349 of the Local Government Ordinance. Section 114 of the principal ordinance refers to an action or proceedings relating to an election. However, there is no indication given of the means of instituting the action or proceedings or of procedural requirements relating to recounts in municipal elections. Provision for recounts in municipal elections is made in local government legislation in all states. To minimize the potential confusion for Northern Territory voters, the provisions of the Northern Territory electoral regulations have been used as the basis for these amendments where possible. Municipal elections will be held in Darwin in approximately May 1978 and

there may be elections in both Katherine and Tennant Creek around that time. The amendment provides for the segregation and sealing of formal and informal votes cast at elections. The returning officer is empowered to conduct a recount prior to the declaration of the poll at the request of any candidate or for any reason of his own, and he may reserve ballot papers for the decision of a magistrate. The decision of the magistrate in these matters shall be final.

Debate adjourned.

MOTOR VEHICLES BILL

(Serial 23)

Bill presented and read a first time.

Mr STEELE (Transport and Industry): I move that the bill be now read a second time.

This bill amends the Motor Vehicles Ordinance. It is intended to clarify the requirements for residents of the Northern Territory to register vehicles they have brought to the Northern Territory from one of the states or the ACT. It does, of course, only concern those vehicles already registered in another state or the ACT.

By way of explanation, I would like to refer first to clause 5 of the bill - the amendment to section 107. The current wording in section 107 of the ordinance is quite vague and the phrase "visiting motor vehicle" is used without really defining what visiting is in terms of time. The amendment provides by definition that a vehicle here longer than three months ceases to be visiting. The proposed new section 8A is complementary. Should any particular case show that some discretion needs to be exercised, the new section gives the registrar that power of discretion. Of course, he will not be able to extend the period of the visit beyond the date of the expiration of the state or ACT registration of the vehicle concerned.

The change does not put any owner under any really onerous obligation. The three month period of grace given is plenty of time for the owner to put his vehicle through our registration process. In effect, it means that a genuine visitor to the Northern Territory whose stay exceeds three months can be granted an extension of time by the registrar for a visiting vehicle but a resident, whether newly arrived or otherwise, who brings to the Northern Territory a motor vehicle which is registered elsewhere than in the Northern Territory, has a limit of three months during which he must have the vehicle registered here. I do not have to tell you, Mr Speaker, of the problems the Northern Territory police and the city councils of Darwin and Alice Springs have with tracking down the owners of vehicles registered outside the Northern Territory.

Debate adjourned.

AUCTIONEERS BILL

(Serial 14)

Bill presented and read a first time.

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

The purpose of this bill is to enable effect to be given to a provision passed by the Legislative Council in 1973. The provision would remove the present prohibition on the conduct of an auction on Sundays. This accords, of course, with the general relaxation of prohibitions on Sunday trading but, more importantly, it enables livestock auctions to be held in country areas in association with picnic race meetings or annual shows. The Legislative Council accepted this proposal and passed it in 1973. At that time, the Auctioneers Ordinance was being amended to include dealers and agents within the scope of the legislation. Subsequently, a private member introduced and had passed a Land and Business Agents Ordinance which further modified the provisions. The

commencement of all the legislation was tied so the Auctioneers Ordinance amendments could not operate until the Land and Business Agents Ordinance was commenced. I would inform honourable members that the form of the Land and Business Agents Ordinance was unsatisfactory and that I have taken action to have it reviewed and rewritten. In the meantime, it is desirable that necessary amendments to the Auctioneers Ordinance operate and the purpose of this bill is to enable the amendment passed by the Legislative Council in 1973 to operate.

Debate adjourned.

SPECIAL PURPOSES LEASES BILL

(Serial 13)

Bill presented and read a first time.

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

This bill is designed to correct an anomaly in section 5BB of the Special Purposes Leases Ordinance in relation to the definition of "premium". The definition which is contained in subsection (2) is satisfactory where the land is within the Darwin town area or a municipality but is not satisfactory where this is not the case. The definition is related to the auction provisions in section 5AB and is so worded that the total amount of the successful bid is regarded as the premium and has to be paid. I emphasise that the definition is unsatisfactory only where the land does not lie within the Darwin town area or a municipality.

Under the provisions of subsection (4) of section 5AB, a reserve value is required to be set by the Valuer-General and this is the unimproved capital value of the land, which is the amount on which the rent is usually based. Subsection (6) of that section correctly sets out the amount that the successful bidder is expected to pay and this subsection reads as follows:

The successful bidder shall, at the time of the auction, pay to the Administrator -

(a) if the land is not within the Darwin town area or a municipality, the sum representing the difference, if any, between the reserve value of the land and the unimproved capital value of the land as bid by the successful bidder and, in addition, the first year's rent and the survey fee determined by the Administrator; or

(b) if the land is within the Darwin town area or a municipality, the amount of the bid that made him the successful bidder.

The definition of "premium" in section 5BB combined with the requirements in subsection (1) of that section to pay that premium is not in accordance with the provisions just quoted. The effect is to require a bidder outside a municipality or the Darwin town area to pay a premium which includes also the unimproved capital value but that amount, as a reserve price, is not paid within a municipality or the Darwin town area. There is no reason for this imposition and the proposed new section 5BB will remove it.

The bill also proposes to remove the requirement contained in section 4 to grant leases in the name of the Queen. A review was conducted some time ago aimed at modernising these forms. One aspect of this review was to investigate the need to retain the use of the royal title on the lease form. Advice was received from the British High Commissioner that, not only was such usage unnecessary, it was also inappropriate in relation to the granting of a lease. Clause 3 of the bill amends section 4 so that leases will be granted in the name of the Commonwealth instead of the Queen.

Clause 4 amends subsection (2) of section 5BA to make it subject to the new premium provisions proposed to be

inserted into section 5BB. Section 5BA contains provisions for the payment of the reserve price by instalments in respect of the direct grant of certain leases. Clause 5 repeals section 5BB and inserts a new section containing a new definition of "premium" applicable to the two situations, that is where land is and is not within the Darwin town area or a municipality.

Debate adjourned.

ANGLICAN CHURCH OF AUSTRALIA BILL

(Serial 20)

Bill presented and read a first time.

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

During the life of the previous Legislative Assembly, a Church of England in Australia Constitution Ordinance was passed to enable the Church of England to operate more effectively in the Northern Territory. A decision has now been taken within the church to change its official title to the Anglican Church of Australia. Accordingly, it is necessary to amend the Territory legislation. Following representations to me by the Bishop of the Northern Territory, I undertook to introduce a bill into this Assembly for this purpose. This bill now seeks to make the necessary changes.

Debate adjourned.

PUBLIC SERVICE BILL

(Serial 17)

Bill presented and read a first time.

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

This bill will amend the Public Service Ordinance to overcome a situation that has arisen with the creation of positions of departmental head in departments of the public service other than the Department of

the Chief Secretary. Section 19(3) of the principal ordinance, which deals with vacancies of departmental heads, empowers the Administrator to direct and employ a person for the time being to be a departmental head where there is or is expected to be a vacancy in a position of departmental head. Section 19(4) of the principal ordinance, which deals with the appointment of chief executive officer, empowers the Administrator to direct and employ a person to be the chief executive officer of a unit of administration where there is no position of departmental head in relation to that unit of administration. Prior to 7 October 1977, there were no positions of departmental head in any department of the public service other than the Department of the Chief Secretary and therefore action could be and was taken in accordance with section 19(4) of the ordinance to direct employees to be the chief executive officers of the various units of administration in these departments. These chief executive officers were required to manage and conduct the business of the respective units of administration and also carried out statutory functions under the Public Service Ordinance.

As a result of the creation of positions of departmental head on 7 October 1977, the power to direct employees to be chief executive officers of units of administration pursuant to section 19(4) disappeared and those directions already issued automatically lapsed. This occurred by virtue of section 19(3) which, while it provides for an acting departmental head where there is a position of departmental head, does not provide for the appointment of chief executive officers in the same circumstances. Because of this situation, no employee can now be appointed as chief executive officer and legally exercise the financial and administrative powers that are required to enable a unit of administration to function. The positions of departmental head have been advertised and, as it will be some months before appointments are made, it is essential that appropriate authority should be in existence to allow the

work of the public service to be carried on legally and efficiently. While I appreciate that authority exists for the appointment of acting departmental heads, this action is neither desirable or appropriate for the departments concerned at this stage. This bill therefore seeks to remedy the situation by amending section 19(3) of the principal ordinance to empower the Administrator to direct an employee to be a chief executive officer of a unit of administration where there is or there is expected to be a vacancy in the position of departmental head. In addition, this bill will also validate those actions taken or functions performed by employees who were formerly chief executive officers of units of administration in order that those units of administration could continue to function after 7 October 1977.

The bill will also amend section 61 of the principal ordinance to transfer the power to make agreements for term engagements into or from the Northern Territory Public Service from the Administrator-in-Council to the Public Service Commissioner. A similar power exists in section 47B of the Public Service Act of the Commonwealth in respect of secondment. This is essentially the power under section 61 of the ordinance - term appointments into or from the Northern Territory Public Service for the provision of expert assistance or for the furtherance of specialised training to meet the requirements of the public service. I am sure you can see the utility of that. In such circumstances, the detailed arrangements to give effect to a necessary appointment properly rest with the Public Service Commissioner. However, our ordinance rests this power in the Administrator-in-Council, probably because there was no office of Public Service Commissioner at the time the bill was drafted and passed. The amendment proposed to section 61 of the principal ordinance will merely transfer the power to make arrangements for the term transfer of persons to or from the Northern Territory Public

Service from the Commonwealth Public Service or a state public service to the Public Service Commissioner.

At this time, when we are very reliant on specialist assistance from the Commonwealth and the states, I am sure all members will agree with a procedure which will shorten the steps necessary to arrange such a secondment. I regret the necessity to propose a further piecemeal amendment to the Public Service Ordinance as I am aware there are a number of matters in this ordinance still needing attention. I am making appropriate arrangements for a qualified person to make a complete review of the ordinance as a matter of urgency. Until that review is completed, however, there may be a need to make necessary amendments to the ordinance to ensure continuing effective administration within our public service. The amendments proposed by this bill are of immediate importance so that day-to-day administration of the public service is not impeded. I will therefore be seeking the passage of this bill through all stages at this sittings.

Debate adjourned.

ROAD SAFETY COUNCIL BILL

(Serial 21)

Bill presented and read a first time.

Mr STEELE (Transport and Industry): I move that the bill be now read a second time.

This bill seeks to establish by statute the Northern Territory Road Safety Council. Members will be aware that there is already in existence a road safety council in the Northern Territory. It comprises a group of interested citizens who meet pursuant to a written constitution. The council, with the assistance of departmental staff and other employees, is involved in various road safety activities in the community. It performs very valuable work in connection with the education of children in road safety and various

public educational programs. In addition, it makes recommendations to me on various matters connected with road safety.

The current council exists because of an administrative decision taken in 1976 by the Administrator. The secretariat was provided by the public service, first by the Commonwealth and after that by the Department of Transport and Industry. The council originally was funded partly by a subsidy from the Department of Transport and the Department of the Northern Territory. Part of the funds still come from the subsidy and the remainder through my department. In its early years, the activities of the council were relatively low-key. However, in the past few years, its activities stepped up to try to relieve the carnage on our roads. The council, amongst other things, entered the area of employment. It has two field officers at the moment and that is the problem. As the present council is not a legal entity, its members are individually and severally liable for any damages, charges and costs. This situation must cease. Not only is it morally wrong to have the council members in that situation but the expansion of road safety activity is severely inhibited.

I personally favour the establishment of a council by way of legislation and, accordingly, this bill seeks to create a road safety council of the Northern Territory. I am of the view that the matter of road safety is of very great importance and the status of the council should be enhanced and emphasised by establishing it by legislation. In the preparation of the bill, I have sought to make it as simple and as flexible as possible. The 12 member council will be appointed by the executive member from a wide cross section of the community, both government and non-government. No attempt has been made to limit the range of the persons who may be appointed. The council will have power to establish subcommittees and regional committees throughout the Territory. It is proposed that the administrative

support for the new statutory council will be provided from within the Northern Territory Public Service. Financial provision will come through the relevant Northern Territory department. Accordingly, detailed administrative and financial clauses are not necessary in the bill. The bill will require an annual report for tabling in this Assembly.

One difficulty that does arise is in relation to the few existing assets held for the purposes of road safety. As no Northern Territory government has yet been created, it has been decided to vest the assets in the Commonwealth for the time being. This may require later amendment in the light of constitutional changes.

Debate adjourned.

LEGAL PRACTITIONERS BILL

(Serial 22)

Bill presented and read a first time.

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

This bill proposes a number of minor but significant changes to the principal ordinance. Most of the changes arise out of earlier discussions with the Northern Territory Law Society and representatives of the Attorney-General's Department. One amendment which I will discuss in more detail later on arises out of changes in admission procedures in South Australia. It is significant that, although South Australians can be admitted in the Northern Territory, Northern Territory practitioners find it very difficult to be admitted in South Australia, that land of hope and glory.

Firstly, the bill will expand the size of the Legal Practitioners Admission Board up to seven members, including the Master of the Supreme Court. At present, the board comprises the master and three members, a quorum being three. It takes little

imagination to appreciate the difficulties that can be encountered in calling a meeting, lawyers being what they are. The bill also proposes an annual term for members of the board ending on 30 September rather than 30 December as the former is considered a more convenient time to arrange for new appointments.

Secondly, the bill seeks to delete from the principal ordinance the existing legal qualification of the final certificate in law at the University of Adelaide as this course no longer exists. In order to accommodate the new legal qualification in that state, which incidentally has no specific title, and any other changes in legal qualifications in other Australian states and territories, a new paragraph is proposed for insertion in the ordinance.

Thirdly, it is considered reasonable that the Law Society should be consulted by the Master of the Supreme Court before he fixes the fees payable by practitioners for practising certificates. An amendment seeks to do this.

Fourthly, an amendment seeks to remove some difficulties presently encountered in entering into articles of clerkship. As the ordinance is drafted at the moment, a person cannot enter into articles without the prior approval of the admission board. This can work hardship on persons who are ready and willing to enter into articles but cannot officially do so until the board meets. It is proposed to allow a person to enter into articles not more than 90 days before the board's approval, the validity of the articles will be subject to that subsequent approval.

Finally, the bill will commit a period of up to one half of a person's service as an associate to a judge, but not exceeding a period of six months, as counting towards the requisite period of twelve months' articles. This provision, which is common in other jurisdictions, is a reasonable one.

I have referred the bill to the Chief Judge of the Supreme Court and to the Northern Territory Law Society and I understand that they have no objection to it. I would mention for the interest of members that I have under consideration further possible changes to the principal ordinance in relation to disciplinary matters.

Debate adjourned.

ALLOCATION OF FUNDS BILLS

ALLOCATION OF FUNDS (APPROPRIATION) BILL
(Serial 4)

ALLOCATION OF FUNDS (APPROPRIATION) BILL
(Serial 5)

Continued from 22 November 1977.

Mr HARRIS (Port Darwin): Yesterday, I sat in the back stalls of this Chamber, or perhaps I should say the dress circle, and listened to the Opposition's statements on various points in relation to the budget. I was very disappointed in those replies. If I were still in the motion picture industry, I would have expected a few return tickets to be brought in. I feel very strongly about this. I was originally going to speak in relation to moneys which were to be allocated to different areas throughout the Territory, but I feel it is necessary for me to speak in relation to certain points which were brought up by the Opposition.

First, the Opposition Leader keeps trying to ram down people's throats the matter of statehood and what statehood is going to cost the Territory. The Majority Leader has told the people that we are not trying to get statehood at this stage. The Majority Leader has quite openly said that, before we do get to that stage, the people will be asked. The Opposition Leader continually takes this line of approach.

This great change is an effort for all of us. This is a development stage for the Northern Territory. It will not

be handed to us on a plate and the \$50m that we are talking about is provided for the transfer of certain powers. We are aiming at a responsible self-government. We do not want people to be out of work; we do not want people to be thrown out into the street.

The unemployment situation is continually being raised. The way the Opposition talk, it is almost as if we go out on the street and tell the people "Look, here is \$100, stop working". The main point is that this unemployment business started when Labor came in. We do not want to cut down on projects; we want development. However, we must be responsible. We cannot run the place into debt; we cannot bankrupt the country. This is what we are about. As far as work is concerned, I would make everyone who receives the dole work, to put back some of the millions that are spent. The honourable members for MacDonnell and Victoria River talked about the lack of funds in their particular areas. Money just does not appear all over the place. We have to make cutbacks and look at where this money may be spent in the best possible way. As I said, we do not want to have these cutbacks.

I would like also to endorse the comments by the Executive Member for Resources and Health and the member for Alice Springs when they commended the Executive Member for Finance and Planning and his staff for the work which they have done in the preparation of these bills.

The Opposition should really hang their heads in shame because it took the member for Alice Springs to get up and say that he had faith in the future of the Northern Territory. Judging from their speeches yesterday, not one of the Opposition has any faith in the Northern Territory. It is amazing. How would the people who voted them in here feel if they knew that their people have no faith in the future of the Northern Territory? Are they going to continue to deny the people the right

to have a say in their own Territory by a move to responsible self-government?

It is a responsible and historic budget that was brought down. It is not an irresponsible, hysterical budget as the Opposition would lead us to believe. The Labor Party and the Opposition have indicated their lack of confidence in the future of the Northern Territory and if ever there was a formula for disaster, that is it - no faith in the future of the Territory. I commend the bill.

Mrs O'NEIL (Fannie Bay): It had been my intention and it is my intention to look at the appropriations in these bills rather than to discuss the broad issues of statehood or whatever you may wish to call it. However, I must remind my colleagues on the opposite side of the House that it was their own leader, Mr Fraser, who first introduced the term "statehood" in November 1975 as an election promise. I remember that. I am sure they remember that, and I am sure the people of the Northern Territory remember that. If the CLP are so frightened of Mr Fraser's promises, I can assure them that so are all the other people in the Northern Territory and we will see the results of that on 10 December.

However, to return to my original intention to discuss the items in the appropriation, a particular area of interest to me is community and social development. I refer to division 16 which covers library services and for which the allocation for services is \$205,000. The bulk of this covers the purchase of books, of which \$182,000 has been allocated to purchase 21,000 books. I want to know - and I think it is not an unreasonable question - what is going to happen to these books. It is a well known fact that over 50,000 books have been purchased by the public library in the Northern Territory since the cyclone and these have been sitting on shelves in the offices of the library at Cavenagh Court, Darwin, waiting to be catalogued and unavailable to the general public. At the same time, the number of books which are available to the public is

quite inadequate. Apart from the few paperbacks and children's books, no new books have gone onto the shelves in the public libraries in Darwin since the cyclone. I am assured that it is a conservative estimate that, of those 50,000 books, perhaps 20% are now out of date because of their loss of popular appeal or the technical data being out of date.

I am not blaming the staff for this situation. In 1974, the staff level of the Northern Territory Public Library was 36. As a result of staff ceilings imposed by the Fraser government, this was reduced to 20. The number of staff provided for in this budget is 25, with a salary of \$220,000 and that is to cover all of the Territory. In fact, I am assured that the number presently working is considerably less than 25, in fact less than 20. What is the use of spending \$182,000 on books for a public library if they are not available to the public, if there is not enough staff to get them available to the public and if they are just going to sit there and deteriorate and become out of date?

I have here a publication called "Interim Minimum Standards for Public Libraries" produced by the Library Association of Australia, a very reputable organisation. They estimate that, for a population of 100,000, you require a staff of 40, one third of whom should be professionally qualified. In the Northern Territory, we have a grand total of three properly qualified librarians working in the Northern Territory Library Service.

To look further at the allocation of funds between staff and books, the Library Board of New South Wales recommends that 25% of the budget should go to books and 55% to 60% on salaries. The N.Z. Library Board says 25% to 30% on books. In this budget, we have about 40% spent on books and 50% on staff. I would consider a more reasonable allocation of funds would be to take the advice of these bodies, to decrease the allocation of funds for books and increase the allocation for salaries, say, by \$53,000. Then, we

might be able to get some books available to the general public.

There are other ways of getting the books available that have not been looked at apparently, or considered in this budget. We could have mobile library services. What would it cost to fit out a van to become a mobile library service for the northern suburbs of this town? \$20,000 maybe? We would have a few thousand fewer books but that would not matter since we cannot get to read them anyway, but at least we might be able to get some of the books to the people who want to read them and particularly to the children.

There is another way the library service could be improved and that is by extending its hours. The public library in Darwin is presently open between 10 am and 5.30 pm which is great for public servants working in the city but is not so good for people working in other areas and in other industries. The library should be open evenings and Saturday afternoons, and yet the total overtime allowance for public library staff is a mere \$4,000. That is obviously inadequate.

I would like to turn now to another item in division 16 - item 407 - the social welfare subsidy. The budget does not tell us the breakdown of these figures. However, I did find this out from the Northern Territory News of 20 October - it's a marvellous document; we get lots of information out of it that we do not get in this Chamber. We find from the Northern Territory News, and I trust it is correct ...

Mr Robertson: You'd scream your head off if we waited to make a decision till now, wouldn't you?

Mrs O'NEIL: Yes, I would, That's true.

We find that \$37,000 of the \$150,000 allocation goes to Darwin, \$28,000 to Alice Springs, \$12,000 to Tennant Creek and \$36,000 to Katherine. I would like to ask - I think, once again, it is a reasonable question - of the member

responsible, what is the basis for deciding this? The honourable member for Alice Springs was telling us yesterday that it should be on a needs basis. I note that Katherine, with just over 3% of the Northern Territory's population, gets 24% of the money for 3,300 people. That is something like \$10 per head of population, whereas the expenditure for Darwin is less than \$1 per head. I realise that Katherine is in your electorate, Mr Speaker - I thought it rather a pleasant town whenever I visited it; it has problems with high unemployment but nevertheless it seems like a desirable place to live - but I had no idea it had ten times as many social problems as the people of Darwin and yet, apparently, that is the opinion of the Majority Party as expressed in its budget.

Item 410 in division 16 covers community grants. Once again, we do not get a breakdown in the budget but we look to the Northern Territory News. The budget tells us that a wide range of worthwhile community services are funded and that financial assistance is usually given to organisations engaged in youth development and recreational work and also to organisations engaged in community activities and welfare services. It also tells us, interestingly enough, that applications for grants in 1977-78 greatly exceeded the scope of funds available. I have looked at the Northern Territory News and found that, of the \$100,000 in that allocation, \$23,500 goes to the scouting and guiding movements in the Northern Territory. These are, of course, worthy organisations. I was pleased myself recently to attend with the honourable member for Casuarina the opening of the reconstructed guide hall in Parap, in my own electorate. I have made inquiries and I have discovered there are perhaps, very approximately, one thousand guides, scouts and cubs in the Northern Territory. In this budget that means that each little cub, scout or guide costs us in the Northern Territory \$20 per head to maintain. I am simply asking the executive member if he can explain the rationale behind this and whether there are other worthwhile organisations that we cannot

even find \$1,000 for.

One of the groups which I know the executive was unable to find money for was the Homemakers Service; the executive member responsible referred to that in question time this morning. The Darwin Homemakers Service originated as an activity of the Darwin Regional Council for Social Development and was one activity much approved of by the Legislative Assembly's own select committee and, I am pleased to hear, also by the Executive Member for Community and Social Development. However, they were denied funds from this year's budget and, in a letter sent to them, it was suggested they apply to the Regional Council for Social Development - which is a piece of hypocrisy if ever I heard one. The fact is - and I have recently been informed of this - that the Majority Party's political colleague, Senator Guilfoyle, does not agree with them about the Homemakers Service because in the absence of money being made available through this Northern Territory budget, Senator Guilfoyle, through the office of childcare, has recently made \$20,000 available to the Darwin Homemakers Service so that its activities may continue at least while we are waiting for the Department of Aboriginal Affairs, the Housing Commission and other relevant departments to get their projects off the ground. They are certainly planning it. My information is that they do not have a homemaker project active in Darwin at the moment.

There is one other aspect of these bills that I would like to mention and that is the allocation for Commonwealth new works in my electorate. I am very pleased, and the member for Port Darwin might be pleased to hear that I am pleased, about something in that budget. I am pleased to see that finally the Parap Primary School has an allocation of \$765,000 for extensions. I think many people do not realise or they forget that the Parap Primary School prior to the cyclone was, in fact, two buildings, the infants school being a separate institution in Stokes Street. That was completely destroyed

in the cyclone; all those children in grades 1 and 2 have been forced to use the main school on Ross Smith Avenue, with the result that the school has been very crowded both in terms of classrooms and facilities such as toilets and so forth. I am very pleased to see that some improvement and more room will be available as a result of this allocation.

One other item in the new works program relevant to my electorate is the reconstruction of Railway Street in the Parap area. I am very pleased to see that once again. It is in a disgraceful condition. It is called "reconstruction" in this document, but in fact I do not think it was ever properly constructed. I simply hope it is being reconstructed for the benefit of the residents and not simply to provide access for the printing works which is being erected in that area. On the development of the new printery, my personal opinion is that the Government Printing Office should never have been put in that position. It is a residential area generally. The printing works should go in the industrial area or, hopefully, if we are looking to long-term decentralisation, in the Casuarina area but certainly not in Parap. However, it is too late to do anything about that and I hope the residents in Railway Street, once they get their lovely new road, are not inconvenienced too much by the building of the printing works.

The final reference I would like to make is to the building of the bypass road between Nightcliff and Fannie Bay, and also the other one via Frances Bay. I have been opposed to this projected road between Nightcliff and Fannie Bay and I am pleased to say, despite the fact that it is in this budget, that it will not go ahead in the near future and I hope it never does.

Mrs PADGHAM-PURICH (Tiwi): I would like to comment on the allocation of funds in the rural area of the Tiwi electorate. First of all, I was very pleased to see that there will be a large amount of money spent on different sections of the Berrimah farm

because, for too long, the Berrimah Experimental Farm has been the cinderella of the operations up here. People out in the rural area will be very pleased to know that there will be a community health centre established at Howard Springs and also extensions will be put onto the Howard Springs Primary School. I would like to note that the Howard Springs school is unusual in that the school went in after the people were living in the area, so that the people who lived in the area were able to have a definite say on how the school would be run and what teachers would go there to teach their children and what the children would be taught. It was one of the few schools that opened already filled - starting off with demountables.

I am wondering what will happen to the \$50,000 shed that will be put up at the Coastal Plains Research Station in view of certain information I have had about the future of that place, which is the subject of a question I have on notice. I think there is one inaccuracy in the list: there is talk about establishing a dump at Howard Springs, and I think it should be Humpty Doo. That is the trouble with a lot of goings on in the bureaucracy up here; they do not seem to know what is going on in the rural area. Often this is by the choice of the people; they do not want to be interfered with, but I think they could get places and names right out there.

The Gunn Point Road is to be repaired. This is very good because more and more people are living out there and it is also the road that goes out to the gaol and the forestry project.

Although one side of the Stuart Highway is in the Tiwi electorate and the other side is in the electorate of Victoria River, I do not consider there is an iron curtain down the highway and I travel quite a bit in Berrimah. While being interested - I suppose pleased too - that Berrimah Road will be repaired down to Strath Road and also Makagon Road, I think serious consideration must be given in the

future to the upgrading of the Berrimah cross roads which has been the scene of many accidents and many fatalities.

I was very interested and rather concerned to know that money will be spent on the reclamation of Leanyer Swamp. It seems that the bureaucracy always wants to reclaim or drain swamps. This upsets the ecological balance of the area because it is an area bursting with wildlife and if only some people took the time, interest and trouble to observe the wildlife there, they would not be draining swamps. I was also very surprised that the honourable member for Arnhem has made no comment about this little bit of conservation, or what I would like to think of as conservation, although perhaps it will not be conserved. It is not in his electorate but it seems that it has been left to me, an agriculturalist - or I gave my occupation as an agriculturalist before I came here - and according to him, agriculturalists are exploiters, but it seems that some agriculturalists might be better conservationists than market gardeners and wildlife officers. I think in the future the people in the rural area should be consulted about what work should be done in their area. They have a right to be consulted, by their right of residence and their ownership of property. I would like to conclude by saying that the money that is being spent in the rural area this year will be greatly appreciated by the people living there.

Mr COLLINS (Arnhem): I feel in a little better condition to speak today than I did yesterday. I feel pretty fit. I am not altogether sure whether I became unwell yesterday because I ate something I shouldn't have for lunch or because we were all ankle deep in bile for the whole morning session.

The budget has very little effect on my electorate. Most of the money going into my electorate is federal money. There is very little I can say about the budget in that respect. Yesterday the Opposition Leader gave a long, careful and reasoned speech on the deficiencies that exist in the

appropriations in the budget; I do not want to expand on those. What I do want to talk about, though, is what appears to me to be a huge deficiency in that budget and this is of considerable concern to me and I know is of very great concern to a lot of Territorians. This is on the subject not of revenue allocation but of revenue raising.

I was pleased to hear the member for Port Darwin talk about responsibility in government. I applaud those remarks and support them. I, personally, have a great deal of faith in the future of the Northern Territory, limitless faith in the future of the Northern Territory. I would not choose to live anywhere else. However, I have no faith at all in the executive of the Majority Party of the Legislative Assembly. I said yesterday in my speech on the composition of the Wildlife Advisory Council - and as I am not on that council my particular qualifications are not really relevant - that it gave rise to a lot of doubt as to the executive's ability to lead this Territory into statehood. The attitude towards revenue raising gives an even greater degree of doubt as to the executive's ability as manager.

The member for Port Darwin talks about responsible government. Yesterday in this House, the honourable Majority Leader casually talked about \$1m being raised in the Northern Territory instead of \$6m mentioned in Mr Perron's budget speech. He referred to Mr Perron's budget speech and the figure in that speech as being a "guestimate".

MR SPEAKER: Order! Would you refer to the honourable member by his correct title.

MR COLLINS: I apologise, Mr Speaker.

This was a "guestimate". I was very interested also in how the money is going to come from uranium mining in the Northern Territory. How responsible an approach does the executive have to that? The honourable Majority Leader was interviewed on the subject not so long ago and I could not believe my ears at his replies to the questions he

was asked. He did not know how the Territory was going to get its money from uranium mining. I remember he said, "I do not know whether they are going to pay us directly or whether they are going to pay the whole lot to the federal government and they are going to send us a cheque". In fact, the word he used in relationship to the whole arrangements of revenue raising from uranium mining was "jazz". I remember that very well indeed, "some such jazz". That is how they are going to do it. He referred yesterday to the Executive Member for Finance and Planning's speech, and said the \$6m the Territory was supposed to raise was a "guestimate". I would suggest that that kind of attitude and approach to such an important subject does not really give anyone any confidence at all in the executive's ability to manage the Northern Territory as a state, and it is a long way from being responsible.

Is the minor matter of a \$5m difference in the honourable Majority Leader's speech yesterday and the Executive Member for Finance and Planning's budget speech important? The executive's advisers appear to consider that it is extremely important. I know for a fact that the advisers to the executive said to them, "It is unlikely that the Commonwealth would wish to opt for a drop in real levels of expenditure compared with 1977-78 but it should be pointed out that the maintenance of this level or any increase", and the following emphasis is the emphasis of the advisers, not mine, "must hinge solely on adequate revenue efforts being made and maintained by the Assembly. It is important therefore that the executive determine realistic levels of revenue". Nobody in his right mind, after reading the honourable member's budget speech, could say that that kind of assurance was given to the people of the Northern Territory.

It would give rise to some doubt in all Territorians' minds as to the ability of the executive as financial managers of the Northern Territory - \$5m is a lot of money. The executive's own advisers have stated that they con-

sider the Territory's ability to raise realistic levels of revenue is absolutely vital in negotiations, absolutely vital. I was appalled to hear in the budget speech that the executive of the Northern Territory, although it is entering into negotiations with the Commonwealth government, has not got a clue as to how this money is to be raised. It has not got the slightest idea, neither has anyone else. I support the call yesterday by the honourable member for Sanderson for a definitive statement to be made during this session of the Assembly as to how the money is going to be raised. I am not satisfied with words like "guesstimate" being used in this regard and I am sure no one else is either. I am not satisfied with words like "jazz" being used in relation to the very important area of revenue from uranium mining. It is not a responsible approach to government and nobody is very impressed by it.

Having said that, I would like to move on to some of the positive things about the budget that I do like. The budget is a small one and it is an important one because it is the first one. I think it is far more important, as the honourable member for Nightcliff said yesterday, not so much to criticise this current budget as to watch very carefully how the executive of the Majority Party looks after it and administers it. The debates on the second budget that will be brought down by this Assembly are going to be far more interesting as a result. I am sure that, by that time, the honourable member for Nightcliff and I will certainly have a great deal of material on which to attack the Majority Party, assuming that they are in government, if their present approach to the problem is any indication as to how they will proceed with it.

What I would like to do is to commend the increase in the allocation on tourism. Tourism is absolutely vital in the Northern Territory; it is our second largest industry. I believe that it is vital in future to give even more and more emphasis to it. People are complaining all the time about the poor

tourist facilities available in the Northern Territory. We have ridiculous junkets of expensive boats made out of beer cans going to Singapore to attract people to the Northern Territory with very little to back it up once the people get here because some of the tourist facilities in the Northern Territory are appalling. This is something which is commented on by many people who come to the Northern Territory. They say, "We went to such and such a place and there was not even a toilet there". I do not think anybody will pretend that situation is not so. I applaud further emphasis on the tourism industry in the Northern Territory. It has a lot of potential and it should be encouraged.

The other thing that I would like to raise is the matter of Connair. I fully support Connair. I am personally biased on that subject because I have been flying with Connair for a long time. I would hate to see open slather for charter operators in my electorate because I have seen from first hand the damage that some of those operators can cause. I am all for maintaining an airline which has major airline standards and Connair has these. Its pilots are as well trained and its maintenance is as good as Ansett, TAA or Qantas or any other airline because its standards are maintained at that level. I would like to see this Assembly - and I am not just talking to the Majority Party because nobody can guarantee the composition of future Northern Territory governments - give its support to Connair. I am sure the Majority Party is well aware of the current negotiations between the Connair staff and management. I am excited by those negotiations and I think that the concept that these people are trying to push is a very good one. It deserves support from both parties in this Assembly and I would like to see the future support of Connair as a Northern Territory regional airline. This is in line with our moves towards statehood and it would be a very good thing indeed to see an airline in the Northern Territory carrying Northern Territory colours and recognised as being the

Northern Territory's regional airline. I commend that concept to everybody in the Assembly.

The other thing that I would like to talk about, and again I am addressing everyone here not just the Majority Party, is that in future budgets there must be a greater emphasis on child welfare in the Northern Territory. The honourable member for Nightcliff - and I apologise for mentioning the lady so often but her speeches are very good ones - said yesterday that \$6m had been allocated for the Berrimah gaol. I would like to talk briefly about the child detention facilities at Berrimah.

I rang Nhulunbuy this morning to talk to the District Welfare Officer, Mr Geoff Sargent. He was not there and neither was anybody else. There is no one out there. It is a disgrace. That man has more work than ten people should properly be given to handle. He is responsible for the very important task of looking after Aboriginal children and other children who get into strife and who need follow-up care and attention. Idiots like Graham Gifford with their poison pens can write horrendous articles in the National Times about grog and petrol sniffing, but they make no mention of the disgraceful lack of child counselling facilities. I said to the person in the office at Nhulunbuy, "When is Geoff Sargent coming back?" She said, "In two months' time." I said, "Could I speak to the person who is taking his place while he is away?" There is no such person. I then contacted the department and found, to my horror, that the District Welfare Officer at Nhulunbuy is not going to be replaced for the entire two months that he is on leave. That is a disgrace. I would suggest to all members in this Assembly that a little more attention should be given to child welfare in the Northern Territory in future Northern Territory budgets.

I turn now to child detention facilities. The United Nations has condemned solitary confinement as being a barbaric practice which should not be carried out yet we find that this will

be carried out with children in the Northern Territory. The design of the cells at Alice Springs and Darwin is horrific. I would just like to describe them to you. They have a door with a little peep hole at the top but, not only is it impossible for the child to look out of it, it is almost impossible for people to look in from the outside. They have a narrow ventilation grill along the top of the wall and it is impossible for children confined in these things to see out. This is something which I want to bring to the attention of all members in the House for consideration in future Territory budgets.

Confinement in a room of that sort would drive me stark, raving mad after 24 hours. Solitary confinement is indeed a barbaric thing to inflict on anyone. Knowing personally a very great many of the young people who are confined, quite often with adult offenders, in the Northern Territory, I feel very deeply for their welfare if they are to be locked up in such facilities. There appears to be a feeling that, because those facilities have in fact already been constructed, it is too late to change them. That should not be the case; money should not be the object. Those things should be changed and they should be changed now. They should be changed before the first child is locked up in one.

To conclude, I would simply like to reiterate my opening remarks. I want to know before this session of the Assembly is finished just how the Majority Party executive intends to raise the money? I want to know whether it will be \$6m as was talked about in the budget speech or \$1m as was talked about by the Majority Leader yesterday or some figure in between. How is it going to be raised? I would like some reassurances on the arrangements that are to be made about getting revenue from uranium mining. Talking about these arrangements as being a lot of "jazz" is not satisfactory to me and I would suggest to the Majority Party that they will have many eyes on them in the next 12 months during the administration of this budget. The

debate for the second budget will probably be a lot more interesting than it has been for this first one.

Mr BALLANTYNE (Nhulunbuy): I would like to say a few words on the budget papers. Most of the speakers spoke about the allocations of money. There has been some emotional talk about the finding of the \$6m and I think that explanations will come forward. To evolve a budget is a very difficult thing no matter how good an economist you may be. You do not know how many demands will come from the community. The Opposition seem to continually throw stones at the Majority Party because of this and because of that but I have not heard one of those speakers come up with a budget that they think would be fitting for the Northern Territory. The way the Opposition talks, you would think that a budget can be prepared in five minutes. The member for Arnhem wants to know practically today the breakdown of where the money will come from in the Territory.

Mrs Lawrie: Everyone in the Territory wants to know that.

Mr BALLANTYNE: I have just told you that, if you know anything about budgeting at all, you will know you cannot make a budget in five minutes.

I would like to compliment the Executive Member for Finance and Planning on the way he has worked to get this budget to the Assembly just after the election. That was a miraculous piece of work and I know he spent a lot of hours doing it. If you spent more hours considering just what has gone into it, you might give some recognition for the work that has been done.

My electorate does not really derive much benefit from the budget. I live in a closed town situation. We have to ask the white father who has a budget each year. They budget each year to help the people in that town and it is not an easy job. We perhaps do get some benefits through the library services. As the member for Fannie Bay said,

there are many problems with the library services. However, in our small way at Nhulunbuy we have a reasonable number of books coming in. I checked up recently; they are coming in but perhaps not as speedily as they should be. I would agree that there should be more staff allocated to this facility for the people. I would recommend setting up small libraries in some small centres, in the Aboriginal settlements particularly.

I am very pleased to see that the Arts Council this year has been given a much bigger allocation. They only spent \$10,000 last year but, until we can get some culture into our town, we will be going backwards. I am very pleased to see that that amount has been allocated.

I am not too happy about the Museums and Art Galleries Board allocation. It seems to me that anything that they have will be in mothballs until we provide some building for them to show their exhibits. We will probably spend another two years getting them to unwrap them every now and again so that they can bring them out to show. I would like to see some more money spent in that area so that other centres can have the benefit of museums and art galleries. They have many relics of the past that they can put on show.

Although the Housing Commission allocation was not greatly increased, it is very pleasing that Nhulunbuy will probably be getting Housing Commission homes built for the first time. Perhaps I had a hand in achieving that and the Majority Party has also had a hand in that. For the first time, an outside agency other than the Commonwealth will be building houses there. This will be a great advantage to Nhulunbuy and I am very pleased to be able to mention that.

The deputy Opposition Leader made a statement yesterday that poor old Alice Springs was not getting its fair allocation. I think he must be reading between the lines because they enjoy just as much in the way of capital works, services and other benefits as

anybody else does. I think that he is just not working well enough in his electorate at the moment because he seems to forget what is going on. He did not even know that a communication system is being built even though he has been living there for quite some time.

I have always been a little bit unhappy about the allocation of money for Nhulunbuy and perhaps I am a little bit selfish in this sense. However, I can say that, from the federal allocation of funds, we have done very well in the last couple of years. At present, 19 houses have been built at Yirrkala to provide accommodation for the teachers at the new school that is being built there at the moment. That complex will cost about \$3m. I was out there the other day and it was gratifying to see that the footings are now in and it is under construction.

I am also very pleased to see that the pre-school at Nhulunbuy has been provided for. The pre-school extensions at Gove should be completed by the end of this year. That was a \$400,000 allocation. We also have a high school plan on the drafting board and we hope that will be given high priority because that school at Nhulunbuy is bursting at the seams. I brought this to the attention of Kim Beazley in the past and also to the attention of our present Minister for Education. The latter was the only one who gave me a good hearing and at last we will be able to get a high school built there in the next couple of years. The school is bursting at the seams because it has five old demountable units from Nhulunbuy South and we had another double demountable unit which was being put in just when the cyclone hit Darwin. They never put the airconditioning in that one until about 12 months later. We have bought another demountable unit which has to be positioned for the start of the school year.

I was very pleased to see in my recent visit to some of the settlements in Arnhem Land that there is a lot of work going on there. For some reason or

other, the Opposition keeps thinking that the CLP are not doing a thing for the Territory. However, everywhere you go in the Territory, you will find that there is some new construction going on. Power stations are being built, electrical reticulation systems are being put in and all these things cost money. I do not know where they think we got it from but it is being spent in these areas. I think it very gratifying to see that we are spending money in the Territory and we have to get our priorities right before we do. The honourable member for Alice Springs said that yesterday. We cannot have everything. It seems to me that the Opposition just wants things on demand. The Labor government just spent money like it was going out of fashion, as one of their own politicians said.

The Leader of the Opposition was crying out recently about the inadequacies of his office and staffing and the terrible things that he has to put up with. He did not see this building when it was hit by a cyclone. He did not have to sit here when we had no electricity and we could not even get a decent glass of water. We had no office staff, we had no offices, we did not even have a proper telephone system. One night when the Minister for the Northern Territory, Dr Patterson, was here we had to shine the lights of a car through the CPA room window because we could not see him in the dark. I have not seen him since. The Opposition Leader accuses the Speaker of all sorts of misendeavours because he never had the staff and he had to make an apology to this House this week. Where did we get money for this Chamber? I think we have quite a reasonable Chamber now which will last us for a number of years. I do not think I can cover many more of the subjects. They have been covered fairly well by most of the members and we have had a lot of speakers on this budget.

However, I would say that the building up of a treasury for the Northern Territory is a mammoth job and I think we must have a lot of patience. We have to hear a lot of comments from the Opposition too, if they want to

have their say. The Opposition Leader in his official capacity handles finance, so there is no reason why we cannot get some feedback from him. In the gradual phasing in of the responsibilities recommended in the joint parliamentary committee's report, there will be many decisions to be made over the next two years as we gradually take over the full powers and functions. This will be one of the biggest steps any government has ever taken since federation.

I commend the Executive Member for Finance and Planning for the work he has done in producing the first budget for this Assembly. I know he is working hard to continually negotiate with the federal government on our future budgetary allowances. I would also like to say that I hope, despite the criticisms of the Opposition, they can get their heads together too and give some assistance. This budget is not only for the Opposition Party or the Majority Party. This is for the whole Territory. The treasury of the Territory is very important to every single person, so it should be a joint effort in some way to produce the best budget for the people of the Territory. I am sure we are not going to take things lightly. We are going to enter into agreements which will be suitable for everybody.

Finally, the Opposition Leader mentioned yesterday about section 96 of the Constitution, relating to grants. Until we become a state, I do not think we can enjoy the benefits of section 96 under the federalism policy. I would like to say this: when we finally do take over all the powers of government, I would like to see some way we could perhaps enjoy the benefits of that section 96, whereby we could be treated in a state-type fashion and have the benefit of the federalism policy, perhaps even before we reach statehood.

Mr ROBERTSON (Community and Social Development): I had proposed to deal at some length with each of the Opposition speakers but, for the simple reason that so little came up from the Opposition that was directly relevant

to the budget, there is very little to reply to in respect of my own portfolio area. However, the honourable member for Fannie Bay corrected that to some extent and I would like to deal with some of the comments she made, all of which I appreciated. It would seem to me that the order of leadership is perhaps wrong over there because hers was the most constructive speech to come from the Opposition. At least, it dealt with issues and proposed some alternatives to what we have done. If anything was singularly lacking in the Opposition's vindictive rather than constructive statements, it was that there was no alternative proposed whatsoever. The ALP is running precisely true to form. It is said of the ALP movement that they perform better in opposition than they do in government; they certainly could not perform any worse. If that is an exercise in constructive and responsible opposition, if that is their proposal to the people of the Northern Territory as an alternative government, then I am quite sure the people will indicate through the ballot box what they think of that as an alternative. I would have thought that, having had so long to study these budget papers since they were tabled in this House, we would have heard some alternative proposals to the legislation which we have now before us. We did not see even a suggestion of it until the honourable member for Fannie Bay got to her feet.

I will deal first with her concern over library services in the Northern Territory. I share that concern with her and it is a concern which many consumers of library services in the Northern Territory share. I do not know how to describe the almost bloody-mindedness of the attitude of the public service system in the past to reduce numbers from those which existed pre-cyclone. I am able to advise that we on this side do not simply look at concerns, we get stuck into doing something about them. Today, interviews are being conducted by officers of my department in conjunction with Dr Schmitz, the Chief Librarian of the Northern Territory,

for the recruitment of additional staff to get these 50,000 or 60,000 books available to the public. A senior officer of my department, on my instructions, is being seconded to the library services, again in collaboration with Dr Schmitz, to head a taskforce which will start to produce some results. We have the Public Service Commissioner's approval for the recruitment of seven additional people to be formed into a taskforce for this purpose. The person who is being seconded from my department is a former deputy librarian of the Darwin library and is most capable in this field.

We will see some results and I am thankful, quite frankly, for the pressure which has been applied by the Opposition, in particular by the honourable member for Fannie Bay. This, in itself, has probably helped to create a climate so that we can all do something now. That is a constructive opposition and it is the only instance of it that I have seen since this second Assembly first sat. She points out quite rightly that a ratio of one to three of professionals to assistants is accepted nationally and probably throughout libraries in the world. Ideally, they should be formed in teams. This is the direction in which we are going to head but, unfortunately, due to financial restraints and staff ceilings, this particular target is unobtainable at this time. However, I am quite sure we are now moving in the right direction with regard to library services.

In the area of social welfare subsidies, both the member for Fannie Bay and the member for Nightcliff asked by what mechanism we will assess social welfare and community grant subsidies. This is something on which the community should have contact with the executive member. Various groups receive social and community welfare grants. We could work towards a mechanism whereby they can make recommendations as a unit group. The Northern Territory Council of Social Services has recently sent to me a rather well-prepared and

well-thought-out document on how this can be implemented. That, of course, has gone across to my department and I have instructed them to negotiate and liaise with the Northern Territory Council of Social Services, together with a formula which I hope we will be able to implement very shortly.

I cannot accept the honourable member's contention that, because Katherine has 3% of the population, it should only get 3% of the Northern Territory budget in this particular area. What we must do, as you would be well aware, Mr Speaker, is identify the needs - identify where it is going to have the most impact, bearing in mind the limit of the funds available. To completely scatter the funds on a population basis throughout the Territory, I would suggest, would fail miserably to achieve any useful end whatsoever.

The honourable member for Arnhem raised a point in relation to the child assessment centre in Alice Springs. I concur entirely with every criticism he made. He has obviously looked over it. He was obviously horrified to the same extent I was. I am led to understand that the matters of concern which he raised, in so far as is feasible within the structural nature of that building, are being overcome. One additional thing he did not mention in his criticism of that centre was the glass. He mentioned the small porthole, but he did not mention the fact that there was conventional glass in that porthole. You can visualise a disturbed child breaking that and either using it as a weapon on someone else or a weapon with which to inflict harm on himself. What mindless idiot, quite frankly, could ever put glass in an area of high security accessible to a child - and let us face it, anyone who goes into that area in that assessment centre is going to be one of the worst possible cases we are likely to get. No one would put anyone who was not a serious problem into an area of confinement like that. I agree with him. It is not, in itself, what I would have liked to have seen. But then, of course, we must be realistic. You might say, the

normal person who would go into there is a bad egg and security is necessary. But the absurd part about the thing - and this is something else that was not mentioned by the honourable member - is that there is absolutely no communication whatsoever between those cells and the supervisor. You might say the supervisor would do regular rounds to check the inmates but you can visualise the usual novel or movie thing where the inmate or the child - and let us face it, some of these are 16 or 17 years old and are bigger than you or I - might overcome the person in charge of the area and he could very well find himself in fact locked in the cell without any method of communication with the outside whatsoever. I do believe that there needs to be some examination given to a method of communication between those cubicles and whoever is in charge of them at the time. I am unaware what action, if any, has been taken in that direction.

Looking through the notes I have made on the various Opposition speakers, I find it difficult to make comment really on many of them because, with those two exceptions, they related not at all to the budgetary papers before us. They related, in fact, to a federal budget over which we have no control.

The honourable member for MacDonnell raised an extraordinary claim, referring back to the federal budget, that we need new postal and telephone facilities in Alice Springs. I hope he was referring to the areas of his immediate concern and I do think that communications in his areas of concern can be improved - that is, the settlements and the outstations. In the actual town of Alice Springs, I wonder really what the two commissions could do to satisfy the honourable member. For heaven's sake, they have just commissioned a brand new post office which will carry the town through to about 50,000 people. We have just commissioned a brand new engineering building which will cater for that town for many years to come. In addition to that, the office and storage space which, as a result of the vacated post

office, becomes available to Telecom will again be sufficient for many years to come. The line section of Telecom has just completed a massive project as a line depot; I do not know what else they can do unless he wants them to gold plate it. He talks about microwaves. That is progressing, and progressing through in 1979. Again, it is a technical problem. You cannot simply throw microwave stations in. It is a complex field and, Mr Speaker, I have been involved in the installation and handover of them; that is my initial background as a technical officer - on microwaves - so you can accept what I say. It is a very complex technological field and the work cannot be done overnight.

On the question of television communication being made available, we had an announcement yesterday in the Northern Territory News that quite a number of Top End areas which are directly related to the link are going to get a combination of repeaters and translators. The newspaper was quite correct in describing those two types of communications - the repeater actually repeating the program by building up its strength and the translator simply changing its channel, and you can tune into that if you are in the approximate area. I note, Mr Speaker, that you are concerned that they never included Bamyili, Elliot or Roper River - and yet they can include Borroloola, so it clearly is a technical problem. They ought to be able to include those settlements, I quite agree, and I think it is perhaps something that the ABC and Telecom together could look at.

I think probably the only good point about the speech of the honourable member for MacDonnell was that he never actually used the word "racist" once. That was extraordinary; it is the first time in this House.

Mr Perkins: I didn't know you knew the meaning of the term yourself.

Mr ROBERTSON: By God, if I listened to you often enough, I would soon find out.

Mr SPEAKER: Order!

Mr ROBERTSON: I might take up another point that the honourable member for Arnhem mentioned, and that is this little piece of paper he read from which was supposedly, according to him - I love the way they invent things over there - a statement from the advisers of the Executive Member for Finance and Planning. Indeed, it was not at all, Sir. The particular document he read from bears no relationship to the policy of this particular Majority Party. It bears no relationship at all to the advice given us by our advisers whom the honourable Majority Leader has spoken about - competent people, people who are onside with us. It was, in fact, the view of an interdepartmental committee. Mr Speaker, you have been around in this business for quite some time and you, Sir, are very well aware of the value of a lot of recommendations that come from interdepartmental committees. I would suggest it is a gross misrepresentation to put into the public record, to insert into the public mind that that is the advice we are receiving and, consequently, that is the attitude we are going to take. It is quite improper. But then, of course, it is quite consistent with the attitude of the members opposite right throughout this whole question of self-government, right throughout the whole question of funding responsible self-government.

Anyway, let us have a quick look at this - assuming there is some validity in the document from which the honourable member read. The words he emphasised himself were "reasonable" and "realistic". If we are going to use that communication - and goodness knows how they got it over there, Sir; I would not have a clue ...

Mr Collins: It fell off a truck.

Mr ROBERTSON: Yes, with you on top of the truck, throwing it off no doubt.

Mrs Lawrie: For heaven's sake, get on with it.

Mr ROBERTSON: I would have expected the courtesy of the honourable member for Nightcliff. I listened to her and, in fact ...

Mrs Lawrie: I'm tired of listening to you.

Mr Everingham: She only listens to Labor supporters.

Mrs Lawrie: You are quite wrong.

Mr ROBERTSON: Perhaps the honourable Majority Leader might have a point there. The key words, as I have already said, emphasised by the honourable member for Arnhem, were "reasonable" and "realistic". To what do those words relate? "Realistic" relates to the realistic potential of the Northern Territory. It relates to its ability to raise funds and, more importantly, it relates to its disabilities. Now we have heard no mention from the other side of the disabilities which are recognised, I have no doubt, by both sides of this Chamber. Instead of coming up with a balanced discussion which informs the public of the realities of this, we come up with this sniping, this continuation of a scare campaign. Unfortunately, that scare campaign has been successful. There is no doubt at all, with positive success, they will choose to run around continuing their scare campaign, but they pay no credence themselves in their attitude to those two words. What is reasonable and what is realistic? To suggest that the rest of Australia is going to say to the Northern Territory, "All right folks, go ahead and spend all this money as you see fit" - ever increasing millions, as the honourable member for MacDonnell would have us believe. We spend money purely for the sake of it and it matters not whether the need is there at all as long as we are spending money. It matters not at all to him as long as we are spending money. They are expecting the states of the Commonwealth, through the taxpayers of the Commonwealth, to dump unlimited millions in the lap of the government with power to spend it as they will, without responsibility being accepted by them for the raising of it. Of

course, we did hear this stroke of genius from the honourable Opposition Leader whereby we are going to increase our charges at the rate that the states increase their charges. I guess that is quite consistent from a Labor viewpoint, for the simple reason that the Labor Party philosophy has it that you do increase. The only people we hear speaking about increasing charges over what they are in the states now is the Labor Party. We are looking at a realistic level of fund raising from the Northern Territory to satisfy Northern Territory needs, having regard to its disabilities and particular set of circumstances. We are not talking about blindly spending millions. We are talking about reality and responsibility which are markedly absent from the opposite side of this Chamber.

I think the member for Nightcliff hit the nail right on the head when she said that you cannot please everyone. I know her reference was to community grants and to social welfare subsidies but I would suggest that it would probably apply to all the areas in my portfolio with perhaps the exception of local government operation subsidies. That is an awkward area. It is held by many to be perhaps a non-productive area in terms of return. It is a vital area which ensures that community groups have access to information and facilities made available to them - groups like the creches and women's centres. I know the Majority Leader will be on my back consistently from July next year to make sure that they are properly and adequately funded. He has said so on numerous occasions; he is a great supporter of them and so am I.

The basic thrust of this particular budget and budgets which will follow is directed towards productivity. It must be. There is no other way for us to get out of the problems mentioned by the Opposition, problems of unemployment and stagnation. The only one way the government can get out of that situation is to ensure that government expenditure is so directed to produce a return, things like the sealing of the

South Road, the sealing of the Ayers Rock road, the development of the Katherine Gorge, the development of Kakadu etc. You must channel your resources in the areas which will produce further resources. Mad socialist-orientated spending will not achieve that end.

Mr PERRON (Finance and Planning): In closing the debate, I would first mention that the budget before the House is not my budget. It has been prepared and collated largely by my finance department and the officers in that department have worked very hard. However, it is primarily the executive's budget. The role of the treasurer is one mainly of coordination and collation in the area of government spending and government revenue raising, but the decisions are decisions of the executive as a whole and so they should be.

I was looking forward to this debate on the budget and I did not expect that it would receive universal acclamation from our members of the Opposition. I did expect a little more constructive criticism, as has been mentioned by some of my colleagues this afternoon. The only exceptions were the honourable member for Nightcliff and the member for Fannie Bay. To a lesser degree, the member for Arnhem did mention a few mildly constructive items although they were perhaps more relevant to an adjournment debate on his electorate than to a budget debate. I am a little bit surprised - I will not say disappointed because I doubt very much that anything the Opposition could do could disappoint me - they did not genuinely look at the figures in the budget and make more constructive criticism. They had no words of praise for the budget except for a couple in an electoral context.

There was no mention of the fact that consumer protection has received 150% increase in its allocation from \$8,000 to \$20,000, that libraries in the Northern Territory received an additional \$27,000, that there is a social welfare subsidy of \$150,000 which did not even have a parallel

figure last year, that the grant to the Arts Council rose from \$10,000 to \$55,000 and that community grants for the Northern Territory rose from \$38,000 to \$100,000 under this budget. There was not one word saying that anything in this budget is at all beneficial to the people of the Territory. I think that is very disappointing.

The Leader of the Opposition claims that the ALP has changed its attitude to revenue raising. Past ALP spokesmen have long reiterated that they supported state-type charges when state-type powers came to the Northern Territory. This includes the Leader of the Opposition himself. He has previously described the principle of moving towards state-type charges as a demonstration to the federal government that a Northern Territory executive is fair dinkum about self-determination. However, yesterday he advised me that he changed his mind. He changed his mind because he did some sums a week or two ago and found out that the revenue raising in the Northern Territory is further behind the states than he thought it was. On that basis, he has completely torpedoed the original concept and he has done that for political expediency. He originally accepted that principle because it was a reasonable one in that, if you have the same authority or powers as someone else, perhaps you should have the same responsibility. However, it seems now that the Labor Party's handout mentality has got to him and he believes, as so many of his colleagues do, that the world owes him a living.

On the subject of the Housing Commission, the Leader of the Opposition claimed that the budget did nothing for employment and nothing for the building industry. In fact, we have allowed 42% of this budget for the construction and repair of houses by the Housing Commission. This is surely some sort of demonstration that the Majority Party accepts a commitment to put money where it will benefit the Territory. The Housing Commission construction program is being maintained at an extremely high level.

In 1975-76, the Housing Commission's budget was \$13m. In 1976-77, it jumped to \$21.2m with 219 new houses being commenced in addition to the cyclone repair program. In this budget, we have completely supported this very high level of activity by the Housing Commission. In actual fact, this will result in 360 new houses being commenced in addition to the cyclone restoration. The Housing Commission's construction program will benefit the Territory through the building industry and will maintain employment levels. It is not just limited to Darwin; it is spread right throughout the Territory. This year, for the first time, it has expanded to new areas such as Gove and this distribution of resources will surely benefit people all round.

Several members of the Opposition waffled on about disabilities. It was difficult to grasp what they were saying but they seemed to think that the Territory has disabilities in relation to the states, but no one could ever assess them or have regard to them. In fact, the joint parliamentary committee report and ministerial statements since have said that due regard for the special circumstances of the Northern Territory will be taken into account. Surely that statement means that the funding arrangements for the Northern Territory will take due regard to the special circumstances and difficulties in the Northern Territory.

The Leader of the Opposition raised one or two points about how public servants were liable to lose their housing, airfares and any other benefits which they may receive at the present time as we move towards self-government and eventual statehood. He raised this obviously as a scare tactic as he regularly does with this type of thing. However, that is only one of many special disabilities of the Territory as compared with the states. To attract and keep public servants, in particular professional public servants, special conditions have to apply. These will have to continue to apply if we have to attract these people to the Territory from elsewhere.

This is a cost of the Northern Territory government and is a special disability in relation to the other states. There are many others: the higher costs in the Northern Territory as a direct result of the long distances and our small population and the general problems of isolation. The higher standards of construction required in cyclone zones is a special disability of the Northern Territory. On a more parochial basis, the high cost of running a public transport system in Darwin is a result of having a massive airport reserve splitting the city in two. This also is a special disability of the Northern Territory; it is a cost to government. Any other city in Australia with a population of 50,000 would have nowhere near the distances for people to travel to and from work or the road maintenance or the public transport costs that are involved in Darwin.

The relatively high cost of insurance on buildings in Darwin is the result of two things: one being a fairly isolated area and the second being a cyclonic area. In actual fact, this makes insurance in the Northern Territory very expensive. The average citizen down south does not have to take out \$50,000 worth of insurance on his house because his house does not cost that much money. Up here, we are faced with two factors: one is the high cost of construction and, secondly, the high cyclone risk. It is a special disability of the Northern Territory.

There is also the fact that a large proportion of Aborigines in the Northern Territory do not have the income to contribute to taxation as the European population does. That is a special disability of the future Northern Territory government. It has to be clearly taken into account when per head of population figures are taken for a variety of calculations.

The necessity to aircondition office space, at least in the Top End of the Territory, is a special disability of the Northern Territory. These are just a few of the types of disabilities which are taken into account in a

proper assessment of the Northern Territory's position as related to the states. These disabilities can be assessed accurately and the Grants Commission is a body that has been doing these exercises for years and years, and they have an incredible amount of expertise and background data on which to base their exercises. As the Majority Leader pointed out before, the Grants Commission's determinations have never been overruled by any government to date. Also as the Majority Leader mentioned, one of the criteria that the Northern Territory government is insisting upon in its negotiations with the federal government on funding the Territory is the involvement of the Grants Commission in doing assessments in the Northern Territory.

The honourable member for Sanderson made several statements about how I have committed the Northern Territory to raise an additional \$6m and, despite the fact that the Majority Leader indicated before her speech that we would not be raising \$6m this year, she did persist.

Mr Collins: That's what you said.

Mr PERRON: The Majority Leader said it, mate.

Mr Collins: You said \$6m in your speech.

Mr PERRON: Sure. The Majority Leader indicated that the way circumstances have turned out - and I will explain it just a little more - there is no way we can raise \$6m. That is just an indication that, whilst I may have been accused of committing the Northern Territory to raise \$6m it is not really so at all. If we just look at what I did say in my budget speech, I said that, in the Commonwealth Treasurer's budget, under the estimates of revenue from the Department of the Northern Territory, provision was made for general revenue increases of \$6m. I also said and I quote, "I understand that the Department of the Northern Territory has proposed some areas of revenue increases to achieve that

target figure. We have yet to study these suggestions". The figure of \$6m which was included in the federal budget, as increased revenue from the Northern Territory, was the result of an IDC report which the Northern Territory executive had no say in preparing and it was based on a concept that increased charges could be brought into the Northern Territory commencing on 1 July 1977. There was no detailed survey carried out to back up the figure of \$6m. It was an assessment by an IDC. In the figure work that we have done to date - and this is by no means complete - it makes it quite clear that there is no way in the world that the revenue-raising measures that are open to this executive, if implemented at the earliest possible date, will raise any more than \$2m, and it may not even reach that figure. As the Majority Leader said yesterday, we would be perhaps fairly foolish to commit ourselves at this stage, with a federal election just around the corner, towards committing the Northern Territory to specific revenue increases, when there is the possibility of a change of the persons in the federal Cabinet.

Mr Collins: I thought you were going to say government there for a minute.

Mr PERRON: No, I didn't say that. We would obviously be wise in this situation to play our cards fairly close to our chest. I said in my budget speech that an immediate study was being undertaken of total revenue-raising capacity in the Territory generally and this has been under way. It is by no means complete. It is an enormous job that we require to be done properly before an assessment is made as to where the Northern Territory executive might choose to increase charges, because, if we are going to do the job properly, we may as well look at the whole spectrum of the field that is before us.

Similarly, to the \$6m figure, I mentioned in my speech that the federal government's budget included increased revenue from the Northern Territory in the form of \$3m from land sales.

Honourable members opposite pointed out that, as a result of the lack of demand at recent land sales, it is probably doubtful that that \$3m will be achieved and I agree with them. Perhaps it is doubtful but it is a figure that was brought up by the Department of the Northern Territory. It is their assessment, and their assessment alone, as to what could have perhaps been raised from the Northern Territory through land sales. If we do not achieve it, we do not achieve it; it is as simple as that. In all these areas where government departments are asked to advise the federal government or their state government how much is liable to come from their particular areas in the coming year, so that the government can decide how much it has to spend in its budget, it can only be an assessment and no doubt some fall short while others, without question, would go well over the anticipated figures. I make no apologies at all for there being the figure of \$3m in the federal government's budget as revenue expected to come from the sale of land.

The honourable member for Sanderson also referred several times to a non-existent document - I think she called it the financial agreement. At this stage, there is no financial agreement with the federal government. The member was implying that there were several very important areas that we should be concerned with which are being completely overlooked in this non-existent document. However, I would just point out to the House that there is no such document, no final document. There are a number of papers being circulated back and forth from officials on a number of subjects, and that is quite natural in preliminary negotiations at official levels before the final decisions are taken at the political level. There is no final financial agreement document being prepared by either side - the federal government or ourselves. References to such a document being prepared are a little premature even though I would suggest they would be untrue anyway.

The member for Sanderson also criticised and questioned some of the

activities of the Grants Commission and she went on at length about some cost disabilities which tended to show me that she was a little bewildered over the actual functions of the Grants Commission and how it goes about its work.

The member for MacDonnell studied Budget Paper No. 4 which was the Commonwealth expenditure in the Northern Territory and basically made the point that the Canberra-prepared aspect of the Northern Territory budget was somewhat out of touch with the wishes of the local people, and I would not dispute that. It is what we mean by asking for local control.

The member for MacDonnell also made a statement that the amount of money that was provided to the Northern Territory Wildlife Commission was going to be completely insufficient. He was comparing it with amounts that were provided to the Reserves Board last year and extending that forward to some of the needs at Ayers Rock. Had we not been in a position to have had the Reserves Board transferred to the Northern Territory executive and thereby bringing it within the context of our \$50m to be distributed by the executive, then I suggest the Reserves Board would not even have received \$1m. It would probably have received less than it did last year, and that would have been bordering on disaster as the Reserves Board would have had to curtail a number of areas of its current operations. In actual fact, the transferring of that body to the Northern Territory executive has saved that organisation from almost certain disaster.

The member for Nightcliff questioned the spending of an additional \$100,000 by the Tourist Board on advertising, and wondered whether it seemed to be a realistic figure. I believe that tourism hinges almost entirely on the promotion of the product, the presentation of the product, as well as the service that is provided. Obviously, people like airline companies, soap companies and soft drink manufacturers are pretty well

organised and have their own policies of massive spending on advertising to promote their product. The Northern Territory Tourist Board feels that the benefit of funds that are spent on advertising are measured primarily by visits to the Northern Territory by people living outside the Territory. In fact, there has already been an increase in sales and in the number of people coming to the Northern Territory and this is attributed to an increased advertising campaign. The type of thing which is being conducted at the moment with their additional revenue is the "See Alice while she's hot" campaign. That is the type of area where they are spending their money and they believe that, at a time when the national tourist scene is somewhat depressed, they are getting increased numbers coming to the Northern Territory. It is encouraging to them and I have no doubt that the money spent on advertising in this field will be very well spent.

The members for Victoria River and MacDonnell condemned the federal government's allocation of funds. The member for Victoria River was speaking particularly of upgrading the roads within his own electorate. We make no apologies for funding priorities made outside the functions that are transferred to the Northern Territory executive.

The member for Arnhem mentioned that there was nothing in the budget about our possible participation in uranium royalties for funding activities in the Northern Territory in the future. He is right. The budget was primarily aimed at the disbursement of \$50m which was allocated by the federal government. We were all obviously vitally interested in the possible revenue income to the Northern Territory from mining uranium. The Majority Leader has undertaken previously to keep this House fully informed on progress in the financial negotiations with the federal government which will, of course, include the Northern Territory government's participation in income from uranium mining.

The document he quoted from was one

that one of his colleagues - no doubt a thief - obtained for him. He said that it was a document from one of our advisers to the Northern Territory executive. Whilst I have not checked out the section he quoted, which would demonstrate to me which document it came from, I strongly suspect, from the words he used, that it was not from an advising to the Northern Territory executive but from one of the papers putting forward part of the federal government's stance. At one stage, there was to be a direct tie between revenue raising in the Northern Territory and Commonwealth subvention. This is a concept that we reject. I do not think the secret document that the member for Arnhem has is really the vitally important document he thinks it is. It is one of many documents that are being exchanged from time to time between our own officers and officers of the federal Treasury. These are papers exploring, proposing and counter-proposing various lines of action which will be taken in the final financial agreement between ourselves and the federal government. It is merely part of the system that is working towards what will obviously have to be a common approach if the Majority Leader and the Prime Minister are actually to put their signatures to this document in the end.

In closing, I would just like to reiterate that I commend the officers of my finance department for the work they have done on the budget paper which was almost in the final stages of preparation when the Northern Territory election was called. As a result of that election, there were a number of departments reshuffled to fit in with the new executive and, as such, the entire exercise had to be gone through again for submission to the new executive for approval. I commend them for their work.

Motion agreed to; bills read a second time.

In committee:

Mr PERRON: I move that standing orders 158 and 159 be suspended to

facilitate the consideration of the Allocation of Funds Bills. The reason for this motion is that it is necessary to depart from the normal order of consideration of the bills as set out in Standing Orders because any amendment of the proposed allocations listed in schedule 2 would affect the clauses in the first part of the bill. Therefore it is desirable that the committee consider schedule 2 first.

Motion agreed to.

Schedule 2 of Allocation of Funds Bill No. 1:

Divisions 11, 12, 13, 16, 21 and 26 agreed to.

Division 31:

Mr ISAACS: In speaking to this particular allocation, I would like to draw attention to the amount of money allocated for advisory boards' fees and expenses and, in particular, I want to talk about the Primary Producers Board. In doing so, I take up the remarks of the Executive Member for Community and Social Development when he said that the allocation for money should be in productive areas. He said that we must channel resources into productive areas and I could not agree with him more. I would like to look at the way the allocation of money to the Primary Producers Board has been achieved in the last year and point out to the Assembly how, in my view, it ought to be spent in the coming year. From the answers to questions I have asked of the executive member, it appears as though the same money will be spent in the same way.

Last year, the Primary Producers Board spent \$12,140 for its chairman to attend 14 meetings, a total of \$867 per meeting. That isn't bad for a part-time chairman. This year, they have had two meetings. According to the executive member, it has cost \$2,100 for the chairman. There is inflation! That is \$1050 per meeting for the chairman; that is a pretty high rate of pay. The chairman of the Darwin Reconstruction Commission gets criticised often enough

for the amount of money that is spent on him. There cannot be a part-time chairman in Australia who can match this one.

Not only does this matter concern myself, it also concerns a number of other people. The Progress Party, for example - not a group of people that I have come to admire - call it the Country Liberal Party propaganda machine. I do not quite know what that means but, of course, the Progress Party is pretty close to the Country Liberal Party. They seem to give out their preferences when it comes to elections, so they must know. In the Senate Estimates Committee, the matter was taken up by Senator Robertson, a Northern Territory senator. He asked the committee about this very matter. He was concerned about what the Primary Producers Board had spent on its sitting fees. It was an amount so far in excess of the other advisory boards that it had to be called into question. He asked why \$21,000 was paid last year to the Primary Producers Board for sitting fees yet all the other boards had only two or three thousand dollars spent on them. The departmental officer, Mr Lynagh, answered as follows: "The Primary Producers Board has a full-time chairman." That is not so. I do not know if Mr Lynagh was aware of it, but it most certainly is not so. I have checked with the Public Service Commissioner and he tells me that it is not the case at all.

There we have it; a propaganda machine according to the Progress Party, a chairman being paid this year at a rate of \$1,050 a meeting. He must be of great value for the primary producers and, of course, that is the shame of it. The Primary Producers Board handles a great deal of money - in excess of \$1.8m is being allocated to people who need it. However, this amount of money is being squandered at the hands of its chairman. Who is the chairman? Is there any truth in the fact that this Assembly is funding a Country Liberal Party propaganda machine? As the Executive Member for Community and Social Development says, let us put it into productive areas. Of

course, the chairman of the Primary Producers Board is the chairman of another organisation, the Country Liberal Party. In my view, it is no coincidence that this amount of money is going into it.

Of course, it looks worse. Yesterday, in explaining the allocations, the executive member made the same mistake that the budget papers themselves make. On page 155 of Budget Paper No. 5, it says that the expenditure for 1976-77 was \$39,000 and the allocation for this year is \$21,090. He knows and I know and the House will now know that it is back to front. The bill says, \$21,000 was spent last year and this year the estimate is \$39,000. How much longer do we have to pay public funds to fully support a political propaganda machine, as the Progress Party calls it? How much longer do we have to pay the chairman of the Primary Producers Board and the Country Liberal Party \$1,050 a meeting to look after the interests of primary producers?

Mr STEELE: It is pretty unreal really to think that the Leader of the Opposition would be even quoting the Progress Party or suggesting that they had any credibility in their statements. The items that he has read out no doubt read the way he has read them out. I put to you a proposition that the chairman is a part-time chairman doing full-time work. If we are to continue to try to help primary producers and to pursue our policies of getting projects off the ground and to prepare for the trade delegation that is going overseas, we have to pay that person an allowance. That allowance is obviously tied up with the meeting fees. It is not spelt out, but that is the position there. Mr Jettner is preparing material for submission to our executive at this very time. What is the watchdog doing asking senate committees about Northern Territory matters? That would have to be fairly helpful. The chairman of the Primary Producers Board is just organising a propaganda machine! No doubt the Leader of the Opposition would not step outside and say that because, if he did, he would be in real trouble.

As to the actual financial figures, I am at a disadvantage because I have not got my figures with me - I cannot reply to them right now.

Division 31 agreed to.

Schedule 2 of Allocation of Funds Bill No. 2:

Divisions 51, 55, 61, 65 and 75 agreed to.

Bills passed the remaining stages without debate.

WORKMEN'S COMPENSATION BILL
(Serial 28)

Mr STEELE (Transport and Industry): I seek leave to present a bill without notice.

Leave granted.

Bill presented and read a first time.

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

The purpose of this short bill is to support certain provisions proposed for inclusion in new rules of the Workmen's Compensation Tribunal shortly to be made. Under section 6(f) of the Workmen's Compensation Ordinance, the president of the tribunal may make rules as to the practice and procedures before the tribunal. The only rules that are presently in existence relate to the period before the tribunal was created in 1970 and are totally unacceptable for current purposes.

Mr Dean Mildren, a Darwin solicitor, has done a lot of work in preparing new rules and these have been approved by the chief magistrate and will shortly be made effective from January 1978. Recently, Mr Mildren drew attention to the fact that the previous power to make rules as to costs was deleted in 1970 and has not been replaced. This has placed doubt on the power of the president to make rules as to costs and as to the power of the tribunal to award costs. Accordingly, this bill has

been introduced to give such a power. In my view, it is essential that there be such a power otherwise a successful litigant in a workmen's compensation action could be left to pay all his own costs. This could be a hardship, particularly on a workman. It is considered essential that the amendment come into operation at the same time as the new rules and, accordingly, I have sought the urgent passage of the bill at these sittings.

Debate adjourned.

ADMINISTRATOR'S SPEECH
ADDRESS IN REPLY

Continued from 22 November 1977.

Mrs O'NEIL (Fannie Bay): I was very pleased to hear in the speech by the Administrator and to read subsequently in the Hansard that the Majority Party intends to introduce legislation to enable the Consumers' Protection Council to fully carry out its role of protecting consumers in the Northern Territory. I was pleased also yesterday that the eighth annual report of the Consumers Protection Council was tabled. In its report, the council said: "The year under review was again notable for a complete absence of any new legislation for the benefit of consumers." The council's previous report also contains strong words regarding the failure to provide legislation comparable to that available to residents in other states. In the seventh annual report, the council said: "There is no doubt that the Northern Territory sadly lags behind the states and the Australian Capital Territory in the matter of consumer protection legislation. Not one piece of legislation of this kind has been enacted during the period under review," which was 1975-76, "although the need is probably greater in the Northern Territory than elsewhere. The Commonwealth Trade Practices Act is still the mainstay of consumer protection in this part of Australia." I was very pleased to see that the Majority Party at last is recognising its responsibility in this area and I am sure the Consumers

Protection Council is too.

I would point out that the Consumers Protection Council is not exactly a radical group of people. It consists of representatives of the retail trade, primary producers, manufacturers, as well as representatives of consumers. Indeed, I presume the Assembly as a whole will be pleased to see this legislation coming in because, in 1972, the Legislative Council established a select committee which reported on the need for adequate legislation to enable the Consumers Protection Council to function properly in the Northern Territory.

In the area of consumer protection which is a very important one, we do not only need a council that has powers to protect the consumers but we need specific areas of legislation. In the Northern Territory, we need a misrepresentation of goods ordinance covering retailers as well as wholesalers. Most states and territories have this. We need date-labelling of foodstuffs. Once again, they have this in most states and most territories, including the ACT. The Consumers Protection Council report covers a wide area where they believe legislation is required - in children's flammable clothing, in safety standards for microwave ovens, safety standards for caravans, motor cycle protector helmets and so forth.

They are also looking forward to consumer credit legislation. I was interested recently to read in the Northern Territory News that the executive director of the Australian Finance Conference, Mr John Llewellyn, during his visit to Darwin predicted that in 1978 consumer credit legislation will be introduced in the Northern Territory Assembly on the basis of draft bills being considered by the Standing Committee of Attorneys-General. I was very pleased to hear this and I understand these draft bills being considered by the Standing Committee of Attorneys-General are based on legislation which was introduced by the Labor government in South Australia in 1973. It is

interesting to note that, at that time, the Australian Finance Conference opposed the bills quite vigorously but, after seeing them in practice in South Australia, they saw the merit of this legislation and we in the Opposition believe it is most desirable also. I hope, fairly shortly, we will have a statement, not only from the executive director of the Australian Finance Conference but from the Majority Party, foreshadowing that we will have such consumer credit legislation in the Northern Territory.

Mr OLIVER (Alice Springs): I am pleased to be able to speak to the proposed address in reply to the Administrator's speech. At the outset, the honourable Majority Leader has expressed well the policies and actions taken towards self-government. I consider he has also well covered the policies and actions of the Majority Party over the ensuing term of this Assembly. I do not intend to expand any further on those aspects but I do thoroughly endorse the statements of the Majority Leader.

