NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

Second Assembly

Parliamentary Record

Tuesday 2 May 1978
Wednesday 3 May 1978
Thursday 4 May 1978
Tuesday 9 May 1978
Wednesday 10 May 1978
Thursday 11 May 1978

Part I—Debates

Part II—Questions

Part III—Minutes

Mr Speaker MacFarlane took the Chair at 10 am.

LETTER FROM THE ADMINISTRATOR

ADDRESS IN REPLY

Mr SPEAKER: I have a letter from His Honour the Administrator, dated 27 April 1978:

I have today received a letter from the Official Secretary to the Governor-General, following the presentation of the Address in Reply of 8 March 1978.

His Excellency the Governor-General has received the following reply from the Private Secretary to the Queen to the Message of Loyalty from the Members of the Legislative Assembly for the Northern Territory:

"I am commanded by the Queen to ask you to convey her sincere thanks to the Speaker and members of the Legislative Assembly for the Northern Territory, for their kind message of loyal greeting, which Her Majesty received with much pleasure".

J.A. England, Administrator

PARLIAMENT HOUSE SITE

Mr SPEAKER: Honourable members, I have a letter from the Honourable D.J. Killen, Minister for Defence, dated 21 April 1978:

I refer again to your letter of 19 April 1977 concerning the site for a new building in Darwin for the Legislative Assembly.

The results of the study into defence land requirements I referred to in my letter of 22 September 1977 have now been considered by my colleague, the Minister for the Northern Territory, and myself. We have agreed that Larrakeyah should be retained as defence land.

I regret to advise, therefore, that land will not be available on the Larrakeyah peninsula for construction of the proposed Legislative Assembly building.

D.J. Killen

PETITIONS

TRANSFER OF POWERS - REQUEST FOR REFERENDUM

Mr ISAACS (Opposition Leader): I present a petition from 73 citizens of the Northern Territory requesting a referendum on the transfer of powers to the Northern Territory Legislative Assembly on 1 July 1978. The petition bears the Clerk's certificate that it conforms to the requirements of Standing Orders.

I move that the petition be received and read.

Motion agreed to; petition received and read:

To the Honourable the Speaker and members of the Legislative Assembly for the Northern Territory, the humble petition of the undersigned citizens of the Northern Territory respectfully showeth that, at the conclusion of the historic negotiations between the Majority Party and the Federal Government for the transfer of powers to the Legislative Assembly for the Northern Territory, a new constitution and new revenue raising responsibilities will be conferred on the people of the Northern Territory on 1 July 1978. Your petitioners therefore humbly pray that the honourable members of the Legislative Assembly make every effort to

ensure a democratic expression of the will of the people of the Northern Territory (with the support and assistance of the Federal Government) by holding a referendum to determine their acceptance or rejection of the proposed arrangements before 30 June 1978, and your petitioners as in duty bound will ever pray.

Mr PERKINS (MacDonnell): Mr Speaker, I wish to present a petition from 107 citizens of the Northern Territory requesting a referendum on the transfer of powers to the Northern Territory Legislative Assembly on 1 July 1978. The petition bears the certificate of the Clerk that it conforms with the requirements of Standing Orders.

I move that the petition be received and read.

Motion agreed to; petition received and read.

Mr DOOLAN (Victoria River): Mr Speaker, I present a petition on behalf of the member for Elsey from 63 citizens of the Northern Territory requesting a referendum on the transfer of powers to the Northern Territory Legislative Assembly on 1 July 1978. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders.

I move that the petition be received.

Motion agreed to; petition received.

TABLED PAPER

WINDSCALE INQUIRY

Mr TUXWORTH (Resources and Health): I present a paper called the Windscale Inquiry. It is a report by the honourable Mr Justice Parker.

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

Leave granted.

STATEMENT

WILLEROO PROJECT

Mr STEELE (Transport and Industry): I seek leave to make a statement concerning Willeroo.

Leave granted.

Mr SPEAKER: Before calling the honourable member, I wish to draw his attention to the fact that the matter of the Willeroo project is already on the Notice Paper. It contravenes standing order 59 to anticipate the business of the Notice Paper. If the honourable member has fresh information, I will allow the subject to be brought up and I hope we can straighten out the two matters later in the day.

Mr STEELE (Transport and Industry): Before the Willeroo cropping and cattle raising project is beaten into the ground, I would like to report to the House on the history of the negotiations so far.

Honourable members will be aware that the Willeroo pastoral lease consists of 2262 square miles which for some years was under development for sorghum growing by the Northern Agricultural Development Corporation. Upwards of $16m

were spent on the property but for various reasons the project failed and a receiver was appointed. He is Mr H.V. Quinton, a chartered accountant of Sydney. He advertised the property in Australia and overseas but there were no takers, so the receiver was looking at the possibility of breaking up the Willeroo complex and selling the assets separately - a move which would have been tragic for the Territory, as no one would then have fully benefitted from the vast amounts of money which had already been poured into the project by NADC.

In May 1977 the Northern Territory executive, under the then Majority Party Leader, Dr Goff Letts, felt that the acquisition of Willeroo and subsequently its private development in smaller holdings could be the much needed shot in the arm to get the strife-plagued rural industry in the Top End on its feet - especially as nobody else was queueing up to buy and the property was going at a bargain-basement price.

General discussions on the chances of such a government initiative succeeding were held between Dr Letts and Mr Rex Jettner, the chairman of the Primary Producers Board. Mr Jettner raised the matter with me after the 1977 elections when I took over the Transport and Industry portfolio. The Primary Producers Board has made some preliminary feasibility assessments and Mr Jettner forwarded details of the property and its improvements to myself. A meeting was arranged at Willeroo in late November 1977. Those present were the Majority Leader, Mr Paul Everingham, myself and Mr Perron from the Northern Territory executive, Mr Jettner from the Primary Producers Board and Mr Quinton and his representative, a Mr Hilt. The party inspected the property and in very broad terms Mr Everingham told Mr Quinton the Northern Territory executive was interested in buying the property for $1,150,000, subject to the receiver locating loan moneys at an acceptable interest rate and subject to the results of a feasibility study.

The actions of the executive, Mr Speaker, could be compared to a citizen walking into a car yard on Saturday morning and indicating to a salesman that he liked the look of a certain vehicle and may, at some future date, be interested in buying if it could be demonstrated that the vehicle was a goer and if the salesman could locate a finance company willing to fund the purchase at reasonable interest. The Northern Territory executive was not interested in bailing out big business or putting Territory taxpayers' money into the pockets of merchant banks and financiers. We were merely interested in getting hold of a property at the right price and giving the little fellow - the battler who knew what he was doing - the backing to show that agriculture in the Top End can pay its way. There was nothing in the nature of a firm commitment to buy the Willeroo complex. There was no authority in existence which could enter into a contract for the Northern Territory and at no stage did Mr Everingham represent to anyone that any such authority existed - despite a little hand-shaking here and there.

There were at this time a number of people employed on the property and in late November 1977 the Primary Producers Board agreed to appoint a resident manager at Willeroo to look after a cropping program to prove the viability or otherwise of the property. The manager, Mr Taylor, was to be paid from the receiver's account but he was to be responsible to the Primary Producers Board. He commenced work on 2 January 1978. During December 1977, there were discussions about the proposal between Mr Hilt, from the receiver's office, and Mr Jettner but these discussions were not at cabinet level. During one of these discussions at Scott Creek, one of the properties in the NADC complex, Mr Hilt told Mr Jettner that he wanted to leave the area by mid-December and he recommended to Mr Jettner that the cropping program should proceed and that approximately two thousand acres should be sown. Mr Jettner agreed with the idea of a trial crop.

Mr Jettner and Mr Hilt agreed to open a bank account in Katherine called "Scott Creek Farm Account" to pay for the cropping programme, and it would show all transactions after 2 December 1977. The purpose of the account was to clearly separate the new transactions from those incurred in the previous running of the property. Following on from Mr Quinton's agreement to provide funds to operate the property, Mr Hilt told Mr Jettner that he would pay sufficient money into the account for operational expenses. They agreed that the amount would need to be about $125,000 which would be sufficient until money started to come in from the harvest in April or May, and also from the sale of cattle.

During December a Mr Armstrong managed Willeroo until Mr Taylor could take up his duties on 2 January this year and his wages were paid out of the Katherine account. It appears that until Mr Taylor started work on 2 January, nobody on Willeroo was directly responsible to the Primary Producers Board, although Mr Jettner was taking an active interest in the cropping program. Clearly, he thought that the sale would go through with ho hitches and that it was his personal duty to see that the experimental crop was a success. These points appear reasonably clear: Mr Hilt agreed with Mr Jettner that $125,000 would be made available by Mr Quinton for the cropping program; and, at the time the Katherine account was opened, there was nothing in the way of a binding contract for the sale of the properties, although executive members were very interested in the proposition and had agreed to it in principle, on the grounds that the purchase of the properties would be in the interests of the Territory as it would encourage closer settlement and farm-type development.

On 5 December 1977 the receiver put $10,000 into the Katherine account. Ten days later he deposited another $15,000 and on 2 February this year he put in a final deposit of $7,000. The signatories to this account were Mr Hilt, Mr Jettner and Mr Arch McGill, also of the Primary Producers Board. As the cropping program continued, cheques on the Katherine account were drawn by all signatories but mainly by Mr Jettner who appears to have done most of the day-to-day ordering of goods and services. Mr Hilt, from the receiver's office, left the property in about the third week of December. The expenses incurred were mainly for seed, wages, fuel and maintenance of vehicles and machinery.

Around the new year period Mr Quinton told Mr Jettner that he would have to borrow money for the continued running of the properties and Mr Jettner, believing he could obtain a better interest rate through the Primary Producers Board than Mr Quinton could on the open market, offered to try and arrange a loan through the Primary Producers Board. The board, in fact, agreed to the loan but the proposal was rejected by the Northern Territory executive. Without being unnecessarily unkind, it seems that at about this time, the receiver was attempting to find a buyer for Willeroo and, if possible, one who would buy quickly and on his terms, despite previous verbal agreements.

The receiver's people had agreed to make $125,000 available for the cropping program and the running of the properties but after putting $32,000 into the Katherine account, he was trying to raise loan funds from banks or even statutory authorities. Mr Quinton then telephoned Mr Jettner and said he could obtain the necessary money from the Bank of New South Wales and had an appointment with the bank officials on Monday 16 January to sign an agreement. But nothing more was heard about this bank loan. Instead Mr Jettner received a letter from Mr Quinton's office. The letter required Mr Everingham to sign an agreement binding the Northern Territory executive to purchase the Willeroo properties for $1,150,000 on the receiver's terms before he would provide further funds as per the previous agreement. Mr Everingham did not sight this letter. By this time a substantial amount was owing to creditors for goods and services already made, largely by Mr Jettner in anticipation of the receiver honouring the agreement to provide $125,000 and indeed he had no real reason to

think otherwise as $32,000 had already been lodged in the Katherine account. All of these debts were incurred in the name of the receiver.

Mr Hilt returned to Darwin early in February and the possibility of the sale not proceeding was raised for the first time between himself and Mr Jettner. Mr Hilt said that, in case the sale did not go ahead, he wanted some indication that the money already advanced by the receiver was in fact a loan. Mr Hilt and Mr Jettner drew up a share-farming agreement whereby the Primary Producers Board was to agree to farm Willeroo on a share basis but this agreement never went any further and was never signed. Because Mr Everingham had not signed the agreement to purchase drawn up by the receiver's office, Mr Quinton refused to lodge any more of the $93,000 he had previously agreed to in the Katherine account. And, Mr Speaker, $32,000 is a far cry from the $125,000 Mr Quinton had agreed to make available. This policy of stopping payment to cover debts already incurred in his name and with his agreement appears to have been an attempt to force the hand of the Northern Territory executive. Well, it sure did. Mr Everingham discussed the matter with Mr Quinton but no agreement was reached.

Shortly after that Mr Jettner went to Southeast Asia with the Northern Territory trade delegation and so was unable to give the Northern Territory executive precise details of the total debts incurred in the cropping program and the running of Willeroo. Then sadly, the Opposition appears to have decided to be a party to letting the farm workers on Willeroo and the creditors left in the lurch be used as pawns in what was essentially big business manoeuvring to force the Territory taxpayers, through their representatives in the Northern Territory executive, to buy Willeroo on the seller's conditions on a buyer's market.

To end this deplorable politicking with people's lives and livelihoods, the Primary Producers Board has now agreed to lend the receiver sufficient funds to pay all expenses to date and harvest the crops on Willeroo. Money from the sale of the crops is to be repaid to the Primary Producers Board and this provision has been reinforced by the Primary Producers Board taking a lien on the crop.

I would like to give honourable members a precise idea of the figures involved but the final figures are still subject to adjustment with the receiver. I believe, however, that the following is an accurate summary of the position on information now available: the receiver paid $32,000 into the account. Of this amount, $15,000 to $20,000 is to be repaid to him. The balance of the $32,000 was for expenses not directly connected with the cropping program. As at 31 March about $115,000 was owing to creditors. This amount may be adjusted upwards by up to $750. As at 7 February, when Mr Quinton's letter arrived, about $97,000 was already owing to creditors. After that date the additional debts incurred were for wages, fuel and repairs.

I point out that, of the amount of $115,000, $11,900 was for capital equipment, all of which is now the property of the Primary Producers Board. The whole of the outstanding debts, subject to adjustments, is presently being paid by the receiver from the money advanced by the Primary Producers Board.

Mr Speaker, it is clear that the debts presently outstanding were largely incurred by the time Mr Quinton stopped payment and had he paid the full $125,000, there would have been no crisis.

Mr Speaker, I seek leave to move a motion without notice.

Leave granted.

Mr STEELE: I move that the statement be noted.

Mr DOOLAN (Victoria River): Mr Speaker, I have listened with interest to the Executive Member for Transport and Industry's version of the Scott Creek-Willeroo fiasco. That is one version, and I have another. I spent a couple of days at Scott Creek-Willeroo and I do not agree with much of what has been said.

When this farming venture was launched in a fanfare of publicity, it gave every appearance of being a scheme of great value to the Northern Territory. I am sure that every member of this Assembly had high hopes that it would provide an avenue of employment which is so badly needed here, as well as giving an opportunity to permanent residents of the Territory to operate share farms. We heard the honourable member for Elsey say that we should discount previous failures in similar types of enterprises and profit from the mistakes made in earlier years. We listened to the Executive Member for Transport and Industry read out details of the proposal and we heard him assure this House that it would not be run by party hacks and that its viability would be appraised by an independent firm of consultants. I have no doubt that these honourable members were sincere in what they said and that they honestly believed, as most members of this Assembly believed, that the Willeroo scheme was a genuine attempt to help some of the people engaged in primary industry to get back on their feet again. Properly run and organised, all sorts of benefits to the Territory could have accrued from the successful development of Scott Creek-Willeroo.

Now I can only feel that the honourable members mentioned were conned, as most of us here were conned and the citizens of the Territory were conned, into believing that this venture had any ring of truth at all about it. I have always had a sneaking regard for a clever con man but like most Australians, I do resent being mucked about by amateurs, and that is precisely what has happened in this deal. It has been a sham and a farce right from its inception. It stinks of dishonesty and double dealing and mistrust all the way through. A lot of little people have been hurt in the process and I believe it has now developed into a major public scandal and, as such, should be thrown open for public scrutiny.

My first intimation that all was not well was when I was approached by an Adelaide River farmer, wanting to know why the Adelaide River Co-op had been billed, without any authority whatsoever, for around $70,000 for seed, fertiliser and transport for Scott Creek-Willeroo. This fact was confirmed by management of the co-op. I suppose the original intention at that stage was that it would have been simply a book entry, with only a select few being in the know, had the whole thing worked out successfully. But it back fired in the face of the Northern Territory executive and the public should be made aware of just what transpired.

Mr Rex Jettner, chairman of the Primary Producers Board and also chairman of the Country Liberal Party, ordered the seed in the first place and, not being able to charge it to a non-existent authority at Scott Creek, charged it to the Adelaide River Co-op, of which he is also a member. No one will admit to authorising him to order the stuff and he himself has had a memory lapse - he does not remember ordering anything. My inquiries led me nowhere. In fact there was a most obvious reluctance by persons in authority to discuss Willeroo at all. As some of the facts of this scandal began to unfold, it became obvious that the media had been warned off and were acting like reluctant debutantes in publishing whatever facts there were available at that time. No mention of Willeroo was made by the ABC until Friday 28 April.

Then I was contacted by people of both Scott Creek and Willeroo over non-payment of wages from 1 to 31 March and was invited by them to attend a meeting with the Industrial Relations Bureau officer. It was a most informative and

revealing exercise. All employees of both places, including both managers, were presented with a questionaire. The kind of questions asked were: Who employed you? The Primary Producers Board. Who paid you? The Primary Producers Board. Who signed your pay cheque? Rex Jettner. Who is your employer now? The Primary Producers Board. Who owes your outstanding wages? The Primary Producers Board. Have you any complaints against the receiver, H.V. Quinton? None at all. Have you any complaints against the receiver's manager, Garry Hilt? None whatsoever. And so on. Nobody had anything but good to say about the receiver or his agent. If I were to repeat what they had to say about Jettner, I would be removed from this House but I do have it on tape.

Stores in Katherine had stopped credit to some of the people employed on the project. Two of the employees were in imminent danger of losing motor vehicles through inability to pay instalments. Fortunately, I was able to avert repossession of the two vehicles by convincing finance companies that someone would have to pay up in the near future.