There is, however, a matter of some concern to some of my constituents and I feel sure it is of some concern to many other people. The subject might sound trivial but it is quite serious. I refer to the abuse and illegal use of fireworks over the so-called Guy Fawkes period. I am the father of four children and I would no more deprive any child of any pleasure than I would deprive any of my children of any of their pleasures. Like Mother's Day, Father's Day and, unfortunately to some extent, even Christmas Day, Guy Fawkes Day has become a commercial operation. Its significance and origin have fallen into oblivion; I doubt that many of the younger generation would have any idea of how it came into being and why it is preserved.

The sale and use of fireworks is governed by the Explosives Ordinance and at the discretion of the Administrator. The Administrator may fix the dates on which fireworks may be purchased and may fix the hours on Guy Fawkes Day during which the fireworks

may be exploded. These dates and times were advertised in the press this year. My constituents were quite satisfied that the retailers of fireworks abide by the regulations but their main concern is that for one horrendous week the town is rent by explosions of varying proportions. There is no inconsiderable disturbance to townspeople, their pets and their letter boxes. Of more important concern is the probability - and I stress the word "probability" - of injury and sometimes permanent injury to children in the mishandling of fireworks. Fortunately, in Alice Springs this year I am led to believe there was only one injury requiring hospital treatment. I cannot vouch for that but I believe that was so. Most certainly over the past years, children's eye and fingers have been lost through this fireworks business. The final concern is the risk of fire from sky rockets and the smouldering remains of large crackers, thrown indiscriminately around. Again fortunately, I am not aware that any fires were so started in Alice Springs this year but over past years there have been such occasions.

Mr Perkins: What about bush fires?

Mr OLIVER: Keep them out of the bush. As I remarked earlier, I have no desire to deprive any child of any pleasure. Goodness knows, quite a few of them get little enough pleasure as it is. I do not consider that the deprivation of fireworks would blight the life of any child or cause him any trauma. Other states have prohibited the sale of fireworks based on the foregoing premises and I consider that, for safety's sake, we should consider the prohibition of this potentially dangerous, albeit enjoyable, practice.

Mr COLLINS (Arnhem): I noted that in his opening remarks the Administrator said the results of the recent election had established the first official Opposition in the Assembly. Of course, they established a great deal more than that, but that has already been gone into at some length, so I will not pursue it again. He went on to say that the presence of an official Opposition

in this House was welcomed. From the amount of gratuitous advice this Opposition has received since it came here, on what it should talk about, how it should talk, who should lead it and various other acid comments that have been made at various times, I do not know if that statement is correct. Anyway, I will have to accept that it is.

The first business of import that the Administrator talked about was the question of uranium mining. The Administrator said, "The Majority Party welcomes the decision to mine and export uranium" - the Assembly executive welcomes the decision. I am glad the Administrator made it clear as to who it was that was welcoming the decision; I made my views on the subject clear at the last sittings of the Assembly as did other members of the Opposition. In speaking about the Administrator's statement on uranium mining, this statement and policy was supported by many able speakers from the Majority Party - I think most of the Majority Party spoke on the subject. Two of the speeches stuck in my mind: one was the speech made by the member for Tiwi and the other by the member for Casuarina.

The honourable member for Tiwi said in her speech, "For once these people will be given a purpose in life." I have to take great exception to that statement, particularly considering that it comes from a person who has a very substantial Aboriginal component in her electorate. I know that the Majority Leader yesterday used the electorate of Tiwi to illustrate how much Aboriginal people had supported the CLP. With due respect to that, before he does that again, he should have a look at the breakdown of votes in that electorate.

The honourable member went on to say - and again I take great exception to this statement - that too many people tend to forget that Aboriginals are the same as everybody else. They are not. She went on to say that they have the same basic philosophical expectations. Nothing could be further from the

truth. Aboriginal people in general do not have the same basic philosophical expectations as most of us have. I would point that out with respect to the speech she made in supporting the policy statement on uranium mining.

The other member who spoke very strongly on the subject of the mining of uranium in the Northern Territory was the honourable member for Casuarina. It is a funny thing about Australians that we have a lot of defects in our national character. One that has always intrigued me is that, when we want to make something sell a little bit better than something else, we tend to stamp the words "export quality" on it. The member for Casuarina appears to have one opinion on uranium mining for home consumption and another one for export. I would hope that, in the same tradition as the sale of goods in Australia, the opinion he has for export is of better quality than the one he uses for home consumption.

He gave us in his speech the invaluable information that history is "a thing of the past". He talked about the divisions within the ALP on uranium. He said that the conduct of the ALP and the ACTU in promoting consultation within our community is shameful, especially when it was the Whitlam government who favoured the export of uranium when it was their decision. He felt that those who oppose the mining and exporting of uranium ignore the basic real dangers but, if Australia does not supply the uranium market, other countries will. He said that it is a simple fact of economics.

Mr ROBERTSON (Community and Social Development): A point of order, Mr Speaker! I would like you, Sir, to clarify the meaning of standing order 53 in the context of the present discussion. It seems to me that the honourable member is going over a matter previously debated here and indeed previously voted on. The only question is whether it is relevant to the matter under discussion.

Mr ISAACS (Opposition Leader):

Perhaps I could just assist you in coming to a decision on that. The important thing so far as standing order 53 is concerned is whether or not the allusion is relevant to the matter under discussion. The honourable member for Arnhem has already said that, in his opinion, the first matter of import in the Administrator's speech relates to the question of uranium mining and he is relating his remarks at the moment precisely to that subject matter. I suggest that, so far as standing order 53 is concerned, the honourable member is completely in order.

Mr SPEAKER: There is no substance in the point of order.

Mr COLLINS: The honourable member also said, "Those of us who wish to increase the benefits of modern society wish that all the foes of Australia would realise that the world's reserves of fossil fuels are drying up, and they should dry up too." I appreciated that at the time. He concluded his speech by saying, "I hope that we will be allowed to take up the challenge and play our part in developing our uranium." That is the honourable member's opinion on uranium mining, for home consumption.

I would like to read for you the honourable member's opinion on uranium mining, for export. He had the privilege of representing this Assembly at a very prestigious forum, that of the Commonwealth Parliamentary Association Conference in New Delhi. He spoke on matters of environment and of uranium mining. I quote from the speech: "The talk this morning is very brightening. I am not an environmentalist but, upon my return to the Northern Territory, I shall certainly become a member of the environmental group that we have there." He also went on to deliver some more invaluable information to the international group of people he had there. He said, "The Northern Territory has an abundance of kangaroos. We perhaps have more kangaroos in the Northern Territory than human beings."

He then went on to talk about uranium mining. During the morning session, the delegate from Canada had spoken at length about the great problems that the nuclear industry is facing in that country. Our representative there said, "After listening to the member from Canada this morning, one would think that in another few years' time we ourselves may not be here when we think of atomic wastes. Unfortunately, mining is the only mainstay we have in the Northern Territory. Our cattle industry is only seasonal. We have 25% of the world's known resources of uranium. When we start thinking of power, we have a lot of power under our ground which we have to make use of. I do not know whether my colleague from Australia would agree with me but, after listening to the member from Canada, I feel that it should stay under the ground."

Mr Dondas: You are allowed to change your mind.

Mr COLLINS: Certainly, you are allowed to change your mind and so is the Labor Party. That is the substance of all that.

To continue, the Administrator went on to talk about land rights legislation, a subject very close to my heart. I commend the Majority Party on its statement that they have adopted in principle the recommendations of the Bonner committee on land rights. I trust that, with the amount of time they are taking over the preparation of the legislation, they have used this time to prepare a piece of legislation which will not draw the widespread criticism that the last legislation did.

The Administrator went on to talk about the environment. He said, "The Assembly executive has recognised the problems associated with environmental control and conservation and will be developing appropriate legislation to ensure that the Northern Territory does not, in its developing stages, experience the same difficulties which have faced the states," I would suggest

that the recent actions of the Majority Party have proven this statement to be correct. The Majority Party, in its appointment of people to the Wildlife Advisory Council, is obviously not going to experience the same difficulties which have faced the states. The Majority Party is obviously setting out to create a whole new set of difficulties unique to itself.

To conclude, the Administrator spoke about the development of an electoral ordinance dealing with the requirements of Assembly elections. He said, "Some preliminary work is being done on an examination of the principles which might determine the form of such legislation and this is expected to be introduced late in the life of this Assembly." I also commend this statement. It is something which needs to be done. The Northern Territory has an enormous percentage of its population that uses English as a second language, and I am not just speaking about Aborigines in this respect. I would be prepared to stand corrected on this one but, from memory, I believe that over 50% of the Territory's population uses English as a second language. This obviously means that the Northern Territory has special needs as far as electoral regulations are concerned.

I would draw the Majority Party's attention to the action taken by the federal government in the recent NAC elections. The Minister for Aboriginal Affairs placed a great deal of emphasis on those elections. He was very anxious that those elections should be carried out in the most successful way possible so that the maximum number of Aboriginal people would get the best facility possible for casting a vote for the man they wanted to vote for. He did this in two ways. First, he placed on the ballot paper the photographs of the candidates who were standing. Most of these people had campaigned in the areas concerned and the Aboriginal people knew before the election whom they wanted to vote for. They were assisted greatly by the fact that the photographs of the people appeared on the ballot paper. Secondly, there was

no preferential voting; it was first past the post.

I would make two suggestions to the Majority Party. First, following in the steps of the federal government, it should consider introducing legislation that would allow the photographs of candidates to be placed on ballot papers for the assistance of illiterate voters, not just for the Aboriginal people but for a very large percentage of the Territory population who uses English as a second language. It should also consider making representations to the federal government for the re-introduction of optional preferential voting which is the fairest system of voting under the Westminster system of government. It satisfies the requirements both of people who vote first past the post and also people who want the opportunity to cast preferences for other candidates. It has the added advantage that it does not invalidate votes that are incorrectly filled out. I would ask the Majority Party, when it is preparing this electoral legislation, to consider that point.

Mrs PADGHAM-PURICH (Tiwi): I am very pleased to speak on the address in reply. I would like to speak about the people who live in the rural area of the Tiwi electorate. I am very proud to represent these people as part of the Tiwi electorate. Very generally, these people out in the rural electorate look after themselves as much as possible. A lot has been said today and yesterday about conservation and environmentalism. I think it is time that somebody paid a bit of attention to the people who practise it. I think the people who practise true conservation, mainly practical conservation these days, do it from choice which is coloured by early upbringing, training or necessity. The choice to practise real conservation now has a price tag attached to it and the price we pay is time.

People in different parts of the country have a different view of time; we waste it, we make it, we lose it, we

mark it but, to be a good conservationist, we must pay time. The people who have most time to talk about conservation, the people who pay lip service to it, are not the people who conserve. Come out our way and see it. It is the people who say least about conservation, who have adopted it as a way of life, who pay the price of their time for conservation of this world's resources - these are the people who are to be commended in the present climate of thinking.

It has been fashionable now for some time to talk about solar heaters as the ultimate in conservation for the ordinary householder. Get a solar heater, you are a good conservationist. Be hanged to the cost of the production of a solar heater and the energy necessary for processing it. You can leave your air conditioner on all day, you can flush your toilet to get rid of a bandaid, use all your disposable nappies to mop up a spilled glass of water, buy three or four newspapers to read and just throw them out and throw foodscraps down the sink or in the rubbish bin.

It is time these people shut up about conservation and had a look around to see how real conservationists are taking care of this world's resources and are happy to pay the price of conservation - their time. These people live in my electorate. They keep horses on their block, spend time to look after them and use the manure for their garden to grow things. They make their own jams and preserves from home grown fruits and vegetables for the better nutriment of their families. They build dwellings, chook houses, sheds, dog kennels or stables - Building Board inspectors and town planners notwithstanding - from good materials salvaged from here and there and the dump. These are the people in the Tiwi electorate who really conserve things. Their advice should be sought on conservation, not the advice of some academic. Their example should be followed, not this airy-fairy stuff that is put out by conservation academics which is supposed to be read and followed by all of us simple souls.

We are all too busy making sure we keep the true values in our lives and those of our families to have time to read this nonsense.

I would like to close my speech by mentioning just three examples of practical conservation that can be seen in many places in the rural area. The first one is a do-it-yourself ingestor comfort apparel unit with optional sewing kit. The second one is a solar clothes dryer and the third one is a combination transport-portage device which is self-propelled with automatic raw material take-in.

Ms D'ROZARIO (Sanderson): I appreciate the Administrator having welcomed the Opposition onto the bench. In so doing, I would like to very briefly refer to a very distressing feature of a government decision which is to take effect this financial year. It is related to a subject that is a pre-occupation of members of the Opposition benches. I hope that I will not cause the honourable member for Port Darwin too much irritation, but the subject is employment. More specifically, it is related to the prospects of public sector employment in the Northern Territory.

The economy of the Northern Territory is very dependent on public sector investment and employment. To vary the often used metaphor, when the public sector sneezes, the private sector goes home with a cold. It is of some concern to me, therefore, to note that average employment of the Department of the Northern Territory is to be reduced from the actual employment of 1976-77. The Department of the Northern Territory is the largest federal government department represented in the Northern Territory and trends in the reduction of employment in that department bode ill for employment trends in the private sector of the Northern Territory.

It is to be noted that the reduction in the numbers employed is to occur in the third and fourth divisions of that department. These levels are the actual working levels of the department, and

reductions there can only further exacerbate the falling standard of service being discharged by that department. To show the extent of the proposed reductions in employment, I point out that employment in the third division is to fall from 614 persons to 594 persons in 1977-78. Employment in the fourth division is to fall from 907 persons to 855 persons in 1977-78. However, employment in the second division is to rise from 16 persons to 23 persons in 1977-78. For the benefit of the House, I point out that the second division of the department of the Northern Territory is the executive level of the department. In case it is thought that the proposed reduction in employment in the third and fourth divisions results from the transfer of employees to the Northern Territory Public Service, I do point out that the numbers to be transferred do not fully account for the change in employment. There is still a discrepancy of some 63 persons, in addition to those who will be transferred out, the numbers of whom approximate 200.

What I am suggesting is that the present time with high unemployment throughout Australia is not an appropriate time to speak of reductions in public sector employment. The public has been repeatedly assured that reductions in the staff ceilings of the public service departments will be implemented through natural wastage - that is, resignations, retirements and so on. I submit that, in these times of high unemployment and dependence of the private sector on the public sector, public sector employment should at the very least be maintained to existing levels.

Debate adjourned.

ADJOURNMENT

Mr ROBERTSON (Community and Social Development): I move that the Assembly do now adjourn.

Mr TUXWORTH (Resources and Health): This morning I was asked a question by the Opposition Leader relating to the Vietnamese refugees and I indicated

that I would endeavour to give the House some information today relating to this problem. I have received a document from the Department of Health and, in view of the last paragraph, I would say it is going to be one of many chapters in this episode. I will endeavour to keep the House informed.

On Monday 21 November, two groups of Vietnamese came to Darwin. The first group comprised 71 persons in two boats and arrived in the morning. At primary quarantine clearance, they were found to be in good health and were transferred to the quarantine station in the afternoon. The second group of 147 persons in four boats were escorted into Darwin by a Royal Australian Navy vessel in the evening. They were generally in good health but three persons were taken to the Darwin Hospital - two for investigation of chest pains and one for possible complications associated with pregnancy. The rest of the group was transferred to the quarantine station yesterday afternoon.

Accommodation at the quarantine station has been supplemented by tents provided by the emergency services organisation. All refugees are being given a full medical screening and this will take several days to complete. Adequate stocks of vaccinations and other medical supplies are on hand for this purpose. A group of 18 Vietnamese who arrived last week have completed their screening and have been transferred south. Another boatload of refugees is expected to arrive tonight and it is not known how many people are on board this craft.

Mr BALLANTYNE (Nhulunbuy): I would like to speak about a few things in my electorate. One particular problem we have, not only in my electorate but in the whole of the Territory, is litter. I do not know if any of you have ever taken the opportunity of walking down the main streets here and have seen the vacant allotments with cans thrown all over them. It has come to the stage where I believe our Litter Ordinance is not worth the paper it is written on

because I do not think anyone has ever been charged for littering.

It is one of our basic philosophies to "Keep Australia Beautiful". I do not know if we could change that catch phrase to "Can the Can". I don't know, but the cans from soft drink and liquor generally are a menace in our society today. I have just been through Arnhem Land and the amount of litter thrown in some of these areas is astounding. I do not know whether we could have some sort of a clean-up team through the local governments. I do expect that they should have to pay for that. Perhaps we have to put a surcharge on the cans to make the cans recoverable, and then recycleable, or put a charge on the cans so that those cans can be returned even if they are just thrown into a bin somewhere outside a shop. I feel this is one of our biggest problems in the Territory today. You do not have to go down the main street here. You go to any major centre in the Territory and you will find litter just thrown everywhere.

I think it is up to the individual and it is up to the local authorities; it is up to the police to do something about it. It is no good talking about it all the time. I do not know how many clean-ups we have had at Nhulunbuy over the last couple of years. We can do it with the organised groups and they are quite happy to do it every now and again. But it has got to the stage now where we are flogging a dead horse. As far as I am concerned, it is up to the police or the authorities to make sure that litter laws are policed in the proper manner. There is an ordinance and I want to know why it has not been in operation. It is no good members of the Legislative Assembly being rung up on the phone and asked when are you going to do something about the litter law. Quite frankly, it is not worth the paper it is written on.

Another problem in the area where I live is that the Aboriginal people at Yirrkala have been complaining about fishing vessels coming in close to the shore and frightening the Aboriginal people. As you know, there are quite a

few outstations on the coast and this would be frightening to people in those areas. I do not know who these fisherman are, whether they are Australian fishermen or outside fishermen. I would like to see if there is some way of letting the Fisheries Department know where fishermen are going. I know it is all hush hush when you are fishing; you have to have your own little fishing ground and you have your own little spot. I do think they should put in a plan of where they are going on the sea. This is also useful for safety reasons - letting people know where they are, just the same as a flight plan is put in for an aircraft. When a person takes off from an airport, he has to tell the authorities where he is going and the approximate times and so on. We do not have to know the exact spot in the sea, but within certain vicinities.

The Aboriginal people there have told me that it is worrying their women folk and the children and, for that matter, the men because in a lot of the areas where they come in, there are only very small tribal groups. There is also quite a long history along the coast of Arnhem Land in the early days of fishing vessels coming in, Japanese pearlers and the Maccassans. These caused a lot of problems in the past and those memories are still there with the older ones.

I am going to bring up another old favourite of mine and that is the police boat. I know I have made quite a funny case of it during the last session but I am really serious, Mr Speaker. We must have a larger police boat in the area, to be used not only for the police, but by the customs people. The fisheries people could use it as well; there is no reason why they could not use it to spot those illegal fishing people. I stress once more that I am going to continue in this vein. I will get that police boat if I die. We are coming into the wet season now. We had a few incidents of people being lost in the last dry season. We are coming into the rougher season and one day we could have a fatality. I only hope we do not, but I will just repeat

the old adage: don't let me hear of it, because I have told you so.

Mrs O'NEIL (Fannie Bay): I wish to speak briefly about a matter which has been of some concern to me for a number of years. Originally it was known as the Palmerston Threeway and then it was reduced to being the Palmerston Freeway, and then they tried to change the proposal by calling it the Nightcliff-Fannie Bay connector road through Ludmilla. I am very pleased that this proposal by the DRC has been shelved. The Darwin Reconstruction Commission has given for its reasons for shelving the Fannie Bay-Ludmilla connector road: a lack of time in which to prepare an environmental impact statement.

Mr Robertson: You are telling lies.

Mrs O'NEIL: You are right, that is a half-truth behind which they seek to hide the full facts in relation to their handling of this proposal. The proposal has been in the DRC planning stages for more than two years. Consulting engineers began preparing design studies and cost estimates in 1976. The DRC decided formally to proceed with the road at meeting number 32 held on 13 April 1977.

The administrative procedures under the Environmental Protection (Impact of Proposals) Act require that a proponent of a proposed action shall, as soon as possible after the proposed action is formulated, give to the Department of Environment, Housing and Community Development, a notice of intention. The department then advises the minister who, in turn, decides whether an environmental impact statement should be prepared by the proponent. Such a notice of intention for this project was not given until August 1977 when the proposal had been considered by the DRC for two years, and then only on request. I would guess only because of the looming threat of legal action. Of course, not all proposals become subject to the act because of the sheer size of the administration that is required to thoroughly examine every proposal. The DRC and various

government departments rely heavily on this to ensure that most projects, particularly those they know to be controversial, become a fait accompli before the impact assessment procedures can be invoked. Such was the case with the DRC's proposal for the Ludmilla connector road. Even when asked by the Department of Environment to obey the law and file a notice of intention, the DRC had the gall to write a notice of intention which carefully minimises and grossly understates the issues raised by substantial community protests over a number of years - so much so that an officer of the Department of Environment came to Darwin to investigate. He talked to officers of the DRC and the Department of Construction and to concerned residents and other persons. An officer of the Department of Construction, I am told, told him that the department knew of no public protest over the road. The officer of the Department of Environment was not so easily deceived. He returned to Canberra and recommended to the minister, Mr Newman, that the proponent be directed to prepare an environmental impact statement. The minister agreed and so ordered. Under the procedures, the environmental impact statement, when prepared, would go out for public comment. The minister can then either veto the proposed action or order an environmental impact inquiry to be held.

The DRC reacted at this stage by announcing that it had abandoned the plan to build the road. The real reason is that it knows the proposal would not survive the environmental assessment procedures, something it had known all along. So while the DRC now complains about lack of time, what they are really saying is that their well-laid plans have been circumvented. I am very glad about that because I have always been opposed to the idea of any road that will bring through traffic through my electorate and the suburb in which I live for the purposes of getting more people into this little peninsula in town.

There are other proposals. There is the Frances Bay connector road which

should be investigated further, also the upgrading of various intersections, particularly the Bagot Road-Stuart Highway intersection which must be proceeded with before we start wrecking the environment of Ludmilla and the suburb of Fannie Bay.

Mr DONDAS (Casuarina): I rise in the adjournment this afternoon to make some slight comment regarding some remarks that the honourable member for Arnhem made regarding my trip to India in 1975.

Mr Collins: Tie me kangaroo down sport.

Mr DONDAS: No, not tie my kangaroo down sport. Let me just give the Assembly some idea and, especially Mr Collins, because I certainly hope

Mr SPEAKER: Order! You must give the honourable member his correct title.

Mr DONDAS: The honourable member for Arnhem may wish to go overseas himself. At these conferences, when you have something like about 185 or 200 delegates, they ask if you are going to speak and they give you about 3½ minutes. The two subjects that the member referred to were the environment and uranium. I am going to cover the preservation of the environment statement this afternoon, and I will pick up my uranium statement when I have a bit more time to have a look at it - when I can find it; it is a very big book. The subject under discussion was preservation of the environment, control of pollution and protection of wildlife. This subject was discussed in committee under the chairmanship of the honourable Hilton Cheong-Leen of Hong Kong, partly in the afternoon session of 30 October 1975.

Mr Everingham: Partly?

Mr DONDAS: Yes, partly, because they took everything down in shorthand and sometimes the Indian staff could not keep up with it, and sometimes they did not get what you said. They could not keep up with it. Anyway, this is what I

said regarding the environment.

From a wildlife point of view, the Northern Territory of Australia has an abundance of kangaroos. The Territory is also abundant in water buffaloes, in bird life and crocodiles. The kangaroo in the Territory should be declared a protected animal and the water buffalo also needs protection in this area. Funds could be instituted in various countries to raise money for the protection of wildlife and fauna. I was talking about wildlife and fauna. The country which thought that tourism had brought pollution to the land should think whether they wanted money from tourism or wanted to preserve their birds, animals and environment. In Australia, there was a Keep Australia Beautiful Council which worked for keeping the cities clean and beautiful. In the Northern Territory the people were active in this regard and in trying to keep the environment clean. There was also legislation for on-the-spot fines for anybody dropping litter. Appropriate legislation should be formulated for protecting the environment.

Dr D.K. Kwelagobe of Botswana also spoke. Botswana is one of the few countries of the world which has abundant wildlife within its frontiers. Botswana is a developing country and is faced with the problem of paucity of funds. He appealed to the affluent countries which had no wildlife to come to the assistance of Botswana in an effort to preserve wildlife. Botswana, within its limited means, was taking all possible steps for the protection of wildlife. Walls were not the only solution to the problem. People in the countryside had to be educated in the importance of wildlife. They had many misconceptions about various species of fauna. Botswana was badly in need of funds even for launching a tough education and training program for the country and folk.

The point I am trying to make is that you go to these seminars and, all of a sudden, they tell you that you have three minutes to speak about a subject and it happens. The honourable member

for Arnhem has misrepresented me in saying that all I got up to talk about was kangaroos.

Mr DOOLAN (Victoria River): I would like to bring to the attention of the honourable Majority Leader and member responsible for Aboriginal affairs the concern felt by the residents of Wave Hill township which is being caused due to stock owned by the Muramulla Cattle Company. I have had a letter from the residents of this township saying that their gardens are being destroyed and children's lives endangered because stock are wandering through the township at night and eating plants and shrubs which have been planted and grown with much care and attention in this barren area. Until recently, the school grounds were an absolute picture which delighted the beholder on passing through some particularly desolate country at this time of the year and suddenly sighting an oasis of extensive school grounds and gardens at the local school. A great deal of trouble had been gone to to produce these gardens which, together with the well kept and carefully tended yards of the residents, both Aboriginals and Europeans, are a great credit to the people of this important community. Now this oasis has been laid waste and the gardens smashed and trampled.

Yesterday, I had a telegram from the mechanic there requesting that I bring this matter to the attention of the Assembly. Where the responsibility of keeping the cattle out of the township lies is anybody's guess. I suppose that legally the responsibility would lie with the owners of the cattle. The township is now a gazetted township located in the middle of a pastoral lease, the lease being now known as Dagaragu. I know of no other town in the Northern Territory which has its boundary defined by fences so it would seem unreasonable to expect the residents of Wave Hill to fence in their town. On the other hand, if the Muramulla Cattle Company is requested to meet the cost of fencing off the area to keep the cattle out of the township, even if this did not create a precedent, it would be reasonable to

insist that all graziers fence off areas to keep cattle from straying onto main roads. Such a suggestion would be cost prohibitive.

From Katherine to Wave Hill is a distance of 506 miles by road, all of which passes through cattle stations within a few miles of Katherine where it enters on the Manbullo property. Only a very small section of the road is fenced off except small areas which have been fenced for paddocks to suit graziers' convenience. Stock losses through cattle being killed by vehicles are very high but cattlemen must necessarily suffer these losses as they would be relatively minor in comparison with the building of over 1,000 miles of fence to protect stock. My contention is therefore that, even if the legal responsibility to keep cattle out of the township lies with the cattle company, it would be unreasonable to expect them to bear the cost of fencing off the town unless other pastoralists were also obliged to fence off main access highways. It is well known that straying cattle do present a very great hazard to vehicles using these roads, particularly at night time. Have a look at my bomb outside; I have proof.

There is a fairly simple and relatively cheap solution to this problem. Stockmen on Dagaragu, now that the cattle season has finished, are either already on unemployment benefits or else will be applying for them until the next stock season starts. They are more than willing to contract to fence off the town, but do not have the funds. I regret that I do not have exact figures but all that is required is about four miles of fencing. A rough estimate of the money required is around \$4,000, but it would also require a grid to be built across the main road. The figure quoted for the construction of the grid is supposed to have come from the Department of Construction and was given to me as \$10,000. That seems quite ridiculous. However, as a matter of urgency, the \$4,000 needed for fencing should be supplied by the Department of Aboriginal Affairs and the out-of-work

stockmen would complete the job within a fortnight. Even if the grid was not built, the fence alone would provide a substantial measure of protection for the residents of the town and preserve the lawns and gardens which have been grown with a great deal of care and hard work.

I ask the Majority Leader to take note of this matter and, if possible, to take immediate steps to alleviate the distress caused by the depredations of starving cattle on the luxuriant herbage of the township. They are only asking for about \$4,000.

Mrs LAWRIE (Nightcliff): I was pleased to hear statements in the House about the cooperation between the Majority Party executive and the federal government. Bearing in mind the gradual transfer of powers, that is to be expected. Accordingly, I ask the Executive Member for Finance and Planning, who has responsibility for housing, whether he could table, during this session of the Assembly, the policy of the Minister for the Northern Territory concerning departmental housing as it affects male and female permanent officers with dependent children. The reason for this request is because the Department of the Northern Territory is continuing to refuse to house permanent female public servants who have dependent children if they also happen to have a husband.

This is an attitude which I find quite incredible and intolerable. In fact, it seems to fly in the face of Northern Territory legislation. I assume it is a policy decision and therefore cannot be changed by legislation. On 31 March 1976, I drew this matter to the attention of all members and asked if the person then having responsibility for the area could put pressure on the federal minister to change his attitude. In that speech, I pointed to the fact that the member for Port Darwin at the time, Mr Ron Withnall, had amended the Guardianship of Infants Ordinance with the full support of both elected members and official members to read as follows: "The mother of an infant shall

have the guardianship and custody of the infant, while an infant, jointly with the father and each parent shall have equal authority, rights and responsibilities with regard to the infant."

That is fairly significant when taken in conjunction with present departmental policy. In my continuing representations to the federal minister, I have spoken of this legislative provision and pointed out that female public servants with children have equal responsibilities towards those children and therefore should be housed in the same way as the department is continuing to house married male permanent officers. Members of the Majority Party have said in the past, with some justification, that all this will be fixed when we have a single housing authority. That may be, but I feel that the time is pressing. Housing problems are still apparent in Darwin, not so much for the permanent male public servant who seems to be very well served, but certainly for the permanent public servant who happens to be female and has dependent children and, of course, single officers. My sympathy will be stirred more towards housing for single officers when I am sure that families with dependent children are receiving adequate housing. Until the department changes its stupid, ridiculous, immoral and quite incredible policy, I can have no such assurance.

If the Executive Member for Finance and Planning would assist me in this matter by tabling, not only the minister's policy but his Majority Party's policy in the matter, we may see some action taken by the department and its minister to alleviate what is still a pressing problem in Darwin. It would seem from the expression on some honourable members' faces that they were not aware of the provisions in the Guardianship of Infants Ordinance. I would like them to see for themselves that, given a legal marriage, the dependent children are jointly the responsibility of both the mother and father and should receive the same attention from the authorities whether

it be in the field of housing or any other social service which would be their right.

In that context, may I say I had a very distressing phone call from a lady who is a permanent public servant. Her husband is normally employed in the workforce but has suffered a severe illness. He had exhausted his sick leave but she was not eligible for accommodation, in her own right, because of departmental policy. She approached the Department of Social Security for assistance for the family because of her husband's continuing illness. She was told that she was considered the breadwinner now and there was some doubt as to whether any assistance from the Department of Social Security could be forthcoming. The benevolent federal government giveth with one hand and the benevolent federal government taketh away twice with the other hand.

According to the Department of the Northern Territory, she had no status and was not eligible for housing. According to the Department of Social Security, she indeed had status - she was the breadwinner and her husband was not entitled to assistance. While these anomalies continue, I suggest they should excite the interest and concern of all members of this House to work towards a more equitable situation and a solution to problems caused by bureaucracy, simply stupid problems which can be easily overcome.

Mrs PADGHAM-PURICH (Tiwi): I would like to make some further comments about remarks that were passed yesterday about agriculturists and mining engineers. I think the remark was that the agriculturists - and I think the term was used synonymously with farmers - exploited their environment. I think the word really should be "use" their environment, in distinction to a lot of so-called pseudo-conservationists who would have us just look at the environment, look at the trees and the wallabies. It would be pretty poor country if there were not a few agriculturists and farmers around using the environment

because we would all run short of a little bit of wheat for our bread, a little bit of barley for our beer, a little bit of meat for our table and a few cabbages. In fact, we would not have very much to eat at all if the environment were not used.

These agriculturists and mining engineers live and work outside in the environment. They make their living outdoors. It is in their interests to see that a stable environment results from their work so that they can continue to make a living from that area. Just because a person is not an Aboriginal born on tribal ground does not negate the fact that he can be a conservationist and have a true regard to conserve the resources of the bush for his children and future generations. Just because a person is not an Aboriginal born on tribal ground does not mean he will throw cans everywhere, leave fires burning, leave rubbish around, kill or waste or send animals elsewhere or desecrate some areas.

I think some regard should be paid to other concerned people who just may be agriculturists and mining engineers. I will be happy to continue these remarks outside the Chamber as it affects my and the honourable member's private affairs.

Mr COLLINS (Arnhem): I rise this afternoon to speak on another subject, but I feel I should make a few passing remarks about the comments just made by the honourable member for Tiwi. If the honourable member would like to place the speech she has just made today alongside the one I made yesterday to which she is referring, she would appear to have taken all the things I said completely out of context. I would not be so foolish as to suggest that agricultural scientists or mining engineers are not necessary. I, for one, am not prepared to live without the benefits that mining brings our culture. The honourable member for Tiwi knows full well that the remarks I made yesterday were made in the direct context of the appointments to the Wildlife Advisory Council.

I would imagine the member for Tiwi would also have considerable interest in the mining of uranium. Some criticism was passed just recently in the press as to who had written the script for Galarwuy Yunupingu who addressed the National Press Club in Canberra. The journalist who wrote that story did not even grace his comment with the word "speech". He used the word "script" deliberately and he followed that up with the statement that he congratulated Mr Yunupingu on his presentation of the script. Considering the honourable member for Tiwi's indirect connection with the mining industry, perhaps I could be forgiven for asking who wrote her speech this afternoon in the adjournment debate.

In the Northern Territory News of 11 November 1977 appeared an article which contained an interview with a gentleman by the name of Mr Bob Randall who is Pancontinental's Aboriginal liaison officer in the uranium province. When news of Mr Randall's appointment was made, an Aboriginal community newspaper carried the headline -- or rather, not when the appointment was made but when the advertisement was placed for the job -- "Where are you Judas?" I was not prepared to echo the sentiments expressed by that article at all. I was prepared to wait until I had met Mr Randall, until I had seen Mr Randall in action and until I had the opportunity to judge Mr Randall for myself. I have since had that opportunity and what I have seen and what I have heard disturbs me greatly. I now concur completely with the sentiments expressed by that article in the community newspaper in Arnhem Land. Mr Randall does indeed appear to be a Judas. After this article appeared in the paper, I sat down for a long time and asked myself whether I had been talking to the wrong people during my frequent trips through Arnhem Land. I have made seven or eight visits to Oenpelli since the election because I have many friends there whom I have known for a long time before the election. I thought that perhaps I had been talking to the wrong people, perhaps Yunupingu had been talking to

the wrong people because he again reiterated the standard of traditional owners when he addressed the press club in Canberra. Had Alex Bishaw, the manager of the Northern Land Council, been talking to the wrong people? Are we all wrong?

I had the opportunity recently of hearing about Mr Randall and what I heard disturbed me. Mr Randall had addressed a meeting of Aboriginal people and Europeans, including some senior members of the Northern Land Council, black and white. At that meeting, Mr Randall said that his mother was Priscilla who was one of the traditional Aboriginal owners of Narbarlek. He said also that Jacob Niangu, whom I happen to know very well indeed, was his half-brother. That staggered me because I was under the impression that Mr Randall was from Alice Springs. It staggered other people as well.

One of the senior staff members of the Northern Land Council said to me afterwards, "That has given me a lot of concern. If this man is that closely related to Aboriginal traditional owners of the uranium province, he has a legitimate right to say what he just said and I am disturbed by it." He has a very genuine concern that the land council may have been making mistakes. He found it hard to believe because the council is very scrupulous in the way it carries out its work; it double-checks and triple-checks the evidence that it collects on land ownership. I was just as concerned so we made some inquiries and discovered that Mr Randall does in fact come from the centre of Australia and that the relationship he was referring to was a skin relationship. Using the same criteria that Mr Randall used to establish that close relationship with the traditional owners of the uranium province, I myself could claim genuine relationship with half of Arnhem Land because I, too, have a skin relationship - a relationship which I respect and because I respect it, it is respected by the people I am related to. It is a relationship that I have respected in so far as attending the

ceremonies, the kunapi and others, that I am required to do. But I would not, never for a minute, particularly in the presence of Europeans, use that relationship to try to establish close blood relationships with Aboriginal people.

I know for a fact, through following up the people who were at that meeting and speaking to them, that they definitely left that meeting with the impression that Mr Randall was related by blood to Priscilla and he was, in fact, as he said he was, the half-brother of Jacob Niangu. That was the impression that man had deliberately tried to give at that meeting and people had gone away from that meeting taking the impression away with them. One of the people who had done so was a senior staff member, a European member of the Northern Land Council, a man who has been working with Aboriginal people for a long, long time - a lot longer than I have. He is familiar with skin relationships and had not thought for a minute that that was the kind of relationship that Mr Randall was referring to. He had thought, as Mr Randall had obviously intended him to think, that he had a blood relationship with those people.

I was very disturbed by that story. I had not the slightest intention of making any comment at all on Mr Randall's integrity or the way in which he is carrying out his job, but I am disturbed as those Europeans were disturbed that they had left a meeting where they had listened with a great deal of respect to what this man was saying and they had gone away from that meeting feeling they had been deliberately misled. I feel, because this will appear in Hansard, that it is necessary for me to get into print, for the sake of the people who were at that meeting, precisely the kind of relationship that Mr Randall was in fact referring to. Mr Randall does not have any blood relationship with Aboriginal traditional owners of the uranium province. He has a skin relationship with those people, as I do, and has no more right to claim a close relationship to them than I have.

Motion agreed to; the Assembly
adjourned.

Thursday 24 November 1977

Mr Speaker MacFarlane took the Chair at 10 am.

DISTINGUISHED VISITOR

Mr SPEAKER: I draw your attention to the presence in the gallery of His Honour the Administrator of the Northern Territory, the honourable J.A. England. On your behalf, I extend to him a courteous welcome.

Members: Hear, hear!

LOSS OF LIFE IN INDIA

Mr EVERINGHAM (Majority Leader) (by leave): I move that this Assembly offers its deepest condolence to the people of India for the loss of the 16,000 lives in that country through natural disasters in the last months.

In moving this motion, I might say that the Assembly, the Leader of the Opposition and myself are mindful of the generous assistance given by the people of India and other countries at the time of Cyclone Tracy. I am sure the Leader of the Opposition will have something to say on this himself but I understand that it is proposed that he and the Mayor of Darwin and myself should together launch an appeal to the people of the Northern Territory for assistance to the devastated areas in India. I would call on all service clubs and all people in the Northern Territory to give generously to this appeal.

At the moment, there is no certainty that the sums given to the appeal will be a tax deduction but I am arranging for contact to be made with the Treasurer today to ask that he exercise his discretion to ensure that deductions of over \$2 will be tax deductible.

Mr ISAACS (Opposition Leader): It is with great pleasure that I

second the motion by the Majority Leader. It is true that I spoke this morning with Dr. Stack and she is pleased to lend her name and support to the appeal. It would be the intention that the appeal last for one month. Contributors could make their donations to the Darwin City Council where there are facilities for a separate account to be opened and separate funding to be made. People who make donations will be given a receipt. We are mindful of the contribution made to us by overseas countries and, in particular, the people of India. In their time of need, it is only fitting that this Assembly and the Corporation of the City of Darwin should do something to assist those people.

Motion agreed to.

SUSPENSION OF STANDING ORDERS

Mr STEELE (Transport and Industry): Mr Speaker, I seek leave to present a statement on transport systems in the Northern Territory.

Leave denied.

Mr EVERINGHAM (Majority Leader): I move that so much of Standing Orders be suspended as would prevent the Executive Member for Transport and Industry making a policy statement.

Motion agreed to.

TRANSPORT SYSTEM IN THE NORTHERN TERRITORY

Mr STEELE (Transport and Industry): The Northern Territory is heavily dependent on all transport systems because most construction materials and consumer goods have to be imported from other parts of Australia. Freight costs are a major component in the cost of goods, not only to the consumer but also to industry. The Majority Party is committed to a policy to upgrade the Territory's transport

system to an acceptable standard. If we look at the development of transport systems in the Northern Territory, we find that sea and air transport have played vital roles since the Territory was first settled. However, if we look at the standard of the sea and air services serving the Northern Territory, we find that the Territory is set well behind other parts of Australia and indeed some of our neighbours to the north, although they are economically worse off, have better shipping and air services than we have. Unfortunately, there is a school of thought in our federal capital, among those who control the purse strings, that air transport in the Northern Territory is a luxury. I suggest that we cease to regard air transport as a luxury, place it in perspective and regard it merely as an alternative mode of transport, a mode which, in certain circumstances, is essential for the progress and development of the Northern Territory.

I consider that those people living in remote areas in the Northern Territory have a right to social benefits equal to their southern counterparts. If this means that the only mode of travel available to them to and from business and recreational areas is air transport, then the responsibility of the government is clear. It must provide a regular and reliable air service. It has no alternative and, to this end, the Majority Party has adopted a policy to support the concept of the Northern Territory regional air service, serving the Northern Territory and operating to those areas contiguous to our neighbouring state boundaries. This policy will bring benefits to the region by providing a viable trunk service around which the other operations can be structured. Charter operators will also benefit as a result of this and the people of the Northern Territory will benefit also by having an improved service up and down the track and to Gove and Groote Eylandt with a subsidiary

feeder service to the trunk ports.

For too long, a local airline has been forced to fly thousands of unproductive miles up and down the track just to locate its aircraft for its next productive flight stage. While this has been going on, the domestic airlines have been operating the service between Alice and Darwin. My understanding is that they do not make any money out of it and, when one considers that they have to bring pilots and hostesses from outside the Territory, pay their hotel bills and other large infrastructure costs, it is no wonder. Because the Commonwealth Minister for Transport still has the responsibility for air transport in the Northern Territory, the Majority Party sees it as not only necessary but essential that there is a clear understanding on the respective roles of the Commonwealth and its departments and this Northern Territory executive and its departments concerning aviation during the critical transitional period as we move into self-government.

I can assure honourable members that there is an excellent rapport between myself and Mr Peter Nixon, the Minister for Transport, and between my department and the Commonwealth Department of Transport. I would like to quote from a press release of the Minister for Transport of 20 October 1977 about the issuing of a number of additional charter licences in the Northern Territory and Western Australia. The licences referred to in the Northern Territory were to Ross Air of Alice Springs, Mr John Tilly of Katherine, Mr Frank Ashton of Tennant Creek and the Port Keats Mission. Mr Nixon said:

Now that the future operations of Connair have been assured, it is appropriate to issue the licences subject to the normal meeting of technical and operational requirements. The government is also looking at the possible provision of air

services which are not now provided but for which demand has become apparent, and also services to centres from which Connair might be obliged to withdraw for reasons of economy.

Mr Nixon said that he had discussed the issue of the licences with Mr Roger Steele, the Northern Territory Executive Member of Transport, and will be discussing the issue of any further licences with Mr Steele prior to final decisions being taken.

The decision to issue the licences represents the government's firm commitment to provide the best possible air services to the people living in Australia's outback areas.

In the context of that statement, it is demonstrated quite clearly that, within the Northern Territory are of air transport, we are already working with the Commonwealth as a team.

During the last sittings, I indicated that we had a major role to play in settling the Connair problems and I am happy to say that we played a not inconsiderable part in convincing the federal government that the Connair service had to continue, that its routes had to be restructured and that additional charter licences had to be made available to pick up those services which Connair, with its larger aircraft, could not operate economically even with subsidy. There is still much work to be done in providing support services to the Connair network and I and my director will be having talks with the Commonwealth Department of Transport officials in Alice Springs early in December as a further step in the rationalisation of the minor services within the Northern Territory. I see the opportunity to generate freight services to all these ports with night landing capacity thereby gaining greater

utilization of the aircraft fleet of the regional airline.

Turning to road transport, I cannot say that I am at all happy with the conditions of our roads. I do expect the bridging of Newcastle Creek to be completed by about June next year and this will provide all-weather access along the Stuart Highway as far south as the South Australian border. However, there is a problem. The South Australians are lagging behind the rest of Australia in upgrading their national highway system and the South Australian section of the Stuart Highway must be upgraded and sealed before we have all-weather access to and from Adelaide.

Let us look at the sad history of the national highway system in South Australia. I want to confine my remarks to the Stuart Highway; I am sure the Western Australian Minister for Transport can provide honourable members with information on the upgrading and sealing of the Eyre Highway if they want to go into the sorry history of that stretch of road. Getting back to the South Australian section of the Stuart Highway, in May 1974 the Right Honourable E.G. Whitlam, as Prime Minister of Australia, made a promise in Alice Springs that the road would be sealed. When he and the remnants of his colleagues were despatched in disarray to the political wilderness some 18 months later, no money had been made available and no agreement had been reached with the South Australian government for the sealing of the highway even though the South Australian government was of the same political persuasion as Mr Whitlam. The Majority Party will be putting some pressure on Mr Fraser's new government to have funds made available to the South Australian government to commence work on the Stuart Highway and we will be demanding that the Commonwealth make certain that the funds made available for the construction of the Stuart Highway are spent only on

the Stuart Highway.

The Barkly Highway is in poor shape, particularly the Queensland stretch of road between Mt Isa and Camooweal. Unfortunately, some Queenslanders seem to think that Queensland stops at Mt Isa; we do not believe that is true. We will be pressing the Commonwealth government and the Queensland government to upgrade this portion of the national highway and we will be pressing the Commonwealth government for funds to bridge the James and Ranken rivers where they cross the Barkly in the Territory.

The recent rural roads conference in Tennant Creek pointed out that there is a need for more consultation with road users in the Territory before road programs are fixed and we intend that all sections of industry and other road users will be consulted before we formulate our programs when we are given responsibility for road programming in July 1979.

The Leader of the Opposition, when asking me a question on Tuesday, said that Mr Whitlam had promised funds to provide a new land-backed berth at the port. I only wish that Mr Whitlam was in a position to give us the funds but, as we well know, not only will he not be in a position to provide the funds but, even if he were, who would rely on a Whitlam promise - a promise which can be likened to a whirly whirly which, as all Territorians know, is a rotary disturbance around a centre of hot air making a lot of noise, wrecking everything within its immediate vicinity and quickly disintegrating into nothing.

Let me make my position quite clear. I expect to be able to put a case to the Commonwealth for it to totally fund a land-backed berth at Stokes Bay immediately a new federal government is sworn in. I am hopeful that the Commonwealth will fund this project. If it does, the

Port Authority will be made responsible for the construction of the facility and would expect it to be completed within three years of commencement.

Honourable members would have heard the rumours which were floating around Darwin during Mr Whitlam's last whirly visit that the Darwin Trader was about to withdraw from the Darwin service. I have an assurance from the Commonwealth Minister for Transport, Mr Nixon, that the Australian Coastal Shipping Commission has no intention of withdrawing the Trader from the Darwin service. Actually, the present rate of loss on this service is considerably less than it has been in previous years and, if the merchants in Darwin were to make full use of the service provided by the Trader, this loss could be reduced. I can say that there is at least one commercial shipowner interested in providing a shipping service from the eastern ports of Australia to Darwin when we can provide a modern berthing facility for modern vessels. Again, looking ahead, I would project that, by the time the new facility is ready, there would be ships available to operate a more frequent service than we have available to us from the east coast now.

Just before I move away from sea transport, I would take this opportunity to inform the Assembly that the Port Authority is in the final stages of reaching agreement on terms and conditions for the leasing of barge terminals at Frances Bay. After many years of frustration, the barge companies should now be able to look forward to an era of expansion safe in the knowledge that they have secure tenure over their shore facilities.

The Northern Territory executive does not have any responsibility for rail transport in the Northern Territory but we have a responsibility to ensure that the siting of the Alice Springs terminal

accords with our future planning for both road and rail transport systems into, through and northward from Alice Springs and we expect to be actively involved in the decision-making process on the siting of the Alice Springs rail terminal.

There is a lot to be done with urban transport systems. We have the problem in Darwin of saturated arterial connector roads at peak periods and, because of this, an unacceptable level of traffic on our suburban roads and in some dormitory areas. We have the problem of pedestrian and school crossings being wrongly sited. The lack of effective planning has made the task of getting from the dormitory areas to the central business district a nightmare to the motorists and a nightmare for the people who live on some of those roads which, although not suited for it, are being used by heavy volumes of traffic.

The situation is not helped by the attitude of the Commonwealth to the Darwin bus service. Instead of being looked at as a service to the public to relieve congestion on the roads, to provide a swift and economical method of getting to and from work and to relieve pressure on the central business district parking areas, it is looked at as a business enterprise which must at least break even. I can say without hesitation there is not a public bus service, whether operated by a government or private enterprise, in Australia serving a town of Darwin's population that runs at a profit. They are all subsidised. Whilst I cannot promise in the short term that we can sort out the mess - and that is the kindest word I can use - I can promise that we will be looking at it as a service to the public and, if it has to be subsidised, we will subsidise it.

We are looking at transit lane systems for our arterial connectors and hope to introduce these shortly. By way of explanation, a transit

lane system is one whereby buses and public hire vehicles, such as taxis, and passenger vehicles with three or more passengers, can travel in one lane set aside for fast travel. It works well in other places; we see no reason why it should not work well here. Of course, we have to have more buses on the road at peak periods to attract people to the bus service to make the transit system work effectively.

On the subject of buses, as a sign of encouragement, we have already issued an additional licence for the operation of a bus service between Alice Springs and Darwin. Again, I am confident that we can encourage more people to operate land transport passenger and goods services on a regular schedule basis to all areas of the Territory.

We have reactivated the Northern Territory Road Safety Council and the Darwin Traffic Committee. I gave notice on Tuesday of a bill to provide for the Northern Territory Road Safety Council as a statutory body. Both the Road Safety Council and the Darwin Traffic Committee are active in trying to sort out the problems we have with traffic on our overcrowded road systems, with too many accidents and too many fatalities and injuries. I can assure honourable members that we will keep these two very important bodies active.

I have tried to be as brief as I can without leaving out any of the important elements of our transport policy. Obviously, we will not be able to move as quickly as we would like to change some of the ingrained policies of the past, but I think the signs are already there. The people of the Territory want facilities by way of roads, railroads, aerodromes and wharves. They want a better balance between the transport modes and now that they have access to local people, both within this Assembly on both sides of the House and to our departmental employees, we can

expect a regular input of ideas and complaints from which we can sift the worthwhile and keep up our progress towards making the Territory's own transport services equal to those elsewhere in Australia. Only then can we expect reductions in our freight and inventory costs with resultant lower across-the-board costs to the consumer.

APPRECIATION OF SERVICES OF NT RESERVES BOARD

Mr EVERINGHAM (Majority Leader): I move that this Assembly records its appreciation of the services rendered by the past and present members of the Northern Territory Reserves Board.

In so doing, may I say that we can see the good work of the Northern Territory Reserves Board and its staff almost everywhere we go in the Northern Territory. Not so long ago the Reserves Board had control of all national parks within the Northern Territory, including Uluru and other areas some of which now comprise Kakadu, and I will not enter into the debate of whether they should still or should not. However, with the limited resources and a great deal of perseverance, I believe the Reserves Board was able to do a very good job for the Northern Territory, for its future heritage, with the materials at hand.

Certainly, the Northern Territory's environment is a unique one and I think we have been well served as citizens of the Territory by the members of the Reserves Board. The chairman of the Reserves Board, Colonel Lionel Rose, is probably one of the most eminent of Territory citizens, a man who has had a long and distinguished career in many areas. I really do not think that one can praise the work of this particular board and its members too highly and I am sorry in many ways to see it pass into oblivion. One can only hope that

the new Territory Parks and Wildlife Commission will be able to live up to and, one might hope, although it will be very difficult, perhaps exceed the standard of the Northern Territory Reserves Board.

Debate adjourned.

FURTHER EDUCATION COUNCIL

Continued from 23 November 1977.

Motion agreed to.

ADVISORY COUNCIL FOR INTER- GOVERNMENTAL RELATIONS

Mr ISAACS (Opposition Leader): The Opposition supports the motion. I will be very brief. We do believe it is appropriate that the Assembly be represented on the Advisory Council for Inter-Governmental Relations and, for that reason, we support the current Chief Secretary's appointment to represent this Assembly on that council. We had a debate at the last sittings about the representation of this Assembly on these sorts of bodies. Certainly, it is for that reason that we support this particular resolution.

Motion agreed to.

DRUGS BILLS

PROHIBITED DRUGS BILL 1977

(Serial 1)

DANGEROUS DRUGS BILL 1977

(Serial 2)

POISONS BILL 1977

(Serial 3)

Continued from 23 September 1977.

Mrs O'NEIL (Fannie Bay): I wish to move an amendment to the question that the bills be now read a second time. I move that all words after "that" be omitted and the following words inserted in their stead: "the Assembly is of the opinion that the bills should not be proceeded with until the findings of the royal

commission on drugs, presently taking place in Australia, are known".

In support of my amendment, I would first like to quote from the Executive Member for Resources and Health in this Assembly. In his second-reading speech, when commending these bills to the Assembly, he said:

The Majority Party is mindful of the two royal commissions currently being conducted by the states and the Commonwealth and rather than preempt the findings of the royal commissions, the Majority Party would prefer to wait until the commission's reports have been finalised. I would like to point out to honourable members that the reports of the royal commissions could well reflect and recommend reductions or increases in penalties in relation to the use of cannabis but, at this stage, it would appear more appropriate to wait for recommendations of the report.

I wholeheartedly second those feelings, and that is the reason for moving my amendment.

The bills were also referred to in the Administrator's speech at the opening of the Assembly and it was said in that speech that we would proceed with these bills now rather than defer the bills until the results of the royal commissions were known. The Majority Leader has many times complained, and so have we, of the lack of drafting facilities available to the present Majority Party and to the Legislative Assembly, which prevents us from introducing urgently needed legislation. Do we really imagine that the executive will scrap these bills after the results of the royal commissions are known so that new ones can be brought in? No. Once these bills are passed, they will stay, regardless of the results of

the various inquiries and it is quite likely that the inquiries will suggest different solutions.

Already, the report of the Senate Standing Committee on Social Welfare, entitled "Drug Problems in Australia - an intoxicated society?" recommends a different approach to the problem. I seek leave to table a copy of this, and I would point out that I have spoken to the Executive Member for Resources and Health on this matter. He is in agreement with the tabling of this document and, in fact, has commendably sought to get copies for all honourable members.

Leave granted.

This is a most comprehensive report on the problems of drug abuse in Australia - alcohol, tobacco, analgesics, as well as cannabis - and it is prepared by a bipartisan committee of the Senate after long deliberation and many expert submissions. It is noteworthy that the report considers alcohol the major problem of drug abuse in our society yet the Majority Party have not yet had draftsmen available to do anything about it. Apparently, they do have time to draft another Drugs Bill in six months or so.

If I can refer to that report, it has many recommendations. I would like to quote some of them in relation to cannabis. It recommends, item 67 -

That, for possession of marijuana for personal use, as already defined in most states

- (a) The offence not be defined in law as a crime.*
- (b) The penalty be solely pecuniary and be enforceable by attachment of property, imprisonment or such other means as may be determined.*
- (c) The penalty be a fixed amount.*
- (d) The penalty be at approximately the same level*

- (that is, \$100 to \$150) now being imposed by the courts in most states.
- (e) Court appearance be required at the option of the defendant or in the event of non-payment of penalty.
 - (f) So far as may be consistent with any Criminal Investigation Bill which may be enacted, police be directed not to fingerprint or photograph defendants.
 - (g) No record of conviction kept by the courts or the police shall be used in subsequent proceedings or in relation to any application by the offender for employment.
 - (h) A conviction should not, of itself, disqualify a person for employment.

The report also says that policies should seek "to ensure that the legal controls are not of such a nature as to inhibit rehabilitation of the user or to cause more social damage than the use of the drug causes." It also recommends that laws should be such as "to increase respect for the law and the law enforcement system." It goes on at some length. It is inevitable but unfortunate that this debate will spend a lot of time discussing marihuana which is not the major problem. The major problem is alcohol and the major problem is also heroin use. I think we are all agreed on that. Nevertheless much time will be spent on marihuana.

The report also warns that we are in danger of alienating young people in our society by blatantly applying double standards for various forms of drug abuse. It is hypocrisy for us to sit in this Assembly and talk of the dangers of drug abuse when within the precincts of this Assembly, for the benefit of 19 members and a handful of retired members, there are two bars at which alcohol is available at all hours. The Executive Member for Resources and Health has cited the United Nations Convention on Psychotropic

Substances as justification for the introduction and necessary passage of these bills. The fact is that that United Nations Convention does not mention cannabis at all. There is no reason at all to include cannabis in this bill along with heroin and other truly dangerous drugs. In so doing, I believe this bill perpetuates one of the problems it claims to solve. It establishes the preconditions for cannabis to be sold by the same illegal means as heroin and the like, and therefore makes the graduation from the one to the other more possible. The Senate committee persuasively argues that cannabis is a social drug of psychological addiction only and which, while it does apparently have some psychomotive function effect - and that is important in relation to driving - it should be considered akin to alcohol or tobacco and definitely not to heroin, morphine and so forth. It is absurd that, for possession of a mere one gram of cannabis, a person may get for a first offence a fine of \$500. If you possess only one plant, you may be imprisoned for seven years on a first offence. A plant might be one inch high but you could be imprisoned for a first offence.

I would like at this stage to consider the penalties that are included in this bill and I once again refer honourable members to the recommendations of the Senate standing committee in relation to penalties which certainly vary considerably from those included in these bills. Looking at the Crimes Act currently in force in the Northern Territory, if we destroy evidence, we risk two years in gaol; if we fabricate evidence, we risk another two years in gaol; if we escape from custody, we risk another two years in gaol. We have risked six years and it seems to me well worth it if, for having 51 grams of cannabis or one tiny little plant, your other option is to end up in Fannie Bay gaol for seven years. I also refer honourable members to the Criminal Law Consolidation Act in

comparing the penalties of this bill to other very serious offences: for assault, with intent to commit a felony, we get two years in gaol. If we possess 51 grams of cannabis, we get seven years. The penalties are absurd and I do hope that they are amended if this bill does get to the committee stage.

The bill purports to distinguish between users and dealers but in fact, by making it illegal for a user to provide his own supply of marihuana, the business of illegal dealing is encouraged. I understand that in various states of the United States in which marihuana possession has been decriminalised, six plants is the amount which the legislation prescribes as being a reasonable amount for personal supply and, by that legislation, they discourage the trade by professional drug dealers.

In looking more closely at the Prohibited Drugs Bill, it is interesting to note in addition to cannabis it proscribes tetrahydrocannabinol which is a very potent drug. It is the active ingredient in cannabis. According to the bill, the amount of THC above which a person is classified as a dealer is two grams and I support that. It is a very potent drug. Yet the limit of cannabis above which a person is classified as a dealer is 50 grams. It is a long time since I have done any chemistry but I figure that about 150 to 200 grams of cannabis would need to be analysed to get out two grams of tetrahydrocannabinol. The levels of drugs for classification of dealers is quite irrational.

I now turn to the consideration of heroin and the other dangerously addictive drugs covered by this bill. It is noteworthy that the United Nations Convention on Psychotropic Substances states that, when users of psychotropic substances have committed such offences, the parties may provide, as an alternative to conventional

punishment or in addition to punishment, such may provide, as an alternative to conventional punishment or in addition to punishment, such measures as treatment, education, after care, rehabilitation and social integration. There is no provision in this bill for such alternatives to imprisonment, yet all persons knowledgeable in this area insist that treatment is needed for drug addiction and imprisonment is not a method of treatment. In reading the debates on the previous drugs bills, I note that various members of the Country Liberal Party were also concerned about this aspect. The member for Nhulunbuy and also the member for Stuart Park did not believe that imprisonment is a proper way to treat drug addicts.

There has been much publicity in the Northern Territory lately about the need to provide a treatment centre for addicts, particularly for heroin addicts. All concerned citizens welcome initiatives in this area. Treatment is the answer to heroin addiction not imprisonment, yet there is no acknowledgement of that fact in this bill. If a treatment centre is opened, who will be able to use it? Any person who admits to being an addict by seeking treatment at such a centre makes his addiction public. Members of the police force, with a duty to enforce the provisions of this bill if it became law, would have to act upon this knowledge of addiction and the addict would quite likely end up in gaol or certainly before the court.

I would like to consider specifically some aspects of the bills. If my amendment that the bills be delayed until the findings of the royal commissions on drugs are known, is not agreed to, I foreshadow that I will bring in certain amendments changing the word "deemed" to the word "presumed" in clauses 7 and 8 of the Prohibited Drugs Bill. "Deeming" is a very harsh term. In criminal legislation even presumptions are used to a very

limited extent because, in effect, they reverse the fundamental principle in criminal law of innocent until proven guilty. Presumptions are generally restricted to matters which would otherwise involve the court in the taking of lengthy evidence of a technical nature. Presumptions act by easing the burden of proof on the Crown so that the accused to succeed must then bring in evidence to rebut the presumption. When you have a "deeming" provision, you cannot rebut; you cannot do anything about it. The effect is such that, if a court was not satisfied beyond reasonable doubt, for instance, that the person did not intend sale or supply to another, a defence would not be available. Clause 7(1) coupled with clause 21(3) of the proposed bill, which refers to the Justices Ordinance, provides for massive injustices to be inevitable.

The relevance in any event of clause 21(3) of the bill and section 75 of the Justices Ordinance is in question. The bill provides that the majority of offences are indictable - that is, brought by indictment and not complaint. It is a difference in form but it is significant. Section 75 of the Justices Ordinances applies only to complaint. The only offences in this bill to which the section relates would seem to be offences not specified as indictable. Obstructing police is one but I do not know if there are any others.

A hapless "guilty though innocent" offender would have to rely on section 4(1) of the Criminal Law Conditional Release of Offenders Ordinance if he were dealt with by a magistrate or on section 5 if he is dealt with by the Supreme Court. What court will deal with the offender? The reason for clause 21(1) of the bill is a little baffling as it is doubtful whether charges under the proposed ordinance would have come within the limited scope of section 120 of the Justices Ordinance in any event.

The provisions of section 121A of the Justices Ordinance and following provisions are quite extensive and it should be anticipated that most offences to come before the courts would be dealt with under these provisions. However, with a view to clogging the Supreme Court, delaying justice for all civil litigants, expending needless additional funds by way of judges, staff and professional costs, clause 21(2) of the bill excludes the provisions of section 121A and following provisions from certain offences under the bill. Obviously, the draftsman was not the same person who drafted the section 121 provisions because he would have realised the theory behind those provisions to relieve the Supreme Court from dealing with such offences and to enlarge the jurisdiction of lower courts.

The second effect, as alluded to above, is more serious. The "guilty though innocent" offender, if he is an offender under clause 21(2), now cannot escape conviction thanks to the "deeming" provisions and the lack of options given the Supreme Court under the Criminal Law Conditional Release of Offenders Ordinance. I would like to give an example. I have in my possession 51 grams of cannabis for my own use, 1 gram more than a packet of roll-your-own cigarette tobacco. It is undoubtedly for my own use and I can prove it. I am charged under section 5D and I have no defence because I am deemed to have it for sale under 7(2). The magistrate might accept that I did not intend to sell it but he does not have the power to deal with me by virtue of clause 21(2). The judge may believe me but it is no defence. The best he can do is to convict me but release me without passing sentence upon my entering a bond under section 5(1) of the Criminal Law Conditional Release of Offenders Ordinance. The sentence to which I, an innocent, am liable to is imprisonment for 7 years for a first offence.

Provisions for search warrants in the bills that were introduced in the previous Assembly caused much comment both by the former member for Port Darwin, who had been Crown Law Officer in the Northern Territory, and also from the member for Jingili, who is now the honourable Majority Leader. I would like to quote what he said because I believe that it is true and very wise. He said "What I propose, and I believe a majority of members will support me, is that the bill should be amended to provide that, in all circumstances, a search warrant must be obtained before entry is permitted into premises. After all, Justices of the Peace who can grant search warrants are readily available at almost any hour of the day or night and the police know where they can find them should they need them." They are very wise words and I support the Majority Leader. I presume that he will not withdraw them at this stage; I see no reason why he should.

It is interesting to compare the Prohibited Drugs Bill which lapsed at the end of the first Assembly with this new Prohibited Drugs Bill. Indeed, there are equivalent clauses in the Dangerous Drugs Bill too. Clause 12 of this new bill allows police to stop, search and detain a vessel, a vehicle, a caravan, a trailer or other conveyance or a person whom that member has reason to suspect has in his possession etc. In the old bill, we had a further clause which recognised what a very great power that was. In giving that power, it also provided in the next clause that a member of the police force, as soon as practicable after the exercising of that power, should forward a report in writing to the Administrator for submission to the Administrator-in-Council of all the circumstances justifying the exercise of that very great power. The bill recognised it and I presume the Majority Party at that time recognised the need to limit those

very great powers. However, for some reason which I cannot for the life of me work out, that has been excluded from this new bill. A member of the police force may stop, search and detain a vessel, a caravan, a trailer or a person on suspicion without having to justify it to anybody.

Finally, I would like to foreshadow some amendments in relation to forfeiture. They are considerable. I will not go through them. If we do debate this in committee, I will point out my reasons at that time. However, I do not believe that the provisions for the return of goods that have been forfeited are adequate. I believe the provisions must be made much tighter. The bill makes provision for the return of goods when a charge is not proceeded with, but it does not make provision for the return of goods when a charge is proceeded with and a not guilty result is recorded by the court. That must be fixed up. Further, there are various other amendments which I have referred to the Executive Member for Resources and Health for his consideration.

I urge members to support the amendment to defer the passage of these bills so that the legislation which is ultimately produced relating to drugs in the Northern Territory properly reflects the inquiries presently being held. The knowledge and information which they will provide our community will mean that we are passing sound legislation and good legislation. I do not think it is excusable to pass bad legislation and say that we are only passing it for a couple of months.

The House divided:

Ayes 7

Noes 12

Mr Collins	Mr Ballantyne
Mr Doolan	Mr Dondas
Ms D'Rozario	Mr Everingham

Mr Isaacs	Mr Harris
Mrs Lawrie	Mr MacFarlane
Mrs O'Neil	Mr Oliver
Mr Perkins	Mrs Padgham-Purich
	Mr Perron
	Mr Robertson
	Mr Steele
	Mr Tuxworth
	Mr Vale

Mr PERKINS (MacDonnell): I am happy to rise today to talk about the drugs bills which are presently under consideration in this House. The matters that are contained within the drugs bills are of vital importance to the Northern Territory and also to the rest of Australia. The issues that the bills present are complex and I believe the whole of the Territory, even the members in this Assembly, ought to have additional time to consider the issues that are presented. I believe the bills themselves and the second-reading speech made by the Executive Member for Resources and Health are again an indication of the ineptitude of the Majority Party in failing to grasp the real problems which are posed by the abuse of drugs in the Northern Territory and the world at large. I see the bills as proposed as a reflection of their ignorance about the drug problem in general and the solutions that are necessary to overcome these problems in the area of legislation.

I would like to suggest that the bills, as such, are not actually designed to effectively get to the heart of the drug problem in the Territory but rather they appear to be an attempt to provide some answers in a piecemeal way, even to the extent of victimising the real victims of the problem who, I believe, are the youth of the Territory. They also infringe upon the civil liberties of all Territorians.

I have said "abuse" because it has been demonstrated that drugs - and these are legal and illegal drugs - are able to be used and

abused, I would use the example, for instance, of cannabis and dangerous drugs like heroin. This includes alcohol which is, I believe, the most abused drug in the Northern Territory and over which the proper controls are almost out of existence. It is notable that there has been no attempt on the part of the Majority Party to provide for controls over alcohol abuse in the Territory in these bills or in other pieces of legislation. The problem is that the whole of the Territory is left in this regard with a situation which is unacceptable.

In recent years, the senior lecturer in pharmacology at the University of Sydney has actually drawn attention to the tendency on the part of government to make assumptions which lie at the heart of the failure on the part of educators to develop in the community a healthy attitude in respect of the use of drugs. I believe that because anybody or any institution - for example, the Legislative Assembly of the Northern Territory - has declared the use of drug X to be illegal, the assumption that any use of it amounts ipso facto to abuse in medical terms is unhealthy, undesirable and, therefore, has to be worthy of condemnation. There is a similar view put forward by people who have commented that the only proven dangerous thing about cannabis is the penalties attached to having it illegally in your possession.

I do not think it can actually be suggested, with complete accuracy, that the drug problem has reached the high point that it has, even in the Northern Territory, as a result of inadequate laws. The laws have always been there and have at times been enforced with considerable vigour. At the same time, the use of illegal drugs has increased markedly and if the admissions of police in other areas is any guide, then the activities of the police cannot be said to have had the slightest influence in being

able to check that explosion.

I believe that, while it is true to say that the major problem of illegal drug use is with the young people of the Territory, it would be wrong to think that the major problem of drug abuse also lies there. I believe it is essential for this Assembly and the Territory community as a whole to realise that the major problem of drug abuse in this country is the one of excessive alcohol consumption which even people in this Chamber on the benches opposite would regard as a laughing matter or as a problem to be ignored - I suppose with the exception of the Executive Member for Resources and Health who, we are informed, is a teetotaler. Both Alice Springs and Darwin are always boasting of their phenomenal consumption of beer and other forms of alcohol. Darwin recently feasted its reputation as the "grog" capital of Australia by launching a tourist promotion around their beer cans, in the form of beer-can regattas and the journey of the beer-can boat to Singapore. It is most extraordinary that the Executive Member for Resources and Health, who professes to have expert knowledge of drug problems, has not seen fit to introduce other laws into the Assembly which are able to come to terms with alcohol abuse. Again, I say this is the major problem of drug abuse in this country.

On the other hand, there are also the problems of abuse associated with other drugs such as aspirins, tranquillisers and vallium. I believe this problem is evident in all age groups of Australians but more particularly amongst middle-age people. Australia has one of the greatest consumption rates of these medical drugs in the world and I think that, for most, the use of such drugs can be characterised as abuse. It has been rightly said that this country has a drug culture. The drugs which these bills before the Assembly are really trying to suppress are but

the smallest fraction of this drug culture. If the legislators in this Assembly, the police and other authorities devoted anything like the time and attention that they presently give to trying to stamp out the illegal drug consumption instead to attempting to develop a healthy attitude in the community to drugs in general, the use of illegal drugs could be expected to decline. The younger generation is aware of this situation and are rightly critical of a person who, with a beer can in his hand, has the audacity to attack the smoking of pot which has virtually the same effect but the consequences, I understand, are really less important and serious - that is, with the exception of the impositions which the Majority Party is trying to impose in this Drugs Bill.

The Opposition does not have a brief for the extension of the range of drugs available in the community. We have enough of these problems with the uncontrolled use of drugs which are presently available and which, in the newspapers and on the television, the entrepreneurs are trying to jam down the throats of the community. At the same time, we call for a sense of proportion in trying to cope with the problems which are posed by the illegal drugs. We see no reason why a section of the community ought to be singled out, have its rights suspended and also its liberty taken away merely because the younger generation is able to mimic, in a slightly distorted way, the things its elders are doing.

I believe these drug bills which are presently under consideration will also give the police extraordinary powers. They will reverse the onus of proof in courts and also submit people to draconian penalties. Yet any person with experience of drug use will tell you that some of the measures are unlikely to have any marked effect on the range or pattern of illegal

drug consumption.

I would now like to look at some of the iniquitous provisions of the Prohibited and Dangerous Drugs Bills. I would like to draw your attention to clause 15(3) of the Prohibited Drugs Bill - I understand there is a similar provision in the Dangerous Drugs Bill which will provide for legal entrapment and the use of agents provocateurs. Australia has always had a tradition of disliking such people. It is a tradition which has developed over the years of resistance to landlord classes and political repression in countries such as Ireland. The Opposition is completely opposed to provisions of this kind.

Again, these bills provide for the invasion of people's homes without any warrants. They provide for body searches and for police powers to stop cars and to detain their occupants. These powers give the community only a very limited protection of requiring the police to have reasonable grounds for suspecting that the person involved had in his possession illegal drugs or that, on the other hand, he may have had in his possession the illegal drug. One wonders whether these reasonable ground will be that a person is young and that his hair is long.

I would now like to draw your attention to another clause of the Dangerous Drugs Bill, clause 23(7). Under this clause, the courts are given a power to assume, until the contrary is proven, that the searches and invasion of privacy were not authorised by warrants. However, the courts are not also told to reject that evidence. In the United States of America, I understand that evidence which is collected by illegal search and seizure is not admissible. However, the situation is different in common law countries, for example, Australia. A judge or a magistrate can still admit evidence obtained in this way and they frequently do.

What penalties will be attached to police who overstep their authority? The most that appears to be possible, and that is only a possibility, is that a court will reject their evidence.

Then there is the question of penalties and the fact that the offences prescribed are made indictable, and therefore can be tried before a supreme court and jury. There seems no justification for penalties of the order described in the drugs bills when they are compared with each other and with the penalties prescribed for other offences. There are indeed some persons trafficking in human misery for whom very severe penalties ought to be enacted but most of the sales of heroin are at the lowest level of the pyramid. I believe that to date the police have been ineffective in tracking down the businessmen and the organised men in the criminal area who are actually bringing in and disposing of considerable amounts of drugs for resale down the drug chain. On the other hand, they have had their effectiveness in being able to net other persons who are themselves addicted and who sell to other addicts to support their habit. This is a common way of trafficking in drugs. It is very pathetic and deserving of punishment perhaps, but not deserving of 7, 15 or up to 25 years in prison. It is worth noting in this regard that one of the biggest problems of addicts is obtaining money to support their habit and thus we have those people who want to break into houses or rob others to get it. These people would actually be less punished for doing such things than someone who sells to a friend, also addicted, a small quantity of drugs so that he can supply himself by making a slight profit.

The Opposition regards with abhorrence other clauses such as, for example, clause 7 and also schedule 2 of the Prohibited Drugs Bill. These completely reverse the onus of proof requirements which

over the ages have been a landmark of the system of British justice under which we live. It is a complete reversal of the age-old assumption based on millions of legal cases that a person is considered innocent until he is proven guilty. The circumstances do not really justify these provisions or, for that matter, any other provisions of that kind.

I believe that in these respects the drugs bills are a recipe for short-cutting established law principles and justice principles in this country. The executive of the Assembly and the police have asked for this approval to short-cut the established principles of justice; this is not surprising as the enforcers of these laws can always be expected to seek the most convenient solution.

Mr Tuxworth: What clause?

Mr PERKINS: I say, Mr Speaker, that we are not able to base this justice on convenience. I would say that justice must be done and be seen to be done.

Mr Tuxworth: What clause?

Mr SPEAKER: Order!

Mr PERKINS: If the honourable member would listen to my speech, then he might learn something.

Mr Tuxworth: I'm trying to learn what clause you are referring to.

Mr SPEAKER: Order!

Mr PERKINS: I believe that rights have been hard won and that we, in this Assembly, are not in a position to lightly cast them aside. The problems that are caused by drugs, however serious, are not to the level that we should begin to throw established laws and legal principles out of the window. The major thrust of these bills is misguided and a threat to our system of justice in the Northern

Territory. In effect, they are likely to operate as an affront to basic human rights and to civil liberties. I do not believe the problem of the use and abuse of drugs is, in a sense, a purely legal problem or, in other senses, purely a doctor's problem or a psychiatric problem. It is a problem of the whole community and the law has so far provided no real answers, nor have the doctors or the educators. All admit, however, that the prevailing drug culture is the major enemy. Yet these bills will do nothing whatsoever to combat that situation and thinking you can work on the problem by providing stiffer penalties will only further delay the day when we can come to grips with the problem. In the meantime, I suggest there will be hundreds more people with these problems and the casualties will be there.

Mr ROBERTSON (Community and Social Development): I am quite shocked. I would have anticipated that there would have been some opposition from the members opposite in respect of the generally described "soft" drug, marihuana. What absolutely staggers me is that the honourable members opposite are not even prepared to support the majority in its attempt to stamp out trafficking. We have just heard from the honourable member for MacDonnell that he does not believe the penalties should be so severe for trafficking heroin. I am absolutely amazed. I hope the rest of his colleagues do not go along with that. I would have thought that his speech, to which he was so attached that he could not even take his eyes off it for a second, was probably written by someone else. I would assume that that is most likely the case because I do not think that he really believes that this Northern Territory should pussyfoot around with traffickers in heroin.

Mr Perkins: That is a false assumption.

Mr ROBERTSON: In that case, I

am even more disappointed because clearly he is now admitting that those are words of his own authorship.

Members of the Opposition did express some concern with the Majority Party proceeding with this legislation at a time when the matter is being discussed in various royal commissions. The reason quite simply is that the provisions in relation to marihuana are of minor consideration in this legislation. It does not seem to me at all proper to withhold this legislation, which deals with hard drugs and hard drug trafficking, for an indeterminate period while someone somewhere else carries on an inquiry. It is vital to do something about drug trafficking, drug use and drug abuse in the Northern Territory.

The honourable member for Fannie Bay suggests that, because certain people regard marihuana in the same light as alcohol, we should legalise marihuana. I might suggest that, if the drug alcohol was invented today in 1977, you would probably find many legislatures throughout the world banning it. It is not proper to attempt to legalise one evil by comparing it with another. Let's face it, we are all concerned about the problem of alcoholism.

The member for Fannie Bay raised an incredible proposition that, if she has 51 grams of marihuana, she is going to incur the maximum penalty. That penalty is there to cater for a range between 51 grams - and the court would have due regard to that amount - and someone with a whole factory full of it. That is why, in all punitive legislation, there is a built in flexibility for the courts. The courts do not look at the maximum penalty and say, irrespective of the evidence, irrespective of mitigation, irrespective of past records, they are automatically and immediately going to impose a maximum penalty. It just is not done. I am quite sure the honourable member really

does not believe that our courts are so stupid.

The member for MacDonnell expressed concern, as did some members in the previous Legislative Assembly, on the question of presumption of guilt. He suggests that there is something improper about that. There is no presumption of guilt; there is a defence mechanism provided. The presumption is accepted internationally that certain quantities constitute prima facie or strong evidence of intention to sell. It is exactly like having a presumption that a person who has a blood alcohol content of 0.08% when in charge of a motor vehicle is driving that vehicle illegally. In other words, the presumption has been on medical evidence that 0.08% is driving under the influence for the purpose of the safety of motor vehicles. It is precisely the same mechanism. It is a level which is applied. There is nothing inconsistent about it; it is evidence in itself and it is necessary. You cannot tell me that a person will incur a much greater penalty for having 51 grams than he would for 50 grams. While the range of penalty available to the court is different for possession for one's own use and deeming possession for another purpose, there is no doubt at all that the actual penalty imposed by the court would probably be the same or very close to it for the possession of 50 grams as it is for 51 grams.

It is quite possible for the court to have in its mind that perhaps 51 grams might have been intended for private use. In other words, I do not think users are going to carefully weigh it out on a beam balance. However, you cannot tell me that someone who has a paper bag full of 15 lbs of the stuff has it for his own use. Logic requires that a cut-off point be established by general agreement internationally through the conventions. That figure has come from international agreement and discussion. It is not

something that we dreamt up.

I am well aware of the necessity for rehabilitation. However, first we have to cut off the supply. We have to stop pussyfooting around with this problem. We have to take on our responsibilities in the criminal area for the simple reason that we do not have the facilities for rehabilitation and we do not have proper laws to prevent trafficking either. Because we do not have the facilities, we should not ignore our responsibilities in the most important direction of prevention.

During the three years of Labor rule, when all Territory capital works were run from Canberra, not one cent was spent on rehabilitation by these marvellous curers of all the world's evils. This wonderful group called the Australian Labor Party in government was capable of telling France, Germany and England what was good for their people but it could not help us here with any rehabilitation program or with any decent facilities for rehabilitation programs or with any decent facilities for rehabilitation of drug and alcohol addicts. Let us not have this pious, sanctimonious preaching from the other side about what we have not done. I also take this federal government to task for not providing these facilities in the Northern Territory. I support any call they make to the Fraser government to provide assistance to this Territory. However, that does relieve their party of the burden that it should have borne.

This legislation has now been around for months and they want it deferred further. It is high time this legislature gave some teeth to legislation in the Northern Territory to control drug trafficking and abuse. It should use that as a basis for conquering this problem and work hard towards getting decent rehabilitation facilities as well.

Mrs LAWRIE (Nightcliff): I am going to take a slightly different slant on this debate. The reason that governments are so anti-pot smoking and so much in favour of pushing alcohol, the reason governments largely ignore the tremendous problem of alcohol abuse in Australia today yet are so ready to condemn relatively harmless pot-smokers is because it would be impossible for the benevolent governments to make a quid out of legalising pot. They make a lot of money out of the sale of liquor. Alcohol is our number one drug problem and it leads to all kinds of excesses which are a disgrace to the community.

The government makes millions a year in excise. The maximum penalties in this bill for the simple use of marihuana, either by smoking it or eating it in cookies, are \$500 for a first offence, \$1,000 for a second offence and \$2,000 for any subsequent offence. These maximum penalties are a guide to the court of the serious light in which we view any particular offence. For growing pot, which is so easy and for which the government would get no money, the penalties are 7 years first offence, 15 years second offence and 25 years for a third or subsequent offence. Of course, you would have to wait a fair while to get to your third offence. If the courts imposed the maximum penalty, you would have spent 12 years languishing at the expense of Her Majesty and the taxpayers of Australia. This is for producing your own pot.

Mr Robertson: It includes 50 acres at the Roper River.

Mrs LAWRIE: It may include 50 acres but it also includes the person who has his own pot plant growing on his own window sill. He is minding his own business and causing little proven harm to any other member of this community. That is why I regard these harsh

penalties as being so hypocritical. We do have medical evidence beyond dispute as to the woeful effect of excess alcohol taking. We have hospitals full of people affected by years of imbibing alcoholic beverages. We do not have the same evidence to suggest that marihuana has the same deleterious effects on the human biology. What we do have is controversy on the subject.

I do not think - I could be wrong but I do not think - there has been one scientist suggesting that the long-term effects of marihuana even approximate the problem of alcohol abuse. Certainly, there have been scientists who have said that women of childbearing age should be cautious about using any drug. There have been many scientists, people who have conducted controlled tests, who put out publication after publication suggesting that pot may not have any harmful effect, with the cautionary words always that people who take any drug, analgesics or any other kind of drug, should observe due care when they are engaging in such other activities as piloting a plane or driving a car. That is a proposition which I think we are all inclined to support. But it is as futile to say that, because on person might drive a car under the influence of pot, we should ban all pot as it would be to say that we should take all lifesaving drugs off the market. It is well known that, when given prescriptions for many of these life-saving drugs, one is asked not to drive. It cannot be enforced but it is simply a reasonable precaution that society expects of its members. Let us do away with the furphy that pot smoking is going to double, treble, quadruple the carnage on the roads which at the moment, historically, is caused by the worst drug abuse - alcohol.

In the previous debate on these issues, there were some interesting comments from members who have been re-elected to this House. The

honourable member for Nhulunbuy - I think this has already been alluded to - in talking of treatment of offenders on hard drugs, such as heroin, said on Tuesday 7 June, Hansard page 320:

I know that we have to have harsh laws to act as a deterrent, but when you are dealing with sick people, the best method is to try and help them by educating them and perhaps rehabilitating them.

I interjected:

Perhaps not by sticking them in prison.

The honourable member continued:

I do not favour that at all. I do not believe that sick people should be imprisoned. A gaol is no place for a sick person. They should be hospitalised and treated.

That is one of the biggest things we are fighting today because there are people who are too scared to come forward and say, "I am on drugs. I want to kick the habit; can you treat me?" The honourable member for Nhulunbuy said that, and I applaud those sentiments.

Mr Collins: Why didn't he cross the floor?

Mrs LAWRIE: I certainly hope he will repeat those sentiments at a later stage in this debate.

Mr Collins: Perhaps he has changed his mind.

Mr SPEAKER: Order!

Mrs LAWRIE: An honourable member - I think it was the member for Fannie Bay; it could of course have been the honourable member for MacDonnell - but one of the members put forward the proposition that people would be actively discouraged from seeking treatment if the bills

in their present form are passed, because to seek treatment they have to acknowledge the habit, acknowledge that they are committing a serious offence and if any policemen have knowledge of this, in fact any citizen, it is their duty to report them and let the law swing into effect.

Because of the legal problems which are inherent in the drafting of the bills which we are discussing, the honourable member for Fannie Bay suggested that the bills should stand aside for some time until the results of two royal commissions are known. The Executive Member for Community and Social Development has chosen to say that we would be abrogating our responsibility if we took that course. The Majority Party and the executive are continually complaining about the lack of expert staff, expert advisers with whom they have to work and from whom they can receive advice. I think all members in the House deplore that position. We would hope that any law being made by the Majority Party would be working for the good of all the people of the Northern Territory, as is our sworn oath on taking office. How then can we push forward with these highly important, sensitive bills which will affect many people in the Northern Territory knowing the Majority Party has not been able to avail itself of that specialist advice? Would it not be more prudent to await the results of inquiries in other parts of Australia where expert witnesses are being called not only from within Australia but, I understand, internationally. Why should we push forward with harsh penalties for substances such as marihuana when, if the Majority Party really believes there is not a significant proportion of the establishment in Darwin smoking pot, they are going around with their eyes shut and their nostrils closed. Pot smoking is not confined to a sub-culture often categorised as the hippie group. Let us not run away with

that notion. I said in the debate previously, and so did members of the Majority Party, that pot smoking is tolerated through all sections of this community. Now "tolerated" is a very important word, and I think it received some attention in the previous debate. I do not smoke pot. No members of my immediate family do, to my knowledge, and most of my friends do not. But there is a significant number of people whom I know who, if they do not smoke it themselves, certainly tolerate it. To go ahead with legislation which exacts very harsh penalties when those penalties, if put into force, would affect perhaps 35% to 50% of the population, is hypocritical; it is stupid and is not acting in the best interests of the people whom we were elected to serve.

If this debate continues through to the committee stage, I will have more to say on the specific provisions of the bill as they are taken one by one. In the second reading, talking generally to this legislation, I do ask the Majority Party to re-examine the legislation they have laid before us because, judging by the speeches of one or two members who now form part of the cabinet, they are not in agreement with this present legislation. The Majority Leader is reported on page 317 of the Hansard of 7 June as saying:

We have on the statute books provisions in relation to entry and search granted to wildlife officers. We seem to be prepared to trust them to enter into places without warrants but, because it is the poor old policeman, everyone is immediately suspicious! I do not believe that it is necessary for the police to enter premises without a warrant as it is well within their capabilities to obtain a warrant should they reasonably require one. Subject to the qualifications I have mentioned, I support these three bills.

There we have the present Majority Leader, in his capacity of a backbencher of that time, speaking against provisions of the bills which are still before us. The police will have powers beyond those that the normal citizen would give to them.

The member for Fannie Bay, in one of the best speeches I have heard in my six years here, spoke of some of the legal difficulties which will arise if the bills are passed without amendment. I believe that many amendments will come from the Opposition side of this House. I hope that there will be plenty of time for all members to study these amendments and decide their fate.

The Executive Member for Community and Social Development talked about members reading their speeches and having speech writers. I have not seen one executive member not read his speech when presenting bills. In fact, I am the only member of the House who does not blasted well read a speech. If the Majority Party seeks to denigrate reasonable opposition on the grounds that the members are reading their speeches, I suggest they put their own house in order first. Furthermore, I think it is reasonable for executive members to rely on their staff for expert advice and they are surely not going to deny that they have speech writers. I am quite sure they have speech writers because the speeches are presented in reasonable English.

I ask the Majority Party to reconsider the legislation in its present form. If they are not prepared to wait until the results of the royal commissions are known, could I ask them to wait at least until February before passing the legislation. I know it has been before us for a couple of months but it is of such dramatic importance and will effect so many people that it should stand over at least until a further session. Legislation

which has equal social impact has, in the past, stood on the books for up to six months. I refer to legislation dealing with changes to the gaming and lottery laws, the liquor laws and abortion laws. These were before the House for up to six months until every member was able to satisfy his or herself as to their content, their quality and the effect they would have upon the community at large. I do ask that these bills do not proceed beyond the second-reading stage, having regard to the very important points raised. I close by saying that I think that providing harsh penalties for pot, whilst condoning alcohol, is no more than arrant hypocrisy.

Mr DONDAS (Casuarina): The drugs bills have been the subject of lengthy discussions in the former Legislative Assembly. One must consider the complexity of the bills because, in the former Assembly, we certainly had the numbers to pass this legislation. However, we sought further time so that it could be discussed amongst the community. At the time, I expressed my views and the views of my electorate and I am still of the opinion that, until such time as more is known about the dangers of cannabis, I will support the concept of keeping it on the hard side of the ledger.

To support my beliefs, I have brought along a copy of an opinion poll dated 14 October:

Public	Opinion	Poll:
Marihuana	should stay an	
	offence.	
Australians	are	
	inclined to think that	
	possession of a small amount of	
	marihuana should be a criminal	
	offence according to the Morgan	
	Gallop Poll finds. Of 2,207 men	
	and women aged 14 years and	
	over, 49% said possession should	
	be a criminal offence, 39% said	
	it should not and 12% were	
	undecided. Opinions are similar	
	in all states except New South	
	Wales where 44% said it should	

be a crime and 43% said it should not and 13% were undecided. Australians' opinions contrast sharply with the Americans' views on this question. In America, 50% said it should not be a criminal offence, 41% said it should be an offence and 6% had no opinion. 56% of the Liberal-National Country Party voters said possession should be an offence. The ALP vote is divided - should be criminal offence 45%, should not 45% and undecided 10%. 55% of tertiary educated people favour possession of a small amount of marihuana not being a crime as do the majority of single people and smokers of roll-your-own cigarettes, pipes and cigars.

Smoking mahiuhana, as distinct from possession, should also remain illegal in the opinion of two out of three people interviewed by the Morgan Gallup Poll. 12% of the 2,207 people interviewed said they had tried marihuana.

These proportionately represent one and a quarter million of all people aged over 13 years. They are more than double the number who four years ago said they had not smoked marihuana. 60%, down 8% since 1973, said that smoking of marihuana should be illegal. 24%, up 8% since 1973, said it should be legalised. The other 10% were undecided. These findings are similar to an American Gallup Poll conducted in April 1977 where Americans answered legal 28%, illegal 66% and undecided 6%.

I am not going to speak to the details of the bills but more to the principle of the bills. The original drug legislation introduced earlier this year in the former Assembly left a lot to be desired. It is now gratifying to see that the executive member has taken steps to

present legislation which clarifies and amends the various strong points which caused concern earlier. These included the powers of search of a female by a male and the onus of proof being placed on the owner of a property to prove that he did not know that there was cannabis or any other dangerous drugs on land that he owned.

The drugs problem in the Northern Territory seems to have increased since these bills were first introduced. I have a copy of a newspaper press cutting dated 2 September 1977 where a magistrate called for a drug probe. I will read a part of it:

A Darwin magistrate today recommended that a multi-disciplinary inquiry be set up to look at all aspects of the drug problem in the Northern Territory. Mr Tom Pauling SM made the recommendations at a workshop on crime prevention and community responsibilities which had been held at various locations in Darwin throughout the week. In his recommendations in a paper entitled "A view from the bench", Mr Pauling said that such an inquiry could look at all aspects of the drug problem with a view to supporting treatment facilities and a detoxification unit in the Northern Territory in the hope that the spread of addiction and supporting crime could be reduced.

Mr Pauling said that, in his estimate, there were about 1,000 users of heroin in Darwin. A vast number of people who had come before the court in Darwin had habits costing them around \$100 a day. He said the money was obtained from three main sources: property theft, fraud and false pretences and, more usually, the purchase of more heroin than the users needed and the further dealing in it at a

profit. That heroin addiction in Darwin is on the increase is obvious to the bench and indeed frightening, particularly now with an increased number of children of 14 and 15 coming before the court charged with using heroin. He stated: "I have not had time to draw up figures, but I could confidently say that the 8 months of this year indicate a 500% increase in offences for heroin use and possession as against the whole of last year and one should bear in mind that it is commonly conceded by police force and customs agents that the detection rate is between 7% and 15%.

Mr Pauling described Ward 1 of Darwin Hospital as an outmoded approach to psychiatric illness. "In many ways it comes to the statement, we have to spend more money. There is no doubt, as the Supreme Court has often said and as I have often said, that the trafficking in heroin is a loathsome and degrading trade. Having said that, we must not fail to see that an addict is a sick person and realise that merely punitive detention re-enforces the psychiatric misconception that fosters drug use, abuse and addiction", Mr Pauling said. "Support for therapeutic work in the drug addiction field would require an urgent and solid shot in the arm."

This new legislation punishes the pushers. However, I have another press cutting dated 25 October 1977 in which the judge was critical of a cannabis penalty:

A Supreme Court judge said yesterday that he considered that a stipendiary magistrate had been most lenient in sentencing two men who had grown cannabis on an Aboriginal reserve on the Hogan River. However, Mr Justice Muirhead,

with some reluctance, dismissed the appeal by the Crown against sentence on Leigh Brown and Dean McInerney as ordered by a magistrate on 28 July. Brown and McInerney had pleaded guilty to the possession of cannabis which police had claimed in the magistrate's court to have a commercial value of \$1.5 million. They were sentenced to 9 months hard labour, suspended upon them entering a \$200 bond for 2 years and they were also fined \$400 each. The Crown appealed against the sentence, contending that the magistrate erred in permitting the conditional release. The judge said: "It was a most serious offence committed by men who had had previous corelevant convictions, who had been leniently treated in the past and must have expected to be gaoled if arrested on this offence. Another serious aspect is that the cultivation took place on an Aboriginal reserve. I take the view that the appropriate sentence was very definitely imprisonment not subject to conditional release. Their four convictions and the nature of their offence combined to thoroughly justify sentences of imprisonment."

I think that legislation clearly defines what the penalty will be. A thing like this should not occur again.

We have come under a lot of criticism because the Majority Party has taken a strong attitude towards the use of drugs of any kind. I have another press cutting here dated 6 October 1977 concerning drastic changes to New South Wales drugs bills:

The New South Wales Legislative Council last night drastically altered the government's new drug legislation to impose life imprisonment on drug pushers.

In a marathon late-night sitting, the opposition in the chamber pushed through a number of major amendments to legislation introduced by the government last month. Apart from increasing the maximum term of imprisonment to life, the Council also doubled the maximum fine which could be imposed from \$50,000 to \$100,000. Another important change deletes the distinction that the government has made between marihuana and hard drugs, thus making sellers of all drugs liable to maximum penalties. Under the original legislation, the maximum term of imprisonment would be increased from 10 to 15 years, but offences involving so-called leaf from marihuana would attract a top penalty of 10 years jail or a \$25,000 fine.

In moving the major amendment, the Liberal Party leader, Mr Maxwell, has said the court should be free to impose life imprisonment on drug pushers where it considered the offences warranted such a penalty. He said the havoc caused in a community by some drug offenders was on par with the destructive effects of other offences which carried the life penalty. The revelations of involvement by organised crime in the illicit drug trade made it imperative that such penalties were available. "They should be there to show the courts that we mean business to the criminal elements who commit these vile offences," Mr Willis said.

The government leader in the House, Mr Paul Lander, said that the charges interfered with the jurisdiction limits imposed by existing legislation. He also said that penalties imposed by the legislation were in line with the recommendations of the parliamentary select committee on drugs and were adequate to

deal with the matters. He was particularly critical of a measure which allowed courts to deal with the summary offences of growing and processing drugs by indictment thus attracting the vastly higher penalties. The legislation provided a top fine of \$2,000 for summary offences such as smoking marihuana.

Another press statement from the United States appeared in our Northern Territory News and is dated 5 September 1972:

Sacramento: Drug found in drivers. Initial results in a first ever Californian test showed that more than 1 in 5 motorists stopped for drunken driving have marihuana in their blood, it was learnt last week. Officials said that indications are that, as more blood is sampled, the incidence will jump to 1 in 4. The preliminary report of the experiment by the State Justice Department disclosed that 22% of 291 blood samples drawn from suspected drunken drivers contained varying amounts of marihuana. "That's high", Assistant Highway Commissioner, Lloyd Sellers, commented about the findings. He was surprised.

I am not surprised. If the Northern Territory police had the mechanism to test drivers, they would find many drivers under the influence of drugs as well as alcohol.

Early this morning, the member for Fannie Bay introduced an amendment in relation to a drug report of the Senate Standing Committee on Social Welfare which, in a split vote, had recommended the decriminalisation of the possession of marihuana. That was a 225 page report which took 18 months to prepare, yet the panel of six people could not decide whether marihuana should be decriminalised or not. It was finally decided on a casting

vote of one person, a member of the Liberal Party. At the same time, one of the persons who voted against it was a member of the ALP, Senator Joan Melza.

Mr DOOLAN (Victoria River): I will talk in general rather than specific terms on this bill. I do not intend to go into specific details on the severity of penalties attached to the bill, which I personally think are quite irrational, nor on aspects such as the search without warrant which I abhor. Rather, I will try to point out that this bill seeks to turn a social problem into a legal problem, which it is not, and that, in so doing, it will bring the law into disrepute and make a mockery of our courts. It is also inhumane in that it seeks to brand sick people as criminals which they are not.

It seems to me that it is completely futile to impose heavy fines or to send to gaol for long periods people who are heroin addicts. They are sick people, not deliberate breakers of the law, and fines or gaol sentences are not going to cure them of the disease from which they suffer. The problem is a social problem and a health problem, not a problem for the courts to deal with. It is typical of society, not just today but through the course of history, that when it finds a problem with which it cannot cope, it makes this problem a crime and, ostrich like, buries its head in the sand. It gaols the offender and pretends that the problem no longer exists. This method has never yet worked and it will not now work by passing stringent laws to punish sick people. Gaols will never cure them but medical and rehabilitation centres may, and there is not one modern facility specifically for drug addiction in the Northern Territory.

It is indisputable that drug addiction is a social problem of gigantic proportions through this

continent and in the Northern Territory in particular. But what about the problems of alcohol addiction? Alcohol also is a drug and recognised by the medical profession as such. In fact, alcoholism is recognised by the United Nations World Health Organisation as the third greatest killer disease in the world, after heart disease and cancer. The true figures on deaths caused through alcohol are impossible to find out and the United Nations World Health Organisation bases its figures on deaths caused directly through malfunction of organs and does not take into account people killed in road accidents after drinking alcohol, either as drivers or pedestrians. Nor does it take into account the kindly family physician who, in deference to the memory of the deceased or his family, certifies death due to heart, kidney or liver malfunction or some other euphemism when what he really means is that those organs were diseased or deteriorated through overconsumption of alcohol.

The general public might delude itself that the only real victims of John Barleycorn are the derelicts in parks, wearing overcoats and sandshoes. It is pretty correct to say that there are more alcoholics in penthouses than there are in parks. As a matter of fact, surveys of habitual park dwellers have shown that only 10% of these people are alcoholics; the other 90%, believe it or not, are either too lazy to work, harmless or just prefer to live that way.

The cost to industry directly caused through alcohol is enormous. The number of lives destroyed and the number of broken families is almost incalculable. All of the evils associated with alcohol are known and recognised, and yet we do not have any decent facilities available in the Northern Territory for treatment and rehabilitation of alcoholics - why? A cynic could perhaps be forgiven for answering,

because the government gets \$700 million per annum in revenue from the sale of alcohol in Australia. If this is the real reason behind the failure to provide modern facilities, then it is a false and stupid economy because the cost to the government, through absenteeism in industry, medical benefits, hospital expenses and pension payments to deserted wives and families would far exceed the \$700 million in revenue raised.

Addiction to hard drugs captures the public's imagination more readily than addiction to alcohol because its effects are more dramatic and it causes death more quickly and certainly. Addiction to alcohol, provided the addict keeps in reasonable control of himself, is far more socially acceptable than shooting up or popping pills. To meet a friend in the street and say, "Let's have a drink", is a very normal thing to do and the result will be that the drink will give you both a bit of a lift. But if you meet him and say, "Good day, old mate, let's go pop a pill", society says this is wrong because it would not only be illegal but socially unacceptable to the average citizen. But really, what is the difference? The end result of the pill or the grass would probably give you just as much of a lift as the drink. It is only wrong because convention or society says it is wrong. I am not advocating pill popping or grass smoking, but merely pointing out that, taken in moderation, alcohol or cannabis will provide roughly the same amount of lift. Alcohol is acceptable and cannabis is unacceptable merely because society says so. What the solution is, is more than I could answer.

The USA tried prohibition with disastrous results. More people died from bathtub gin and illegal booze during prohibition years than in any other similar time span in history. Obviously, prohibition is no answer to the problem. Drug and alcohol addiction, rehabilitation centres are really only in their

infancy, but they do provide a much needed service to the community which we in the Territory lack.

Consider the case of the hopeless heroin addict who is caught using or having in his possession or attempting to obtain heroin for himself. 99% of hopeless addicts would have no money or assets, so they have to cut out their fines in gaol which, at the agreed rate of \$5 per day, means 1000 days in gaol. In effect, they can only do a year, during which the taxpayer feeds and clothes them and they perform absolutely no productive work of benefit to the community. What is achieved by sending such a person to gaol?

Fear will never cure addiction and what this bill seeks to do is to frighten addicts out of an illness from which they suffer. Most addicts have lost jobs, lost the respect of their friends, even lost their own self-respect. They have seen teenage kids and fellow addicts literally die before their eyes. They are fully aware of the inevitable fate that awaits them if they continue to use heroin and none of these things will stop them because most of them are really hoping they will die whilst experiencing the heroin-induced euphoria and not have to go on living a life of absolute misery and hopelessness. They have seen their friends go through the living hell of heroin withdrawal and have themselves experienced the withdrawal. They are very much more aware of the horrors of heroin addiction than any non-addict could ever be. And yet even the knowledge of all the dreadful things that must inevitably happen to an addict will not stop his insane desire to continue using heroin. The author of the stupid bill imagines that the threat of a stiff gaol sentence will stop an addict from using or trying to obtain heroin. That is nonsense! Nothing, neither fear nor illness, nor the disgust and condemnation of their fellowmen will stop them because they cannot stop without

medical care over a long period.

Some moralistic members of our society have even suggested that drug addiction can be beaten through the exercise of strong willpower. What nonsense! Such addiction is a disease and is recognised as such by the medical profession. If anyone believes that a disease can be cured by the exercise of willpower alone, let him test his theory by willing himself not to visit the toilet the next time he has an attack of diarrhoea. Willpower will not cure a disease any more than a gaol sentence will. Heroin addicts are not criminals in the true sense of the word. They are sick people who need medical and psychiatric help. It would be far more merciful to reintroduce the death sentence for a hopeless addict caught using or possessing or trying to obtain heroin than it would be to sentence him to gaol, because he is already under a sentence of death from the drug he uses, and most addicts would welcome a quick and painless release from the living, lingering, hopeless existence they are leading.

Mr Tuxworth: Are you proposing an amendment?

Mr DOOLAN: No one, not even the Executive Member for Resources and Health, would have the guts to introduce a bill with the death sentence as punishment for a heroin addict. Instead we are trying to eradicate or, more correctly, pretending to try to eradicate the cancerous growth of heroin addiction in our society by hiding it away in a gaol and pretending it does not exist.

People who have come, in many instances, from fine families, who have had a good upbringing, who have no reason to harbour a grudge against society, find themselves stealing and robbing and prostituting themselves to obtain the drug. People of a normally mild and gentle nature commit crimes of violence in order to feed their daily habit. They are a menace to

themselves and to society and therefore have to be taken out of society - maybe for a long time - but, surely, gaol is not the place for them. Confine them if we must, in strict confinement if necessary, but if they are confined as a last resort, it should be in a confinement which supplies adequate medical attention and care so that they are at least given the opportunity to be restored to sanity and find their normal selves.

It is possible that many may again become useful members of the community and, if restored to health, they would be far better equipped having been through this horrific experience themselves to assist fellow sufferers and far better equipped, I might add, to find a solution to this awful problem than any member of this Assembly who sets himself up as an authority on how to deal with drug addicts. Put them in gaol without adequate and continuing treatment and, if they manage to survive the withdrawals, when they are eventually released we may rest assured they will in desperation go back to their addiction and act in a manner twice as vicious as before, not only to obtain drugs but to hurt a society that has hurt them.

The ironic part about all that is that, if a genuine supplier is caught for the first time with heroin in his possession, \$5,000 would only be a "flea bite". He would pay on the spot and walk away laughing. With regard to suppliers of heroin, I also have some very strong views. I could not imagine any punishment horrible enough to fit the crime of drug peddling by a non-addict or by an addict who seeks to introduce this drug to young people or non-users of the drug. If Mr Tuxworth suggests the rack, the iron lady or drawing and quartering, I agree wholeheartedly. I would even add a good dose of the thumb screws before administering the final punishment. But even with regard to suppliers, I would advocate that in some cases it is

necessary to temper justice with mercy. I once had a personal experience with a heroin addict, aged 23 years, for whom I felt a great deal of pity and concern. I found out he was a supplier and I criticised him greatly for it which I subsequently regretted or would rather I had not done because he was found dead in an alley about a week later. Some of his friends assured me that, although he was a pusher, he was scrupulous in supplying only heroin addicts and, although sometimes desperately in need of a fix himself, which was his sole reward for pushing, he would supply only known addicts. For this reason, I believe there should be some differentiation made between people who supply drugs for gain alone and people who do so only to feed their habit.

With regard to cannabis, I do not claim to be an expert on it and I have to accept what informed opinion tells me with regard to the use of this drug. Much evidence has been produced both for and against its use. From my information, it would appear that no one could claim that the damage to society caused by cannabis today even remotely approaches the damage caused by alcohol or by tobacco even. Yet no one is game to suggest a stiff fine for having a Carlton draught or smoking a Marlborough. In fact, in many middle east and Asian countries, cannabis can be bought freely over the counter in shops or grown for home consumption. Just how detrimental it is to habitual users of the drug in those countries - and this means 75% of the population - seems also to be a matter for argument. One thing is certain and that is that, if the sale and growth of cannabis was permitted, either freely or under control, it would take away the opportunity of making huge profits from its sale by illegal importers or growers in this country, and I feel these are the people who should be hit hard, rather than the users.

Whether or not the use of cannabis may lead to addiction is also open to argument. Many people drink alcohol throughout their lives and never become addicted to it. My own view is that it may lead to addiction but will not necessarily do so. I believe it depends entirely on the personality of the user. Some people have addictive personalities; most people do not. If cannabis is removed entirely from the scene - and it is futile to imagine that it ever will be - then a person with an addictive personality will get hooked anyhow, whether it be on alcohol, barbiturates, vallium or plain Bex powders which are all readily obtainable. Do not let us delude ourselves that there are not doctors around who will prescribe tranquillisers at the drop of a hat, if only to get rid of a patient who is full of complaints.

The contention that the use of cannabis could lead to experimentation with hard drugs is again open to argument. My belief is that it could with some people but it would not with most. Some people will do anything to get their kicks and people who experiment with hard drugs would do so anyhow, whether or not they started on cannabis.

There are two good things that could come out of legalising the sale of cannabis or allowing limited quantities to be grown legally. The first is that it would remove the connotation of the forbidden fruit in the Garden of Eden. Many kids get a vicarious thrill out of bucking authority in a mild way, whether it be the police, school teachers or parents, and smoking grass is one way of thumbing your nose at authority. For this reason, I do not think that legalising it would lead to any great increase in its use. Once the forbidden fruit is removed, there is no more fun in trying to sample it. The second is that the rip-off merchants who

supply the drug would be out of business and this would be a very good thing indeed.

The penalties for the use, possession or attempting to obtain cannabis seem to me out of all proportion. Teenagers see their parents and their parent's friends intoxicated to varying degrees on alcohol which is socially acceptable but, for producing the same effect in themselves by smoking cannabis, they are liable to a fine of \$500. Many would be unable to pay the fine and would have to go to prison for this dreadful act of smoking grass. One might imagine the kind of twisted kid that would emerge from gaol after this experience. A fine of \$500 for smoking cannabis would prove that the law is, in fact, an ass. But the law is not an ass because the law is being forced to make a legal matter out of a social matter and does not wish to handle social matters.

Consider the seriousness of these two offences. For breaking and entering a dwelling place during the hours of daylight the maximum penalty which can be imposed by a magistrate is a fine of \$100. For possession of cannabis for one's own use, which the weight of medical evidence suggests is pretty harmless anyway, this insane bill seeks to introduce a penalty of \$500 for a first offence.

I am not advocating or supporting the use of cannabis. Whether it is a good thing or a bad thing, I do not really know for sure. But I am sure that cannabis, like alcohol, is here to stay and punitive laws will never eradicate its use in the Northern Territory, just as prohibition on a nation-wide scale in the USA was a complete and utterly useless thing. All that it achieved was to ensure that people died in thousands from rot-gut substitute alcohol and the small-time grog runners like Al Capone and his mates become multi-millionaires. I have never tried it, nor do I want to. But if I had to make the unhappy choice - and, thank God, I have not had to - of

having any one of my numerous kids caught in the act of breaking and entering or being caught in possession of a small quantity of cannabis, then I would opt for the second choice and I believe most sensible parents would do likewise. Yet this second choice carries five times the penalty of the first. Such a penalty is holding the law up to contempt, particularly by our young people, and making an ass of our system of British justice. My overall impression is that the author of the bills is either attempting to go down in history as the Northern Territory's Judge Jefferies or else was sampling the effects of an hallucinatory drug when he drafted it.

Mr HARRIS (Port Darwin): After listening to the honourable member for Victoria River, I have to say it will be a wonderful world to live in if we have that attitude. Before going into my reasons for supporting the bill, I feel a preamble is necessary because it is an issue that is touched with emotion. Every member and those people attending today have probably looked long and hard into the various problems associated with drug taking, abuse and trafficking. It is difficult for those of us who do not fully understand the various effects different drugs have on the mind as well as the body to arrive at decisions which will set our minds at rest.

I have read extensively on the subject and, as is generally the case with issues such as this, the research material for and against is balanced. I have also spoken to many people who have been involved with the drug scene in order to try to arrive at a sensible decision based on speaking to the user. Again, this is difficult because of the biased opinions. Because of the lack of medical knowledge and the biased opinion of those who participate, I feel I would be unable, as nearly every member here would be unable, to give a fair assessment of the drugs.

I have also researched the effects on various communities and have spoken to people in my electorate, both users and non-users. It was interesting to note that some, but not all, of those who had been involved with the smoking of marihuana and the taking of various other drugs had definite reaction in relation to children participating. Those who were not involved in the drug scene also had mixed feelings in relation to marihuana and other drugs, but nearly all commented about children becoming involved. I mention these facts because, apart from reading material in relation to the subject of marihuana, I have had close contact with the people who subscribe to the habit. Unlike the member for Nightcliff, I do have friends who smoke marihuana and they will remain my friends even though I am against the habit.

The member for Nightcliff and the member for MacDonnell raised the subject of the abuse of alcohol. Everyone agrees that alcohol is a problem in our society. I do not, however, endorse the statement made by the member for MacDonnell that we present ourselves to people all over as a wonderful beer drinking crowd. The Cantiki expedition was to promote tourism and goodwill. It was not to support the drinking habit. Already our city-to-city relationships have improved. The rocksitters episode did purport to laud alcohol consumption and I feel sure none of us had any part of that. There were also efforts made by people, who are known to support certain parts of the Opposition's objections, to try to cause the Cantiki expedition embarrassment. Remember ban ban the can. Mention was also made in relation to conscience. I would hate to have on my conscience my approval of taking or smoking any form of drugs and that includes alcohol or cigarettes. Whoever introduced them into the system in the first place should have been shot. However, that is not the issue. Both cigarette smoking and the taking of alcohol have got completely out of control

and, believe you me, I do not want to take part in legalising or introducing any other drug to our community which can get out of control. I do have a conscience and did not make my choice to support the bills lightly.

The member for MacDonnell spoke about a basic affront to the basic rights of civil liberties. That was in relation to clause 12: the power of police to stop, search and detain. I have always believed that there should be powers to help police carry out their duties. This is perhaps one of the troubles in the world today. Everyone appears to do what he wants to do. There are members of the police force who possibly will abuse these powers; there are people in many positions who abuse the powers given to them. If you look behind the scenes, there is a lot more than you can see here. Look at some of our parks around Darwin and you will see that the police have no power whatsoever to do anything about it at the moment. The situation is a disgrace. There is always a possibility of abuse but these officers should be given power in this regard.

A point that was brought up earlier today related to a rehabilitation centre. I support the necessity to have a rehabilitation centre but more emphasis should have been placed on prevention and education. We need all of these things but we need education above all.

Like the Executive Member for Community and Social Development, I was rather shocked to hear the member for MacDonnell wanting to reduce the penalty that I hope will be imposed for the trafficking in heroin. I condemn this attitude and everyone with a conscience should condemn it. Whatever we can do to control the abuse of all drugs should be done. I stopped smoking! I knew it would hurt. That was a simple withdrawal symptom, but it was hard.

Members interjecting.

Mr SPEAKER: Order! I draw honourable members' attention to Standing Order 60 which says that no member may interrupt another member speaking unless to call attention to a point of order or privilege suddenly arising, to call attention to the want of a quorum, to call attention to the presence of strangers, to move a closure motion or to move that business of the day be called on. I have no objections to interjections at all; I think they are the spice of the debate. However, I do object to a continual crossflow of remarks from either side.

Mr HARRIS: I do not have a lot more to say on the subject though I feel that these are important bills. The powers are not placed there to be abused and we must have reasonable faith in people whom we put in these positions. The police have a very hard job to do and, the way some people treat them, it is a wonder that we have continued to have a police force which is responsible and carries out its duties effectively. I honestly feel that we must do something about the drug situation. We cannot let it get out of control; we need to have some definite, strict control and not allow any other forms of drugs to be introduced into our society.

Ms D'ROZARIO (Sanderson): In speaking in this debate, I do not want to speak generally about drugs as many members of the Majority Party have done. I want only to register my extreme concern at the inclusion of provisions relating to the use of cannabis in the Prohibited Drugs Bill. My reason for this is that cannabis is completely unrelated to the other substances, the use of which this bill purports to control. The only relationship between cannabis and other substances listed in schedule 1 of the bill is that they are all known pharmacologically as drugs - that is, they are

substances that generate physiological effects which alter the responses of the user at a particular time. That is where the similarity ends. If we were to include all substances which have the effects just mentioned in the definition of the term "drug", then alcohol would certainly be among them. Apart from being included in legislative and police definitions of the term "drug" cannabis has no similarity with other substances listed in schedule 1 of the bill and is nowhere near as dangerous as the uninformed anti-cannabis lobby would have us all believe.

The Executive Member for Community and Social Development displayed his astounding ignorance this morning when he said that, if alcohol had only just been invented, he would adopt the same approach to that substance as he now does towards cannabis.

Mr Robertson: I didn't say that.

Mr SPEAKER: Order! Order! You have your course under Standing Orders if you wish to take a point of order, honourable member, but I do object to these continuous interruptions.

Ms D'ROZARIO: Thank you, Sir. I think by that remark the honourable member meant it was too late to do much about the acceptability of alcohol in our communities. I just cannot agree with him there. For his benefit and the benefit of the other members in this House, let me inform the House that cannabis is no recent entrant into human culture. Cannabis has been part of human culture for literally millenia and has been applied for human use and consumption in many countries of the world. Its earliest documented appearance is in a Chinese medical book dated 2737 BC. But as the member for Casuarina would say, history is a thing of the past. So let me not tax the historical perspective of the House too much. Let me just say, as a more recent and

more local fact, that in Australia - and I believe the Northern Territory is still a part of this country - certain products containing THC, the active ingredient of cannabis, were available in pharmacies without prescription until the 1950s.

While I am still talking of the allegedly recent discovery of cannabis, perhaps I could refer briefly to its use in the Northern Territory as early as 1869. This book that I have in my hand is a book entitled "The Surveyors". It is written by a lady called Margaret Goyder Kerr and she is the granddaughter of G.W. Goyder who undertook some survey expeditions in and around Darwin in the last century. In the narrative of the expedition's exploratory parties, there are some references to the use of this drug in a location as near as the mouth of the Adelaide River. If I could just read some of these quaint paragraphs. On page 21:

One day Arthur Hamilton, a junior surveyor, came to Stow's tent and proposed that, having no ship, they sail in an open dinghy to some port in Western Australia and take a passage to any larger Australian port. From here they could make their way to Adelaide. Stow wrote: "After some consultation during which my friend burnt an immense quantity of the soothing weed, I consented and the party was made up."

Over the page, on page 22, we find:

Then they got their gear on board. There were 200 pounds of bread and biscuits, cheese, tinned beef, cakes, 70 gallons of water, some fire wood and a few "medical comforts" although, alcoholically speaking, it was to be a dry trip.

I presume from that, Mr Speaker, that they did not take alcohol but they took cannabis. On page 23:

At ten in the morning on the 7th of May, after much banter and some of the medical comforts but very little sleep, they fired shots and the "Forlorn Hope" set off again.

Mr Speakers, in view of all that, the honourable executive member certainly does not convince me that the acceptability of this substance in our community is merely a recent event.

For the benefit of the honourable member for Tiwi who, I understand, has a genuine interest in agricultural matters, let me say that the hemp plant is credited with being one of the most domesticated and commonly used food plants known to man. It has been used in the clothing, shipping and soap-making industries and indeed it was a major agricultural crop throughout the world until the invention of sisal and nylon rope. In some parts of the world, it is used as a substitute for alcohol. In India, for example, three different preparations are available. They vary in the quality of the intoxicant and in the price, therefore making it available to all classes of pocket. For the Indian poor, it is a cheap stimulant and it is used in much the same manner as the British and Australian working classes would use beer. It would be going too far to suggest that the millions of users of cannabis around the world are depraved, morally corrupt and intellectually deficit. Many countries in which the cannabis plant is grown, and is indeed indigenous, have undertaken to stop cultivation of cannabis. But this is not because they fear for their inhabitants, it is merely because of the pressure exerted upon them by their foreign aid donors. The main reason that cannabis is different from the other drugs in schedule 1 of the Prohibited Drugs Bill is that it is habit forming but not addictive in the medical sense. Its use does not cause physical dependence and

tolerance towards the substance does not develop.

A good deal has been said about cannabis being addictive and causing its users to graduate to other narcotics. But this is just rubbish. Cannabis is not a drug of addiction. It is an intoxicant. In the medical sense, addiction is defined as an over-powering compulsion to take a particular substance and to obtain it by any means. There is a marked tendency towards psychological and physical dependence and also to increase the amount taken. None of these characteristics are present in cannabis. Cannabis is habit forming because of the euphoric sensation it imparts to its user but it is not addictive. The consensus of medical opinion definitely inclines to that view.

The World Health Organisation which is not very radical body by any means concluded in 1965 that cannabis was habit forming but not to such a degree as was alcohol or tobacco. Cannabis does not produce physical dependence as do other drugs of addiction. There are no symptoms caused by the body's reaction to the withdrawal of the substance. There is no cold turkey, respiratory difficulty, muscular pain or even headache. It does not produce tolerance to itself for its users. Very few users seem to need higher doses to experience euphoria. This could be because of variations in the quality of the substance and being grown as it is, there is no quality control. Where tolerance does develop, it is short lived - about 24 hours. Most users can and indeed have to, especially in Darwin, cope with the abstention without any ill effects.

I submit that the Prohibited Drugs Bill is not a suitable vehicle for the control of cannabis use. At a time when developed countries are relaxing their attitudes towards cannabis, it is distressing to find this legislature adopting a hard-line approach to the subject. Cannabis is

thought by the very many commissions that have been set up to investigate it to be amongst the least harmful of social habits. It is certainly going to the limit of hysteria to class its users as criminals, as this bill does.

PERSONAL EXPLANATION

Mr ROBERTSON (Community and Social Development): The honourable member opposite claimed - and I will use her words - that I said, "if alcohol was invented today, he would take the same attitude to that as he does to marihuana". I did not say that or words even like it. The words I would have used - and this comes from memory but you can check Hansard tomorrow - what I said was, if alcohol was invented today, I would suggest that many legislatures around the world would seek to ban it. What my attitude may be would be quite different.

Further, the honourable member said that I tried to lead this House to believe that it was my belief that the acceptance of alcohol was a recent event. I challenge the honourable member to find any words in tomorrow's daily Hansard which could possibly impute that meaning.

Mrs PADGHAM-PURICH (Tiwi): I wish to speak in general about the bills, not in particular. The reason, as I see it, why the bills on dangerous drugs and prohibited drugs are necessary is simply to save people from themselves.

The more civilised and sophisticated a community becomes, the more we oblige people to conform to the norm just for the sake of conforming to the norm, the less people rely on themselves and use their inner resources to solve their own problems and the more the community has to solve the problems of the members of the community. The community is composed of you and me, and increasingly the community is being asked to make decisions that effect the private lives of people in

the community. To some people this is a gross invasion of their privacy, and rightly so. These are the people who are self-disciplined, who can think things out for themselves, who in their self-discipline always have thoughts about their neighbours in the community. These people are the islands of sanity. On the other hand, there are people who cannot think for themselves, no self-discipline is ever evident in their lives and for whose excesses the community subsequently pays. These are the people who, when things do not go right for their own selfish ends, then turn to the community for help. I do not think anyone here would refuse to help someone in need but, with regard to the drug abuse which seems to be so widespread in our community, something must be done not only to help the people in need of help but to further encourage self-discipline in rehabilitation centres and, if self-discipline is lacking, then community discipline must be imposed.

Too many times these days there seems to be an increasing acceptance of the disruption in the lives of ordinary people in their day-to-day work. Why should someone who is minding his own business, has paid all his debts to the community in the form of taxes, maintains himself and his family and dependants, not worrying or annoying anyone, be in turn worried or annoyed by certain elements in our community. I will not branch into the subject of street marches and demonstrations but it is well and truly time for the ordinary law-abiding person to be considered a bit more. He or she is not the sort of person, by reason of being law abiding, who will refuse some help to those who need it, by way of his or her taxes helping to pay for a rehabilitation centre. But where does it finish in the treatment of those who abuse themselves with drugs and continue this abuse. If the users of drugs continue their abuse of drugs, and self-discipline by way of rehabilitation is not shown when the problem is acknowledged by them

and the community, then the discipline imposed by the community by way of the courts must be accepted.

Mr COLLINS (Arnhem): In speaking to these two bills, some of the comments that have been made by previous speakers here today have been so interesting that it would be an easy thing for me to introduce a great deal of entertainment into my speech. But I do not intend to. One of the things that has disturbed me today, listening to the speeches, has been the degree of levity on both sides of the House while this matter has been discussed. The material is there, as I have said. The temptation, particularly for me who finds it very difficult to keep my mouth shut, to make great stock out of some of the things that have been said today is enormous. I will not do it because this is such a serious matter.

I believe this bill has very serious deficiencies. Looking at the Prohibitive Drugs Bill, the major deficiency it has - and it is difficult to say anything original in this sense; it has all been said today, and in rising this afternoon I can only support the points that have been put before - the most serious deficiency is that cannabis has been lumped in with all these other drugs. It is just not the same thing. I am not suggesting, as I am sure no one who has spoken here today has suggested, that we want any new drugs in our community or that we want any encouragement for people to smoke cannabis. I do not smoke or drink and I do not smoke pot or do any of these other things. Again, I am in a happy position - and I stress this deliberately - but I have lots of friends who spoke pot, big mobs. It is very difficult, I have found, to live in the Northern Territory without having friends who smoke pot. The thing that amazes me about this legislation is the question whether this Assembly is trying to be the master of this community rather than its servant. If this legislation is

passed without amendment, I am sure everybody in this Chamber is aware that it is going to make instant criminals out of about 50% of the Northern Territory's population.

The penalties that have been applied to some of the offences in this legislation are absolutely out of proportion. They are just not on. The powers that have been given to the police are just out of proportion. I draw members' attention to comments that were made in this House earlier this year by the then member for Port Darwin when he was talking about the powers given for police to search when they suspected there were firearms on the premises. I have not seen the official figures myself but I will certainly be prepared to accept the former member for Port Darwin, Mr Withnall's, word on it. He said that the increase in the amount of times that police searched premises on suspicion was enormous, incredible. In nine out of ten cases, it was found that the police's suspicion was entirely without foundation, that no firearms had been found on the premises. The inference was very clear, that the police had merely used this provision in order to enter premises when they felt like doing so. It has been mentioned here today there are some members of the police force who may misuse or abuse powers that are given to them by legislation. It would appear from the experience of the Firearms Ordinance that it is possibly more than a few.

The other deficiency with this whole legislation is a question of priority. I know it has been said before today but it does not hurt to say it again, the Northern Territory's greatest social problem is drinking. It is not cannabis. To put the two side by side just does not measure up. This bill just does not make sense. The problems that are occurring in this community due to alcohol are so enormous that to consider that cannabis ranks alongside them is ridiculous.

To quote from the report of the Senate Standing Committee on Social Welfare, "Cannabis has been in use for centuries and to date no physical ill effects due to its use has been manifest. However adverse effects of tobacco did not emerge for several centuries after its use began. It seems a potent argument that, given the length of time that cannabis has been in use and the number of studies of its ill effects, nothing has manifested in the community as physical ill health directly attributable to cannabis use."

As the honourable member for Sanderson said earlier today, the accepted use of cannabis in society goes back four thousand years. In our own western culture, cannabis has been in accepted use for hundreds of years. One of the most notable regular users of cannabis was Queen Victoria.

Mrs Lawrie: She was a good lady.

Mr COLLINS: Indeed she was, she had a particular lady's complaint that she suffered from periodically and she used cannabis to alleviate that complaint.

The use of cannabis, in fact, has been an accepted thing in our community; it is not a recent thing. The use of cannabis in the Northern Territory particularly - and this is the Northern Territory Legislative Assembly after all; we are making laws for the Northern Territory and nowhere else; we are not trying to legislate for the world on this problem - the use of cannabis in this community is widespread. As I have said before, I find it hard to imagine how anybody in this room, virtually, could live for any length of time in the Northern Territory without having in his circle of friends or acquaintances people who regularly use cannabis. I would ask members of this Assembly who are in that position to consider whether in their opinion people who use this substance are criminals and whether, in fact, they know of any adverse ill

effects that this substance is having on them.

I think these bills should not be read for the third time during this session of the Assembly. I can understand the objections raised this morning by the Executive Member for Community and Social Development - and I do not want it to be construed by this that I am speaking against the amendment that was proposed - but I do understand his concern and I realise that leaving these bills until the royal commission inquiries have been completed would possibly not be acceptable to the Majority Party.

In view of the great deal of community feeling against this legislation, against the police powers that have been granted, against the seeming iniquity of the sentences that have been imposed, particularly on marihuana users, I would strongly suggest to the Majority Party that they consider holding this legislation over until the February sittings of the Assembly. I certainly would like to have the opportunity to think about it a lot more and hopefully there would be members on the other side of the House who would also like to think about it a little bit more.

The police powers is something that worries me greatly and I would imagine it would also concern the Majority Leader in view of comments he has made in the past on the subject. He said in Hansard of this year, when the previous bills were being debated - he was talking about the powers of police:

What I would propose, and I believe a majority of members will support me, is that the bill should be amended to provide that in all circumstances a search warrant must be obtained before entry is permitted into premises. After all, Justices of the Peace who can grant search warrants are readily available at almost any hour of the day or night, and the

police know where they can find them, should they need them.

I know this has been quoted here today but it does not hurt to quote it again to reinforce the point. I imagine the Majority Leader does have some influence with his own party and I would hope he would consider holding these bills over until the next sittings because these bills do constitute a severe invasion of privacy and civil liberties. I am surprised that such legislation could be promoted by the Country Liberal Party. On 10 October, the Majority Leader addressed the north Darwin Branch of the CLP.

Mr Speaker, I seek leave to table this document. I have copies of it for all members.

Leave granted.

Mr COLLINS (Arnhem): During his address he said: "There are two other important reasons why it is vital at this stage in the history of the Northern Territory that the Country Liberal Party should be in power. The first of these is so that we can continue to promulgate the philosophy of a free enterprise society in which the individual has maximum freedom of choice and personal initiative in his own life and, at the same time, a concern for the freedom and wellbeing of his fellows." I would with respect suggest to the member for Tiwi that marihuana users in the main pose no threat to the freedom and wellbeing of their fellows. The Majority Leader went on to say: "There are forces in our community which are strongly dedicated to the massive growth of government and to the proliferation of excessive controls, both of business and of individuals. We believe that we have a moral obligation to use our position in government to combat this philosophy of government interference in our lives through our own policies and day-to-day programs."

I would suggest to the Majority

Party that they read that speech and consider that that is in fact good liberal philosophy and it is not in accord with the provisions of the drugs legislation. I would strongly suggest to the Majority Party that, if they will not accept the amendment proposed by the Opposition, they should consider holding this most serious piece of legislation over until the next sittings of the Assembly in February.

Mr BALLANTYNE (Nhulunbuy): I did speak at some length at the last session when we debated this very important subject. At that stage, we did not have an opposition to offer any advice but we seem to have had plenty of advice today. They could have come forward as a party and expressed their desires to the Assembly members, but not once did they come to see us. Nobody came to see me but perhaps the other members may have had visitors at their door. They say now that what we are doing is an outrage.

The bills have been modified with the help of a lot of people. Many people have come forward to give suggestions. The executive member had a deputation of quite a number of people on this very thing. It is a thing which concerns each and every one of us, our children and all the other peoples of the world who are suffering the same problems with drugs. It is not something new. It has been around for centuries and centuries and I could not even tell you when the first drug was discovered. I could read from information here and I am sure you could get that information.

I have a handbook here from the National Standards and Control Committee on Drugs and Dependence. The handbook is designed for those concerned with public health and welfare and it was prepared by the Health and Education Departments in New South Wales. It is a 1971 publication but it would be relevant to 1977 because, no matter where you read, they still give you the same

definitions. The only reason that we have cannabis in the Prohibited Drugs Bill is because one of the bills is for dangerous drugs, which are used for medicinal purposes, and the other is for drugs which have no medicinal value whatsoever. There are some psychotropic drugs which can have certain psychiatric uses but all the other drugs in that Prohibited Drugs Bill have no medicinal value at all.

The member for Arnhem said the bills are out of proportion. He went on to abuse the CLP for not being liberal in its thoughts and he wanted to slow up the movement of the bills through this House. However, he still did not come up with any other options. He could have rewritten the bills himself.

Mr Collins: No, I could not have.

Mr BALLANTYNE: His party could have.

The old drugs bills are out of date. These bills are a more streamlined version and are in line with legislation in other states. The people have had plenty of time down there to go to their legislatures. If you look at the Hansard of 7 June to 16 June 1977, you will see on page 406 a list of comparable offences and penalties in the other states. Most of the state legislation is fairly comparable.

The member for Nightcliff said this morning that I was against gaoling heroin addicts. I still say that, but we are looking for the people who are pushing drugs. The whole point is that we cannot differentiate between users and pushers. Who are the pushers and who are the users? We are trying to find that out. It has been said that there are a hundred people in this town who are dangerously ill heroin users. I came here from a place called Warrnambool in Victoria and I read the other day that my old home town has been named the heroin home of Australia. I just happen to have

that sent to me by my mother. I came up to Darwin and we read now that a magistrate has said that it has reached epidemic proportions practically. I am very disappointed that we have to have this debate. Darwin is supposed to be a big centre of heroin and that is the reason why we changed these bills. There are a lot of people using our airport to traffic in drugs. Many people have been caught.

Everyone is talking about cannabis and, quite frankly, I do not have a clue whether it is dangerous or not. I am like all of you people there; if you do not smoke it, you cannot really comment. If you read about it, you can read all sorts of things from committees all around the world. Everywhere you go, you find that there are comments about the THC which is in cannabis. There was a report put out by New Zealand Board of Health Committee on Drug Dependence and Drug Abuse. This is what they say about cannabis:

Few aspects of drug abuse have given rise to more discussion than the place of cannabis, either in the form of the dried leaves (marihuana) or the resin obtained from the flowering tops (hashish). Cannabis deserves a special consideration along with other hallucinogenics for several reasons. Pharmacologically, it is quite different from such drugs of dependence as morphine and amphetamines. As the acting principles of cannabis were not identified until quite recently, few scientists have been able to study their pharmacological properties. It is commonly believed that cannabis is much less harmful than such hard drugs as morphine and heroin. It is therefore important to assess its potential for harm and consider whether taking cannabis, which in New Zealand almost really means smoking marihuana, should continue to be treated as an illegal act.

We have another report on the marihuana hashish epidemic in the United States which says that it does have some effect on the male hormone, it does effect the sperm count and very heavy smoking in a number of cases results in impotence, and there is some buildup of the THC in the brain cells. Whom are we to believe? Many eminent people have studied this. We have had people from the Opposition saying that they have friends who smoke marihuana or pot as they call it. I do not know of any of my friends that do. If they do it, they do it very quietly and I have never seen them do it.

The whole point is that we have drug problems with young people. The experimenters are the ones who continually want to get a bigger kick than they are getting out of marihuana. Marihuana is not supposed to be addictive. You can smoke it for a while and you can give it away. When they transfer into the other drugs such as heroin and LSD, people completely lose control of themselves. The main point is that they cannot obtain these drugs unless they find money and most of those people cannot do a full day's work because of their habit. They are relying on the society in which they live and bludging money from their friends.

Someone under the influence of marihuana may not be a criminal and I do not expect that he is. I do not expect any drug addict really is a criminal. How do you describe a criminal? The point is that they are sick people and that is what I am concerned about. Someone said cannabis users should not be given heavy fines or go to gaol. I do not believe that we could afford to put "druggies" in gaol anyway because we would not have enough room. If you can tell me the number of people in Darwin who have been put in gaol for smoking, give me their names and I will keep a record of it. Just tell me the names because you are saying that this is a devastating bill and it will put people in gaol. Just

tell me how many people have been put in gaol. There have been 272 cases in 1974-75 and hardly any of those were put in gaol. There were quite a few heroin cases amongst those people. I still do not know how many of those people have been put in gaol. The whole point is that I do not want them put in gaol.

Mr Collins: Vote against the bill.

Mr BALLANTYNE: I am not against the bill at all. We have to have some standards in life and this is a standard that we are setting.

Mr Isaacs: Obviously, it is not your standard.

Mr BALLANTYNE: It is not a matter of my standard; it is a collective standard. There has been a lot of research put into these bills. As I have said to you before, if you have any comments why don't you go to the right people and make some comments instead of sitting there trying to make a mockery of the whole thing.

There are cases when there has been doubt about a search warrant. Nobody likes to think that his house will be seized upon by police. Even the very thought of a policeman knocking on a door seems to send shudders through one because one does not know what is going to happen. But I think there is nothing sinister about the motives of the people who drafted this bill or the Majority Party's attitude towards it. Searching premises was already written into the previous ordinance and now, all of a sudden, in 1977, members are coming up with all these objections. You tell me another way we can do it; how are we going to go into a property?

Members: Ask the Majority Leader!

Mr BALLANTYNE: I haven't got time. I only have a few minutes. As far as I can see, most of the people

I have spoken to and given copies of the bill to - and I have given copies to quite a few people, probably to people who smoke marihuana or take drugs, I do not know - have given me comments on it. The biggest problem they said, in the original bill was the searching of a female. We had that altered. I think I may even have had a part in that one. We had some criticism on the question of searching premises - none of us liked the first part of the search provisions, so we brought in another because there was one part of the bill where police could go straight into a house without even getting permission. I did not like that myself. All in all, I think we have to take a line where it suits most people. If a person does not take drugs, it will not affect him. These bills will not have any effect, like many other pieces of legislation. There are hundreds of them throughout Australia. If you do not take drugs, you should not worry about it.

I know there is a problem with regard to the drug investigations that are going on now through the royal commissions. This was sparked off by the case in Griffith and it was a very serious one. I do not know how long these royal commissions will go on with their investigations. It may take two years. If we have a hundred or so people around this town who want to have medical treatment, we cannot afford to wait. I do not think anybody would knock them back if they went up to the hospital. I do not think the police are going to stand in the doorway and grab them as they are coming through. The whole point is that there are a lot of sick people around and I only hope for those interested in rehabilitating them, we can find some way to assist these people who are involved in the drug scene.

There has been a lot of good work done and they are still doing it in the Territory through the Department of Health but, until we can get an education program and get to the young people, and to the adults as

well, I do not think we are ever going to overcome this problem. These two bills will give us an interim period, if you like to call it that, and if other recommendations come from the royal commissions, then we will look at them. I ask that consideration be given to passing these bills so that we can at least have some type of legislation to assist us with this very serious problem.

Mr ISAACS (Opposition Leader): I suppose, when we are talking about these drugs bills, we can reflect on the different types of kicks that we all get. The honourable member for Nhulunbuy, I am told, gets his kicks by recounting stories from Reader's Digest to his constituents about the relative sperm counts resulting from marihuana use. The Majority Leader gets his kicks through his obsession with tax avoidance schemes and reading Penthouse in the Legislative Assembly. The manager of government business, of course, gets his kicks by using his great forensic and legal skills, culled no doubt from his early experience in Telecom and a couple of years in a legal firm and a couple of years as a real estate agent. When you are talking about drugs and when you look at the debate we have had today, I think it is as well that there be some kind of marrying of the views just to find out what has been going on in the debate. It seems to me, having listened to it for the last three and a half hours, that those on the government benches do not desire to listen to what the Opposition is saying. It is all very well to pay lip service to the fact that there is an Opposition in the House. I think it would do them well to listen to the arguments at least and give some consideration to them. In this regard, I must pay great tribute to the speech of the honourable member for Fannie Bay because, even with the great legal and forensic skills which the manager of government business possesses, he was unable to make one dint, one crack in the great logic which the honourable member for Fannie Bay used. Not one speaker

from the Majority Party has even attempted to come to grips with the very compelling arguments which she used.

Let us look at the five areas of differences, as I see it, between the Majority Party and the Opposition. First, we have pointed out the problems involved in search without warrant. We have had one person who has been able to use some kind of references in the matter, some kind of authority and, of course, the authority was none other than the member for Jingili in the old Assembly, the current Majority Leader. That is one point we have raised which has had no attempted rebuttal from the Majority Party. Time and again, every speaker who has spoken on the Opposition side has pointed to the distinction between cannabis and the other types of drugs involved in the bills before the House. We have not just said this through our own personal opinions; we have gone to pains to look at the most recent research we have available to us. Although it is true that there are a number of royal commissions in operation at the moment, it is also true that one such inquiry has completed its study, as the member for Nhulunbuy says, after 18 months hard work, and has come up with some findings. I think we would do well to look at that report and see what it says. I would quote from the report, recommendation 65, in relation to cannabis, where it says:

That the objectives of policies to control the use of cannabis be -

- (a) to reduce national consumption of cannabis in respect of both recruitment and present personal use;
- (b) to acknowledge and account, in law and law enforcement, for the differences between the abuse of cannabis and of other illicit drugs.

That could not be any clearer. In that particular instance, what we are saying is that there is a difference between cannabis and the other drugs. Despite the fact that we are saying it, the Majority Party appears to take no notice - not only of us, that does not worry us so much, but they refuse to take note of the scientific information which we have available to us.

On this same point, when we talk about cannabis and its deleterious effects and how members opposite are not convinced that cannabis is really not harmful, let me refer in the same way as the select committee referred to the various reports which they had available to them. It goes back to 1894 - the Indian Hemp Drugs Commission Report of that year. I quote from the conclusion of that report:

In regard to the physical effects, the moderate use of hemp drugs is practically attended by no evil results at all, and in respect to the alleged mental effects of the drug, moderate use of hemp drugs produces no injurious effects in the mind.

I could go on. There are various reports from the Panama Canal Zone military investigations between 1916 and 1929. There is the La Guardia Committee Report of 1944, the Wooden Report of 1968 in the United Kingdom; there is the Le Dana Report in 1972 of the Canadian government; there is a Schaeffer report of 1972, an American investigation. Perhaps I could quote very briefly from the recommendations of that report. It recommended the decriminalisation of the personal use of marihuana in private and the possession of small amounts of marihuana. Above all, however, the Schaeffer report rejected the allegation that marihuana posed a major threat to the continued existence and stability of American society. There are all these studies. There is the Eastland subcommittee in 1974, a Jamaican study of 1975, a Greek study in 1975,

a Costa Rican study in 1975 and an Egyptian study looking at the use of cannabis since 1957. In Australia, there have also been a number of committees. In 1973, for example, the Health Commission in New South Wales conducted some investigations into the matter, and I quote from that report:

No evidence of adverse effects on human chromosomes causing deformities in children. Little relationship between cannabis use and crime, and no evidence of physical dependence on cannabis.

So you could go on. If people wanted to look at the scientific evidence available to them, they would find that everything points to the fact that cannabis is not addictive and does not inflict the great harm which the Majority Party seems to think it does. But, of course, really what we see here is a smoke screen. In order to push through some legislation regarding the use of harder drugs and the trafficking of harder drugs, which brooks no opposition from this side, they have included in it the question of cannabis use which knows no class so far as users are concerned. It is true, as the honourable member for Nightcliff said, that cannabis use cuts across all classes. It cuts across all ages. What amazes me is the attitude of the Executive Member for Resources and Health because, in the town of Tennant Creek, when I spent two and a half weeks there in 1976, the number of people that I came into contact with who used cannabis was staggering. It is only a small town and I did not meet all that many people but the number of people there who used it and used it happily and interfered with no one was quite incredible.

Mr Tuxworth: That's another crime.

Mr ISAACS: I am quite happy to admit to the crime because it is a stupid law and it is an offence, if

that is how you are looking at it, which is committed by a large number of people.

The third area of difference between ourselves and the Majority Party is where we put our priorities - whether it be on rehabilitation or whether we ought to treat addicts as criminals. It is very easy for the manager of government business to say, "Look, we just don't have the facilities to look after these people, but we will legislate against them anyway". It seems to me that, if we are serious about the question of heroin addiction and if we recognise, as it appears the Majority Party recognises, that we do not have the facilities here to cope with heroin addiction, then we ought to make it plain that people who do suffer from heroin addiction will be transported south where they can be treated adequately and appropriately.

Mr Tuxworth: Where to?

Mr ISAACS: There are other places in Australia apart from Darwin.

Mr Tuxworth: They don't want our people.

Mr ISAACS: Then you are just going to have to lean on some people so they can be taken. The Majority Party is allowing Darwin and the rest of the Territory to be used as some kind of a garden where the traffickers know the people will buy and will pay a high price for heroin and other hard drugs.

Mr Tuxworth: That's what the bills are for.

Mr SPEAKER: Order!

Mr ISAACS: If that's all it was about, of course, you would get no opposition from us. What they have not done is seen the differences, not only in the question of differentiation between drugs but also differentiation between addicts and traffickers.

The fourth area seems to be that, while we on the Opposition have a genuine desire to learn from what other people are doing in the area and hence are prepared to hang on so that we can get expert advice on how we ought to be looking at the problem, while we have a genuine concern, it appears the Majority Party just does not have this. They want to enforce the laws for some unearthly reason which they have not really come out with.

The final area of difference which exists between the Majority Party and the Opposition is the question of what sort of a problem it is and if it is a problem. We have all had the opportunity, justice system, and although it is true that the magistrate quoted by the honourable member for Casuarina has expressed horror at the incidence of heroin addiction, I think it is also true that the people in various legal areas have said that the question of drug addiction and certain drug uses is not a problem of the courts. It appears that, if this bill is passed, we will be having the courts flooded with cases which they do not want and will not be able to cope with.

I was interested to listen to the member for Casuarina when he was commenting on the debate that took place in this Assembly some four months ago. He said that they had the numbers then but chose not to pass it for one reason or another and now it has come back again. The reason for their not passing it at that time was simply the fact that the former Majority Leader skewered it and threw them in such a turmoil. The member for Nhulunbuy was complaining that we were not raising any objections. If you look at the press cuttings of the time, you will find that his memory is incorrect. There was a great outcry. In fact, there was great embarrassment as far as the Majority Party was concerned.

The member for Casuarina also alerted us to the fact that the bastion of progressive reform, the

upper house of the New South Wales parliament, choose to increase the penalties for drug use. If I was looking for people who represented the views of the majority of the electorate, the last place that I would look would be the various upper houses of the state parliaments. The New South Wales premier has described that house as a house of geriatrics and hopefully it will be reformed to become a democratic house within the next 12 months.

I agree with the member for Port Darwin, and I am sure we all do, when he spoke about prevention and education. Of course, they are precisely the sort of principles which are lacking in this type of legislation. This legislation cuts right across that; it refuses to recognise it. It seems to me that, if the member for Port Darwin and the member for Nhulunbuy thought about what they said, they would join us on the Opposition benches when it comes to voting.

It is important that the Majority Party should listen to the arguments that we are putting up. I notice in the various circulated amendments that they are listening to some of the objections which we are raising. I would like to hear from the Executive Member for Resources and Health an answer to the very logical argument which was put to this Assembly by the member of Fannie Bay. I would like them to take note of the arguments and to look at the differences that not only we say exist between cannabis and the other drugs but also what every reputable and respected scientific commission has found. We ought to accept the findings of the Senate report on drug problems in Australia that cannabis is different and ought to be legislated for in a different way from the other drugs.

Mr PERRON (Finance and Planning): All members who were in the previous Assembly have spoken on this subject at some length and, at that time, they did a great deal of research

before speaking on the subject. Perhaps that is one of the areas where there seems to be some difference. The Opposition started into this field rather recently and are disappointed because we are not quoting experts from here and there and reports that have been drawn up on the subject over the past 100 years or so, particularly those on the subject of marihuana. I believe that there will come a time when marihuana smoking will probably be universally accepted as a social habit. However, I believe that is some way away and legislators must be very careful of trying to be radical pacesetters in fields like this. I would certainly not propose that this Assembly start trying to lead the race in that field.

The Opposition suggested that we defer consideration of the bills because there are a couple of inquiries going on at the present time. The arguments against that have been raised already. How long do we wait? There could very well be more reports as a result of the current reports if they highlight a particular aspect that needs further investigation. That could go on for another year, two years or whatever. It is being naive to say that we should defer consideration of these bills just because there are reports in progress. If that attitude was taken ten years ago, we probably may not even have had laws that would come anywhere near protecting the community from the evils of drug abuse that we have in the community today.

Members opposite are concerned that the bills seem to be proposing some fairly heavy-handed penalties. This depends on your point of view as to what is heavy handed and what is not. They do not seem to recognise that the existing penalty for a first offence of marihuana use is more than what is proposed in the bills before the House. They have not highlighted that at all. The current penalty under the Prohibited Drugs Ordinance is \$800 and or two years in prison.

As records would show us, the penalty for first offence use of marihuana in amounts less than 50 grams is \$500 with no gaol penalty whatsoever. That is the maximum penalty. The Opposition call for a deferment in processing these bills infers that some terrible hardship will be inflicted upon those people who are involved in the drug scene which would not have occurred under the existing ordinance.

I admit that, for second and subsequent offences for marihuana possession and for growing marihuana, the penalties in the bills before us are much higher. In relation to users and pushers of hard drugs, the penalties are very much higher. I believe that the community wishes them to be very much higher than they are at the moment. After all, we are here as a legislature to bring in what we believe to be the will of the community as we perceive it. Obviously, we will perceive it in different degrees.

Mr Collins: The community does not want to go to gaol.

Mr PERRON: The community will not have to unless it breaks the law.

The penalties in the current ordinance which the Opposition are proposing remain in force presumably for another six months are absolutely ridiculous as far as being any form of deterrent against traffickers and pushers of hard drugs. The maximum penalty for any offence under the Prohibited Drugs Ordinance at the present time is \$800 and or two years imprisonment. That is an absolute joke when you consider the size of the drug pushing business. I am sure none of us underestimate the size of the business. Nevertheless, they are proposing that that penalty remain for the next six months, twelve months or whatever. I would suggest that to leave that penalty in for one day longer than necessary would be an abrogation of our responsibilities. The Opposition proposes to leave the existing penalties despite the

reported massive increases in the use of hard drugs in the Northern Territory and particularly in Darwin. These would not make drug pedlars hesitate for a moment.

It has been indicated that penalties in the bills are too harsh on heroin addicts. They say that going to gaol when you are an addict must be pretty tough and I have no doubt it is. I am not sure how long withdrawal symptoms from hard drugs last, but I doubt very much whether they would last much more than two years. The penalty in the current ordinance which the Opposition are proposing to keep is two years. The bills before us extend that period and I do not deny that for a second. Are we arguing that the difference between the current ordinance and the proposed bill is such that it will make the world of difference to these people who need treatment? I would suggest that, if the guy has not withdrawn from his habit after two years in prison, two more years will not make any difference to him.

All this debate raised by the Opposition today seems to place a great deal of concentration on the addict and I agree that he has to be taken into consideration. What is probably of more importance is that we should do everything in our power to prevent the creation of more addicts than we have at the present time. We can feel sorry for the addict but the law has a very real role in deterring people from turning more people into addicts. I believe that that would be a far better place for us to direct our attention if we are trying to have an effect on society here. One might relate it in a vague sense to the anti-smoking movement where it is well recognised that it is far more sensible to try to deter people from taking up smoking than trying to stop them. In other words, those who smoke are lost souls. Let us concentrate on saving as many people from taking up the drug habit as we possibly can. The bills have some very stiff penalties in them and I support them

completely. They will act as a deterrent.

There has been a recent collection of laws in the United States relating to the usage of marihuana and I would like to quote the penalties from a couple of states to give honourable members an example of a recent survey. The figures may not be exactly the same today as they were when they were taken because laws do tend to change fairly rapidly. The toughest state in the United States which you could probably imagine would be Alabama and there a second conviction of possessing any amount of marihuana can bring 50 years in gaol and a \$25,000 fine. That state also requires doctors to turn in any addicts they treat or face six months in gaol. In Alaska, any amount for private, personal use or one ounce in public brings a maximum \$100 fine. All these will be maximum. In California, one ounce or less \$100 fine; in Colorado, up to one ounce, \$100 fine. In Connecticut, up to four ounces, one year and \$1,000. In Kentucky, any amount, 90 days and \$250; in Mississippi, less than one ounce, one year and \$1,000. I point out that the permissible amount under the bills before the House is 50 grams which is in the vicinity of two ounces. In Nebraska, up to one pound, seven days and \$500. That must be one of the most liberal of all states surely. In New Hampshire, less than one pound, one year and \$1,000; New Mexico, up to one ounce, 15 days and \$50 to \$100; North Carolina, less than one ounce, six months and \$500; North Dakota, any amount, one year and \$1,000; Oklahoma, any amount, one year in gaol, no financial penalty - that is the maximum term; Oregon, up to one ounce, \$100; Tennessee, any amount, one year and \$1,000; Texas, up to two ounces, six months and \$1,000 - I will not read any more out. They seem to jump around very similar figures. Most of them, with the exception of Alabama and Oregon, seem to hover around a gaol penalty, as well as a financial penalty, or

either of those. It does not indicate in the article whether these penalties seem to go up very savagely after one is convicted of one or more offences but we presume they are maximum penalties. The initial offences would be much lower than those penalties and would gradually creep towards them.

In closing, I would like to answer one point the Opposition Leader raised and that is that, if these bills are passed, the courts will be flooded with cases. In actual fact the bills before the House, as I understand it, introduce virtually no new penalties at all that do not exist under the current Prohibited Drugs Ordinance. If that is the case, as the penalties change, the police effectiveness will no doubt change and that probably will result in some additional people being apprehended. There is no way in the world that they will have to hold sessions en masse.

The last point I would make is that the whole uproar over the fact that the penalties for marihuana use are fairly heavy, and a lot of people think they should not be, surely has to be made with a little bit of tongue in cheek because, after all, how much harm is it really going to do them if they are not allowed to use it? How absolutely essential is it that a guy has a joint when he feels like he needs a kick? As I said, over a period of time, I believe that marihuana will become a socially accepted form of relaxation, much the same as alcohol is today. However, that is going to take quite a number of years and I believe that the actual dropping of penalties will probably start in the western world, as we know it anyway, in the United States, and it will flow from there outwards. Really, all this immense concern over the fact that a guy, if he gets caught with a joint on him, is going to be fined or possibly even go to gaol! The message from the legislators to these people is, "Whether you like it or not, you will be breaking the law and you are

liable to get busted". But it is not going to kill them to go without it and that is the way the situation is at the moment. I think that is the way people are going to have to accept it, unless they can convince governments otherwise.

Mr EVERINGHAM (Majority Leader): I feel I must make some contribution to this debate. Although I do not agree with their reasons, in the past I have had some sneaking admiration for the Opposition in their opposing, for instance, the mining of uranium because of the apparent purity of their motives. Whilst I did not agree with their opposition, nevertheless I felt some private admiration for them. But here, I see them as taking a very extreme stand. They accuse us on this side of being extremists but, in fact, I see them as being the extremists. I see ourselves as being reasonable. I see them pushing post haste down the perilous primrose path to perdition in pursuit of cheap popularity.

I think it was the member for Sanderson who said, "Cannabis is nowhere near as dangerous as they say it is". That little phrase "nowhere near as dangerous" is perhaps the key to the whole thing. It may be nowhere near as dangerous as they say it is, but it is still dangerous. The same honourable member related to us an interesting historical discourse on the use of cannabis throughout history and I think we heard from the member for Arnhem about Queen Victoria's periodical problems. Perhaps I could relate to you a little anecdote about how they used to remove teeth from the head of King Louis XIV. They used to remove them without any anaesthetic with a pair of pliers and they would apply a blazing hot coal to the gum where the tooth had formerly resided and, on top of that, they would then put on some pitch and give the king some cannabis. No wonder they gave him some cannabis - the poor devil. I would hope that we have progressed somewhat further than that these days. Just because Queen Victoria used cannabis and just because King

Louis XIV used cannabis does it necessarily mean it is safe to use it today. Were scientific standards as good then as they are now? Of course not.

Before going into some detail, I would like to dispel the big lie - once again the big lie - that the Opposition has been putting across today about search without warrant. There is no provision in any of this legislation for search without warrant. I challenge the Opposition to point to a provision where it says you can search premises without a warrant ...

Mrs O'Neil: You can search a vessel or a person or ...

Mr EVERINGHAM: Those powers already exist in the Police and Police Offences Ordinance; they are as common as dirt and you can be pulled up on Bagot Road tonight.

In various countries such as USA, Canada and the United Kingdom, many voices have been raised asking that the use of cannabis be legalised, but the great body of international expert opinion is strongly against any such step. The Commission on Narcotic Drugs of the United Nations at its twentieth session reiterated its views that "there could be no question but that cannabis presented a danger to society". The dangers referred to were the impairment of the individual's social functions; the increasing tendencies to asocial and anti-social behaviour and the disruption of personal relationships. Special attention was directed to the effects on drivers, especially when smoked by taxi and lorry drivers. It was concluded that the effects of cannabis on skills and judgments essential for driving was so pronounced as to make motoring during cannabis intoxication a risky procedure. Might I say that the penalties for possession of cannabis, as my colleague the Executive Member for Finance and Planning has so rightly pointed out, whilst not being as severe in the first instance as they are at the moment, certainly are

not and will not be as severe as the penalties that may be imposed for exceeding the .08 reading on the breathalyser.

Dr Gerald Milner, Director of the Alcoholics and Drug Dependent Persons Services of Victoria, states:

The public debate on the health aspects of marihuana has been misleading because too much of the discussion has focussed on biological changes resulting from marihuana use and not on the immediate hazards of marihuana intoxication. The evidence on marihuana intoxication shows that it clearly presents a danger. Even with small dosage levels of marihuana, psychomotor performance is impaired particularly affecting driving safety. Unfortunately, absolute proof that any given drug adversely affects driving behaviour must, by definition, be drawn from evidence of the drug's causative role in traffic crashes. However, prudence suggests that this level of proof may not be needed for reasonable decision making in all cases. We have not time, with rapidly escalating problems, to wait 60 years for "proof", as we did with alcohol. There have been many studies done on marihuana which indicated that behavioural changes which occur are intensified in a stress situation. Performance was worse when subjects were driving in traffic. Rapid decisions and actions, as measured by reaction time, were prolonged and more poorly performed. In one study (Klonoff) such vital skills as brake time were affected and poor judgment was used at intersections. Smart (1974) found usual frequency of traffic accidents in the 6 to 12 months before they were convicted for cannabis use.