Two employees were owed money not only for the period to 31 March but for part of February as well, one bore mechanic in particular being owed $140 from February. It further transpired that there were some Aboriginal employees as well who had not been paid at all after the receiver had handed over to the Primary Producers Board last December. Most of us are well aware that Mr Jettner and others of his ilk do not regard Aboriginals as people anyway. I mean, they can go hunt a goanna or something but for God's sake do not put them on the pay-roll. I have no intention of labouring the point of non-payment of Aboriginals but fortunately, the Industrial Relations Bureau does intend to take action in the matter. In any case Mr Jettner has had another memory lapse in the matter of signing pay cheques; he cannot remember signing even one, so he said.

During an afternoon and evening spent on the properties, many interesting little stories were discussed. One of the managers told me that the $70,000 owed to the co-op was really only a part of the debt. Normal running expenses for one of the places had exceeded $80,000, much of this for fuel, and the Primary Producers Board was returning unpaid bills, so that alone adds up to $150,000 outstanding, disregarding wages.

All inquiries from the Primary Producers Board resulted in the same answer: "Jettner is the only one who knows anything about the operation and he is overseas with the trade delegation". Imagine the employees' anxiety as they eagerly awaited his return and their bitter disappointment on learning that he was suffering from a severe case of amnesia.

It is not only big companies who have unpaid bills. One of the small creditors, evidently imagining that he would be certain of prompt payment from an operation run by the Primary Producers Board and with the backing of the Northern Territory executive, did an aerial spread of fertiliser. Now he is out of pocket to the extent of $7,000 and sees little humour in the situation.

One of the stated purposes of the Willeroo scheme was to provide employment for out of work people in the Territory and I suppose in a sense it did - even if they were not paid for quite a while. However, the people living at Willeroo were not really ecstatic about a couple of the people who were employed on the project. First there was young Andrew Jettner, aged 14 or 15, employed there during his school holidays and would you believe it, on adult wages. Questions were asked about Andrew: did he have the skill or the necessary tickets to operate heavy machinery? Jettner snr assured everyone that his son and heir was a skilled operator. The rest of the staff do not agree. Who signed Andrew's pay cheques at adult rates? Dad did, of course, on behalf of the Primary Producers Board.

There was a housekeeper employed at Willeroo, reportedly a friend of the family. I will not embarass the lady by mentioning her name. For part of the time this poor lady certainly must have earned her pay because over the Christmas-New Year period, the Jettner family and their guests numbered 11 souls all told, and they could hardly have been expected to look after themselves in that big homestead. Towards the end of the festive season disaster struck, when the King River flooded and cut the party off from civilisation. So then we had no less than three charters in to fly the guests out. It would be interesting to find out if the Primary Producers Board paid for those charters.

The housekeeper, however, stayed on to take care of Mr Jettner and Mr Arch McGill of the Primary Producers Board. Then they left too but still she remained, wholly and solely to care for Andrew, aged 15, who at that tender age could hardly be expected to look after himself, even if he was drawing a man's wage. I imagine that by this time the housekeeper was finding life reasonably easy after the hurly burly of Christmas-New Year and, in any case, she was still being paid by the Primary Producers Board.

Employees at Willeroo, however, like Queen Victoria, were not amused but at Christmas time Mr Jettner did something which temporarily rehabilitated himself in their estimation. He threw a New Year's party for the workers and they thought perhaps he was not such a bad old sort after all. Imagine their disillusionment when they found out who paid for the party - not the receiver, Mr Quinton, who was out of the deal by this time; not the Primary Producers Board who were very much in the deal; not good old Rex out of the goodness of his heart, but their very own Willeroo Social Club, contributed to over the years by the employees of the station. No one, from the manager down, can understand how Jettner obtained the authority to operate this account. But to someone who purchases $70,000 worth of seed without authority, starts a project of this magnitude without authority, hires and fires employees without authority, I suppose operating the social club account without the people who contributed to it having any idea how he managed this is a matter of very small importance to an operator on such a grand scale.

The Executive Member for Community and Social Development made a statement to the press that an officer of the Department of Social Security had visited Scott Creek and Willeroo and that no one was experiencing financial difficulties. The facts of the matter are that the officer did not visit Willeroo at all. He did visit Scott Creek and spoke with the manager's wife there. The people at Scott Creek claim he did not make himself available to other staff. My information is that he said he was interested only in people no longer employed. What was offered was food handouts to people who were destitute, which were not acceptable. No financial assistance was offered to any employee at Scott Creek or Willeroo.

Some of these matters perhaps may seem rather petty in such a formidable scale of events but I believe they do illustrate most graphically the unbelievable effrontery and arrogance of people like Mr Jettner and his party colleagues who consider themselves born to rule, God alone knows why, and who continue to under-rate the intelligence and the sensitivity of the people whom they employ.

Since the scandal of Scott Creek-Willeroo has become public, we have seen the Majority Leader accusing the receiver, H.V. Quinton, as the arch villain of the piece, the "southern carpet-bagging financier" as he called him, trying to put the screws on the Northern Territory executive for an exhorbitant interest rate on a loan of $400,000. I am no expert on financial matters but the information I have is that the 11% the receiver was asking is quite usual and normal, whilst the rate of 8% demanded by the executive is ridiculously low. The Majority Leader has boasted in a press interview about catching the receiver with his pants down, or words to that effect, because he has put

nothing in writing. I think he is having himself on. It seems to me like the old story of the big frog in the little pond. One does not catch H.V. Quinton & Co and their lawyers, Allen, Allen & Hemsley, two of the most reputable and astute firms in Australia, with their pants down. They are quite capable of handling bigger fish than the Majority Leader and the Northern Territory executive, and doing so with honour, whether or not an agreement is put in writing or sealed with a handshake, as this agreement was in the presence of witnesses at Willeroo Station. It seems abundantly clear that the Majority Leader, in his efforts to demonstrate what a hot-shot financier he himself is, has succeeded only in being hoist with his own petard.

So much for the integrity of the CLP. The Executive Member for Transport and Industry gave this House an assurance that the Scott Creek-Willeroo project would not be run by party hacks, yet the chairman of the CLP, Mr Rex Jettner, seems to have been almost solely responsible for the fiasco to date. If he is not a party hack, what is he? He is not a cattleman; he is an unsuccessful farmer and he has made one hell of a mess of a scheme that could have been of immense benefit to the Territory, and apparently he is now suffering from chronic amnesia. Finally, who were the independent consultants that we were promised? None other than Mr Arch McGill, an employee of the Primary Producers Board, and Mr Peter Hooper, a member of the Primary Producers Board. If this ill conceived, disastrously managed and thoroughly dishonest scheme foreshadows the type of thing we may expect from a hopelessly incompetent government in office, then God help us after 1 July.

Mr ROBERTSON (Community and Social Development): What we have just heard is not a response to the paper delivered by my colleague, the Executive Member for Transport and Industry. It is a prepared political statement which has absolutely no regard whatsoever to the word, content and information provided by my honourable colleague. I wonder, Mr Speaker, would we have this vitriol from the other side if it were not for who the chairman of the Primary Producers Board just happens by coincidence to be. He certainly held that position before he became, as far as I know, the chairman of the CLP.

It is a deliberate attempt to make political mileage. It totally disregards facts. It is a creation of the man's rather biased mind. He says that Mr Jettner had absolutely no authority for the action he has taken. As I have indicated the statement the honourable gentleman read out is not a speech but a prepared statement and has absolutely no regard for the information which my colleague has provided. Had he argued the case on the merits of what is contained in the statement, then of course we could have given it some credibility There was quite a clear understanding on the information provided by my colleague that, in fact Mr Jettner operated in all times in good faith. He operated on the understanding, according to the statement, that the sum of $125,000 was to be deposited in the account.

Clearly, with the receiver of the company in Sydney and a local manager, it would be reasonable to expect in a project of this size that assistance should be sought. Who more logical than the Primary Producers Board. It is one of its functions to assist and advise primary producers. It is quite natural even if this Territory executive was not involved in the proposal, subject to examination to purchase that property, that the same person would have been involved on an advisory basis. It was quite proper and quite reasonable for members of that board, which is structured primarily for the purpose of advising primary producers, to become signatories to an account to operate funds for the purpose of ...

Mr Isaacs: Why can't Rex remember?

Mr ROBERTSON: ... wages and the purchase of goods which were to be paid for by an official receiver. That would be quite normal. The fact that he happens to be a member of the CLP in those circumstances is absolutely irrelevant. And we do come to that question resulting from the interjection of the honourable Leader of the Opposition. It must be very difficult, I suppose, for people in this place and for people outside to understand. I suppose we can only make hypothetical guesses as to how that statement came about in the Northern Territory News.

One must understand that a person who has been travelling overseas on the business of the Territory - and incidentally, not one complaint was made by anybody that he was a political hack on that; it was accepted that he was the chairman of the Primary Producers Board and as such was the logical person to go, a perfectly logical choice. But what have we got? He is away on high-level negotiations. You were with him on those occasions, Mr Speaker. He arrives in Singapore and he receives a telephone call of that nature from Australia. He is informed on the phone of a major blow-up - and that is the way it would have been put by the media to him. I am only surmising, Mr Speaker. You have to visualise this information hitting this man for the first time on an international call from the media at 4 o'clock in the morning after a very busy schedule. Naturally the man is going to be taken very much aback. The normal reaction for me in the same circumstances would be "no comment". I suggest, Mr Speaker, that this was also his method and quite properly he should have said "no comment". It was, in fact, not a denial that he wrote those cheques but a form for a tired man to use early in the morning, saying "no comment".

I totally dismiss the allegation that he deliberately set out to mislead anyone or to lie. The facts of the matter are the hours and the workload and what may well have been a mechanism used by the gentleman to say he was not willing to go into the matter. Clearly, he would want to consult with other members of the Primary Producers Board and with members of this executive before making any statement. After he did consult, naturally he would have been asked not to make any statements which would reflect upon the executive and that is quite normal. That is normal in every government. I think you can draw quite unbalanced implications from his "I do not remember". I think more properly it was "I do not wish to comment".

Let us get back to this statement of the honourable member for Victoria River. Not only was it prepared before the paper delivered by my colleague, the Executive Member for Transport and Industry, it has gross inaccuracies in it. For instance, he makes the accusation - and it is a direct accusation - about the charter to take out family members. The fact of the matter - and we have checked it ourselves - is that it was paid for by Mr Jettner personally. This is just part of the smear campaign against the gentleman named Rex Jettner, with the simple and sole reason that that person happens to be the chairman of the Country Liberal Party Central Council. Had he not been, this sort of vehicle of using that man to scare people unjustifiably would never have arisen.

Further he says that officers of the Department of Social Security, according to my statement, were sent to Willeroo and Scott Creek. They were officers of the Department of Community Development and the Department of the Northern Territory. No-one said that everyone was well off down there. The inquiry was: "is anyone in desperate need?" - that is the charter of the Social Development Branch. No-one was. There was one person, of course, who was in difficulty with repayments on a vehicle and it is unfortunate that that happened. But that officer's inquiries revealed that no-one was in desperate circumstances such as would need food vouchers for emergency payment. He says that they refused to take those food vouchers as if it were some sort of an insult. The fact of the matter is, on my understanding, that they did not need them. It is

not a matter of not wanting them, not a matter of turning them down; they did not need them. There is quite a distinct difference and it is again part of this fabrication coming from the Opposition.

Let me refer to this 11% as being acceptable, according to the honourable gentleman and us being ridiculous demanding 8%. The fact of the matter again - quite contrary to what the honourable member for Victoria River will have you believe - is that 8% was a figure originally proposed by the receiver. It was not our figure at all. Having had that figure proposed to us, of course, the executive naturally would go on to examine the possibility - and do so vigorously - of obtaining funds at that sort of interest rate. Is the Opposition going to really have the public believe that because 11% is a normal business practice figure, as the honourable gentleman has said, therefore we should accept it when there is a possibility of saving the taxpayer a whole 3% over $1m? Now if that is what they call responsible government, if that is what they would call the height of responsibility we can expect from the Opposition as an alternative government of the Northern Territory, then I think this whole sad episode in performance of the Opposition will give the Territory people a clear indication where they stand.

Debate adjourned.

FISHERIES BILL
(Serial 44)

Continued from 7 March 1978

Mr COLLINS (Arnhem): I imagine that many people in the fishing industry in the Northern Territory would be very pleased to see the first amendment this bill provides for in clause 3. This amendment very simply allows fishing to take place with respect to particular species of fish. Under the principal ordinance currently in force, fishing is restricted in respect, for example, to barramundi, and the restriction applies to all licences. This amendment provides for fishing of species which are not necessarily affected to continue and I am sure it will be most welcomed by the industry.

The second amendment is also one which I fully support. I believe that for some time the principal ordinance has been unsupportably harsh in that it does not allow for some discretion to be used in the removal of a fishing licence. The amendment proposed by the honourable executive member does change this situation to allow for some degree of discretion in allowing a person who has been convicted of an offence to retain his licence and therefore his livelihood. The third amendment in the bill is also one which currently has to be supported in terms of the very real concern these days about the invasion of people's privacy. This amendment simply allows for the confidentiality of fishing returns to be retained.

I see all three amendments provided for in this bill as being of direct benefit to the fishing industry. The Opposition supports the bill and will support it through its committee stages.

Mr OLIVER (Alice Springs): I rise in support of the Fisheries Bill.

I must say that the honourable member for Arnhem has rather taken the wind out of my sails; he has practically quoted me word for word. However in supporting this bill, I would say there is no doubt that the present Fisheries Ordinance is outmoded and restrictive in certain areas and these amendments will remove these deficiencies. Mr Speaker, the fishing industry is expanding and the ordinance must keep in step with that expansion and not be obstructive.

The first amendment provides for greater flexibility in issuing licences for the various species of fish and allows for the protection of species if the need arises. The current method of controlling the prawn and barramundi fisheries by limiting the number of licences places a drastic restriction on the growth of the industry. Indeed, Mr Speaker, such limitations could cause hardships in an industry consisting of a total asset of some $42m.

The second amendment is long overdue. The terms of section 15A of the Fisheries Ordinance are particularly harsh in that licences are automatically cancelled on the conviction of a licence holder for even a minor offence. The unfortunate fisherman cannot reapply for another licence until three years have elapsed from the time of that conviction. Of course there is some consolation, however scanty it might be, in that the offender can apply under section 17 for an employee's licence. But, Mr Speaker, it is a wonderful situation where a person may possibly possess his own boat and gear, and have to work for somebody else for three years.

The final amendment, Mr Speaker, is one of common sense and courtesy. I believe strongly that any return from any industry or any person required for statistical or official purposes should be treated with the utmost confidentiality. I would hope - and apparently there is none - that there will be no argument on this aspect of the bill before this Assembly.

Finally, Mr Speaker, I refer to clause 8 of the Fisheries Bill relating to the review of cancelled licences and, if I may say, this clause spells out the spirit of the bill and the Majority Party's attitude towards the progress of private enterprise.

Mrs LAWRIE (Nightcliff): Mr Speaker, I have no quarrel with the bill as presented but I was particularly interested in the words of the sponsor of the bill quoted in Hansard of Tuesday 7 March when he said, in dealing with the second provision of the bill - automatic cancellation of licences for those professional fishermen who offended against the ordinance - and I quote:

> *This stringent regulation in the ordinance was originally included because of the small Northern Territory fisheries enforcement staff and the vast areas that they were required to patrol.*

I seek from the honourable sponsor of the bill a statement as to how these two particular facts may have changed. Obviously, the vast areas they are required to patrol are finite and are still the same vast areas. I seek an assurance from the sponsor that the fisheries section, so long understaffed, will receive the consideration of the executive for its expansion in the Northern Territory Public Service to allow it, hopefully, to patrol in a more adequate manner the activities of fishermen in Northern Territory waters. The honourable member for Alice Springs said that the fishing industry is expanding. Without proper survey of fishing grounds and the habitat of fish in the Northern Territory within a few years, of course, there would not be a fishing industry. I believe the fisheries section of the Department of the Northern Territory has been neglected for far too long.

Whilst I agree with the discretion being given to the courts, in view of an offence having been committed, as the severity of sentence which should be passed on a professional fisherman, I seek a comment from the executive member responsible to indicate perhaps to the courts his feelings that surely professional fishermen, with the knowledge of the industry, who deliberately fish in protected waters with the wrong equipment - who poach - are still deserving of fairly severe penalties. It is encumbent upon professional fishermen to behave in the best interests of the industry as a whole, not only for a quick personal profit but that the industry may survive and indeed expand as all honourable members would hope.

Having made those few comments and having regard to the tremendous difficulties faced by the enforcers of our present ordinance, I certainly support the bill through the second reading but simply ask the executive member to indicate the Majority Party's feelings on the fishing industry in that context.

Mrs PADGHAM-PURICH (Tiwi): In the past the Territory has relied heavily for an income from primary industry from the land - namely, beef and other agricultural products. In recent years another primary industry has been assuming more and more importance in the Territory. I refer to the fishing industry.

This industry has had its ups and downs recently, with good and bad seasons for barramundi and prawns. Nevertheless, a lot of money has been invested in the fishing industry and with more and more people seeking to gain a livelihood from it, a position has arisen where some further conditions have to be regularised and controlled for the betterment of all. As the fishing industry expands and progresses, changing situations are becoming apparent with regard to different species of fish that are in our waters, their numbers and their habitats. All of these conditions have to be considered in legislation if it is to be effective in regard to the control of harvest but also of benefit to fishermen who depend for their livelihood on the industry.