There are clear stages in drug using behaviour but this

progression does not appear to start with marihuana. Marihuana is a link in a chain. It appears that young people, as they are going through adolescence, begin their drug consumption with beer and wine. Following that step, there is a next step in two directions: one is to cigarettes and the other is to hard liquor. The next step for both groups, if the young person goes on, is almost inevitable marihuana use. Many people, of course, stop at any one of these steps but for those who continue, the next step is to other illicit drugs - most often tranquillisers, amphetamines and barbiturates. Then for those who go on, the next step is LSD and other hallucinogens, followed by the final step in this progression to the use of what is generally known as the hardest drugs, heroin or cocaine. Similarly, it is interesting that people who are giving up the drug use tend to go back down the same series of steps in the reverse order.

So our earlier assumptions that there were no stages or progression have not been confirmed. It does indeed look like there is a predictable progression. With the "heavy consumption" problem, we have some new data that is of concern. It appears that people who are using marihuana have somewhat more difficulty limiting their consumption than many would have thought. The issue of a progression to very heavy use is one that we should be concerned about. In westernised cultures, those who use 5 to 10 cannabis cigarettes a day are constantly intoxicated, incapable of sober judgment and coordinated action to guard their own and others' safety.

Because there has been some question about the role of marihuana as a possible releaser of aggression, studies of animal

aggression following marihuana or THC administration have been done. Generally these drugs have been consistently found to suppress aggression when animals are not under stress. When animals are stressed by a variety of means - for example, food deprivation, sleep deprivation, morphine withdrawal - THC or marihuana tends to increase aggression. In humans, cannabis used alone does not apparently foster aggression. However, when taken together with alcohol and other personality changing drugs like valium and LSD, aggressiveness and criminal behaviour have been noted. This is particularly true for those under emotional stress.

And I would refer members to the case of Regina or the Crown v Cremen, in the South Australian Supreme Court in 1974.

In recent years several countries have discussed and published reports on cannabis; the Wooton Commission in the UK -

These are almost the same reports as those referred to by the Opposition Leader.

... the Le Dain Committee in Canada, the Shaffer Commission in the USA and the Baume Committee in Australia. The reports show similarities. They arrived at a verdict of not so much not guilty as not proven. In Canada, USA and UK no action was taken to introduce far-reaching liberalising measures. In the United States, two states, South Dakota and Maine, are moving to repeal decriminalising laws passed in recent years.

In western culture cannabis is still a relative newcomer and in general people would be chary with the widespread use of a new drug until more accurate knowledge has come to hand regarding its merits and dangers.

Really, Mr Speaker, that is what I am waiting for because I cannot in conscience legislate to legalise and approve the use of marihuana. This is not only for people of some education and some thought, such as the Opposition Leader - if he chose to use it - it will be available not just to him but to everyone. We are legislating for the weakest people in the community; we are trying to protect the birds with the broken wings. I am just not prepared at this stage to throw them to the wolves.

It is only in the past few years that research with the active ingredients has become feasible. With alcohol and nicotine, it took a great many years before some of their dangers became manifest. By then, popular use had become so entrenched that it has proved virtually impossible to dislodge them, despite their undoubted dangers to health and to life.

Yet here we are urged to hurry, to rush into this new risk area. We have enough problems with alcohol and nicotine, smoking and drinking. We have enough problems with drugs. I just cannot see the logic of pushing into this new area of legalising marihuana at this stage. I want some definitive proof that it is not, in fact, harmful and I cannot satisfy myself on that.

One can only hope that the same process may not be repeated in the case of cannabis. Widespread use and clamour may have made the position of cannabis unassailable before research was given sufficient time to uncover its possible risks to the user's health.

There has been an effective campaign by what Dr Henry Brill of the United States called "a highly articulate pro-drug movement, with informal leadership and a highly developed pro-drug anti-establishment dialectic".

I am afraid, Mr Speaker, that that really is what we are seeing here.

I said before, in answer to what was said by the member for Fannie Bay, that the power to pull up and search motor vehicles already exists in the Police and Police Offences Ordinance and this is merely restated in the Prohibited Drugs Bill. It is done regularly already; it is really taking something out of context and making it seem sinister. I would not say that it is an everyday event but it certainly happens. People readily submit to customs searches, for instance, when they enter a country. A warrant to search a house or premises must be obtained in all circumstances even if it is obtained by telephone.

Turning to the provisions of clauses 7 and 8 of the Prohibited Drugs Bill, I have suggested to the sponsor of the legislation that we should amend these to bring them into exact line with the Narcotics Act of South Australia - and I would not have thought this would have been opposed by the members opposite - by adding the words "unless the contrary is proved". This legislation is common around Australia. There are defences set out in clause 9. Concerning trafficking in hard drugs and, for that matter, in cannabis unless it is legalised eventually, I will never let up.

Concerning the use of hard drugs, certainly rehabilitation must be a priority. As far as I am concerned, as soon as this administration is in a position to allocate funds to set up rehabilitative centres, it will be done. The Leader of the Opposition suggested that we send people to rehabilitation centres in the south. These centres are as hard to find as hens' teeth. Money has not been any easier to find in the south than it has been here; it is just not a practical proposition.

Relatively minor amendments are needed if it is necessary to amend the legislation later to decrease or

eliminate the penalties for cannabis use altogether. I am not satisfied by the arguments of the Opposition that there should be separate legislation for cannabis. Either you make the use of cannabis illegal or you legalise it. If you legalise it, I cannot see the necessity for any legislation at all. We are making the possession of cannabis an offence and the penalties for the possession of cannabis have been dealt with but they are quite different to the penalties for possession of hard drugs and they are radically different from the penalties for pushing or trafficking in hard drugs or cannabis.

Whilst there has been the senate report, I am still anxious before making any decision because the people on that subcommittee are no better qualified than you or I to form a decision. I am waiting for results to come out of the expert commissions that have been set up in South Australia, NSW and by the Commonwealth. If I can be satisfied by what comes out of those commissions that there will be no lasting harm in permitting the use of cannabis, this House can rest assured that I will be supporting within my party the legalisation of the possession of that drug. I am not prepared to take that step now. If you take the step now, you can never draw back. It may well be that these commissions will in fact say that the use of cannabis is harmful. To take the decision to legalise it would be to anticipate the result of the inquiries.

As for allegations that the legislation is an infringement of civil liberties, I cannot say much more than it is very similar to legislation already passed or almost passed in all of the other Australian states. It has been passed in South Australia and I would hope that people here would regard our civil liberties as no more infringed than those of the people of South Australia. In sentencing, we have permitted the courts the option of

releasing offenders on bonds conditionally or otherwise. These conditions could include submitting to rehabilitative treatment if it is available. I understand that it is available at the hospital but, whether it is effective or not, I do not know. I believe that, even with the best of surrounding circumstances, rehabilitative treatment is only effective in about 20% or 25% of the cases. It is obviously a very difficult area.

These pieces of legislation are being passed through this House in terms of the United Nations convention. The convention says in part: "Serious offences should be punished by severe penalties which should encompass deprivation of liberty." I think that we have ameliorated that. In fact, our monetary penalties and our deprivation of liberty penalties are nowhere near as serious as those being enacted in some other Australian states.

Mr TUXWORTH (Resources and Health): In closing the debate, I should reflect on some points that have been made by the Majority Leader. We are not in conflict with the Opposition over the need for strong legislation to contend with people who are pushing or using hard drugs but I do believe that we have reached the time when the parties should come out and say whether they would legalise marihuana or not, rather than use some subtle opposition, as we have seen today with various points in this bill, as a method of bringing the same effect on such drugs as marihuana.

The member for Fannie Bay raised several points to which I would like to reply. She inferred that these were new drug bills, that they had been before the House a short time and that they should sit there for another six months so that members can chew the cud and decide over the Christmas break whether they really want them to go ahead or not. These new drug bills were first introduced

into this House in one form or another 18 months ago and they were resurrected last June and introduced again. Before the bills were introduced, the drafting took six months. The process that we are going through is not a recent one; it has been going on for three years. As I said in the last Assembly and in my second-reading speech, I have been available at any time to any party who wanted to discuss any aspect of the bills and would be more than happy to give reasonable consideration to amendments. I regret that that offer has not been taken up by the members of the Opposition or members of the public.

The treatment and after-care aspect of drug users has been emphasised by many speakers today and it is one that will find no argument on this side of the House. We are very firmly committed to the concept of providing treatment for persons who have become drug addicts or drug abusers. In fact, I would like to foreshadow that amendments will come into this House to complement these bills and these will enable the judiciary to enter into an agreement with a drug addict so that he may go onto treatment as a part of his penalty or his sentence. This is a new concept which does not exist in law anywhere in Australia and we will be quite happy to see it introduced in the New Year.

Further to that, quietly behind the scenes, discussions are going on to see established in the Northern Territory our first centre to cater for drug abusers. There will be no major government funds made available for this. The concept of the facility is based on the same lines as Alcoholics Anonymous where the government is willing to assist in helping, in whatever way it can, people who have a genuine desire to kick their habit.

The member for Fannie Bay mentioned the fact that the Justices Ordinance should still cater for charges against drug offences. She

believed that this should happen in fairness and justice to all. The amendment has been made because justices are limited by the fact that they can only penalise people up to \$800 for an offence whereas another man in another place on another day might come before a higher court and receive a much greater penalty simply because he was appearing in another court. This did not seem to us to be terribly just or fair.

The member for Fannie Bay made one other claim that I feel must be refuted very strongly. She said that the drug cannabis had not been referred to in the United Nations convention schedule and that, as it had not been referred to specifically in the schedule, there was very little reason for us in the Northern Territory to include it in our legislation as a dangerous or a prohibited drug. There is absolutely no doubt that marihuana, cannabis and tetrahydrocannabinol have been included in the United Nations convention. They are in schedule 1 and they are also included in our federal legislation covering drug abuse. They have been included in our legislation because we believe that this is one aspect of the legislation in which we should be consistent with the states.

Many speakers today have made quite a point of the fact that our priorities are wrong, that we should be dealing with alcohol legislation and that we do not know what we are doing because the alcohol problem is much greater in the Northern Territory than the drug problem. They suggest that we should be combatting things in that order. I would like to point out to the honourable members opposite that we have no argument with them about the very desperate need for new alcohol legislation in the Northern Territory but the reality is that the work on the drugs legislation was initiated by the Commonwealth Department of Health nearly two and a half years ago. It has taken that long to get this far. The work on the new liquor legislation would have started at

least 15 months ago and it will be another six months before we are in a position to bring that legislation before the House. It is not a matter of this Assembly not having its priorities right; it is very simply a matter of some departments having greater resources than others.

Great play has been made by the Opposition on the excessive police powers that exist in the bill as they relate to drug offences. The police powers in the bill are comparable to the powers that are in fact given to customs agents. They are comparable to police powers that exist in the states and they are not even nearly as strong as some of the powers that have been given to Northern Territory officials in the carriage of their duty. Honourable members on the other side of the House may not be aware that the fisheries inspectors have much greater powers of seizure and entry than police officers do under this legislation. Wildlife inspectors have far greater powers than do police officers under this legislation. It is a falsehood to even suggest that the police have been given excessive powers here and that these powers will be abused.

It has been alleged during the course of the debate that, under clause 15, police rights to purchase drugs will lead to the abuse of this power by the police and misbehaviour and impropriety by these gentlemen. This Majority Party would no more condone an impropriety by the police in relation to this section of the ordinance than it would anybody else. If ever any member of the Opposition has reason to believe there is an impropriety, I believe they are duty bound to bring it to the notice of the officials concerned.

In a throw-away line this morning, the member for MacDonnell suggested that the great beneficiaries out of all of this will be organised crime. Just to give it a bit of a byline, he names businessmen and civic people in the community. Again, I believe that is quite an unreasonable assertion to

make and if the honourable member has any knowledge of businessmen or other civic leaders who are heavily involved in the racket of peddling drugs, I believe he should bring it to the notice of the officials.

The member for Arnhem was quite emphatic that this legislation would see in the Northern Territory a great increase in the number of what he refers to as instant criminals. I am not sure how one becomes an instant criminal, but if he is alluding to the fact that people will be criminals because they smoke pot, then in fact these people are criminals today. This legislation will have no effect on their position and I fail to see what the point of his argument is.

The Opposition Leader has made a lot of noise about nothing over the search without warrant and while the Majority Leader has gone to some length to explain that this situation does not, in fact, exist in the new bills, I would just like to bring to the notice of honourable members who may not have been in the House during the previous debate that this concept is one that comes out of the Law Reform Report of Mr Justice Kirby who recommends that the introduction of telephone warrants into legislation such as ours is an admirable thing and it is well overdue. Mr Justice Kirby, in discussions with members of the House during his stay in Darwin, said he could see little point in allowing criminals to gain the benefits of such technology as telephone apparatus while, at the same time, the benefits should be denied the law enforcement agencies. I believe, Mr Speaker, this is the first time such a law has been introduced in Australia and the states are watching with interest to see whether, in fact, it is successful in the Northern Territory. I believe it will be most successful, Mr Speaker, for officers working in the more remote areas.

The honourable members on the other side of the House believe we have not differentiated between

cannabis and other drugs. In fact, in the original legislation that was introduced by my former colleague, Mr Pollock, I believe there was not a great deal of difference. In the legislation that was introduced in June, there was in fact a great deal of difference in the penalties and the recognition that cannabis is different from other drugs. As a result of the royal commissions that are being carried on at the moment, the Majority Party, decided that it would make a further concession and indicate that it believes there was a difference between marihuana and other drugs. In fact, we would be prepared in the light of the reports that come down from those commissions, to either strengthen or reduce the penalties that are involved with cannabis and other hallucinogenics.

The question may well be raised as to how we get to this stage and I believe the Opposition Leader has hit the nail right on the head in his little discourse about the endless inquiries that have taken place for the last 100 years about drugs. It would appear that just about every nation in the western world has had an inquiry at some time or other about the effect that drugs are having in the community, about the destruction they are causing in society and about the way the youth of their nations is being wrecked by the abuse of drugs. These inquiries and commissions have all led to one United Nations convention being called and, at this convention, the governments and their respective medical people in the field set down standards they believe society throughout the world could observe. The standards they set were very simple: unless a drug has a medicinal or a therapeutic value to the human being, there is little point in his taking it, and that he could well do without it, and that this be the basis for consideration in the United Nations convention.

As honourable members have indicated in this House today, they feel this standard, as it is about to

be set in the Northern Territory, is a little tough. I am quite prepared to agree with them that it is tough and it is meant to be tough. But the reality is that, until someone can prove to people such as myself and my colleagues that marihuana is a harmless drug that can be consumed in any quantities by any people at any time without any effect on the individual or society as a whole, then I am quite prepared to stand by my decision.

During the course of the debate, there was a lot of talk about the imbalance of the penalties that we have in our new legislation, compared with the states. Honourable members on the other side of the House may not be aware of the penalties which exist in the states and I am more than happy to be able to enlighten them about the penalties that do exist. In Queensland, possession of the prescribed amount brings a fine of \$2,000 or two years in gaol, or both. Trafficking brings a fine of \$100,000 and or like imprisonment with hard labour. In New South Wales, possession brings a fine of \$2,000 and or two years in gaol and trafficking brings imprisonment for ten years. In Victoria, the penalty for possession of the prescribed amount is a fine of \$2,000 and or two years in gaol. Trafficking brings a penalty of \$4,000 and or ten years in gaol. A bill now before the Victorian parliament is introducing a penalty for trafficking of \$100,000 and or 15 years in gaol. In Tasmania, the penalty for possession of the prescribed amount is \$2,000 and or ten years in gaol. Trafficking brings \$4,000 and or ten years in gaol. In South Australia, which many people regard as an enlightened state, possession brings \$2,000 and or two years in gaol, and trafficking \$4,000 and or ten years in gaol. In Western Australia, the penalty for possession of the prescribed amount is \$2,000 and or two years in gaol; trafficking of cannabis leaf only brings \$4,000 and or ten years in gaol and in other forms of drugs brings a fine of \$100,000 and or 25 years in gaol. In

the ACT, the possession of cannabis in the prescribed amount brings a \$100 fine, trafficking is \$800 and or two years, possession of narcotics and hallucinogens \$500 and or one year in gaol and trafficking \$1,000 and or three years in gaol. I believe these penalties are about to be brought into line with the federal government's Customs Act which is also to be updated and the penalties, I believe, that will be incorporated in the Customs Act will go for the \$100,000 fine and or 15 years in gaol for trafficking.

The penalties we are proposing in this legislation, in view of the penalties existing in the states, are not excessive. We are coming up to the field with the rest of the states. I believe our Northern Territory community has no particular desire to be a haven for pushers, particularly of hard drugs, and that is exactly what the Northern Territory will become if we do not bring our legislation into line with the states.

Mr Speaker, I would like to thank the honourable members on both sides of the House for the contribution they have made to this debate and I commend the bills.

Motion agreed to; bills read a second time.

Committee stage to be taken later.

ADJOURNMENT

Mr ROBERTSON (Community and Social Development): I move that the Assembly do now adjourn.

I was asked a question this morning by the member for Arnhem relating to the press release put out in the name of a Mr Smith, on behalf of the Northern Territory Teachers Federation, which claims that the federal government is intending to put up the rents charged to single and married teachers in country or Aboriginal areas. I daresay that the justification for the press release

can be found on page 199 of the 1977 report of the Auditor-General of the Commonwealth of Australia. I would imagine that that certainly is the justification for it and it is the source of the information. I will leave honourable members to work out, just before an election, what the good gentleman's real motive would be as opposed to his justification. It would not be exactly coincidental, of course.

For the information of honourable members, I will read from the Auditor-General's report which touches on this specific problem. On page 193 of the Auditor-General's report, we have a section called "Housing Rental and Records".

An audit review of records maintained for government-owned houses administered by the Northern Territory division of the department disclosed rentals charged were not in accordance with a government decision.

This direction was issued in 1973 so let it not be said that it was our mob that caused all this.

... required each officer occupying a government house in the Northern Territory to be charged a concessional rental not exceeding the economic rental, equivalent to 10% of the minimum actual salary or \$25 per week, whichever is the less. The department, however, has continued to charge rental levels in operation prior to that direction of 10% of an officer's minimum actual salary or \$15 per week, whichever is the less.

That has some justification. I will leave out a paragraph which only goes into technical data and will read out the key to the whole area:

In response to audit observations on these questions, the department advised as follows. Firstly, most of the houses were known to be

substandard and there were problems associated with determining actual rentals. These problems were accentuated by the lack of detailed information in departmental records. The collection of data to create a building assets register enabling the calculation of full economic rental has been hampered and delayed by staff shortages and the magnitude of the task...

Certainly, it would be a task of some magnitude to prepare an asset register on all Department of Education owned or operated housing in the remote regions of the Northern Territory. The honourable member would be more aware than I am of how difficult communications are in his electorate.

It is expected the task will be completed by the end of 1977 and rentals will be determined on an economic basis.

This is in accordance with the 1973 decision of the Labor government, not the present one.

The department's progress in establishing an appropriate building assets register and introducing economic rentals will be reviewed by my office during 1977-78.

This is not by the department, not by the Minister for Education but by the office of the Auditor-General. That is the justification for this press release which I have in my hand but not the motivation for it.

I answered a question in the Chamber on the first sitting day directed to me by the member for Fannie Bay. She asked whether I would give an undertaking in this House that prisoners in gaols in the Northern Territory - I think the reference was particularly to Fannie Bay - would have the opportunity to vote in future, provided their sentences are such as not to prevent

them from having the right to vote. I was also asked whether they had the opportunity to vote in the last Legislative Assembly election. My answer to that was an unequivocal yes. I now find out that the Opposition Leader has seen fit to ring the acting head of my Department of Correctional Services and ask for a similar assurance from one of my officers within my department. The Majority Leader has pointed out - and it is quite proper - that the Leader of the Opposition should have access to departmental heads. That is quite reasonable, but I do think it is a little bit miserable for the honourable gentleman not to take the word of the chief officer of that department in this House. To my knowledge, I have never given anyone any cause to believe that I would lie in this place. I would have thought courtesy and a little bit of respect for the dignity of this place and the position of executive members would have outlawed an action like the Opposition Leader took.

Mrs LAWRIE (Nightcliff): I listened with interest to the long reply to a question asked without notice given by the Majority Leader this morning regarding the present problems Darwin is facing with the continued arrival of refugees. I also listened with considerable interest to the reply to a similar question given by the Executive Member for Resources and Health and I believe the Executive Member for Transport and Industry also has some interest in this area. Accordingly, I think that the three honourable gentlemen may take some interest in the remarks I am about to make. I appreciate the concern shown on behalf of all of us by the Majority Leader in his visit to the quarantine station this morning. Through my own studies, I am aware of the incubation period for several of the diseases such as smallpox and cholera which the population of Darwin fear. Smallpox, of course, has been largely eliminated right throughout the world; I think it is only found in isolated areas in Africa. Cholera is

a different matter but it is easily controlled with modern preventative methods.

The people of the Northern Territory have a legitimate interest in animal quarantine. The member for Tiwi asked for some assurances about this. I wonder if the House knows that, unfortunately, there is only one quarantine officer on duty dealing with animal quarantine even though the present position could be regarded as the most hazardous it has been for the last 50 years. I ask the Executive Member for Transport and Industry if he can do everything possible to ensure that other animal quarantine officers are supplied for the necessary work even if they have to be flown in from some other state. I am sure the states would only be too happy to cooperate in this area as they dread the introduction of foot and mouth disease. To have only one person actively involved in animal quarantine at such a time is not to be tolerated. I think all members of the House would support me in what I have said.

The Minister for Defence was interviewed on an ABC program yesterday. I must say that I did not hear this program but I have had a few reports of it and it causes me some distress. The executive seem to be doing all in their power to protect the Northern Territory from the ills which may befall it but the federal Minister for Defence does not seem to view the matter in quite the same serious light. He said on radio that it was not his problem. Strictly speaking, he could take that line but, as a member of the Cabinet of the government of this country, he could have been a little more responsive and responsible. He said that it was a health problem and that it was too expensive to upgrade the surveillance on the 12,000 miles of the coastline. With very reasonable logic, the interviewer then asked the obvious question: "Are you suggesting that the Health Department should have its own flotilla?" To his eternal shame, I understand that

the minister replied, "That is the most sensible thing you have said yet." If he did say that, I presume we are to look forward to Dr Gwyne Howells' Navy - analagous, I assume, to McHale's Navy.

I have not had the opportunity to get a transcript of the ABC program. I have brought this to the attention of the House in good faith because I have checked it from several quarters and what I have said seems to be exactly what the minister said. If he did say it, and I would suggest that the executive members opposite would be checking this, I think he deserves censure. Surely the Cabinet of the Country Liberal Party would deplore a federal government minister taking such a highhanded attitude to a threat to this country. It is a threat to our health, particularly our animal health, and many honourable members have mentioned that, without reasonable surveillance of our northern coastline, we do not really fear a takeover by a foreign power but we do fear the introduction of exotic diseases which could wreck the economy not only of the Northern Territory but of Australia. I deplore the suggestion that we will have Dr Howells' navy and I suggest the Minister for Defence, with all due respect, would be better employed in making submissions to whichever Treasurer happens to be there at the moment for the upgrading of the patrol facilities which are available to us.

Mr TUXWORTH (Resources and Health): I would like to take this opportunity to answer questions asked of me earlier in the sittings. Yesterday, the member for Sanderson asked whether staff will be available for the dental clinics in Anula and Wulagi schools which are due to be opened in the 1978 school year. The answer is that the Department of Health hopes to be able to recruit these positions early in the new year.

The honourable member for Tiwi asked, "At what stage is the construction of the health centre at

Howard Springs, when is it scheduled for completion and what facilities will be provided?" The answer is that tenders close on 10 January 1978 for a proposed commencement of work in March 1978. The work is anticipated to be completed by January 1979. Outpatients treatment, infant welfare, immunisation, home nursing service, consultation and group meeting facilities will be available at the centre.

Mr STEELE (Transport and Industry): This afternoon, I would like to reply to some of the callous, mischievous allegations that were made yesterday about Mr Rex Jettner. In view of the apparent lack of understanding of the general procedures under which the Primary Producers Board operates and the particular activities of private members of the board, I have decided to make a general statement for the information of the Assembly to clear up any misunderstanding in the answers which I gave to the questions posed by the member for Millner in the House yesterday.

The Primary Producers Board was constituted in 1931 and, until 1970, operated with a full membership of public servants. Amendments were made to the Encouragement of Primary Production Ordinance in May 1970 to provide for the appointment of a private member and for fees and allowances to be paid to that private member. Mr Jettner was appointed as a private member on 7 October 1970, as deputy chairman in January 1971 and as chairman in March 1971. The present membership of the board is as follows: W.R. Jettner, chairman; A. Hooper, deputy chairman on leave; J. Sturtz, acting deputy chairman; T. Lawler and W. Prior. Messrs Hooper, Sturtz and Lawler are all senior public servants who are appointed to the board because of their special knowledge and expertise in primary production of the Northern Territory. The staff at the present time consists of five officers: an economist, two clerks and one rural assessor. Provision is being made for the appointment of two further

officers including a typist.

Mr Jettner has never occupied a public service position in the Northern Territory and he is not a public servant. Whilst the staff of the board are paid out of the salaries paid to the Department of Transport and Industry, Mr Jettner's and Mr Prior's fees and allowances are paid out of moneys appropriated to the Primary Producers Board for that purpose under the provisions of section 4A of the ordinance.

On 1 July 1976, the Administrator revoked all previous determinations of fees and allowances payable to the chairman and each member of the Primary Producers Board and set new fees of \$50 per day and \$45 per day respectively for each day on which they attend a meeting of the board or are otherwise engaged at the direction of the board on the business of the board, provided that, in respect of any such meeting or business of the Primary Producers Board which does not continue in excess of four hours on any day, the fee payable to a chairman or a member who resides at the place of the meeting or the place at which the business concluded shall be at an amount calculated at a rate per hour or part thereof of \$10 and \$8 respectively.

Over the last two years, the board has faced major problems in obtaining the services of a competent technical and investigative staff to enable it to investigate the range of applications for financial assistance. Despite attempts to obtain assistance from technical branches of the Department of the Northern Territory, no assistance was available and the board was required to rely solely on its own staff for the assistance and advice of private members of the board. In addition to these difficulties, the board has been faced, because of the general situation of primary producers in the Northern Territory, with a substantial increase in the numbers of applications for assistance which have been urgent and required in many

cases immediate attention by the board. In these circumstances, the services of the chairman, who has special qualifications and experience in the primary production area, have been used at the discretion of the board to undertake some of the more important investigations. These have included such matters as fishing, pastoral and agricultural matters, flood relief, debt restructuring and rural adjustment.

To give honourable members some understanding of the magnitude of the task, in 1976-77, 69 applications were received, of which 55 were approved, for a total expenditure of \$1,609,430. These projects ranged from applications for assistance in amounts of \$2,100 to \$125,000 and in a total amount of \$2,242,560. From July to 24 November 1977, 42 applications had been received of which 19 have been approved and a total amount of \$478,838. The lowest application was for a project costing \$8,000 and the highest was \$77,500 with a total amount applied for of \$2,125,750.

I would hope in future that the honourable member, when seeking information of this nature, would show me the courtesy of discussing some of the background before he makes the sort of statements that he made in the House and which, of course, he would expect to make banner headlines. I am very disappointed in the honourable Leader of the Opposition.

Mr EVERINGHAM (Majority Leader): The member for Arnhem yesterday, in a passing remark - and I forget the particular connection now - said that, in view of the time the Aboriginal lands complementary legislation was taking to be prepared, he hoped that it would be good when finally it reaches this House. Might I say that, within two days of my being elected to this position, I had written to the Northern and Central Land Councils informing them of the Majority Party's adherence to the Bonner Committee's report recommendations in

principle and that we sought a meeting with them at an early date to enable discussions to take place with a view to the legislation being drafted and hopefully introduced at this sittings of the Assembly. Unfortunately, the Northern Land Council was not able to speak to us until 16 or 17 November. I made my request for discussions very early in September. Whilst there has been delay, that delay cannot be laid at the door of the Majority Party. Certainly, it is our intention to introduce this legislation as soon as possible. My officers have been working on it and are working on it now. I am quite certain that it will be introduced into this House in the first sittings next year.

The second point that I would like to make is that I have not heard of the radio broadcast which the honourable member for Nightcliff referred to earlier when she attributed certain remarks to the Minister for Defence, Mr Jim Killen. However, I do have a letter which I received from him yesterday in reply to a number of communications from myself where he expressed very grave concern at the present mini-invasion of northern Australia by Vietnamese refugees and he indicated in that letter also that he was investigating the position of strengthening the surveillance facilities in Darwin, presumably making provision for longer-range aircraft such as Orion trackers. Those remarks contained in his letter would seem to be at odds with the remarks attributed to him by the member for Nightcliff. I simply thought I should put those remarks before this House so that members could choose for themselves.

Motion agreed to; the Assembly adjourned.

Tuesday 29 November 1977

Mr Speaker MacFarlane took the Chair at 2 pm.

CONDOLENCE - MR JUSTICE WARD

Mrs LAWRIE (Nightcliff) (by leave): I move that this Assembly express its deep regret at the death on Thursday 24 November 1977 of Richard Charles Ward, a judge of the Federal Court of Australia and of the Supreme Court of the Northern Territory and a former member of the Legislative Council for the Northern Territory for varying periods between December 1947 and September 1974, place on record its appreciation of his meritorious public service and tender its profound sympathy to his widow and family in their bereavement.

The Majority Leader and the Opposition Leader have allowed me the honour of moving this motion of condolence. You and I, Sir, are the only two members remaining in this Assembly who have had the privilege of serving with the late Mr Justice Ward. I shall refer to him as Dick Ward as he was known in this legislature. We are the only two to have had the privilege of serving with him in the Northern Territory legislature. I refer, of course, to the Northern Territory Legislative Council. Dick Ward led the Australian Labor Party in that Council but perhaps, more importantly, he led the fight for constitutional reform to allow the people of the Northern Territory a say in their own affairs.

Dick Ward was elected as an independent member for Alice Springs in the first Legislative Council for the Northern Territory. He won that election by the margin of one vote. That took place in 1947 and the Council first convened and sat in 1948. I refer now to a book of those times written by Doug Lockwood called "The Front Door" wherein he makes mention of the first meeting of that Council:

There were some brave words at that first meeting. Driver, the Administrator of the day, spoke of the occasion as "epoch making".

Leydin said he hoped to discover that the disappointment of the community in an official majority would have no basis in fact. A patronizing telegram was read from the Minister for Interior, Mr H.V. Johnson, who promised "earnest consideration" of the Council's deliberations. Richard Ward brought the proceedings back to earth by quoting a remark by the Territory's first federal member, Harold Nelson, who once addressed an audience as "Friends and Indonesians" - a reference to their political disfranchisement. Ward went on to say that certain sections of the Northern Territory Administration Act had been inserted with the deliberate intention of frustrating the desire of the people for self-government.

Following that historic first meeting, Dick Ward did not contest the next election in 1949 but on 23 February 1957, having moved to the Top End, he was elected as one of the two members for Darwin, the late Paddy Carroll being the other. The following year, on 17 April 1958, he resigned. This was the famous mass resignation of members, again because of their pressing need for constitutional reform.

Once again, I shall quote from Doug Lockwood's book:

In the Legislative Council on 17 April 1958, Richard C. Ward, leader of the elected members, said the treatment given to the Northern Territory by the government was different from what would have been the case "had we been Bechuanalanders or Hottentots". The members then resigned to draw attention to the urgent need for constitutional reform. The question had been inquired into by a select committee of the Council. Its recommendations included proposed amendments to the Northern Territory Administration Act to provide for a senator, full voting rights for the member of the House of Representatives, an executive council and limited financial autonomy. The committee also recommended that the disallowance of a Territory ordinance should be upon a vote of the parlia-

ment and not upon a decision of the federal executive, and that the number of elected members of the Council should be increased from six. It was not until July 1958 that the Minister for Territories, the Honourable P.M.C. Hasluck, wrote to the Council with an offer to meet a delegation in conference. Members flew to Canberra in the same month for discussions with senior ministers.

Students of history will know that limited concessions were made following that meeting. I remind honourable members that this all took place in 1958. At that time, Dick Ward was fighting for the constitutional rights that we are only just receiving.

On 11 January 1960, Dick was elected as member for Port Darwin and he was subsequently re-elected on 8 December 1962. He resigned for health reasons on 14 June 1963 but resumed his political life in 1968 when, on 26 October, he was elected as member for Ludmilla. He was re-elected on 23 October 1971 as member for Ludmilla, the last election of the Legislative Council. He resigned on 26 September 1974 pending his appointment as a Northern Territory Supreme Court judge.

His legal brilliance has been spoken of in another place. We remember him here as a politician, an orator and one who could rightly be called a statesman. A man of great compassion and one believing in justice for all, he fought to ensure that legislation was for the good of the community and was not a tool of oppression.

On the day of his resignation, Thursday 26 September, the then member for Port Darwin, Mr Ron Withnall, moved a motion of appreciation of services rendered by Mr Ward. Mr Withnall had served in the legislature first as an official member and then as an elected member and had had a long and close association with Dick Ward. Ron Withnall said in his motion of appreciation:

I have been a friend of the honourable member for about 18 or 19

years now. I have argued and fought with him in the law courts. I have argued and fought against him. In this Council, I have also argued and fought with him and against him. In all of this time in the Council, one can say that his work has been marked by an intelligent and complete application to the task in hand. He has involved himself with every issue that related to the welfare of the people of the Northern Territory. He has forced in this Council issues which were at the time thought to be unpopular, but subsequent history has shown that the view he had taken on those occasions was not only right but one that some other persons in the Council at that time were slow to accept and acknowledge.

Goff Letts, who was then member for Victoria River, seconded the motion and I remind honourable members that he, too, had served in the Legislative Council with Dick Ward, first as an official member and then as an elected member. Goff Letts spoke thus:

In seconding this motion, I can speak from the heart. I have for many years admired the work of the honourable member for Ludmilla in this Council, both when I used to be an observer from the gallery and, in more recent years, when I have been a member of this Council. I recognise his ability and the contribution he has made to the legislation of the Northern Territory and, more recently, in the constitutional affairs of Australia and the Northern Territory. In the last three years, he and I have been political adversaries and we have locked horns on a few occasions pretty solidly. In fact, I should perhaps mention that between us we were responsible for the only time in history that a member of this Chamber was given a holiday by you, Sir, for a little time. In spite of that, I have always respected his viewpoint and, outside this Chamber, I have thoroughly enjoyed his company. Like the honourable member for Port Darwin, I could call myself a friend.

May I pause and say at this point that the two honourable members referred to, the former members for Port Darwin and Victoria River, have echoed their sentiments on this day and I am proud to be able to present them to you.

Another person whom I must mention is Tiger Brennan who served 16½ years on the Legislative Council before retirement. He said recently of Dick Ward, "Having known him for many years, I respect him as being vitally interested in the Territory and his fellowman".

I think I have outlined reasonably the remendous contribution that Dick Ward has made to constitutional reform in the Northern Territory, something which is of current interest, and I think we all acknowledge our debt to this great and compassionate man. While grieving at his loss, there are some of us who have the comfort of knowing that we shared with him the joys and sorrows of fighting for legislative reform and constitutional rights and we were enriched by the experience. Dick Ward is part of the very essence of the Northern Territory. As legislators with a debt to repay, we have his example to follow. May we show as much tolerance, courage and wisdom as he did for, in this way, we can show our appreciation of the life he shared with us. In expressing our deepest sympathy to his widow and family, we can only acknowledge that we are the poorer for his passing.

In closing, I am going to do what I believe Dick would have wanted and quote from Thomas Hardy:

*If, when hearing I have been
stilled, at last they stand at the
door,*

*Watching the full-starred heavens
of winter seas,*

*Will this thought rise on those
who will meet my face no more,*

*He was one who had an eye for such
mysteries.*

Mr ISAACS (Opposition Leader): On behalf of the Australian Labor Party in opposition, I would like to second this

motion of condolence so ably moved by the honourable member for Nightcliff. Dick Ward was appointed a judge just three weeks before the election for this Legislative Assembly in 1974. He died in the last fortnight before the federal election on 10 December.

Dick Ward was a man of very great compassion and humanity. It is a great shame that, when one speaks about him, it sounds so cliché ridden. He was a man, as Judge Forster said this morning, of simple courage, but of huge courage and determination. He was an advocate for the underdog and indeed the guard of honour supplied for him by the firemen this morning was an indication of the deep feeling they held for him. Dick Ward had defended firemen for years, not only in the courts before tribunals but also in very simple ways, in day-to-day matters, and he gained no real publicity for it. He was, however, held in very great esteem in the Territory and around Australia. It was not lightly that he was the first Territory resident not only to be made a Queen's Counsel but also appointed to the bench.

Dick Ward played a very significant role - in fact, it is hard to describe the role he played - in the constitutional development of the Northern Territory. In some ways, I suppose, it is significant that his last legislative act was to put through the amendments to the Long Service Leave Ordinance which reduced the period of service for long service leave from 15 years down to 10 years. It is also significant, I think, that at the funeral this morning two very great Northern Territorians were there. I refer to Jock Nelson, a member of the former Council and a former federal member, and Mrs Nellie Flynn, a nonogenarian who knew Dick Ward extremely well.

In closing I would like to extend the sympathy of the Labor Party Opposition to Mrs Ward and her family. The Northern Territory has lost a great fighter for its cause and Australia is the worse for this loss.

Mr EVERINGHAM (Majority Leader): In rising to support the motion, may I say that today in this House, which he graced for so many years, we pay our tribute to the life and work of Richard Charles Ward. We express our sorrow and our deepest sympathy to his family, not only in the loss of a husband and father but also in the death of a great Territorian whose outstanding contribution to this community as a politician, a jurist and a man of the highest principles will always be remembered. Dick Ward's human qualities and his deep personal understanding were exemplified by the courage and forbearance with which he met the constraints of the serious illness from which he suffered in the last years of his life.

In a political career spanning 27 years and as leader of the Labor Party, he played a most significant role in the affairs of the Legislative Council, initiating many of the moves towards responsible government with brilliant statements which will be read by future historians alongside those of Australia's founding fathers. He had a vision of this Territory well in advance of his time which he advocated with the total sincerity and great vigour of a man to whom political freedom and the rights of citizens of a community to determine their own affairs were fundamental to his philosophy. He saw clearly where the constitutional future of the Territory should lead and he stated his convictions in some of the ablest and most moving oratory this House is ever likely to hear and record.

Dick Ward was never more forthright and forceful than when he was defending the rights of Aborigines, minority groups or the underdog. He was advocating recognition of the rights of Aborigines to their traditional land long before it became a popular platform. It is not without significance that he was, in his position as interim land commissioner, to hear the first of the Aboriginal land claims in the Northern Territory.

His deep legal knowledge was finally recognised by his appointment as a Queen's Counsel in 1973, as we have heard - the first Territorian to have this honour conferred on him - and his subsequent appointment to the bench of the Northern Territory Supreme Court.

He was a man of wide scholarly interests with an extensive library which he shared with many people. His involvement in community affairs was shown by his membership of the planning committee of the Darwin Community College to which he made a valuable contribution in assisting to lay the foundations of that institution and, in particular, to the development of its legislation.

A committed socialist, Dick Ward was prepared to defend, argue and advance his views on the future shape of society with great conviction and candour, but without doctrinaire or proselytising overtones. He had said on many occasions that he would have liked to have had more time for his reading which was wide ranging. It is a great pity and a loss to Australian literature that he was not spared to record the life of this community and his own significant contribution to it. He has left a great deal of himself in his speeches in this House from which future historians may be able to distil something of the diverse talents, wisdom, tolerance, understanding and compassion of a very great man who could walk with kings but never lose the common touch.

Mr TUXWORTH (Resources and Health): In supporting the motion put forward by the member for Nightcliff, I would like to say that Mr Justice Ward is regarded and has been regarded by many as a Darwinian. However, I believe the origins of his legal practice were in Alice Springs where he was a partner in a firm called Ward & Hargrave.

My earliest recollections of Mr Justice Ward were as a boy when Mr Ward was regarded the champion of the battlers' cause. On several occasions when the people living in my area considered that there had been some social

injustice and they thought it was necessary to send for a man to defend the liberty of the individual, on two particular occasions that I can recall the man who came each time - once from Alice Springs and once from Darwin - was none other than Mr Dick Ward.

Mr Justice Ward was known personally by many. He was respected by everyone. He was a man who believed and thought many things but his actions spoke loudest of all. I believe the constituents of the southern part of the Northern Territory would wish that their respects be recorded in this debate.

Mr HARRIS (Port Darwin): In supporting the motion by the member for Nightcliff, I would like to say a few words about the late Dick Ward. I have probably known Dick Ward as long as most members of this Assembly, perhaps not as well but as long as most. I can remember the days when I was a boy and he used to live diagonally opposite our house on the corner of Smith and Daly Streets. I can also remember a friendship between Dick Ward and my parents which developed during the war years. He had his beliefs; he had his ways. But he dedicated his life to the people of Darwin and the people of the Northern Territory.

I would like to quote here from my maiden speech: "There are many great men and women who have contributed to the growth and development of the Northern Territory". Dick Ward was one of those men.

Ms D'ROZARIO (Sanderson): In supporting the motion put by the member for Nightcliff, I would just like to say a few words about my own dealings with the late Mr Justice Ward.

It was my very great fortune to meet Mr Ward, as he was then, on the fourth day after my arrival in the Northern Territory. At that time he was the deputy chairman of the Town Planning Board, as well as being a Legislative Counsellor. As a member of the Town Planning Board, I found he was always extremely understanding and considerate of the ordinary citizen. Later on, when

he was appointed as interim Aboriginal Land Commissioner, I was sometime witness before him and there again I was able to observe that, in all his dealings with people who appeared before him, he showed an immense understanding and humane consideration of their needs and their desires. I believe that all who had any contact with Mr Ward are the poorer for his passing.

Mr SPEAKER: Honourable members, I would like to add my tribute to the memory of the late Mr Justice Ward. I will remember him not just for his flights of oratory, nor as a politician, nor just for his services to law. Most of all he was a humanitarian, a man who believed in the dignity of the individual and who would never do anything to detract from that dignity.

If Dick Ward thought that injustice was being done to any person, he would espouse their cause quite fearlessly. But it was in the nature of the man that in these contests he did not make enemies; he gained more friends.

When I first came to this Assembly, or the Legislative Council as it was then, I did not even know where the establishment was but soon afterwards I was taken under the wing of people like Ward, Withnall, Drysdale, Brennan, Adams and others. The help they gave new members and members who came in the next Legislative Council was terrific. They helped us; they did not write our speeches but they gave us the confidence necessary to get in here and say something, which was what we came to do. I particularly remember Dick Ward. He was quite the perfect gentleman. In the lounge he expounded his views, but never quarrelled with anyone. He helped everyone and, like you all, I greatly regret his passing.

I will now ask honourable members to signify their concurrence with the motion by standing for one minute in silence.

Members stood for one minute's silence; the Assembly adjourned.

Wednesday 30 November 1977

Mr Speaker MacFarlane took the Chair at 10 am.

SUBORDINATE LEGISLATION
COMMITTEE REPORTS

Mr OLIVER (Alice Springs): I present the first and second reports of the Subordinate Legislation and Tabled Papers Committee and move that the reports be noted.

Debate adjourned.

PROPOSED MATTER OF
PUBLIC IMPORTANCE

Mr SPEAKER: Honourable members, I have received from the member for MacDonnell, the deputy leader of the Opposition, a proposal that there be submitted to the Assembly for discussion a definite matter of public importance, namely, the broken promises of the Fraser government, especially in relation to the Northern Territory.

Pursuant to the discretion vested in me by standing order 81, I am not prepared to determine that this proposal is in order for the reason that the time of this Assembly should be devoted to the making of ordinances for the good order and government of the Northern Territory and matters related thereto. The matter proposed clearly relates to federal politics which, at the time of a federal election campaign, are being freely debated publicly outside this Assembly. If the honourable member had alleged that promises had been broken by the Majority Party or its leader in this Assembly, I may have determined differently.

APPRECIATION OF SERVICES
OF RESERVES BOARD MEMBERS

Continued from 24 November 1977.

Mr TUXWORTH (Resources and Health): I rise to support the motion of the Majority Leader. I believe it is correct for this House to record its appreciation of the services rendered by the Reserves Board and its officers

over the past 19 years, a period which has seen the building of the foundations on which the current Northern Territory Parks and Wildlife Service will be able to continue its operation. There is one other reason why I am particularly pleased to be able to comment on this particular motion. In an adjournment debate last week, members from the other side of the House cast certain aspersions about former members of the board and current members of the commission as to the propriety of their appointment, their ability and their capacity to carry out their duties. In so far as there are members on the commission who were past members of the board, it is most fitting that our appreciation be paid to them and forwarded to them in due course.

At the commencement of the Territory Parks and Wildlife Conservation Ordinance, the Northern Territory Reserves Board and the former Wildlife Advisory Council will cease to exist. It is appropriate therefore that the contributions made by members should be recorded and the members themselves thanked.

Since its first meeting in August 1956, this board has met on 106 occasions and has been served by a total of 22 members. The members, in order of service and appointment, are as follows: Mr B. Ryan was a member for half a year. Mr A.R. Miller has been a member for 8 years. Mr D.P. Lampe was a member for 5½ years. Mr N.C. Hargrave was a member for 7 years. Mr. R. Edwards was a member for 2 years. Mr F. Drysdale was a member for 5 years. Colonel A.L. Rose has been a member for 19½ years. Mr R.J. Wren was a member for 3 years. Mr H. Brennan was a member for 3½ years. Mr Calder was a member for 7 years. M. L. Purkiss was a member for 2½ years. Mr. V.T. O'Brien was a member for 7½ years. Mr. M.J. Fisher was a member for 7 years. Mr W.J. Fisher was a member for 9 years. Mr I. Barker has been a member for 9½ years. Mr R. Millet was a member for 7½ years. Mr J. Lake was a member for 3½ years. Mrs A.V. Michell has been a member for 5 years. Mr E. Merron was a member for

3 years. Mr R. Harris has been a member for 3 years. Mr D. Beaton was a member for 2 years and Mr J. Hauser has been a member for 2 years.

At the present time, there are six members on the board and one vacancy. In paying tribute to these people, I am also paying tribute to their predecessors who have worked tirelessly in their job to establish the Northern Territory Reserves Board as a body of note and repute.

The chairman of the Reserves Board for its period of existence, Colonel Lionel Rose, is a man who hardly needs any introduction. He is a distinguished veterinarian on whom his own profession has heaped numerous honours. He was Director of the Animal Industry Branch of the Northern Territory Administration for 12 years. He was a member of the Legislative Council for 4 years. He gave 19 years of his experience and administrative ability to make the board a statutory authority of note and repute. The board has established a standard and a record that will be very hard to beat.

The deputy chairman of the board, Mr Damian Miller, is a man who has been in the Territory for many years. Following his war service as a RAAF Cataline pilot, he became a Connair pilot and has visited every part of the Northern Territory during his years of service here. His valuable experience, as a man who knows the region and its terrain very well and a man who has a very great love for protecting the environment and the ecology, has made a great contribution to the operation of the board. Mr Miller has served the board since 1970.

Mr Ian Barker, QC, at the time of joining the board in 1968, was a resident and a practising solicitor of Alice Springs. Mr Barker moved to Darwin in 1971 where he resides at present. He is a man who is known quite widely as a very keen conservationist and he never loses an opportunity to travel to other regions of the Territory or to improve his own knowledge of the geography and the environment of

the Northern Territory. He is a very keen advocate of the declaration of more parks in the Northern Territory. He is also the Attorney-General elect and has brought to the board, I believe, an expertise in law.

Mr Reg Harris is a man who has lived in the Northern Territory since 1947. He established interests in Alice Springs and has been very active in civic and sporting affairs. He is also chairman of the Northern Territory Tourist Board. His liaison function between tourism and conservation has been valuable indeed. I might add that when the Majority Party came to office in 1974, one of the difficulties presented to us was the conflict between tourist and conservation groups. One of the reasons for the difficulties that existed between these groups was nothing more than a lack of communication. There was not a great deal of communication between the two bodies at all. It was our judgment that formal communication should be established by having members of boards working together. Not only has Mr Harris' position on the Tourist Board made a contribution in broadening the experience of the Reserves Board but has given the tourist industry in Alice Springs, I believe, a great depth of experience and insight into the problems that are faced by the Reserves Board in the administration of parks generally.

Mrs Valerie Michell is, by profession, an agricultural economist and is presently serving the Northern Territory Public Service in this capacity. Mrs Michell and her husband have lived in Katherine for over ten years and I know from my own personal experience in having met Mrs Michell that she is a very keen conservationist and puts conservation, wildlife and park management before all things, even before tourism.

Lastly but not in order of priority is Mr John Hauser, a resident of the Northern Territory for 17 years. He is a man who is currently Assistant Secretary of the Forestry, Fisheries, Wildlife, Environment and National

Parks Branch. As a trained forester and an experienced man in his profession, Mr Hauser has brought to the board an expert knowledge of the Territory's undeveloped areas and of the environmental dangers and advantages of modern forestry practices. John Hauser has been a member of the board for two years and I believe it is significant to note that his present appointment to the new Territory Parks and Wildlife Commission by the Minister for the Northern Territory indicates that his term on the board has been significant and beneficial.

I turn now to the Wildlife Advisory Council established under the Wildlife Conservation and Control Ordinance - a body that works in tandem with the Reserves Board. This council held its first meeting in 1964 and its first nine members were Dr Letts, Mr B. Mentz, Mr B.V. Hennessy, Mr C.N. Schultz, Mr R.H. Lee, Mr K.R. Slater, Mr H.G. Firth, Colonel Lionel Rose and Mr R.C. Darken. The advisory council met on 18 occasions and contributed invaluable advice and expertise to the Territory authority.

Recently, there has been some criticism of the composition of the Territory Parks and Wildlife Commission. I believe that an examination of the members' qualifications will show this criticism to be quite unfounded and I would like to elaborate on the persons involved at this point. The chairman of the new commission is a former director of the Northern Territory Reserves Board, Mr Tom Hare, who carries the status of a level one position or branch head in the Northern Territory Public Service. He is a man who won the position after Australian-wide advertisement from about 30 people who sought the position. The appointee has worked in the Northern Territory for no less than 28 years, after 14 years service with the New South Wales government. His interest in and knowledge of environmental problems is unquestioned and I think it is also of interest and significance that Mr Hare, in company with Mr Vern O'Brien, was a Northern Territory counsellor to the Australian

Conservation Foundation for six years. Mr John Hauser is also a member of the new commission; I have already spoken on the contribution I believe Mr Hauser will make.

The nomination of the federal Minister for Environment Housing and Community Development is Professor J.D. Overington, director of the National Parks and Wildlife Service. My understanding of Mr Overington is that he is a very competent and capable man who has a very great love for and interest in protecting all aspects of the Australian environment and is very keen to see that the Northern Territory Parks and Wildlife Service is administered with as much efficiency and expertise as possible. I believe Professor Overington's previous experience overseas in this area will be of great benefit to the new commission.

Mr Ian Barker whom I mentioned earlier is also a member of the new commission. Another appointment to the new Parks and Wildlife Commission is Mr Boyne Litchfield, a resident of Rum Jungle. Mr Litchfield was born in the Northern Territory 66 years ago and has lived here all his life. He is a very keen bushman and environmentalist. He has been an honorary ranger of the Reserves Board for some 12 years. He is a man who has not spent much time in the town areas but has spent most of his time in the Top End living in the environment which he so dearly loves. I believe his practical experience and knowledge of the regions in the Top End will be of great advantage to the commission.

In closing my remarks, I would just like to say that from the flak that flies from time to time, concerning the Reserves Board and the Parks and Wildlife Commission and its Advisory Board, one would think generally that the public of the Northern Territory does not appreciate the services of people who work on these boards. But really I believe these members of the Reserves Board and the new Territory Parks and Wildlife Commission are held in very high public esteem. I would like to place on record my gratitude for the

services they have rendered the Northern Territory and would ask honourable members to support the motion.

Mr COLLINS (Arnhem): The Opposition in this Assembly unreservedly supports the motion of appreciation of the Northern Territory Reserves Board. As the Majority Leader said in the House during these sittings, it would not be reasonable for any organisation which has served the Territory so well for 19 years to pass into oblivion without recording the appreciation of this Assembly for its services on behalf of the people of the Northern Territory. The Northern Territory Reserves Board, in fact, has well served this community. I do not think there is any need to go into details of the composition of the Reserves Board; that has already been done by the Executive Member for Resources and Health. The Opposition expresses its appreciation for the work carried out by that authority.

I would like to make some reference, however, to some of the opening remarks made by the Executive Member for Resources and Health when he spoke of the criticism of this Opposition concerning the composition of the new Parks and Wildlife Commission. I was the only member on this side of the House who spoke on the subject and, in opening my remarks, I stated:

I would like to make it clear right from the beginning that I am not referring to the commission, I am referring to the Wildlife Advisory Council.

I do not know how much more clearly I can put it than that but for the benefit of the honourable member, I say it again.

I do not intend to enter into that subject again during this debate. The Majority Leader, in bringing this motion on in the House, said:

I move that this Assembly records its appreciation of the services rendered by the past and present members of the Northern Territory

Reserves Board.

Again, I say that the Opposition unreservedly supports that motion.

In recording the appreciation of the Opposition for the services of that board, I would also like to record our best wishes for the new Parks and Wildlife Commission. They have an onerous job to perform. It is a pretty hot seat. The eyes of Australia are going to be on the performance they give to their job. The Majority Leader said in his remarks that the question of federal or Territory control over the Uluru and Kakadu National Parks should not be entered into in this debate. I agree completely with the Majority Leader's sentiments on that subject. I do not think it is proper at this time to enter into that question but I do feel it would be a very suitable subject for debate in this Assembly at a later time. The two greatest problems that I feel are going to be faced by this new commission - and this is the reason I am speaking about this subject - I have no doubt are going to be these very questions: who, in fact, is going to control Northern Territory parks and reserves, the Northern Territory or the federal government, and I think the much more vexing question of mining in national parks. I believe the problems that are going to occur in the ensuing years in connection with mining and national parks are going to give the new commission a great many headaches. I say again the Opposition wishes them the best in their administration.

Mr VALE (Stuart): I would like to pay tribute to past and present members of the Northern Territory Reserves Board. I remember them when I first arrived in Alice Springs many years ago. I was under the impression that the members were some kind of defence or reserve force. My confusion was further aided by the fact that the Reserves Board chairman was a Colonel Rose. And in many ways they were defenders - defenders and protectors for the vast area and sometime fragile environment in the Northern Territory. All members of the board and their staff during the years have shown that

they were both willing and able to perform this most difficult task. In summary, they have performed a service above and beyond the normal call of duty, and I support the motion.

Motion agreed to.

SESSIONAL COMMITTEE ON THE ENVIRONMENT

Mr VALE (Stuart): I move that during the present session of the Assembly a committee to be known as the Sessional Committee on the Environment, consisting of Mrs Padgham-Purich, Mr Vale, Mr Ballantyne, Mrs Lawrie and Mr Collins be appointed; that the committee be empowered to inquire into and from time to time report upon and make recommendations on all matters relating to uranium mining and processing activities and their effects on the environment within the proposed Kakadu National Park; and that the committee have power to send for persons, papers and records, to sit during any adjournment of the Assembly and to adjourn from place to place.

In speaking in support of this motion, I would like to say that the task or duty ahead of this committee will be very heavy. I am certain the comments that honourable members of this Assembly make today will be of assistance to the committee. This committee has in front of it an extremely difficult task and takes on a heavy responsibility. The Northern Territory with its history of pastoral, mining and tourist development must ensure where and whenever possible that these industries are developed in harmony. While mining in particular areas will eventually play out, our tourist sights and scenic attractions properly developed will go on forever. The committee must ensure that this is done and this committee must combine conservation with common sense.

Mr COLLINS (Arnhem): Firstly, I would like to say I feel the Majority Party has failed us somewhat in the composition of this committee and in restricting its activities to the Kakadu National Park. I welcomed the

idea of this committee when it was first discussed and I hoped the committee would be permitted to consider a much wider range of issues than those presented by the national park.

As this Assembly is representative of the entire Northern Territory, I think it would have been proper, Mr Speaker, for this committee to have been commissioned to speak on the problems of mining and conservation in respect of the whole of the Northern Territory, rather than be restricted to the national park alone. I would strongly suggest to the Majority Party that it considers amending the role of this committee to include a much wider range and extend the powers of this committee to include discussions of such matters in respect of the whole of the Northern Territory, rather than of the national park itself.

As a member of the committee, I would like to assure the member for Stuart that it is a subject very close to my heart. I welcome my position on the committee. It is a job I will take very seriously and I will give a great deal of my time and attention to it. I trust the work of the committee will be assisted in every way possible.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, I have very much pleasure in being placed on this committee. As you know, I come from an area of mining, which over the years has been a centre of some controversy, not too much but there has been some controversy with regard to the environment. However, I feel the work that has been done there on rehabilitation and revegetation has proved that there is room for mining industries and conservation, and that the land can be restored to its original condition.

With regard to the comments of the member for Arnhem - he said he would like to see a wider range of powers - well, I can see the amount of work required to be done by this particular committee on the proposed Kakadu National Park and the environmental problems we have before us in the Territory. It we can do that job in the

time that we have and bring out a report which will satisfy most people, we will have done a very good job. It is not so much the work, but the time necessary because of the immense size of the project, particularly the aspects relating to uranium mining in that area. I only hope that we can come back to this Assembly in time to report findings which will be satisfactory to everybody.

Mr TUXWORTH (Resources and Health): In rising to support the motion, I would just like to give the House my guarantee of support to enable this committee to function as early as possible. If I have any information that the committee would like to get its hands on - information that is not of a confidential nature between companies and the government - I will do everything in my power to see that it receives it. I went to a forum last week where an anti-uranium spokesman alleged that the establishment of this committee would mean little because people would not tell the committee what it would want to know. That is the old sign of "where there is smoke, there is fire". If we find either the government or companies not telling us what we want to know about the environment, and the effects their operations will have on the environment, it will be the duty of the committee to expose these things. This is the very reason why we established it from both sides of the House. We are talking about an issue that is not party political. The environment is a Territory issue, one in which we all have a vested interest.

I would like to come back to the point raised by the member for Arnhem relating to the restriction which has been placed on the activities of the committee in that it refers solely to the national park and uranium. For my part, I would be happy to receive any advice or information from the committee on any mining project in the Northern Territory even if it comes in an informal way. They can be assured of my support in their activities in this area.

Mrs PADGHAM-PURICH (Tiwi): I would

like to support the motion. This committee will be important because it represents views across the spectrum of interest shown by all members of this House. It is very important that members of a committee representing such diverse views should try to retain an open mind and be prepared to listen to and consider the views of other members and other people. A very important point that must be always in front of us is practicality. My definition of this is "idealism first and realism next". I make a distinction between practicality and expediency. If this point is borne in mind, we should all benefit from our association with this sessional committee and its deliberations could be far-reaching.

Mrs LAWRIE (Nightcliff): I support the establishment of the committee and I welcome my own involvement with it. The reasons for my support can be most clearly explained if I take up one of the remarks of the member for Nhulunbuy who said that Gove was an example of what could be done regarding restoration in a mining area. In that context, might I say that it is a great pity that, when legislation was passed through this House to enable the lease for Nabalco to be granted and operations commenced there, it was not thought proper at that time to have a sessional committee to report on the ramifications of that proposal. I remind the House that, in evidence given to the Fox inquiry, it became public knowledge that, at a meeting between Nabalco and senior departmental officers of the Department of the Northern Territory, the view was expressed that it would be bad for the company and the department if the public ever learnt of the degree of pollution that had occurred. The commissioner picked up the point and was highly critical of what had happened at Nhulunbuy. Since that time, the company has indicated something of a change of heart. One would certainly hope so.

It does appear that legislation safeguards are not really enough because written into the lease were certain provisions to prevent just such occurrences. It would seem, on the

evidence of history, that a legislature would be wise to involve itself through a committee rather than having to rely on departmental evidence and actions only. With the Assembly taking a greater role in the affairs of the Northern Territory, I would expect that the departments under its control would report a little more faithfully to their executive members as to what is occurring.

Having said that, we must also remember that the federal government is reserving to itself most of the rights regarding uranium mining. It is not simply another mining operation in the Northern Territory; it has greater ramifications and is of world-wide significance. Because of this, I am very pleased to support the involvement of this Assembly at a committee level to buttress, to assist and to add to the very proper controls which I expect to be exercised by the executive through the Executive Member for Resources and Health. I see our role as assisting him and indicating the interests of the citizens of this Territory in what happens in mining operations of this magnitude.

Mr ROBERTSON (Community and Social Development): I had not planned to speak on this motion but I think there are a few points that need to be made quite clear in everyone's mind. The Majority Party has accepted the federal government's decision to go ahead with the mining and export of uranium in that province. We have accepted also without question the controls and conditions as outlined in the government's uranium mining decision.

Mr Collins: Without question! That's great!

Mr ROBERTSON: Let me make it quite clear to the federal government and anyone else that that uranium mining program will be conducted in this Northern Territory. As Territorians, we are the ones who are most vitally concerned. I make that quite clear. The role of this committee, will be not to obstruct the mining companies in their operation but rather to assist them in

matters relating to the environment. I want to emphasise that this is a matter for Territorians and this legislature and this committee will not abrogate that responsibility.

Mr VALE (Stuart): I would like to take this opportunity to thank honourable members for their comments. There is only one point I would like to comment on and that was raised by the member for Arnhem concerning the area of this committee's activity. Perhaps he was not listening last week when the Majority Leader gave an unreserved undertaking that, as other areas were developed within the Northern Territory, this committee will have its scope enlarged.

Motion agreed to.

OMBUDSMAN (NORTHERN TERRITORY) BILL

(Serial 8)

Continued from 23 September 1977.

Mr PERKINS (MacDonnell): The Ombudsman Bill is welcomed and supported in principle by the Opposition. The Opposition is pleased to see that the Majority Party has given this matter relative priority on the legislative program in the Assembly and that endeavours are being made again for the Territory to have its own office of ombudsman in order to investigate the grievances of Territory citizens in respect of the Northern Territory government and administrative actions.

I was pleased to note in the second-reading speech by the Leader of the Majority Party that he would also be happy to consider suggestions for improvements to this bill. The Opposition is happy to make suggestions in the form of amendments and I am happy to say that I have had discussions with the Majority Leader in this regard. He has considered the amendments that have been put forward. No doubt these amendments will be considered in the committee stage.

The Opposition has a number of amendments to the bill. All but two of

these are not insignificant although they are minor. In our view, they are designed to achieve what we hope all members of this Assembly want: a workable system for ensuring the proper review of the Territory's administrative decisions and actions where they have adversely affected the interest of citizens.

The Opposition has long been associated with attempts to develop an ombudsman arrangement in the Northern Territory. I give credit also to the Majority Party in this regard. I believe this is not the first measure of this kind to come before this House. On a previous occasion, there was an attempt in the Legislative Council to establish a Territory ombudsman. Unfortunately, the move was unsuccessful. The Labor government introduced a federal Ombudsman Bill which was finally proclaimed under the present Fraser regime as the Ombudsman Act last year. This act also provides for an ombudsman arrangement for the Northern Territory, as well as for the Commonwealth in general.

The Opposition agrees with the remarks of the Majority Leader that it is now appropriate that sections of that act be repealed to make the Northern Territory ombudsman responsible to this Assembly, and no doubt the necessary arrangements will have to be made with the federal government as soon as possible in order that the appointment of an ombudsman in the Northern Territory is not delayed.

There will, of course, continue to be the Commonwealth ombudsman. His powers, under the Ombudsman Act of last year, allow him to investigate complaints which are made about the actions of Commonwealth departments and instrumentalities which operate in Australia, including of course the Northern Territory. As the Commonwealth begins to transfer additional powers to this Assembly, the jurisdiction of a Commonwealth ombudsman will be progressively reduced and that of the Northern Territory ombudsman increased. I believe, by the scheme of this bill, this will be an automatic process.

I would like to make a few general remarks about the legislation generally, as I think some consideration should be given to the quality and the quantity of the provisions in this bill. I believe this legislation, like other legislation already in force in the Territory and other legislation before the Chamber, is excessively wordy and verbose. It is so much of this nature, in fact, that there is room for considerable doubt about what some of the provisions actually mean. Also in some cases there may be room for ambiguities.

I instance the provision under clause 3, subclause (1), which provides in the first instance that there shall be, for example, a general range of matters within the ombudsman's jurisdiction and a particular range of matters not within his jurisdiction. In the second list, there is a phrase which indicates that a particular situation is not included in that list. I guess what it means, of course, is that it is in the first list. I believe this is a double negative; it is a clumsy way of putting a provision which could be more easily stated in other terms which are simple and understandable to the average person in the street.

It is lawyers who draft ordinances and, of course, it is lawyers who end up interpreting them. However, it is the ordinary citizens too who are bound by ordinances. I believe that legislation ought to be framed in such a way that ordinary citizens of the Northern Territory can easily understand it. I believe the sloppy legalese of the Ombudsman Bill and of other legislation is not really a search for precision. It is sloppy thinking by people who are not really sure of what they are trying to say. I commend this advice to the draftsmen who are responsible for preparing legislation for this Assembly.

Moving on to the legislation itself, the bill provides among other things for the investigation by the ombudsman of complaints which are made against members of the Northern Territory Police Force. I think that might be

clear from the phrasing, although it is difficult to understand at times because of the double negative and the confusion which arises from the provisions in the legislation itself. It also provides for the investigation by the ombudsman of the way the police themselves investigate a complaint, where a citizen complains in the first instance to the police and is not happy with its resolution. If this is the intention of the bill, the Opposition welcomes this.

The Opposition has respect for the police but we also believe the general principle that no man shall be a judge of his own cause applies equally as well to the police as to other areas of government and administration in the Northern Territory. It is this kind of thinking which appears to be behind the Ombudsman Bill. Nevertheless, the Opposition believes there are reasonable grounds for making this legislation a little more clear on, for instance, what ought to happen when a complaint is actually made about the behaviour of the police. In the committee stages the Opposition will be moving some amendments designed to do just that.

The Opposition will not be trying to lay down an inflexible code nor to unduly restrict the police or the ombudsman. What we will be trying to do is to ensure that the confidence of the public in the police force remains high, that the public is also made aware of its rights and that there are outside indices of the inefficiency of police, for example, the record of the number of complaints made.

The Opposition believes the police have very heavy responsibilities and they deserve our support in carrying them out. We believe that, in living up to their responsibilities, they are entrusted by this Assembly and by common law with important powers over the rights and liberties of others. That is how it ought to be. However, there are members of this Assembly who are very jealous of individual rights and liberties, and would wish to ensure that the powers of the police are exer-

cised with discretion, understanding and responsibility. The Opposition does not make any assumptions that this will happen. However, we seek continually to reassure ourselves that this is so, because it is very easy for power to be abused.

It is with that in mind that we are all agreed here that the ombudsman ought to be given the power to look at complaints against the police in the Northern Territory. The Opposition regards the ombudsman as a natural recipient of complaints by members of the public against members of the Northern Territory Police Force. In addition, we see the ombudsman as having a vital role in the assignment and, in certain cases, the control of the action to be taken pursuant to such complaints. The ombudsman ought to have the power of independent investigation to be used in special circumstances, together with an educative and instructive role. This view is also supported by the Australian Law Reform Commission in its report No. 1.

What the Opposition proposes is a system based on the recommendations of the Australian Law Reform Commission for ensuring that the ombudsman is made aware of all complaints against the police and that he himself, or his office, investigates the serious complaints. With complaints which are not so important, the police would be able to conduct their own investigation and merely inform the ombudsman of the result. The ombudsman would act only if he thought that result inappropriate.

While, in general terms, this is in line with the Law Reform Commission proposals, the Opposition would not require the formation of a special "police force" within the police force in the Northern Territory. We would leave discretion in that regard with the Northern Territory Commissioner of Police. We would not be seeking to codify and restrict all persons involved in the way that the Law Reform Commission has. We are still on the side of leaving a lot of discretion in this matter. However, it is our concern that discretion be exercised with

understanding, with caution and with responsibility.

The Opposition also proposes a provision which is similar to section 10 of the Commonwealth Ombudsman Act to cover a situation where there is unreasonable delay on the part of someone given statutory discretion. I refer not so much to a refusal, but a refusal to consider it one way or the other.

We believe that the Majority Party, if it is concerned to see an independent procedure established in the Northern Territory to investigate the complaints of citizens and particularly complaints against the behaviour of the police, will support these amendments. We support this bill in principle but have a number of amendments to propose. These amendments will make the office of ombudsman even more effective.

Mr DONDAS (Casuarina): The presentation of this bill is in no way a criticism of the civil service. However, the recommendations within the bill provide the most acceptable method under a parliamentary system of government to safeguard the interests of an individual citizen against abuses of power by government departments or their employees. Before proceeding with the bill, I would like to draw the attention of honourable members to the meaning of the word "ombudsman". It is a Swedish word meaning agent or representative. While the word in itself may seem strange, the choice of the name which has been taken in the English-speaking world is of secondary importance if the legislation designed achieves its purpose. I am of the opinion that the legislation before us today does credit to our legislative draftsmen.

Bypassing the preliminaries of part I, I draw attention to clause 4(3) which relates to the appointment of an ombudsman. Here, to be effective, the person that this Assembly recommends to the Administrator must be a person who has the respect of public officials and, in particular, the respect of members of this Assembly. He must be a strong individual and must be able to

remain above party politics. It perhaps would be desirable for the Assembly's nominee to have some legal qualifications because I believe that a person appointed to this position would be handicapped in this activity if he lacked legal training. In examining this clause, it is evident that the members sitting on the benches opposite can be involved in any decision of this Assembly to recommend the appointment of an ombudsman to the Administrator.

Clause 4(4) relates to remuneration and conditions. I would certainly expect the Administrator to obtain guidelines from the Public Service Commissioner to enable him to pay a salary for this most important position. If I may digress for just one moment, I would remind members of our princely Assembly allowance of \$7,500 in 1974. I would certainly hope that the same thing does not happen to the ombudsman.

Subclauses (5), (6) and (7) of clause 4 as printed will add security to the appointment and hopefully, if the person selected carries out his duties successfully, reappointment would be automatic. Subclause (8) says that, if the ombudsman receives substantial remuneration, he would not have to engage in employment outside his duties. I have no objection to that subclause.

Clauses 5, 6 and 7 are self-explanatory, machinery provisions and merely relate to leave of absence, resignation or retirement.

Clause 8(1) relates to removal and suspension. The suspension of the ombudsman by the Administrator for misbehaviour or physical or mental incapacity seems a proper course. However, as this Assembly recommends the appointment to the Administrator, why should it not be a decision of this Assembly to dismiss him for the reasons as mentioned? This course would seem to discourage the use of the removal power for frivolous or partisan political reasons or having to go through the motions of subclauses (3) and (4) to replace him after the Administrator has removed him. I have no objection to the

remainder of this clause.

Clause 9 refers to the filling of a vacancy. For many reasons, this clause is most desirable. However, I am not satisfied with a person acting for 12 months. I would rather see this period in subclause (2) reduced to either three or six months. As for subclauses (4) and (5), I have no objection.

Clause 10 relates to the oath of office. I would prefer to see the oath or affirmation administered by the Speaker of this Assembly. After all, we recommend and restore, so why shouldn't he be sworn in by this body?

Clause 11 - because the office of ombudsman depends greatly on the integrity and discretion of its key personnel, I certainly hope the provision that persons shall be employed under the Public Service Ordinance will not restrict the ombudsman in being able to choose employees in whom he can have confidence. He must be able to select his own employees and, at the same time, I hope the office of ombudsman does not develop into a sizeable bureaucracy.

Clause 12 relates to delegation. Once again, it is a machinery clause which allows the ombudsman to delegate his authority to an employee.

Part III of the bill relates to the jurisdiction and functions of the ombudsman. This part of the bill emphasises the scope in which the ombudsman has great discretion in deciding whether a complaint merits investigation and to what extent the investigation should be pursued. Part III surely must be the heart of the bill in that it makes the ombudsman play the role of a public prosecutor. It allows the ombudsman to investigate complaints of maladministration against government departments and authorities. It gives him the authority to have access to departmental files and personnel, with minimal interference to the orderly works of the department.

However, I am not satisfied with clause 17 (2) which states: "A

complaint shall, unless the ombudsman otherwise directs, be made in writing by the person aggrieved". For the purpose of better performance, I should expect that any complaint under this ordinance would have to be in writing. The member for MacDonnell has proposed an amendment to subclause 17(2) by omitting "by the person aggrieved". I do not understand his reasoning as I am at a loss to know who otherwise will lodge a complaint to the ombudsman. With reference to the member for MacDonnell's foreshadowed amendment to 17(4), his argument is taken. However, I am inclined to disagree because his amendment relates to a person who has been detained in custody, apparently in prison, whereas clause 17 in its present form lends itself towards any type of institution such as a hospital or a mental home whereby a patient may wish to correspond with the ombudsman. The member for MacDonnell's suggested amendment overlooks this matter whereas the clause in its original form does not.

Clause 18 is an important structural clause of the bill and I am pleased to see in 18(3) that the ombudsman will advise a would-be complainant of his intention to proceed or not to proceed with his investigation.

Clause 19(5) allows the ombudsman to consult with an executive member before arriving at a final conclusion in his investigation. Subclause (6) is much the same but it provides the ombudsman may consult with the mayor in cases where a complaint may concern a council employee. Clause 19(7) relates to reports by the ombudsman in the event of misconduct or a breach of duty. Perhaps there should be some provision in this clause to allow the ombudsman to make recommendations in his reports that may solve the problem.

Clause 20 relates to evidence. The ombudsman, from time to time, may require a person to give him information in relation to his investigation. Clause 20 will allow the ombudsman to summon any person who is an officer or employee of any department or authority who in his opinion is able to assist

him in his investigation.

Clause 21 relates to entry. This particular clause has some far-reaching implications. I would prefer to see some provision in this clause instructing the ombudsman to inform a department or authority of his intention to visit them. For example, this clause would legally allow the ombudsman or his delegate to enter any premises any time of the day or night. I am not sure whether this is the intention but, nevertheless, I feel it should be clarified.

Clause 22 relates to non-disclosure of certain matters. This clause eliminates the disclosure of any deliberations of the Executive Council or of any committee of the Legislative Assembly relating to matters of a secret or confidential nature which could be injurious to the public interest or prejudice the investigation of an offence.

Clause 23 briefly states that the ombudsman and every person obtaining information under this ordinance shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their function. Clause 24 is a machinery clause concerning the wilful obstruction or hindering of the ombudsman in his duty.

Clause 26 concerns the procedure on completion of investigation. This clause gives the ombudsman a basis for a decision or a broad basis to censure persons on legal and moral grounds. He may criticise an unjust law as well as a blameworthy official. He may institute proceedings against any officer who ignores his recommendations. He must take sufficient steps to ensure that a person under investigation is given a fair hearing.

In supporting the bill, I would add that the three related functions to be performed by the ombudsman are that he investigates citizens' complaints or grievances against specific departmental actions; he contributes generally to an efficient and fair government administration; and he will assist

this legislature in carrying out its role in the executive arm of government. The bill allows us to do that and I support it.

Mr ISAACS (Opposition Leader): When the honourable member for Casuarina began his speech, I thought he must have sacked his New Delhi speech writer and got himself a new one. But it is apparent that he is putting forward his credentials as a new executive member for law and he must have got back his New Delhi speech writer.

As my deputy leader has indicated, the Opposition does support the principle contained in the bill. There are many provisions in the bill which are highly commendable. I do not desire to go through each of those and show how good they are but I do wish to point out a number of the deficiencies in the bill in a constructive way. I hope the Majority Party will take note of them and do something about them. Might I say right at the beginning that it is pleasing that the Majority Party has agreed to suggestions which we put up regarding the question of independent investigations into police matters. Certainly, so far as that principle is concerned, the amendments which have been foreshadowed by the Majority Party have support in principle from the Opposition.

However, there are a number of matters which I would like to raise regarding the current bill. So far as clause 14 is concerned, it appears to me that the ombudsman will only be allowed to make investigations after all channels which are open to an aggrieved person have been used. It seems that the appropriateness of the ombudsman is determined by his capacity to get in early to these complaints and do something about them before people have a chance to dig their toes in. It is true, I believe, as the member for Casuarina has said, that the ombudsman in some ways is a public protector. Indeed, the people who make complaints to him or her would look upon the ombudsman as their advocate. The ombudsman would look upon the complainant as his client. In these cases, it

is important that at the earliest possible opportunity, the ombudsman is given a chance to investigate matters. It seems to me, from my reading of clause 14, that the ombudsman will be shackled and not be able to come into the matter until he is satisfied that all channels open to an aggrieved person have been tried. If that is the case, then what may well happen is that the aggrieved person may take his matter through judicial proceedings which can be expensive, of course, and once he has done that, I believe an ombudsman would be most disinclined to make a finding contrary to the finding of some judicial body. I think it is important that the ombudsman be allowed to investigate early and that an aggrieved person not necessarily have to wait until all possible channels have been exhausted.

The second point that worries me relates to clause 13, subclause (2). Clause 13, as was pointed out by the member for Casuarina, says that the ordinance applies to all departments and authorities. That is clause 13, subclause (1). Everybody would say, "Hear, hear!" because the idea of the ombudsman is that he can investigate administrative matters within government departments. So we would all agree with clause 13, subclause (1). But then subclause (2) of clause 13 proceeds to completely contradict that statement or to water it down to such an extent that it gives us great concern. It is quite true that the Majority Party has circulated amendments but, frankly, that does not give me any heart either, because it seems to me that what it does do, as I see it, is to take out of the proposed ordinance and put into the regulations the question of those departments which still can be exempt. If my interpretation is incorrect, I will be delighted to hear from the mover of the amendment that I am incorrect; he can put my mind at rest on it. But it seems to me that the principle is this: where the ombudsman is to make an investigation into a department that department can be exempt from those investigations by regulation - not subject to oversight from this Assembly.