This bill seeks to keep confidential the fishing returns which I consider important from the point of view of good general business practice and also it is more and more apparent that our privacy needs protecting sometimes.

The situation at present regarding conviction for offences is somewhat harsh. The present bill is seeking to take a more progressive and sensible approach to any punitive measures.

Mr STEELE (Transport and Industry): I would like to thank honourable members for their support. In concluding the debate, I feel I have to reply firstly to the honourable member for Nightcliff. Certainly, we have recognised as an executive that the small enforcement staff has been one of the reasons that has lead to the stringency of the previous legislation - that is what the amendment is for - and the vast area, sure it is still there. We have a proposal in front of us. Just how soon we can make a decision and advise everybody as to the extent of that decision, it is a little premature to say.

Future legislation on fisheries will need to deal with the area of expansion into deep sea fishing. This is just a way of foreshadowing that these things have to be looked at in the future. On land processing, I can see big things happening in the fishing industry in the years to come.

I support the honourable member's remark on professional fishermen still deserving severe penalties for breaches but I do not believe the exact nature of the breach can be written into the legislation. I believe there has to be discretion given to the courts. Otherwise the same position would prevail as the position which exists now, where they can get their licence taken off them for three years. I commend the bill.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 3 agreed to.

Mr STEELE: I move that the remainder of the bill be taken as a whole.

Motion agreed to.

Bill reported.

Mrs O'NEIL (Fannie Bay): Mr Speaker, a point of order. It was moved that the remainder of the bill be taken as a whole and we all agreed to that. I do not think the question was put, that we should agree to the remainder of the bill.

In committee - recommittal:

Bill taken as a whole and agreed to.

Bill passed the remaining stage without debate.

TERRITORY PARKS AND WILDLIFE CONSERVATION BILL
(Serial 40)

Continued from 9 March 1978

Mr COLLINS (Arnhem): This bill is one of many that I imagine will be introduced over the next few sittings of the Assembly which contain a great deal of procedural amendments necessary to bring the ordinances of the Northern Territory into line as increasing numbers of new authorities and increasing amounts of power are transferred to the Northern Territory executive.

The bulk of the amendments that are proposed by this bill are fairly commonplace and non-contentious. Clause 3 is merely a procedural change which amends some of the definitions that are laid down in the principal ordinance. Clause 4 allows the commission to lease land vested in it. Clause 6 is another procedural change in the bill. Clauses 5 and 7 relate to the status of land that is vested in the wildlife commission and the surrender of such land. Clause 8 is again a procedural amendment which deals with activities within parks and reserves that are going to be controlled by the new commission. Clause 9 - I do not think anybody has any particular objection to the commission having control of the naming of its parks and reserves. I certainly have not; I do not care what they call them as long as they look after them properly.

Clause 10 amends section 66 of the principal ordinance which includes sanctuaries and protected areas as part of the new commission's responsibilities. Clause 11 is a procedural matter again which omits the term "wilderness area" from the ordinance as it is not necessary. Clause 12 is again a procedural matter which extends the powers in section 115 to control sanctuaries and protected areas.

The bill is in the main procedural. It improves the ordinance considerably. It is going to make things a lot easier for the Wildlife Commission to carry out its functions. One small point which perhaps the honourable executive member might comment on in concluding the debate - he did foreshadow at the last sittings that there would be further amendments to the wildlife ordinance at this current sitting. Perhaps he could let me know if these amendments are going to be proceeded with.

The Opposition supports the bill.

Mrs PADGHAM-PURICH (Tiwi): Our Territory parks are one of our major assets and are of prime concern to all of us here. This bill seeks to tidy up several things in the current legislation relating to the Territory Parks and Wildlife Conservation Ordinance.

The commission will be granted power to make use of leased land which is vested in it. That seems to me to make sense. There are many areas of land in the Northern Territory on which there may be places of significance which, if

not brought under the control of the commission, could be lost to us by becoming vandalised or weathered, etc. I include here sanctuaries and protected areas. If the Territory Parks and Wildlife Commission is to control its own affairs, it must control the naming of all parks and reserves, having regard to the expertise it can control, and the history and knowledge of the area it can obtain from the public.

The Territory Parks and Wildlife Commission is an important body in the Northern Territory and with an increasing awareness by everyone of our wildlife areas, both from a botanical and biological point of view, I think it is important to introduce legislation to make the job of the commission more easy and streamlined. Along with everyone's awareness of our wildlife areas, I would see perhaps a future awareness of the economic importance of certain items of flora and fauna. After any awareness comes programs of experimentation and use by the relevant authorities in the relevant places. In this I would see an enrichment of our diet, certainly a greater variety, and a scheme whereby the importance of these flora and fauna could be investigated, followed by a controlled program of harvest, having regard to the advice and concern of wildlife officers.

Mr DONDAS (Casuarina): I rise to support the bill and in doing so will confine my remarks generally to the spirit of the bill. The introduction of this legislation in the Legislative Assembly was a decision of major importance - a decision to formalise protection of Territory parks, reserves and wildlife for many years to come. One of the main things that will eventually assist the Wildlife Commission in the function of this ordinance is education. It is gratifying to see the many wildlife programs being shown on TV in the Territory and other places throughout the world. Of course, if everybody knew the dangers of species becoming extinct then we would not need this type of legislation. But education will certainly assist. Nature itself can replenish its species and vegetation. However, nature cannot compete with the lust of man to destroy beautiful and living things.

The technical amendments to the principal ordinance proposed by the executive member will allow the smoother running of this ordinance. My only criticism is that the executive member has foreshadowed other amendments to the principal ordinance. I personally feel they should have been introduced now and not piece by piece, as will be the case when other amendments will be made.

Mr TUXWORTH (Resources and Health): It is very pleasing to know that we have satisfied both sides of the House with this legislation. As I indicated in the second reading, there was nothing very contentious in it. It is, in fact, a process that we will continue to go through over the years where we will improve and update legislation as the need arises. This is just one such occasion.

The honourable member for Arnhem did seek from me a response as to whether any additional legislation is coming through that is sponsored by the Parks and Wildlife Commission. I have to be honest and say that I am aware of some legislation that is in the pipeline. I am not sure that it is going to be presented in this sittings or the June sittings but it is reasonably close at hand. Mr Speaker, I commend the bill.

Motion agreed to; bill read a second time.

Mr ROBERTSON (Community and Social Development): I move that the committee stages be later taken.

Motion agreed to.

STATEMENT

FINANCIAL ARRANGEMENTS WITH FEDERAL GOVERNMENT

Mr EVERINGHAM (Majority Leader)(by leave): I wish to inform the Assembly of the progress to date in the negotiations of the financial arrangements between the Commonwealth government and the Northern Territory executive.

Honourable members know that our agreement to the financial arrangements is a precondition for the transfer of any further major functions, including the establishment of a Northern Territory government with control over its own Treasury and consolidated funds.

Mr Speaker, I am pleased to report that we have reached agreement as to the principles to be incorporated in letters of understanding and as a result of this progress, the transfer of further significant powers will take place on 1 July 1978. There are still some details to be worked out within the agreed principles and I will continue to inform the Assembly on these matters when appropriate. When I am satisfied with these details, I will be prepared to sign the letters of understanding.

Mr Speaker, I believe the financial arrangements now proposed will inject a feeling of real confidence right throughout the Territory and the grant of self-government is a great move forward for the people of the Territory. I believe the financial arrangements will introduce a period of real growth and stability in the Territory. I believe the financial arrangements we have negotiated give the lie to those prophets of doom who have done nothing but spread alarm and false rumours about secret deals, massive increases in taxes and a sellout of the Territory to the Commonwealth. I believe the people of the Territory can be assured that these financial arrangements are the best possible and that there are no secret deals and we have not sold the Territory short.

The position we have now reached, after some very hard and at times very difficult periods of debate and dispute, is that both parties have now agreed on the broad principles that will apply in all future financial dealings between the Commonwealth and the Territory.

The main principles of the financial arrangements are, firstly, the Territory will be fully self-governing within a financial framework similar to that which applies to the states. Secondly, the Territory government will have full access to the Commonwealth Grants Commission as from 1 July 1978 on the same basis as do the states. Thirdly, the Territory's total annual revenue will comprise - (a) no more than a reasonable revenue effort on the part of the Territory, bearing in mind the low revenue capacity of the Territory, and (b) the Commonwealth's annual subvention to the Territory for recurrent and capital purposes. This will be calculated as the difference between our reasonable revenue effort and the amount necessary to maintain standards of services and development in the Territory.

Turning to the principles of the arrangements, Mr Speaker, it is appropriate that I now outline what these principles mean in practical terms and explain just how the arrangements will affect the future financial arrangements between the Commonwealth and the Territory.

The first broad principle of our agreement with the Commonwealth is that the Territory will be fully self-governing within a financial framework similar to that which applies to the states. Honourable members will be aware that what is now taking place is the progressive devolution of responsibility for state-type functions to the Northern Territory Legislative Assembly and executive so that by July 1978 we should be undertaking those functions

normally discharged by a state government, with the possible exceptions of the health and education functions. This does not mean that we will automatically become a state at that time. It simply means that a Northern Territory government will have authority to make decisions on a whole range of matters affecting the lives and well-being of the people of the Territory, including how funds will be spent in their best interests. The Northern Territory government will be accountable to the people for these decisions. This is what self-government is all about.

1 July this year will see the creation of the Northern Territory government with responsibility for all those state functions that I mentioned, except health and education. At this stage it is planned that these will be handed over by the Commonwealth by 1 July 1979, although we have proposed that if possible the transfers be brought forward. As from 1 July 1978 we will have our own Treasury, a Northern Territory government account at the bank in the Territory and Northern Territory government cheques will be drawn against that account. For this purpose a new financial administration and audit bill has been prepared and will be introduced into the Assembly by my colleague, the Executive Member for Finance and Planning during this session. The financial administration and audit bill forms a very important part in the management and accounting for the revenues and expenditures of the Territory and sets down the financial procedures to be observed in the provision of state-type services to the Territory within the framework of the financial arrangements.

I think it will be helpful to honourable members if I spend a moment or two explaining the various elements of the framework. As previously mentioned, all state-type functions may not be transferred on 1 July 1978. Accordingly, it is proposed that 1978-79 will be a transitional year and that the full scope of the financial arrangements will not be brought into play until 1979-80. Northern Territory Public Service officials are now involved in detailed discussions with their Commonwealth counterparts to bring together the total 1978-79 Northern Territory revenue figure and to determine the Commonwealth share of that total revenue figure. It is my understanding that, following the Premiers' Conference in June this year, I will be in a position to inform the people of the Territory what the level of capital funding will be for 1978-79.

It is also my understanding that before 1 July 1978 the level of recurrent expenditure for the Territory will be made known to me but only on a confidential basis. For obvious reasons it will not be possible to publicly disclose this information prior to the tabling of the Treasurer's budget in the federal parliament in August 1978. In the knowledge of these commitments for 1978-79, we can be confident that the Commonwealth will fully support the Territory in this historic and most important move to self-government.

As to uranium, I am not in a position at this stage to announce the Commonwealth's final proposal in relation to uranium and mineral royalties on Aboriginal lands. This is a matter which will be incorporated in the letters of understanding.

Turning now to the arrangements which are to apply at the commencement of self-government, under the full scope of the framework of the arrangement action will be taken during the latter half of 1978 to analyse the Territory's total needs and this will be done along lines similar to those observed between the Commonwealth and the states. This will be a fairly complicated process. The Territory government will then be undertaking completely new functions and responsibilities and will be absorbing a wide range of central office administrative tasks and professional activities. These have been previously performed on behalf of but outside the Territory. New agency arrangements are now being negotiated between the two parties with the view to economy and effectiveness of operations, particularly in common service areas. During this transitional process we will be classifying the Commonwealth's 1979-80 subvention into the

various categories of special and general purpose revenue grants and special and general purpose loan moneys. Thus, by the first or second quarter of 1979 we will have established and put into place the various components of the financial framework. It is against that framework that the Commonwealth Grants Commission will undertake an assessment of the total needs of the Territory and I will discuss the timing of its involvement in the assessment of the Territory in a moment.

I draw honourable member's attention to one particularly important aspect of our financial arrangement. This concerns what is termed the base recurrent expenditure grant or the Commonwealth general revenue assistance grant. The basis for this grant will be established when the analysis referred to previously is completed. In terms of our financial framework, this revenue assistance grant will be deemed to be analogous to the Territory's share of the tax reimbursement arrangement that applies between the Commonwealth and the states. Accordingly, this grant will escalate each year in a manner similar to the way in which tax reimbursement shares of the states are automatically escalated. The formula adapted to this process is the percentage movement in the income tax pool and experience to date has shown this to be about 15% per annum, plus any increase in population. This concept is perhaps one of the most significant gains to the Territory arising from the financial arrangements. Having a firm revenue base and an agreed percentage method of escalation should overcome that demoralizing and devastating air of uncertainty which, as all members of this Assembly well know, has pervaded the Territory's financing for so many years and with disastrous results.

One particular issue which relates to the matter of our base recurrent expenditure grant is the concept of fiscal equilibrium or equal balance between revenue and expenditure. This concept has now been agreed as the basis for determining the base revenue assistance grant. By this I mean that our existing standards will be maintained until such time as they are properly assessed by the Grants Commission and that, pending this study, there is no presumption on anyone's part that there are over-standard services in the Territory.

The principles now to be incorporated in the proposed financial arrangements are sound principles. The Territory will be fully self-governing within a financial framework similar to that which applies to the states. This will indeed establish a sound basis for the continued development of the Territory and will surely give you, Mr Speaker, and all honourable members encouragement to press on with the task now before us of establishing sound government through the work of this Assembly.

On the capital expenditure side, let me explain the principles of the arrangements covering capital expenditure and related capital borrowing, sinking fund repayments and the Loan Council. Up to this time the Commonwealth has provided the funds for expenditure on all capital works and services for the Territory out of its consolidated revenue fund. Under full self-government the Territory would be expected to finance its capital works program under conditions similar to those which apply to the states, namely 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 interest and sinking fund repayment responsibilities.

The details of our 1978-79 borrowing program have yet to be resolved but, as mentioned previously, the base civil works program which is analogous to a state's Loan Council allocation will be known before 1 July. The level of funding for 1978-79 should provide a broad indication of what our base loan allocation will be for the future. In addition to the base allocation, there will of course be the normal state-type special purpose grants or loans for specific capital projects such as the East Arm power station. Once the base

loan allocation and special purpose grants and so on have been determined, the amounts for future years would be escalated in a manner analogous to the arrangement between the Commonwealth and the states.

All Territorians will readily appreciate the significance of a stable adequate capital funding program. I have every reason to expect our future funding will be more than adequate for the maintained growth and development of the Territory. This factor alone will provide a tremendous incentive for forward planning for government and industry alike. Concerning the Territory's consequential debt servicing responsibilities, the Commonwealth will undertake to make a special purpose grant each year to meet these changed charges. These may eventually be absorbed into payments analogous to the tax-sharing arrangements.

On the business undertakings, the capital borrowing programs of the Northern Territory business undertakings have yet to be determined but it is clear that these programs will be set by reference to past experience and the forward plans for each undertaking. Once the total program level has been approved by the Loan Council, annual increases would, subject again to Loan Council approval, be broadly in line with those agreed for the states semi-government programs. The Commonwealth has undertaken to guarantee our semi-government borrowings.

Following our specific representations, it has now been agreed that the electricity undertaking could not be self-supporting within the foreseeable future and that the Commonwealth will now consider an extended subsidy arrangement. The Commonwealth has yet to finalise its subsidy proposal and there will be a separate agreement covering the electricity undertaking.

Concerning the remainder of our business undertakings and subject to the detailed arrangement for the transfer of the relevant assets, it is feasible that these undertakings could be self-supporting at the time of transfer or shortly after. In this event, these undertakings would then meet their recurrent costs and service their new debt from their own revenues. I will keep the Assembly informed of further progress on these important issues.

Turning to the Grants Commission now, Mr Speaker, the second broad principle of our agreement is that the Territory will have full access to the Commonwealth Grants Commission as from 1 July 1978 on the same basis as do the states. Mr Speaker, this access to the Grants Commission will result in a guarantee over time that our level of funding from the Commonwealth can never fall below that necessary to sustain an acceptable level of state-type services. By acceptable level, I mean that we can never be outstripped by the more populous and better endowed states of New South Wales and Victoria.

Legislation necessary to give the Grants Commission power to look into our financing has been presented to federal parliament. That legislation will become effective on 1 July 1978. I will then be in a position to write to the Prime Minister and make formal application for a grant of supplementary assistance for the year 1979-80. Obviously, the transitional nature of 1978-79 would rule out such a grant for that year and because of this the Commonwealth has agreed that during that year it will provide extra funds to cover unavoidable costs in increases upon request.

Grants Commission style grants are made in two parts. The first is called an advance grant which is made in the year to which it applies. The second is called the completion grant, made when the final audited accounts of the claimant and the two standard states are available for detailed comparison. I expect, Mr Speaker, that by the beginning of 1979-80 we will know what the level of our tax share equivalent and our special purpose grants are to be. The

Grants Commission should be in a position by then to have accumulated sufficient information to assess the need for a supplement by way of advance grant. The continuing annual cycle of Grants Commission activity would proceed from then on at our initiative.