It may well be - I am not saying this will, in fact, be the case but it may well be - that the ombudsman will be sitting in his nice little office with no departments to investigate. I trust that is not the intention of the Majority Party but I would like to hear from them what grounds and what criteria they would use to exempt certain departments from investigation.

I refer further to clause 18. For the most part, those areas which the ombudsman may refuse to investigate, in my view and in the view of the Opposition, are reasonable and sensible. It is our belief that the ombudsman should not be required to investigate matters which he thinks are trivial, frivolous or vexatious and certainly those provisions have the support of the Opposition. However, subclause 1 (c) of clause 19 intrigues me. I am just wondering what it means? The provision reads:

The Ombudsman may refuse to entertain a complaint or, having commenced to investigate a matter raised in a complaint, may refuse to continue the investigation if he is of the opinion that -

(c) the person who claims to be aggrieved has not a sufficient interest in the matter raised in the complaint;

It has been my experience over the last five years, in my capacity as a union secretary, that people lose interest for a number of reasons. I hope the interpretation of "interest" relates in that colloquial sense and not in a sense of any question of money involved. Perhaps, again, the Majority Party can clarify that matter. At best I will say that provision is ambiguous and, as such, it should be clarified.

I take the point of the deputy leader of the Opposition when he said that, when somebody reads these bills, he ought to be able to interpret them clearly. Subclause 1(c) of clause 18 means to the layman that if a person

does not have sufficient interest - that is, it seems that they do not care sufficiently - then the matter will not be investigated. If that is not the meaning, then I ask the Majority Party to clarify it. The point I make is this: very many people lose interest for a number of reasons, not least of which is the fact that they get leaned on by somebody. It seems to me that, if the ombudsman believes the matter is sufficiently serious, he ought to investigate whether or not the person's interest drops off, to use that colloquialism.

The final matter I want to reflect on is clause 19. Subclause (4) of that provision reads:

If, at any time during the course of an investigation, it appears to the Ombudsman that there may be grounds for making a report adverse to a department or authority to which this Ordinance applies, he shall, before making the report, afford the principal officer of that department or authority an opportunity to comment on the subject matter of the investigation.

I am not quite certain what that particular clause is meant to achieve. If it is a sop to a principal officer, so be it. But, frankly, it does not seem to add much and certainly it could hinder the working of the ombudsman. Again, I draw that subclause to the attention of the Majority Party and ask why that particular provision is incorporated.

I hope these matters which I have raised will be taken up by the Majority Party. We do agree with the principle of the ombudsman. We welcome the priority which the Majority Party has given to this particular piece of legislation. We welcome the fact that the ombudsman will be a Northern Territory ombudsman and not part of a piece of Commonwealth legislation. To that extent, we welcome the bill. We support the bill and hope the Majority Party will consider the matters we have raised and agree to some of them being incorporated in the bill to make it

work more efficiently for the good of the people of the Northern Territory. Because one thing is for certain - if I might conclude on this point - and the member for Casuarina put his finger right on it: whoever holds the position of ombudsman will have a very great responsibility on his or her shoulders. If that is the case, that person must command a great deal of trust and respect. I commend the remarks of the member for Casuarina in his comments about suitable pay, suitable entitlements and suitable status for the new position of ombudsman.

Mrs PADGHAM-PURICH (Tiwi): People have been talking about an ombudsman for some time now. I have looked up a bit of the background of the idea of the ombudsman. It is not a new idea, the office having existed in many countries as far back as 200 BC. In the Roman republic there was the position of the censor, whose functions included an examination of the performance of officials. At about the same time in China there was a continuously operating censorship whose functions were similar; the supervision of officials was considered and any complaints about maladministration looked into. After those two old forms of government had declined and decayed, another form of ombudsman was seen in mediaeval times. In England there was the Court of the Exchequer which developed from the King's Council of Norman times which used to operate in cases hearing grievances. This type of grievance hearing official at that time was neither very efficacious nor satisfactory, due to the incumbent legal system.

Then I can find nothing about an ombudsman in any country until about 1713 in Sweden when the office of Chancellor of Justice was said to have been introduced by Charles XII. Even before 1713 both Sweden and Finland had an office which supervised the public prosecutor and functioned on behalf of the king. In 1809 the Swedish constitution established a democratic monarchy and although having a system of appointing ministers who would direct the working of certain departments, also in article

96, parliament itself appointed an ombudsman responsible to parliament. In 1919 newly created Finland established a position of ombudsman; Denmark in 1953-54; Norway in 1961. In none of these Scandinavian countries can an ombudsman criticise the exercise of discretion where there is no question of excess or abuse. Some British Commonwealth countries on the other hand give consideration, on a great number of complaints received, to the unwise use of lawful powers by officials.

Concerning the duties of an ombudsman, the views have been expressed that if we had a better system of administrative law or if creeping despotism had not been allowed to develop in bureaucracy, we would have had no need for an ombudsman to protect ordinary people from the undue interference, negligence and errors of government officials.

Three important features of the position of ombudsman are: first, he is an officer of the legislating body and reports back to it; secondly, he is an impartial investigator and politically independent; and, thirdly, he has no right to quash or reverse a decision nor has he direct control over the course of bureaucracy. His power lies in his right of investigation and the publicity consequent on his reporting back to the legislature.

Most of the amendments to this bill I consider to be tidy-up amendments and therefore should be sensibly considered. The Ombudsman Bill will give full protection to the ordinary man or woman in the street, to make an attempt to redress any wrong they may feel has been done to them by the bureaucracy, and I commend the bill.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, I consider this bill one of the most important pieces of legislation to come through this Chamber. It is one that has been awaited for a number of years, as far back as 1972 when the Legislative Council processed a bill through this Chamber which has not been assented to. In fact, Mr

Speaker, the Legislative Council was the first to bring in such a bill in Australia which shows the wisdom of those past members of that Council as we can see if we read back in past Hansards. By virtue of bringing in this bill now, the earlier ordinance will be withheld.

I think one of the basic things about this bill is that, unlike the Commonwealth ombudsman, the person appointed under this ordinance will relate to this Assembly. The Assembly will recommend someone as the ombudsman to the Administrator and the Administrator will make that announcement. With that relationship, the Assembly will have the power to ask the ombudsman to report back to the Assembly his findings in any investigation and also we can ask the ombudsman to look into certain complaints.

I think one very good provision in the bill is in subclause 1(c) of clause 19 where it provides for the ombudsman to notify the respective member about complaints that have been made in his electorate. Before any investigation commences, he must notify that member. I think that is one way of having some communications and also the member can keep an eye on the proceedings. In fact I think we could say, Mr Speaker, that the office of ombudsman complements the role of a member rather than detracts from it.

The power of dismissal is through a resolution of this Assembly which I feel would be quite just, considering that the whole ordinance is related to the Assembly. As well as making the appointment, we can by resolution have the power to dismiss.

I see there are some amendments. One particular amendment is to clause 7 where I see that the words "physical or mental" are to be omitted. I feel that is very just because the physical side of a person may not affect his ability to function. A person may be handicapped in some way but it still does not make him unable to operate from his office.

There is one particular clause which I feel a little unhappy about, particularly in the way it has been written. It is under the heading "Refusal to investigate", clause 18, where it says:

The Ombudsman may refuse to entertain a complaint ...

I think we can probably look for a better word than "entertain". There are other parts of that provision, particularly in subclause 1(e) of clause 18, where it says:

(e) the complainant had had knowledge for more than 12 months prior to making the complaint ...

I wonder what would happen if he had knowledge for 12 months and one hour. Putting a time limit on such a provision is, I think, very difficult because sometimes when investigations do take place, witnesses may be called in to discuss things that could have happened two years earlier. I think it has to be up to the discretion of the ombudsman and I am sure whoever is appointed would be a person who would not regard that "12 months" as a fixed standard.

We are very happy to be able to have this legislation. The idea has been around for a long time in the minds of people. It is also one of the promises of the Country Liberal Party to bring in such a bill and I welcome it. I know there will be a few amendments - some of them tidying up, some of them to strengthen the bill. The people of the Territory will now have a way of going to some authority to express their feelings in matters which have in part caused them to remain silent. I commend the bill.

Mrs LAWRIE (Nightcliff): Like other honourable members, I rise to support the bill and its concept. I think it is only fitting at this time that I pay tribute to Tiger Brennan. Perhaps it would have been relevant to call Tiger to the Bar and get him to give his comments on the bill because of the years he spent trying to get similar legislation through the Northern Terri-

tory Legislative Council. Ron Withnall is another person who was deeply involved with the concept of the rights of a citizen who feels himself aggrieved by the action of some civil authority to have this recourse.

Having expressed general approval, I want to comment on a couple of the issues that have been raised this morning. The Opposition Leader spoke about clause 14 and queried whether it meant that a person had to go through all the other forms of redress before being able to seek the assistance of the ombudsman. My view is different to his because I believe that subclause (3) read in conjunction with subclause (4) gives the necessary discretion to the ombudsman to take up the matter if he feels undue hardship would otherwise be caused.

Similarly, in clause 18(1)(c), the ombudsman may refuse a complaint if he believes "the person who claims to be aggrieved has not a sufficient interest in the matter raised in the complaint". Personally, I have no quarrel with that. It is a way of regulating affairs so that mischievous complaints, perhaps not wilfully mischievous but extraneous complaints, cannot be continually brought before an ombudsman whose time could be better spent elsewhere. I personally favour the retention of clause 18(1)(c).

Having indicated my feelings on those issues and my support for the bill, could I advise the Majority Leader that I think it is a pity to have legislation introduced into the Assembly which will be substantially amended without having plenty of time for the amendments to be considered, not only by the members of the Assembly but by the public. I support the Majority Leader's efforts to establish procedures whereby the public can clearly understand its rights if it wishes to make complaints against members of the police force. I intend to support that principle in the committee stage because it is a matter of some public importance. It was probably considered that this was the best way of handling it so there would not be undue

delay. Normally, however, I would favour the introduction of separate legislation if such important matters are to be introduced into this House. They ought not to be considered simply as amendments to a bill which is already before us. I have made the distinction reasonably clear. In this particular instance, I can only support the bill going through the House.

However, I hope he will take some note of what I am suggesting because with the Town Planning Bill the amendments are about twice the size of the original bill. It is very difficult because it does not allow members of the public sufficient time to indicate to their member their interest and their concern. It is also very difficult as a private member to get competent legal opinion in the short time available for the consideration of amendments. I do realise that the ombudsman amendments were circulated last week, for which I am grateful, but it is difficult to justify procedures which allow the passage of amendments which have the same weight as the bill itself when there is insufficient time for their careful consideration by others.

I intend to speak to the separate clauses of the bill in committee. However, I have one other general comment. I support the Opposition members who spoke of the necessity for the law to be expressed in language which is readily understood by the man in the street, particularly in legislation which seeks to indicate to him his rights if he feels aggrieved. In the amendments circulated by the Majority Leader dealing with complaints against the police, whilst accepting the thrust of the legislation, I find that its method of expression is rather cumbersome and will not be clearly understood by the people whom it purports to assist.

Mr ROBERTSON (Community and Social Development): I rise briefly to support this bill. It is the culmination of many years of effort by this legislature to bring into law in the Northern Territory the Northern Terri-

tory's own ombudsman and his office. It is indicative of the sincerity of the Liberal and National Country Party government in Canberra that it is more than prepared to amend the federal act in order to facilitate this legislation. It indicates quite clearly to me that it is sincere in its desire to see responsible self-government for the Northern Territory. It is a shame that governments of both ilk have been so obstructionist over previous years in their attitude to the office of an ombudsman for the Northern Territory. It is a curse or a plague on them both. We are now progressing towards responsible self-government and the federal government is carrying out its role.

It is only proper that we should have in the Northern Territory a system of public review and scrutiny of administrative actions. It is necessary that that scrutiny be based on a Territory located scrutineer. Laws necessarily affect the lives of all people in the Northern Territory. Laws are usually restrictive by their very nature and they establish obligations and rights. This inevitably gives rise to administrative decisions having to be made which all too frequently seem to affect the persons in respect of whom they are made in a manner in which they really would not have wanted. It is necessary that those actions be reviewed. The actions of public servants are the actions of human beings who are not infallible. This legislation seeks to guarantee the right of an aggrieved citizen to have someone to turn to.

Mr Speaker, as a member of the Legislative Council over a number of years - this is your second term, Sir, as a member of this Assembly - you have probably found that much of your time has been taken up in the very role of ombudsman. Indeed, all honourable members in this Chamber would have found themselves acting in the role of ombudsman. That is largely what we have had to do in the past. I would not suggest that that role will cease. Nevertheless, the establishment of an office of ombudsman in the Northern Territory will give a second avenue for

people to use. People ought to bear in mind that their local member is still there and I am quite sure that local members will use the good offices of the ombudsman to discuss problems directly with him. I see no reason why that cannot be done. I can see it, in fact, as being a method of increasing the efficiency within his office. I certainly would have the intention, subject to the directions of the ombudsman, to take problems to him directly. I think he will be a valuable adviser to all honourable members here.

I turn very briefly to the points raised by honourable members opposite, particularly the member for MacDonnell. Apart from giving agreement in principle to the thrust of the legislation, he regrettably used the whole of his time to continue what he has been doing over the past few years: his eternal exercise in police bashing.

Mr Perkins: That is not true and you know it.

Mr ROBERTSON: I do not know why the honourable gentleman does it. In his proposed amendments, he seeks to establish a register of complaints against police officers. This is a list of charges whether proven or not, whether of substance or baseless - it matters not to him. His attitude is that, as long as the police force is ground into the dirt, he is happy. As long as he can ensure that the morale of the police force is zero, he is happy. I do not think it does him much credit to bring forward legislation which would provide for a register of complaints which would be subject to public scrutiny even before the member of the police force has had a chance to defend himself. If he allowed him the chance to defend himself and he was found not guilty of any crime, misdemeanour or neglect, it would be bad enough if that went into the register but his proposal is to put it in without any reference to the police officer concerned and without any opportunity for him to defend himself whatsoever. On this side of the House, we will clearly reject such a measure.

The Leader of the Opposition raised a number of points which were taken up quite ably by the honourable member for Nightcliff. What amazed me a little is that he wants the ombudsman to launch into action at the first hint of a complaint. That is not the role of the ombudsman. We can hardly expect this gentleman to be a substitute for the entire Northern Territory Public Service. Really, that is what he is saying: the moment you have a difficulty you go to the ombudsman. I suggest then that we should sack the entire Northern Territory Public Service in name and call them all ombudsmen because that is the only way you could carry out his program. He also supported the matter of frivolous charges or complaints. He cannot have it both ways. You cannot have the ombudsman subjected to every little criticism without exhausting the normal, reasonable accesses through the public service and, at the same time, say that he should be protected from trivia.

He referred to the word "interest" in clause 18(1)(c). The honourable member for Nightcliff has explained this; it means that a person must be directly affected by the matter under consideration. That is the legal meaning of the word "interest". In other words, we do not want a mob of can't-mind-their-own-business do-gooders looking after other people when the other people may not want them to interfere anyway.

Mr Perkins: What if they are indirectly affected?

Mr ROBERTSON: If they are indirectly affected, all they need do is substantiate to the ombudsman an interest in the matter. It can be a part interest; it can be a total interest, but it must be a sufficient interest and that is all that is necessary.

The honourable member for Nhulunbuy raised the query of the cut-off time of 12 months. The 12 months could start to run from the date of the final decision. It would not date from the commencement of the cause of action but

only from the date of the decision. Clearly, you must have some cut-off time otherwise the record would become doubtful, recollection would become doubtful and officers would start to move from one place to another. You would have to go to great expense in obtaining information. Clearly, it must be made plain to the public that they cannot dally for ever and expect interminable costs to be paid to have their grievances investigated. The time of 12 months - and that was the first time I noticed that in the legislation - may even be a little too long. I am quite sure that, when you are hard done by by the public service system, you know about it immediately and would want to do something about it immediately.

The honourable member for Nightcliff quite rightly raised points concerning the time available to honourable members to study detailed amendments. I do not think she was over-critical of this particular series of amendments, although they were circulated last week. She does raise a valid point and I can assure the House that, in so far as it is physically and humanly possible, I will ensure that any substantial amendments are circulated as soon as they are prepared and agreed to by the executive and the Majority Party. I think that is only proper.

The other point that a number of honourable members have validly raised is the gobbledegook in which this legislation is drafted. It is unfortunate that this sort of thing happens. It is legislation by reference; one clause refers back to the others. I think the Majority Leader did everything possible to see that it was streamlined. Honourable members opposite indicated that they give us credit for the fact that we have placed high priority on this legislation and to have had it completely redrawn would not have facilitated the provision of that priority in this Assembly. It is nevertheless regrettable when legislation like that does appear.

Mr EVERINGHAM (Majority Leader): Mr Speaker, there really is not a great deal that has been left for me to say

in reply. The manager of government business has very ably summed up what has been said in respect of this piece of legislation and, as I see it, has adequately disposed of the criticism that arose, although we do notice that both the sides of the House, the Opposition and ourselves, are universally in support of this piece of legislation.

Might I say, in respect of the amendments that have been circulated on behalf of the Opposition, that I personally see them as a rather subtle essay in police bashing. To me, the tenor of those amendments smacks of discrimination against the police force. We hear so often from the Opposition that they are so concerned with the civil rights of everyone but they are not terribly concerned with the civil rights of members of the police force. They want the members of the police force to be judged without a judge and jury; they want them to be tried in advance; they want the register of complaints to be available to the public. But this is only of complaints against members of the police force, Mr Speaker, not of any complaints against any other department of the public service. There we see the true rationale of the amendments moved by the member for MacDonnell. Keep bashing those police. You will destroy their morale. Knock them down; give them no chance.

The member for MacDonnell referred to the double negative. I suggest that he has not read the amendments as circulated, because amendment 3.2 deletes that. That passage in our legislation was a straight take from the Commonwealth legislation so we have, in fact, improved on it.

I find it curious, too, that their amendments seek to take away from the police the power of investigating complaints against themselves in the first instance and give it directly to the ombudsman when, in fact, the Law Reform Commission recommendations suggested the establishment of an elite investigatory unit within the police force. We have certainly not taken this up

because we believe the Northern Territory Police Force is not sufficiently large to warrant the establishment of an elite investigatory unit. But we have certainly provided that any complaints against members of the police force are to be finally resolved, in the event of any dissatisfaction, by the ombudsman. One of the advantages of having them first dealt with by the police force itself is that they are a disciplined force; they can say to their members - and this, in my opinion and in the opinion of many, is something that goes on in disciplined forces - you will answer this question; you have no right not to answer this question. In this way you will get at the root of things a lot quicker by having the police investigate it in the first place. The real facts of the matter are that these amendments are, by and large, a shabby attempt to grind the police force. That is the whole object and rationale of the member for MacDonnell: grind them.

The member for Casuarina suggested that rather than the Administrator-in-Council handling the removal from office of an ombudsman who may be incapacitated for one reason or another - a lunatic or unfit to fulfil his functions - this should be handled in the Assembly. One would hope that this situation would not arise frequently but I am sure the relatives and friends of the ombudsman, the lunatic ombudsman, would wish the matter of his removal not to be debated in the Assembly but be handled rather quietly by the Administrator-in-Council.

May I give this House an assurance that the position of ombudsman, when it is created, will be a fulltime position and it will carry a good remuneration - a remuneration that will attract men, I believe, of stature to apply for the position.

Then we heard somewhat later some grandstanding by the Leader of the Opposition ...

Mr Speaker: The honourable Leader of the Opposition.

Mr EVERINGHAM (Majority Party): The honourable Leader of the Opposition, Mr Speaker. He is concerned that the departments to be subject to the operation of the Ombudsman Ordinance are not spelt out in the legislation. He went on in, I feel, a rather tongue-in-cheek fashion to say that regulations were not subject to the scrutiny of this House. I think we all know that every regulation that is made has to be tabled in this House and has to be either allowed or disallowed by this House. I can only say this: it is the intention of the Country Liberal Party at this stage that every department of the public service be subject to the operation of the Ombudsman Ordinance. It may be, however, that at some future time there could be some sections set up, in some department of state, where it would be inadvisable that the operations of the Ombudsman Ordinance should extend. I believe the way the proposed ordinance is framed at the present time allows for flexibility to permit this.

We heard the honourable Leader of the Opposition play upon the word "interest". I do not really think it is worth discussing this at much more length because it has been dealt with both by the manager of government business and the honourable member for Nightcliff, but I would invite the honourable Opposition Leader to propose an alternative to the word "interest".

As to subclause (4) of clause 19, it is proposed there that the ombudsman should forward to the chief executive officer or departmental head a warning notice that he proposes to bring down a report adverse to the conduct or actions of the department of which that man is the chief executive. I would have thought that this would have been one of the most efficacious ways of securing quick response in rectifying whatever had been the breach or arbitrary use of administrative power. As far as I am concerned, that is quite a proper provision and it will remain.

We heard the member for Nightcliff saying that she was unhappy at the late distribution of these amendments and,

because of that, there should have been two ordinances: one to deal with administrative complaints and the other for complaints against the police. As I see it, this is just an unnecessary proliferation of legislation. These amendments were circulated to members of this House, in accordance with the practice previously prevailing, as soon as they were conveniently available. It is the same practice that prevails everywhere else and, whilst we would all like to adopt the ideal system proposed by the honourable member, they would find it impossible to carry that out even in the federal parliament.

I would like now to deal piecemeal with the proposed amendments by the Opposition. They have proposed that clause 14(1) be amended in the first instance. Basically, these amendments are designed to enable any person to complain directly to the ombudsman about any action or lack of action taken by a member of the Northern Territory Police Force.

Mr ISAACS (Opposition Leader): A point of order, Mr Speaker! It seems to me that the Majority Leader is making a speech which would be more appropriate to the committee stage. We are debating the bill. We are not debating the amendments circulated by the Opposition.

Mr SPEAKER: There is no point of order.

Mr EVERINGHAM (Majority Leader): Whatever means are employed to make such a complaint, the member receiving it will be statutorily obliged without undue delay to reduce it to writing and send a copy to the Commissioner of Police or his nominated officer and to the ombudsman. I am not prepared to accept the basic approach advocated in the proposed amendments. I do not think the ombudsman should have a primary investigative role in relation to police actions generally. The best qualified persons to conduct such investigations are the police themselves. This is a fact widely recognised by many, including the Law Reform Commission. The police are a dis-

ciplined force who, on the whole, serve the public very well. If there are grounds for complaint, the police should investigate the matter first and only if their investigation is unsatisfactory should the ombudsman become involved.

Under the proposed amendments, it would be possible to have two investigations going at the same time in relation to the same complaint: one by the ombudsman and one within the police force. This fact is recognised by paragraph (1) (f) of the proposed amendments. Such an event would not only result in duplication of work but could result in destruction of police morale. The Commissioner of Police must be in a position to enforce discipline within his force and, to do this, he must be free to carry out proper investigations. He must have a discretion not to pursue a complaint if he does not consider it to be bona fide or to pursue a complaint vigorously if he considers it justified. The merit of our proposals is that, if the commissioner does not carry out an investigation within a reasonable time or if the investigation is not properly carried out within that time, either the person aggrieved or the police officer complained of will be able to require the commissioner to refer the matter to the ombudsman for independent investigation. I am not going to adopt a rigid stand on what is a reasonable time for this purpose. Perhaps three months is too long and it could be shortened to six weeks. Such a period should be, in most cases, sufficient for an adequate police investigation to be carried out. However, I am not prepared to eliminate this time factor altogether because to do so would be to abandon the principle that the primary investigative authority for complaints against general police actions should be the police themselves. It would invite abuse and repeated complaints to a police officer in the knowledge that the police officer would be statutorily obliged on each occasion to reduce the complaint to writing and refer it to the ombudsman.

I will now comment briefly on some

other aspects of the proposed amendments, and may I say that they were canvassed at length by the member for MacDonnell. Firstly, they would permit any person, including a member of the police force, to complain about any action taken by any other member of the police force. I suggest that this would allow a member of the police force to complain, for example, about action or lack of action taken concerning his promotion, a matter that is otherwise outside the jurisdiction of the ombudsman by virtue of the definition of "administrative action". I see this as being undesirable as there are already established avenues for such matters, including provision for appeal. On the other hand, the proposed amendments do not provide for the ombudsman to investigate any action taken within the police force as a consequence of a complaint - for example, any disciplinary proceedings. The ombudsman, of course, has no disciplinary powers himself.

I do not support the proposal that the ombudsman should make a register of police complaints available to the public. Confidentiality is essential to the successful operation of the ombudsman and, accordingly, secrecy provisions have been written into the bill.

As to the proposed amendment in respect of clause 14(3), I have no objection to that nor to the amendment to clause 14(3)(b) where the words "person aggrieved" are to be deleted and the word "complainant" substituted. I also agree with amendments to clause 14(4)(a) and 15(3). In respect of clause 17(2), the proposed amendment of the Opposition is objected to. If it passed, it would remove the requirement that the only person who may make a complaint to the ombudsman is the person aggrieved or, where that person has died or is unable to act for himself, the person who, in the opinion of the ombudsman, is suitable to represent him. It should not be possible for any person to make a complaint on behalf of any other person otherwise the whole office of ombudsman could be open to abuse.

The next proposed amendment by the Opposition relates to clause 17(4). I do not object in broad principle to the proposed amendments although I suggest that they could have been expressed to be in addition to existing subclause (4) rather than in lieu of that subclause. The only problem is that of possible abuse by a person in custody resulting from his right to make continued requests. Unless the Opposition can satisfactorily amend their draft to prevent this, I would not be prepared to support it.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr EVERINGHAM: I move amendment 3.1.

This amendment seeks to make it clear that the key definition of "administrative action" excludes any action in connection with a coroner's inquest or committal proceedings, these being inappropriate matters for investigation by an ombudsman and it being preferable that, if they have to be investigated, they be investigated by judicial process.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 3.2.

As the bill is drafted, certain limited classes of action by members of the police force can be investigated by the ombudsman, even though the action may in some way relate to their employment. The matter is otherwise outside the ombudsman's area of investigation. However, new provisions as to the investigation of actions by members of the police force are to be proposed in later amendments and, accordingly, the reference to the police force and the definition of "administrative action" needs to be deleted.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 3.3.

This amendment seeks to exclude action by the Northern Territory Parole Board from the jurisdiction of the ombudsman. This is a quasi-judicial function that I do not think should be the subject of investigation by an ombudsman.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 3.4.

This amendment to the definition of "complainant" seeks to make it clear that it includes the person aggrieved where the complaint is made in a representative capacity.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 3.5, deleting the definition of "judge" which is considered as being unnecessary in view of other interpretative provisions.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 3.6, and my knees are beginning to need some grease.

In support of this amendment, I would say that the definitions of "responsible executive member" includes the member who administers an ordinance under which an authority is established. However, it is possible under present administrative arrangements for different executive members to administer separate parts of the same ordinance. Accordingly, the amendment to the definition of "responsible executive member" makes it clear that it is the executive member who administers the relative provisions of the ordinance under which the authority is established.

Amendment agreed to.

Mr EVERINGHAM: I move amendment

3.7.

This is a further amendment to the same definition of "responsible executive member" to deal with the situation where an authority is not established by or under an ordinance.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4:

Mr EVERINGHAM: I move amendment 3.8.

This amendment seeks to make it clear it is only in Territory laws that references to the ombudsman are to be read as references to the Northern Territory ombudsman.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clauses 5 and 6 agreed to.

Clause 7:

Mr EVERINGHAM: I move amendment 3.9.

This amendment seeks to delete the words "physical or mental" from the retirement provision of incapacity. The objection is that a person may not be able to consent to his retirement if he is mentally incapable.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8:

Mr EVERINGHAM: I move amendment 3.10.

This is a corresponding amendment to the preceding one.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clause 9 and 10 agreed to.

Clause 11:

Mr EVERINGHAM: I move amendment 3.11.

This amendment seeks to make it quite clear that the ombudsman's staff are to be members of the Northern Territory Public Service.

Amendment agreed to.

Clause 11, as amended, agreed to.

Clause 12 agreed to.

Clause 13:

Mr EVERINGHAM: I move amendments 3.12 and 3.13.

These two amendments seek to delete the present provision in the bill whereby the Administrator-in-Council can exclude a department or authority from the jurisdiction of the ombudsman. A later amendment will reinsert this power by way of regulation, thus giving the Assembly the important power of disallowing or debating such regulations.

Amendments agreed to.

Clause 13, as amended, agreed to.

Clause 14:

Mr EVERINGHAM: I move amendment 3.14.

This item proposes to insert a much wider power for the ombudsman to investigate actions generally by members of the Northern Territory Police Force. As the bill is presently drafted, the ombudsman is limited basically to the investigation of administrative action by a department or authority, including the Northern Territory Police Force. It has yet to be precisely settled as to how far this term "administrative action" extends. There have been several recent Victorian court decisions which indicate that it has severe limitations. In one case, for example, it was said that a

matter of assault on a prisoner by a prison officer would not be a matter of administration to be investigated by the Victorian ombudsman unless the complaint related to wider facts such as the enforcement of discipline and the proper hearing of complaints.

The Commonwealth Ombudsman Act sought to expand the range of inquiries into actions taken by members of the Commonwealth Police Force to include consequential action taken as a result of a complaint. However, it has been said by the chairman of the Australian Law Reform Commission that the powers of the Commonwealth ombudsman are really in the form of an ex post facto review of police investigations. It follows that they do not enable him to investigate the merits of an individual action taken by a member of the police force. That commission, in an interim report, has recommended a general power for the Commonwealth ombudsman to investigate all actions of individual police officers as they affect members of the public. Having regard to these considerations and for the need, as I see it, to introduce an independent element into the investigation of police complaints, this amendment is now introduced. It has a number of important facets which I would like to explain to members.

Firstly, it will not exclude the power of the ombudsman to investigate, in the first instance, administrative actions taken by members of the police force. This will continue to be covered by clause 14(1)(a). In this regard, I refer members to the definition of the term "department" which includes the Northern Territory Police Force.

Secondly, the ombudsman will have jurisdiction generally to investigate any action taken by a member of the police force, whether or not it is an administrative action in so far as a member of the public is aggrieved by that action. The only limitations on this power will be that there must be a written complaint which can be made by the person aggrieved or his representative and it must be referred to the ombudsman by the Commissioner of

Police. The commissioner will have an independent power to refer the complaint to the ombudsman at any time. A period of three months after the receipt of the complaint has been settled upon as an appropriate period before the commissioner can be required to refer the complaint to the ombudsman. The object is that, within that time, the normal police investigations will proceed. In that regard, you will recall that I was not firm on the three months and I was quite happy to accept an amendment for another period, such as six weeks.

In the view of the Majority Party, it is essential that primary emphasis on the investigation and resolution of alleged police misconduct must come from within the police force because only they have the necessary expertise to do the job properly, a fact that has been recognised by the Law Reform Commission and others. However, if they do not do their job properly they will, as a result of this amendment, be open to the independent scrutiny of the ombudsman. An important point to note about this proposed new procedure is that the ombudsman will also be able to investigate any action taken within the police force as a consequence of the complaint, including disciplinary proceedings.

Another point of importance is that either the person aggrieved or the member complained of can require the complaint to be referred to the ombudsman.

A final point to note about the new procedure is that, upon reference of the complaint to the ombudsman, he will deal with it in the same way as an ordinary complaint made direct to him. All the various provisions of the proposed ordinance dealing with complaints will apply, including the wide investigatory powers of the ombudsman, the power to decline to deal with the complaint on appropriate grounds and the power to make reports and recommendations.

The Majority Party is not prepared to support several other recommendations of the Law Reform Commission in

relation to police complaints, although these recommendations are not directly relevant to this bill. I mention briefly for the interest of members just one of these matters. It is not at this stage proposed to set up a special investigatory unit within the police force, as recommended by the Law Reform Commission. Regard must be had to the size of the force and the pressures on manpower. I have, however, recently announced that an officer of the Crown Law Office will be involved in police investigatory procedures. This, plus the new overriding supervision of the ombudsman, should in my view do much to take the tension out of police complaint procedures and ensure fairer protection to both sides.

I am particularly hopeful that this will lead to greater cooperation between the police and Aboriginal citizens in our community. As far as I am aware, Mr Chairman, the Territory will be creating a first in Australia with this legislation on police complaints.

Mr LAWRIE: Mr Chairman, I rise to ask if in fact the amendment should read six weeks or three months, because in the circulated amendment it still stands at three months.

Mr EVERINGHAM: I certainly moved that it be six weeks. There is an additional amendment floating around I think.

Mr CHAIRMAN: It is six weeks.

Mr LAWRIE: Mr Chairman, I rise to add a few remarks in support of the amendment. I was one of the few people to give evidence before the Law Reform Commission on the way in which complaints against the police could be handled. I gave my evidence to the commission openly, of course, with about 20 policemen sitting behind me and I could feel their eyes upon me.

Mr Everingham: Was it because of your words or for some other reason?

Mr LAWRIE: I do not know. I suggest that the Majority Leader might

ask the people under his control, if he wishes any further information on that.

When I gave my evidence, the chairman of the Law Reform Commission, Mr Justice Kirby, quite obviously wanted backing for the idea that there be an elite group within the police force to investigate complaints against the police. I said that on the evidence then I could not agree with that, that the police force was too small in numbers. Not only is it a question of manpower but it is a question of peer pressure, and I thought it would be unfair pressure on those people who could not hope to isolate themselves from the rest of the police force. In my evidence I said that justice had not only to be done but be seen to be done, and agreed with Mr Justice Kirby, upon further questioning, that the only way in which initial complaints could be handled with a degree of expertise and within the time was for the initial investigation to be done by the police force. I then said I very much favoured, following that, an independent person other than the commissioner to decide whether the complaints should be taken further. It does appear that the provisions of the amendments before us provide for that.

I have not altered my thinking since I gave evidence to the commission and therefore I support this amendment. I simply do not see that anybody else can carry out the initial investigation other than the police, unless you set up another statutory body simply to deal with such specific areas, which I think is unwarranted and unworkable and, hopefully, would not have a lot to do most of the time. If it were not for the fact that the ombudsman could take some action upon his own initiative if not satisfied with the actions of the commissioner or the complainant could pursue the matter, I would not be so happy with the amendments. But I think they are workable as they stand and they are certainly in line with the evidence I gave some months ago. I support them to that degree.

Mr PERKINS: The Opposition would like to move our amendment number 6.1.

Mr CHAIRMAN: We have a question already before the committee. If the present amendment before the committee is defeated, then you can move 6.1.

Amendment agreed to.

Mr EVERINGHAM: I do not know if the member for MacDonnell proposes to move his other amendments but if he does, I do not have any objection to those amendments - 6.2, 6.3, 6.4 and 6.5.

Mr PERKINS: I move amendments 6.2, 6.3, 6.4 and 6.5.

In doing so, I would like to explain the basic reasons why the Opposition would like to move these amendments. The Opposition believes these amendments ought to be accepted because the original words indicate that there is a subjective test to be applied where a complaint is received, and that is whether or not the action complained of gives the person complaining a standing in law to complain. As it is, the ombudsman is given power as he sees fit to reject a complaint if he believes the person does not have a sufficient interest in the matter. So there is adequate room provided for weeding out frivolous and vexatious complaints. However, a person who has not actually been harmed but who has actually suffered an inconvenience or personal loss ought to have some good grounds for making a complaint. We believe that using the words "aggrieved person" may result in the ombudsman having difficulty in considering a complaint if he feels that he may not be able to be satisfied, as a matter of fact, that a harm has been suffered.

I have a number of situations in mind but the major one relates to what are usually described as "class actions". For example, a whole community or class of people who have been affected in a general way by a decision or an action may make a complaint, perhaps through a representative individual. Often, in these cases, this individual can only establish on tenuous grounds whatever the real substance of the complaint is.

In addition, there may be instances where the motivation for a complaint is not any personal loss actually suffered but rather a desire to have the practice which has been observed reviewed and halted. In such cases, a person may have a grievance but not be an aggrieved person. How far the ombudsman should go into such actions ought to be a matter of discretion for him, bearing mind the seriousness of the matter and his resources. I do not think we ought to fetter him by taking such matters from his jurisdiction.

Mr ROBERTSON: I wonder if I could have some clarification from the sponsor of this amendment? When he talked about group claims and class claims, does he visualise the use of the ombudsman's office for the purposes of objecting to decisions made on such things as needs claims?

Mr PERKINS: What is envisaged is that, if you have a situation where there is a group of people actually affected by a particular decision but only one of them is directly affected, the other concerned people within the group ought to be able to make a complaint to the ombudsman, if it will mean that action will be taken to ensure that justice will be done for the complainant.

Amendments agreed to.

Clause 14, as amended, agreed to.

Clause 15:

Mr PERKINS: I move amendment 6.6.

Amendment agreed to.

Clause 15, as amended, agreed to.

Clause 16:

Mr EVERINGHAM: I move amendment 3.15.

This is a consequential amendment to the new police complaint provisions dealt with under the previous item.

Amendment agreed to.

Clause 16, as amended, agreed to.

Mr EVERINGHAM: I move amendment 3.16.

Amendment agreed to.

Mr PERKINS: I move amendment 6.7.

The Opposition believes that, if these terms were omitted, the whole provision would be simplified.

Mr EVERINGHAM: I think it is now in order to move my amendment 3.17 to insert the words "or body" which would mean that the clause would end up reading "complainant or body".

Amendment to the amendment agreed to.

Mr EVERINGHAM: I move amendment 3.18.

This amendment is designed to make it clear that any complaint may be made by a representative of the person aggrieved in appropriate circumstances, including a complaint against action by the police.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 3.19.

This amendment is merely a matter of clarification.

Amendment agreed to.

Mr PERKINS: I move amendment 6.8.

The Opposition is seeking to ensure that a person who is actually detained in custody is entitled, on request, to receive facilities and assistance from any officer who is actually connected with his detention to prepare a complaint under this bill and to enclose that complaint in a sealed envelope.

The Opposition is also seeking to ensure that, if you have a person in this kind of situation, and he makes

any complaint to the ombudsman, the authorities who are responsible for the actual detention of that particular person have the duty to forward the complaint without any undue delay to the ombudsman. The Opposition believes that any persons in prison who have cause for complaint ought to be provided with those facilities and that the matter ought to be handled in a confidential way. I understand there are practices within the prisons whereby the prison authorities are able to view the contents of a prisoner's mail. Our amendment is trying to get around that situation to ensure that, if a prisoner wants to make a complaint, then his complaint has to be dealt with confidentially. They must have an assurance that their mail will not be opened and that the contents of the complaint will not be seen by the prison authorities.

Mr ROBERTSON: The amendment as proposed by the Opposition is unacceptable to the Majority Party. If the person intended initiating a complaint against a police officer for an action by that police officer before he was actually incarcerated in the prison, under the present rules he has complete access to legal aid without question at all. He also has direct access by letter to me. Any such letter would be acted upon responsibly by me or my director. It is unacceptable to me for the simple reason that administrative decisions by officers within the prison itself could be brought to the attention of the ombudsman. I can assure you that I will not allow any correctional services under my control to be so dealt with.

Mrs LAWRIE (Nightcliff): Perhaps the Majority Party would give an indication of its policy on the following points. I have some sympathy with the amendment but I do not see that, in its present form, it would be very easy to administer. For example, "a person who is detained in custody is entitled upon making a request" - I would take that also to mean a person in custody in the police cells. If we carry that to its logical conclusion, because of the amendment of the Majority Leader which was accepted, an amendment in

that context would need to be phrased so that any sealed envelope with a complaint against custodial treatment in a police cell would have to be forwarded to the Commissioner of Police in the initial stages and not to the ombudsman. Perhaps the Majority Party would indicate whether they would accept that. As far as police custodial procedures are concerned, a person may request a sealed envelope to make a complaint about the treatment to be forwarded to the Commissioner of Police. I think that is in line with the previous amendment.

Regarding the point made by the honourable executive member on complaints about treatment within prisons, I can only advise the honourable member that there are two procedures which may assist in meeting this demand. One is the visit of the visiting justice to prisons whereby prisoners may make complaints. The second is that, in the report of the Subordinate Legislation and Tabled Papers Committee which is to be discussed at a future date, there is a recommendation - and as it has been tabled; I think I am in order mentioning it - from that committee that any prisoner's mail, when addressed to any serving member of the Assembly, should not be subject to scrutiny. The regulation which has now been accepted allows such mail to go without censorship to the executive member, as he has just said. The Majority Party may give us some indication of its view on the proposal that prisoner's mail should not be subject to censorship if it is being sent to any serving member of the Assembly. This may perhaps satisfy some of the points raised by this amendment.

Mr EVERINGHAM: I have already stated in the debate that we do not object in broad principle to the proposed amendments but, as I think the member for Nightcliff said, they are pretty hopeless as they are framed. What I propose to do is to

Mr Isaacs: She did not say that.

Mr EVERINGHAM: She said words to that effect. Since there has been criticism of our draftsman all day, I

think I am fairly free to pass a bit of comment on yours. The Majority Party will be looking at this situation. I will have my people work on something and possibly it can be introduced within the first half of next year.

Amendment negatived.

Mr CHAIRMAN: There has been some misunderstanding possibly on amendments 6.7 and 3.17. That is, the words "by the person aggrieved" were taken out of subclause (2), so there was no meaning in the amendment to insert after "the person" the words "or body".

Mr EVERINGHAM: I move for the re-committal of clause 17 for further consideration at a later stage. As I understood it, the words "or body" had been inserted because my amendment to the amendment was put first and carried, so I do not know where the misunderstanding arises.

Mr CHAIRMAN: The words "by the person aggrieved" were taken out of subclause (2), so there was no meaning in the amendment to insert after "person" the words "or body".

Mr EVERINGHAM: Mr Chairman, those are your minutes, but I quite clearly recall the amendment to the amendment being put first. I have moved for the clause to be recommitted so it can be taken again at the end of the bill.

Clause 17, as amended, agreed to.

Clause 18:

Mr EVERINGHAM: I move amendment 3.20.

As the bill is drafted, the ombudsman has no option but to hold a formal investigation in accordance with the bill upon receipt of the complaint which necessitates some inquiry. He has no powers to make informal inquiries and then decide not to hold a formal investigation. Accordingly, this amendment is proposed to give him power to make informal inquiries and then dismiss a complaint.

Amendment agreed to.

Clause 18, as amended, agreed to.

Clauses 19 to 21 agreed to.

Clause 22:

Mr EVERINGHAM: I move amendment 3.21.

Following representations by the Department of the Northern Territory which was concerned about certain aspects of Commonwealth privilege in relation to investigations by the ombudsman, in order to take into account these views and also to bring the bill closer into line with the Commonwealth Ombudsman Act, a new subclause (1) to clause 22 has been proposed in lieu of the existing subclauses (1) and (2). The new subclause covers the same ground as the previous subclauses and extends them to include actions by Commonwealth ministers and the Commonwealth Cabinet. The certificate required under the subclause will have to be given by the Administrator rather than the Crown Law Officer as previously proposed.

The emphasis of the provision has also changed so that the communications and deliberations will not automatically be exempt from disclosure to the ombudsman but only where the Administrator so certifies it to be in the public interest.

Amendment agreed to.

Clause 22, as amended, agreed to.

Clauses 23 and 24 agreed to.

Clause 25:

Mr EVERINGHAM: I move amendment 4.1.

This is purely a formal amendment.

Amendment agreed to.

Clause 25, as amended, agreed to.

Clause 26 agreed to.

Clause 27:

Mr EVERINGHAM: I move amendment 3.22.

This is a complementary amendment to the new police complaints provision described previously.

Amendment agreed to.

Clause 27, as amended, agreed to.

Clauses 28 and 29 agreed to.

Clause 30:

Mr EVERINGHAM: I move amendments 3.23 and 3.24.

In support of amendment 3.23, the words to be deleted are superfluous. Amendment 3.24 merely clarifies the power of the court to make multiple orders.

Amendments agreed to.

Clause 30, as amended, agreed to.

Clause 31:

Mr EVERINGHAM: I move amendment 3.25.

This amendment is designed to give statutory protection to delegates of the ombudsman.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 3.26.

This amendment seeks to clarify the meaning of "employee" and also to give employees and delegates protection from court proceedings.

Amendment agreed to.

Clause 31, as amended, agreed to.

Clause 32:

Mr EVERINGHAM: I move amendment 3.27.

The purpose of this amendment is to invite defeat of clause 32.

Clause 32 negatived.

New clause 32:

Mr EVERINGHAM: I move amendment 3.28.

This inserts a new clause 32 which rewrites the regulation-making power. This provides for the exemption of the whole or any part of a department or authority from the jurisdiction of the ombudsman by way of regulation. It has been agreed that it is proper, for instance, that the Parole Board be exempted from the action of the ombudsman. As mentioned earlier, this will give the Legislative Assembly a power of disallowance and certainly a power of debate.

New clause 32 agreed to.

Title agreed to.

Clause 17 (recommitted):

Mr EVERINGHAM: I move amendment 3.16.

Amendment agreed to.

Mr PERKINS: I move amendment 6.7.

Amendment negatived.

Mr EVERINGHAM: I move amendments 3.17, 3.18 and 3.19.

Amendments agreed to.

Clause 17, as amended, agreed to.

Bill reported; report adopted.

Mr EVERINGHAM (Majority Leader): I move that the bill be now read a third time.

I do not want to take up the time of the House unnecessarily but may I just say that this piece of legislation is a first in any legislature in Australia. We have adopted the legislation very

largely from recommendations of the Law Reform Commission. I pay tribute to the work of the men who have stood behind me in the preparation of this legislation - the draftsmen, our chief legislation officer, Mr David Hogan, and particularly in this case, Mr Graham Nicholson who has steered me successfully through this committee.

Motion agreed to; bill read a third time.

DRUGS BILLS

PROHIBITED DRUGS BILL

(Serial 1)

In committee:

Mr TUXWORTH: I move that clauses 1 to 6 be taken together.

Mrs O'NEIL: I oppose that. I am happy that clauses 1 to 5 be taken together but I wish to speak separately to clause 6.

Clauses 1 to 5 agreed to.

Clause 6:

Mrs O'NEIL: Members of the Opposition spoke at length in the second-reading stage about their objection to the inclusion of cannabis along with the very serious drugs in the schedules to this bill. I will not repeat those objections. I simply wish to make a point that we will vote against clause 6, and I therefore oppose this clause.

Mr EVERINGHAM: Can I simply say that the Opposition is voting against making it a penalty for people to push drugs.

Mrs LAWRIE: We are going to be discussing penalties later in the bill but it is relevant at this committee stage to say that the penalty of seven years for a first offence - certainly the maximum penalty, but an indication of this legislature's thoughts - applies to clause 6(b) which reads "produces, prepares or manufactures cannabis".

This includes growing one's own pot plant - not only the hundreds of acres referred to but one plant.

The committee divided:

Ayes 11

Noes 7

Mr Ballantyne
Mr Dondas
Mr Everingham
Mr Harris
Mr Oliver
Mrs Padgham-Purich
Mr Perron
Mr Robertson
Mr Steele
Mr Tuxworth
Mr Vale

Mr Collins
Mr Doolan
Ms D'Rozario
Mr Isaacs
Mrs Lawrie
Mrs O'Neil
Mr Perkins

Clause 6 agreed to.

Clause 7:

Mrs O'NEIL: I move amendment 7.1.

I spoke about this in the second-reading debate. I understand the Majority Party accepted the rationale and the reasons we put at that time. We feel it is essential that people should have the option to rebut a presumption in the court, and that is why I have moved this amendment. I notice that the Executive Member for Resources and Health has subsequent amendments to move and we would support those also. I cannot see why the Majority Party should not be prepared - they may well be - to accept amendments 7.1 and 7.2, and are insisting on moving amendments 12.1 and 12.2.

Amendment negatived.

Mr TUXWORTH: I move amendments 12.1 and 12.2.

Mrs LAWRIE: I am prepared to support the amendments in as much as they seem to be the lesser of two evils. But I do point out that a fundamental tenet of justice appears to have been overturned and we are now guilty unless proven innocent.

Mr EVERINGHAM: May I say that this provision is, in all respects, in

almost identical language to the legislation enacted in the state of South Australia and elsewhere in Australia. You are not guilty until proven innocent at all.

Amendments agreed to.

Clause 7, as amended, agreed to.

Clause 8:

Mrs O'NEIL: I move amendment 7.2.

Amendment negatived.

Mr TUXWORTH: I move amendments 12.3 and 12.4.

Amendments agreed to.

Clause 8, as amended, agreed to.

Clauses 9 and 10 agreed to.

Clause 11:

Mrs O'NEIL: I move amendment 7.3.

Might I say, in moving this amendment, that I cannot understand why in subclause (4) an applicant for a warrant can request that it not be sent to the Commissioner for Police, which is how the clause now reads. It is important that it should be so sent. I also believe it is important that it should be sent immediately. It is very easy within a space of seven days, particularly in the busy life of members of our police force, to forget details of warrants, particularly if they have been obtained by telephone, telex or radio. It is most important that warrants should be sent forthwith and also that they should be sent regardless of whether the applicant for the warrant wishes them to be sent or not.

Mr TUXWORTH: I invite the defeat of this amendment. It is not always practical to send a warrant or any other document forthwith. I do not agree with the assumption that the honourable member has drawn from the subclause that the document would not necessarily be forwarded to the com-

missioner anyway. I believe the police are obliged to forward the document to the commissioner as the clause now reads.

Mrs O'NEIL: Could I have an explanation of the phrase "unless otherwise requested by the applicant".

Mr TUXWORTH: That particular expression refers to the sending of the document either forthwith or at a later time. It could well be that the person involved in the allegation wants the document sent then, the day after or the day after that. It most certainly must be sent within seven days.

Mr EVERINGHAM: All I can say is that the proposed amendment is pettifoggng harassment. We heard all these arguments last week and I do not really see the need for repetition of them now.

Amendment negatived.

Mrs O'NEIL: I move amendment 7.4.

This amendment inserts a new subclause (8). In the past, search warrants have only been issued whereby, in writing under oath, it is made to appear that there are proper grounds for the issue of the search warrant. It is most important, if we are going to move into this new area of warrants by telephone, telex and radio, that we must have records of the details of those warrants promptly made. It is of such fundamental importance that a penalty should also be attached. A penalty of \$200 is attached.

Mr TUXWORTH: I would seek the defeat of the proposed amendment. I believe the provision is suitably catered for in schedule 4 which outlines the information which will be given in the search warrant - the full names of all the parties involved, that there are reasonable grounds, where the goods are concealed, whether they are concealed on property or in vessels or whatever.

Amendment negatived.

Clause 11 agreed to.

Clause 12:

Mr TUXWORTH: I move amendment 11.1.

Amendment agreed to.

Clause 12, as amended, agreed to.

New clause 12A:

Mrs O'NEIL: I move amendment 7.5.

The wording of this new clause is taken directly from the Prohibited Drugs Bill, serial 189. Such a clause was in that bill and I do not understand why it has been taken out of this bill. However, I notice that, in taking it straight from the previous bill, serial 189, we have an error in that it refers to clause 11 when it should be clause 12.

Mr EVERINGHAM: In speaking against the adoption of this amendment, may I attempt to explain why that clause was not carried forward from the previous legislation. The reason is that we are dealing with a completely new situation. We are dealing with the system whereby a policeman could, in emergency circumstances, enter upon premises without a warrant. He now has to obtain a warrant, whether it be by telephone or personally from a justice of the peace. The members of the Opposition appear to be of the belief that some huge conspiracy will be built up between justices of the peace and police officers whereby apparently we are expected to believe warrants will be forged and there will be abuses of process involving justices of the peace.

Mr Perkins: Who said that?

Mr EVERINGHAM: That is the inference to be drawn from the way you are going on and that is why it is not necessary to have the system of reporting to the Administrator when an officer has entered into premises without a warrant in an emergency because he had a warrant that was given to him over the telephone by a justice of the

peace or in person by a justice of the peace, and he had to carry out certain administrative procedures very shortly thereafter to ensure that all was checked on.

Mrs O'NEIL: Clause 12 allows for searches not of premises but of vessels, vehicles, caravans, trailers and persons in a public place without a telephone warrant or any sort of warrant. It may well be as the honourable Majority Leader says, these provisions are already in the Police and Police Offences Ordinance but, nevertheless, that does not mean that we should necessarily put them into this new ordinance.

Mr EVERINGHAM: There has never been provision in any law that I am aware of for a person to have to obtain a warrant to search a vehicle or a person. In fact, there are existing provisions exactly identical to this in the Police and Police Offences Ordinance. You have to obtain a warrant to enter upon premises on the old adage that an Englishman's home is his castle. You do not have to obtain a warrant to search his car or his person.

Amendment negated.

Clauses 13 to 17 agreed to.

Clause 18:

Mrs O'NEIL: I move amendments 7.6, 7.7, 7.8 and 7.9.

Clause 18 relates to notices to claim things seized. I have had a number of submissions made to me that this clause was not sufficiently tight to ensure that, after articles had been seized, they would be returned promptly if they were not subject to forfeiture in accordance with clause 17. I see no reason why the things should not be returned to the person from whom they were seized. That is a reasonable thing to do. To insert the word "reasonably" might seem like pettifoggery, but I do think it is not an unusual term in legal terminology. I am sure the Majority Leader will be able to assure

us on that.

With regard to amendment 7.6, the insertion of the words "within 21 days of the date of seizure" simply attempts to ensure that the articles are returned promptly. Amendment 7.9 relates to efforts to find the person from whom the thing was seized. I have had submissions that there should be some form of personal service. This is a fairly difficult thing to do and the insertion of a requirement for advertising is an effort to compromise on this issue.

Mr TUXWORTH: I invite the defeat of the proposals.

I would just comment that, with amendment 7.6, in many cases it would be impossible to implement the procedures in the given period of 21 days. This would not be acceptable. As far as 7.8 is concerned, the member is correct that it is nitpicking to start talking about being reasonably satisfied. As for amendment 7.9, as far as the ownership is concerned, there is already an existing procedure for returning goods to a person who has a lawful right to them. There would be little point in giving a person the right to goods that are not lawfully his.

Amendments negatived.

Clause 18 agreed to.

New clause 18A:

Mrs O'NEIL: I move amendment 7.10.

This amendment inserts a new clause 18A which attempts to ensure that, when an article has been seized, substantial efforts are made to ensure that it is returned to the person from whom it was taken.

Mr TUXWORTH: I would invite the defeat of this clause because I believe it would give rise to the possibility of a person, who was unwittingly in possession of an illegal drug and has been given the benefit of the doubt by the court, getting that drug back which

is not the intent of the bill at all. I invite the defeat of the clause.

Mr ROBERTSON: I would like to ask the committee to visualise, say, \$1m or \$2m worth of heroin which is seized and the accused gets off on a technicality. Are we going to hand back \$1m or \$2m worth of processed heroin to a person because he gets off on a technicality?

New clause 18A negatived.

Clauses 19 and 20 agreed to.

Clause 21:

Mr EVERINGHAM: I have not circulated this amendment but it relates to a remark I made in my speech in the second-reading debate on these bills last week when I said we would amend clause 21 by deleting subclause (3) to restore to magistrates' courts full flexibility in sentencing. I had adverted previously to the fact that this subclause did in certain ways inhibit their flexibility and it is for this reason that I move for its deletion. It does not have to be replaced by anything at all and there is not really much reason to circulate such an amendment.

Mrs O'NEIL: I support that amendment.

Amendment agreed to.

Clause 21, as amended, agreed to.

Clauses 22 to 24 agreed to.

Clause 25 agreed to.

Schedule 1:

Mr TUXWORTH: I move amendments 11.2 and 11.3.

These are technical amendments in that the names of some chemicals had been mis-spelt and one had been left out.

Amendments agreed to.

Schedule 1, as amended, agreed to.

Schedule 2:

Mr TUXWORTH: I move amendments 11.4 and 11.5. Again, these are technical amendments.

Amendments agreed to.

Schedule 2, as amended, agreed to.

Schedules 3 and 4 agreed to.

Title agreed to.

DANGEROUS DRUGS BILL

(Serial 2)

In committee:

Clause 1 agreed to.

Clauses 2 and 3 agreed to.

Clause 4:

Mr TUXWORTH: I move amendment 10.1.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5:

Mr TUXWORTH: I move amendments 10.2 and 10.3.

Amendments agreed to.

Clause 5, as amended, agreed to.

Clauses 6 to 11 agreed to.

Clause 12:

Mr TUXWORTH: I move amendment 13.1.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clauses 13 to 22 agreed to.

Clause 23:

Mrs O'NEIL: I move amendment 8.1.

This is entirely in accordance with the amendment I moved on the Prohibited Drugs Bill.

Amendment negatived.

Mrs O'NEIL: I move amendment 8.2.

Progress reported.

ADJOURNMENT

Mr ROBERTSON (Community and Social Development): Mr Speaker, I move that the Assembly do now adjourn.

Motion agreed to; the Assembly adjourned.

Thursday 1 December 1977

Mr Speaker MacFarlane took the Chair at 10 am.

PETITION

CYCLE TRACKS

Mrs LAWRIE (Nightcliff): I present a petition from residents of Darwin relating to the provision of cycle tracks. The petition bears the certificate of the Acting Clerk that it is in conformity with standing orders. I move that the petition be received and read.

Motion agreed to.

To the honourable Speaker and members of the Legislative Assembly of the Northern Territory.

The humble petition of the undersigned residents of Darwin respectfully sheweth that they are deeply concerned about the lack of cycle tracks in Darwin. Your petitioners support the establishment of a cycle track along McMillans Road, Bagot Road and Stuart Highway as far as the Salonika Crossing; the incorporation of cycle tracks in roads currently under construction including McMillans Road, the Progress Drive widening, the Dripstone Road widening, the reconstruction of Berrimah Road, Ludmilla-Fannie Bay connector road; and the incorporation of cycle tracks as a basic requirement in all future road planning proposals. Your petitioners humbly pray that the Legislative Assembly urge the appropriate authorities to take positive steps for the establishment of cycle tracks in Darwin as soon as possible, and your petitioners as in duty bound will ever pray.

STATEMENT

HOUSING COMMISSION FINANCES

Mr PERRON (Finance and Planning): Following the cyclone in December 1974, a large number of people who were buy-

ing houses from the Housing Commission were able to pay out the balance of their mortgages, through insurance payouts, and so gain full ownership of their property. These payouts to the Housing Commission were utilised in two ways. Firstly, they were channelled directly into various schemes to meet the special needs of tenants after the cyclone. These included assistance to buyers to rebuild or repair their homes or to repurchase properties from buyers who wanted to relinquish their interest in damaged houses. The second means was to temporarily invest the balance in the Commission's investment account with accredited banks. Almost \$2.5m remains unencumbered in the investment account and is available for use.

The Housing Commission received a capital works allocation in the Northern Territory budget for the present financial year of \$2.1m. Because of the flexibility now available through the transfer of responsibility for the Housing Commission to the Territory executive, we are able to offer immediate assistance to step up the Housing Commission's building program.

It is my pleasure to announce that our executive has approved the transfer of \$2,493,000 from the investment account to the Commission's capital works program for the current financial year. This will bring significant benefits. Firstly, it will enable the construction of an additional 90 houses in Darwin and so reduce the accommodation waiting time for approximately 360 people on the Housing Commission's waiting list. Of these 90 houses, 30 will be additional to the planned capital works program, while the remaining 60 houses will be advanced from the original program date of May 1978 and an immediate start on construction of these houses has been made possible by the executive's decision.

Another major benefit will be in the employment area. It is pleasing that, at a time when the construction industry is in some difficulty, we are able to ensure that employment opportunities by Housing Commission contractors are maintained at a high level.

In summary, the executive decision will cause no disadvantages but will bring significant benefits to people needing Housing Commission accommodation and to the building industry. This action is a clear demonstration of the advantages that are already becoming available from the moves towards self-government. Because responsibility for the Housing Commission now lies with the Territory executive, a decision has been made quickly and for the benefit of local residents. I can assure members that it will not be the last time that this occurs.

Ms D'ROZARIO (Sanderson): I move that the statement be noted, and I seek leave to continue my remarks at a later date.

Motion agreed to.

STATEMENT

FINANCIAL ARRANGEMENTS BETWEEN COMMONWEALTH AND NT EXECUTIVE

Mr EVERINGHAM (Majority Leader): Honourable members will recall that I undertook to keep the Assembly informed of progress in negotiations of the financial arrangements between the Commonwealth and the Northern Territory executive which must now form the basis of any further major transfers of functions to the Northern Territory.

As you know, the federal government has agreed to the planned transfer of all remaining functions of the Department of the Northern Territory on 1 July 1978, which will coincide with the establishment of the Northern Territory government with responsibility for its own fiscus and consolidated revenue fund. Full self-government will occur with the transfer of education and health functions on 1 July 1979. The proposed financial arrangements will be incorporated in a memorandum of understanding to be exchanged between the Prime Minister and the Majority Leader. It is anticipated that the memorandum of understanding will be finalised between the parties possibly during February 1978.

Discussions between federal ministers and the Northern Territory executive have been proceeding for some time. A preliminary meeting between ministers with portfolio responsibilities in the Northern Territory and the then Majority Leader, Dr Letts, and his deputy leader, Mr Tambling, took place in June last in Brisbane. A further meeting was scheduled to take place earlier this month in Canberra, but following the announcement of the federal elections, it was quite properly postponed until after the elections.

There is no doubt whatsoever that this financial arrangement is a most important step in the progressive move to full self-government and it is certainly one which is receiving the full attention of my executive. The essential principle involved is that it will be an agreement and certainly will not be a matter which is imposed upon the Territory by the Commonwealth. It is vital, therefore, that the financial arrangements agreed to will be the most satisfactory that can be negotiated with the federal government and, in particular, must ensure the continued growth of the Territory and ensure that all Territorians have a prosperous future ahead of them.

For its part the federal government, through the Minister for the Northern Territory, has set out its concept of the financial arrangements. These are, firstly, that the financial relations between the Commonwealth and the Northern Territory would follow, and I quote: "broadly on the same lines as those that exist now between the Commonwealth and the states". Secondly, negotiations of the financial arrangements will take cognizance of any special disabilities and particular circumstances of the Northern Territory and an assessment will be made periodically of the fiscal disabilities of the Northern Territory. Thirdly, there should be procedures designed to ensure that there is a direct relationship between the amounts of government expenditure in the Territory and the total level of revenue-raising charges levied in the Territory.

For its part, the Northern Territory executive questions some of the principles set out by the Minister for the Northern Territory and the executive would make the following additional points. Firstly, the financial arrangements must provide a sound basis for the development of the Territory. Secondly, responsible self-government on a sound financial basis is the objective. Thirdly, there should be a clear understanding between the Commonwealth and Territory governments as to how due regard is to be taken of the particular circumstances of the Territory and how cognizance is to be taken of any special disabilities of the Territory. Fourthly, it is imperative that these special disabilities and particular circumstances of the Territory be assessed and then monitored by an independent body.

Several important implications for both the Commonwealth and the Territory flow from the minister's statement. For the Commonwealth, the statement of intent by the minister provides that the Commonwealth will undertake to determine the future and continuing level of financial assistance to the Territory, both for capital and recurrent-type expenditures, on the basic principle of financial need. For the Territory, the Commonwealth policy implies recognition by the Territory of the need to increase its local revenue effort, over time, in those fields where levels are demonstrably below those ruling in the states. However, it will remain for the Territory executive to determine on general policy grounds where any increases are to apply.

The people of the Territory can be assured of our determination to have the revenue capacity of the Territory and the expenditure needs of the Territory fully investigated and assessed by a competent and completely independent nationally recognised authority, namely the Grants Commission. In short, we do not propose to leave it to Canberra to have to come up with a figure for revenue effort and expenditure needs. If ever we are to resolve the many problems and potential disagreements, such as what really are the special

disabilities and the particular circumstances of the Territory, then some independent, competent body must undertake the role of arbitrator or assessor as and when we consider it appropriate to do so. I do not believe that Commonwealth ministers would expect us to propose otherwise, even though some Commonwealth officials apparently have difficulty in agreeing as to the real issues involved. I will return to this point in a moment but, first, I would like to explain what "financial needs" means and why it is so important to the current debate on the financial arrangements.

The financial needs of the Territory, as expressed in Commonwealth-state financial terms, are represented by the Territory's revenue-raising capacity and its expenditure needs, compared with the corresponding revenue and expenditure needs of the two standard states, New South Wales and Victoria. In very broad terms, the end result of the proposed financial arrangements, in money terms, between the Commonwealth and the Territory governments will be a subvention by the Commonwealth to the Territory to enable it to function and develop by reasonable effort on the part of its people to achieve standards of service not below the standards of the other states. In other words, the amount provided by the Commonwealth will be that which is necessary to supplement the Territory's lower revenue capacity and the unavoidable higher costs of providing state-type services. Bearing in mind the Territory's small population, lower revenue-raising capacity and its particular circumstances and special difficulties, it is quite obvious that the Commonwealth's subvention each year will be quite considerable. It is understandable that the Commonwealth may, bearing in mind its traditional stance in such financial matters, pursue the line that this base annual figure should be set as low as possible. On the other hand, it would be naive for people outside the Territory to suggest that the executive would not press very hard for this figure to be as high as possible.

Honourable members will readily appreciate that this conflict between the Commonwealth and the Territory is not some new phenomenon. It has been a battle which has gone on for many years between the Commonwealth and the states and a practical solution to Commonwealth-state problems was found some years ago with the establishment of the Commonwealth Grants Commission. This quasi-judicial body was established specifically with this problem in mind and the commission now operates under the Grants Commission Act of 1973. It arbitrates and assesses the claims of the states for additional financial assistance from the Commonwealth. Broadly, the methodology used by the Grants Commission under the fiscal equalisation approach is to compare the poorer states, Queensland, South Australia, Western Australia and Tasmania, with the two richer and more populous states of New South Wales and Victoria. Due to some extent to the effectiveness and independence of the Grants Commission and the fact that its recommendations have, without exception, been adopted by the Commonwealth, Queensland is currently the only state which has recently applied for special Commonwealth assistance.

One particularly significant aspect of the commission's operation is that it will stand between the parties and settle upon its findings in a public, open and, as far as possible, objective manner. The use of the commission will force the Commonwealth as well as the Territory to quantify and argue its case. This should lead to the development of a more logical and far-sighted view of the Commonwealth commitment to development in the Territory. This again will enable the commission to ensure that the Commonwealth's subvention to the Territory does not merely reflect the Commonwealth's overall budget strategies - that is, those of the government of the day in Canberra - but rather the true financial needs of the Territory.

Having explained briefly the executive's attitude in relation to the Territory's financial needs, it should

be no surprise to honourable members that we find ourselves in similar circumstances to those experienced by the states in earlier times. It must also be recognised that disputes and contention will occur and persist between the parties. Therefore, my executive is firmly of the view that there is no practical or accepted alternative course of action available to it than to require to be incorporated in the financial arrangements the provision that the Northern Territory government shall, at its option, have the right to have the financial needs of the Territory assessed and progressively monitored as necessary by the Commonwealth Grants Commission.

It should be clearly understood by all concerned that, whilst the Territory's recurrent expenditure figure is quite large, it is at that level by reason of decisions of the federal government. It is appropriate therefore to draw the Assembly's attention to this fact and to point out that the federal government's expenditure decisions have only been made after very close and exhaustive checks by Treasury experts, committees of officials and by ministers of state.

Honourable members know that government sector spending has been cut over recent financial years yet, in spite of these checks, I could produce figures based upon per capita calculations which, when compared with the states, could be used by federal officials to argue that there has been gross over-expenditure on the Territory over this same tight expenditure period. The problem is that the simple per capita approach is not appropriate for a territory which has to carry the administrative burden of what is the third largest area in Australia. It has to spread this financial burden over the smallest population and operate under very difficult climatic conditions. It must be realised by those who are doing this type of calculation that they should do so in full knowledge of the Territory and certainly should study and analyse the special circumstances and particular difficulties of the Territory before coming to any

far-reaching decisions as to the extent, if any, of any supposed over-indulgence by the Commonwealth or gross inefficiencies in administration. The Assembly knows that no such study or assessment of the fiscal disabilities or real requirements of the Territory has been undertaken by anyone, let alone by the Commonwealth officials who are working on the financial arrangements to put to the ministers and our executive.

Let me give one example why it is a fallacy that a comparative gross over-expenditure on state-type services has taken place in the Territory. Take education: in 1975-76 the recurrent expenditure cost per student in the combined area of our secondary and primary schools was \$1,560 per student compared with \$982 per student in NSW and Victoria. That is more than 50% higher per capita cost for education in the Territory. What must be understood when making this type of comparison is the particular circumstances and special difficulties of the Territory. There are 120 public schools in the Territory and, of these, over half have six teachers or less, over one third have two teachers or less, over two thirds of these schools are classified as isolated - that is, they are located more than ten miles off the Stuart or Barkly Highways - and there are a number of schools which have no access roads at all. The above problems and other distance and climatic problems have led to a very high turnover of the teacher population in the Education Department. For instance, at the moment there are ten teachers at Angurugu on Groote Eylandt and six of these are due for replacement or are demanding replacement. The cost of each individual transfer or replacement is between \$2,500 and \$3,400 each way, that is, \$5,000 to \$7,000 per full cycle. The salary bill alone represents three quarters of recurrent expenditure on education. Of this, the payment of district allowances runs out at \$100 per student alone. The provision of Aboriginal assistants to teachers, which is a very important aspect of the training scheme for Aboriginals, is \$2m per annum or \$100 per student.

I could go on pointing out the special circumstances and particular difficulties applying not only to education in the Territory but to a whole range of public sector spending in the Territory. If people would only set about a proper analysis and assessment of these matters, they would readily agree with my conviction that there is full justification for the comparatively high level of recurrent and capital expenditure in the Territory.

I feel sure, if there is any resistance or objection to our enlisting the aid of the Grants Commission to properly assess our revenue and expenditure needs, it is because there is a fear that the commission may well recommend additional grants to be made to the Territory to fully compensate for its lower taxable base and unavoidably higher costs of providing a standard of service not appreciably below that of other states. Also the commission may well point out that a number of the financial problems of the Territory are of the Commonwealth's own making, including the siting of the airport slap bang in the middle of Darwin. Provided the financial arrangements allow for these matters to be evaluated and for the Territory to be properly compensated for its special difficulties, I have nothing to fear from the minister's proposal that the financial arrangements will follow broadly on the same lines as those that exist now between the Commonwealth and the states.

In respect of recurrent expenditure, I have given some thought as to how the recurrent expenditure subvention from the Commonwealth could be determined, pending a full assessment by the Grants Commission. One approach which has merit from our viewpoint is to take the present recurrent expenditure figure for the transferred functions, plus debt servicing charges, then isolate those expenditures which would normally fall into the category of special purpose grants - such as roads, medibank, education and so on - then deduct the agreed figure for our revenue effort, leaving a remainder which the Common-

wealth should treat as a special grant, equivalent to what could be deemed to be our share of the income tax reimbursement cake. To allow for cost escalation and inflation, the remainder of the Commonwealth's subvention figures should be adjusted each subsequent year by the same process as applies to the states under the income tax sharing arrangements, that is, by a percentage calculated on population increases.

Concerning our revenue effort, this must be urgently assessed by an independent body - again I think the Grants Commission - and decisions made as to the time span over which the Territory will match that assessed revenue effort. In determining the present recurrent expenditure level, care would need to be exercised to accurately determine the total Commonwealth outlay for and on behalf of the Territory. For example, there is a wide range of central office administrative functions and professional support activities undertaken outside the Territory, the cost of which is buried in the appropriations of the central administration in Canberra and elsewhere. Those functions and activities will have to be undertaken by the Northern Territory government and its administration, in time. As and when that happens, we will then have to cover the related expenditure. We must provide for this contingency in the proposed arrangements.

I turn now to the capital borrowing program and future debts. Up to this time, the Commonwealth has provided the funds for all capital works and services for the Territory out of consolidated revenue funds. Under full self-government, the Territory would be expected to finance its capital works programs under conditions similar to those which apply to the states. The Commonwealth would arrange the borrowing program and distribute one third of the funds to the Territory as a capital grant and two thirds as loan funds which would carry with them sinking fund repayment responsibilities. I would think that, for the initial five years or so of this type of operation,

the Commonwealth would no doubt assist the Territory in meeting its debt servicing responsibilities. A variation to this would be the national highways, in the funding of commercial roads which should be a full Commonwealth responsibility.

There are a number of matters of particular concern to me and my colleagues in relation to capital funding and we have yet to fully explore the alternatives. However, at this stage, I would be concerned that the amount of loan moneys made available to the Territory fully recognise the following criteria: the number of major development works that the Commonwealth should have provided as a sound basis for self-government, and I instance the powerhouse and the land-backed wharf; secondly, the low revenue capacity of the Territory which would make any repayment responsibility for non-revenue producing assets a virtual impossibility; thirdly, having been denied access to uranium mining and other royalties, the Territory has no real base for the planning and support of its essential capital development; and fourthly, borrowing for business enterprises is considered the only area where this executive would see any justification for incurring sinking fund responsibilities. Obviously, considerable further work has to be done on this aspect of the financial arrangements. I will be discussing these and other matters with Sir Leslie Melville and our other advisers so that, when next we meet with the federal ministers, we will be on fairly firm grounds for the negotiations which are yet to take place.

As to our attitude towards the proposed transfer of the business enterprises, the electricity supply undertaking and the water supply and sewerage undertaking, I would think that the wide range of matters and the degree of complexity associated with each enterprise points to the need for a separate agreement to cover each one. There are, however, a few guiding principles which could apply to all

agreements. Firstly, it should not be presumed that each enterprise must be self-supporting. The electricity undertaking looks like it could never be self-supporting without a massive increase in tariffs. We have no intention of agreeing to this as a solution of problems which are clearly the result of the Commonwealth decisions. Our policy is that tariffs will not exceed those for equivalent operations and standards of service applying in comparative situations. Secondly, there should be a full assessment of the Northern Territory enterprises vis a vis the states to clarify and determine the extent, if any, of particular difficulties and or special circumstances which impact these enterprises but which do not apply in the states.

In conclusion, may I add that I am very grateful for the valuable and very kind assistance we have received from Sir Leslie Melville, Mr Bob Jay of the Australian National University and a small band of dedicated people who are assisting us in this very important matter.

Mr ISAACS (Opposition Leader): I move that the House take note of the statement and I seek leave to continue my remarks at a later date.

Debate adjourned.

TABLED PAPER: CONSTRUCTION SAFETY LEGISLATION

Mr STEELE (Transport and Industry): I seek leave to table a statement dealing with construction safety legislation.

Leave granted.

Mr ISAACS (Opposition Leader) (by leave): I want to speak briefly to the statement tabled by the Executive Member for Transport and Industry because it does follow a question that I asked of him the other day. The Construction Safety Ordinance has had a long and chequered history in this Assembly. It was first introduced as it now stands into this House in 1975. In

fact, it was passed through all stages in December 1975 and, in February 1976, the Assembly was informed that the Administrator would not proceed with the promulgation of the ordinance until the regulations were brought into effect. It is interesting to note the statements of the executive member in trying to run away from the responsibility for the delay. From December 1975 to almost December 1977 is an inordinately long time. It is the view of the Opposition that the buck rests with the executive member and, if he cannot get the Department of the Northern Territory to move, then certainly it must be his responsibility and the fault must lie with him.

There is a very interesting and very long history associated with this legislation. The legislation was passed with all sorts of commendatory remarks by members of the government party. It is very interesting to reflect briefly on the comments made by honourable members. I was impressed by the statements of honourable members at the time, for example, the comments of the Majority Leader, who was then the member for Jingili, are reported on page 713 of Hansard of Tuesday 2 December 1975. He was referring to the fact that the ordinance would come into effect shortly. There was a federal election just around the corner, but the honourable member for Jingili was quite insistent that everything would be rosy. There was the suggestion that advertisements would be placed in the paper to advise would-be employers of the coming into being of the Construction Safety Ordinance. I quote from page 713 of Hansard - from the member for Jingili:

I think we can confidently say that no matter who gets into power after December 13, providing they honour their promises - and I do not know about Mr Keating, who seems to be a bloke who mends his fences and trims his sails - then Mr Ryan, the Executive Member for Transport and Industry will be placing those advertisements in the paper.

I suppose it is a question whether

people stick to their promises. Others had quite a bit to say as well. The member for Gillen at the time - still the honourable member for Gillen - cast his professional and legal eye over the legislation. Frankly, I do not think he understood it properly, but he certainly commended it and said it had to come in because the Territory was being left behind.

Two years ago this Assembly agreed that such legislation was necessary - in December 1975. Now it is 1977 and we find that the executive member is still making excuses about the legislation. What is the problem? The problem, as stated in the executive member's statement, is simply that there is no commencement date for the legislation. It is to come into being on a date to be fixed by the Administrator-in-Council and clearly what is holding it up is the question of the regulations and also the fact that, even if the legislation came into being tomorrow, it would not apply to one construction site in the Northern Territory because that is also a matter for the Administrator-in-Council to determine. Here we have a piece of legislation waiting on those regulations before it can come into being.

Industry was most concerned about this and in June this year, in one of those unholy alliances as the Executive Member for Resources and Health put it this morning, came to an agreement on a very lengthy document which contained draft regulations for the Construction Safety Ordinance. The Master Builders Association at the time and the Miscellaneous Workers Union, the key union in the building industry, came to an agreement on all the sections of the draft regulations making a number of minor amendments. I was involved in those negotiations and, although I was not completely satisfied with the result, I was satisfied and so was the Master Builders Association as far as a compromise was concerned, because it would mean that the legislation could now come into being.