In arriving at its annual recommendation, the Grants Commission will look to see we are adequately compensated in our treatment by the Commonwealth for our lower capacity to raise revenue and also our higher cost structure. In the former case our reasonable revenue effort, which I will be dealing with in more detail shortly, could not be as productive in per capita terms as reasonable effort in New South Wales or Victoria. We have fewer cars, less dutiable commerce, lesser payroll and other cash flows. Therefore, we have what is referred to as a revenue need to supplement our raisings. The higher cost structure means that even if we are made theoretically as well off as New South Wales and Victoria, we would still be unable to achieve as much. The Grants Commission will also look at an expenditure need supplement so that this disadvantage is neutralized.

The Grants Commission is a quasi-judicial body and will take evidence from government officials and public bodies as necessary. Preparation and presentation of our cases will be an important task. Once the Grants Commission has arrived at a total for our revenue and our expenditure needs, it will compare these with the moneys payable to us by the Commonwealth and, if we deserve more, will recommend a supplementary grant.

I go back now to the third principle of our agreement: that is, that the Territory's annual revenue will comprise a reasonable Territory revenue effort and a package of Commonwealth grants and loans sufficient in total to ensure continuation of at least existing standards of service and patterns of development. This principle will in time be overtaken by the activities of the Grants Commission when they complete their assessment of our needs. However, at the outset it is crucially important that everyone clearly understands that there will be no demand for revenue on the people of the Territory which is unreasonable. This is particularly so when viewed in the light of our relatively low revenue potential. It is also important that, in setting up our financial framework, there can be no unsupportable assumption that the higher cost of services or development in the Territory cannot be justified.

Reasonable revenue effort is a concept which has been explained in detail to this House by my colleague and deputy leader, the Executive Member for Finance and Planning. Reasonable revenue effort can be summarized as that effort necessary to produce the same total revenue as would be derived by the application of New South Wales - Victorian average charges to our lower tax basis. Please note again that this does not mean that we must raise the same as those states in per capita terms. The tax basis looked at includes numbers of motor vehicles, numbers of cheques passed, gallons of liquor sold, quantities of minerals won, payrolls paid and so on. Once a reasonable figure is agreed to, then how we reach it is our own business. We could be conventional and stick to standard rates of taxes on the usual things, or we might be innovative - for example, through taxing casinos and other forms of legalized gambling. In the latter case we would be in a position to keep other taxes low as is our expressed intention. This is a balance which we must strike, based on our interpretation of the special circumstances of the Territory.

The taxes which we actually collect have no effect at all on Grants Commission assessments of the revenue capacity and needs of the Territory. As I have already explained, our revenue needs are supplementary to reasonable revenue effort. An accurate gauge of reasonable revenue effort will not be available until the Grants Commission gets to work during 1978-79. It is my firm expectation that the Grants Commission will make full allowance for all of our

special circumstances and particular difficulties in revenue raising. It is for all these reasons that I believe the Territory will not be disadvantaged under the proposed financial arrangements. Indeed it is my belief and that of my party that the financial arrangements will, in fact, be to the advantage of the people of the Territory and the arrangements will give full meaning and support to the concept of self-government.

Mr Speaker, I seek leave to move a motion without notice.

Leave granted.

MR EVERINGHAM: Mr Speaker, I move that the statement be noted.

Motion agreed to.

Mr ISAACS (Opposition Leader): A point of order, Mr Speaker, before you put that question - that the motion be agreed to - I was on my feet. I wish to move that the debate be now adjourned.

The motion before the Chair as moved by the Majority Leader, having sought leave to do so, was that the statement be noted. I rose to speak on that subject but unfortunately you put the motion and declared it carried before I had a chance to speak.

Mr EVERINGHAM (Majority Leader): Mr Speaker, that being the case, I would seek leave to suspend so much of Standing Orders as would enable the motion to note the statement to be re-committed for debate.

Mr SPEAKER: Honourable members, I will resolve this by putting the question again. The question is that the motion be agreed to.

Mr ISAACS (Opposition Leader): Mr Speaker, I move that the debate be adjourned.

Debate adjourned.

TERRITORY PARKS AND WILDLIFE CONSERVATION BILL
(Serial 40)

Continued from 2 May 1978

In committee:

Bill taken as a whole and agreed to.

Bill passed the remaining stage without debate.

ANNUAL HOLIDAYS BILL
(Serial 43)

Continued from 7 March 1978

Mr ISAACS (Opposition Leader): The Opposition welcomes this serial 43 bill, introduced by the Executive Member for Transport and Industry, because it essentially picks up the two points of the Annual Holidays Bill which I introduced at the last sittings.

One of the two points which it seeks to implement is the question of providing those employees not covered by an award with an annual leave loading, in addition to their four weeks annual leave or five weeks if they are shift workers.

And secondly, it gives a court power to award a payment of annual leave and loading to non-award employees in the case of a defaulting employer. As I said, both of those principles are enshrined in the legislation introduced by myself at the last sittings and for those reasons we support and commend the executive member for so introducing them.

At the appropriate time, when the serial 27 bill which I introduced providing for annual leave loading provisions comes before the Assembly, I will seek leave to withdraw that bill. I would hope, though, that the Executive Member for Transport and Industry would take up the other two pieces of legislation which I have introduced - that is, the matters in relation to sick leave and public holidays. Quite obviously, because of the precedence given to government legislation, that would implement those principles far more quickly than if the carriage were left to myself.

I would also ask in the general review of industrial legislation that the executive member pay attention to the other matter that I have often referred to, and that is the question of the Long Service Leave Ordinance because, as he knows - he has been advised by his department or certainly by the Department of the Northern Territory - the deficiencies which I have pointed out relating to pro-rata long service leave in that ordinance ought to be corrected.

However, having commended the executive member for the introduction of this legislation, there are a number of matters in the bill which need some attention. I will be moving an amendment in the committee stage and also opposing one of the clauses which he has introduced. Without going to those matters where there is agreement - although I might mention the simpler definition of "shift workers" as outlined in the new bill; it does make it much easier to understand that the ordinance now relates to shift workers. It is a much simpler definition, I agree, and it is worth having that included. Looking at clause 6 - and that, of course, is the major new item in the bill - I am rather struck by the wording chosen by the draftsman. It seems to me an unusual way of framing the annual leave loading provisions.

New section 6(1) will read:

> *An employee who takes a holiday to which he is entitled under section 4(1) is entitled to receive free from his employer payment of an amount equal to 117 and one-half per cent of the ordinary remuneration the employee would have received in respect of the period of the holiday if he had not taken the holiday.*

It is a most unusual way of putting the annual leave loading provision. There is a standard formula enunciated by the full bench of the Conciliation and Arbitration Commission on the matter of annual leave loading. This was also adopted by a public service arbitrator in a test case some years ago where the annual leave loading was dealt out separately as a 17½% loading. However, for whatever reason, the draftsman appears to have decided to disregard that and just express it simply as "117 and one-half per cent". Of course, it amounts to exactly the same thing.

There is a point in clause 6 of the bill which does concern me - that is, whether or not shiftworkers as defined in the legislation ought to receive the average or the sort of shift loading they would have received but for the fact that they went on holidays. A shiftworker normally gets, for an afternoon shift, 15% additional and for a permanent night shift 25% or 30% and on weekends other penalty payments. If they work a seven-day roster - say, for example, in power stations - the pay they would have received but for the fact that they were going on leave would be far in excess of even 117 and one-half per cent of their normal wages. This matter has been recognised by the various tribunals in this country and I do not know of one tribunal which has not agreed to allow

shift workers to take the appropriate loadings and penalties that they would have received but for the fact of going on leave.

I was interested, therefore, in reading the second-reading speech of the executive member where he says the new provisions for loading do not include penalty rates in line with award prescriptions. That may well have been the case so far as the executive member is aware when he worked as a station hand on Humbert River Station, when Charlie Schultz ran it, but it does not occur today. I can assure members that great strides have been made in industrial progress and in fact the position today is that shift workers are paid those penalties that they would have received but for the fact of going on leave.

Perhaps to convince the executive member that that is the case, I could give him two references. The first is to the Metal Industries Award which is quite often accepted - it is certainly not the standard award in the federal jurisdiction but it certainly is accepted - as one of the standards upon which one might look. Clause 25(k) of the federal Metal Industries Award deals with the provision relating to shift workers. I will read the provision so that I can convince the executive member that he ought to agree to the argument I am putting up and accept the amendment which I am going to move in the committee stage. Clause 25(k) of that award reads:

Loading on annual leave

(k) During a period of annual leave an employee shall receive a loading calculated on the rate of wage prescribed by sub-clause (j) of this clause subject to the provisions of paragraph (ii) hereof.

The loading shall be as follows:

(i) Day workers - an employee who would have worked on day work only had he not been on leave - a loading of 17½ per cent.

(ii) Shift workers - an employee who would have worked on shift work had he not been on leave - a loading of 17½ per cent.

Provided that where the employee would have received shift loadings prescribed by clause 19 - shift work or clause 36 - watchman and/or gatekeeper (N.S.W. only) had he not been on leave during the relevant period and such loadings would have entitled him to a greater amount than the loading of 17½ per cent than the shift loading as prescribed in sub-paragraph (j) (a) (ii) of this clause shall be included in the rate of wage prescribed by subclause (j) in lieu of the 17½ per cent loading.

Provided further that if the shift loadings would have entitled him to a lesser amount than the loading of 17½ per cent then such loading of 17½ per cent shall be added to the rate of wage prescribed by subclause (j) but not including sub-paragraph (j) (a) (ii).

The loading prescribed in this subclause shall not apply to proportionate leave on termination.

Mr Speaker, I think that explains to the executive member that it is recognised in the federal jurisdiction, from the Metal Industries Award which is accepted as one of the standard awards to look at, that shift loadings are paid as part of the annual leave loading.

Mr Robertson: ... negotiated agreements.

Mr ISAACS: I am sorry, the member should not really talk about things - if I might say, Mr Speaker, through you - that he knows very little about. The fact is that those loadings have been agreed upon by a full bench of the Conciliation and Arbitration Commission which is quite a different matter from the negotiated agreements. As I was saying, shift workers do receive these entitlements in every jurisdiction that I am aware of - for example, shift workers from Monday to Friday will not receive 17½% in shift loadings but it is true of people who work on a seven-day roster, as I have pointed out, in so far as power stations and other continuous operations are concerned.

If that is not sufficient to convince the executive member that what I am saying is correct - that he ought to consider allowing shift workers to be paid those shift loadings, but for the fact that they went of leave - I refer him to a position put to me by no other organisation than the Master Builders Association of the Northern Territory. It is getting a bit monotonous, Mr Speaker. I am quoting, with approval, statements of the Master Builders Association but I can recall similarly quoting statements from the MBA in relation to the Construction Safety Ordinance. I hope people do not draw the wrong conclusions from this.

I will just read from a letter which I received from the MBA. I am unaware whether or not the executive member received a similar letter. It is headed, "Comments by the MBA on bills for an ordinance to amend the Annual Holidays Ordinance, serial No. 27, Mr Isaacs, and serial No. 43, Mr Steele". The letter reads as follows:

> *In view of the fact that serial 43 deals with the same subject ordinance as serial 27, we have not commented in detail on serial 27 but we do wish to comment on two matters relative to serial 43.*
>
> *1. In view of the proposal of Mr Isaacs to incorporate shift loadings as part of the wage entitlement upon which the 17½% loading is based and the fact that similar provisions are contained in the Metal Industry (Northern Territory) Award 1972, we believe that we could reasonably incorporate shift loadings in Mr Steele's bill relating to the proposed amendment of section 6(3) by the words "other than shift loading".*

Frankly, their proposed amendment does not succeed but the principle must be clearly apparent to everybody to agree with the proposition which I am putting forward. I will be introducing an amendment in the committee stage to incorporate that provision. If I might just say, Mr Speaker, I think there would be very few shift workers who are not covered by an award who would come under this provision. Nonetheless, I believe for the sake of uniformity we ought to follow the standards which do apply in the federal jurisdiction, the public service arbitration jurisdiction and the various state tribunals.

Clause 7 of the bill seems to me to be a most unwarranted proposition and I really cannot understand why the executive member has introduced it. The current position under section 7 is that there is an obligation on employers to notify their employees who are not covered by awards that their annual holidays are due within a certain period of time - I believe it is four weeks - and, of course, that is an appropriate proposition because I believe most employers are aware of the obligation they have in regard to taxation, annual leave entitlements and other obligations as employers. But my experience shows that very few employees coming into a non-award area are so aware and get into all sorts of problems because they are not aware of their rights. It reaches the position where they have been entitled to something but, because of their own ignorance, they have not pushed it.

Currently, section 7 of the ordinance covers those people by ensuring that the employer notifies the employee of the impending annual holidays. What clause 7 of this bill does is to reverse that. It seems that a person who is unaware of his entitlement to annual leave has to claim it. Well, if that is not an addled piece of logic, then I am not certain what is. If a person is unaware that he is entitled to annual leave, how in heavens name is he going to write to his employer and ask him to give him some sort of notification about his annual leave entitlement. It seems to me to be an absurdity to be putting his sort of proposition up. The Opposition will be opposing that particular clause. I cannot see any good reason why the provision has been changed. In the executive member's second-reading speech, he merely indicated to us that it was going to be changed but gave no basis upon which the change would be made.

The only other matter I would like to comment on is clause 9 which gives us the very difficult question of what do you do when the employer and the employee cannot agree on the date on which the annual leave should be taken. No doubt, it is quite silly to expect of an employer that an employee can merely say to him "Well, my annual leave is due tomorrow. I am off." There are obligations on employers and there are also obligations on employees. One just cannot up tracks and go. You have the running of the whole organisation to consider. Clause 9 does try to sort out the very vexed problem of what you do when the two, having discussed the matter of taking leave, cannot come to an agreement. I have tried to apply my mind to the problem. I cannot come up with a better solution than that which exists in clause 9. I suppose one could consider means of arbitration and so on but really I do not think that would work. I believe that, on balance, the proposal of clause 9 has merit. At least it gets out of the impasse in a way which does not, I believe, adversely affect either the employer or the employee.

So in summary, we approve wholeheartedly of the introduction of this bill. It is timely. We would hope the other industrial legislation which we have introduced will also receive the same attention from the executive member, that he would see to the Long Service Leave Ordinance with a view to reviewing it in the areas which have been pointed out to him to be deficient. I indicate that in the committee stages we will be opposing clause 7 and also we will be moving an amendment to the annual leave loading as it relates to shift workers.

Mr HARRIS (Port Darwin): In speaking in support of the Annual Holiday Bill presented by the Executive Member for Transport and Industry, I would like to say that I agree with the original intention of the Annual Holidays Ordinance which was to provide for annual holidays for all employees in the Northern Territory. That, in itself, was fine. It was not, however, meant and many took advantage of the poor legislation to abuse the original intentions and place an unnecessary condition on the employer. One cannot expect any person, whether he or she be an employer or an employee, to be bound by two sets of criteria. You cannot expect an employer to follow in respect to annual holidays those sets of rules laid down under the award as well as those laid down under the Northern Territory Annual Holidays Ordinance. Unless both these are consistent, it is one or the other. This bill is to protect those employees not covered by an award.

I would like at this stage to foreshadow an amendment to clause 11(2) of the bill. The words "award holidays" become redundant but not public holidays, in order that this section has meaning. The words to be omitted are "or awards", the word "holiday" remains.

The repeal of sections 6 and 10 does not change the original intention of the ordinance. In clause 7 which the honourable Leader of the Opposition was talking about, which relates to the holidays to be taken within three years, the inclusion of the new subsections again have the same original intention

but the onus is taken from the employer in relation to notification. The employee still receives the same benefit. New section 10 and its related subsections allow the employer to have some control of his workforce, a right which I feel he or she deserves. The penalty section introduced under clause 13 of the bill, amending section 17 of the principal ordinance, will have no argument.

All around us today we see examples of duplication caused by lack of communication. We should all try to correct any areas where this duplication may occur. The employee and the employer need each other and the sooner people realise this the better. The amendments to the Annual Holidays Ordinance still allow the employee who is not covered by an award to receive annual holidays. It also gives the employer a little more say in matters where the employer should have more say. I support the bill.

Mr BALLANTYNE (Nhulunbuy): I rise to speak on the bill. I have spoken to quite a number of people about its contents and agree that these amendments are long overdue. Clause 2 is probably the crux of the bill as it defines specifically all the forms of employment an employee may enter into with an employer so that he may derive the benefits of annual holidays. I would say that most unions and employee associations would wholeheartedly agree. I say wholeheartedly because it has been on behalf of those bodies that these agreements and awards have been made.

Section 4 of the principal ordinance is amended by omitting subsection (3) and substituting a new provision. This defines the cut-off point for employees not eligible for annual holidays and furthermore describes fully the definition of a casual employee and the terms of employment he may enter into with an employer. A person could have two casual jobs and could apply for annual holidays from each employer.

Section 6 refers to holiday pay and gives the employee entitlement to an amount equal to 17½% loading on his ordinary remuneration. The employee's remuneration is defined in section 6(2), in paragraphs (a), (b), (c) and (d). To me this is an important provision, particularly for those employees whose ordinary remuneration has not been fully defined in the past and until now have not received that 17½% loading.

Section 7 provides the mechanism for an employee to make application for his annual holidays to his employer and spells out the time period - when to apply for such leave. I have always been concerned that employees do not take their holidays within two years. I know that some employees let their holidays accumulate for a couple of years so that they may take a trip abroad or a special long holiday, but to extend it for three seems to be an awful long period. However, this has been a decision made by the Conciliation and Arbitration Commission; therefore we must respect that decision. Holidays are of concern to most employers particularly in small businesses where virtually they have one employee away on leave practically each month of the year. If everyone sticks out to take their leave within the three year limit, it would make it very difficult for the employer. However, most of the employer's holiday problems are usually worked out with the employees and with the staff generally.