With the leave of the Assembly, I would ask that the letter be incor-

porated in Hansard. It is from the Master Builders Association to the then Executive Member for Transport and Industry, Mr Ryan, dated 3 June 1977. This letter is mentioned in the statement by the honourable executive member and I seek leave to have it incorporated in Hansard.

Mr SPEAKER: Hansard have come to me often and they complain bitterly about the extra work involved in including documents unnecessarily in Hansard. We had this same thing with the uranium documents. I do not think this is important enough to go into Hansard, unless you feel it is not available to the general public - and it is a public document. I therefore ask that you do not insist that this be incorporated in Hansard.

Mr ISAACS: I think it is important because it does show the various points I am making. It is a letter from the Master Builders Association. It would save me reading it into the Hansard.

Mr SPEAKER: I would prefer that you read it into the Hansard, and I so direct.

Mr ISAACS: The letter is dated 3 June 1977 to Mr Roger Ryan, MLA, Cabinet Member for Transport and Industry, P.O. Box 3146, Darwin, 5794:

Dear Sir,

Re regulations under the Construction Safety Ordinance.

Contained in an appendix hereto are the items from the original Master Builders Association list of comments on the above regulations and on which the association and the Miscellaneous Workers Union are in complete agreement.

In addition, we would bring to your attention our firm resolution that this ordinance should apply to the whole of the Northern Territory. Both the association and the union believe that, if there is a proven need for safety regulations, then they should be universally applied.

Restricting the application to certain areas of the Northern Territory on political grounds would be amoral and unacceptable to the industry as a whole.

The association believes that that part of the regulations dealing with scaffolding and amenities should not apply to house construction. The Miscellaneous Workers Union does not accept this view. In this regard, we also draw to your attention clause 12(2)(b) that the ordinance as amended in 1976 provides that notice and fees are not required under certain circumstances in respect to a dwelling. It does not include the erection of the dwelling, but refers to additions to, repairs, painting etc, when it is likely that scaffolding would be used more on such activities than on the original erection. We believe this is an anomaly which should be rectified so that at least the requirement for notices and fees do not apply to dwelling construction.

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

We also request that the ordinance and regulations be printed in Greek and Italian, as this is the area of greatest need. All other items included in the previous association list of comments on these regulations have been withdrawn after the exhaustive discussions with the Miscellaneous Workers Union, the agreements referred to above and contained in appendix A.

Yours faithfully,

*M.R. Elliott,
for B.E. Wyatt,
(President)*

I will not read the appendix into the Hansard. It merely identifies those areas of agreement.

Mr SPEAKER: You may if you wish, honourable member.

Mr ISAACS: No, I will leave that out. It merely identifies those areas of agreement. The point is that this agreement has been reached within the industry.

Mr Robertson: It didn't sound much like it to me.

Mr ISAACS: I will read that part of it to you again. There are 220-odd regulations with only three areas of difference. That's not bad, and we are leaving it to you people to make a decision. It takes some time for you to make a decision on those three matters.

The point of it is this: the construction industry now operates without any construction safety regulations at all. If the regulations agreed upon by the union and the industry itself are insufficient, and that may well be, let them be implemented and let those modifications be made to them. But it is a sound base and it is a sound base which ought to operate immediately.

I do press the executive member to make available the ordinance and the regulations in the languages requested by the union and the association - that is, Greek and Italian - and to impress upon the officers of the Department of the Northern Territory to implement the regulations as agreed upon, as quickly as possible and, finally, to give an undertaking to this House that, when the ordinance comes into effect, it will apply to every building contractor in the Territory.

The point made in the letter is simple; it is clear and it is correct. Those large companies which operate in the Northern Territory have had their fights about construction safety. They

have fought them and the matters are agreed upon. There is no argument about companies like Watkins and John Holland and so on; they apply very good safety regulations. That is not where the problem is. The problem is in those areas where smaller people operate. They are the ones where building workers suffer the dangers of lack of scaffolding and so on.

It is an urgent matter. I urge the executive member to take this matter up, by the scruff of the neck, to get the department to do something to implement those regulations which have already been agreed upon by the industry and by the union, to have them apply to all sites in the Northern Territory and to have them printed in Greek and Italian as well.

Mr TUXWORTH (Resources and Health) (by leave): I would like to comment on a couple of points the honourable member has raised, particularly for the benefit of members of the Opposition who may not be aware of some of the thoughts and decisions that were involved in the legislation at the time. I would also like to say that I wholeheartedly agree with some of the thoughts of the honourable member because the frustrations and the contempt that he is expressing for the delay is one that is shared by honourable members on this side of the House in many areas.

As the Opposition Leader would be aware, the control of drafting for ordinances and regulations is not with this House. It has been, and until January will be, with the Department of the Northern Territory. With this particular ordinance, and also the Mines Safety Control Ordinance, there has been an unacceptable delay in the preparation of the regulations. I believe the regulations will take up more printed space than either of the ordinances and there is a great deal of detailed negotiations to go on between the person carrying the bill, the industry and labour. These talks should be continuing at all times.

The reason for the commencement date

being left out of this ordinance, as sometimes is the case with legislation of this type, was that we were unable to give any indication at all at the time of introducing the legislation as to when the regulations would be available for inclusion in the ordinance to make it effective, so there was little point in determining a date at that time. The reason that it was left to the Administrator's Council was that it could be brought forward at any time and considered by the Administrator-in-Council.

The honourable member also referred to the possible restriction of areas in which this legislation would operate. I would like to put his mind at rest and say that there has been no conspiracy, to my knowledge, in the thoughts behind this that would imply that some areas of the Northern Territory, for reasons of convenience or politics, would be put aside from the implementation or the responsibility of this legislation, because the safety of workers is something that is Northern Territory-wide. The reason this particular reflection is in the bill is that it may be impossible in some instances to service the ordinance in a particular area and this should not be a reason why work or development in any area should be held up indefinitely. This is a very real possibility in some of the more remote areas of the Territory, particularly on Aboriginal settlements, and I am sure the honourable member would be aware of that.

We were also very conscious at the time of the need to service the ordinance. It will involve additional government staff for inspection, on a Territory-wide basis, and we have no argument or quarrel with his contention that this has to be a reality. The honourable member has raised a point that I am grateful for, because it is something that had not been put to me by himself or anyone else. That is the concept of drafting safety ordinances in foreign languages and I will endeavour to see that the Mines Safety Control Bill, which is under my control, will be treated likewise.

DANGEROUS DRUGS BILL

(Serial 2)

Continued from 30 November 1977.

In committee:

Clause 23:

Mrs O'NEIL: When the lights went out yesterday, I was explaining to honourable members that, although the circulated schedule No. 8 refers to clause 24, in fact it should refer to clause 23.

Once again I move amendment 8.2.

Mr TUXWORTH: I have no argument in principle with the honourable member's proposal. One thing that does concern me is the use of the word "forthwith" and should the honourable member be prepared to change the word "forthwith" to "as soon as practicable", we would be happy to support the proposal. I would seek the defeat of this particular clause because I believe that information is already in the schedule.

Amendment negatived.

Clause 23 agreed to.

Clause 24:

Mr TUXWORTH: I move amendment 10.4.

There is a similar amendment made in corresponding clauses of the Prohibited Drugs Bill. In all other respects, the clauses in the two bills are the same.

Amendment agreed to.

Clause 24, as amended, agreed to.

Clause 25 agreed to.

New clause 25A:

Mrs O'NEIL: I move amendment 8.3.

New clause 25A negatived.

Clauses 26 to 29 agreed to.

Clause 30:

Mrs O'NEIL: I move amendments 8.4, 8.5, 8.6 and 8.7.

Mr TUXWORTH: We are seeking the defeat of these proposed amendments. I would just like to say that, in relation to 8.4, the 21 days limit on the institution of proceedings is not terribly practical in this particular geographical situation. In 8.5, relating to the return of goods, where the established ownership of goods is involved, it should be left to the court to decide. As for 8.6, we again have this term "reasonably satisfied" which has no meaning at all in law. Concerning 8.7, it is unnecessary for police to advertise to establish ownership of goods because, where ownership cannot be established under the normal proceedings, they are disposed of under the Uncollected Goods Ordinance.

Amendments negatived.

Clause 30 agreed to.

New clause 30A:

Mrs O'NEIL: I move amendment 8.8 which inserts a new clause after clause 30.

I moved a similar amendment to the Prohibited Drugs Bill yesterday and it was opposed by the Majority Party. This relates to the return of goods seized when a person is acquitted of an offence. The Executive Member for Health and Resources said that the inclusion of this amendment would allow the return of goods even if the person was guilty although the courts found him innocent. I find this a most amazing thing to say because we should accept the right of the courts to make decisions.

Mr TUXWORTH: If I have given that impression to the honourable member, she has misunderstood me. I believe I said that, where there are no proceedings or the person is found innocent, the goods that lawfully belong to the particular person should be returned. However, it is unreason-

able that goods that are unlawful for a person to be in possession of should automatically be returned to the same person. As the Executive Member for Community Services said yesterday, an occasion could arise where a person gets off a charge on a pure technicality. Under this clause of the bill, he would be entitled to get back two pounds of heroin.

Mrs O'NEIL: I want to point out that things seized extend to more than just drugs. It could also relate to money which may be suspected to be the proceeds of sale. That concerns me particularly.

Mr TUXWORTH: I think we are at loggerheads over lawful ownership and unlawful possession. I do not think money and heroin can be compared in the two instances.

New clause 30A negatived.

Clause 31:

Mr TUXWORTH: I move amendments 10.5 and 10.6.

This provision would allow for offences under this particular ordinance to be not heard under the Justices Ordinance. The maximum penalties in the Justices Ordinance would not be in line with those under this proposed ordinance. It would be unreasonable for one man to be tried by justices and given a maximum penalty of \$800 and others to be tried by a court where the penalty is up to \$2,000.

Amendments agreed to.

Clause 31, as amended, agreed to.

Clauses 32 to 35 agreed to.

Schedules 1 to 3 agreed to.

See Minutes for amendments to schedules 4 and 5 agreed to without debate.

Title agreed to.

POISONS BILL

(Serial 3)

Continued from 30 November 1977.

In committee:

Bill taken as a whole and agreed to.

Bill reported.

RECOMMITTAL MOTION

Mrs O'NEIL (Fannie Bay): I move the recommitment of the Dangerous Drugs Bill, serial 2.

The purpose of this is to reconsider clause 23. I refer honourable members to a statement that the honourable member for Resources and Health made when speaking to amendment 8.2. He said that he would support amendment 8.1 if the words were changed slightly.

Motion agreed to.

DANGEROUS DRUGS BILL

(Serial 2)

In committee:

Clause 23 (Recommitted):

Mrs O'NEIL: I move that clause 23 be amended by omitting from subclause (4) the words "unless otherwise requested by the applicants to send the warrant within seven days of its issue from the Commissioner of Police" and substituting the words "send that warrant or a copy thereof as soon as practicable after its issue from the Commissioner of Police".

Mr CHAIRMAN: You are moving your amendment to it, are you?

Mrs O'NEIL: I am moving 8.1 with an amendment.

Mr CHAIRMAN: The honourable member for Fannie Bay has moved amendment 8.1 and now has moved an amendment to amendment 8.1.

Mr TUXWORTH: I have no objection to the proposal. The honourable member has changed the form of words to "as soon as practicable". I would just like to say that I was not being bloody-minded when we knocked it back yesterday yet allowed it this morning. It is just that I had a note on the latter pages and not on this one. I apologise for that.

Amendment to the amendment agreed to.

Amendment, as amended, agreed to.

Clause 23, as amended, agreed to.

Bill reported; report adopted.

Mr SPEAKER: The question is that the bills be now read a third time.

Mrs LAWRIE (Nightcliff): Notwithstanding the inquiries which are proceeding in the various states of Australia and by the Australian government itself, the Majority Party has decided to proceed with this legislation at this time. My quarrel is with the Prohibited Drugs Bill. The Executive Member for Resources and Health said, with reason, that the existing penalties were fairly severe, and I appreciate that point. My point, however, is that, in putting the bills through the third reading, we are indicating to the courts and to society our contemporary thinking on what penalties should be for the use of such drugs as cannabis. There is quite a difference between the status quo and saying that this is our contemporary thinking. On that line, I reiterate that the penalties for growing marihuana are fairly severe. There is not the option of a fine and, notwithstanding comments made by the Executive Member for Social and Community Development that the courts are unlikely to impose the maximum penalty of seven years for the growing of one pot plant, I do point out to the Majority Party that they have not left the court the option of a fine even if a person is convicted of growing marihuana which is clearly only for his own use. I dissociate myself from that

line of thinking.

I also draw the attention of the Majority Party to clause 10(2)(b) in the Prohibited Drugs Bill relating to the owner or occupier of premises who knowingly allows cannabis to be kept by another person. The owner or occupier of premises is guilty of an indictable offence. If we look at the penalties provided, we see that they are the lowest schedule of penalties. I point out that this particular provision relates now to parents who are the occupants of a house where older children may smoke pot ...

Mr ROBERTSON: I move that the honourable member be no longer heard. We are going through the same old thing all over again. It has been done ad nauseam in this House.

The Assembly divided:

Ayes 12

Noes 7

Mr Ballantyne

Mr Collins

Mr Dondas

Mr Doolan

Mr Everingham

Ms D'Rozario

Mr Harris

Mr Isaacs

Mr MacFarlane

Mrs Lawrie

Mr Oliver

Mrs O'Neil

Mrs Padgham-Purich

Mr Perkins

Mr Perron

Mr Robertson

Mr Steele

Mr Tuxworth

Mr Vale

Motion agreed to; bills read a third time.

TOWN PLANNING BILL

(Serial 10)

Continued from 23 September 1977.

Mr ROBERTSON (Community and Social Development): I have sought the call because there were a large number of amendments distributed in the House yesterday morning which significantly affect the bill in a wide and sweeping manner. Until these amendments are formally brought to the attention of honourable members by this side of the

House, then I consider there is no basis upon which reasonable and relevant debate may occur. I do apologise to the Opposition for doing this; it is their call and I recognise that but, in order for us to have a reasoned debate, then I have to outline to the Assembly the present proposals of the Majority Party in relation to this legislation, at least 24 hours notice of which has been given.

The bill was hurriedly drafted for presentation at the last sittings of the Assembly to overcome problems that could arise as a result of the cessation of activities of the Darwin Reconstruction Commission on 1 January next year. If no amending legislation is made by 1 January 1978 ...

Ms D'ROZARIO (Sanderson): A point of order, Mr Speaker. I believe, under standing order 65, I have the pre-audience in this debate.

Mr SPEAKER: I agree with your point of order, honourable member, but it may help if the manager of government business does clear up various points on the amendments which he is trying to explain.

Mr ROBERTSON: Naturally, I do not contest the point of order at all. I would have thought that the honourable members opposite may have allowed the government side of the House to outline its program for them. I can assure you, Mr Speaker, there is nothing in what I am going to say which at all attacks the Opposition in any way at all. It is purely explanatory. I would have thought that members opposite would have gone along with this move in the interests of good, sensible, rational and relevant debate in the House. I would be very surprised if members wanted to speak along the lines of the previous legislation.

Ms D'ROZARIO: I quite agree with the manager of government business and any enlightenment that he can give us on these very extensive amendments would be very welcome. But the point is that these amendments are so far removed from the bill that is before

the House that I do think the debate should be made to the bill the Executive Member for Finance and Planning has before this House and the manager for government business may well take up his option to speak to the amendments, if we ever get to the committee stages.

I am proposing to move an amendment for the defeat of this bill and I would be very grateful to be permitted to proceed.

Mr SPEAKER: I uphold the point of order by the honourable member for Sanderson.

Ms D'ROZARIO: Thank you, Sir.

Mr Speaker, I wish to move an amendment to the motion before the House. I move that the the word "now" be omitted and the words "this day six months" be added to the motion. Copies of this amendment have been circulated.

In submitting this motion, I question the need for this bill and, more particularly, I question and take serious issue with the honourable executive member's reasons for having presented it at all. In his second-reading speech, the Executive Member for Finance and Planning gave this House to believe that it is essential to have this ordinance in operation before 31 December 1977, as that is the date the Darwin Reconstruction Commission ceases to operate. I do not know whether he was deliberately misleading the House but let us examine the premise that he has put forward. The executive member said:

The purpose of this bill is to provide for the situation which will exist in Darwin when the Darwin Reconstruction Commission ceases to operate on 31 December.

He also said:

The purpose of this bill is to enable the planning and development of Darwin to proceed without major disruption and to enable the continuation of uses approved by the

DRC after the demise of that commission.

I suggest to this House that the purpose of the bill is not as innocuous as the executive member would have us believe. If it were, why is there absolutely no provision in this bill to limit the operation of it to the Darwin area? Why are the provisions such that they are intended to apply throughout the Northern Territory, including areas of the Northern Territory which were never the subject of DRC control or activity? In fact, the provisions of this bill bear very little relationship to the presence over the last three years in Darwin of the Darwin Reconstruction Commission.

A further fact is that the presence of the DRC has been thrown up as a smokescreen to provide an opportunity to introduce extremely repressive and backward legislation. I refer here to the so-called development control orders which, I understand, the Executive Member for Finance and Planning has decided not to go on with. I would submit to this House that those same orders, whatever he likes to call them, have appeared in a reconstituted form, like a carton of Pauls milk, in later sections of his amendments. The executive member said: "A development control order" - which here reads, in his amendments, 'town plan' - "made over the Darwin area would revoke and replace the pre-cyclone Darwin Town Plan."

He also said:

I have attempted to explain to all honourable members the reasons why this bill is necessary and the way in which it will overcome the difficulties that would otherwise arise when the Commission ceases to operate.

Now what seems to have passed the honourable executive member by is that the existence of the commission has never had any relevance at all to any areas of the Northern Territory beyond a radius of 40 kilometres from the Darwin Post Office. Yet, in clause 12 of

his bill - not clause 8 as he informed the House ...

Mr Perron: We are proposing to repeal it, why didn't you listen the first time?

Ms D'ROZARIO: ... we find a proposed section, section 68B ...

Mr Robertson: This is irrelevant!

Mr SPEAKER: Order!

Ms D'ROZARIO: ... which indeed he has repealed as he has repealed the whole of the bill, sections 4 to 13. Proposed section 68B reads:

Where, immediately before the coming into operation of a development control order, there is in existence a town planning scheme that affects the area or part of the area the subject of the order, that part of the town planning scheme relating to the area the subject of the order shall be revoked by that order.

Exactly the same provision appears in the amendments - not in quite that form, but rather lengthier. The effect of these provisions is that plans made by this bill will replace town planning schemes which have been promulgated under the existing Town Planning Ordinance. I point out to honourable members that town planning schemes exist in Alice Springs, Tennant Creek and Katherine as well as in Darwin. Why should these towns be the subject of these orders? Where, in this bill, is it necessary to ensure proper planning and development of these towns? I understood that these towns were proceeding very well indeed without these provisions. The object that the executive member says he is trying to achieve is already provided for in section 28 of the Town Planning Ordinance. What difficulties can possibly be foreseen for Tennant Creek, Alice Springs and Katherine by the mere presence of the DRC in Darwin? I suggest the presence of provisions relating to the making of development control orders or the town plan, or any

of these terms that the honourable executive member wishes to use, has nothing whatever to do with the activities of the DRC. The provisions are present for entirely different reasons, despite the executive member's protestations and interjections.

Let us for a moment imagine that the executive member's motives for bringing in this bill are more sanguine than I have just given him credit for. Let us imagine that the executive member really is concerned about the people who, in good faith, sought and obtained development approvals from the DRC and whose developments are now in danger of being in conflict of the Darwin Town Planning Scheme. Let us assume that the executive member is indeed concerned to afford these people a measure of protection in law. I have given all of these assumptions. Is this bill still necessary? In my view it is not. All that is required is a simple amendment to the Town Planning Ordinance - and I stress the word "simple" - that will validate the approvals that have been given by the commission or its agents purportedly in the exercise of powers contained in section 15 of the Darwin Reconstruction Act. These approvals would then have the same status as if they were amendments to the Darwin Town Planning Scheme and this would give landowners affected by the approvals full protection in law. Is that not the object that the executive member purports to be trying to achieve?

Is the proposal that I have just outlined workable? Let me demonstrate that it is. There are very few development proposals that have been approved by the DRC for which no congruent description can be found in the zoning schedule of the Town Planning Ordinance.

For the benefit of honourable members, I seek leave to circulate copies of this schedule.

Leave granted.

Ms D'ROZARIO: The bulk of these approvals that would appear not to fit in with the second schedule - please

disregard the first two pages for the moment - would be those that were given in respect of residential developments that conform with the guidelines described in the document published by the DRC, called "Medium Density Development Guidelines". This document was widely distributed to the public by the agents of the commission and by the commission itself, and is intended to give a guide to people who wish to construct residential dwellings of a medium density nature. The "Medium Density Development Guidelines" described dwellings designated as attached houses and town houses, as well as flats. Although there does not appear to be a zone in the second schedule within which attached houses and town houses could be erected, these types of developments were, before the cyclone, always accommodated in the residential A zone. The point I am making, Mr Speaker, is that nothing in the description of the residential A zone prevents these developments being accommodated within that zone. Most other development approvals that would be in conflict with the Darwin Town Planning Scheme are common and known types of development in the Darwin area; these have occurred consistently over the years and there is nothing unusual about them. For example, flats were constructed or are proposed to be constructed on parcels of land zoned in the planning scheme for single family dwellings, business premises have been approved for land zoned in the Darwin Town Planning Scheme for industry and so on. There is no reason why these approvals cannot be validated by a simple legislative device that would have the effect of amending the Darwin Town Planning Scheme.

At the moment, the way the bill is, people who have obtained development approvals from the Darwin Reconstruction Commission have not got full protection in law. In order to avail themselves of the approvals, they must complete the development within certain time limits that are imposed by clause 47(1) in the original bill and by another equivalent clause in the amendments. In fact, according to proposed section 47(10)(b), if a person

has commenced the building of a structure within the time specified but has not completed it by the prescribed date of completion, he is not permitted to complete his part-constructed building and, if he attempts to do so, is subject to a penalty of \$2,000. In these days of uncertainty about building finance, proposed section 47(10)(b) is a very harsh provision indeed. It is difficult to find any rational reason for it. What point can possibly be served by imposing a \$2,000 penalty on a person who happens, by whatever reason, to find himself with a half-constructed building on his hands. The lack of finance may well have been his problem in the first place.

What sort of idiotic reasoning is it that wants, by legislative means, suddenly in mid-course and at some arbitrary point in time, to determine that a building which the legislation deems to be desirable to commence constructing is not desirable to finish? As an example, just suppose I am building a house, and it could be a house according to these provisions. I have commenced the construction of my building within the time specified, I have progressed to the stage where my walls are complete and the completion date for my building is, for example, 31 December 1978. Suppose I fall ill or that the Home Finance Trustee runs out of money and I cannot get a progress payment to continue my building. Suddenly, at 12.01 am on 1 January 1979, my hitherto completely innocuous house becomes so offensive to Darwin society at large that the Town Planning Ordinance 1977, as proposed by the Executive Member for Finance and Planning, and which his colleagues have passed in order to protect society from criminals like myself, enjoins me from completing my humble shelter. Should I consider all this to be unreasonable and go ahead anyway, I am subject to a savage penalty of \$2,000.

This is the sort of protection that the executive member has afforded to people who have obtained approvals from the Darwin Reconstruction Commission. Does this provision meet the objective that he so forthrightly and nobly

claims will give them the protection that they so rightly deserve. According to him, they do not deserve any. The executive member claims that he is trying to avert disruption and confusion. I would hate to think what he would do if he were consciously trying to create confusion.

At a more general level, the provisions of this bill require that people who have obtained approvals to do certain things from the DRC must obtain further approvals from the Town Planning Board to carry out the smallest of alterations to their structures. They are not therefore protected by this bill; they are merely tolerated. Whatever we might think of the merits of some proposals that were approved by the DRC, there is no good reason to place these blanket requirements upon those who have built in accordance with DRC approvals. That includes everyone who applied for building permits from the building section after 28 February 1975. That was the date upon which the Darwin Reconstruction Act came into effect. After that act came into effect, the building section of the Department of the Northern Territory was appointed an agent of the DRC to issue permits to build. The building section is the duly appointed agent of the DRC and purports to act on behalf of the DRC in pursuance of powers contained in section 15 of the Darwin Reconstruction Act. I repeat for the executive member's benefit that everyone who obtained a permit from the building section to build on land in the Darwin area is affected by his provisions. I cannot make it any clearer than that. The only people who are safe are those who went ahead and built without a permit.

In this sittings, we have seen two bills presented by the Majority Party that are necessary for the sole purpose of validating certain administrative actions. It really does surprise me that their ingenuity did not extend to doing the same thing here. Let me see if the executive member gives any clue at all that he did indeed twig to the merits of a simple validating device. I am very pleased to inform this House

that indeed he did. He is indeed aware of a simple possibility for validating actions taken under the Darwin Reconstruction Act and that clue is to be found in proposed section 47(11) in clause 8 of this bill:

For the purposes of Part V -

(a) an approval under section 15(1) of the Act; or

(b) a consent under section 48,

has effect in relation to the land the subject of the approval or consent as though that approval or consent were an amendment of the Darwin Town Plan under this ordinance.

Those are very important words. What I am about to say will show the extreme injustice of this bill. What is the reason for restricting the application of proposed section 47(11) to part V of the Town Planning Ordinance? I have circulated copies of that part and, as the Executive Member for Finance and Planning did not inform the House of that implication, again the task falls to me. Members will note that part V of the Town Planning Ordinance is innocuously entitled "Miscellaneous". If they look closely, they will see there are two sections, sections 70 and 71, which relate to the development of land by the Crown. Now the truth is out. Whilst developments of the Crown are to be given automatic status as amendments to the Darwin Town Planning Scheme, the ordinary citizen undertaking the smallest of extensions or improvements to any building whatsoever is to be harassed and harangued through government departments, the Town Planning Board and its agents and other minor officials in order to obtain approvals for these very simple extensions to their houses. This surely strikes at the very marrow of justice. If it is good enough for the Crown to be given an automatic validation it certainly is good enough for the ordinary citizen. The ordinary citizen, it must be remembered, obtained all these highly undesirable approvals from agents of the Crown. He acted in good faith. The approvals were dispensed according to

the provisions of law. The question to which I require an answer from the executive member is why, in this bill and in numerous amendments, he has set at naught the rights of the ordinary citizen when he has made the passage of Crown development so easy?

I have demonstrated that the executive member's statements to this House and the actual provisions of his bill and amendments have not stood up very well to examination. Let me turn to a matter which the executive member mentioned only briefly but which, nevertheless, comprises half his original bill. I refer to clause 12 of his bill which makes provision for the making of development control orders. I realise that the executive member has now withdrawn that term, but that is about all that he has done. The actual notion of it is still retained and, indeed, further entrenched in his amendments. He said in his second-reading speech: "I have not dealt in precise detail with all aspects of the continuation of DRC approvals or the application of development control orders." As I have shown in relation to the first matter, and I am about to show in relation to the second, I do not wonder at that. In fact, the executive member gave us very little indication at all of the true implications of his bill. Once again, the task falls to me.

Development control orders or interim development orders or the adoption of the DRC plan, whatever the executive member likes to call them - he can have his choice; it is like giving a menu to a hungry man - are really all town planning schemes; and to be town planning schemes, that would dispense with the need for public consultation. That notion is carried forward in his amendments, in the objections, appeals and the right to compensation.

Some planners find these concepts highly objectionable, and that is only because they are constraints to their often malicious and vindictive whims. But it ill behoves the executive member to take up the cudgels on behalf of

that class of planner which, I might say, is very vigorously and ably represented in the Northern Territory. Yet that is precisely what his bill does. By his section 68A, to be inserted by clause 12 of the bill - although he apparently now wants to repeal it and put in something else - the Town Planning Board "...may, with the approval of the Administrator-in-Council ... make development control orders." I am using that term only for convenience now. Where there is a town planning scheme over land that is the subject of that order, that part of the town planning scheme is revoked. People are then compelled to comply with the order, on pain of a penalty of \$2,000, regardless of their pre-existing rights, regardless of their rights in law - in this or in other laws of the Territory. For example, a person has a perpetual lease for business purposes over a piece of land that is zoned, let us say, for district business under the town planning scheme. Overnight, a development control order is made and that shows his land for residential purposes. Under the executive member's proposed section 68B, I think it is, that person is compelled to develop his land only for residential purposes. Understand what I am saying, honourable members: he must relinquish all his rights except his rights of ownership in that land. It is as simple as that and as telling as that.

When I used the word "overnight" a moment ago, I meant it quite literally. According to the provisions of the bill, the board is not compelled to consult with anyone before it puts out a development control order. It is only required to publish a notice in the Gazette and once that gazettal has occurred, there is no turning back for the action of gazettal actually brings the order into operation. That provision has been somewhat modified in the executive member's amendments. It is now not to appear by gazettal; it now appears that in the bill on 1 January 1978 we will have exactly that provision, but we have a month's warning, I suppose.

There are no provisions for an aggrieved person to object or to appeal against the provisions of the order. There is no right of compensation, including that for people who have suffered the loss and summary expropriation of their land.

The executive member talks of modern town planning legislation. With the same breath, he proposes something as repressive as these provisions. Not only are these sorts of provisions unheard of in Australia, but nowhere in the legislation in New Zealand, in the United States, in the United Kingdom and Canada have I seen any provisions of this sort.

Mr Perron: Development control orders?

Ms D'ROZARIO: They completely negate the rights that are already incorporated in law.

Mr Perron: She doesn't know much about it.

Ms D'ROZARIO: The honourable executive member is just exposing his ignorance. I am surprised the CLP in whose political philosophy the ownership and use of land is firmly entrenched should bring this bill forward. The executive member says that the making of development control orders will ensure the continued planning and development of Darwin without major disruption. We in Darwin have had an opportunity to judge the truth of that statement. In October and November this year, the DRC placed on public exhibition what purported to be a proposed development control order. The DRC went so far as to pre-empt the passage of this bill by publishing a document of restricted access to the public which contains the following statement, which I will now read:

It is anticipated that the plan ...

At least, Mr Speaker, they have the integrity to call it a plan.

... as finally recommended by the

commission will form the basis of development control orders which may be made pursuant to the provisions of the Town Planning Ordinance 1977 which will be presented to the Legislative Assembly and which it is anticipated will come into force on 1 January 1978.

Leaving aside the absolute audacity of the DRC inherent in that statement, let us see whether this proposed development control order had any bearing on the objective so nobly stated by the executive member. Those of us who, after public agitation, obtained the release of the schedule - you paid \$5 to obtain a copy of it - suddenly became privy to some invaluable pieces of information. Some of the more important ones are worth mentioning. According to this plan, document, development control order - whatever you want to call it - some of the effects of it are: every block of flats in the Darwin area becomes by the definition given in this proposed development control order, a non-conforming development - words that the honourable executive member used so often in interjection this morning. Every service station - every service station, honourable executive member - becomes a non-conforming use; retail developments by such household-word undertakings as Woolworths and Coles become non-conforming uses, because of the limitations of the definition of "general store" in this proposed development control order; even the civil airport and the passenger sea terminal become a non-conforming use, by definition of "passenger terminal" in the proposed development control order; and passenger terminals are prohibited uses in the special use zones 1 and 2, within which those two elements I have just mentioned are accommodated - there goes the landbacked wharf.

Let us be clear about the nature of non-conforming uses. Their extension, further development and even minor alteration are severely constrained by the provisions of this bill. How much more confusion can the Executive Member for Finance and Planning possibly generate. Yet he claims he wants to

avoid confusion. He does not have to believe me; I have given a few examples because, together, they affect a numerically large number of blocks of land or because they are very important elements, like the civil airport and the wharf, in our urban infrastructure. But he is quite free, if he wishes, to refer to the remarks made by Mr Earl James, a Fellow of the Institute of Surveyors. I point out here that Mr Earl James is the only Territorian to achieve that status. Let him heed the remarks made by Mrs Nerolie Withnall, speaking in her capacity as president of the Law Society. Let him heed the remarks of Mr Ross Fountain, speaking in his capacity as chairman of the Town Planning Board. All these people were highly critical of the proposed development control order.

There has been a notion spread about that, unless this bill is passed, there will be widespread hardship and chaos in the Darwin area. I think I have shown, Mr Speaker, that the defeat of this bill will avert that chaos and disaster rather than the provisions of this bill trying to avert it. When I make that statement let me examine the position of people who, on 1 January through no fault of their own, will find their development approvals in conflict with the Darwin Town Planning Scheme. I do not think these people will suffer any great hardship between 1 January and the time the honourable executive member takes to come up with some simple validation device.

The honourable executive member has clearly shown us that he has not the faintest idea of what he is trying to achieve by this bill. On 16 November, he provided members with extensive amendments to his bill. Mr Speaker, the amendments are as extensive as the bill; they are exactly the same length. On 29 November, he provided us with amendments that are at least twice as long as the original bill. In fact, they omit clauses 4 to 13. There were only 13 clauses in the bill. Until he can come up with something that helps these people, let us contemplate what we can do to help them.

Where people have obtained their approvals in good faith, from agents of the Crown acting, I presume, on behalf of the Crown, I cannot conceive of the situation where these approvals will suddenly fall into bad odour and where the people who have either got these approvals or built in accordance with them will be clogging up the courts. It seems to me that a simple solution to the plight of these people is for the chairman of the Town Planning Board to refrain from actions under sections 58 and 66 of the Town Planning Ordinance. He is, after all, not compelled to exercise his powers; they are discretionary powers contained in those sections.

I might say, at this stage, that I am not asking a lot. That is particularly to be said when we remember that there has never been a prosecution under the Town Planning Ordinance, and I hope the Executive Member for Finance and Planning is not going to tell me that that is because we have never had a non-conforming use. That is just not so.

I ask all honourable members to have regard to the good administration of land use and land tenure in the Northern Territory and to support my motion to defeat this bill.

Mr ROBERTSON: My previously high held opinion of the member for Sander-son has now crashed. Not only is she perfectly happy to see this bill not go through the Assembly now in order that the property owners in Darwin should have the protection from 1 January to which they are entitled, she does not want to see the people have any protection for five months after the demise of the Darwin Reconstruction Act. To have moved for the adjournment of this bill until the sittings of February 1978 would have been bad enough, that she should now choose to seek that this matter be not further considered until May next year is bordering on criminal neglect. The sole proposal of the Opposition is to delay consideration of the bill. They have no constructive amendments to make and, indeed, even if they had any amendments

in mind, they could not really have intended to make them here because they do not even wish to consider the bill again until May of 1978. Never before would such a grossly irresponsible proposal have insulted this Chamber - a Chamber charged with the good order and government of the Northern Territory. We on this side of the House spurn the amendment and have the contempt for it that it deserves.

Mr STEELE (Transport and Industry): I move that the question be put.

Motion agreed to.

The Assembly divided:

Ayes 7

Noes 12

Mr Collins
Mr Doolan
Ms D'Rozario
Mr Isaacs
Mrs Lawrie
Mrs O'Neil
Mr Perkins

Mr Ballantyne
Mr Dondas
Mr Everingham
Mr Harris
Mr MacFarlane
Mr Oliver
Mrs Padgham-Purich
Mr Perron
Mr Robertson
Mr Steele
Mr Tuxworth
Mr Vale

Amendment negatived.

Mrs O'NEIL (Fannie Bay): I have never heard such hypocrisy as I heard from the Executive Member for Community and Social Development a few moments ago. He accused us of irrelevancy and irresponsibility yet the time of this House and honourable members has been taken up in considering the second-reading speech of the honourable member for Finance and Planning. We are debating the bill and not the amendment. The time has been taken up in our listening to his speech, in our reading of Hansard, in our considering the bill which he presented, in our considering the copious amendments which he circulated on 16 November and, finally, in considering a second set of amendments which were circulated 24 hours or so ago. It is grossly irresponsible to treat legislation and to treat the time of members of this House in this way.

Mr Robertson: Do not waste any more.

Mrs O'NEIL: The fact of the matter is, and I think you will agree with me, Sir, that the new amendments which were produced yesterday amount to an entirely new bill. Thus, we are being asked to debate a new bill. The introduction of this bill in the form of an amendment is grossly insulting to this House. It is definitely contrary to the intention of standing order 151 which says that the bill should stand for a month. If the Majority Party had the courage of its convictions, which it obviously has not, it would withdraw the original bill and introduce these new amendments as a new bill.

However, I will proceed to attempt to discuss the substantial amendments even though I have had such little time to consider them. I will, of course, be referring to the second-reading speech of the honourable executive member. In his second-reading speech, he said the bill would ensure a protection for people who have built and used land since the cyclone. What in fact the bill he presented did was to provide that their land would be classified as a non-conforming use. The executive member might consider that protection, but I do not. With a non-conforming use, you cannot expand, you cannot repair it if it is damaged or burnt down and it is certainly very much harder to sell. I would suggest that he might try to raise finance on a block of land that has a non-conforming use and see what his bank manager thinks of that.

In the new amendments, clearly proposed section 50 is the section which is aimed at validating DRC approvals. Proposed section 51 covers the situation where there are no DRC approvals. Under these sections, approval can be gained and this has the effect of amending the Darwin Town Plan. Proposed section 52 is the Catch 22. If the building is demolished, substantially damaged or the use is discontinued for six months, your rights under sections 50 and 51 cease and the zoning would revert to the zoning prior to the granting of approval under 50

and 51. It is in fact a non-conforming use under a different label. It is terminal use; the zoning is tied to the life of the existing building.

Referring further to proposed section 51(1), I would ask the Executive Member for Finance and Planning to please explain the dates in this. In view of the amount of time given, I have not had time to gain advice from persons well-qualified in this area. It refers to between 24 December 1974, obviously the date of the cyclone, and 31 December 1976. I ask the relevance of this date. Is it possible that people who did not have DRC approval, who commenced building after 24 December 1974 but completed after 31 December 1976, are protected and, if so, under what section? I cannot understand that date and I am asking for some guidance from the honourable member.

In his second-reading speech, the executive member also said that the bill would enable the development of Darwin to continue without major disruption. He is right; there would not be major disruption, but total annihilation if we continue to treat town planning in the Northern Territory in this way. The Country Liberal Party pretend to themselves that they are the representatives of business interests yet their complete inability to come to grips with the town planning problems of Darwin is destroying business confidence and driving investors away. What could be more disrupting than the imposition of a town plan on 1 January - and that is the intention of this bill - that has already incurred much ire in the community. We are going to have it imposed on us and will be able to object afterwards. How much confidence will we have if people do not know, at the end of those objections, just what the situation with regard to a particular block of land or investment site will be?

I had proposed to consider development control orders at this stage. That term has now been eliminated. What we have now is the intention for this bill to proceed in exactly the same way and,

where in the honourable member's second-reading speech he referred to a development control order, we can simply refer to the Darwin Town Plan because that is what they are doing. They are simply saving themselves one step in the process that was envisaged when this original bill was introduced. We are now not to have a development control order to impose a town plan, we are just going to impose the town plan. That is what this bill is all about.

The purpose of the bill is to impose on 1 January 1978 the DRC proposed plan which was displayed recently as the Darwin Town Plan. The DRC plan was drawn up by people so incompetent that they zoned our only drive-in theatre as residential land and a valuable block of land in Mitchell Street, purchased at a high price for business development, as open space. They zoned a block of land which the Town Planning Board has approved for use as a television station as multi-storey flats. I could refer to innumerable examples of errors like this. I have objected to many.

The honourable executive member told us that valid objections would be considered. What is a valid objection? I ask how many objections were received, how many were considered not valid and on what grounds they were considered not valid. I have heard a story - I do not know whether it is true; I will ask him to confirm or deny it - that objections from persons who were not landholders close to a zoning objected to were not considered valid. We are going to impose a town plan and we do not know what the town plan is because, as the executive member has pointed out, it has probably been changed by objections. We don't know what it is. We don't know whether it is as bad as the original one or better or even worse, but we are going to impose it.

Why is this bill so urgent? If it is an interim bill as the executive member says, we can assume that a further one will be introduced later. Can we assume that? The Majority Party has been promising us for over 12 months that town planning legislation was on the way and would be ready soon.

The previous executive member who had responsibility in this area, Mr Grant Tambling, made a statement to this effect last November. On April 12 of this year, Mr Tambling was quoted in the NT News as saying: "The first draft of a new Northern Territory planning and development ordinance should be available in a week or so." Why have we got this interim town planning bill and the substantial and copious amendments in the space of one month if the Majority Party have had drafting instructions with their draftsmen for the last 12 months. I would ask the executive member to table those drafting instructions so that we can be assured of the honesty of the statements of their members and their former members. Where are those drafting instructions and where is the town planning bill that was to be ready a few weeks after 12 April?

We must consider the new amendment. As the member for Sanderson so ably pointed out this morning, it is in fact a new bill. It invites the defeat of clauses 4 to 13. There are only 13 clauses in the original bill so we are left with 3 clauses, 30 words or so of the original 30 pages. The latest set of amendments present a completely different bill. I will try to consider some aspects of the amendments although I have had very little time to study them. I am sure all honourable members are very concerned about the future of this town and I am distressed that legislation that deals with such a vital matter will be rushed through this Assembly today if the Majority Party has its way. I certainly have not had time to consider it; I am sure most people have not had time to consider it. Why are we rushing it through when it has been pointed out so well this morning by the member for Sanderson that a simple validation bill or an amendment to the principal Town Planning Ordinance would have protected those people who had built with the permission of the Darwin Reconstruction Commission.

These amendments do in fact constitute a new bill and I believe most strongly should not be presented to the

Assembly in this manner as amendments. However, as I also said before, I have not had time to give them the consideration which they deserve - that is perfectly obvious - nor to seek adequate advice on them.

I would at this stage like to refer to the Appeals Committee which the Executive Member for Finance and Planning has apparently been so proud of in his press statements. It is certainly an improvement and I am pleased to see it there. But it is only a marginal improvement. I refer to clause 5 dealing with the composition of the committee. It consists of three people and all of those three people, in the terms of the bill, might well be public servants. Without snubbing public servants in the least, I do believe that the committee must be seen to be independent and not a branch of a government bureaucracy. I trust the member will move amendments to this provision in the committee stage. I would suggest that we consider a supreme court judge as chairman. The other obvious omission, from the point of qualifications, is that a qualified surveyor has not been considered eligible for membership under clause 5.

Once again, referring to the Appeals Committee, clause 7(2) provides that any interest must be disclosed. I do not believe that an interest in land being disclosed is enough. Any interest in land should disqualify that person from consideration of an appeal where that land is considered. Any person who has assisted in the preparation of work in relation to that land to which the appeal relates should be disqualified.

Looking at clause 14, I believe that meetings of the Appeals Committee should be open to the public because it is important that they be not seen to be making decisions behind closed doors. I would also like to see that happen in relation to the Town Planning Board itself.

I turn now to clause 15 of the bill. One of the things that concerns me is that the area of appeals is limited.

Most importantly, objectors to the plan, which will be displayed on 1 January 1978, will not be allowed to appeal to the Appeals Committee. The right to appeal to the Appeals Committee should be broadened to allow appeals from decisions of the Town Planning Board made under part 3 of the ordinance, the principal ordinance - that is, in relation to the subdivision of freehold land - and also from decisions of the Town Planning Board to overrule objections under section 34 of the ordinance.

There is another thing that concerns me and that is the question of the schedule which we were finally able to get hold of and which related to the town plan. For example - and I think I can best do this by example - under a residential section, you can have the permitted use of a child minding centre. But you have to get permission of the Town Planning Board to have that permitted use, and the Appeals Committee cannot consider an appeal if your application is rejected by the Town Planning Board.

Mr Perron: Yes, it will come under new section 38A.

Ms D'Rozario: You can explain afterwards.

Mrs O'NEIL: Thank you, I look forward to hearing what you have to say. There was one final point I would like to make in relation to this in clause 29. Subclause (1), paragraph (c) incorporates the words "in accordance with good town planning principles." I do not know what good town planning principles are, and they seem to change from time to time, as we have already seen. In 1971, good town planning principles for the area opposite the Casuarina shopping centre decreed that it should be residential C - that is, up to six flats. In 1977, good town planning principles apparently decreed that the area should be single houses. Up to 1975, the drive-in theatre was in accordance with good town planning principles but apparently it is not any more. What are good town planning principles and how on earth can we pass

a piece of legislation that rests on something as vague as "good town planning principles"?

In conclusion, I would like once again to refer to the method of the presentation of this bill, if we are debating the bill. I listened most attentively to the honourable executive member's speech when he commended these bills, and I subsequently read it in Hansard. I am most concerned about the development of this town and the Northern Territory. I read the bill most carefully; I read the amendments of 16 November most carefully, and I finally attempted to read this last set of amendments of 29 November. The fact is that I cannot find an explanation of the honourable executive member's second-reading speech. There seems to me three options. Firstly, when the Majority Party introduced this bill on the recommendations of its public servants and advisers, they had not read it which is a gross insult to the members of the Legislative Assembly and to the people of the Northern Territory whom they represent. Secondly, if the executive member had read it, then he obviously did not understand it - and that would not surprise me in view of the obvious fact that he did not understand the competent economic arguments presented during the budget debate. However, if we reject both these explanations, we are finally left with the situation that the executive member understood what he was doing in September, and deliberately misled the House. In view of his amply demonstrated, complete and utter incompetence in the handling of this piece of legislation and the town planning problems and policies in general in Darwin and the Northern Territory, I call on behalf of the Opposition for the resignation of the member for Stuart Park as the Executive Member for Finance and Planning.

Mr HARRIS (Port Darwin): Before speaking on the Town Planning Bill and the amendments which are being introduced into this Assembly, I would just like to comment that it did not require the member for Sanderson to point out obvious areas of concern in the

original bill. The Majority Party was also concerned and it acted. On this Town Planning Bill introduced by the Executive Member for Finance and Planning and the amendments which have been circulated, I feel we should all ask ourselves a fundamental question: why do we need a town plan? I would like to quote from the Darwin Reconstruction Commission's explanatory leaflet which was given out during the public exhibition of the draft Darwin town plan in 1977. From section 3 of that leaflet, under the heading "Why a draft Darwin town plan 1977", the quotation is as follows:

A town plan is necessary to guide private and public investment, to create an amenable and efficient land use pattern for living, working, shopping, education and recreation.

From that quotation I have just read out, it is evident that town planners alone cannot handle this. They need input from the public and various statutory and other organisations. The Darwin Reconstruction Commission, with its power in relation to town planning, has perhaps been one of the major causes for the lack of development in the greater Darwin area. The tremendous powers under the Darwin Reconstruction Act enabled the Darwin Reconstruction Commission to set patterns for development. This, in turn, caused many potential developers to look for less complicated areas in other parts of Australia to develop.

As a result, we have an abundance of vacant blocks in some of the prime areas of Darwin. Examples are not hard to find, particularly for people wishing to build flats. Such developers were consistently frustrated by the guidelines for medium density housing, as laid down by the Darwin Reconstruction Commission. What, in effect, is happening now is that owners of properties who have been told, for example, they can build only five flats instead of six because of these guidelines are being forced into eventual forfeiture or into erecting buildings somewhat below the standard they had

previously intended. Architects are continually frustrated waiting for approvals. One example is that of the firm who applied in May this year for approval to build showrooms in an industrial area. That approval has only just been received. Fortunately, the investors are still going to invest. However, there are many who are not prepared to wait and have decided not to continue with their projects.

Whilst appreciating the problems the Darwin Reconstruction Commission have had over the past period and also appreciating the fact of the impact many of their projects have had on our community, there is no getting past, as far as private enterprise is concerned, the disaster caused by many aspects of their town planning guidelines. There was no room for variation in any form. There was no room for appeal. The Majority Party, with the introduction of a new section - that is, section A which has been referred to - has created a chance for variation.

Other areas which will be of concern for some considerable time relate to zoning. There are those people who purchased land in good faith pre-cyclone and zoned at the time for use which is now contradicted by the current plan. A classic example has already been brought up - that of the block between the Hooker Building and Moonta House which, at the time of purchase, was zoned as B1 and is currently zoned as recreation, open space or park. Another example of multiple re-zoning is that of the block purchased on Trower Road, pre-cyclone zoned for six flats, residential C. The block was re-zoned post-cyclone to R2 and has now been re-zoned to R3. There are also those in our community who are waiting for decisions on zoning in relation to the sale of property. Some blocks in this category are situated along the Esplanade in Darwin.

The Majority Party intends placing the town plan on public display early in the new year. This is the line on which the Majority Party stands in relation to the lack of display time and, consequently, the time for objections

being lodged against various aspects of the recent display in the Darwin Reconstruction Commission building. We also continue to emphasise the point that we are trying to arrive at an acceptable plan with comment from the public and not deny them the right to participate as the Darwin Reconstruction Commission has done and has tried to do in the past. We must also protect those in our community who supported development since the cyclone and who, with many delays in approvals in connection with zoning, have still had the determination to continue with their development.

As I have already mentioned, the Majority Party is now introducing an appeals committee. The structure and the functions of that committee, despite what the member for Fannie Bay feels about it, are given in detail and it is interesting to note the amendment to section 10 which deals with the members of the Appeals Committee having direct or indirect interest in land under consideration. This committee will consist of professional men who will be able to give an unbiased assessment of the situation and make acceptable decisions. Architects and developers should be allowed to propose projects with some assurance that they will be approved with respect to general dimensions. With the Darwin Reconstruction Commission departing from Darwin, we must aim first of all at having a plan which supports all of those already developing; secondly, at having some redress over decisions made by the Town Planning Board; and, thirdly, to reintroduce the plan for public display and public comment. This the Majority Party will do.

I commend the bill with its amendments.

Bill read a second time.

In committee:

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3 agreed to.

Clause 4:

Mr PERRON: I invite defeat of clauses 4 to 13 inclusive.

Clauses 4 to 13 negatived.

Mr PERRON: I move amendment 15.2.

Ms D'ROZARIO: Mr Chairman, could we have some clarification from the honourable executive member, please? Could he give us the effect of the clause?

Mr PERRON: By way of explanation, having succeeded in having clauses 4 to 13 of the bill defeated, I now propose to reinsert a number of amendments which have been circulated and which will, in fact, do largely what the original bill did with the addition of a few other items. The amendment 15.2, as circulated, contains definitions pertaining to the amendments that I am going to introduce successively to this bill.

Mrs LAWRIE: Mr Chairman, I point out that in the proposed amendment 15.2, by subclause (1) paragraph (c) of new clause 4, we are adding in the definition of the Darwin Town Plan, the words "and includes the Darwin Town Plan as amended from time to time and, where the Darwin Town Plan is amended ...". This seems to be assuming that the draft Darwin town plan, which was on display by the DRC, now becomes the Darwin Town Plan to be referred to through the rest of the amendments which are, of course, a substitute bill. If my assumption is correct, could I ask the honourable member for some clarification of that town plan, because there were objections to the town plan and he gave us to understand that some of them have been considered and some have been rejected. In fact, the town plan has not been sighted by this Assembly.

Mr PERRON: I cannot bring to mind immediately which clause it is specifically but there is provision later on in these amendments that a plan will be adopted by the Administrator-in-Council and will be brought into

force on 1 January 1978. Whilst it is intended, I am sure everyone knows, to largely adopt a plan that has been on display by the Darwin Reconstruction Commission, as amended in the light of objections - and there may or may not be further amendments made by the Administrator-in-Council itself, because we have not seen that plan amended as the result of those objections as yet - we cannot say affirmatively that it will be adopted in the form as approved by the Darwin Reconstruction Commission. The plan that Darwin will get on 1 January will be a plan adopted by the Administrator-in-Council.

Ms D'ROZARIO: If I may just take up the point made by the honourable executive member, is he trying to tell us by clause 4(1)(c) that the Darwin Town Plan, as now defined in the Town Planning Ordinance, will be completely revoked and the new plan he has just referred to will have no bearing upon the Darwin Town Planning Scheme as we know it, under the Town Planning Ordinance?

Mr PERRON: That is correct, Mr Chairman.

Ms D'ROZARIO: In that case, Mr Chairman, how can we refer to a plan being amended by way of repeal. If a plan is amended by repeal, surely it does not exist.

The committee divided:

Ayes 11

Noes 7

Mr Ballantyne
Mr Dondas
Mr Everingham
Mr Harris
Mr Oliver
Mrs Padgham-Purich
Mr Perron
Mr Robertson
Mr Steele
Mr Tuxworth
Mr Vale

Mr Collins
Mr Doolan
Ms D'Rozario
Mr Isaacs
Mrs Lawrie
Mrs O'Neil
Mr Perkins

New clause 4 agreed to.

New clause 5:

Mr PERRON: I move amendment 15.3.

By way of explanation, the proposed new section relates to the setting up of a town planning appeals committee which will, in effect, be able to review certain decisions of the Town Planning Board and is to consist of three persons, one of whom is the chairman who is also a legal practitioner. Two of the other three shall be an architect, a planner or an engineer.

Mrs O'NEIL: May I ask why a qualified surveyor has not been included in that list? As I read it, all of those members of the board might be public servants. Is that so and, if so, why?

Mr PERRON: There is no specific reason why a surveyor has been left off the board. One could reasonably be put on the board as could just about any other professional or non-professional person. I do not know that it is necessarily true that surveyors or architects or engineers are any better at making sensible decisions on town planning than most other responsible members of the community. I do not see why the Surveyors Institute should be unduly upset about not getting in on it. However, it is a subject which could perhaps be brought up for amendment at a later date. I would suggest that it would be reasonable to put in the clause "any other person" so that we do not exclude housewives and others.

Concerning whether or not they could all be public servants, there is no doubt that there is no restriction there. They could all be public servants. As long as I am the executive member mentioned in the bill, I can assure you that they won't be. However, I see no necessity why the legislation should be amended to specifically exclude them.

Mrs O'NEIL: In reply to the honourable member's reference to amendment at a later date, I assure him that, if I had had time to peruse these amendments, I would have moved amendments to these sections. When can we anticipate

those amendments coming forward if he is also keen to see them?

Mr PERRON: At the earliest possible date we propose that resources will be made available to produce new town planning legislation. The whole matter will be brought under one new and modern ordinance. This is the intention and it was mentioned in my second-reading speech. Rather than divert resources from that project, I would suggest that we take these matters up at that time.

Mrs LAWRIE: I rise only to seek a further assurance from the honourable member that, in consideration of those further amendments, he will give an undertaking that consideration will be given to an amendment to ensure that the people who will constitute the Appeals Committee shall, in fact, not be Northern Territory public servants. I remind him that there are many examples of legislation on the books where this particular point is made. It is felt to be undesirable that people who are ultimately responsible to a member shall have the somewhat onerous task of sitting on an appeals committee, and perhaps not be seen by the public as being totally independent. I do seek that assurance from the honourable member.

Further, may I also take up an interjection from one of the Majority Party. He has suggested that some of the comments being made in opposition to this legislation were prompted by self-appointed experts. It is only fair to point out that the member for Sanderson, who spoke at some length, is a member of the Australian Institute of Urban Studies and is well-qualified to comment.

Mr PERRON: I decline to give the assurances requested by the honourable member for Nightcliff. Whilst I accept the principle that perhaps it would be best if this particular committee did not have to include public servants, public servants are in actual fact citizens of our community as anybody else is. I do not see why they should be specifically legislated against.

Whilst I did say that I would not appoint one to this board if I was the executive member concerned, it is quite a different thing to legislate against public servants specifically. I refuse to give that undertaking.

Mr COLLINS: This does appear to be somewhat in conflict with statements made by the Majority Party concerning the composition of the Wildlife Advisory Council. They stated then that public servants should not be on that council because it was not proper for them to be so.

Mr EVERINGHAM: I am not quite sure where the honourable member for Arnhem heard those statements. As far as I am concerned, I regard public servants as perfectly satisfactory in every way to fill positions on any particular statutory body. It may be that it is not desirable that public servants fill positions on this particular statutory body, but then again it may be that a particular public servant is particularly qualified to fill a position on this body. If that is the case, and if he is the best man for the job in the Northern Territory, he will go onto this body. As far as I am concerned, this is just sheer denigration by the Opposition of the honour of the civil service. Civil servants are reputable people as far as I am concerned. We hear snide allegations coming from the Opposition side that public servants are no good, that they are second-class citizens and should be kept off this. We know now that the boot is pinching a little bit. So far as is possible, public servants will not be appointed to the Town Planning Appeals Committee.

The Public Service Ordinance and the Juries Ordinance will be amended in pursuance of my policy of restoring civil rights to civil servants to permit them to serve on juries. I believe that this has been a right denied to civil servants for far too long.

New clause 5 agreed to.

New clause 6:

Mr PERRON: I move amendment 15.4.

This provides that persons serving on the committee shall hold office for 5 years and that the committee is able to operate even though there may be a vacancy on the committee.

Mr ISAACS: Why is it that appointment to this board is for a maximum period of 5 years when as far as I am aware, the period on other statutory boards is either two or three years?

Mr PERRON: I am not sure of the specific reasons why the Town Planning Board has appointments for 5 years. Obviously, the committee has a term of appointment for 5 years because the principal ordinance refers to a five year period for the board. I cannot specifically answer the question.

Ms D'ROZARIO: I just seek a clarification from the executive member. Subclause (2A) states: "In the event of a member of the Appeals Committee ceasing to hold office before the termination of the period of his appointment, a person may be appointed to be a member of the Appeals Committee in his place for the remainder of that period." Does he intend that person to be similarly qualified to the specifications given in the preceding section?

Mr PERRON: Yes.

Ms D'ROZARIO: Should he not then move an amendment to clarify that?

Mr PERRON: I do not believe that there is any necessity for specific legislation clarifying that point. It would happen as a matter of course. If there is a vacancy in that committee, it would surely be natural that a person with the same qualifications would be appointed.

Ms D'ROZARIO: I dispute that view. The section specifically reads "a person". It does not say "a person qualified". It appears to me, having given a lengthy explanation of the reasons why he has favoured the three professions in the composition of this board, he now seems reluctant to fill a casual vacancy in the same way. It is

just another indication of the haste in which it was done.

Mr ROBERTSON: That is a crass piece of nonsense. The amendment 15.3 says "shall consist of" and "shall be in accordance with that schedule". Clearly, if the civil engineer is the person who drops off, there would be no civil engineer on the Appeals Committee. The only person who can be put back on is a person with those qualifications.

New clause 6 agreed to.

New clause 7:

Mr PERRON: I move amendment 15.5.

This is a standard machinery clause whereby the Administrator may terminate an appointment to the Appeals Committee if certain events occur such as bankruptcy of the member etc. It also deals with the disclosure of interest by the members of the Appeals Committee.

Mrs O'NEIL: I ask why that person, having disclosed his interest, is not disqualified from then considering the appeal?

Mr ROBERTSON: That is exactly the same as suggesting to me that, because the Majority Leader is a lawyer, he should not discuss anything to do with law in this House. It is just another piece of nonsense.

Mr ISAACS: With the greatest respect to my learned friend opposite, the purpose of the question surely is this: if a person has an interest, it is not sufficient for that to be disclosed. On a former board that I was on, if a person had an interest, he not only had to disclose it but had to leave the room. That surely is appropriate.

Mr EVERINGHAM: The Leader of the Opposition will find that they leave the room as a matter of convention rather than as a matter of legislation.

Mr Isaacs: That is not so. You are wrong.

New clause 7 agreed to.

New clause 8:

Mr PERRON: I move amendment 15.6.

This provides that the Administrator-in-Council may terminate the appointment of members of the Appeals Committee. It also covers the resignation of members of the Appeals Committee.

New clause 8 agreed to.

New clause 9:

Mr PERRON: I move amendment 15.7.

This covers the appointment of the deputy chairman.

Ms D'ROZARIO: The honourable member is mistaken. It says nothing about a deputy chairman. It says that, where there is or is expected to be a vacancy in an office of chairman, an ordinary member or local member of the board or member of the appeals committee or the occupant of such an office is or is expected to be absent or unable to act, the executive member may by instrument in writing direct a person who is qualified to hold the office to act in the office. I do not see any reference to a deputy chairman although I do accept the point that an ordinary member can be elected deputy chairman.

I also want to point out that the executive member has included the words "a person who is qualified to hold the office" which was the whole point of my previous disagreement.

New clause 9 agreed to.

New clause 10:

Mr PERRON: I move amendment 15.8.

This is a provision for leave of absence of members of the Appeals Committee. It relates to section 13 of the principal ordinance which in turns deals with leave of absence. The amendment adds the Appeals Committee to that section and therefore provides for

leave of absence of members of that committee.

New clause 10 agreed to.

New clause 11:

Mr PERRON: I move amendment 15.9.

This refers to acting members on the Appeals Committee. Where a member of the Appeals Committee is absent, the executive member may, by instrument in writing, direct another person who is qualified to hold office to hold that office.

New clause 11 agreed to.

New clause 12:

Mr PERRON: I move amendment 15.10.

This deals with the remuneration of members of the Appeals Committee.

New clause 12 agreed to.

New clause 13:

Mr PERRON: I move amendment 15.11.

This deals with the calling of meetings of the Appeals Committee.

New clause 13 agreed to.

New clause 14:

Mr PERRON: I move amendment 15.12.

This provides that two members of the Appeals Committee shall form a quorum. It also provides that the chairman or, if he is not present, the deputy chairman has a deliberative vote and, in the event of the equality of votes, also a casting vote.

Mr ISAACS: Could the executive member give his philosophy on why the chairman should have a casting vote and a deliberative vote?

Mr PERRON: I understand that it is fairly standard practice in most organisations that the chairman gets an additional vote to an ordinary vote.

Obviously, if the chairman was not present and there were only two people on the Appeals Committee itself, one could very easily get a tight vote and that extra vote would allow a decision. In cases where there are three members on the committee, obviously the chairman would not have to exercise his casting vote at all.

Mrs O'NEIL: I would like to move a very short amendment. I have not had time to circulate it but it is very short and fairly obvious. I move to insert a paragraph (e): "Meetings of the Appeals Committee shall be open to the public". This is an amendment to the amendment.

Mr PERRON: I do not think at this stage it is an appropriate amendment to be entertained before the House. The idea of having the Appeals Committee holding open hearings when the Town Planning Board itself does not hold open hearings is not a correct one. I can see all sorts of complications that could arise by compelling this committee to meet in circumstances such that they should be able to accommodate the public. I do not see there is a necessity for it as the appellant and objectors to an application which goes before this committee obviously can attend the hearing.

Mr ROBERTSON: I would ask the committee also to bear in mind that very often, in these types of hearings - particularly in an appeals committee of that size - you will have people disclosing their personal business affairs down in very fine detail in order to justify on economic grounds why certain decisions should be made. It is hardly the sort of thing for the general public to attend.

Mrs O'NEIL: A point of order! I did move an amendment.

Mr CHAIRMAN: I did not accept your amendment.

New clause 14 agreed to.

New clause 15:

Mr. PERRON: I move amendment 15.13.

This deals with the functions of the Appeals Committee and provides that it can hear and determine appeals against the Town Planning Board's decisions under section 38A of the principal ordinance. Further, it will be able to hear and determine an appeal against decisions of the board regarding an application to develop land in an area where development is not permitted without the consent of the board. This gives the board quite a wide-ranging area on which it will be able to hear objections to Town Planning Board's decisions.

The member for Fannie Bay mentioned that it did not give the authority for objections to a town plan as such to appear before the Appeals Committee. That is correct. In actual fact, people can object to a town plan on display. If they are not satisfied with the end result after the objection period, they can apply for amendments to the town plan under section 38A and they would be able to go before the Appeals Committee if they deemed it necessary.

Mrs O'NEIL: I would like to have leave to move a very small amendment. I wish to amend 17A(b) to read: "to hear and determine an appeal against a decision of the board on an application to use or develop land in an area where that development or use is not permitted without the consent of the board". It simply includes "use" as well as "development".

Mr PERRON: The amendment is covered under 38A if she is talking about the use of land as distinct from conditions that the board might apply to building on land.

Mrs O'NEIL: Does that mean that the Appeals Committee can consider objections relating to use?

Mr PERRON: Section 38A of the ordinance is a section whereby people can apply to change zoning. It will also be the section where consent uses

will be dealt with. It is zoning that basically controls the use of land.

Mrs O'NEIL: I did not understand that explanation.

Mr PERRON: It is perhaps unfortunate that the Opposition did not take their opportunity to continue to speak in the second-reading debate where they might have had a lot more of this explained to them. The member for Fannie Bay is wondering whether the Appeals Committee will be able to hear matters dealing with the use of land. They can hear appeals against Town Planning Board decisions under section 38A. Section 38A of the principal ordinance states: "A person who holds a lease under the Darwin Town Area Leases Ordinance 1947 or a lease of town lands under the Crown Lands Ordinance 1931, or an estate in fee simple in respect of an allotment or portion or section of land to which a town planning scheme applies, may make application to the board for the amendment of the scheme in respect of the use to which that allotment, portion or section may be put".

Mrs LAWRIE: Following a decision by the Town Planning Board on such a matter, will the Appeals Committee entertain objections or otherwise from members of the public who do not have a direct interest in the land so affected?

Mr PERRON: It perhaps hinges on having a direct interest in the land so affected. To cite an example, a person applies under section 38A for a zone change and another person objects to that zone change. If the board upholds the zone change, the objector may object to that decision of the board and take it before the Appeals Committee.

Ms D'ROZARIO: This question of use and development is a very important one. There are several land uses which we are quite free to witness all around this town which do not involve any development as such. They do not involve extensive construction or erection of buildings. I think the

executive member does owe this committee an explanation concerning use as opposed to development. I quote the case of a used car yard. Will it be treated in the same way?

Mr PERRON: It seems quite obvious that the use still has to be tied to the zoning whether it is a permitted use or a consent use. Obviously, there are a number of land uses that do not involve any building whatsoever although most of them involve development of some kind even if it is only sealing the surface or putting a fence around it. Car yards, timber yards and other uses that do not require substantial building are dealt with under section 38A if they are to be conforming uses under the town plan.

Ms D'ROZARIO: The whole point of section 38A is for people to make applications to change their land uses. The member just said that they would conform with the plan. That is not the point. If he reads section 38A, he will find that it is to provide an opportunity for people to change their land uses.

Mr PERRON: I realise that 38A is for people to change the zoning. I was merely explaining how zoning is connected with use. Obviously, if a person wants to change the zoning of land in an area where town planning exists, he must do it under 38A. If he changes it under 38A, the board's decision can be objected to by either the appellant or the objector.

New clause 15 agreed to.

New clause 16:

Mr PERRON: I move amendment 15.14.

This relates to the criteria to be taken into account when the board prepares town plans. It also provides that a town planning scheme may include schedules in addition to maps. As we have seen under the DRC system of zoning which is much better than that in the principal ordinance, there is a necessity to identify a zoning system with a particular map. It also provides

that the schedules may provide conditions which attach to consent uses under the new zoning system.

Mrs LAWRIE: It seems to me the Town Planning Board is taking over many of the functions of other boards. If we look at paragraph (ca), we see that we are regulating the space around buildings. I would like some clarification as to why this particular provision was put in the amendments. There is tremendous public interest in this particular legislation and, unfortunately, the public have not had time to give their opinion on some seemingly fairly radical enclosures.

Mr PERRON: There already exists, in the principal ordinance, the power for the Town Planning Board to impose conditions - I think it is 38A(7) - on zoning systems. The provision to include the space around buildings will be dealt with further on in these amendments when we get to bylaws. It is designed for such things as the provision of off-street car parking in various types of zones and various other restrictions which apply not so much to the buildings but to the space around the buildings. It is important to developers and other people interested in town planning that they have some sort of schedule that tells them exactly what is required of them to develop in a particular zone or area. The system whereby it is left to the whim of some individual, as seems to have been done over the past couple of years with the Darwin Reconstruction Commission, results in a variety of standards as a result of individual applications being granted and reviewed at individual times.

Mrs Lawrie: It appears that will happen again here.

Mr PERRON: The schedules and bylaws to a plan will be exhibited with the plan, can be objected to and will require the concurrence of the Administrator-in-Council before they are formally adopted. Bylaws, which will specifically relate to things like car parking, will be eventually tabled in this House under the normal bylaw regu-

lation system and no doubt a power of disallowance will apply to those as well.

Ms D'ROZARIO: I seek a clarification from the executive member. In his proposed subsection 3(b)(ii), which relates to schedules providing for and in relation to the prohibition or regulation of the use of land represented on the maps, does he intend that provision to extend to cases where the use of land can be prohibited or regulated in cases which would otherwise require that the landowner so affected be compensated?

Mr PERRON: I am not quite clear on the actual question.

Ms D'ROZARIO: I am happy to oblige with an explanation. In a schedule accompanying a DRC plan, which I understand is legislated for in this legislation, there was a part II relating to reservation and restrictions on the use of land. That applied to proposed closures, proposed road widenings and proposed service corridors. In all cases where these affected land, the landowners would be entitled to just compensation if their land was being expropriated for a public purpose.

Mr PERRON: The section would be able to cover such land as the honourable member refers to. The subject of land acquisition is outside this particular ordinance as far as compensation is concerned. It would be a fairly poor town planning bill if it was not able to adopt schedules to maps which provided for sensible town planning.

Mrs O'NEIL: I would like an explanation about proposed subsection (4) which relates to conditional consent. What sort of conditions are envisaged?

Mr PERRON: Conditional consent is virtually self-explanatory. The schedule may provide that, in certain circumstances, consent will be given to undertake certain development. In other words, if a person was in a particular industrial zone that adjoined a residential area, for example, you could provide in the schedules that a

condition of building in that industrial zone was that he put up a six foot solid fence along the full rear boundary to lessen the annoyance to neighbours in a residential area. That would be a conditional consent relating to a particular area where problems have arisen and the schedules to the town plan could provide this very individual treatment of a town plan right down to an almost block-by-block description and regulation if necessary.

New clause 16 agreed to.

New clause 17:

Mr PERRON: I move amendment 15.15.

This new clause provides that bylaws are to be exhibited with a proposed plan.

New clause 17 agreed to.

New clause 18:

Mr PERRON: I move amendment 15.16.

The new clause provides that bylaws associated with the plan go to the Administrator-in-Council, together with objections and the board's recommendation in relation thereto.

New clause 18 agreed to.

New clause 19:

Mr PERRON: I move amendment 15.17.

This new clause provides that the Administrator-in-Council may approve or refer back, with the recommendations or alterations, proposals and bylaws put forward by the Town Planning Board.

New clause 19 agreed to.

New clause 20:

Mr PERRON: I move amendment 15.18.

This new clause provides that, where a town plan is repealed and replaced, an application for an amendment of the former town plan or for approval to

develop or use land made before that repeal continues to have effect as though the new town plan had been in operation on the date on which the application was made and it had been made in respect of the new town plan. Paragraphs (b) and (c) refer to existing prosecutions which may be in train continuing, provided that the offence that the prosecution is being made on is still an offence under the new town plan.

Ms D'ROZARIO: I think this proposal really does show the idiocy of this thing. We have on the one hand a person applying to change the Darwin Town Planning Scheme, because that is all he can apply to change, but it is going to be considered as if he had made that application in respect of the new town plan. The new town plan's nomenclature bears no relationship to the nomenclature used in the Darwin Town Planning Scheme. For example, if somebody had applied to change his zoning of a lot of land which was zoned residential C and he applied to change that to residential B, of course there is no congruence in the new town plan. I do not see how that application can possibly be considered.

Furthermore while I have no quarrel with paragraph (b) of that - of course, I would have thought that went without saying - paragraph (c) says:

(c) action may be taken under sections 58 to 68 inclusive as though the repeal had not been effected.

On the one hand, when a person makes an application under the existing town planning scheme which, as I say, is all he can do, that is to be considered under a non-existent new town plan which presumably comes into effect on 1 January. On the other hand, anything he did before 1 January continues as if the other town plan had not been repealed. I do feel that there are some people who are going to get the worst of both worlds.

Mr PERRON: The new clause provides for a person who has applied for a

change in the town plan and, obviously, the only town plan at the present time he could apply to change is the pre-cyclone Darwin town plan. This provides that the application will carry forward. The member for Sanderson says that is quite impossible and ridiculous because it just cannot happen. She knows well that the new zoning system used by the Darwin Reconstruction Commission can accommodate all the uses that are provided in the schedule to the principal ordinance that we are talking about today and that, although there is no specific provision in the new schedules for residential C, there is for the types of building that can be built on a residential C lot and, obviously, it can be compared to zones in the new schedule. It is quite absurd to suggest that it could not be processed. The application could certainly be processed against the new plan.

Ms D'ROZARIO: I merely repeat the point I made in my motion to defeat the bill this morning. That is exactly what I said, there are things that can be accommodated and what then is the need to have this new plan?

New clause 20 agreed to.

New clause 21:

Mr PERRON: I move amendment 15.19.

The new clause provides that the Town Planning Board may make bylaws in relation to a plan or planning scheme. The bylaws, as I explained a little earlier, will be able to provide a number of conditions regulating space around buildings and will, in fact, be able to divide in two the types of document which we had so much trouble getting off the Darwin Reconstruction Commission under the recent display. What is proposed, should these amendments be passed, is that the board will make a schedule to the plan which covers the zoning system and it will also make bylaws as well which will be in a separate document. They will all go on display and be available for objections. They will also go to the Administrator's Council for confirmation and, in the case of the bylaws

under subsection (4) in the amendments before us, it provides that these by-laws are deemed to be regulations and, as such, will be tabled in this House.

New clause 21 agreed to.

New clause 22:

Mr PERRON: I move amendment 15.20.

In moving this, might I draw attention to subclause (2) of the new clause 22, reading:

Section 38A(4) of the Principal Ordinance is amended by omitting "28" and substituting "56".

I seek the defeat of that proposed subclause and would seek your advice on procedures to adopt new clause 22, excluding subclause (2). If I could just explain, this new clause provides that the chairman of the Town Planning Board may require an applicant for development or zone changes - I think it applies to zone changes as well as development applications -

Mrs O'Neil: You don't know.

Mr PERRON: If you have all day, so have I. I will look it up and tell you.

Mrs O'Neil: Before we pass it, I hope.

Ms D'Rozario: Do you want to re-commit it?

Mr PERRON: This provision relates to section 38A of the ordinance which deals primarily with zone changes in the town plan. New clause 2B relates to the fact that the chairman of the board will be able to require an applicant to place a sign on his block indicating to persons and neighbours that he is seeking changes under the Town Planning Ordinance. This is a matter that has been long needed in town planning in Darwin, I believe, and should be quite a welcome move for most people.

I invite defeat of subclause (2) of new clause 22. It was originally thought that the period provided under

section 38A for an applicant to advertise that his application was being put to the board and the period of time after that advertisement went into the newspaper for the board to meet and consider any objections which may have been received was not sufficient. It was proposed to double it to 56 days. I believe that the situation does not warrant doubling the time for an application to be advertised in public newspapers and to go before the board.

Further provisions in this new clause provide that the Town Planning Board's decision in a hearing under 38A, whether the Town Planning Board's decision is to support the application or reject the application, that decision will go either to an appeals committee, if there is an appeal made, or it will go straight to the Administrator-in-Council. This is quite a new development and I think a welcome one because, in the past, only approvals by the Town Planning Board went to the Administrator's Council for approval or rejection, whereas now both approvals and rejections by the Town Planning Board will be able to be considered. There was criticism in the past that if a matter went before the Town Planning Board and was rejected, that was where it stopped. We are correcting that situation.

Subclause (5) of new clause 22 removes a requirement that the board shall submit certain decisions within 14 days to the Administrator. It is felt that this section was inserted in past years when there was a feeling by members of the House that they should put items like this in legislation here and there to "ginger" people up, as it were. In actual fact, I believe the 14 days in many cases cannot be complied with and, seeing the town planning function is coming under local control in a short time, there will not be the reasons that there were in the past - that "them and us" attitude which has existed in the past and, thankfully, is being broken down between the Commonwealth bureaucracy and the Northern Territory elected representatives.

Ms D'ROZARIO: I take very great exception to the removal of the 14-day time limit on the Administrator. It is one of the few steps in the process where a person is protected by some limitation of time. I think the honourable executive member does not do his forthcoming administration much justice by saying that he does not think there would be any necessity for that. The 14-day time limit can easily be complied with, whether there is a local bureaucracy or a federal bureaucracy. I see no reason to remove it.

Mr CHAIRMAN: I will accept the executive member's proposal for an amendment to the new clause. Is subclause (2) the provision you require to be omitted?

Mr PERRON: Yes.

Mr CHAIRMAN: The question is that new clause 22 be amended by omitting subclause (2).

Amendment agreed to.

Mrs LAWRIE: Mr Chairman, I have a great deal of sympathy with the member for Sanderson in her objection to the total removal of any time limit for application because honourable members are aware that, if things are in the too-hard basket, it is really too simple for people not to make a decision, either yea or nay. I would ask the executive member with responsibility for the carriage of this bill why he could not have considered extending the time rather than deleting the provision altogether.

Mr PERRON: This is not a matter that the Majority Party is going to die at the stake over. I do believe, however, that it is inappropriate that the provision should remain in the clause that we demand that the Administrator "shall" do this - that within 14 days of an application being submitted to him, he shall either confirm the board's decision or refer the subject to the Administrator's Council. I do not think we are giving due credit to the office of the Administrator. I believe it should be removed.

New clause 22, as amended, agreed to.

New clause 23:

Mr PERRON: I move amendment 15.21.

This new clause provides that applications for consent use under a new zoning system shall be processed in much the same way as the zone changes, including notifications in newspapers and possibly signs on blocks and, if a consent use is granted by the board and it goes through the rest of the gauntlet, it shall be deemed to be an amendment of the town plan.

Amendment agreed to.

Mr PERRON: I move amendment 15.22.

This proposed new section includes a provision that the board may impose conditions on an approval, including the condition that a security be lodged. By way of explanation, I point out that a section already exists in the principal ordinance for the board to require securities to be lodged on major projects. Where a developer of a project may in some circumstances be causing a lot of inconvenience to nearby residents and the public generally - some of this work can cause severe disruption - the board, if it deems fit, can require a security so that it can ensure that the work is carried out in the time specified when the approval is given.