Section 10 has been streamlined to help both employer and employee with the application of leave and this provision details the procedure whereby both parties must put it in writing. There is a lot of detailed work in some of these big organisations and they must know when people are going on leave because of certain problems relating to air fares and payment to be given on time before they go on holidays. This will certainly overcome a lot of the problems I spoke about relating to section 7.

Section 15 has been amended to strengthen the case of employees working under an award. It means that where a change is made in an award which could be disadvantageous to the employee, particularly where some entitlements have accrued in the past before the changing of that award, then the entitlement is retained and I think that is a very good amendment. Once a new award is made, the content of the ordinance would still remain legal. I think that is a very valid point.

This bill is long overdue I support its contents and thank the Executive Member for Transport and Industry.

Mr PERRON (Finance and Planning): Like the previous speaker, I believe the amendments to this bill are long overdue. I recall when it was passed in the old Legislative Council in late 1974. I tried to have amendments put through at that time and found then just how difficult it was lobbying a nominated member of the then Legislative Council - how difficult it was to change his mind, particularly when, as I was told by the sponsor of the original bill, that he did not really know very much about it. He was handed the bill and told to introduce it. A similar bill had been put through the ACT Legislative Council just prior to that time and they felt the Northern Territory should follow suit. However, drafting priorities and whatever else since that time prevented us having this bill amended before now, unfortunately. At least we are now reaching a stage of some achievement in this regard.

The principal ordinance has a number of very bad points about it but, fortunately, the whole document is being all but ignored in the Northern Territory. The principal ordinance made employers who were employing casuals and even paying them loadings on top of their normal rate of pay, in lieu of annual leave, liable for annual leave payment. In addition it did not recognise in any way casual rate loadings in lieu of annual leave.

The principal ordinance made no provision at all for the situation where a person is engaged on a notional retainer and received a commission depending upon their performance. Such arrangements are common in areas like motor vehicle sales and also in the insurance industry. Persons in these situations are virtually self-employed. They come and go in their employment virtually as they please. They take time off as they please and rightfully they should, as they only get paid on their performance. This Annual Holidays Ordinance has no place whatsoever in the area of negotiated commission arrangements between an employer and what the ordinance calls an employee. I would dispute that he is technically an employee, although it could be argued.

The Leader of the Opposition is not in favour at all of the proposed amendments to section 7 of the ordinance which are set out in clause 7 of the bill before us. Section 7 of the principal ordinance requires every employer in the Northern Territory, and has required every employer in the Northern Territory in the past four years, to give notice in writing to every employee four weeks in advance stating the date on which that employee is entitled to go on a holiday. The assumption by the original legislators is that obviously an employee could not be relied upon to remember when he commenced work or when he last had annual leave and that the employer would do his very best to keep it a secret.

I guess every employer in the Northern Territory would be guilty of not having complied with this section of the ordinance. I would even suggest that unions in the Northern Territory have not served a written notice on every one of their employees four weeks before they were entitled to take leave. I believe it is an absurd statutory requirement to be so strict. The penalty for non-compliance with this section is a fine up to a maximum of $200 for each offence. That this section of the ordinance has been ignored by employers and employees in government departments charged with administering

the ordinance shows virtually universal contempt for these particular provisions. They are just plain unreasonable. I must admit in the few awards I have gone through fairly closely in the past, I do not recall any of them requiring employers to serve such notices on employees. I am not denying that there might be awards which stipulate this requirement but I think it is rather unreasonable. The new provision in the amendment before us, providing for an employer to supply details of leave entitlements on request, is surely a more rational approach to this whole question of the confirmation to an employee as to when he is entitled to take annual leave.

The principal ordinance provides that in calculating ordinary remuneration for leave purposes the value of board and lodgings must be included. This provision makes a mockery of some of the situations which can prevail particularly in places like the Northern Territory. It means that an employee who is employed away from his home and is provided with food and accommodation without charge, or in many cases for a nominal fee, is entitled to be paid the full value of that board and lodging whilst he is on annual leave, and he may well be in his own home during that period of annual leave. I cannot see any justification why an employer should have to pay the same allowances for a man who works in the bush to go and live at home during his annual leave. Fortunately clause 6 of the bill before us proposes to correct that situation.

The Annual Holidays Ordinance provides that an employee may determine when he will take annual leave yet gives no right to the employer on the subject whatsoever. As the Leader of the Opposition pointed out, this is an unacceptable proposition and I think that has been agreed virtually by all reasonable people concerned. I doubt that there is an award or other legislation in this country that gives the sole right to determine when leave is taken to the employee. The section makes a mockery of sound business principles and the rights which management must have for manpower planning. I do not believe the bill goes far enough in correcting the situation. However, it does provide for an employer to vary the time an employee takes leave within a six-week period so there is some flexibility afforded in the bill which is not in the principal ordinance.

Of all the sections in the Annual Holidays Ordinance which need amendment section 15 is the most serious. Although there is some legal doubt, section 15 does read as if one can pick some entitlements out of the ordinance and some from an industrial award to put together a nice annual leave package for the sole benefit of an employee. Mr Speaker, legislation has no place overriding an award which has been negotiated or arbitrated between employers and employees. An employer has the right to know that compliance with an agreement reached under the Conciliation and Arbitration Act is binding and he should not have to be wary of the government stepping in and varying those conditions.

I am pleased to see that the bill before us does not apply to an employee covered by an award and I think if we did nothing else in amending this piece of legislation than amend section 15, then we would be miles ahead of where we were.

Finally, Mr Speaker, I draw the attention of the House to the title of the ordinance proposed for amendment. I find it somewhat strange that it is called the Annual Holidays Ordinance, when perhaps it should be called the Annual Leave Ordinance. The term "holiday" is usually assocated with single or double non-working days, like May Day, Picnic Day, Show Day, Bank Holiday, Anzac Day etc, and terms like "leave without pay", "sick leave", "maternity leave" and "long service leave" are used to describe longer periods away from work. So I wonder why we do have an Annual Holidays Ordinance instead of an "Annual Leave Ordinance".

I support the bill.

Debate adjourned.

EVIDENCE BILL
(Serial 45)

Continued from 7 March 1978

Mr PERKINS (MacDonnell): I rise to indicate that the Opposition is not opposed to the Evidence Bill introduced by the Majority Leader. In doing so I would like to say that the Opposition welcomes the Evidence Bill. At this stage we will not be proposing any amendments to the bill and we will be cooperating with the passage of this bill in the committee stage.

However, Mr Speaker, there are some comments which I would like to make about the bill, particularly in relation to the second-reading speech of the honourable Majority Leader. As indicated by the Majority Leader, the bill seeks to introduce into the Northern Territory for the first time - and this is quite historic - a general legislative provision that will be able to facilitate the taking of evidence between the various Australian jurisdictions. I understand the basic scheme of the bill is that a court in the Northern Territory will be able to send a request to a corresponding court in any of the Australian states or territories requesting the latter court to take evidence in that state or territory. In this respect this provision is quite welcome. The mechanics by which the reciprocal arrangement can operate are outlined in the bill itself. I am interested to note that the bill will be another measure to eliminate unnecessary cost in the judicial process and also avoid unwarranted delays. The Majority Leader is to be commended in that respect.

I was interested to note that the honourable Majority Leader made some other comments in his second-reading speech on this bill. He referred to several other matters, I think. He referred to the extension of the use of affidavit evidence by consent and also the implication of committal proceedings where the defendant wishes to plead guilty and to be dealt with in a summary manner. There were several other matters raised by the Majority Leader in that respect. When the honourable Majority Leader raised these matters in his second-reading speech, he asked honourable members for comments which he could take into account in relation to drafting the bills in respect of those particular matters. I believe the Opposition would welcome the initiatives as proposed by the Majority Leader in that regard and we call on him to introduce those bills in order that members of the Opposition will have an opportunity to have a look at those bills and then offer comments or amendments as necessary.

The Opposition is not opposed to this particular bill; we will cooperate in the speedy passage of the bill and will not be proposing any amendments in the committee stage.

Mr ROBERTSON (Community and Social Development): I too would like to briefly support this legislation and I am pleased to see that the Opposition finds it agreeable as well. It is probably legislation which would relate more to the civil jurisdiction rather than criminal, though I do note that in clause 4 it is proposed that the law apply equally to the criminal jurisdiction as it would to the civil.

As honourable members would be well aware, it is not a practice of courts in the Northern Territory to have civil matters trialled before a jury. Therefore the provisions relating to the agreement of all parties would not apply to that jurisdiction. I think we all recognize the tremendous burden and cost to the community of criminal activity. It is not only a recognisable cost after conviction; it is a recognisable cost to proceed to conviction or

in some instances to proceed towards acquittal, and it would be reasonable to expect that where the parties agree, where the accused agrees and the Crown agrees, this particular evidence by commission would be widely used in the criminal jurisdiction.

However, I believe as I have already indicated that it would be in the civil jurisdiction that it would find its greatest value. It is very, very common in civil litigation to find that a party to an action will abandon his cause simply because he cannot afford to pursue it. If a suit has its jurisdiction in a court in Adelaide, for instance, and the defendant finds himself in the Northern Territory, say in Darwin, and the amount claimed is say, $500, then of course it would be quite ridiculous to fly his witnesses between Adelaide and Darwin, or Darwin and Adelaide as the case may be. I hope that justice will be done in more instances as a result of this enabling legislation should it find its way through passage in this House than would otherwise be the case.

I think, though, that its main area of use is going to be in the area of civil jurisdiction. I have become very concerned myself with the numerous instances that are brought to my attention of people separating from their homes in the Northern Territory and travelling to other states. More often than not, it is the woman - the wife of the marriage - who departs the family home due to the activities of the husband. The net result is that once the wife has gone to another city in Australia, then that person normally goes to a welfare agency which insists on proceedings being taken under either a maintenance ordinance or act, a property act or under the Family Law Act itself. It is at that stage that the injustices start to occur. Anyone can realize that the husband is not going to travel that distance to defend the case. This legislation will enable evidence to be taken by commission and hopefully, again, justice will become more common than I think it is at the moment.

Of course, it applies the other way round, usually in worse circumstances, when it is the husband who applies for a variation of an order under the Family Law Act, or an order under maintenance, or an order already made when both of them were in the same area and then they split again across the breadth of this country and the husband, knowing the wife can ill afford to come back, uses the local jurisdiction of a family court or a court exercising jurisdiction in family law to apply for a variation to that order. The woman usually finds it absolutely impossible to contest the matter. Of course, the court hearing the matter in that jurisdiction may only have regard to the evidence put before it and, if there is no mechanism for the woman to give evidence, except coming to the court over perhaps 2,000 miles, then of course the case may well fail or may be given quite wrongly in the favour of the person seeking the variation. Again, evidence by commission will overcome those problems. I support the bill.

Mr EVERINGHAM (Majority Leader): How could I find anything to say in reply in the face of such accord and sweet reasonableness on all sides. Unfortunately, I have had word - as indeed the Akhound of Swat had word that came on cable under the Indian Ocean and things like that - from New South Wales only in the last five minutes or so, that there is some concern in that state about some provision of this legislation. We are not quite sure what it is at the moment. It is uniform legislation and we would not want to pass the legislation without taking into account the opinions of all the states. Although agreement has been achieved, it appears there is now some slight measure of disagreement which will have to be resolved. So I will be asking that the matter be adjourned after the second-reading motion is taken. At least we can establish that we agree with the principle, even if some of the finer details have yet to be sorted out.

Motion agreed to; bill read a second time.

Committee stages to be taken later.

FIRE BRIGADES ARBITRAL TRIBUNAL
(Serial 51)

Continued from 1 March 1978

Mr ISAACS (Opposition Leader): This indeed is a simple bill as the honourable executive member in charge of its passage said in his second-reading speech. I am certain it does not reflect on his intellectual capacity at all. He did say in his second-reading speech that it was a simple amendment in that it affords recognition of the rank of sub-station officer in the ordinance. If only the amendment was that simple. Of course, the amendment does more than that. It stipulates the union which will represent the interests of sub-station officers. I know that when this Fire Brigades Arbitral Tribunal Ordinance was amended in 1976, when my predecessor and the executive member's predecessor introduced it, it was comprehensively debated at that time - I recall the member for Nightcliff being the lone voice expressing some doubt about it - and at that time the amendments certainly received the approval of the Majority Party. I also recall the Executive Member for Community and Social Development, a mere mortal member at that stage, speaking in glowing terms about this para-military organization.

The point of contention was that the Fire Fighters Association, which at that stage represented all firemen, was causing some concern to the particular executive member - who had a particular frame of mind and certainly he seemed not to display the greatest rationality when it came to discussing the trade union movement - and he sought to destroy the Fire Fighters Association by splitting it. Without going through the arguments so ably expressed at that time by the honourable member for Nightcliff about the proliferation of trade unions at a time when we were seeking to amalgamate unions, I do wish to remark on one point. The Majority Party gave notice today for the introduction of Lord knows how many bills. We are assured that there will be something like 50 bills introduced in these sittings. There were some 30 introduced in the last sittings and we do not know how many will be introduced in the June sittings. I would have thought we had better things to do than to revamp this proposition.

Honourable members opposite, and I am certain members of the Opposition, are aware of the Meeve Report into fire fighting and Meeve's scathing comments on the Fire Fighters Association. Whether one agrees with those comments or not is a matter of debate. He said the fact of the Fire Fighters Assocation being an unregistered organization in terms of the Conciliation and Arbitration Act would create so much difficulty. He believed that one of the principal problems was that the Fire Fighters Association was not a registered organization, nor can it be, I think. Of course, what the executive at the time did - and what this Majority Party is now doing - was to endorse another unregistered organization, the Northern Territory Fire Officers Federation. I wonder, having reminded the Assembly of the Meeve Report and its criticisms of unregistered organisations, whether or not the executive member has in fact read and comprehended that report.

The principal deficiency in legislatures passing laws of this kind is simply this: the question of trade union membership, I would have thought, should be one for the members themselves. If sub-station officers choose to join this unregistered organisation, then so be it and certainly I would accept that as the desire of the people. But it seems to me completely wrong-headed

in principle for us, as a legislature, to be legislating the classifications of what trade union or what industrial organisation they are to belong to. To me that seems anathema to what I understand is the principles of trade unionism.

The only area where I recall that being done is on the waterfront and honourable members opposite, I am sure, would be well aware of the tension which existed - not on this waterfront in Darwin, but on the waterfront scene in the rest of Australia - in the forties and fifties and gave rise to the introduction of the Stevedoring Industry Act in the middle-fifties. On that occasion registered waterside workers came into being and the Waterside Workers Federation claimed them all. That is the only area where I can see in some sense that it could be argued that trade union membership has been legislated for in this way. It seems to be totally wrong in principle, though, for us to be legislating as we are. The simple fact is this: the officers - that is, the station officer - have all joined the Australian Public Service Fourth Division Officers Association. They have formed some other organisations as well, this unregistered body, the Fire Officers Federation, which we are apparently hell bent on recognizing.

As I say, the Opposition opposes this bill. Of course, it follows on logically from the mistakes made in 1976. But it seems to me totally wrong that we as a legislature should be determining for a class of workers what trade union they ought to belong to.

Mr OLIVER (Alice Springs): I rise in support of the bill now before the Assembly. As mentioned by the honourable Executive Member for Transport and Industry, the amendment made to the Fire Brigades Arbitral Tribunal Ordinance by this bill is quite a simple one, and one that will not have a shattering effect on any member of the fire brigades. Indeed, Mr Speaker, the reason for this amendment to the ordinance is that it would be an encouragement and morale builder for the members of these fire brigades. It indicates an expansion in the fire brigade service and it indicates a greater flexibility in the control of that service.

Mr Speaker, this bill recognizes a new officer rank in the fire brigade and despite what the Leader of the Opposition has said, I have found no great opposition to this bill in the local fire brigade. That expansion that I spoke of in the fire brigade service is a reflection of the steady growth of our towns and the communities that have sprung up and will continue to spring up. The fire brigades provide essential services for those towns and communities, and we must ensure the maintenance of that high efficiency and morale enjoyed in that service.

Motion agreed to; bill read a second time.

Committee stages to be taken later.

POLICE AND POLICE OFFENCES BILL
(Serial 46)

Continued from 9 March 1978

Mr ISAACS (Opposition Leader): Mr Speaker, the honourable Majority Leader is not going to do the same thing to us on this occasion. There ought not to be sweet reason and light, and then put off the fateful day to another day. Mr Speaker, the Opposition supports the amendments to the Police and Police Offences Ordinance as proposed by the Majority. We accept his assurances that this ordinance is an interim ordinance only. I have taken steps to circulate the bill to people I thought would be interested in the amendments being proposed by the Majority Leader and I have not exactly been killed in the rush of responses.

It seems that the Police Association, the Council of Civil Liberties and the Law Society are perfectly happy and do not want their assent or dissent recorded.

I do hope, though, that the Majority Leader means what he says when he talks about this being an interim bill and that hopefully we will have a Police Administration Bill very shortly. I hope we will have that because certainly, so far as the police officers are concerned, they do wish to see some kind of security their way so far as the future administration of the police is concerned After all, it was 1 January 1977 that this Assembly took control of the police and they certainly are somewhat up in the air as to where they are headed. But I can assure the honourable Majority Leader that the day of sweet reason and light is still upon us and the Opposition supports this measure.

Mrs LAWRIE (Nightcliff): Mr Speaker, not all the Opposition support this legislation ...

Mr Everingham: You're with the Opposition, are you? At last it comes.

Mrs LAWRIE: When it comes to debating a bill such as the one before the House and the way in which it was presented, Mr Speaker, I can assure you I am in opposition. The honourable Majority Leader, when he proposed this particular piece of legislation, in one part of his speech at least made a lot of sense.

Mr Isaacs: That's unusual.

Mrs LAWRIE: That was on Thursday 9 March - again I am quoting from Hansard:

> *The Police and Police Offences Ordinance is under complete review and it is possible that many of the offences may be deleted or substantially modified and new offences may also be added. However, this wider review will take time and, in the meantime, there is an urgent need to upgrade the levels of penalties of the ordinance.*

Mr Speaker, in looking through the particular piece of legislation and realising that the penalties for some offences have been increased dramatically while others have scarcely been touched, I would have been in a better position to appreciate the rationale for this bill if the honourable Majority Leader, instead of making a sweeping statement - with which I agree - that the principal ordinance is in need of urgent review, could have given the House some indication of the reason for seizing upon some penalties as being too low and in urgent need of increase, whilst ignoring others.

The honourable Majority Leader did mention comments of Mr Justice Muirhead in relation to section 63 which I took on board and closely examined section 63. But so many sections have had the penalties increased without such a rationale being given. To go through some of them - and may I just say that, like the honourable Leader of the Opposition, I circulated this legislation to various people and groups and it annoyed me intensely that those whom one would have expected to have taken an intelligent interest roared laughing at some of the increases, but did little by way of making a formal approach to myself, or to the best of my knowledge, to the honourable Majority Leader, as to seeking an explanation for the increase, or opposing increases. When this legislation goes through the House and the public realise the extent of the increases in penalties in some of the provisions, there will no doubt be an outcry. But I would have been better served - and I think the House would have been - had the people made their objections known in the first place.

The honourable Majority Leader invited comments from members but in view of the fact that he has stated there is an urgent need for the review of the principal ordinance, I felt that to go through it section by section with him or some member of his staff would get down to a very simplistic argument which would not serve either of us very well. In his address in reply, I hope the honourable Majority Leader will give an indication of why these particular provisions were sought out for increase.

If I may now turn to the bill itself - as an example, in section 49 we have an increase from $20 to $200 for furious riding and driving. I can see the relevance of that particular section when the Traffic Ordinance has been steadily updated. I think attention should have been drawn to this in the presentation of the bill. In a second-reading speech, honourable members and members of the public do look for an explanation as to why the bill is being presented and I believe an inadequate explanation was given by the honourable Majority Leader.

Having accepted certain recommendations such as the amendment to section 49 - given, as I said, that there is a basis for this in the increases in penalties under the Traffic Ordinance and Motor Vehicles Ordinance - we find, for example, I think in section 51A that we have an increase from $10 to $200 for wantonly ringing a doorbell, or wantonly knocking on a door. Now that is a fairly substantial increase. We find we have a very big increase for wantonly and maliciously breaking a street lamp from $50 to $1000.

If we look at section 53(9) we find the penalty for common prostitution is being increased from $100 - this is soliciting in a public place - to $500, completely ignoring contemporary thought which states that perhaps the prostitutes, in plying the oldest profession, are being singularly disadvantaged when their clients are escaping any penalty.

Mr Speaker, this is not particularly facetious. Contemporary lawyers, people engaged in revision of the law, have spent a fair bit of time in discussing this problem. Indeed in Melbourne, under the auspices of the Liberal Country Party Victorian government - one has to be very careful with these names, but it is the Liberal Country Party Victorian government - police began to charge with offensive behaviour those members of the public who were soliciting prostitutes or who were their clients. And yet in 1978 contemporary thinking, the Majority Party is indicating to the court that the fault is all on the part of the prostitute, and the fine has been increased to $500. I think the honourable Majority Leader should have perhaps explained his thinking a little more in this particular instance.

Prize fighting, Mr Speaker, has gone from a penalty of not less than $10 or more than $100 to $500; this is for soliciting a prize fight unlawfully. That is a fairly substantial increase too; having regard to other crimes of civil and criminal disobedience in the community I find it surprising that privately soliciting an unlawful prize fight should have merited such attention.

Section 56, the consorting provision - and I think I should find and read to honourable members just what this section says. You know, I doubt if members have gone through this bill and have realised just what these increased penalties are. Section 56 of the Police and Police Offences Ordinance says: "Any person who wanders abroad" - wrong one, I am sorry. Under section 56 we have a whole group of offences; it is one of the catch-all sections with which the Police and Police Offences Ordinance unfortunately abounds. 56(1) says:

> *Any person who habitually consorts with reputed criminals shall be guilty of an offence.*

The penalty was imprisonment for two months and it is now to be $500 or imprisonment for three months or both.

Mr Speaker, in previous debates in the Legislative Council the then member for Victoria River, Dr Goff Letts, supported legislation which I had introduced repealing victimless crimes and in his wisdom, when I was dealing with the repeal of the vagrancy provisions, he interjected saying, "Horse and buggy legislation". To have such a wide interpretation of the consorting offence, Mr Speaker, is in my opinion still "horse and buggy legislation". That a person who habitually consorts with reputed criminals shall be guilty of an offence, and shall be liable to a penalty of $500 or imprisonment for three months or both, should have engaged the attention of all honourable members of this House, having regard to its wider implications.

I am aghast that members of the Opposition have apparently accepted the provisions of this bill. I draw the matter to the attention of the honourable Majority Leader and ask him if he would indicate in his speech in reply if in fact he things this catch-all consorting provision still has a place in 1978. If fully applied, of course, it would make criminals out of the Sisters of the Poor, the St Vincent de Paul, the Salvation Army and other people who habitually consort with reputed criminals out of the very highest and best motives.

In section 60, again a catch-all provision, penalties have been dramatically increased. We are going to find that from now on, under sections 56, 57 and 60, fortune-telling, begging, passing valueless cheques - that, I think, has some justification - but for the smaller victimless crimes the penalties have increased dramatically.

Under section 65 of the ordinance which deals with people offering goods for sale:

> *Any person who sells or offers for sale as food for human consumption any grain, flour, meat or vegetable which is in whole or partly spoiled or adulterated ...*

That particular provision has been completely ignored by the honourable Majority Leader and the penalty remains at $100 or imprisonment for two months. I find it difficult to gauge the rationale of an argument that says to solicit as a prostitute one is liable to $500 - after all, one only engages in prostitution with the connivance and consent of the other party - and yet a person who wilfully sells or offers for sale adulterated food has escaped the attention of the honourable Majority Leader and there is no proposed increase in penalty.

Under section 75(1), again a catch-all provision, "a person who in any street, road, thoroughfare or public place" does certain things - the penalties are again dramatically increased from $20 to $200. This catch-all provision includes strictures against such things as flying kites, posting bills, defacing walls, making bonfires or setting off fireworks unlawfully.

I do not wish to appear to be carping. What I want from the Majority Leader is a statement which I would have preferred to have seen in his second-reading speech, as to why these particular penalties have been increased at a time when - and I have faith in his statement - I believe the ordinance is under review anyway. Was it really necessary to increase the penalty for unlawfully flying a kite from $20 to $200. And the honourable Opposition goes along with it. Well, this little lady in the opposition does not. I think the bill has been presented without reasoned and proper argument, without proper rationale. Obviously, it is going to be a vote of one against all in the

second reading because I think it has been poorly presented and deserves the closer attention of the House. More attention should have been paid to it by a person who is a trained lawyer and, I have heard, an able one ...

A member: Who are you talking about?

Mrs LAWRIE: The honourable Majority Leader. More attention should have been paid to the way in which he presented the legislation. It seems to be a waste of time to go through it clause by clause, with a simple "I do not like that, yes you should" argument. Besides his reference to His Honour Mr Justice Muirhead's attention to section 63 of the ordinance, there has been absolutely no argument given by the Majority Leader as to why the dramatic increase in some sections were necessary whilst others were dramatically ignored.

I do not support the bill. I think it is a piecemeal attempt to patch up legislation and I agree with the original comment of the Majority Leader that the whole ordinance is in need of urgent review - not only as to the rate of penalties, but whether in fact some offences should in 1978 still be considered an offence. I oppose the bill.

Mr HARRIS (Port Darwin): Mr Speaker, I am afraid I do not share the sentiments of the honourable member for Nightcliff ...

Mrs Lawrie: That is unusual?

Mr HARRIS: ... and I would like to speak in support of the Police and Police Offences Bill. I would like to preface my remarks by saying that in my opinion the maximum penalties in some cases still need to be looked into. I am pleased that these are, in fact, only interim amendments. After reading through the ordinance to see what offences these penalties related to, I can understand why the Majority Leader asked for the review of penalties to be treated with urgency.

I would like to touch briefly on the complete review of this particular ordinance, as mentioned in the Majority Leader's second-reading speech, and also by the honourable member for Nightcliff. We have a beautiful climate here in Darwin and need not spend a great deal of time or money on clothes. These factors and others all point to the need for some form of local control over our parks and recreational areas. The updating of the Police and Police Offences Ordinance could help to give that control. Not being able to control the local situation can only be tolerated by the public for so long. The majority of our citizens and their children should be able to use our parks and our playground facilities. They should be able to use our recreation areas without having their freedom infringed upon.

To see people urinating against trees or shrubs, to see drunks fighting and hear them swearing, to see people just laying about with no intention of working even if they were offered work, should make us take stock of where our priorities lie. Any threat to the freedom of the majority of our citizens, Mr Speaker, must be removed. During the complete review of the Police and Police Offences Ordinance, I urge that consideration - and again I stress consideration - be given to the re-introduction of vagrancy and other laws pertaining to drunkenness. It is time we allowed the majority of people in our community the freedom they deserve and help those who are unable to help themselves in a constructive and sincere manner, not by lowering the penalties.

I commend the Majority Leader for having the Police and Police Offences Ordinance placed under complete review and ask that that review be treated with urgency. I support the bill.

Mr Everingham (Majority Leader): Well, Mr Speaker, by the sound of it the honourable member for Nightcliff may well be the first person to be dealt with under the new and severe penalties for kiteflying because I really feel the honourable member has been selecting parts of this particular bill that might just suit her argument. For instance, she has not told us about the amendment to section 50 of the ordinance which provides that those persons flashing themselves in a public place now do not go to gaol for a month. She has only told us about those parts where the penalties, in my view, have been brought up to a scale that is realistic by today's standards of values.

We have not said this is a perfect piece of legislation; we have admitted it is a piece of patchwork and we are only bringing it in because of pressure from the judiciary and the magisterial bench to allow themselves more flexibility in sentencing people. For instance, the magisterial bench feels it is better in some cases that they be permitted to impose a substantial monetary penalty rather than being restricted in the circumstances at present prevailing to having the alternatives of a completely unrealistic monetary penalty of something like $10, $20 or $40, or a month or three months in gaol.

That is the situation we have tried to cure here; we do not say it is a perfect cure. I have already said in the second-reading speech that we are working on a Police Administration Bill - in fact, the Police Administration Bill instructions have been sent to the draftsmen. We know how busy the draftsmen are at the moment. They are pumping out all this legislation in respect of self-government, the devolution of powers. I think in the whole year of 1977, the draftsmen were not able to accomplish as much work as they have accomplished in the first three or four months of 1978.

So I do not apologise for the fact that the Police Administration Bill has not yet been presented; it will be presented during the second half of this year. I acknowledge the right of the police to have such a bill and I want to give it to them as fast as I possibly can. At the same time, the Police Administration Bill relates to exactly that, Mr Speaker, and I fear the Leader of the Opposition may be labouring under a misapprehension there. It relates to administration of the police force. The administration of summary justice will be dealt with under a new Summary Offences Ordinance which I hope will be introduced if not during the second half of this year, certainly early in 1979.

I believe - and I will instruct the draftsmen to take note of the remarks of the honourable member for Nightcliff today - that the offence of consorting was first introduced when I was too small to really know about it, during or shortly after the Second World War I think from my recollection, when we had a very serious crime problem, and I think that quite probably there is a great deal in what the honourable member for Nightcliff said.

But as for fortune telling and so on being victimless crimes, I do not know that fortune telling is a victimless crime. I understand the honourable member for Nightcliff is not quite as good at fortune telling as she might have expected. Anyway, I have asked all honourable members, Mr Speaker, to put forward any suggestions and I remain willing to discuss the changes in committee that any particular member may wish to suggest and, in particular, those suggested by the honourable member for Nightcliff.

But I would recommend that any such changes be such as to correspond with the four-tier system which I have attempted to introduce in these penalties: for the least serious offence a maximum fine of $200 - and here again, I emphasize that these are maximum penalties - then for the next most serious $500 or three months imprisonment; then after that $1,000 or six months imprisonment and for the last and most serious, $2,000 and or twelve months

imprisonment. By today's scale of values, $2,000 does not really amount to a great deal and in many cases I think some people almost think it is worth persevering with the offence and continuing to pay the fine, especially in the matter of driving at a level of blood alcohol exceeding .08 and drunken driving and offences like that.

Mr Speaker, I commend this bill although I am prepared, as I said, in the committee stage to listen to arguments on particular matters.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr EVERINGHAM: Mr Chairman, I move amendment 34.1.

This amends clause 4 by adding the letter "s" to "subsection" so that it reads "following subsections".

Amendment agreed to.

Mr EVERINGHAM: Mr Chairman, I move amendment 34.2.

This amendment proposes a new provision for the enforcement of compensation orders to replace the proposed subsection (4) of section 63 in the ordinance. This amendment is made on the recommendation of the draftsman as being a wider provision than that contained in the ordinance, particularly in that it is not restricted to the local court.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5 agreed to.

Schedule:

Mr EVERINGHAM: Mr Chairman, I move amendment 34.3.

This amendment is merely to make it clear that the court may either impose a fine or imprisonment or both.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 34.4.

This amendment merely seeks to insert the correct subsection in the first column of the schedule.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 34.5.

This amendment deletes the part of the schedule which would have inserted the words "or both" in the penalty to section 49A as these words have been inserted by a previous amendment.

Amendment agreed to.

MR EVERINGHAM: I move amendment 34.6.

This amendment merely inserts the correct subsection in the first column to the schedule.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 34.7.

This amendment will delete the reference to "imprisonment for one month" from section 50. Under the standard four-tier system of penalties outlined in my second-reading speech, there should be no reference to imprisonment as an alternative penalty where the fine is only $200. I would point out to members that conduct of a more serious nature involving wilful and obscene exposure will attract a much heavier penalty, proposed in the bill, of $1,000 or six months imprisonment or both under section 57(1)(g).

Amendment agreed to.

Mr EVERINGHAM: I move amendment 34.8.

This amendment merely inserts the correct subsection number in the first column of the schedule.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 34.9.

This amendment seeks to achieve the same purpose as the preceding amendment.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 34.10.

This amendment is to correct an error in the bill.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 34.11.

This amendment inserts a new provision in the schedule to the bill which was omitted in error and provides a new penalty of $200 for an offence of selling adulterated or unwholesome food in section 65 of the principal ordinance. I do note the remarks of the honourable member and they will be taken into account in future drafting.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 34.12.

This amendment once again is merely to correct an error in the bill.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 34.13.

This amendment is to insert a new penalty of $200 for the offence against section 82(4) of the principal ordinance.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 34.14.

This amendment seeks to insert a new penalty of $200 for an offence against section 84 of the principal ordinance.

Amendment agreed to.

Mrs LAWRIE: Mr Chairman, I rise to indicate my dissatisfaction. I took in good faith the comments of the honourable Majority Leader that in committee certain amendments would at least be considered. Of course, I presume then I should have moved that the committee stages be later taken. However, no member of the Opposition or the Majority Party so moved and, as a minority of one, I did not take the opportunity.

Mr Chairman, by way of amendments which were circulated only a couple of hours ago we have complicated the legislation in front of us, bill serial 46 - a procedure which happens all too often in this House when schedules of detailed amendments are given to members for consideration without any chance at all of them consulting with other members of the community. The only comfort I can draw from this grotty debate is the assurance - again which I take in good faith - of the honourable Majority Leader that the whole thing will be subject to review. Certainly the amendments which this House in its infinite wisdom has passed today are deserving of review themselves.

Mr EVERINGHAM: Well, Mr Chairman, I am rather taken by surprise by those statements of the honourable member for Nightcliff because she sat there whilst I have gone through all my amendments ...

Mrs Lawrie: Very quickly; too fast for me.

Mr EVERINGHAM: ... and she has had all the detail in front of her. Those amendments may have only been circulated this morning in this House but I understand - correct me if I am wrong - they were sent to all honourable members under cover of a letter from the Department of Law some weeks ago when all honourable members were asked to come back to me as soon as possible with any suggestions they had for amendments. Mr Chairman, I feel the honourable member for Nightcliff is misrepresenting the position because she has had, to my knowledge, at least three weeks to come back to me with suggested amendments to this bill and she has had my amendments for at least that long.

Mrs Lawrie: I haven't had them.

Mr EVERINGHAM: She is trying to paint herself into a white knight position. The simple fact of the matter is she has not done her work; she has not done her homework ...

Mrs Lawrie: You're wrong.

Mr EVERINGHAM: ... and she has come here today without the bally amendments and asks us to defer the bill again. Here it is; the letter is dated about - I am sorry, the date is not on this letter but it was sent to all members approximately three weeks ago.