Ms D'ROZARIO: I am afraid that I did not quite understand the executive member's reference to the nuisance value. The way I read this clause, it is a provision to impose contracts on people who want to develop, to ensure the development is completed. It also requires the giving of security against default.

I consider this provision would cause a great deal of hardship to people. In my experience of changes of zoning - which, I would say with some conviction, is a great deal more extensive than the honourable executive member's - most people have undertaken

to do their development within the time allowed them. The people who have not are the ones who are out of money or have found the development is inappropriate for economic conditions. A provision such as this can only exacerbate their financial distress and I see no reason to include this.

I might say that the only development proposal where a contract has been entered into of recent years is the Brinkin project which is to be undertaken by Hookers. Even that company has found it, from time to time, a severe restraint upon its resources to actually implement the development. This provision will be extremely hard on the ordinary citizen who just wants a simple change of zoning.

Mr PERRON: I do not think the situation is as represented at all. This particular provision is not there to impose upon the average householder who is applying for a development application to build a house or to change a zone or whatever. It is there for a very different purpose. Perhaps the honourable member did indicate the type of area where it may have been included - that is, on a major private subdivision. I feel quite sure that most people, including the Town Planning Board and its Appeals Committee, are reasonable people and, if companies are going into liquidation or suffering particular hardships, considerations are usually given to the circumstances. It is not a section that will relate in any way to the average person in the street.

Mrs O'NEIL: Is he saying that that new clause does not apply to private development?

Mr PERRON: I was not saying it does not apply to private development. I am saying it would not be applied to a person building a house. It is like many of our laws that are brought in for a specific purpose, to stop the worst situation and by necessity in many cases it covers much lesser situations. It is a little like the drugs legislation we have had before the House whereby - and we will talk

about pushers for hard drugs - 25 years gaol is one of the penalties but, of course, if a person is pushing a gram of heroin, he is not going to get a 25 year penalty. It is a similar type of situation where it does apply but it would not be imposed.

Ms D'ROZARIO: I take the point made by the executive member, but he will have no power or no control over the way the board imposes or exercises this discretion. I understand it is a principle of legal interpretation that Hansard, or any other proceedings of the House, are not to be referred to during the carriage of a bill when a matter is being decided. Whilst he might give us to believe that the board will be extremely lenient in this, I can see the situation where these high-minded sentiments of his might be completely lost and that this will become a guiding principle by which the board will give or withhold approval.

Mrs LAWRIE: I echo the sentiments of the member for Sanderson and I point out that, having made specific reference in legislation to the conditions that may be applied, firstly:

...a contract relating to the development to ensure that, if the development is commenced, it is completed to the satisfaction of the Board ...

and secondly to:

give security, in such form and in such amount, as the Board thinks fit -

Inserting this into the legislation has, in fact, drawn attention to the provision to which the board may well pay undue attention. I do mildly criticise the executive member for such provisions being put into amendments and being circulated in the form of legislation and I ask him, in line with that gentle criticism, if this particular provision has been circulated to leaders of commerce and industry and if they have made any comment on it and agreed to it because we are legislating in a very vital area of concern to us

all - the future development of the Territory, not only of Darwin. The executive member has given us no time to propose amendments to his amendment or to know, in fact, whether this has general acceptance. I would say that it would not have.

Mr PERRON: I am of the mind that, in light of what the honourable members opposite have said, I could allow the defeat of this particular provision as there are other sections in the ordinance where conditions can be imposed on approval. This one's prime purpose seems to be to take it that extra little bit further and make it a condition of lodging security. Under the principal ordinance there is already provision for lodging securities in cases of major works. In the light of that, I would invite defeat of that particular provision. In other words, the proposal would stand as printed with the exception of paragraph (b).

Mrs LAWRIE: May I ask the sponsor of the bill if he would accept, as a formal amendment, that all words after "on its approval" be deleted. That would mean that proposed section 38C would read:

Where the Board approves a development application, it may impose conditions on its approval.

Mr CHAIRMAN: On passing amendment 15.21, the question was that new clause 23 be inserted in the bill. In other words, we are now discussing something that is in the bill already.

Mrs LAWRIE: In that case, given the good faith of the sponsor of the bill, could I ask that we recommend the clause for recommitment.

Mr PERRON: At a later stage, we will move that new clause 23 be re-committed. Just by way of clarification we were speaking during that period of amendment 15.22 whereas clause 23 is actually 15.21 and has been passed in committee.

Mr CHAIRMAN: Quite right. I have

allowed discussion to go on but, proposed new section 38C of the principal ordinance has already been admitted as part of new clause 23. So new clause 23 will have to be re-committed at a later stage if members wish to discuss the proposed new sections.

New clause 24:

Mr PERRON: I move amendment 15.24.

This clause removes the application of the ordinance zoning schedule in the principal ordinance to the new Darwin Town Plan which will be adopted.

Ms D'ROZARIO: I can only say here that, because of the time limit of 31 December 1977, there will be a large reshuffling of uses and a large number of them will now become nonconforming. The major section deals at some length with the second schedule of the Town Planning Ordinance which contains the descriptions or designations. According to former and later parts of this bill, that apparently will not exist any more.

Mr PERRON: If I heard correctly, I think the honourable member felt that this would in actual fact completely overrule the schedule to the Town Planning Ordinance - only in the Darwin situation. The schedule to the principal ordinance will obviously still have to apply to the three other town plans in the Northern Territory.

New clause 24 agreed to.

New clause 25:

Mr PERRON: I move amendment 15.25.

This clause allows a continued use of land in contravention of a plan where the Administrator has formally approved that use and contravention.

Ms D'ROZARIO: Once again, the executive member is confused. Section 42 is not the section to which he refers. That is in sections 45 and 46. Section 42, in actual fact, relates to the carrying on of professions, trades,

occupations, etc on residential land.

Mr PERRON: In just a moment, I will be able to confirm that matter. As I understand it, my remarks still remain. It does, in actual fact, relate to the carrying on of a resident's profession, provided that that resident has permission to carry out that profession in contravention of a town plan with the approval of the Administrator.

New clause 25 agreed to.

New clause 26:

Mr PERRON: I move amendment 15.26.

The proposal restricts the application of section 43(1) of the principal ordinance to lands outside Darwin.

Mr CHAIRMAN: I am sorry but I did not understand that explanation.

Ms D'ROZARIO: Could I just ask the executive member for his explanation again. That is not what I understood by the inclusion of these words. It appears to me that these words now apply only to ancillary uses and a town planning scheme that was promulgated before 31 December 1977. It also means that ancillary uses, including caretaker flats in industrial developments, will not be nonconforming.

Mr PERRON: The situation that the member has referred to would not strictly be true, as I understand it. The caretaker flat situation is provided for in almost every zone under the proposed town plan for Darwin as exhibited by the Darwin Reconstruction Commission.

Ms D'Rozario: Only by consent.

Mr PERRON: That's right.

Ms D'Rozario: Well, we have a right here. Now we have it by consent.

Mr PERRON: I believe the clause should stand as printed.

I do not take the honourable member's point about the fact that it is

consent, necessarily. I think she might be speaking more from memory than from anything else. I do not think it is a consent use under that particular section.

Ms D'ROZARIO: I am happy to lend my copy of the schedule to the executive member.

New clause 26 agreed to.

New clause 27:

Mr PERRON: I move amendment 15.27.

This new clause upgrades penalties for using land contrary to the ordinance.

New clause 27 agreed to.

New clause 28:

Mr PERRON: I move amendment 15.28.

This new clause is primarily one of explanation and definitions. Division 2, which I am proposing to be inserted in the principal ordinance, relates to approvals which have been given by the Darwin Reconstruction Commission.

Ms D'ROZARIO: I can only say here that I find these provisions to be extremely restrictive. The date in which a person is required to commence building, the latest date it can possibly be, is 31 December 1978, which is only a little more than a year away. I make those same points in relation to the prescribed date of completion. If I recall correctly from the honourable member's earlier bill - perhaps it was in earlier amendments - the completion date was 31 December 1982, I think that is only fair for people to complete their developments.

Mr PERRON: The subsequent amendments under this particular division will provide quite a flexible system of validations of approvals, as well as approvals for nonconforming uses under the Darwin Reconstruction Commission for the period that it was in existence. I propose that there will be sufficient flexibility to cover all

situations.

Ms D'ROZARIO: Mr Chairman, I can only say again that I hope the honourable executive member will find himself in the position to be able to control the exercise of these discretions.

Mr CHAIRMAN: Honourable members, we have a problem here at the moment. If we proceed with the proposed amendments, we could finish up having the same trouble as we had with 15.11 earlier. We will not put the question on new clause 28 until we are finished dealing with all the proposed sections in this provision.

Mr PERRON: Could I perhaps suggest that we deal with this division as a whole and thereby be able to discuss it as a whole, as well as perhaps referring to individual sections to get over the problem that you mention. I could perhaps move that proposed sections 47 to 52B be taken together.

Mr CHAIRMAN: You have amendments to move to these.

Mr PERRON: Could I propose that amendments 15.28 to 15.35 be taken together?

Ms D'ROZARIO: I would object very strongly to that suggestion. There is really far too much covered in there to be taken in any other way except clause by clause.

Mr PERRON: The whole section relates primarily to validation of approvals by the Darwin Reconstruction Commission. It also relates to the non-conforming use provisions where Darwin Reconstruction Commission approvals do not comply with a future town plan. Being a self-contained subject, I believe they can be taken together.

Mr ROBERTSON: I move that proposed new sections 47 to 52D be taken together.

Motion agreed to.

Mr PERRON: I move amendments 15.28 to 15.37.

The validation of DRC approvals has received much criticism over the last few months, much of it I believe to be unnecessary criticism. Those people who have DRC approvals will be a more privileged section of the community than under-privileged as the Opposition would have us believe. Not only will those people who have completed building with Darwin Reconstruction Commission permits have them validated as nonconforming uses under a new plan, but buildings that are in the course of construction will also be validated as nonconforming uses. Those people who have approval and have not even started building yet will also have their rights protected. They will be able to build at a future date contrary to a town plan. That is what we call protecting their rights and I believe we should do it.

We even go further to provide that a person who has not built yet and who wants to build in the future in contravention of a plan can actually apply to have his time limit on his building extended. Surely that is taking adequate notice of the obligations we have to those people who obtained DRC approval for a building that does not conform to a new Darwin town plan. The Opposition and certain members of the public of late have been trying to represent that all Darwin Reconstruction Commission approvals come under the conditions of a nonconforming use. Obviously, that is a load of rubbish.

Ms D'Rozario: Read your own bill. It's incredible.

Mr PERRON: The section we are dealing with validates DRC approval and provides conditions for nonconforming uses under those approvals. It also covers the display of a Darwin reconstruction plan. It provides that the Administrator-in-Council may put a plan on display on 1 January 1978 for a 3 month period. That plan will be deemed to be on display for the purposes of receiving objections during that 3 month period and those objections will be dealt with under the provisions of the principal ordinance.

Ms D'ROZARIO: I can only say that the executive member does not seem to understand the contents of his own bill. He gives the impression that to be a nonconforming use is some new-found status which is much sought after. As the honourable member for Fannie Bay pointed out earlier, it is very hard to erect extensions to those buildings, to raise funds against them or even to sell them. He said that we were talking rubbish when we said that uses approved by the DRC would be subject to certain constraints. I refer him to his own proposed section 51 where, if you were unfortunate enough to happen to build on land in the Darwin area between 24 December 1974 and 31 December 1976, you must then go cap-in-hand to the Administrator to show that you will suffer hardship if that use were not to continue. There is no hardship in simply wanting to live in one's own house. As I pointed out, the building section which gave these approvals was acting for the DRC.

I would further like to take up the point of the Darwin Reconstruction Commission plan which the executive member seems to think will solve all our problems. The effect of the proposed sections is to take over this plan as from 1 January 1978 and then to have, retrospectively, a public exhibition. I can describe this public exhibition as no more than being tokenism because the objections have been dealt with. The fact that nobody has been told what happened to the objections does not seem to worry him in the least. I hope he has informed interested sectors of his own electorate and other electorates in the Darwin area that the chairman of the Town Planning Board is permitted to promulgate this plan on 1 January 1978 as though the board had complied with section 31 of the Town Planning Ordinance.

I point out that section 31 of the Town Planning Ordinance is an extremely important section. It provides that, where town planning proposals affect the acquisition of interest in land, every landowner is to be informed that that is the case. This section completely dispenses with the need for

that requirement. People will be lucky to hear at all whether their lands are to be acquired. I do not think that the executive member is solving any problems at all.

Also, by proposed section 52D(1)(c), the plan will be promulgated as though there have been no objections to the proposals. This only gives the lie to his claims that we are going to have this three months exhibition period where everyone will be happy. According to this, it is as if there were no objections. I ask him to explain that to his electors.

Mr PERRON: Darwin will end up in about April next year having the most exhibited town plan that it has ever seen before. The plan will go on display for three months, objections will be received and processed. The modified plan will then go on display again for a three month period and be modified again in the light of objections a second time before its final adoption as a town plan. In getting full public participation in this plan, we are trying to resolve a situation that has been forced on us by the past Labor government ramming the Darwin Reconstruction Commission down the throat of Darwin citizens despite a very strong public protest. We are trying to sort out that mess.

Mr Perkins: Come up with another one!

Mr PERRON: The plan that will go on display on 1 January will have a dual status. It will be a plan that applications can be processed against and it will also be a plan against which objections can be received. They can be processed and the plan further modified. That is surely an attempt to try to see that the right thing is done by Darwin citizens. The arbitrary act that a plan be brought down on 1 January is a far more preferable move to having us fall back on the existing legal Darwin Town Plan which no one has taken any notice of for three years now. It is as simple as that. There have been amendments to it during that period to try to keep the situation legal. For good-

ness sake, the thing is seven years old now anyway; it must be getting near the time for it to be torn up in little squares and thrown away. I don't take the criticism as put forward by the member for Sanderson seriously at all.

Mrs LAWRIE: The simplicity of these arrangements totally escapes me. The executive member put his finger on a problem which I tried to highlight in question time when he said that this draft plan is to have dual status. Firstly, applications for development will be processed in line with that plan. At the same time, I know from my own electorate, there are many objections to be lodged to that plan where the use of residential land on that plan was different to the present Darwin Town Plan. I did ask at question time how the executive member proposes to resolve this conflict. I ask again if he will indicate what will happen to an application for development of land. I will give a specific example of land rezoned as R3. If adjoining leaseholders with a legitimate interest are objecting violently to that rezoning and asking for it to be continued as R1 or R2, what happens to the person with the money waiting for the development? What happens to the people who wish to lodge an objections? It is that specific query that I would like him to answer.

Mr EVERINGHAM: I am sorry that the member for Nightcliff cannot grasp the simplicity of this proposal. Obviously, if the DRC plan is not adopted, then the person with the money waiting to develop the R3 block would not be able to use his money anyway. He will not be any further prejudiced if in fact someone is objecting to the use of that land as R3.

In 999 cases out of 1000, this will simplify the procedure because people wanting to develop land will not be objecting to the zoning of their blocks. In nearly every case, it is persons dissatisfied with the zoning of their blocks who object, not neighbouring or adjoining occupiers. Sometimes those people object to a proposed rezoning of land. This is a new concept

which had to be thought up in these particular circumstances and, as I see it, it is the best possible arrangement to permit people to develop with a set of guidelines. At the same time, the plan is there for objections. You can't really ask for more because it is the first situation I have seen where you are having your cake and eating it too.

Mrs LAWRIE: I thank the Majority Leader, but I again ask a specific question. Is development to proceed where there has been a rezoning to R3 if objections by adjoining leaseholders are being lodged? That is the dual status to which I am referring and on which I am asking clarification.

Mr PERRON: The situation is that the plan has been on display and objections have been lodged. I presume, in this situation, objections have been lodged.

Mrs Lawrie: We don't know whether they are accepted or not.

Mr PERRON: They have been considered. If they have been rejected -

Mrs Lawrie: I don't know, no one knows.

Mr PERRON: That's right. Assume for a moment that they have been rejected. The plan will go out on display as R3 and a developer will be able to develop R3.

Mrs Lawrie: Even though people are lodging objections whilst it is on display for the second time?

Mr PERRON: That's right. It has been on display and has been amended once and it will go on display and be amended twice. You will probably find that many of the people who objected the first time and had their objections rejected will be lodging further objections. They may well be rejected a second time. Perhaps that is just confirmation that they were wrong the first time.

Mrs Lawrie: The developers are to be able to go ahead?

Mr PERRON: Yes, it will be a statutory plan from 1 January. For the first time in 3 years, people in Darwin and developers will know what they can do with a piece of land. They have not known that since the advent of the Darwin Reconstruction Commission, thanks to the Labor Party.

Ms D'ROZARIO: I am just absolutely flabbergasted by the bumbling explanations given by the executive member. It is quite clear that he has no idea as to how this mechanism will work.

Mr Perron: I just explained how it is going to work.

Ms D'ROZARIO: His explanation was full of inconsistencies. He keeps saying that, although the plan is a statutory plan and a block might be shown for R3, development could go ahead. However, after it becomes a statutory plan, if it goes on exhibition and someone objects, apparently the developer is again stymied. What does he want this particular developer to believe? I am quite certain I don't know what he is getting at.

The point that he has made about the Darwin Reconstruction Commission having been forced upon us by the Australian Labor Party was quite well taken but I see no point in his trying by this bill to entrench idiocies from another era. He also claims that we will have the most exhibited town plan in the history of Australia. Perhaps we will but I would just like to point out that activity by no means means achievement.

Mr PERRON: The honourable member is misrepresenting the situation completely. If the plan which goes on display is adopted statutorily on 1 January and has a R3 zone, a developer may apply to develop R3 in that R3 zone. If circumstances are such that the zoning is changed and the objections are upheld and he has an approval in his hand to build R3, he will be allowed to build R3.

Mrs Lawrie: That's a monumental foul-up, isn't it? Is that what you

call good town planning?

Mrs O'NEIL: The honourable executive member talks about ramming things down our throats. If ever anything was rammed down our throats, it is this bill. I would like to ask him once again a question that I raised in my second-reading speech relating to the position of people who are caught in the Catch 22 situation of proposed section 52. If their building is demolished or substantially damaged or its use discontinued, the zoning reverts to what it was. Can he explain that?

Mr PERRON: The situation the honourable member refers to is the whole new nonconforming situation. There seems to be some representation that what is put forward in this bill is terrible and draconian in relation to nonconforming situations.

Ms D'Rozario: It is.

Mr PERRON: I would perhaps point out to the honourable members opposite, and particularly the member for Sander-son whom one would imagine would be so familiar with the principal ordinance, that they should know very well that the nonconforming use provisions in that section are far more strict than what is proposed in this ordinance. For a start, nonconforming uses under the principal ordinance provide that, if a nonconforming use building or use of land is ceased for a six month period, there is no provision whatsoever for it ever being commenced again. At least, under this bill, there is provision that persons can get permission to extend those nonconforming uses.

I also refer to section 46 of the principal ordinance which again relates to what the principal ordinance calls a nonconforming use which is, in actual fact, the use of land inconsistent with the town planning scheme. Section 46 says that the last preceding section does not authorise a person to erect a new building or alter or add to an existing building on any land in relation to which that section applies. That section applies to land which was

used during a period of one month before a town plan came on display. Contrary to that town plan it may continue that nonconforming use for a period of ten years or if the use is ceased for six months, whichever comes earlier. There has been no scream in this House that, under the principal ordinance, in ten years from the adoption of the Darwin Town Plan everybody who did not conform to it would have to conform to it. The ordinance we are proposing and the fact that we are adopting a new plan from 1 January will give those people a ten-year lease of life under that section of the ordinance and extend their nonconforming uses for ten years.

Ms D'Rozario: Utter rubbish!

Mr PERRON: If a building is damaged or destroyed and the Darwin Reconstruction Commission has given approval, permission may be granted under the amendments for that building to be rebuilt or repaired. Under the principal ordinance, there is no provision whatsoever for this flexibility for nonconforming uses. I say again that what we are providing here is that people with DRC approval, in actual fact, have an edge of privilege over other people.

Ms D'Rozario: They have to be convincing.

Mr CHAIRMAN: The question is that new clause 28 be inserted in the bill.

The committee divided:

Ayes 11

Noes 7

Mr Ballantyne
Mr Dondas
Mr Everingham
Mr Harris
Mr Oliver
Mrs Padgham-Purich
Mr Perron
Mr Robertson
Mr Steele
Mr Tuxworth
Mr Vale

Mr Collins
Mr Doolan
Ms D'Rozario
Mr Isaacs
Mrs Lawrie
Mrs O'Neil
Mr Perkins

New clause 28 agreed to.

New clause 29:

Mr PERRON: I move amendment 15.38.

New clause 29 relates to action to rectify a situation where persons have built in contravention of a town plan or a bylaw of the Town Planning Board. Further, it removes the discretion of the chairman of the board as to what is a contravening use in relation to town plans and provides that this matter shall be adequately covered in the other documents associated with the plan.

New clause 29 agreed to.

New clause 30:

Mr PERRON: I move amendment 15.39.

The amendment for a new clause 30 relates to appeals to the Land and Valuation Review Tribunal and provides that the scheme under the new zoning schedule and the new system, including the bylaws, also apply to section 52, subsection (2).

Mrs O'NEIL: I am sorry, I did not understand that explanation, Mr Chairman - or what passes for an explanation. There is one phrase here that I would like to ask the honourable executive member to explain to me. Once again, it is the phrase I referred to in my second-reading speech - "good town planning principles". My experience, and the experience of most people in Darwin over the last few years, is that there is no such thing as good town planning principles. It is all in the mind of the particular town planner who happens to be in charge at a particular time. Can the executive member explain to me what "good town planning principles" are going to be used in relation to appeals to the Land and Valuation Review Tribunal? Who is going to decide what good town planning principles are? Are they going to vary from appeal to appeal, depending on which town planner happens to be around at the time?

Mr PERRON: I believe that the phrase "good town planning principles"

is probably not an unreasonable phrase. I take your point that town planning concepts change from time to time. This is probably a good thing, not a bad one. At least, with each change, they generally get better, although that is not always the case ...

Mrs O'Neil: Not always so at all.

Mr PERRON: I feel it is a better phrase than putting in "bad town planning principles".

Mr ROBERTSON: This theme has been repeated from the opposite side for the last ...

Mr Collins: With no success.

Mr ROBERTSON: Of course it has not had any success; it is absolute rubbish.

Mr Collins: Because you won't listen.

Mr ROBERTSON: They seem to have the idea in their minds that, because you cannot spell out letter and verse precisely what good town planning principles are, there is no such thing and that is not a sufficient guideline. For heaven's sake, that is precisely the principle which guides judges, juries, magistrates or justices: to make such decisions based upon the evidence as they think fit or just. How more broad and wide-sweeping a statement can you have than that, Mr Chairman? To suggest that it is not a decent guideline is sheer grandstanding rubbish.

Mrs O'NEIL: I must object to that. We would have, on the principles that the honourable member describes, our courts clogged day after day and the courts being forced to define terms in impossible legislation. Our duty is to make the thing as precise as possible; that is what we are here for. We are not supposed to say, "It doesn't matter what we say; we'll let the courts decide it". The court has to look at the words that have been put into the legislation. If we make it a phrase like "good town planning principles"

for which there is no sound basis of determination, then the courts are going to spend all their time on frivolous matters.

Mr ROBERTSON: I reject what the honourable member says entirely and, in fact, I take it that the Northern Territory is being placed on notice, and indeed the judicial service being placed on notice, that they are going to spell out in all forms of discretion precisely what they want a court or a tribunal to do. It is totally contrary to all accepted principles of having an adjudication system where you remove their flexibility and do not let them use their judgment.

New clause 30 agreed to.

New clause 31:

Mr PERRON: I move amendment 15.40.

This new clause updates the penalties under section 66(1) of the principal ordinance and it goes further to provide additional alternative penalties to financial ones for contraventions of the ordinance.

Ms D'ROZARIO: I must say as strongly as possible that I take extreme objection to these provisions. We not only have the summary imposition of a plan which we do not really know the status of yet but, in addition to that, if you happen to be in contravention of the ordinance which entrenches that plan, you are not only subject to the \$2000 penalty and, in addition, to a \$200 penalty for every day on which you continue that offence, but the Administrator may actually have the building removed. You may lose your right of ownership to the lease and, should you be so fortunate to own a block of freehold land, apparently the Administrator can also order that sold. I think these are extreme penalties, especially in view of the way this thing has been bulldozed upon the people of Darwin.

Mr PERRON: The penalties in this new clause relate primarily to persons who continue to build or who erect a

building in contravention of the town plan. If you cannot enforce a town plan, you may as well not have one. You must have very strong penalties to stop people from just totally ignoring the plan - which has been done in the past in the Northern Territory - and just building whatever they feel like building and to hell with the authorities because they are that bound up in red tape, they will probably never get anywhere near you. Some people are learning a little differently lately.

Ms D'ROZARIO: I can only say that I hope with all my heart the honourable executive member has informed the public of the true intent of this section. It is just ...

Mr Perron: It's to enforce the law.

Ms D'ROZARIO: ... a provision which gives the Administrator the power to summarily expropriate people's land for offences which are extremely dubious and arbitrary.

The committee divided:

Ayes 11

Noes 7

Mr Ballantyne
Mr Dondas
Mr Everingham
Mr Harris
Mr Oliver
Mrs Padgham-Purich
Mr Perron
Mr Robertson
Mr Steele
Mr Tuxworth
Mr Vale

Mr Collins
Mr Doolan
Ms D'Rozario
Mr Isaacs
Mrs Lawrie
Mrs O'Neil
Mr Perkins

New clause 31 agreed to.

New clause 32:

Mr PERRON: I move amendment 15.41.

This clause also provides for the updating of penalties and also gives alternative penalties. I point out to honourable members, as this is obviously a matter of some contention for them, that under the principal ordinance the Administrator is already able to order that structures be

removed from property etc and that costs be recovered from the owner, in addition to financial penalties. It is a matter of upgrading those penalties.

Ms D'ROZARIO: I can only say the executive member misleads this committee. The penalties that are in the principal ordinance relate only to the removal of an offending structure. They do not provide for the expropriation of people's land.

Mr PERRON: I did not make misrepresentations to the committee. I said that it added alternative methods of penalty.

Ms D'ROZARIO: I point out that these are not alternatives; these are in addition. These provisions can be resorted to by the chairman in addition to the monetary penalty that a person is subject to.

Mrs LAWRIE: It is a pity, of course, that this has not been widely publicised because ...

Ms D'Rozario: I am not surprised!

Mrs LAWRIE ... the insertion into the legislation at the moment - this amendment 15.41 - amends the principal ordinance by omitting all the words "from and including \$400" and substituting "\$2,000 and in addition \$200 for each day during which the offence continues." But I think this is the important part:

...and, at any time after the person is convicted, the Chairman may request the Administrator -

(a) if the land is the subject of a lease ... to forfeit the lease; or

(b) if the land is freehold, to sell the land.

I find it fairly unreasonable to have such a severe penalty put in legislation, particularly when it has not had wide circulation. I would ask the executive member if he would consider deleting paragraph (b) of new clause

32(1). That would still allow forfeiture of a lease which is a very severe penalty, particularly when we have perpetual leases. I would prefer that not to be there. It would allow the increase in the monetary fine. But then to go ahead and say if the land is freehold it should be sold is an unwarranted increase in the penalties, and one which has received no publicity.

The committee divided:

Ayes 11

Noes 7

Mr Ballantyne
Mr Dondas
Mr Everingham
Mr Harris
Mr Oliver
Mrs Padgham-Purich
Mr Perron
Mr Robertson
Mr Steele
Mr Tuxworth
Mr Vale

Mr Collins
Mr Doolan
Ms D'Rozario
Mr Isaacs
Mrs Lawrie
Mrs O'Neil
Mr Perkins

New clause 32 agreed to.

New clause 33:

Mr PERRON: I move amendment 15.42.

New clause 33 provides that aspects of town plans, bylaws and schedules apply to the government and that the government shall make application to the board in circumstances where it wishes to change the use of land under 38A or 38B. It also provides further that the Town Planning Board would advise its recommendation to the Administrator on government application. The Administrator-in-Council has the final say in whether or not the board's recommendations are acceptable or not.

New clause 33 agreed to.

New clause 34:

Mr PERRON: I move amendment 15.43.

This relates to the fact that fees for the submission of an application to the Town Planning Board for an approval may be introduced by regulation.

Ms D'ROZARIO: I find this the last rub, absolutely the last straw. In addition to all that we have had here this afternoon, all those people who have taken on this much-sought-after status of being the occupants of non-conforming use land, if they want to paint the house or put a few louvres in or do anything of a minor nature, will have to actually pay a fee for the privilege of asking for it.

The committee divided:

Ayes 11

Noes 7

Mr Ballantyne
Mr Dondas
Mr Everingham
Mr Harris
Mr Oliver
Mrs Padgham-Purich
Mr Perron
Mr Robertson
Mr Steele
Mr Tuxworth
Mr Vale

Mr Collins
Mr Doolan
Ms D'Rozario
Mr Isaacs
Mrs Lawrie
Mrs O'Neil
Mr Perkins

New clause 34 agreed to.

Title agreed to.

In Assembly:

Bill reported; report adopted.

In committee:

Clause 23 (Recommitted):

Mrs LAWRIE: I move amendment 18.1.

This will omit from proposed section 38C of the principal ordinance all words after "on its approval". Honourable members will recall that this was giving the board power to include conditions that the applicant enter into contracts relating to development and give security. I understood that the executive member had agreed that all words after "on its approval" would be omitted. However, I see that he has an amendment in which he proposes to move that only paragraph (b) be omitted. I am still of the opinion that it would be sufficient to say that, where the board approves a development

application, it may impose conditions on its approval. I ask the support of the Majority Party on this amendment.

Mr PERRON: I oppose the amendment. The amendment that I will propose will remove the requirement to give security. It will further define the sort of conditions the board may request of the applicant.

Mr EVERINGHAM: It is a matter of curiosity to me why the member for Nightcliff considers that the clause will do the job if it is amended by deleting all words after "on its approval". I wonder why it is so important that what seems to be a perfectly reasonable imposition should be deleted.

Mr ROBERTSON: The committee should bear in mind that the moment you accept a lease from the crown the covenants on that comprise a contract. When you sign your name to that lease, you have bound yourself to a contract with the crown in any event. I do not really see what all the hassle is about.

Amendment negatived.

Mr PERRON: I move amendment 19.1.

This removes paragraph (b) from proposed section 38C.

Amendment agreed to.

Mrs LAWRIE: I move amendment 18.2.

This deals with the appeals to the Appeals Committee which shall be instituted by lodging with the clerk a notice of appeal setting out the details of the grounds of the appeal. This was not debated in committee because of the procedural difficulties which arose at that time. However, the clause goes on to say that the grounds of the appeal shall be that the board: (a) failed to inform itself properly; (b) did not give the appellant reasonable opportunity to present his case; (c) did not consider proper town planning principles; or (d) could not, on the evidence, reasonably have come to its decision. I think that the

inclusion of a paragraph (e) "that in the opinion of the appellant it imposed conditions which were unreasonable" would certainly strengthen the rights of the Appeals Committee to hear appeals and perhaps allay some of the public fear.

Amendment agreed to.

Clause 23, as amended, agreed to.

In Assembly:

Bill reported; report adopted.

Mr EVERINGHAM: There are some matters that I should comment on in the third reading of this bill. We have listened this afternoon to the show ponies trot round the ring and the grandstanders had their grandstand, but there are one or two points that deserve comment. We heard that this executive was officious to introduce this particular piece of legislation. I might remind honourable members opposite that my predecessor, Dr Goff Letts, gave an undertaking in 1974, when this side of the House disposed of 17 of the 19 members of this House, that we would accept and deal with government legislation. We reserved the right to amend the legislation. This legislation has in fact been prepared by the Town Planning Branch and the Darwin Reconstruction Commission. We introduced it because we believe that there is a need for certain legislation.

May I say that it is hypocrisy and cant on the part of the Opposition to have dealt with the legislation in the way they have today. So much for the sincerity of the Leader of the Opposition and so much for his telephone conversation with me a few weeks ago when he said: "We are after the same thing on this town planning exercise." What the Opposition is after is just so much electoral grandstanding.

Mr Isaacs: Which Leader of the Opposition are you talking about?

Mr EVERINGHAM: You.

Mr Isaacs: Rubbish!

Mr EVERINGHAM: I have had meetings with representative groups of people, professional people and ordinary people in the street and so has the Executive Member for Finance and Planning. We circulated the amendments prepared by the planners which did not meet with general approval. We looked at those amendments and we then decided that we should prepare amendments of our own. These amendments certainly only became available within the last couple of days but we only have so much in the way of resources.

The four main thrusts of the amendments which have been passed here today are such as to comply with the wishes of Darwin people. The first is that Darwin people who acted on DRC approval should be protected otherwise their properties would be valueless and they would not be able to sell them. No one wants to buy a property that has a building on it the construction of which has not been approved. The Opposition wants to see them frozen in some fashion because it does not want to see this legislation passed. The Opposition wants to place in financial jeopardy all those people who acted on the faith of DRC approvals.

The second area was to legitimise the DRC town plan as an interim plan. There are plenty of people around this town who are just waiting for a vacuum situation and the DRC act to lapse so that they can whizz in and put up warehouses in residential areas. They will do everything. It is a case of sheer necessity that there has to be this plan.

The third thrust was to enable members of the public to object to the zoning of their land. They will be able to do this, rather than apply through the rigmarole of the rezoning applications, but by this new concept which we have certainly had to prepare rather hastily, though I do not believe that the concept is a false one and I believe that, in all the circumstances, it will work out well. I draw to the attention of the Opposition who seem

only interested in spreading alarm and despondency, that applications for rezoning have always been able to be made under section 38A.

Finally, there is the provision that persons will be able to appeal against the decisions. Once again, we have acted here to put into effect the system of safeguards as it was obvious that the public wanted to see this introduced and, being amenable to public pressure, we did not hesitate to act.

The Opposition, though, seeing an opportunity to get a great deal of cheap political mileage and prey upon the doubts of people, sowed uncertainty in their minds through their attitude in the debate today. To criticise the original bill was fair enough but to persist in that now here in this House, after reading the amendments, is nothing but electioneering. There is no doubt that what is now proposed is fair and generally acceptable.

As to nonconforming uses, these have long been the subject of legislation in this Territory and it is sheer misrepresentation by the Opposition to suggest otherwise. Good town planning principles change. The member for Fannie Bay appears to think that they do not. She appears to think they ossify. Obviously, town planning principles must change. They are a subjective matter.

Mr Speaker, I do not think there is a great deal more that I can say. I am really sad that the Opposition has seen fit to pursue this legislation this afternoon as though in fact it was the original piece of legislation. I know they had written their speeches. I know they have been frustrated to see the new amendments introduced. It is a shame they gave vent to their personal feelings and used the speeches they had been practising before the mirror.

PERSONAL EXPLANATIONS

Mr ISAACS: I seek leave to make a personal explanation.

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

Mr ISAACS: Yes I do.

Leave granted.

Mr ISAACS: Mr Speaker, I have never had a conversation with the Majority Leader on town planning. Indeed, Sir, I do not think I will be able to have conversations with him at all.

Mr EVERINGHAM: Mr Speaker, may I reply to the statement?

Mr SPEAKER: There is no provision in standing orders for that, honourable member.

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

Leave granted.

Mr EVERINGHAM: The fact of the matter is that several weeks ago I did have a conversation with the Opposition Leader. In fact, we agreed to make a joint approach to the Minister for the Northern Territory in respect of the town plan and the town planning legislation. He said those words that I quote here today.

Mr ISAACS: Mr Speaker, I seek leave to make a personal explanation.

Leave granted.

Mr ISAACS: Mr Speaker, the conversation I had with the Majority Leader was not about the Town Planning Ordinance at all, as he well knows. It was about the publication of the schedule to the Darwin Town Plan issued by the DRC.

Mr ROBERTSON (Community and Social Development): I move that the question be now put.

Motion agreed to.

Bill read a third time.

ADJOURNMENT

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

Motion agreed to; the Assembly adjourned.

Tuesday 6 December 1977

Mr Speaker MacFarlane took the Chair at 10 am.

STATEMENT
NORTHERN TERRITORY PUBLIC SERVICE

Mr EVERINGHAM (by leave): Mr Speaker, a number of misleading statements concerning the future rights and conditions of members of the Australian Public Service transferring to the Northern Territory Public Service, in conjunction with the transfer of executive powers to the Assembly, have created an atmosphere of misapprehension and fear in many of the officers to be transferred. Whether the misleading statements have been made deliberately or through ignorance, their effects have been such that I wish to clearly place on record the Country Liberal Party's position in relation to the transferred Australian Public Service officers and employees.

Further questions asked in the Legislative Assembly the other day reflected a total misunderstanding of the conditions related to the transfer of staff between the two services. A correct statement of the position should prevent further uninformed statements. The questions asked whether Commonwealth departments were directing officers of the Australian Public Service to transfer to the Northern Territory Public Service. The position is that section 84A of the Commonwealth Public Service Act provides for the compulsory transfer of staff as functions transfer from the Commonwealth Public Service to the Territory Public Service. The authority to transfer rests with the Minister for the Northern Territory. It was further asked whether it is a fact that some officers of the Australian Public Service, who enjoy professional classification, have been advised by their department that, when their positions are transferred, their re-entry can only be on equivalent clerical classification.

If it is a fact, that advice was quite incorrect. It is not uncommon for professional people to change over to an Administrative or clerical role and no doubt some transferred professional staff will take this course. In these circumstances, re-entry to the Australian Public Service on transfer basis can only be made at an equivalent level and designation. However, the Public Service Act enables these officers to compete for promotion, including by the appeal process, for positions in their professional or any other field.

I was further asked whether I was aware that some officers of the Australian Public Service whose positions are to be transferred to the Northern Territory Public Service on 1 January 1978 have been advised that, if they decline to transfer, then they will no longer be employed by the Australian Public Service or the Northern Territory Public Service from the date of the transfer of their positions. Obviously, if an Australian Public Service officer refuses to transfer to the Northern Territory Public Service on 1 January 1978, we cannot make him become a Northern Territory public servant. In these circumstances he remains the responsibility of the Australian Public Service and, no doubt, it has developed procedures to deal with that situation. For my part, I certainly hope that all persons employed within the Australian Public Service departments would wish to join the Northern Territory Public Service where their conditions of service will be maintained and, in some cases, improved. It is worth noting here that the Northern Territory Public Service Commissioner has given the Australian Public Service an unequivocal undertaking to employ all transferred staff at their substantive salary levels.

I was also questioned as to what steps will be taken to ensure that

summary dismissal of Australian public servants will not take place on their transfer to the Northern Territory Public Service, particularly in relation to day labour employed by the Department of Construction and the Department of the Northern Territory. Australian Public Servants, including day labour employees of the Departments of Construction and Northern Territory, become employees of the Northern Territory Public Service at date of transfer. Some designations may prefer, initially, to become limited tenure employees but full permanency of tenure is available immediately at the transfer date. They can enjoy the same benefits as permanent officers transferring. In these circumstances, day labour employees are significantly more secure in their employment with the NTPS than they are in the Australian Public Service.

I should also explain that sections 41(9) and 65 of the Public Service Ordinance 1976 provide for transferees to retain all their rights and conditions at date of transfer and prohibit the Public Service Commissioner from making bylaws in respect of transferees which are less favourable than their conditions at the time of transfer. Those entrenched rights of transferees can only be taken away from them by this Legislative Assembly amending the ordinance. Let it be clearly recorded in this Assembly that the Country-Liberal Party has no intention of introducing amendments of that nature to the ordinance.

I go further: the Public Service Commissioner has recently issued a circular on this matter in which he states that there is a moral obligation on the Northern Territory Public Service to ensure that the spirit of the legislation is carried forward into the administrative process. The CLP fully supports the commissioner's view and supports his stated intention to see that the spirit of those legislative undertakings to employees are

honoured. No doubt, as our Northern Territory Public Service develops under self-government, its terms and conditions of service will centre on Darwin rather than Canberra. However, irrespective of any change which may subsequently occur, the rights and conditions of compulsory transferees will remain no less than those they enjoyed at the time of their transfer. I hope this statement will allay the fears of those public service officers who have been misled by ill-informed comment.

Mr ROBERTSON (Community and Social Development): I move that the statement be noted and seek leave to continue my remarks at a later hour.

Leave granted.

DISTINGUISHED VISITOR

Mr SPEAKER: I draw the attention of honourable members to the presence in the gallery of Senator the Honourable Douglas McClelland. On behalf of all members, I extend to him a very warm welcome.

Members: Hear, hear!

MINING BILL

(Serial 29)

Bill presented and read a first time.

Mr TUXWORTH (Resources and Health): I move that the bill be now read a second time.

This bill proposes increased penalties for illegal mining activities carried out on any land in the Northern Territory. Before proceeding with any further explanation of the proposals contained in the bill, I would like to briefly outline for the benefit of honourable members, and particularly the honourable member for Nightcliff, the consideration leading up to the introduction of the proposals. It is widely agreed that the present legislation

governing what are termed "extractive industries" in the Northern Territory, such activities as sand and gravel mining and quarrying, is deficient in a number of respects. In particular, the present legislation does not provide for environmental protection or for a rehabilitation covenant to be inserted in mining leases issued under the Mining Ordinance. The penalties for illegal mining are too low and there is no single authority with the exclusive power to issue permits for the removal of extractive minerals. These problems have been specially felt in the Darwin area where the Commonwealth government has been spending millions of dollars to re-acquire land for future urban development of the greater Darwin area while, at the same time, a large proportion of the land has been progressively downgraded by extensive extractive mineral mining, both legal and illegal.

This situation is viewed with much concern by both myself and the Executive Member for Finance and Planning and we are proceeding with appropriate steps to control and progressively reduce all extractive mineral mining other than major existing authorised operations in what is now known as the 32-square-mile acquisition area. The situation has been complicated by the fact that present legislation makes it possible for title to land to be issued by three different branches of the Department of the Northern Territory - the Lands Branch, the Mines Branch and Water Resources Branch - and each form of title is for varying terms and conditions. Added to this, there has been a great deal of unauthorised mining which, under the existing situation, has been very hard to prevent. The Mines Branch has been aware of the problems for some time and has undertaken a thorough review of the extractive industries legislation of South Australia and Victoria with the view to formulating legislation to amend

the ordinance to rationalise the issue of rights to mine for extractive minerals, to carry sufficient penalties for illegal mining and to provide for appropriate environmental rehabilitation controls.

However, the resolution of this unsatisfactory situation requires the drafting of complex legislation which will take some time. Consequently, pending the introduction in the Assembly of specialist legislation to cover the industry, interim proposals are now being considered for the issue of temporary authorities under the provisions of the Mining Ordinance and these would be issued by the Mines Branch in place of the leases, licences and permits presently issued by the three branches. These arrangements will continue in force until the new legislative proposals have been finalised.

The interim proposals will provide an effective preliminary form of control and will allow for appropriate environmental and rehabilitation conditions to be enforced. However, in association with these measures to ensure that proper control on the taking of extractive minerals is undertaken within such authorised procedures, it is imperative that the existing penalties for illegal mining be substantially increased. The present penalty for unauthorised mining on Crown land, prescribed by section 160 of the Mining Ordinance, is \$40. As members will realise, this is no deterrent whatsoever to illegal operations being conducted and much heavier penalties must be provided if such activities are to be curtailed. The bill will increase the present penalty to \$10,000 maximum and provide a maximum of \$2,000 penalty for every day on which such offences continue. The implementation of these proposals would provide a more effective deterrent to unauthorised removal of minerals.

Honourable members will notice that, in proposed section 160(a) and 160(b) of the bill, reference is made to the Control of Waters Ordinance and the Crown Lands Ordinance. The reason for these ordinances being included in the bill is that there are licences or permits current under these ordinances and these are due to expire within six months. It is our intention that these licences and permits remain current until their term of expiry after which they will be renewed under the Mining Ordinance.

I would just like to point out to honourable members that the concern of members on both sides of the House, concerning illegal mining, is something that I had not had sufficient time to investigate until this last week. After seeing the activities of the extraction industry in the 32-mile area, I can only say that I was appalled by the whole thing. The unfortunate part about the activities in this area is that they are commonly known as mining and these activities reflect on the whole of the mining industry. I do not know of anybody in the mining industry who would condone the activities that have gone on out there. In fact, I do not believe these activities are activities of miners; they are the activities of individuals, and it has been a grand larceny on the community.

Debate adjourned.

MATTER OF PUBLIC IMPORTANCE

Mr SPEAKER: Honourable members, I have received from the honourable member for Sanderson a proposal that a definite matter of public importance be submitted to the Assembly for discussion - namely, the Northern Territory executive's failure to ensure a continuous electricity supply through the wet season.

I have to rule the proposal out of order as the Northern Territory

executive does not, as yet, control the electricity supply and cannot be held responsible for any disruption to that supply which may, or may not, occur in the coming wet season in any unspecified part of the Territory.

Mr ISAACS (Opposition Leader): Pursuant to standing order 71, I move that the Speaker's ruling be dissented from.

My reason for moving this is as follows: standing order 81 covers the question of discussion of matters of public importance. It is true that in standing order 81 the Speaker does have a discretion ...

Mr ROBERTSON (Community and Social Development): A point of order! The honourable member perhaps should have read standing order 71 more thoroughly, unless of course he has had this motion seconded without giving this side of the House the courtesy of seeing whether or not it is seconded. He is debating the motion without this side having any knowledge as to whether or not it has been seconded.

Mr SPEAKER: The point of order is upheld.

Mrs O'NEIL (Fannie Bay): I second the motion, Mr Speaker.

Mr ISAACS: The first paragraph of standing order 81 reads:

A member may propose to the Speaker that a definite matter of public importance be submitted to the Assembly for discussion.

That, Mr Speaker, has been done.

The member proposing the matter shall present to the Speaker at least one hour before the time fixed for the meeting of the Assembly a written statement of the matter proposed to be discussed ...

That has been done.

... And if the Speaker determines that it is in order, he shall read it to the Assembly.

It is our view, Mr Speaker, that those words cannot have a broad interpretation. The question of whether or not a matter is in order, surely relates to the Standing Orders from which I am reading - in other words, whether or not the matter has been filed correctly and whether it complies with standing orders. It is the Opposition's belief that, in fact, everything has been done in accordance with the rules as laid down by the Standing Orders. There is no room, in our view, for a political judgment being made as to whether or not the matter comes within the purview of one or other of the executive members. It is a matter which is properly to be discussed by this Assembly. The matter has been submitted, we put it to you, in accordance with Standing Orders. For that reason, Sir, we have no alternative but to move that the Speaker's ruling - that is, that the matter is out of order - be dissented from.

Mr ROBERTSON (Community and Social Development): Just very briefly, perhaps to assist you, Sir, if you might give me the call.

Mr SPEAKER: Yes, the honourable manager for government business. I do not think I need any assistance on this, but go ahead.

Mr ROBERTSON: Well, in that case, Mr Speaker, I recognise your judgment on it.

Mr SPEAKER: Honourable members, I have determined, as is provided in standing order 81, that the proposal is out of order for the reasons I have given. There is no point in debating in this chamber responsibilities which do not exist in this Assembly. The Assembly has no control over the electricity supply; that is still a Commonwealth matter.

The second reason for ruling as I did is that the motion referred to continuous electricity supply through the coming wet season - but the wet season has not really started yet, and there have been no breakdowns. The third reason is that no specific part of the Territory is mentioned in the motion. I stand by the ruling I gave.

Motion negatived.

BUILDING BILL 1977

(Serial 9)

Continued from 23 September 1977.

Ms D'ROZARIO (Sanderson): On behalf of the Opposition, I commend the Executive Member for Finance and Planning for having taken this step to introduce these amendments to the Building Ordinance.

I am not at all quarelling with the principle of the amendments he has put forward although I would, if he is proposing to reply to his motion, seek some clarification from him on the actual mechanics of the provisions provided in this bill. The honourable executive member assured us in his second-reading speech that this bill is for the purpose of providing for the situation which will arise with respect to the construction of buildings in the Darwin area after the Darwin Reconstruction Commission has left the scene. I accept that point. I think we have proceeded too far in specifying the types of construction that we think suitable to cyclone-prone areas.

However, I do ask him and his administration to bear in mind that large areas of the Northern Territory are not prone to high pressure winds or cyclones. His bill provides for the prescribing of building standards and siting requirements. In his second-reading speech the honourable executive member has assured us that the building standards referred to in his bill relate to the Darwin Area

Building Manual which was published by the Darwin Reconstruction Commission under its own act. I trust he will remind his administration that that manual, with its very expensive modes of construction, is not to apply to areas beyond the cyclone-prone limit. Having made those few remarks, we commend the honourable member for having taken this step and do not propose to offer any objection to the bill that is before the House.

Mr HARRIS (Port Darwin): I feel only brief comment is required in support of this bill. This Building Bill is necessary so that, when the Darwin Reconstruction Commission ends its term, its building manual will be retained. It is important to have a continuation of building standards. Everyone who has rebuilt since the building manual was introduced must realise the need to maintain the manual. It is also very important to maintain the associated health and amenities codes, as mentioned in the second-reading speech of the Executive Member for Finance and Planning. In some cases, the owners of properties have spent thousands and thousands of dollars. To lower the standard now would be irresponsible and would also create a public outcry. The two main points are - firstly, the danger to life and property if the standard is not maintained and, secondly, the cost factors, both in relation to the initial drafting of the manual and also the personal cost factor. I would also see the need at a later date for amendments to include appropriate provisions relating to access by handicapped and aged persons. I feel no further comment is necessary, Mr Speaker, and I commend the bill.

Mrs LAWRIE (Nightcliff): I rise to support the bill and to make one comment which I believe the executive member may wish to follow through. The crown itself, the Department of the Northern Territory, is allocating as permanent accommodation to public servants houses which do not comply

with current building codes. These houses have only been patched up after extensive damage during the cyclone and are a menace to adjoining properties - more especially, of course, adjoining properties which have been repaired by private citizens, spending a great deal of time, effort and money and which are likely to be severely damaged by government buildings blowing apart at the next good storm, let alone a cyclone.

Mr OLIVER (Alice Springs): Mr Speaker, I rise to support the Building Bill. Very briefly, in relation to the Darwin area, building construction since Cyclone Tracy has complied with the Darwin Area Building Manual, thus providing buildings more able to survive any future cyclone. It would be a great pity, Sir, when the DRC ceases operations at the end of this year, without the passing of this bill to have to go back to the previous building manual which does not cover these specific items. In fact, the original building manual has become outmoded and must be replaced.

The new manual referred to by the Executive Member for Finance and Planning will incorporate building standards as applied by the Darwin Reconstruction Commission. These also conform generally with the Australian uniform building code, which will allow for proper Territory wide building standards and will bring those building standards into line with the Australian standards. I have seen the draft building manual and feel it is a most comprehensive publication, and I commend the bill.

Mr PERRON (Finance and Planning) : In reply, I would just like to say that I take on board the matters raised by the honourable member for Sanderson and will take note of those. I point out that the section of the building manual which relates to cyclonic wind forces will, of course, only be applied in cyclonic areas. At this stage it is only proposed to extend the application of

the building manual to the 40-kilometre area as the Darwin Reconstruction Commission has done. Other areas in the cyclonic belt around the Territory may be declared at a later date.

I would point out that many people have already, over the past three years, complied with the cyclone code when building in the rural area around Darwin and, in the interests of those people, the policy should be continued that all future new buildings should comply with the code - that is, buildings which fall within the code's ambit; there are some buildings, out-buildings, that are exempt from having to be built to cyclonic codes, even in cyclonic areas. I also point out that the Australian Standards Association actually recommends in some very detailed work they have done on cyclonic areas that, as cyclones are liable to maintain destructive forces when travelling inland, these codes be applied for a distance of 50 kilometres inland. We would accept a 40-kilometre zone as being the one which was adopted by the Darwin Reconstruction Commission and it is probably perfectly reasonable to maintain that, rather than take the option of extending it a further ten kilometres inland.

The honourable member for Nightcliff raised the point that government houses which have not been cyclone proofed - they have merely been dressed up - are being allocated to tenants in Darwin and neighbours who have rebuilt to the code, and obviously, in most cases very expensively built to the code, are somewhat worried about the potential for damage in the event of another cyclone. The Darwin Reconstruction Commission had a ruling that houses which were less than 50% damaged during the cyclone did not have to be upgraded and I understand this decision was taken for cost reasons, that it would perhaps be an unreasonable burden on persons who had less than half of their house damaged to have to upgrade the entire

house to cyclone standards. I believe that decision was taken on humanitarian grounds. I am not aware of the federal government's policy on its own upgrading and whether it is working to a 50% damaged policy as well or whether they were merely refusing to upgrade government houses which were only slightly damaged. However, I will look into this and advise her. I do point out that there are many houses in the private sector that have not been required by law to be brought up to the cyclone standard. These houses will obviously remain for a long time and no doubt will constitute a potential danger in the event of another cyclone.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

TRANSFER OF POWERS (FURTHER PROVISIONS) BILL

(Serial 11)

Continued from 23 September 1977 .

Mr ISAACS (Opposition Leader) : The Opposition supports this bill. There have been a number of circulated amendments and I have had some discussion with the draftsmen regarding them. The situation is that, instead of the two schedules which were in the original bill, there will now only be one schedule and all ordinances mentioned in the schedules will come into effect from 1 January next year. According to the second-reading speech the original intention was to bring in some ordinances as soon as possible, ordinances which were omitted through oversight or through lack of agreement. The second set of ordinances were to be those relating to the timetable announced by the Minister for the Northern Territory; these include certain functions of the Attorney General's Department, apprentices and town planning legislation. The new schedule brings everything together and includes

apprentices and town planning which were inexplicably omitted from the original bill.

It is appropriate to ask the Majority Party to give some consideration, at this stage when ordinances are being transferred to the control of this Assembly, to the question of consolidating those ordinances as they come over. Everybody is aware of the parlous state of our legislation. Legislation, where it does exist, often dates back many years and it is extremely difficult for anybody, let alone a layman, to come to grips with the legislation and to ensure that he has up-to-date copies of legislation. I think it would be appropriate for the Majority Party to give thought to consolidating all the ordinances as they are transferred.

We are now going to be making many amendments to these ordinances. We are changing references from ministers to executive members and from the Administrator-in-Council to executive members. It is appropriate that the drafting people or whoever has responsibility should consolidate these ordinances and re-present them to the House so that we do have a final document and not a series of documents to consider. I am sure that would be of great benefit to the community. Further, in consolidating the legislation, it may well be that the draftsmen may find problems which they can then refer to the Majority Party. The Opposition supports the bill.

Mr HARRIS (Port Darwin): In rising to support the bill and the amendment, I would like to make comment on our steady move to self-government. The bill is necessary for us to continue that move. I feel that its introduction does indicate the Majority Party's continued support and confidence in its ability to handle the powers that are to be transferred from the Commonwealth to the Territory. It also gives an indication to our

people that we are moving in a responsible manner. As the Majority Leader mentioned in his second-reading speech, I too await the day when all the affairs of the Territory are in the hands of the people of the Territory.

Mr EVERINGHAM (Majority Leader): I found the proposal of the Leader of the Opposition in relation to consolidation of Northern Territory statutes to be a laudable one. It has certainly crossed my mind on more than a few occasions over the twelve years or so that I have been practising law in the Northern Territory. The ordinances were last consolidated in 1960. Although various single ordinances have been consolidated since then and put out in pamphlet copies, there are very few ordinances, if any, which would be truly up to date. In fact, in many legal offices, the job of updating ordinances takes a clerk a day or so a week. It is certainly the wish of the Majority Party to see a further consolidation of Northern Territory legislation at the earliest possible date. In this regard, I might mention that the Public Service Commissioner is advertising on a nationwide basis for project officers to assist with legislation and also for legislative draftsmen. Hopefully, if the response to these advertisements is good, it may be possible to put a taskforce onto this job after we have got over the more immediate drafting problems which will face us in the new year with the transfer of functions.

At the same time, I would like to make a few comments on the bill and, in particular, foreshadow amendments in committee. The bill was drafted at a time when negotiations were still current on the list of ordinances for transfer on or about 1 January 1978. These negotiations have continued since the last sittings of the Assembly with the result that agreement has been reached on an additional number of ordinances for transfer.

Accordingly, I foreshadow that the following ordinances will be included in the new schedule to the bill. I might say that I have attempted to keep the Leader of the Opposition as fully informed as possible, certainly as fully informed as I was myself, on the progress with amendments to this piece of legislation. The ordinances are: the Apprentices Ordinance, the Auctioneers Ordinance, the Hawkers Ordinance, the Places of Public Entertainment Ordinance, the Radiographers Ordinance, the Spearguns Control Ordinance and the Town Planning Ordinance.

The amendments to these ordinances will deal with the means of effecting the transfer of powers and do not otherwise alter the ordinances in substance. In fact, the whole purpose of the legislation is really an administrative expedience. It will provide for the local executive to do things which are presently done by the Administrator or the administrator-in-Council and this will save a great deal of time administratively.

In addition, the amendments will seek to correct several errors in the ordinances and will also make minor additional amendments to some of the ordinances already listed in schedules to the bill.

As a result of advice received from the Commonwealth Attorney-General, a further clause will be inserted in the bill to amend the Crown Law Officer Reference Ordinance to ensure that the departmental head of the Department of Law will have adequate standing as a legal practitioner on behalf of the Northern Territory executive. It has been decided that, for official purposes, he will use the title of the Solicitor for the Northern Territory. Upon the creation of a Northern Territory government, it is the intention of the Country Liberal Party to introduce a Territory Law Officers

Ordinance which will amend this official title to the Solicitor-General for the Northern Territory. However, it was felt that it would be inappropriate to adopt this title as an official title at this stage.

This amendment empowers the departmental head of the Department of Law to act for persons or bodies which the executive member approves and also, by arrangement with the Commonwealth Crown Solicitor, for other clients of the Crown Solicitor. This would enable the departmental head of the Department of Law to act for the Commonwealth or the Crown on an agency basis in matters which are due to be transferred to local control but have not yet been so transferred.

It is anticipated at this stage that a new determination will be made under section 4ZE of the Northern Territory (Administration) Act effective from 1 January 1978. This will include all the ordinances presently listed in both schedules and those which will be added by amendment. Previously it had been proposed to make two separate determinations, one as soon as possible and one on 1 January 1978. This is what the honourable Leader of the Opposition was referring to. Accordingly the bill was split into two schedules, with the ordinances to come into force on 1 January 1978 being listed in the second schedule. However, in view of the time factor there is now likely to be only one revised determination effective from 1 January 1978. In view of this, and in view of the short time left to have this bill processed, presented and enforced by that date, it has been decided to amalgamate the two schedules into one and bring it into operation on 1 January 1978. The new schedule contains no changes in substance from the bill as it was to be amended by the circulated amendment. Copies of the new schedule have also been circulated to the Leader of the Opposition and the member for Nightcliff. I ask for

the cooperation of all members in seeking the passage of this bill in its amended form.

Motion agreed to; bill read a second time.

In committee:

Clause 1 agreed to.

Clauses 2 to 5 negatived.

New clause 2:

Mr EVERINGHAM: I move amendment 20.2.

This will insert a new clause 2 to provide that the ordinance shall come into operation on 1 January 1978.

New clause 2 agreed to.

New clause 3:

Mr EVERINGHAM: I move amendment 20.3.

This inserts a new clause 3 which provides for the amendment schedules.

New clause 3 agreed to.

New clause 4:

Mr EVERINGHAM: I move amendment 20.4.

This will provide for a clause 4 which does the same thing for the regulations as the previous clause did for the ordinance.

New clause 4 agreed to.

New clause 5:

Mr EVERINGHAM: I move amendment 20.5.

This adds a new clause 5 which makes provision for our principal law officer to be called Solicitor for the Northern Territory from 1 January 1978.

New clause 5 agreed to.

New clause 6:

Mr EVERINGHAM: I move the amendment 20.6.

This inserts a new clause 6.

New clause 6 agreed to.

Schedules 1 and 2 negatived.

New schedule:

Mr EVERINGHAM: I move amendment 20.8.

This inserts the new schedule.

New schedule agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

VALIDATION OF ACTS BILL 1977

(Serial 24)

Continued from 23 November 1977.

Mr PERKINS (MacDonnell): I rise to make some general remarks about the Validation of Acts Bill. The Opposition has no wish to hold up the urgent passage of this bill as it is important that it should be passed urgently. However, the Opposition is concerned about the reasons why this bill had to be introduced at this stage and the manner in which it was introduced. The Majority Leader made the point in his second-reading speech that the Validation of Acts Bill is one of those unfortunate pieces of legislation which are rendered necessary by administrative oversight. The Opposition agrees basically with this analysis but we believe the matter goes even further than just administrative oversight. Although the oversight may have been due in part to departmental administrative changes involving the companies office at the time, it

points up again the inefficiency and the incompetence of the administration of the Country Liberal Party, in particular in the area of legislative reform.

The fact that the members of the Companies Auditors Board were actually purported to continue to act after their term expired in November of last year and also that a new board has been appointed to be effective as from 16 October of this year without the legitimacy of the appropriate legislation in the intervening period, is evidence of this maladministration on the part of the CLP. There is no doubt that the actions of the Companies Auditors Board, since it expired in November of last year and up until 16 October of this year, ought have been legalised at the right time by legislative action in this Assembly. That was several months ago. I believe this mistake could have been avoided if the administration of the Assembly executive had acted effectively at the appropriate time.

In his second-reading speech, the Majority Leader said that he would be happy to make a copy of the opinion of the Director of Law on this matter available. I would be happy to oblige the Majority Leader and to receive a copy of this opinion for scrutiny.

The Leader of the Majority Party would be well advised that, apart from seeking the urgent passage of this bill, he should also be seeking an urgent review of existing legislation in general, and in re-establishing his legislative priorities, especially in the area of law reform. I take it from what the Majority Leader was saying just a few minutes ago that he is amenable to accepting our suggestion this morning. I hope the suggestions that I have just made will be taken into account by the Majority Leader and that his mood has not changed since then.

Mr EVERINGHAM (Majority Leader): In reply, I have taken in good part

the rap over the knuckles administered to me by the member for MacDonnell. I suppose I have to take these things in good part even though it grieves me to take them because I have no responsibility for the mistakes that in fact happen. Had I done what was suggested to me by the member for MacDonnell and started telling the Registrar of Companies what he should do and what the assistant secretary of the Department of the Northern Territory in charge of that division of the department should do, they would both thumb their noses at me. Regrettably, when they make mistakes, they come to me to fix them up.

Acting in a responsible fashion, the Majority Party has introduced this legislation and has sought urgency to cure the unfortunate position. I can assure the honourable member for MacDonnell that I will be only too happy to accept the rap over the knuckles for administrative mistakes when I do have control of the administration.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

PUBLIC SERVICE BILL

(Serial 17)

Continued from 23 November 1977.

Mr ROBERTSON (Community and Social Development): Perhaps you might be able to assist me, Mr Speaker? Is this a matter on which you have been requested to grant urgency status?

Mr SPEAKER: No.

Mr ROBERTSON: In that case, I move that so much of standing orders be suspended as would prevent the Public Service Bill, serial 17, passing through all stages at this sittings.

This is not a matter necessarily involving hardship to the citizens of the Northern Territory but it is vital that the bill pass through this House at this time in order to facilitate the smooth administration of the Northern Territory Public Service that the honourable member for MacDonnell is so concerned about.

Motion agreed to.

Bill read a second time, and passed the remaining stages without debate.

WORKMEN'S COMPENSATION BILL

(Serial 28)

Continued from 23 November 1977.

Mr ISAACS (Opposition Leader): The Opposition supports the bill. I understand the executive member has indicated that he seeks urgency for this bill and we also support that. This bill will overcome a difficulty which injured workers have suffered. Where there have been delays in matters coming before the Workmen's Compensation Tribunal, workers have not been able to recover any costs unless those delays have been brought about by the employer. Because of the very long delays which are occurring and which are no fault whatever of employers, workers are being denied prompt payment of their rights as determined by the tribunal. There was one particular case, the details of which I will not go into, where a worker had to wait something like 18 months between the completion of the case and a judgment being given due to the overworked magistrate involved. This bill will ensure that costs can be awarded as the tribunal thinks fit without the proviso that the delays have to be occasioned by the employer. For that reason, the Opposition warmly welcomes the provisions.

A committee of review has had discussions on the Workmen's

Compensation Ordinance and I was involved as a representative from a trade union. That committee met for something like six or eight months and was subject to scrutiny from other bodies. It came up with about 60 recommendations. It is our view that the executive member ought to be looking at those recommendations which have been agreed upon by all sections of the community and have them urgently implemented. We are not denying the urgency of this particular matter; however, we are concerned that the time of citizens in the community has been taken up inquiring into and reviewing the workmen's compensation legislation. Those recommendations ought to be implemented as a matter of urgency. It is galling to members in the workforce and to members of trade unions that, after all the time that has been taken in reviewing this legislation, only one substantial amendment should be before the Legislative Assembly.

Mr SPEAKER: I have before me an application by the Majority Leader seeking my support in declaring this an urgent bill under standing order 152. I am satisfied that the delay of one month provided by standing order 151 could result in hardship being caused and, accordingly, I declare this an urgent bill.

Mr OLIVER (Alice Springs): I speak in support of this bill. Under a situation that may be peculiar to the Northern Territory, there are apparently some great difficulties in bringing some of these proceedings to a close. It could be related to the distances that some of the witnesses have to travel or it could be that insurance companies with head offices outside the Territory have difficulty in formalising their arrangements and the proceedings have to be adjourned. In Alice Springs alone in 1976, out of ten matters of workmen's compensation, one was adjourned once, two were adjourned twice and two were adjourned four times. In 1977 to date, there were

14 matters; one was adjourned twice, two were adjourned three times and one was adjourned five times. I was not able to ascertain the reason for adjournment or which party required the adjournment but the figures indicate that the final proceedings could be very costly for some of the workmen to whom compensation is due. The purpose of the bill is to empower the tribunal to ascertain the costs, disbursements and witness expenses and then to regulate and prescribe the award of those costs.

Finally, if I may read from the Workmen's Compensation Ordinance - section 26(2):

The Supreme Court of the Northern Territory of Australia, to which any appeals might have been directed, shall decide the matter of the appeal and may either dismiss the appeal or reverse or vary the determination appealed against and may make such order as to the cost of the appeal or the proceedings before the tribunal, or both, as it thinks fit.

The Supreme Court is covered by this provision; I think the tribunal should also have that power.

Mr STEELE (Transport and Industry): I was pleased to receive the support of honourable members for urgency. It is very necessary that the rules be available to the tribunal by 1 January.

In respect of the other amendments that the Leader of the Opposition spoke about, we too are concerned with the delay in bringing the Workmen's Compensation Ordinance up to date. There are so many amendments that we are having trouble putting them all together in the right shape and there are still others that have to be looked at. I can assure him that we will be doing that as quickly as possible.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

REPORT OF INQUIRY INTO THE LOTTERY AND GAMING ORDINANCE

Continued from 22 September 1977.

Ms D'ROZARIO (Sanderson): On behalf of the Opposition, I thank the Executive Member for Resources and Health for his very full discussion of the report provided by Mr Neilson. We do not wish to speak at length about the details of that report and the very many aspects of lottery and gaming that were covered by Mr Neilson. We would like, however, to place on the public record our sustained opposition to the introduction of TAB in the Northern Territory.

In making that statement, we believe that we have not canvassed fully the alternatives to that system of revenue-raising. We also believe we have the majority of punters and the clients of off-course bookmakers on our side. Should the Executive Member for Resources and Health wish to take up the recommendations of Mr Neilson and introduce legislation to introduce TAB in the Northern Territory, we would continue a sustained opposition to that notion. We will be putting up an alternative to both the TAB system of betting and also to the other option that has been mentioned, the turnover tax. We are of the opinion that this further option has not been canvassed. When this matter is provided for in a bill, we will take it up at that time.

Mr EVERINGHAM (Majority Leader): In speaking to what is commonly called the Neilson report into all aspects of the administration and operation of the Lottery and Gaming Ordinance, it is desirable perhaps to restate the terms of reference of the inquiry. These were: the adequacy of the Lottery and Gaming Ordinance and related legislation

and the administration of that legislation; the needs of the racing industry in the Territory and the extent of assistance that is or could be provided under the legislation; the conditions and controls under which the present off-course betting system should be replaced by a totalisator system and the revenue potential of a totalisator system as against the present off-course betting system or that system paying a turnover tax, and the relative benefits of each system to the racing industry and to the public; whether the present tax per betting ticket is adequate and the desirability of its replacement with a turnover tax; and, the uses and distribution of revenue raised under the legislation.

If we deal with the report recommendation by recommendation, it would be easier for this House to follow. The commissioner's conclusion from the evidence before him was that it was clearly established that the provisions of the ordinance and the regulations are inadequate. He concluded that the ordinance does not provide adequately for the administrative processes so necessary in the field of raffles, gaming and betting, the control of these activities and the control of racing. In his view, if the main recommendations of the report are accepted, it will be necessary to draft an entirely new piece of legislation. I would think that even if the main recommendations of the report are not accepted, it will be necessary for this Territory to have new legislation in this field.

Commissioner Neilson went on at length about the morals of gambling but I think there is little doubt that the Northern Territory community at large has little aversion to most forms of gambling although, on my observation, the use of poker machines as a form of gambling is not generally accepted. Commissioner Neilson recommended against the legalising of poker machines. He said:

I do not believe that they will bring any benefits to the life style of Territorians. That they will engender funds is beyond doubt, but the provision of those funds (at the expense of the persons who would provide them) will not justify the changes legalising the machines will undoubtedly have on the lives of the residents of the Northern Territory.

I am not minded to disagree with the recommendation of the commissioner in this regard. I hope that you, Mr Speaker, and honourable members of this Assembly will note that the members of the Country Liberal Party in this Assembly are not, as the Opposition Leader has so often said, just hell bent on revenue raising from the people of the Northern Territory at any price.

I have read with interest the commissioner's recommendations in respect of casinos and casino games. May I say that I have for long been a supporter of the proposal that casinos should be established in Darwin and Alice Springs as incentives for the increase of tourism within the Northern Territory. So often have I heard overseas, and even Australian, tourists in Alice Springs complain about the lack of any entertainment in the evenings. Whilst they appreciated the scenic magnificence of Central Australia, they were bored stiff in the evenings and, after all, if overseas tourists want to leave some more of their money with us, I welcome their decision. Certainly, I am only too happy to put the option before them.

I am a little more concerned about the introduction of casino games. Mr Neilson appears to be of the view that these types of games could be played in specially licensed premises anywhere in the Northern Territory. I do see some dangers in this. Firstly, in Darwin and Alice Springs, these would undermine the activities of a casino and one could not really expect the

huge amount of money that would be necessary to satisfactorily establish a casino of world standards to be spent if the government were to grant a number of additional, smaller and less expensive concessions which would detract from the casino itself. There is, however, some merit in the argument of people living in other Territory centres which would probably not, from a tourism standpoint, merit the establishment of a casino, being denied access to these games of chance. I believe that at the time that detailed consideration is given to the granting of casino concessions, the matter of extending to other Territory centres similar but smaller concessions will have to be examined.

Before I say any more, let me say this. I believe an organisation must be set up to administer betting and gambling within the Territory. I would envisage that legislation to establish what I would call, for want of a better name, a gaming commission would be required. At the same time, this legislation could incorporate the necessary provisions to give legislative approval to the various forms of gambling, gaming or betting which would be approved. This commission, as I see it, would be the overlord of the whole field of activities in this area.

I turn now to the second term of reference and perhaps the one about which, in essence, the most contention has arisen in the Northern Territory community, and that is the needs of the racing industry in the Northern Territory and the extent of assistance which could be provided to it. Here we come down to the conflict between the bookmakers and the totalisator or, more particularly, between off-course bookies and the TAB. Commissioner Neilson, after tracing the origin of the horse which I found very interesting, finally came to say that horse racing is a national sport and that, for the

prestige of the state, the industry ought to be maintained. Of course, we are not a state yet but one might say with equal logic that cricket and football, or even tennis and swimming, are as much national sports as horse racing and that, for the prestige of the state, these sports ought to be maintained. However, I would not quarrel with the proposition that a great deal of money is made by people engaging in the gambling activities which surround racing - whether galloping, trotting or greyhound- and since these people derive benefits from racing, some of the moneys they come by should be channelled back into racing administration or, for that matter, better prize money should go into the pockets of racehorse owners, trainers and jockeys. So far as I know, there is no significant gambling on the results of sports such as football or cricket but if there were, then it would not be unreasonable to expect that some of the profits of that gambling should be channelled back into the sport for the benefit of its participants.

Might I just say in passing, on the question of principal racing clubs in the Territory - one in Darwin and one in Alice Springs - the existing clubs, the Darwin Turf Club and the Central Australian Racing Club, would seem to me to be the appropriate organisations to be established as principal clubs. It would not seem unreasonable to me that the Darwin Greyhound Racing Association should be established as a principal club in the event that this is required for the better organisation and promotion of the sport and activity of greyhound racing. I do not accept Mr Neilson's dismissal of the greyhound racing industry in the Northern Territory as being a rather disorganised business. Commissioner Neilson casts some doubt on the greyhound organisation because of the fact that its president is a bookmaker. There are, however, certain factors which may have been unknown to the commissioner which

led to his comments. In fact, a considerable amount of money had to be provided or guaranteed to enable the purchase of the shares in the greyhound racing company from its previous owner. The greyhound racing company had no title to the land on which the course was situated. The title to the land is only now in the course of coming through and I believe the persons who put up the necessary money in these circumstances for the promotion of the sport should be commended. I certainly do not think that greyhound racing should be discriminated against as I believe it caters for the requirements of a great number of people.

At the same time I recognise the importance of the galloping racing industry in the Northern Territory: the value of providing worthwhile prize money so that persons interested in racing will be encouraged to purchase good stock to improve blood lines and the need to provide better facilities at race courses all over the Territory. For these reasons, I am of the view that a significant amount of the revenue collected as a result of impositions on the gambling sidelines of the racing industry should be channelled back into the industry in one way or another.

May I now turn to what is perhaps the most vexed question, and that is how revenue will be derived from the racing industry. TAB or not TAB - that is the question. In deciding whether to accept TAB or not, I believe there are two factors to be considered. They seem to me to be, firstly, meeting the requirements of the betting public and, secondly, deciding which system would return the greatest amount of revenue to the racing industry and to the government.

In relation to the first requirement, I have found this to be relatively easily ascertained. In fact, Commissioner Neilson supports this because most punters I have

spoken to - and I have made it my business to speak to a lot of them in the last couple of months - seem to prefer bookmakers to what many of them describe as the antiseptic atmosphere of the TAB.

In relation to the second criteria, obviously one had to study Mr Neilson's figures very carefully because it was on the basis of a very superior financial return to the government and the industry that he recommended the introduction of TAB. So what I did was to arrange for the financial people in New South Wales Treasury, in the Northern Territory and in the Australian Capital Territory to study the Neilson report, to have it scrutinised by organisations such as the Grants Commission and to let me have their criticisms in relation to the financial aspects of the report. As we know, the turnover acknowledged by off-course bookmakers to the Betting Control Board in 1975 and 1976 was \$51m. In recognition of the presence of a lot of southern money in the total, Mr Smith who provided the submission from the Darwin Turf Club to the Neilson inquiry estimated that the Territory generated a turnover in the order of \$20m by suggesting that \$200 per capita is the level of Territory punting because the Victorian off-course average is \$138 per capita and Territorians have a higher propensity to bet. He developed no support for this contention, however, and it must be considered rather astonishing that it was accepted by the inquiry without modification, despite some quite reasoned arguments put forward pointing to the absence of any logical basis for it.

For instance, it can be reasoned I think that 27% of the Territory population represented by Aborigines, most of whom would not punt, would at least offset any distortion caused by the generally younger population with higher than average income and few alternative gambling outlets. The Grants

Commission has, during its exploratory assessment of the Territory's disabilities and revenue-raising capacities, determined that the off-course turnover potential here was \$11.6m in 1975-1976. This is derived from per capita turnovers for persons over 19 in New South Wales and Victoria in that year, weighted for the higher weekly earnings in the Territory by a standard method. The figure has not been discounted to allow for the Aboriginal population and to bring this figure up to 1977-1978 values - that is, plus 12% for the previous year and 10% for this current year - the most accurate assessment of turnover must be regarded as \$13.75.

A comparison of the wealth of New South Wales and Northern Territory citizens is hampered somewhat by the lack of adequate statistics. But assuming that the income-producing and therefore gambling section of the community is in the age group of 16 and over, household income per head for this group in 1975-1976 shows a higher income for the Northern Territory; \$6,553 per head as against New South Wales at \$6,177 per head. However, because of the higher component of Aborigines in the Northern Territory population, the overall percentage of disposable household income per head which would be devoted to gambling may be of the same order. According to the most recent household expenditure survey, only 0.6% of the household weekly income in New South Wales is spent on gambling net of winnings - that is, either on legal or illegal gambling. An estimate derived from estimated gross gambling turnover suggests that a much higher figure is spent on legal gambling than on illegal gambling. A New South Wales treasury official estimated that revenue that could be expected from the operations of an off-course totalisator authority in the Northern Territory would amount to about \$14m.

Mr Smith produced figures which indicated that upon the introduction of TAB, it generally takes three to four years for the TAB turnover to reach the potential calculated as the previous off-course bookmakers' holdings. This is a further important factor in short-term viability. The inquiry accepted Mr Smith's estimate that if \$20m was generated as turnover, the TAB operating costs would be 7.5% of that turnover. This was hotly contested as being too low on two grounds: firstly, that the cost of the establishment of TABs in the smaller states and the ACT ran at about 10% and, secondly, the cost of business generally in the Territory is higher than that in the states.

The percentage of turnover to go to the TAB is 10% - that is, \$2m on \$20m - and the profits, if any, go to the racing clubs. The 7.5% costs figure must be seen as very conservative and the resultant \$500,000 profit to the clubs most optimistic. Much of the operational expenses of the TAB consists of fixed costs of various kinds which by their nature would not decrease in the same proportion as turnover. It would be reasonable to suggest that the cost and distribution structure of a TAB would be of the following order - this is a schedule of moneys, Mr Speaker, and as I have 20 copies of it available I wonder if these could be passed around to honourable members, rather than my reading it, as it is rather difficult to read in an intelligible fashion.