Schedule, as amended, agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

LOTTERY AND GAMING BILL
(Serial 65)

Continued from 9 March 1978

Ms D'ROZARIO (Sanderson): Mr Speaker, I suspect that in presenting this bill - having read again the second-reading speech given by the honourable sponsor of the bill - that perhaps the Majority Party subconsciously holds the bookmaking industry in some odium. Perhaps they think it facilitates gambling, which according to their moralistic views is an evil pastime and perhaps they think those who make their livelihood by brokerage in this activity should be penalised by inequitable imposts upon them. These imposts, I might say, would not be tolerated in any other industry.

The fact is that this bill before the House proposes, according to the amendments circulated, a turnover tax of 1.25% on the sum of all transactions with registered bookmakers. I would like to be quite clear about the nature of this turnover tax. It is a tax upon the sum of amounts wagered with the bookmakers. It is payable regardless of whether a particular bookmaker has a winning or losing day and regardless of whether or not he makes a profit over the week's meetings.

Imagine the outrage that would ensue from the business community if an analogous tax were imposed upon accountants, real estate agents, lawyers, construction firms, engineers and so on. Persons in each of these occupational categories handle transactions to the value of many millions of dollars per year. Imagine the outcry if these people were subject to a turnover tax on the value of transactions lodged by their clients. You would have to conclude that if such a thing were to occur, these occupational categories would be rapidly depleted because people would find they would be driven out of business. Yet the turnover tax on bookmakers and only on bookmakers is considered by the Majority Party to be quite a legitimate impost upon them. In no other industry or occupation is a tax levied on the value of transactions. If a turnover tax is inappropriate for all those occupational groups I have mentioned, then I certainly believe it is also inappropriate for bookmakers.

In essence the Opposition disagrees in principle with the notion of a turnover tax. Taxes should be levied on an acceptable base for the gambling industry. I suggest that one such acceptable base would have been a tax upon gross profits - that is, the sum of amounts wagered less the sum of winnings paid out. That is, of course, not the proposal that we have under consideration.

It would be quite wrong to suggest - and it has been suggested - that bookmakers are reluctant to accept taxation of the racing industry. The honourable executive member was reported in the NT News of 23 March last as having said: "Bookmakers are refusing to accept that their industry is an acceptable tax base". This is a very unfair interpretation of the attitutde taken by the bookmakers. The honourable executive member gave no indication to the press reading public that the bookmakers had approached members of the Majority Party executive very early in February with an alternative proposal for taxing the racing industry. Three bookmakers' assocations wrote to the Executive Member for Finance and Planning on 7 February outlining an alternative proposal for taxation of their industry and on 13 February I believe members of the Northern Territory executive met with representatives of the bookmakers' associations to discuss that proposal. If the honourable Executive Member for Resources and Health was not present at that meeting, I would have assumed that he would have been informed by his executive colleagues of what had transpired at that meeting. It is quite unfair,

therefore, for the honourable executive member to say to the press a month later that the bookmakers refused to accept that their industry is an acceptable tax base.

For the benefit of honourable members I would like to outline the alternative taxation proposal that was put forward by the bookmakers' associations. The proposal is a simple one, easy to administer and police, and would raise over $380,000 per year from bookmakers over and above what is raised at present. The proposal is to impose an additional field tax of say $20 per bookmaker per meeting per day. On the current number of meetings at which bookmakers operate this proposal would yield over $380,000 per year from this source alone.

At this stage I would like to clear up a few points for people who might be confused. First it is accepted by the bookmakers that the ticket tax of 5c per ticket will stay at that level. Secondly, the licensing fee of $500 per year which is presently imposed upon bookmakers would remain at that level. Thirdly, the $80 per week fee to field that is presently imposed upon bookmakers would also be retained at that level. I am saying that the $380,000 which is being referred to is the yield from an additional fielding tax and that sum would represent an increase in revenue from the racing industry over and above what is presently raised from the industry.

I would like to stress at this point that it is not merely the bookmakers who oppose the introduction of the turnover tax. In February of this year, the Darwin Turf Club circulated a submission against the proposal amongst all members of the Assembly. In that submission the club came out very strongly against the introduction of a turnover tax and was of the opinion that the revenue raised from the proposed turnover tax would be much lower than expected by the Northern Territory executive. The club supported its opinion with the following reasons.

Firstly, off-course bookmakers' holdings would be reduced because some transactions, notably those transactions which are generated from southern states, will either be channelled to illegal starting price operators elsewhere or they simply will not be disclosed. When we recall that Mr Neilson, in his inquiry into the Lottery and Gaming Ordinance, estimated that about 40% of bookmakers' turnover comprised transactions generated from southern states, the diversion of these transactions, or their non-disclosure, constitutes a very significant leakage from the tax base.

Secondly, the Darwin Turf Club is of the opinion that bookmakers will be forced to modify the services they currently render to the punter. This would further reduce the number of transactions. Some services which are marginal or generally losing transactions for the bookmaker will simply not be offered. Among these are each-way bets, place cards and quinellas.

Thirdly, the collection of turnover tax would be difficult to administer and police. The club estimated that the cost of administration and policing the collection of revenue from turnover tax would exceed $100,000 per year.

Both the bookmakers and the Darwin Turf Club agree that the introduction of turnover tax would result in a lowering of the standard of service to the betting public. Bookmakers will almost certainly cut out each-way betting, place cards and quinellas, and the prices offered to the punter would be severely restricted. The club believes that if a turnover tax is introduced there would be less bookmakers attending races, poorer services to the public and eventually less people attending the races. We have to conclude that the introduction of a turnover tax will satisfy neither the race clubs in the Territory nor the bookmakers. Eventually it would not satisfy the betting

public either and the downhill run for the racing industry in the Northern Territory would then be complete.

It seems to me that in their approaches to the Majority Party the bookmakers were most reasonable and responsible in their attitude towards taxing the racing industry. In putting their alternative taxing proposal they said, and I quote from their letter to the Executive Member for Finance and Planning of 7 February: "We suggest that at least in the short term the alternative system of raising more revenue from the industry be introduced, pending much deeper inquiries into the real results and effects of turnover tax in other areas". In a letter of 14 February to the Majority Leader they said: "We suggest that a trial period on the system suggested by us would be the safest and fairest method available. The fielding fee could then be reviewed on an annual or a six-monthly basis, in the light of the state and the health of the industry". What could be fairer than that? That does not sound like a group of people who are reluctant to be taxed. I urge the honourable sponsor of the bill to give serious consideration to the taxation proposal that has been put by the bookmakers' associations in their submissions to the executive.

I think I have shown that race clubs which, on the local scene at least, are the foci of the racing activity are not in favour of the proposed turnover tax. One presumes that the Darwin Turf Club would have some knowledge of the administration of racing in the Northern Territory.

Mr Perron: They want TAB.

Ms D'ROZARIO: Well, you will not give us TAB now.

Its views on the proposed turnover tax should be given some consideration. It is interesting to note that the Darwin Turf Club also inclines to the view that a system of stand-up fees should be the proper alternative to turnover tax. The club's proposal does differ in detail from the proposal put forward by the bookmakers' associations but, nevertheless, the alternative proposal does merit some consideration.

I urge the honourable sponsor of the bill to abandon this proposal to introduce the turnover tax and accede to the request made by bookmakers that a trial run be given to the method of raising revenue from the racing industry by the imposition of a fielding tax.

Mr BALLANTYNE: Mr Speaker, the bill before us to amend the Lottery and Gaming Ordinance follows a lengthy report introduced here in the Territory by Commissioner Neilson. His report was debated in the House and one could say that the report was accepted in principle in some areas. On the other hand one area where most disagreed was that members did not think Mr Neilsen's recommendations to install TAB was acceptable at this point of time, or perhaps never acceptable to the Territory style of betting.

Clauses 4 to 22 in the bill are simple amendments to the principal ordinance strengthening the operation of the Betting Control Board. Proposed new section 94H has been included in the principal ordinance to allow the board to receive money from the Commonwealth such as determined by the Administrator.

Clause 14 to amend section 94T is very important to the industry as it categorises the types of race meetings and the eligibility of the persons permitted to operate as bookmakers and other persons to operate on behalf of bookmakers. One good point is that all bookmakers will be on an equal level and will be able to operate on or off licensed race courses or dog racing tracks. Another point is that all permit fees will be payable annually - $100,

rather than the present $4 per meeting. This will give some revenue to the Territory but the number of meetings multiplied by $4 would be more than $100, so in fact the bookmakers will be paying less in that area. Only those who are permitted may operate these businesses and persons failing to comply will be subject to a heavy penalty of $1,000 or imprisonment for six months. It is a very harsh penalty but I am certain that no person will be foolish enough to act improperly with those penalties hanging over his head.

New part VIIB on turnover tax is a completely new provision to be added to the principal ordinance and section 94BB deals with this turnover tax. I was pleased to hear that the amount of 1.5% for turnover tax will be amended to 1.25%. I have taken it upon myself to talk to some bookmakers, particularly one who felt it was a little high at 1.5%, but could stay at 1.25%, although he would have liked to have seen it 1%. However, the decision has been made and I am sure we will know in the long term just how this will affect the operation of bookmakers.

Added to this, the bookmakers will have to pay this tax to the board on or before Wednesday of each week. I have no doubt the bookmakers will meet that commitment but I believe the time factor is a little small in some areas where you have distances to travel or the mail has to travel from one area to another. I am sure that discretion will be given by the board when those payments are made.

I know there is another provision that states that so long as the mail marking when it was posted is prior to the due date of turnover tax, it will be accepted if it arrives later. There are quite a lot of problems in the mails, air mail and ordinary mail, and even transport in the Territory from the major areas - Alice Springs down to Tennant Creek and also across to Nhulunbuy.

The turnover tax has been introduced, as we all know - and this has been said too - to introduce a form of tax raising in the Territory. No one has denied that fact. If we look at the other areas, Victoria is the only state with a turnover tax equivalent to the Northern Territory and the other states vary from 1.75% to 2.826%. If you want to compare us with Tasmania - where a lot of things have been compared - their turnover tax is 2.5%. From statistics, the average bet in the Northern Territory will be taxed less than all other states except New South Wales.

It can be further said that the smaller the bet or the smaller the wager, taking into account the turnover tax plus the tax on the betting tickets, the bet percentage will be higher. However as we look at the scale of bets, we will see that as the size of the bet increases say to $10 - that is a bet of $10, plus the turnover tax, plus the ticket tax - the total tax is 2.25%. If we look at the other scale, a $20 bet goes to 1.75% and so on to $40 - 1.5% and to $100 which is 1.35% of the bet. From those figures, the small better will probably be paying more except as the scale decreases from the $3 to $100 bet. The percentage tax on that is less than 5% per bet.

I feel the industry has a great potential and I would say that dog racing, as I see it, is only just emerging. So it has great potential like that of the horse racing industry. There is potential in the industry. Despite the extra work involved in the administration for the people concerned in that industry, I believe that all bookmakers will feel they have an equal opportunity to operate in an industry which has a future both economically and socially, an industry that is able to give the general public of the Northern Territory a service, a better service than it probably has been able to do in the past and one that attracts thousands of people to dog and horse racing sports all over Australia and in other countries of the world.

Mr PERKINS (MacDonnell): I rise, Mr Speaker, to make a few remarks about the Lottery and Gaming Bill which is under consideration in this House. I would indicate that I also share the sentiments of the honourable member for Sanderson and I endorse all her remarks in relation to the Lottery and Gaming Bill under consideration. I would ask the honourable Executive Member for Resources and Health to take into account all the propositions which she has put in relation to this particular bill.

I was interested in and also intrigued by the earlier comments of the honourable member for Nhulunbuy, when he indicated that the Lottery and Gaming Bill under consideration was the result of the recommendations of the Neilsen report.

Mr Everingham: He said it followed.

Mr PERKINS: I was interested to note that in the Neilsen report there was a recommendation for the establishment of the TAB system in the Territory. If you look into the Lottery and Gaming Bill under consideration in this House, you will find there is no recommendation to that effect nor any procedure to set up TAB. I would ask the honourable member to look at the recommendations of the Neilsen report again and also the bill which is under consideration in this House.

I have had an opportunity, Mr Speaker, to talk with some bookmakers of Alice Springs in relation to the Lottery and Gaming Bill. There are a few remarks which I would like to make in relation to the consultation which I have had with these bookmakers and in particular I would like to refer to the turnover tax which is up to 1.25% as proposed under the Lottery and Gaming Bill.

I have heard it described that the turnover tax is unjust and repressive, that it is unjust in the sense that it is a high turnover tax and that the tax has been directed at the bookmakers in particular. I have heard just recently that as a result of the proposals in this bill, it has been suggested that one of the bookmakers of Alice Springs has had to cancel all the advertising contracts which he has had with the local radio station, and that amounts to $1,200 a month. This is for the whole year. And that is largely as a result of the proposals in this bill which will mean that the bookmakers will have to pay higher charges and higher costs. In this instance, there was a particular bookmaker in Alice Springs who was forced to cut his overheads and his costs. Therefore he had to cancel the radio advertisements. This, of course, could in turn have an adverse effect on the local economy of Alice Springs; it will also deny the public the benefit of racing results and other details in relation to betting.

I fear, Mr Speaker, that if the turnover tax is introduced as it is proposed under the Lottery and Gaming Bill it will actually force bookmakers in Alice Springs and in other Northern Territory centres to seek alternatives. Unfortunately, I believe that one of the alternatives for them is to engage in illegal activities which are associated with SP betting. Unfortunately SP betting is already under way in Alice Springs, in anticipation of the Lottery and Gaming Bill under consideration in the House. It is unfortunate that the bookmakers are being forced into this position by, I believe, the NT executive with its proposals under this Lottery and Gaming Bill.

I would like the Executive Member for Resources and Health to take into account that particular matter and I would urge him to reconsider the whole import and the implications of the turnover tax which he proposes to introduce in the Lottery and Gaming Bill. It is a tax which I have described as unjust and repressive, and I believe that other people in the Northern Territory, particularly the bookmakers, would regard it in the same light.

Unfortunately, I do not think this House has heard any other proposals in relation to taxes on other aspects of the gambling and betting industry in the Northern Territory. In particular, I refer to bingo and other forms of gambling. At this stage the Majority Party has not been able to put forward all their proposals for the taxing of other aspects of the gambling and betting industry. It appears that under the Lottery and Gaming Bill they are content with a high and also an unjust tax aimed at the bookmakers in the whole of the Northern Territory.

I would suggest therefore, Mr Speaker, that on the basis of the sort of situation which I have described the honourable Executive Member for Resources and Health ought to take into account the whole of the implications of this particular bill and ought to reconsider all the problems which this bill may cause - in particular, the possibility that it may force bookmakers all over the Northern Territory to engage in the illegal activities of SP betting.

Mr PERRON (Finance and Planning): Mr Speaker, I could not think of another tax that would be less likely to be described as unjust and repressive than a tax on the turnover of gambling. However, the imposition of taxing measures is never a popular move, particularly with those most affected, and I would like to point out that the decision to increase a tax or to impose a new tax is not a pleasant matter either.

The Majority Party, in particular the Northern Territory executive, has made no secret of our proposals to make additional revenue raising efforts commensurate with the devolution of responsibilities by the federal government to this Assembly. It seems that few people are opposed to the principle of controlling our own destiny but no one really wants to pay for it, and that is understandable. The Australian taxpayer pays massive subsidies to fund government activities in the Territory and will continue to do so after self-government. What we are being asked to do is to reduce the gap which exists between what we pay now and what Australians elsewhere pay for government services. It is not an unreasonable request at all, Mr Speaker, to expect Territorians to take significant steps in reducing the gap which exists at the present time between tax measures in the Territory and tax measures in the states.

All of the areas in which we propose new taxes, including the racing industry, have been getting off light for years. Yet no one seems to have mentioned this point here today. Nowhere else in Australia are bookmakers operating without contributing substantial sums towards government revenues. Why should they not contribute in the Northern Territory as bookmakers do in the states?

The decision to allow off-course bookmakers to continue in the Territory in lieu of introducing TAB, as recommended in the Neilsen report, was not taken lightly and in the analysis of the financial structure of the racing industry which was produced it seems clear that the decision should be reviewed every three or four years. The executive has received considerable criticism by not opting for TAB and I am surprised that the bookmakers who are so readily campaigning to avoid turnover tax are not putting a similar effort into supporting the principle of their very existence because of the pressure to close them down in favour of TAB.

The bill before us provides for the licensing of on-course bookmakers, which is long overdue. The substitution of an annual licence fee in lieu of the present meeting fee will not only provide for less administration costs but cut costs to the bookmakers in this very area to the tune of $140 per annum.

Overall, the measures introduced by this bill will mean a closer monitorin of the activities of the racing industry generally and I believe that to be a good thing, as the handling of such enormous sums of money should be scrutinise carefully to ensure, as the sponsor of the bill put it, that the integrity of those involved is protected. I support the bill.

Mr ISAACS (Opposition Leader): Mr Speaker, in rising to express my opposition to the bill, I must make one comment on the speech of the member wit responsibility for this bill, the Executive Member for Resources and Health. He is being extremely cunning, if I might use that word in a non-pejorative sense, by splitting up the measures on the racing industry in two ways. Of course, he is assisted by the fact that there is a Stamp Bill and also a Lottery and Gaming Bill, and we have to consider the two separately rather than together. It is from the cumulative effect, I suppose, more than anything else that you get the full impact of what is going to happen.