These figures reveal, when graphed, that a TAB would probably remain in a loss situation until a turnover of about \$11.4m had been passed and there would be no net revenue going to clubs until a turnover of about \$14.4m is generated. Thus at the expected turnover of \$13.75m, the clubs would be about \$30,000 worse off than under the present system. The viability of a TAB must therefore be

regarded as a matter of doubt and I consider that its inauguration should be deferred for an unspecified period during which indicators would be monitored and the success of alternative revenue-raising arrangements assessed. I consider also that the timing as to when a TAB system should be introduced in the Northern Territory should be a matter of recommendation from the proposed gaming commission to the executive which can then take the political decision as to whether the TAB should or should not be introduced.

In the meantime, therefore, we will turn to the existing system which is represented by on-course bookmakers and off-course bookmakers. Obviously, the racing clubs expect to receive a greater share of revenue from the activities of these gentlemen. I think such an expectation is not unreasonable. Commissioner Neilson, on page 59 of his report, canvassed the possibilities of bookmakers cheating in the event of the imposition of a turnover tax by understating their holdings. Indeed, Commissioner Neilson found difficulty in accepting the statement by bookmakers that their holdings were smaller in 1977 than 1976. All I can say is that it will be in the interests of bookmakers, whether on-course or off-course and whether short term or long term, to lodge complete returns of their transactions as their activities will be scrutinised not only by the proposed gaming commission but by a racing industry extremely anxious to obtain the maximum possible yield for itself from the gambling activities associated with the industry. We accept too Commissioner Neilson's recommendation that bookmakers' clerks, whether on-course or off-course, should be registered.

I accept the commissioner's recommendations on page 71 of his report in relation to the functions of what he called the racing and gaming board and which I have called

the gaming commission, namely that it should handle all matters relating to the conduct of raffles, bingo, lucky envelopes, beer tickets, registration of clubs and race courses, the winding up of clubs which do not hold race meetings within a specified time, the registration of bookmakers and their clerks, the right to discipline bookmakers and their clerks for any breach of the ordinance, the right to make rules of betting and settle disputes and to act as an independent appeals board in the case of a person suspended or disqualified by the committee or stewards of any club, to require any club to establish totalisator betting facilities on the race course used by it to make totalisator regulations to allocate racing dates and generally to undertake research and investigation into all aspects of the industry. I agree with the commissioner that the selection of the chairman of this body will be a matter of the utmost importance.

Dealing with the next reference as to whether the present betting tax is adequate, I am of the view that the present tax is adequate but would not wish to pre-empt the options of the gaming commission if it wished to restructure, at some later stage, the method of revenue raising from and for the racing industry. I make it plain here that I am referring to the tax on betting tickets only.

Finally, as to the uses and distribution of revenue raised under the legislation, I have already stated that part of the revenue from betting should be made available to clubs which are engaged in this form of enterprise in order that they may adequately promote it and provide a reasonable level of stake money and proper amenities for the betting public. Some part of the revenue, as Commissioner Neilson says, should be retained for the purposes of government. I can confidently say that the eventual funds available from revenue raising in the gambling

and betting area, for promotion of the racing industry and for charity, will greatly exceed the amounts available at the present time.

In conclusion, I do not think it unreasonable to put the view to this House that, rather than rushing into revenue raising in a thoughtless way, the Country Liberal Party has given careful consideration to the impact that the changes recommended by Commissioner Neilson would have on the Northern Territory community and has studied all aspects of his report. Rather than succumbing to the carrot held out by the commissioner, it has chosen to rely on the cautious assessment of its expert financial advisers and has acted responsibly and in the best interests, particularly in the long term, of all Territorians.

Mr ISAACS (Opposition Leader): I would like to congratulate the Majority Leader on a very well reasoned presentation to the Assembly. Without the resources which the Majority Party has, we found it difficult to consider the very extensive report produced by Mr Neilson. It was not only a problem that the report was so extensive but also that the assumptions in the report at times were difficult to fathom. It is indeed gratifying to the industry that such a definitive statement has been made.

One thing only concerns me in the address of the Majority Leader. I understood from his opening remark that he was making a personal statement. At the end of his remarks, it did appear as though it was a view adopted by his party. I would like to have some clarification on that. However, that does not take away or detract from the presentation of those very important details which he has given to this Assembly. The Neilson report was indeed a comprehensive report but I was concerned that the commissioner tended to take a double standard. He indicated that revenue would come into the system as a

result of the introduction of poker machines but questioned whether or not the people who were in charge of the clubs would have the capacity - I presume he means the professional accounting capacity - to look after and monitor such huge increases that they would gain. He did not take that very sane view concerning the introduction of TAB. His view was in fact quite contradictory to it. It seemed to us, and certainly to me, that Mr Neilson had a particular axe to grind. Certainly, it was disturbing that he should have accepted the views of Mr Smith from the TAB of New South Wales without any question and urged his readers to do so likewise. I am delighted that the figures produced by the Majority Leader give the lie to that assumption.

The Labor Party has taken a view quite consistently throughout the last six months that, so far as the TAB is concerned, we oppose it, despite the attempt by certain people who cannot lay claims to being unprejudiced in the matter. One particular person, who is hardly disinterested in the matter, took great delight in broadcasting what he believed to be a conversation that I had with him. He happens to be an on-course bookmaker and, if you read the Neilson report, you will know that on-course bookmakers, especially those at the Turf Club, stand to gain a great deal. That did not stop the Executive Member for Community and Social Development championing him and believing that he must have been right and that I was automatically wrong. The Labor Party's view on the TAB has been consistent. We have opposed the introduction of TAB and I am delighted to hear that the Majority Party is at last falling into line with that view.

As for poker machines, the Labor Party has adopted the view that our members will not be bound by any particular party decision. This is an issue which divides people on the question of morality as much as

anything else. We have determined that people will be allowed to make their own view known on it and not be bound by any particular party or caucus decision.

The only other matter which I would like to make reference to is the question of bookmakers cheating. It is most disturbing that the bookmakers have been painted as a low and second-class part of the Northern Territory. To say that they are cheating is as much a statement of life as one could say of any person who enters an industry. There are those who deliberately skate on thin ice and sail close to the wind and there are others who play it very straight. I am sure that all those types of people are represented, not only in the bookmaking industry but in every other industry as well. I am sure there are people who skate on thin ice in the law and in other areas as well. I am glad to see the Majority Leader nodding so agreeably.

One thing I think we ought to lay to rest is the claim that the bookmaking industry is somehow or other dirty and low and nasty, and ought not to be encouraged. Bookmakers are playing an important part in my view and the bookmaking industry, as such, is playing an important part in the general atmosphere of the Northern Territory. It is a unique industry. I think it would be a shame if, for that reason alone, the bookmaking industry were to be closed down in the face of TAB.

Finally, I would just like to place on record my own views regarding the excellent presentation by the Majority Leader, so far as the figures were concerned. It must, I am sure, set at rest much ill-informed comment that is going around the community. I am sure the figures which he gave do represent the views of the expert bodies he mentioned. I am sure this Assembly appreciates those matters being presented before the Assembly.

Mr VALE (Stuart): During the past weeks, I have spoken in the Assembly of the Northern Territory's industries, tourism, mining and pastoral. There is, of course, one more: gambling. Gambling is not peculiar to the Northern Territory. Australians generally have a reputation for betting on anything from flies crawling up the wall to the winner of the Melbourne Cup or the Victorian grand final. Even in this Assembly two people are referred to as "whips", a valuable piece of horse equipment used in horse racing.

Taken that gambling - be it horse racing, bingo, two-up or whatever - is an industry or at least a national past-time, then we, as legislators, must ensure that for Northern Territory residents we combine the ability to enjoy these forms of recreation with the ability to raise revenue and assist the many racing clubs throughout the Northern Territory, as well as the many deserving charities that seek and receive funds for their continuing operations.

My impression of the Neilson report into lotteries and gaming is that it is prejudiced, at least in respect of TAB. Let me quote one example. In one section of the report Mr Neilson says that, if a particular card game is so popular in the Northern Territory, then it should be legalised. Elsewhere in the same report he says that, if TAB is introduced, off-course bookmakers may go underground. However TAB should be introduced and the policing of illegal bookmakers increased.

My attitude to TAB is simple. I am totally opposed to it as long as the Territory's population is at a level which will not be able to support both TAB and off-course bookmakers, and I think it will be quite a few years before the population reaches that level.

Some weeks ago I received in excess of 600 signatures from people in Alice Springs who oppose the

introduction of TAB at the expense of off-course bookmakers. In the Neilson report, figures of a Darwin survey show that of 100 people questioned as to whether they prefer to bet with TAB, 10 people said "yes" and 50 said "no".

Throughout the report Mr Neilson seemed intent on pursuing the pros of TAB and appears to be particularly worried about interstate money which is bet with Northern Territory bookmakers. Maybe he is hoping for Territory TABs so that Tasmanian money, Mr Neilson's home state, will stay in Tasmania.

Let me give you one final example of Mr Neilson's apparent prejudice. Several weeks ago he was reported in the press as saying that, if this Assembly did not introduce TAB, then the federal government should override the Assembly and introduce it. That statement is incredible from a man who is supposed to prepare an independent and factual report for this Assembly.

Mr Speaker, in addition to TAB, I am also totally opposed to the introduction in the Northern Territory of poker machines or one-arm bandits. These, I believe, are a social disaster.

On the other side, I would like to see casino licences granted for Darwin and Alice Springs at an early date. In Alice Springs, a casino would be a valuable complement to our tourist industry. This would apply particularly to international tourists, the number of which is increasing each year.

The report makes mention of quite a number of other forms of lotteries and gaming which could be legalised and these would allow the many NT clubs and charities to raise funds. In principle, I support these recommendations. There is, however, one other area worthy of consideration and that is the possibility of legislation to allow two-up to be played on Anzac Day at RSL clubs.

Mr PERRON (Finance and Planning): I have a few comments on the Neilson report on lotteries and gaming. I have divided the report into two main areas, horse and greyhound racing and other forms of gambling and lotteries. The horse and greyhound racing section differs primarily because the question of social acceptance does not seem to arise anywhere near as much as it does on the other forms of gaming. Horse and dog racing are part of modern society and appeal to many sections of the community. Whilst it is a fact that most of the public interest in racing is centred on the gambling side, there are many people involved in racing as a means of employment or just as a pure sport, appreciating the quality of animals and training. These people usually view racing more as a spectator sport than as a means of increasing their finances.

An important factor to remember in relation to racing is the associated local industry; stock food merchants, saddlery shops, special clothing manufacturers, transportation and veterinary services are just a few industries that directly benefit from the racing industry. The efforts of the racing industry flow right through the economy. It follows that, if racing were to be improved and better conditions and facilities provided both for competitors and spectators, a considerable boost would flow on to other industries. This would promote employment and increase tourist appeal as well as offering a better standard of entertainment than presently exists in the racing industry.

If racing is viewed in this light, we should attempt to improve it as much as possible for the benefit of the community in general. If we aim to improve the racing industry through the disbursement of funds, we have to decide how best to regulate betting on races because the present controls in the Northern Territory are deficient. As stated in the Neilson report on page 5, the

evidence before the inquiry clearly established that the provisions of the ordinance and the regulations are totally inadequate.

There are many problems with the present system, but there are three major areas to be kept in mind. The first is a lack of firm information on amounts invested with bookmakers. Secondly, large sums are placed locally from interstate sources and we should strive to maintain much of that trade. Thirdly, local racing clubs gain no direct benefit from the proportion of money invested with bookmakers. The two alternatives to rectify this are: discard the present off-course betting system and introduce TAB or retain the current system with better controls and a more suitable taxing system.

If TAB were introduced, large staffing and equipment needs would mean huge amounts of capital investment with a long term of operation before initial debt was recovered. On the other hand, if the present system is retained with new legislation providing for adequate control on betting shops and turnover tax as well as ticket tax, the initial costs would be insignificant compared to the introduction of TAB. The present system of betting shops offering off-course, starting-price betting facilities is favoured by most regular punters as they stand to win more money due to better odds than they would obtain under a TAB system.

I favour revising the present system for two reasons. Firstly, the cost of instituting the system is minimal as the whole betting system is already there at the present time, and staffing and maintenance is a problem more for the operator than it would be for government under a TAB system. The end result of either system would be approximately the same as far as local government, racing clubs and the general public are concerned.

It could be argued that a turnover tax on betting shops would lower the starting prices of punters but I feel that, even if this did occur, the drop in prices would not be anywhere near the drop in prices that the punter would sustain through a TAB system.

The amount of money currently being invested by southern punters would most likely continue if betting shops were retained and, if a turnover tax is introduced, a direct benefit to the Northern Territory would result. This money certainly would not be invested in the TAB system but would probably go either underground or back to the original areas of its source. If a turnover tax is introduced, a percentage of collections could be set aside for racing clubs and charities. Such percentage would be of greater value than current moneys being received even if the total turnover of betting does not increase from present levels.

Without going into a great deal of detail, the basic requirements of the system of betting shops would need revised legislation to straighten out loopholes in the present system as mentioned in the Neilson report on pages 41 to 49 and legislative provision for the introduction of a turnover tax. The whole issue of either retaining the present system as I have suggested or introducing TAB is a matter of great public interest and I am sure the public will be pleased to have had this matter dealt with in the Assembly and finally resolved.

With regard to other areas covered by the ordinance, if one can accept the Neilson report figures - and we have had some evidence that those figures must be suspect - a large amount of money is circulating with minimal or non-existent controls. In respect of bingo, Neilson quotes profits per club as high as \$32,000 per annum. This is an incredible sum of money when one considers that currently no permits

or controls apply to this game whatsoever. When calling for reports on turnover, the numbers of tickets sold etc, most of the information supplied to Neilson was estimated because no accurate records are kept. This situation needs urgent attention because bingo is a popular form of gambling in the Northern Territory. I agree with Neilson that separate provisions should be made in the new ordinance relating to this activity. Once a control is established and accurate records are available, then further changes may be required. As with many forms of gambling in the Northern Territory, unless initial controls exist, rough estimates are the only guidelines to form legislation covering any particular area. This is an unacceptable position for the public and the government to be in.

Mr Neilson suggested a Northern Territory lottery would not be feasible at the present time as patrons demand quick results and, if a quick result were to be obtained, the prize money offered in the Territory would have to be of such a low figure in comparison to interstate systems that it would attract little support. As with the TAB system for the racing industry, a lottery may be feasible when the population of the Northern Territory reaches a much greater number. The suggestion that an entrepreneur could run a successful Northern Territory lottery, given that normal practice is that 60% goes in prizes, a suggested 30% in government tax and the residue of 10% to cover costs and a profit margin, would seem to make such a venture highly impractical. Because of the high incidence of interstate lottery tickets currently sold in the Northern Territory, I support moves for arrangements to be entered into with state governments to enable the Northern Territory to collect a percentage from the sales of interstate lotteries.

Without doubt poker machines

could be of great financial benefit to clubs and organisations and also as a source of government revenue in the Northern Territory. However I feel that, however tempting this may be on the financial side, the general public feeling on poker machines at this stage is that they should not be installed in the Northern Territory, although there seems to be some acceptance that, even if a general ban did apply to poker machines, sould casinos be established, a poker machine would be perfectly acceptable within the precincts of a casino.

On the subject of casinos, due to the Tasmanian success and the fact that we have had numerous offers from entrepreneurs and we have a relatively large potential custom in the Territory, I feel that casinos would be a feasible proposition. Tasmania has shown that, with proper control, no special problems need arise. In fact, the Hobart casino has become both a significant tourist attraction and a lucrative source of revenue for the government. A noteworthy fact is that, due to the cosmopolitan nature of the Northern Territory, and Darwin in particular, many different ethnic groups are regularly meeting and gamble very large amounts of money in casino-type games already. To try to control this situation as it exists at the moment would be almost impossible and to try strict police measures would probably merely drive these practices further underground. A casino would allow this gambling to be carried out in a more open situation and be properly controlled, and would be more protective of participants than the current backyard practice.

I think it is obvious from the Neilson report that current legislation pertaining to lotteries and gaming in the Northern Territory has many shortcomings and it is in urgent need of review to stop potential malpractice. New legislation should be drawn up

without delay, establishing a commission to regulate and police all forms of racing and gaming in the Territory and to provide for the issue of casino licences under strict conditions. A Northern Territory government should take full advantage in this field to raise a fair level of taxation for the benefit of Territorians.

Mr BALLANTYNE (Nhulunbuy): I rise to speak on the Neilson report. I have listened to the other speakers in this debate and wish to contribute my observations to the report of that inquiry into the Lottery and Gaming Ordinance as presented by Commissioner Neilson. I think Mr Neilson had a big task in compiling this report. On page 4 under the heading "Preliminary Observations", this is spelled out. A big difficulty - and perhaps one which caused a lot of decisions to be made on an arbitrary basis rather than on an actual fact-and-figure basis - as Mr Neilson pointed out, was the problem encountered with regard to the lack of reliable records and such things as volume of betting. To my mind, this would have been a very big headache for him.

On page 5, he says that the format of the Northern Territory ordinance and regulations was generally satisfactory but he considered that "provisions relating to unlawful games should be contained in the ordinance rather than the regulations". This I would agree with. He then went on to say that the evidence before the inquiry clearly established that the provisions of the ordinance and the regulations are particularly inadequate because they do not provide for administration processes in the field of raffles, gaming and betting, nor the control of the activities of racing. In his summary of considerations and recommendations, he said that the ordinance should be repealed and entirely new provisions enacted. I would not go so far as to say that

the whole ordinance should be repealed but rather I would say we could bring it up to date with amendments which I am sure would satisfy the needs of the Territory.

Pages 15 to 23 of the report have some astounding figures taken from a paper by Dr. G. Caldwell, relating to poker machines. Dr Caldwell presented the paper entitled "Leisure for the masses - the registered clubs in New South Wales" to an ANZAAS congress in May 1976. His paper said that the loss of money by poker players amounted to \$312m in twelve months, from 1 June 1974 to May 1975. This amount was made up of \$240,700,000 in net profits to clubs from poker machines after taxation of approximately \$72m had been extracted by the New South Wales government, which is approximately 33%. Next year, the state tax rose to \$83,416,520 with, undoubtedly, increased profits to the clubs. I think that is a staggering figure.

Another staggering statement in Dr Caldwell's paper reveals that five years prior to his preparing the paper, poker machine profits amounted to \$872,600,000 plus a state tax of \$238,300,000, totalling just over \$1,110 million in losses to players over the five year period. Mr Speaker, I wonder what hardship this type of gambling brought and is still bringing to families and the citizens of New South Wales.

I believe that poker machines are a trap to the young and innocent which, in time, turns them into compulsive poker machine addicts. Many of the clubs in New South Wales have certainly profited by the introduction of those machines and I think most of us here in this Assembly who have visited clubs in New South Wales would say they have done a lot of good with the profits. But I think there is a lot of hardship brought about by poker machines. Most of the clubs I speak of are the RSL clubs, golf clubs,

rugby league and other sporting clubs.

Mr Neilson said, using arbitrary figures, that if the Territory were permitted to use poker machines, approximately 150 machines in Darwin with an average of \$150 each would produce a weekly average profit of \$22,500. This would give an annual profit of \$1.1m which means that the players' losses would be that amount. That is a lot of money considering our population. I, for one, feel I would not like to see this happen. Territorians are always expressing their concern over finances and their commitments. We have enough problems without bringing in poker machines.

I believe poker machines should be confined to a casino-type operation and in the long term, if casinos were developed in the Territory, I would like to see them in the two major centres. I do not think I would like to see one over on Gove Peninsula with our small population.

Clubs generally in the Northern Territory are not making enormous profits and their overhead expenses seem to drain the club of any substantial profit. Bringing in poker machines will not be the answer, I am sure. There are other means of raising revenue by beer tickets and raffles which the clubs run and I believe that most clubs, to some degree, should be ploughing the money back into the club and it should not be run on the basis of a high-profit-making organisation.

Continuing with the argument of TAB betting and betting shops, Mr Neilson recommends that the off-course totalisator betting system should replace betting shops. Some of the other speakers spoke at some length on this. I believe the betting shops have some attraction in the Territory. Perhaps we may have too many in some areas but I think, at the present moment, they fill a gap because of our population. I feel betting shops

should be retained at this stage and the question reviewed at a later time as the member for Stuart said, when the population rises and there is perhaps a greater demand for TAB. Until then betting shops should stay in existence.

Setting up TAB in the Territory would need quite a substantial amount of money and there are certain disadvantages in areas where the communications are perhaps not so good. If one were set up at Nhulunbuy, there could be some disadvantages during the course of the day when we have the tropo-scatter system go out of action which has occurred since the cyclone. They tell me the chances are not great, but it could happen during the course of a race or when the computer is in operation. It could make the whole day null and void so far as the punter is concerned. I would tend to look at the betting shops with a closer, more watchful eye - not a witch hunt on them. We must ensure they are operating with a satisfactory accounting system. I would also like to see the introduction of a turnover tax and I am sure that this could be introduced quite simply. We should also look at the number of betting shops and rationalise them down to a point where we have a plum group.

I do not think I can say more except that other forms of gambling, raffles and lotteries should be regarded as they have been in the past. In some areas of small population, you cannot have lotteries because they are too much of a burden on the public pocket. However, raffles under \$300 should be open because you cannot stop them anyway.

Mr TUXWORTH (Resources and Health): I would like to thank honourable members for the contributions they have made to the debate. In closing, I would like to add a few comments about the points that have been raised, particularly those relating to TAB. I mentioned

in my opening comments that, earlier this year, I went to a meeting of race officials in Melbourne. I was invited because the Northern Territory was about to have its study into whether it should have TAB or not. I found the whole thing most illuminating.

At that meeting, I asked all the state officials what they would do if they had their time over again and, without exception, they all said that, if they could go back to bookmakers and get out of TAB, they would do it. They felt that TAB was not the answer to the maiden's prayer that had first been mooted because it was not making the money that it was supposed to make. Indeed, there was so much money going underground with SP bookies, they believed they had got themselves into a very difficult situation that, politically, they could not get out of. This is particularly relevant to the position we find ourselves in because we will have to live with our mistakes and I do not think we should be in any hurry to rush into them.

Several speakers have commented on the dog racing scene. It is my understanding that the dog racing industry has never been really cultivated or encouraged. In fact, it seems that strenuous efforts have been made in some quarters to see that the dog racing industry has never flourished to the degree that it should. In the states, the dog racing industry is a very significant part of the racing industry. In the Northern Territory, it seems to be struggling. It has been brought home to me that perhaps a great deal of this struggle in which the dog racing industry finds itself could have been overcome with a little help from the government. I believe the role which we should take from now on should be one of encouragement for this particular industry so that it can realise its potential.

I note with interest the comments of all members relating to poker machines. I would just like to reiterate that I am opposed to poker machines. They have very little to contribute to the viability of a community although they do help some bankrupt clubs to save themselves from insolvency in the short term.

I am also grateful for the comments of all members relating to casinos. It would appear that we have a very strong casino movement among us. I would like to see this introduced into the Northern Territory as soon as possible, particularly as an ancillary to the tourist industry.

In closing, I would like to have recorded in Hansard the gratitude of this Assembly for the work carried out by Mr Neilson in investigating and compiling his report. Mr Neilson was asked to come to the Territory as very short notice. He made himself available; he was most cooperative and he went to all corners of the Northern Territory. He spoke to as many organisations informally as he did formally and he did not spare any effort in trying to ascertain what he believed the Northern Territory should do. I would also like to record the gratitude of the Assembly for the prompt manner in which Mr Neilson has handed down his report. Although it will not be adopted in toto, it is a report which gives the executive a basis for planning and detailed policy formulation for an approach to gambling in the future that will give credit to this report.

Motion agreed to.

ALICE SPRINGS ADMINISTRATION
REPEAL BILL

(Serial 12)

Mr PERKINS (MacDonnell): The Opposition welcomes this bill. In doing so, we would like to give some

credit to the Executive Member for Community and Social Development for bringing this matter in. It is quite obvious that the move is absolutely necessary. The Opposition has no wish to hold up the passage of this particular bill.

Mr OLIVER (Alice Springs): I rise to speak in support of the bill. The Alice Springs Administration Ordinance is a small ordinance which, for 40 years, has been vital in the development and growth of Alice Springs. The ordinance has seen the town grow in that period from about 300 people to the present-day figure of about 14,500. Because of the growth of the town and the establishment of the Municipality of Alice Springs, the time has come for the ordinance to be repealed. There is no concern in this, as it illustrates the growth and advancement of the Northern Territory from an administered territory to a self-governing structure. We can look forward with confidence to the day when we will be able to repeal the Tennant Creek Town Management Ordinance, the Katherine Town Management Ordinance and eventually, with our steady growth and development, see the Northern Territory (Administration) Act repealed.

Mr ROBERTSON (Community and Social Development): I might use the opportunity in closing the debate to say what a benevolent mood the Opposition is in today! I suppose it is a result of the first strains of the Christmas carols. Might I wish them a merry Christmas too. Indeed, next Saturday may be their saddest day until the next sittings of this Assembly. I thank honourable members for their comments on this particular bill and commend it to the House.

Motion agreed to; bill read a second time.

See Minutes for amendment to clause 1 agreed to without debate.

Bill passed the remaining stage without debate.

STATEMENT

POLICY ON FUTURE PLANNING

Mr EVERINGHAM (Majority Leader): I seek leave to make a statement.

Leave not granted.

Mr EVERINGHAM (Majority Leader): I move that so much of standing orders be suspended as would prevent me from making a statement. This is a statement which was circulated to the Opposition last Thursday.

Motion agreed to.

Mr EVERINGHAM (Majority Leader): Since taking office the Country Liberal Party has been considering a total approach to its task over the next three years in terms of planning and achievement. Subject to negotiation of a satisfactory financial arrangement as outlined in my statement to the Assembly last week, executive members have begun the task of planning their future projects and operations. This statement is the first of a number my executive colleagues and I will be making on the initiatives, forward planning details and achievements of the Country Liberal Party in office.

The Country Liberal Party proposes as one of its first major projects to develop a land-backed wharf in Darwin, constructed to support a high capacity crane and designed to enable easy modification to cater for changes in shipping technology, including an adaption for roll-on-roll-off ships. This facility would be located between the existing Stokes Hill and iron ore wharves and would include a transit shed on the land backing. Work will commence early in the new year in obtaining an environmental clearance for the project and on the preliminary designs. Based on a Bureau of Transport Economics report, the overall cost would be, on present

prices, between \$10m and \$12m. As I said in a speech to a transport conference in Townsville on 30 September last, we will give this project the highest priority in the immediate future in our transport services plans.

Because of the importance of all-weather road access to and from the Northern Territory, an early commencement will be made on the realignment of the Barkly Highway and the bridging of the Rankin and James Rivers. The King River bridge, which has been a major cause of traffic stoppages on the Victoria Highway, will be reconstructed. As well as the development of these roads, as part of the national highway system, a major rural road development program will be commenced involving the upgrading of the major multi-purpose roads in the Territory so that account can be taken of all users, including tourists, the servicing of Aboriginal settlements and for general transportation purposes.

With the development of mining in the East Alligator area, Tennant Creek and Borroloola, and the significant potential for further mining and development in the Northern Territory, consideration has been given to whether specialist training in mining should be provided in the Northern Territory. Investigations will be initiated to examine the prospect of establishing a school of mines in association with the mining industry which could be located in one of the major mining centres or, alternatively, located on the campus of the Darwin Community College.

Honourable members will be aware that long and detailed consideration has been given to proposals for the erection of a cultural complex in Darwin. A site has now been proposed in the northern suburbs to enable the erection of a museum and art gallery and a performing arts centre. Work on the design for this complex will be commenced immediately and a target

has been set to complete the project in the life of this Assembly.

Some preliminary planning has been done towards the development of a civic centre in Alice Springs. It has been suggested that the centre should include a performing arts centre. However, with the proposed development in the Araluen area, there could be advantages in siting the performing arts centre at that location as part of a cultural complex, including a museum and art gallery, together with facilities for other arts organisations. Discussions will be followed through immediately with the Alice Springs town council and with representatives of the Araluen Foundation towards this objective so that construction of these projects may commence as early as possible.

With the rebuilding of the northern suburbs, urgent action is required to alleviate the major traffic problems on Bagot Road. Some preliminary investigations have been undertaken into alternative solutions available, including an overpass at the Bagot Road Stuart Highway intersection. An early decision will be made so that there will be no delay in meeting these problems.

As most of you would be aware, Darwin has been subjected to algae and iron polluted water for many years. A study has now been initiated by the Country Liberal Party to determine the best way of treating the water to bring it to normally accepted standards.

It is proposed to establish under statute a Northern Territory development corporation which will incorporate, amongst other objects, the functions of the Primary Producers Board and will be responsible for encouraging and assisting industry, including tourism and small businesses, and attracting investment to the Northern Territory. Some study has been made of development corporations carrying out these functions in other states.

Legislation to provide for the establishment of such a body in the Northern Territory will be introduced in 1978-79.

It is important that small businesses, as major employers of labour, should be successful and profitable and that they be aware of forward planning by government and that government be sensitive to their needs. The Country Liberal Party will set up a small business advisory council to advise on a range of matters of mutual interest, including payroll tax, land and development loan requirements.

There has been a good deal of talk over the years about the possibility of establishing casinos in Darwin and Alice Springs culminating in the recommendations of the Neilson commission on lotteries and gaming. The Country Liberal Party will initiate discussions with interested parties to seek the early establishment of such facilities in Darwin and Alice Springs.

An announcement has already been made about the creation of an electricity commission and an early appointment is expected of the commissioner. The rehabilitation of the cyclone-damaged transmission system in Darwin will be completed and preliminary work on a new power-station at East Arm will commence. Investigation and design is proceeding for stage four of the Alice Springs power house which will increase the generating capacity by about 50%. As well, it is proposed to call tenders for two new generating sets towards the end of next year, with the commissioning of the sets during 1981.

I am informed that the value of the fishing catch for the 1976-77 financial year was about \$8m, of which \$7m was from prawn production and approximately \$1m from barramundi. This production resulted from the work of some 800 licensed fishermen whose total assets in nets and gear would be about \$42m. The

Country Liberal Party proposes to mount a major study of the fishing industry which would look very carefully at the marketing and processing aspects of the industry. Although some work has been done on biological studies of barramundi and work is presently under way to determine the management measures necessary for barramundi fishing, urgent attention is needed to consider what should be done to assist fishermen to store and market their catches.

Immediate steps will be taken to provide a facility in Darwin for a community market and a seafront site for a fish market. I anticipate that the transfer of the land function to the Legislative Assembly executive in the course of 1978 will facilitate the achievement of these targets.

The Darwin botanical gardens and amphitheatre provide a major recreation resource for the people of Darwin. Money will be provided to assist in the restoration of the gardens, including the upgrading of the amphitheatre facility.

The Country Liberal Party will advance proposals to the government for the acquisition of the Willeroo pastoral lease, including the Scott Creek complex. As there is already in this location an infrastructure which could support agricultural activity as well as maintain the pastoral project, it is proposed to subdivide an area into viable farming units and, by using a system of share farmers, to establish criteria to enable a whole area to be subdivided. It is planned that the leases will return to private ownership within ten years.

Consideration will also be given to the possible use of a farm unit in that area as a rehabilitation centre for drug and alcohol addicts.

Three community access centres will be provided - one in the Northern suburbs of Darwin, one in the town area of Darwin and one in

Alice Springs. These will act as resource centres for voluntary agencies, house officers of the Consumer Affairs Bureau and provide social welfare services for these communities.

Honourable members would be aware that proposals have been considered for some years to provide a recreation lake for Alice Springs and that a number of sites have been examined. At the present time, further study is being undertaken of sites near Jay Creek.

Some preliminary work has also been undertaken in soil testing and location of a suitable site for a recreation lake on Maryanne Creek just north of Tennant Creek. It would be proposed to erect an earth-filled wall and, subject to environmental clearance, work could be completed within the next 18 months.

Further examination is being made of the possibility of using recycled sewage from treatment works for irrigating pastures and to water recreation areas in all centres, with immediate emphasis on Alice Springs and Tennant Creek.

Honourable members would be aware of problems of hardness and lime deposition in the Katherine water supply. A proposal is being examined to take water from the Donkey Camp waterhole in the Katherine River, chlorinate it and settle it in a reservoir before reticulation.

In an address which I gave to the Industrial Relations Society recently, I made some observations on the structure of an industrial relations system, including the establishment of an office of labour and industry within the Northern Territory Public Service which would effectively serve the needs of the developing Northern Territory community. An office of labour and industry will be established, using as a nucleus officers of the

Commercial and Industrial Affairs Branch of the Department of the Northern Territory when the transfer of that department is effected in July next year. A major and early task of that office will be to review existing legislation and develop new industrial relations legislation more suited to the Territory's particular needs.

These represent the main thrusts of the policies of the Country Liberal Party for the next three years. They provide the basis for an expanding economic, social and cultural environment for the Northern Territory by which real growth, prosperity and happiness of this community can be achieved. Provided that the satisfactory financial arrangements as set out in my statement to the House last week can be negotiated, the Country Liberal Party should have no difficulty in fully encompassing this program. I am prepared to be judged on the success we have in reaching the targets I have set out in this statement.

Mr ISAACS (Opposition Leader): I seek leave to make a statement on the same subject.

Leave not granted.

Mr ISAACS: I move that standing orders be suspended to enable me to make a statement on the same subject.

Motion not supported.

Mr ISAACS: I move that the statement of the Majority Leader be noted and seek leave to continue my remarks at a later day.

Debate adjourned.

STATEMENT

DAYLIGHT SAVING

Continued from 22 September 1977.

Mr VALE (Stuart): It is quite obvious that the Northern Territory does not want or require daylight saving for daylight saving's sake. However, in Central Australia industries which tie in economically with South Australia are severely disadvantaged when that state goes onto daylight saving hours. First impressions are that South Australia, by altering their clocks by one hour, should not seriously disrupt Central Australia. That, of course, is not so. The total loss of trading time between South Australia and Central Australia during daylight saving is four hours per day. This causes serious disruption to businesses which are providing goods and services to the community.

On the other side, schools, parent and teacher organisations, pastoral organisations and the like are quite content to stay with the Northern Territory's present system. They argue, and quite validly, that daylight saving will cause problems with children's sleeping habits. This has proved so in the southern state which regularly go onto daylight saving during summer months.

It may be possible to find some common ground with this annual problem - that is, by going to daylight saving for one season on a trial basis but leaving schools at the same real starting time. On daylight saving, they would be starting at 9.30 am and not 8.30 am. In fact, by accident, some years ago in Central Australia, schools started the daylight saving issue in the Northern Territory by commencing early in summer months to allow an early finish to the school day and thus beat the heat. This concept of beating the heat may have merit throughout the whole of the Northern Territory community. Maybe we could even consider siestas at noon.

I am of the opinion that the move to daylight saving would also require legislative amendments for banks and hotels. This possibility,

I believe, has not been discussed to date. Like the honourable member for Nightcliff, I suggest we try daylight saving for one season or part of one season, at least in Central Australia.

Mr ROBERTSON (Community and Social Development): As the motion indicates, it is merely to note a paper which I presented to this Assembly at a previous sittings. It was to give some guideline to the Majority Party, at the request in fact of the Prime Minister's Department, to see whether or not it would be fitting for the Northern Territory to slot itself into the national system of tight daylight saving. Honourable members would be well aware that Queensland and Western Australia have rejected that concept and I think the reasons for that decision is because they have a degree of latitude problem similar to what we have here.

I think it is quite obvious to me, in listening to honourable members around the House, that generally this Assembly is not in favour of instituting a system of daylight saving. I think that having brought it before the House on this occasion - and I think without even bothering to take a vote, having had the concept roundly defeated by honourable members' words - it would be most unlikely that this Majority Party would further introduce any such proposals within the life of this Assembly. I thank honourable members for their comments.

Motion agreed to.

SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE

First and second reports

Continued from 30 November 1977.

Mr ROBERTSON (Community and Social Development): The matter before the House at the moment

relates to the reports of the Subordinate Legislation and Tabled Papers Committee, tabled in this Assembly on 21 September 1977. Regulation No. 14 of 1977 amends the Prisons Regulations to provide in new regulation 133A that:

A prisoner may at any time communicate in writing with the executive member or director, and the communication shall not be subject to any form of scrutiny or censorship.

The standing committee of this Assembly on Subordinate Legislation and Tabled Papers chose to make a recommendation to this House. For honourable members' benefit, seeing it is some time since that recommendation was previously before us, I will read it: "Your committee recommends that consideration should be given to extending the provision of the new regulation to allow prisoners to communicate in writing to an elected member of the Legislative Assembly at any time".

Mr Speaker, the first observation I would make is to draw honourable members' attention to the standing order dealing with the role of the Subordinate Legislation and Tabled Papers Committee - that is, standing order 19, paragraph (b):

The committee shall ... consider ... whether the regulations, rules or by-laws trespass unduly on personal rights and liberties;

In other words, whether citizens are affected by the particular rule, regulations or by-law.

The matter before the standing committee on Subordinate Legislation and Tabled Papers was, in fact, a liberalisation of liberties. I think it would be perfectly proper for the standing committee to have brought to the attention of this House a matter which encroached upon the liberties, the freedoms and rights of prisoners under my

department, the Correctional Services Branch. The reality, however, is that in fact it extends their liberties and, therefore, I would point out to that standing committee that they were probably somewhat incorrect in the manner in which they brought this to our attention.

The standing committee on Subordinate Legislation and Tabled Papers is not a government policy review committee. It is there for the purpose of protecting the rights of individuals. It is there for cross-referencing legislation - regulations or by-laws - with the principal ordinance so that it does not breach the spirit or intent of the principal ordinance and, indeed under standing order 19(b), to ensure that there is not an encroachment upon the civil liberties and rights of citizens.

Having pointed out - and I think quite properly - that this was outside the role of the committee, I will now deal briefly with the actual issues they raised. Having made the point I have just made, I thank them for bringing it to my attention. During the debate on the ombudsman legislation, I indicated to this House that I would oppose any proposal to give prisoners direct access to the ombudsman. I would now indicate to the House - and I hope this is not the first time I do this - that I am flexible. I am willing to look at other people's ideas. If it can be improved, then I believe I am in the business of trying to provide good government. More particularly within this particular portfolio, I am in the business of trying to provide the best possible form of correctional services I can. I will examine, in the light of information I will give the House in a minute, the merit of giving prisoners access to the ombudsman. Indeed, I will further examine the proposition of giving them access to elected members.

I think it must, however, be borne in mind that this has to be taken in balance. If I might, for the purposes of this exercise, refer to Prison Regulations 133 and 133A which state:

Prison officers shall ensure that a prisoner does not send or receive a letter or parcel without the gaoler's permission.

That is the first perimeter.

Except as otherwise provided in this regulation, the gaoler shall read letters addressed to or written by a prisoner and mark it with his initials and the date on which he read it. The gaoler may withhold letters addressed to or written to a prisoner.

And, finally, in paragraph 4:

When a gaoler withholds a letter, he shall forward the letter to the director for his decision.

So it is not an arbitrary thing; it goes through a system of checks. Regulation 133A says:

Notwithstanding anything contained in these regulations, a prisoner may at any time communicate in writing with the executive member or the director and that communication shall not be subject to any form of scrutiny or censorship.

I would like the House to refer, bearing that in mind, to what the United Nations requires under its charter on correctional services where it states - and, indeed, I believe supports the present regulations of the Northern Territory - every prisoner shall be allowed to make a request or complaint without censorship as to substance but in proper form to the central administration, the judicial authority - this would probably be interpreted as being either his

lawyer or perhaps the ombudsman but I am willing to have another look at it - or other proper authorities through approved channels. We have the regulations setting up the approved channels so there is no conflict there whatsoever.

Finally, I would like to advise the House what happens in respect of the ombudsman's office in other states. In Queensland, prisoners are permitted uncensored communication only to the ombudsman, not to any elected member and not even to their minister. In New South Wales, uncensored communication is permitted between prisoners and the ombudsman or the royal commissioner. Incidentally, that is a new one because of the number of people in prison who wish to give evidence to the drugs inquiry. In Victoria, uncensored communication is permitted to both state and federal ombudsmen but no communication whatsoever with any elected representative. Quite frankly, I do not agree with the philosophy that they cannot have uncensored communication with elected representatives. In Tasmania, prisoners are permitted uncensored interviews only with official visitors. Under our present regulations, we are a mile ahead in the liberties and rights of prisoners than the Labor state of Tasmania. In South Australia, again a Labor state, uncensored communication is allowed only with the ombudsman. In Western Australia, a Liberal state, communication is permitted between prisoners and the ombudsman, the director of correctional services and the minister. We are in parallel with Western Australia, ahead of every state of the Commonwealth and in complete accord with the United Nations convention.

Mr OLIVER (Alice Springs): I would like to thank the Executive Member for Community and Social Development for his advice in relation to the Subordinate Legislation and Tabled Papers Committee. I can assure the Assembly that the committee will heed his

advice and will not need to be told again. Further, I accept what the honourable member has said about the correctional services.

Motion agreed to.

ADJOURNMENT

Mr ROBERTSON (Community and Social Development): I move that the Assembly do now adjourn.

In so moving, Mr Speaker, I would anticipate that, in accordance with the sessional motion on dates for future sittings, you will advise honourable members of the next sitting date.

Mr DOOLAN (Victoria River): I tried to get this in the other day but I could not get out from the barrier quickly enough. I would like to speak on the composition of the proposed trade delegation but, unfortunately, I put the cart before the horse and got into the press first. The composition of the proposed trade delegation is Mr MacFarlane, Mr Grant Heaslip and Mr Jettner. It is interesting to note that, when the ALP delegate at the cattlemen's conference in Alice Springs in April this year tried to promote a trade delegation, they said that his suggestion was rubbish. It is also interesting to note that there will be a secretary as yet unnamed. My bet is the secretary will be a good, solid Country Liberal Party supporter. If the delegates were a group of young, energetic, active people, there would be no necessity for a secretary to have to go along for the ride.

It seems to me that, if this delegation is to be of any use to the Northern Territory cattle industry, we should be looking for the very best experts in marketing and negotiating. I would suggest that none of the persons named falls into this category. Whilst I agree that Mr MacFarlane should be on the delegation, both as a member of the Northern Territory Legislative

Assembly and as a pastoralist of long standing, I think the other two members fall a long way short of being the best in the business. Henry Ford once remarked that, in the long run, brains are the cheapest commodity on the market and he proved his contention by becoming a multi-millionaire. Top experts are available in the field of marketing and they are professionals at the game. Sometimes high-priced super-salesmen act essentially as negotiators and organisers of markets; they sell their services to the highest bidder but they do, in fact, produce results. Compared to professionals like that, our representatives will feel like babes in the wood.

The ability to negotiate markets and drive home bargains is an art in itself and there are consultant firms available which can provide expertise for this purpose. These people do not necessarily have to have a vast knowledge of the product they are trying to sell but they do have a vast knowledge of how to sell it. This is the expertise that is needed if we are to find this market to keep our cattle industry alive in the Territory. In seeking outlets for our beef, our delegates will be trying to arrive at financially acceptable and beneficial trade arrangements with top representatives of other countries, not local farmers.

We have a cattle expert in Mr MacFarlane but the other two are going to look like reasonably good players in an under-15 team turned out to play against an A-grade side in a grand final. They will be trying to negotiate deals with top shelf and inscrutable oriental experts. Mr Heaslip is a cattle owner from Bond Springs and Mr Jettner, if he has any expertise, it is in agriculture and not cattle. Some northern farmers who work with him despair that he has any expertise at all. We have three farmers going off to market to sell their own produce. If we want to go interstate

for experts, there are firms like the Australia Agriculture Consultant Management, and other firms as well.

I know the Executive Member for Transport and Industry extolled Mr Jettner's virtue at great length in answer to the Opposition Leader's criticism but I think he will be completely out of his class. In 1971, Mr Jettner was commissioned to undertake a survey of agricultural and horticultural potential at the Bulman. He spent a couple of days at this and produced a report for which I am informed he was paid about \$6000. When the Animal Industry and Agriculture Branch got hold of this report, they thought it was a very poor effort and of extremely poor value considering the brief time that he spent on it and the exorbitant fee paid to him. If we want to keep it to the Territory - and perhaps that is a good idea - there are blokes with proven marketing experience like Dick Condon who is in Brisbane doing nothing or his son Shane who has already successfully negotiated deals as a young man in Japan - that is, if you want to keep it local.

The only real qualifications of the present delegates are that they have some knowledge of cattle. If the criterion of being a cattleman is the basis for selection to negotiate new markets, it is a pretty ill-conceived criterion. There is a pretty well-known saying that you do not have to be a chicken to judge the quality of an egg. It follows that you do not have to be a cattleman to be an expert in marketing beef. In fact, the reverse often applies and history proves that successful primary producers invariably turn out to be poor negotiators. There is an abundance of expertise on cattle production in the Territory but there is a significant lack of knowledge in how to sell the product, otherwise we would be overrun with millionaire cattle growers instead of the present bankrupt squatocracy.

Another alternative member of the delegation could be Mr David George.

I am not being partisan because he would be a good Country Party supporter, for sure. He has had extensive overseas marketing experience; he is a young and energetic person; he has a lot of knowledge and he has proved his ability by negotiating markets in Iran and export markets for live cattle and buffalo to Venezuela, Nigeria, Hong Kong and New Guinea.

The selection of members of the delegation was made on the basis of being good staunch CLP members. I believe this has been the main criterion, with some knowledge of cattle thrown in to make the selection look good. We might put the member for Casuarina in; he can flog some surplus kangaroos and buffaloes although, admittedly, that would be against his avowed intention to conserve kangaroos and buffaloes. He might get on as secretary anyhow.

If party politics has been the principal requirement for selection, then I think it is unfair because more than a third of the people in the Northern Territory voted for Labor yet we have no Labor representative. However, I will say again that I do not think it should be a matter of politics. If you want this thing to be a success, it should be a matter of selecting the very best experts on trade and marketing, irrespective of politics. This delegation contains not one person who can really aspire to being in the top class yet that is where they need to be if they are going to come up with the markets we are looking for.

There were a couple of very disturbing press statements quite recently. One said that Queensland had joined the ban on NT livestock. That is perhaps of no great concern really but the other item was most disturbing for the cattle industry:

Seoul, 2 December - South Korea yesterday banned the import of Australian cattle and sheep following reports that the blue tongue animal disease is now

raging in Australia's Northern Territory, an official of the Agriculture and Fisheries Ministry said.

The obvious inference is that a vet should be included in any delegation to explain to potential buyers that such reports are greatly exaggerated and are in the nature of uninformed panic reports in view of the information which we have that there are no present cases of animals dying of blue tongue in the Northern Territory.

There was an item on the national news that a Mr Barry Cassels of the Cattlemen's Union made a statement which supports absolutely what I have said and I wrote this before Cassels spoke. He said that Australia is the Mickey Mouse of the world in overseas trade and it is true. Unless we are prepared to send hotshot experts on marketing and trade missions overseas, we are going to remain the laughing stock of the world. I agree completely with Mr MacFarlane being on the delegation, but I suggest that we need a vet and a hotshot expert to find the markets. If we have three local, dyed-in-the-wool farmers - with my apologies Mr Speaker - going to market to sell their own produce, then I think we are going to come a gutser.

Mr STEELE (Transport and Industry): I would like to put the Assembly in the picture a little bit. I do apologise because it seems that there is a fair bit of confusion and we have not been able to announce all our plans concerning the trade delegation. The selection of three people has been pretty difficult. We could have selected a dozen people; we could have got all the qualifications under the sun; we could have had members of the Labor Party, accountants, lawyers and all sorts of people. What we tried to do was to get some regional representation; we tried to get some cattle based representation from north to south, plus some farming base.

In addition, we propose to advertise that we will be accepting local people who have marketing expertise. I take the honourable member's point that we have a long way to go as far as experience in these matters is concerned. However, it is an official trade delegation and, as such, the people who are selected to go are entitled to a 85% refund of their costs. I suggest that we should look at perhaps another half a dozen people to go on the delegation. In this way, they would make the necessary arrangements to do any sort of possible beef or grain deal. The three people who head the delegation will not be making those sorts of deals; they will be making contacts and generally seeking information to bring back to Australia.

We think it is a great thing to do. I take the honourable member's point that it was suggested - and it was suggested long before the meeting in Alice Springs earlier this year - that there should be no government intervention in private or commercial matters. We have changed our stand slightly on that because the needs of the cattleman are paramount at this time. As you have often said, Sir, the industry is in its terminal stage. We have never had the money to be able to do anything like this until we got this budget this year. I hope this has provided honourable members with a bit more information on what we are trying to do.

Mr ISAACS (Opposition Leader): There is so much goodwill and bonhomie and camaraderie in the Assembly today that I thought I would continue that, despite the rudeness of the Majority Party in not allowing me to speak on exactly the same subject as the Majority Leader, and some pretty blatant electioneering and grandstanding, to use his own words.

I want to take up a very short time in the adjournment debate, Mr Speaker, first of all to thank you and the staff for the tolerance you

have shown to the Opposition. You once said to me that the rules of this Assembly are only there so that the Opposition Leader can break them. But my philosophy, I suppose, is more in line with that of William Schwenk Gilbert when he said, "nothing ventured, nothing gained". I suppose that outlines the philosophy of the Opposition at the moment. I do thank you for your tolerance towards the Opposition. Great problems have been created by our presence here in the Assembly, not just in this Chamber but in the precincts, and your tolerance on that matter is greatly appreciated.

The only matter I wish to raise in the adjournment debate is a matter that I raised on 23 September, at which time an undertaking was given by the manager of government business that we would all be notified of some sort of timetable for the sittings of the Assembly. Once again I ask the manager of government business to look at this matter of ensuring that honourable members know when the Assembly is going to be sitting. He did give us an undertaking. It was couched in pretty loose terms in the sense that it gave him a loop-hole wide enough to drive a bus through. But it is an important matter and I ask him to give great consideration that members of this Assembly, on both sides of the House, need to have a timetable so they know how to order their business. There are many things to be done; there are many appointments to be made and engagements to attend. We cannot do this, we cannot perform our role properly unless we have a timetable that we can stick to.

Mrs LAWRIE (Nightcliff): May I open my adjournment debate speech by saying that the acoustics of this Chamber are such that when the Majority Leader was delivering a statement to the House today, he said several times "honourable members" and it sounded to my peculiar ears like "orrible members". I must assume, given the sweetness and light which fortunately seems to be

abounding today, that it was not "orrible members" but "honourable members" to whom he was referring.

I do not intend to allow either flippant or arrogant comments about environmentalists or conservationists to be made in the Assembly without an attempt being made to answer such insinuations. I believe there have been suggestions recently that these environmentalists should go back to the dirt or that, unless they live within the confines of part of the Tiwi electorate, they do not have any real claim to being environmentalists or conservationists. It seems the member for Tiwi feels she has some claim on the title because she has the opportunity to raise animals, dry her clothes in the sun and think very carefully about all the problems she is creating when she flushes the toilet or turns on an appliance. She is quite right when she points out to this House the problems of an over-consuming society and she is also quite right when she points out that time is of the essence in solving these problems. People must give time of themselves if they want to be less reliant on an over-packaged, litter-producing and over-consuming society, a point of view with which I think the honourable member for Tiwi would tend to agree.

I would like to put on record the amount of time and effort that a small group of dedicated people in this community have given to making people aware of environmental problems. Some of these members belong to an organisation known as the Northern Territory Environmental Council. Unlike the Keep Australia Beautiful Council, which is not only backed by the people who create much of the litter - the steel can group - but also has the assurance of \$24,000 in a grant from the Department of the Northern Territory each year, the people of the Northern Territory Environmental Council rely on a very uncertain and inadequate amount of money from the federal government which changes with the wind of any

particular government or minister. Consequently, they have to rely very much on voluntary work from dedicated people with no vested interests. I do not believe that such people working for the good of the community should be the object of smart remarks or innuendos. And I do not believe they are negative stirrers. It may well surprise some members of this House to know just what this group of people have achieved in the three years of their existence.

They have prepared and given submissions to government and politicians on such issues as the size and management of Kakadu; the environmental aspects of various town plans and Darwin Reconstruction Commission proposals concerning Casuarina, Lee Point and Leanyah swamps; the need for a Northern Territory energy commission, which was submitted to the Majority Party before the establishment of the Electricity Commission; and they have given informed opinions on the National Parks and Wildlife Conservation Bill. They have organised public seminars on various topics which included a town planning seminar in 1974, which was a huge success with all the relevant government officials participating as well as various public officials. They have a residential conservation seminar appropriate, in particular, to the Tiwi rural electorate, with conservationist and artist Neil Douglas of Melbourne. They had an Alligator Rivers national symposium field study attended by 15 conservationists, representing ten major interstate conservation and environment groups. All relevant government and mining authorities cooperated and in particular the Ranger uranium people spent a day showing the group the Jabiru site and the plant - hardly a biased approach. They have organised a public seminar on energy strategies with international energy strategist, Amory Lovence. They have had nuclear energy debates with both sides being represented. Rob Rowbottom, radiation protection

officer at Melbourne University, Rob Ryan and the honourable Executive Member for Resources and Health have all been amongst the people taking part in the debate - again, hardly a biased presentation. They have had three major solar energy symposiums, featuring Steve Socolay of Queensland University who is now about to help design a solar village in Brisbane.

They have had very well attended seminars on the above projects and they have attempted to present positive alternatives to energy problems. They have sponsored field trips for the public - one, in particular, on the Palmerston arterial road with speakers discussing the impact on the botanical gardens, the East Point cliff tops and the Ludmilla Creek mangroves. They have had a field trip to East Point Reserve where town planners, the board of trustees, and plant and wildlife experts explained the management and the boundaries. They have been to Casuarina and Lee Point to examine beach erosion and management and, as honourable members are aware, they have made submissions on how they see erosion problems being overcome. They had a post-cyclone trip to the botanical gardens, the Forestry Research Station and Howard Springs Reserve to study the damage caused by the cyclone and to examine future management needs.

They have participated in exhibitions and in several Darwin shows, displaying exhibits of Northern Territory environment problems and information on general environment issues. At the last show, they cooperated with the Department of Housing and Construction in a solar energy display.

At the Darwin Reconstruction Fair, they had a display on low-energy living with Neil Douglas being the special guest. They participated in Project Garden City, giving information on natural pesticides, composting and organic

gardening. At the Darwin Community College, they had an open day on solar energy and environment.

Other activities have included liaison with government bodies and politicians on environmental issues, and I think honourable members of the Assembly have always been fair-minded enough to receive information from all sides. They have had liaison with the public on environmental issues. They often answer queries directed to them by concerned members of the public and, if necessary, organise visits to sites of concern, always with the approval of the relevant government department. They conduct surveys on various issues to try to determine public attitudes to certain things. They hold the occasional street stall to distribute information. They certainly interview politicians, especially aspiring politicians prior to an election, on their attitude towards the environment. They sponsor film nights, conduct school holiday programs providing environmental activities for children during the holidays. They show video tapes or speak to schools and groups on environmental concerns. They publish periodic newsletters and pamphlets - for example, "Organic Gardening", "Low-energy Living" and "Solar-wise". They have undertaken a special study on sand mining and erosion in the Top End and I am quite sure they would be happy to give the benefit of their expertise - and they do have some expertise in this field - to the Executive Member for Resources and Health.

Mr Tuxworth: I would be happy to receive it.

Mrs LAWRIE: I am sure you would. They are carrying out very worthwhile work in these regards. As I mentioned earlier, they have prepared a report on the use of insecticides.

Their major project since 1976 has been a study of solar energy and other renewable energy resources and, in particular, the contribution they

can make to the Territory. Their major publication is "Solar-wise" which is distributed throughout Australia. This project which also sponsored four seminars has been undertaken by one voluntary worker for one and a half years. Anyone who has read any of the issues or attended any of the seminars will appreciate the amount of time and effort put into this project. I am sure that would appeal to the member for Tiwi who seems to feel that only Tiwi electorate members contribute any time to the environment. As a direct result of this "Solar-wise" project and with the cooperation of the Queensland University Architecture Department, the solar village concept developed which has received Australia-wide interest. I have here a little pamphlet on the concept which is freely available to members of the public.

In a voluntary capacity these people work long and hard for the community good. They have no vested interest other than trying to protect and preserve an environment that they appreciate and they try to foster a similar appreciation in the general public. Not everyone has the good fortune to live on five acres of land where he can practise conservation, perhaps to a greater extent than some other urban dwellers. But urban people are aware of over-packaging, over-consuming and, whether certain members of this Assembly like it or not, they are trying to work hard to overcome that.

Certainly certain people within the Environment Council have taken a strong stand against uranium. One of the reasons for this has been that they see the sort of electricity producing technology simply making the world more dependent on consumption and production, without looking for any viable alternative. The council depends greatly on voluntary work and now has to spend much time raising money because of the one-to-one subsidy.

They have just employed a highly

qualified person, Peter Burns, who has a degree in engineering and a degree in natural resources - hardly a wild-eyed activist come to put the world to ruins. If honourable members of this Assembly, having heard what I have had to say, still think that any member of the Environment Council is there just simply to push a personal barrow, I invite them to visit the council, hopefully to join it and disabuse themselves of any such notion.

Mr MacFARLANE (Else): I do not know whether the questions asked of the Majority Party this morning about Willeroo - Scotts Creek were asked constructively or destructively. For one, I applaud the decision. It is not the first overdue decision which the Majority Party has made. The trade delegation is another one.

Getting back to Willeroo - Scotts Creek, I think there are about 16 buildings on Scotts Creek and if you price them at, say, \$25,000 to \$30,000, remembering a house in Darwin costs you about \$70,000, about half the price is there in the township itself and the township could be used - I am afraid I am plugging the old practical education one again - as an establishment to give youths, of all colours and either sex, practical education. Any way you look at it - whether you disregard the 16,000 to 20,000 head of cattle around the place, whether you disregard the lot feeding facility; whether you disregard the 120,000 acres of clear country; whether you disregard the fact that NADC put \$16m into the place - I think the Majority Party is to be commended on its enterprise. We know it is fashionable to knock Humpty Doo, Tipperary and NADC, but by their very failure these places have proved something. They have proved that we do not know enough about the Top End and it is relevant to note that the only people who do know much about the Top End are the people who live in Canberra. The sooner we break away from that Canberra yoke, the better I will be pleased.

I did not get up today to speak about the trade delegation but about education for outback children in Katherine. However, the honourable member for Victoria River spoke about getting hotshot businessmen to sell our products for us. Well, that is right too. We had them for years; we had them in the Australian Meat Board and what did they do for the Northern Territory? Nothing! The trade delegation, as I understand it, is going over there to alert people to the fact that we have something to sell. What they do about it is their business.

What is important is the mere fact that we are going to these places. I have proposed that a senior veterinary officer be sent immediately to clear up the trouble in Singapore, Malaysia and Hong Kong. If a veterinary officer went with the delegation to explain the situation, that would be excellent as far as I am concerned. But it is not a new idea; I am sure the Majority Party has considered this before.

I was approached in Katherine, as no doubt the honourable member for Victoria River was, by Mr David George who was interested in going overseas to promote the export of live cattle. I mentioned to Mr George that I felt sure he would be very welcome to come along at his own expense and that he would be eligible to be recompensed on his return. Of course, providing we sell some cattle, he would not be worrying too much about compensation; he would be quite happy to have made the contacts. People like this will be welcome to come along.

To say that this is a collection of party hacks is being a bit rough. I can assure honourable members that, when I was told by the Majority Leader that I was going, I was most upset. It was the last thing I wanted to do. However, I was told by the Majority Leader in unmistakable tones of finality that I was going and that was that. I will be a reluctant hero.

The nomination of Mr Heaslip, which has been criticised, was an automatic one. He is a representative from the Alice Springs area and he is also the Northern Territory member on the Meat and Livestock Corporation. These qualities would make it automatic for him to go.

The selection of Mr Jettner, which has been roundly criticised by some people, was also automatic because of the position he holds regardless of his politics. His position as chairman of the Primary Producers Board makes him a must on this delegation because the Primary Producers Board and the Majority Party are the people who have shown that they are going to help the cattlemen and the primary producers of the Northern Territory.

To get back to what I wanted to speak about, I am pleased to say that I have the approval of the Leader of the Opposition to speak this afternoon. I want to refer to the provision of residential accommodation for outback children in Katherine. The Katherine School of the Air is doing a wonderful job for primary school children. However, after they pass the primary stage and get into secondary education, it is a different matter. They can do some kind of a correspondence course at home but they cannot get their lessons because there are no mail services in the Top End and the Katherine School of the Air does not cater for them. These children have nowhere to go unless their parents send them interstate. To send them interstate will cost \$4,000 a year and, if they meet all the criteria, they could get \$1,500 a year back.

The Baptist Hostel in Katherine can cater for 22 children. It would cost each child \$65 a week. For the 40 weeks of the school year, it would cost a total of \$50,000. I put it to this Assembly that there would be no better way to help people in the outback - teachers on settlements, cattlemen, employers on settlements,

grader drivers and policemen in the outback. I am sorry the honourable member for Victoria River has spoken because I feel sure he would support me on this. There can be no more realistic approach to helping these people than by helping them get what is regarded as essential in other places - equality of education. The Minister for Education frowns on children being educated outside the Northern Territory. Now is the time to supply an alternative. I put it to this Assembly that \$50,000 a year would be very, very well spent to help these children, particularly now during the slump in the beef industry.

Ms D'ROZARIO (Sanderson): As this is the last sitting day for 1977, it is time to make a few remarks concerning the role of the Opposition in this Assembly. What I am about to say is better said now because it will give the Majority Party the opportunity to modify some of its attitudes that have so far prevailed and to return in 1978 with a more constructive approach to the electors of the Northern Territory and towards the Assembly itself.

At the opening of this Assembly, His Honour the Administrator of the Northern Territory said - and I quote from the unrevised Hansard of that date:

The results of the recent election have established the first official Opposition in the Assembly. The presence of an official Opposition in this House is welcome as the Westminster system of government can only be fully effective under the scrutiny of and by constructive argument from a viable Opposition.

At that same time, the Minister for the Northern Territory, Mr Evan Adermann said:

Now with an official Opposition, the first official Opposition since the Assembly for

the Northern Territory became fully elected, I congratulate the leader and the executive of the Opposition for I recognise and appreciate the role and place of the official Opposition in our democratic Westminster system.

These words by those two gentlemen were very civil. But I am sorry to have to say that we on the Opposition benches have observed that those sentiments are not shared by the members of the Majority Party. The Majority Party has showed itself to be openly resentful towards the presence of an Opposition. The behaviour of some of its members, including the Majority Leader, has been churlish if not downright childish. It is quite clear that, having cut their teeth in an Assembly where there was no recognisable Opposition, they are now reluctant to adapt to the present composition of this House.

Since the Majority Party appears not to be familiar with the Westminster parliamentary system, I would like to read for its benefit a short passage from a book entitled "An Encyclopaedia of Parliament" written by Norman Wilding and Philip Laundy, who were both librarians of the Federal Assembly in the Federation of Rhodesia and Nyasaland:

The importance of the Opposition in the system of parliamentary government has long received practical recognition in the procedure of all parliaments throughout the British Commonwealth. Both the name and the fact of Her Majesty's Opposition date from the early days of the 19th century and the expression has been constantly in use since.

I quote further from page 428:

Regarded as a parliamentary institution, it may be claimed for the Opposition that no better system has yet been devised for ensuring that the indispensable

function of criticism shall be effectively coordinated and exercised in a constructive and responsible spirit. There is a well-known saying of Lord Randolph Churchill's to the effect that the function of the Opposition is to oppose, but its real function is more subtle. It is to act as the responsible outlet for criticism, as the incorruptible searcher after scandals needing exposure, the organised expression of legitimate grievances, and to act as a partly-formed, trained, responsible team prepared to take over the reins of government. To quote Professor Keith, "The Opposition seeks power to effect the changes that it desires, but it does not seek power by means which deny democracy. There are standards of fair dealing which are normally respected and which, if any party should violate, it endeavours to prove in reality still intact. It follows, therefore, that there must be cooperation, above all in arranging the business of the House. It is not the right of the Government to stifle criticism; it must, therefore, put down for discussion such financial items as the Opposition wishes to discuss. It must find time for the discussion of a vote of censure. On the other hand, it expects reasonable aid from the Opposition in dealing with non contentious business and arranging the use of parliamentary time".

It is rather more succinctly put in a very small book entitled "Parliament and Freedom" by Mr Horace King who is a member of the House of Commons. He says on page 34:

The Government's work is to look after the country and to propose ways of improving the condition of the people. The work of the Opposition is to criticise what the Government does, to show what it would do in

its place and, by doing so, to convince the people that, when the next general election comes, the Opposition ought to get more votes and so take the place of the Government. This is an excellent system which has gradually grown up in the history of parliament. It ensures that everything a government does has to stand up to the test of fierce criticism.

It is quite clear to us that these basic precepts of the functioning of a democratic parliamentary system are neither understood nor appreciated by members of the Majority Party. A short while ago, we saw the reluctance of the Majority Party to permit the Leader of the Opposition to reply to a major policy speech delivered by the Majority Leader. What, might we ask, have they got to be so afraid of? It is clear to me that the Majority Party is not prepared to brook any discussion on its policies.

As a less recent example, the Majority Leader referred in his third-reading speech to the Town Planning Bill to show ponies trotting around the ring. I do not know whether the Majority Leader was referring to the Opposition but, if he was, then I accept his metaphor as a most generous compliment, inadvertent though it might have been. The honourable member for Alice Springs, who is president of the Central Australia Show Society and the honourable member of Tiwi, who is a vice-president of the North Australia Show Society would appreciate why that should be. Anyone who takes an interest in shows, as I understand you do, Mr Speaker, will realise that a show horse in motion is a beautiful sight indeed and that the judge looks for a well-muscled beast of smooth stride. Here is exactly my point: the Opposition has demonstrated that it is not afraid to flex its muscles. Indeed, it has run rings around the Majority Party and the Majority Party has not disguised the fact that it

has been visibly rattled by the unrelenting and spirited opposition to its more repressive legislation.

That is how it should be. It is not simply our right to oppose. It is indeed much more; it is our duty. We have been elected to this Chamber to present the other point of view and we propose to continue to do that. We are in this House to subject the Majority Party's proposals to public scrutiny and that is what we intend to do. If members of the Majority Party are finding the pace too brisk, I suggest to them now that they call it a day because we will not diminish our pressures. It is a question of shaping up or shipping out.

Should they, however, come back in 1978 with the will to stay on in the game, then I suggest that they had better play it with good grace. I think the Opposition is in no small way responsible for having raised the level of debate in this House. We present rational arguments and we expect them to be met with rational arguments from members of the Majority Party. What we get instead is feigned rhetorical indignation from the manager of government business and the Majority Leader or a shriek of silence occasionally from the Executive Member for Finance and Planning. The responses of the manager of government business are now becoming so predictable that he is becoming a bore, and a pompous one at that. He is fond of recording the changes and rating of individual members on his own personal opinion scale. We, on this side of the House, are quite indifferent to the opinions held of us by the honourable manager of government business or, for that matter, to the opinions held by others of mean intellect. It is a matter of absolute indifference to us.

My main complaint, however, is that the honourable manager of government business, despite his obvious enthusiasm to speak in these debates, has very rarely elucidated a

point which is under consideration by this House and has rarely provided an answer to any of the arguments raised by the Opposition. We observe his actions with some amusement on this side. I feel that all these things are best said early in the life of this Assembly. Having said that, I trust the Majority Leader and his party will have a better appreciation of the role of the Opposition in this Assembly.

DISTINGUISHED VISITOR

Mr SPEAKER: Honourable members, I draw your attention to the presence in the gallery of the honourable Peter Nixon, Minister for Transport in the federal government. On behalf of all honourable members, I extend a warm welcome to the distinguished visitor.

MEMBERS: Hear, hear!

Mr PERRON (Finance and Planning: In the adjournment debate this afternoon, I would just like to remark briefly on comments made by the honourable member for MacDonnell in his speech to the address-in-reply debate earlier during these sittings. The honourable member made a vicious and unwarranted attack, under privilege, on a man who is held in the highest regard for his honesty, integrity and dedication to the advancement of the whole of the Northern Territory. I speak, of course, of the former member for Victoria River, Dr Letts. The attack that was made on him should be deplored, as Dr Letts is a man of foresight who has worked more than any other person for the advancement of both black and white Territorians.

Unlike the honourable member for MacDonnell ...

Mrs O'NEIL (Fannie Bay): A point of order, Mr Speaker! The honourable executive member is making allusions to an earlier debate in this House. I refer to standing order 53.

Mr ROBERTSON (Community and Social Development): Mr Speaker, I

would like to draw your attention to the words of the honourable Opposition Leader the last time I raised just such a point of order. His particular thrust upon that occasion was that the point of order was invalid on the grounds that it was relevant to the matter being discussed. The Executive Member for Finance and Planning has indicated the matter being discussed which is in relation to the particular speech. I think, if the Opposition is going to be consistent, you will rule in favour of the honourable member continuing his speech.

Mr SPEAKER: I will certainly rule, honourable member. Standing Order 53 says:

No member shall allude to any debate of the same session unless such allusion be relevant to the matter under discussion.

I rule that the matter under discussion should properly be answered in the debate on the reply to the Administrator's speech. The point of order is upheld.

Mrs PADGHAM-PURICH (Tiwi): I would like to comment today on what is happening more and more every day, some times twice a day, for about 52 miles on the Stuart Highway. Statements, questions and answers have been heard previously here regarding illegal sand and gravel mining in the acquisition area and further out, at the 17-mile, the 19-mile and further.

My complaints are not directed at the long-established, well-known and reputable haulage companies whose trucks I know - either some drivers personally or by the names painted on the trucks - but are directed to those illegal sand and gravel miners and others who do not care about anyone else, which is evidenced by what they are doing to the countryside and by what I have seen and many people in my electorate have also brought to my attention. My complaint - and I have taken steps to bring it to the notice of the

increasing incidence of sand, gravel and at times fine road metal blowing off the backs of trucks, because the trucks have been over-loaded or are not watered down at the watering points. This can be a cause of serious road accidents to following traffic - obscuring vision, causing pulmonary discomfort in the form of serious coughing and in taking the attention of the driver off the road, or by actually breaking windscreens or side louvre windows. I might add it is not uncommon for no rear number plates to be on these trucks whose loads cause the trouble.

Mr HARRIS (Port Darwin): I rise in the adjournment debate to speak in relation to a seminar which was sponsored by the Northern Territory Council of the Ageing which I attended last month. The theme of this particular seminar was the needs of the aged in the 1980s and there were speakers from all the major centres of the Northern Territory.

The main paper which was entitled "Planning for the needs of the aged in the Northern Territory in the 1980s" was presented by Mr Max Gilgan from the Social Security Department in Adelaide and, at the conclusion of the session, several recommendations were forthcoming. I would like to touch on some of these points at this time.

It is stated in the policy of the Northern Territory medical services geriatric plan that the Northern Territory Council for the Ageing is the authority to coordinate services for aged people and, to maintain continuity of this policy, the recommendation was put forward that government funding should be provided on a continuing basis to enable the employment of a full-time welfare executive officer and secretarial assistance, as from 1 July 1978.

Pensioners on a fixed income need some form of compensation because of the high cost of living in the Northern Territory, compared with

other parts of Australia and consideration should be given to the introduction of a zone allowance for these pensioners.

In view of the remoteness and isolation of various centres in the Northern Territory, it was felt that perhaps there should be some concession on air fares. This is the case in some places in Western Australia but at this stage there is no air fare concession in the Northern Territory. For those who have lived in places such as Tennant Creek for many years, it would appear that this is something that should be followed up.

It is government policy to keep aged people in their homes for as long as is practical and possible. To maintain this policy, responsibility should be accepted by an appropriate government department, probably the Department of Health, for the provision and the installation of facilities needed by aged people in their homes. This would include such items as ramps to gain access to their homes, rails, shower rails and perhaps bath seats. Provision should be made by the Housing Commission to enable tenants to install air conditioning or ceiling fans in flats occupied by the aged. In view of the high electricity charges in the Northern Territory, concession should perhaps be granted to pensioners in regard to these charges.

Provision should also be made for bus shelters at bus stops. With the lack of public transport in Katherine, Tennant Creek and Alice Springs, finance should be made available for the establishment and the running of a pick-up service for the aged in these particular areas.

It was further proposed that this seminar express its concern to the Legislative Assembly that Darwin is still without a self-contained nursing home. While there are geriatric beds available at Darwin

Hospital, there seem to be some doubts and delays in the provision of the Harry Chan Home at the Casuarina Hospital site. Geriatric beds do not replace the need for a nursing home. In this respect Alice Springs is far ahead of Darwin with its Old Timers Home. In the opinion of this seminar, it was felt that similar facilities should be made available in Darwin.

I mention these points because, particularly in the Northern Territory, the aged have been through many hardships during their lifetime. The implementation of some of the recommendations which I have mentioned would appear to be low on cost involvement to the government, and high in respect to our senior citizens.

In closing, let us not forget that all of us have the potential - perhaps that is not the correct term but it will do - the potential to attain old age. I hope, for all our sakes, that the Majority Party will support the recommendations arising out of that seminar.

Mr EVERINGHAM (Majority Leader): I suppose I should have expected that there would be at least one burr amongst all these roses that have been dropping around this Assembly today and, true to form, the honourable member for Sanderson dropped on us in this adjournment debate rather like a glass of castor oil, with all the pleasure that one would have in the consumption of that - and with much the same effect. May I say that I find the honourable member's notion of constructive opposition rather strange and hard to fathom, because she has said the Majority Party must acclimatise itself or accustom itself to dealing with constructive opposition. I have never found any difficulty in getting along with constructive opposition. In fact, I have spent 16 years of my working life working in opposition, generally in a constructive sort of way, with other members of my profession. And yet this week I saw

- and am continuing to witness - what would be the most destructive piece of opposition that I have ever witnessed, and that is the continual haranguing and carrying on of the honourable member for Sanderson in relation to the debate that took place earlier this week, in respect of the town planning legislation, where the honourable member has continued to proceed on the basis that the legislation before the House was the original piece of legislation, without any of the amendments that ...

Mrs O'Neil (Fannie Bay): A point of order, Mr Speaker! I again refer to standing order 53.

Mr EVERINGHAM: Mr Speaker, I would move that so much of standing orders be suspended as would enable me to continue.

Mr ISAACS: What arrogance is that, for crying out loud!

Mr SPEAKER: I will have to rule you out of order, honourable member. Can't you continue your debate without alluding directly to that particular earlier debate?

Mr EVERINGHAM: Well, continuing then with my remarks in a general fashion, I am wondering what particular allegations the honourable member for Sanderson has in respect of the Majority Party being unable to accept constructive opposition - not that the Majority Party has seen too much of that yet. We heard a tissue of generalities, a load of humbug forthcoming in the course of this extraordinary and schoolmarmish lecture from the honourable member, but we did not hear any particular allegation. It just seems to me that she is proposing some strange concept - another speech, I believe, that she has written without relevance to any facts and simply with relevance to phantasms of her imagination.

There was reference by the honourable member for Sanderson in her remarks concerning the honourable

Opposition Leader not being permitted to speak in respect of the statement I made earlier this afternoon. Now, the Opposition Leader has had that particular statement since Wednesday or Thursday of last week, certainly since Thursday at the very latest, and he moved that the debate on that statement be adjourned. He moved that himself. Why is he not in a position to speak in the debate on that statement? He has a perfect right to comment on that statement, criticise it, do what he likes about it, but it was he, the Opposition Leader, the man who wants to talk about that statement who moved that the debate on the statement be adjourned. We have heard criticism, too, this afternoon about the churlishness of the Majority Party in not permitting the Opposition Leader to speak on the statement. I do not know how he would have spoken on it, unless he debated it, and he moved that the debate be adjourned.

But we go back to an example of some churlishness a couple of weeks ago when I commenced my speech in relation to the address-in-reply. Who was it took the point of order against me at that stage, to attempt to prevent me speaking in the debate on the address-in-reply? Yes, I find the strange chattering remarks by the honourable member for Sanderson a matter of absolute indifference to me and I would suggest to her that, if she cannot stand the heat, she had better stay out of the kitchen.

Now if I might just advert to another subject - what I thought a rather more constructive subject - which was raised by the honourable Opposition Leader himself. I must say that I find a great deal more constructive comment in what the Opposition Leader says than his colleague, the honourable member for Sanderson. This is the matter of a timetable for this Legislative Assembly during the course of 1978. I think you will recall, Mr Speaker, that I have had one or two conversations with you in connection with this matter. As you are aware,

various officials are discussing the proposed timetable at the moment and I believe a proposal will be put to you in the rather near future - certainly, I would hope before Christmas - and I would expect that a timetable for the sittings of this Assembly for 1978 should be able to be published with your approval, if not before Christmas, certainly very early in the new year.

In conclusion, I also would like to extend Christmas greeting to yourself, to the clerks and the staff of this Assembly, to the Hansard staff - I am sure we all appreciate the work they have done for the Assembly during the course of the year. I do not think working in the particular surroundings of the Assembly is very easy. I believe they have their problems, both in their accommodation and the facilities that are provided for them. I hope that during the life of this Assembly, it may be possible to start work on accommodation of a better standard. But be that as it may, I certainly take this opportunity - and I know that all members of the Majority Party join with me in this - in wishing all members of the staff the compliments of the season.

Members: Hear, hear!

Mr SPEAKER: Honourable members, the festive season is close at hand and it is evident, by the behaviour of honourable members on both sides that, although they smell the spirit of the occasion, they smell it with varying degrees of intensity. I extend my compliments for the festive season impartially to all. I wish all honourable members and the staff, the advisers and the journalists in their hot-box up there, a merry Christmas and a happy New Year.

Motion agreed to; the Assembly adjourned.

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