It is interesting, nonetheless, when dissecting the arguments used by the Executive Member for Resources and Health, to find out just what is going on. Perhaps we were slightly unfair in accusing the member for Nhulunbuy of putting forward the proposal of following the Neilsen report - that is for TAB. I believe there is some confusion in so far as what the Majority Party's attitude is. For example, I recall hearing a very commendable speech by the Majority Leader in this House in November last year, recorded on pages 404 to 406 of the second Hansard of this second Legislative Assembly, where he put the knife into TAB so far as it could operate in the Northern Territory, and very effectively, by the use of statistics and figures that TAB was not a goer. Also the executive member himself, in closing the debate on the Neilsen report, on page 414 of Hansard, gave vent to similar expressions of doubt concerning TAB. If I might have the indulgence of the House, Mr Speaker, just to read from that passage - he was informing the Assembly of the meetings he had, I believe in Melbourne, with race officials and on page 414, he said:

> *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.*

So it goes on. There is no doubt in my mind, as a person who listens to what goes on from the other side of the House, that they were firmly opposed to TAB. Therefore, you can imagine my surprise - and I am sure the whole industry's surprise - when earlier this year the executive member brandished that TAB stick about the bookmakers' heads and said, "Cop turnover tax or we'll bring in the TAB". I do not know, he is not ...

Mr Perron: I know what you're going to do.

Mr ISAACS: ... he is not the sort of chap, Mr Speaker, who usually gives vent to these kinds of irrational explosions and you can imagine, therefore, our surprise when the normal cool bubble which goes around with the executive member was pricked. I can only assume that it was an empty threat and he certainly did not mean it.

But, Mr Speaker, as I said earlier, it is difficult to comment on this particular bill - that is the question of turnover tax - without having a look at the whole impact on the racing industry that both the turnover tax and the increased stamp duty are going to have. I certainly will not canvass that bill at this stage but just point out to the Assembly that it is difficult nonetheless to consider the bills in isolation.

The executive member, in introducing the measures, said to us that if you look at the turnover tax imposed on bookmakers in other states, really they are not doing too badly here and ought to be thankful. I realise it is a restricted printing of Hansard of 9 March when the executive member introduced the bill - and I remind the Assembly that we are talking about turnover tax on on-course bookmakers, not off-course and on-course bookmakers - but I would like to quote from page 21 of that restricted Hansard:

> *The current state government turnover tax rates are: New South Wales 2.5%, South Australia 2% plus .6% on interstate races, Victoria 1.88%, Western Australia 1.25%, Queensland 1.7% and Tasmania 2.5% on off-course bets only. In addition to this turnover tax payable to the state governments, a further turnover tax payable to the race clubs is levied at the following rates: in New South Wales .5%, in Victoria .37%, in Queensland .8%, in South Australia .26% and in Western Australia 1.25%. This gives total tax rates ranging from 2.25% to 3% on turnover, compared with the 1.25% proposed for the Northern Territory.*

The executive member was indicating that those two turnover tax rates were cumulative; in fact the position is quite the contrary. For the benefit of members, I will indicate the actual position. Lord knows where he gets his figures from but perhaps I can assist by giving the official figures from each of the states.

The turnover tax on bookmakers in New South Wales is 1.25%; that is the amount that is going to be levied here for all courses. Some clubs and associations also levy a turnover charge. The highest charge is 1% levied by the Metropolitan Galloping Racing Club. That 2.25% is charged only in one place - that is, the Metropolitan Galloping Racing Club. So the standard turnover tax in New South Wales is 1.25%, not 2.5% as suggested by the executive member and in fact going up to 3%. In Victoria the position is 2.25% on metropolitan courses, 1.75% on country courses. A rebate however is given to clubs depending on the type of racing; therefore the effective government shares are as follows: metropolitan courses, 1.87% for gallops, 1.8% for greyhounds and trots and 1.4% for country courses. In Queensland, the position is that there is a 2.5% turnover tax on metropolitan courses and 2% on country courses but again rebates are given to the clubs and so the effective government share is 1.67% on metropolitan courses, 1.34% elsewhere. I could give the same for each of South Australia, Western Australia and Tasmania merely to indicate the figures given by the executive member are not correct.

The other matter upon which there seems to be some conjecture is the question of how much it is going to cost to police the turnover tax. And, of course, we are all assuming that holdings are going to remain as they are and hopefully, I suppose, from the government's point of view, to increase. Nonetheless there appears to be some conflict as to how much it is going to cost. For example, the executive member said the cost of collection, control and administration of the taxes is anticipated to be considerably below the 10% mark for that amount - that is, I guess, well below $72,000. I do not know how far below - "considerably" below - but nonetheless the upper limit appears to be $72,200. As the member for Sanderson pointed out, the Darwin Turf Club estimates at a conservative guess that it would be $100,000 and it has been suggested in one letter to me - I do not know how much credence I can place on it, but nonetheless it has been suggested to me - that it could cost upwards of 20% of the turnover tax figure. I would be interested to hear from the executive member how many people are to be employed in the policing and the collection, the control and administration of the taxes and just how he arrives at his figure of less than 10%. Of course, I think it should be pointed out that the fewer staff you have in policing this sort of thing, the lower the tax base obviously is going to be.

It has been said, Mr Speaker, that these measures are going to have a crippling impact on the bookmaking industry. The honourable member for Sanderson has quoted not only the bookmakers but also the Darwin Turf Club on the impact on the types of bets which are going to be available to the betting public. It is also true I believe that bookmakers are not going to field on those days which they find unprofitable. I am informed that some of the weekly race days are not as profitable as others but the betting shops are kept open to provide the service and obviously to induce people to stay with them and keep betting with them on the weekends. It would be a great shame if they had to close on those week days or somehow or other restrict the services because the bookmaking industry, like every other industry in the Northern Territory, employs people and unemployment is a problem that we are all aware of at the moment. The reduction of services provided by the bookmaking industry is only going to add to that unemployment.

It is interesting when you speak to people, as indeed the honourable member for MacDonnell, the deputy leader of the Opposition has spoken to people in Alice Springs and, indeed, to people everywhere, that they are concerned about the impact of this turnover tax. Perhaps I might just read to the Assembly something from one bookmaker who took the trouble to write to me about the impact that be believes the turnover tax would have. He writes:

> *Expenses on days when there is only one meeting are almost as high as when there are three and I cannot see any value there. Had the turnover tax and ticket tax at the new rate been in operation during the last three financial years, I would have shown a loss in my shop. My turnover tax would have been in the vicinity of $25,000 per annum and an additional $5,500 for ticket tax. Add this to approximately $50,000 per annum which it already costs me to operate and I have to make over $85,000 per annum before I get anything for myself, and the guys who work on trots and other mid-weeks would have to make $1m. I am not a pessimist but I can see little hope for bookmakers if these taxes are applied in their proposed form. I am very well established in the game so I can imagine the concern of some young fellows who have just started book-making. I would say their chances of survival are nil. However, I will give it a try under the new system for a while and if I find that I cannot make a reasonable profit, I will hand in my licence very smartly.*

I would not have thought it would have been the Majority Party's intention to put people out of business. From the remarks made by the Executive Member for Finance and Planning this afternoon in relation to another bill, certainly his views would be quite the contrary. And yet it seems that this type of tax which is to be introduced may well have that effect.

I was interested to hear the remarks from the Executive Member for Finance and Planning, or the Executive Member for the Treasury as his Majority Leader refers to him, in relation to the contribution the bookmaking industry should make to the government's revenue. It is quite true, as the honourable member for Sanderson pointed out, the bookmaking industry recognises that it is fair game for taxation and it has put up a proposal that will net the government something in the order of $500,000. But it is interesting to see the contribution which the Executive Member for Finance and Planning seeks from the racing industry because, in addition to the contribution it makes to the Treasury purse in relation to payroll tax and the normal contributions which employers make, the executive is going to be seeking something like 6% of the total revenue that the Northern Territory is going to raise: $1m out of the $17m. That seems to me to be a tremendous amount out of the small industry we are talking about. I would be gladdened if the executive member could indicate the level of revenue that the bookmaking industry raises in

other states, to see how that compares with it.

I will conclude on that note but I think the point made by the honourable member for Sanderson is important: the racing industry, the bookmakers have indicated their awareness that they are to be taxed. I must admit that eight months ago or even six months ago nobody was talking about the type of field tax they are proposing. The alternatives which we all had, as I understood it, were TAB or turnover tax and there was no other alternative. They have put up a proposal which on the face of it appears a simple proposal; it will return a significant amount of money to the Treasury purse and it will do it in a way which does not discriminate against people. It will enable them to maintain the services which they are currently offering to the public. Indeed it seems a far more equitable arrangement than that proposed by the executive member.

Mr ROBERTSON (Community and Social Development): Mr Speaker, I would like, firstly, to make a couple of observations in relation to what we have heard from the other side of the House this afternoon. I suppose the principal one which comes to mind is exactly where is the public in relation to their policy.

We were led to believe in 1974 that the Labor Party had the attitude that TAB was to be the game plan. Subsequently, after the Neilsen report was handed down it was not. In fact, they were not going to have a bar of TAB. And yet today we hear two of them openly advocate TAB, and there is no other construction you can possibly place on their words. Firstly, the honourable member for Sanderson in a response to an interjection said "You will not give us TAB". One therefore must assume that now is at least her policy. The honourable member for MacDonnell ...

Mr Perkins: That is not true!

Mr ROBERTSON: ...now, of course, he chooses to interject - has done precisely the same thing himself. He suggested that we should be following the wording and the spirit of the Neilsen report. Hearing him say we should be following that, one must automatically assume that he believes the Opposition should have or has the policy of introducing TAB.

Mr Perkins: I did not.

Mr ROBERTSON: But then of course, if we go back just a few short months, we have the Leader of the Opposition proposing a 10% turnover tax. Now before he gets all upset about what I have just said, let us go through the sequence of events which occurred, as I understand them, and let us base them, of course, upon his own admissions.

He was interviewed by a journalist over the telephone; that is admitted. The journalist published in his form of media that the Leader of the Opposition was in favour of a 10% turnover tax. After a denial, incidentally, by the Leader of the Opposition that he had ever said this, I subsequently sighted the letter which he sent to all bookmakers in the Northern Territory which directly - and here we come to the question of credibility - purported to be a deposition of that conversation. It was clearly implicit in the wording of that letter - and remember, Mr Deputy Speaker, I have a copy of it, although not in the Chamber with me - and it was in the question-answer form in direct quote in the form of a deposition. One must make an assumption from that, Mr Deputy Speaker, that either he tape-recorded that conversation or he had a stenographer there who was able to monitor both sides of the conversation. No one could possibly send out a letter like that without purporting that it is a deposition, an accurate report of the interview.

What subsequently was admitted? Afterwards the journalist stood by his story that the Leader of the Opposition had, as Leader of the Opposition in this place, proposed a 10% turnover tax. His reaction was - "Oh, it was just my recollection of a conversation". Now what a vast difference from giving the impression to people that it was an accurate record.

So, where do we stand? Do we have TAB or don't we, in terms of the Opposition thinking? Two of the members of the Opposition today have clearly indicated that it is their policy to do so. The Leader of the Opposition tells us that he wants a 10% turnover tax. Now, I wonder really what has been the purpose of this exercise today. I think, Mr Deputy Speaker, it is nothing short of an exercise in an attempt to grab a few votes.

Let us now look at what the honourable member for Sanderson has really proposed. She has proposed an alternative system which was proposed, I understand - or she claims, and quite rightly - by the bookmakers. It is a system which we on this side of the House have examined. What we really could not understand is why they were willing to raise or allow to be raised in state-type revenues an almost equivalent amount from the industry that they now say cannot stand roughly an equivalent amount under this system. Either the industry can afford to pay or it cannot.

There is no way on this side of the House we want to see bookmakers go out of business. Nor do we want to see, as the honourable member for MacDonnell suggested, them becoming criminals or that they be forced, as he puts it, into breaking the law. I do not accept that for a moment. In fact he has gone as far as to accuse bookmakers in Alice Springs - bookmakers mind you, not traditional SP operators - as already going underground in illegal SP operations in anticipation of this law. Well, I hope the bookmakers in Alice Springs thank him for calling them criminals. The fact of the matter is, Mr Deputy Speaker ...

Mr Perkins: I did not call bookmakers criminals.

Mr ROBERTSON: I am just going on your words and you will hang by them. The fact of the matter is, Mr Deputy Speaker, that SP operations have been going on in Alice Springs for years; there is no doubt about that, as undesirable as that may be, and there is also no doubt about it that they will continue. But to denigrate the good name of bookmakers, the people in the business of bookmaking in Alice Springs by saying that they are already indulging in criminal activities because of this legislation does neither the bookmakers a service nor, I would suggest, does it do the honourable member for MacDonnell a service.

Mr Deputy Speaker, I wonder what we were led to understand by the words of the Leader of the Opposition when he gave us this great dissertation on figures which were alleged to refute those given by my colleague, the Executive Member for Resources and Health. What he has said in fact, in using those figures, is that the rebates which he admits are net rebates in terms of government revenue and are rebates to the club are in fact a deduction on the amount of turnover tax actually paid. I would suggest that that is quite misleading. The point, as I see it, is that it is a redistribution of those percentages. It is not a lopping off the top. The fact of the matter is the bookmakers still pay the figures as outlined by my colleague. It is just that the government receives a lesser percentage of the whole. And, of course, the club picks up the rest. To use his words again "rebates to the club, less revenue to the government", but the fact of the matter is that the bookie still pays the same amount - in fact, more than what we are suggesting in this legislation.

To get back to what the honourable member for Sanderson said earlier, that the imposition of turnover tax is a statement of fact and would always result in a reduction in services and therefore a reduction in the number of people who attend race meetings - all the figures throughout this country will defy those alleged facts. The reality is that after TAB was brought in, it did not have a significant effect on the number of people who attended races. The reality is that turnover tax, when introduced into the states, did not have the effect of reducing the number of people who went to races. Indeed there has been a steady expedential growth over the years and that growth has not abated.

So, what really have we heard from the Opposition so far? Adding to the confusion that is already in the minds of the people of the Territory, where two of them advocate TAB ...

Mr Perkins: You are distorting the facts.

Mr ROBERTSON: ... where the Leader of the Opposition still has us in a state of confusion as to his proposal of 10%, where indeed we have no statement of policy, we do have an admission that the bookmakers are willing to contribute to state revenue - they are not willing to do it in one way but are, in virtually equal amounts, in another. Let us hear from the Opposition as to whether or not this type of industry should contribute to state-type revenue and, if so, how to do it? We need a clear definitive statement, which we have not heard to date.

Mr Deputy Speaker, this sort of legislation among those that it directly affects, the bookmakers, is of course going to be unpopular. There is no doubt about that. No one wants to be taxed. It is an absurdity, while quite valid in terms of information, for this House to say that because the people who are going to have taxes imposed on them do not like it, therefore we should not do it. It would be like going around to every person in the Commonwealth and asking "do you like being taxed?" Every single wage earner would say "no". Therefore we should abolish all taxation. The argument is without foundation. I support the legislation, bearing in mind that we on this side of the House are flexible in the long term.

PERSONAL EXPLANATION

Mr ISAACS (Opposition Leader): Mr Speaker, the honourable Executive Member for Community and Social Development made a few accusations about the question of whether or not we support TAB. I am not going to debate the matter; I merely want to read to the Assembly what I said on 6 December 1977 in this Assembly in answer to a similar allegation by the executive member. I said:

> *The Labor Party has taken a view quite consistently throughout the last six months that, so far as TAB is concerned, we oppose it, despite the attempt by certain people who cannot lay claim 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 Neilsen 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 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.*

Mr Robertson: You have in no way explained that letter. You have not even attempted to.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I wish to move an amendment to the motion for the second reading. The amendment is available for circulation.

I move that the word "now" be omitted and the words "this day six months" be added.

Mr Speaker, as you know, the purpose of moving such an amendment at the second-reading stage of a bill is to invite defeat of the second-reading motion, and in fact of the bill. I merely give this explanation, Mr Speaker, because it seems that the Majority Party does not understand this very straightforward and long-used parliamentary method. I will tell you what the manager of government business said when a similar motion was introduced during the town planning debate on Thursday 1 December. What the honourable manager of government business said, after the moving of the amendment was - and I quote:

> *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.*

It is not, Mr Speaker; it is to defeat the bill. I am sorry I have to explain it but it seems we have to explain even simple parliamentary procedure these days. It seems we have to explain a number of things very carefully to the honourable manager of government business. Our position is perfectly clear; the purpose in moving this amendment is that this bill be defeated.

We invite honourable members to support us in this motion and we invite the Majority Party to introduce a further bill based on the proposal of the bookmakers which we believe is a perfectly reasonable proposal - that is, to impose a fielding tax, a certain amount per bookmaker per meeting per day. The advantage of this method is perfectly clear. It is very simple; there are minimum administrative costs and still the amount of revenue raised is substantial. Mr Speaker, I invite the support of all honourable members for this amendment.

Mr ROBERTSON (Community and Social Development): Mr Speaker, I move that the question be now put.

Motion agreed to.

Mr SPEAKER: The question is that the amendment be agreed to.

Amendment negatived.

Mrs LAWRIE (Nightcliff): Mr Speaker, I only intend to speak very briefly because I think the arguments for and against this bill have been pretty well canvassed but I feel it incumbent upon me to rise and support the remarks of the member for Sanderson when she put a proposition that the Majority Party study the alternative proposal which has come from the industry itself as to the best method of raising revenue. The honourable member for Fannie Bay, in proposing her amendment which has just been defeated, indicated that one of the reasons for support of that alternative measure - that is, the stand-up tax or fielding tax - is its beauty and simplicity.

The honourable Executive Member for Community and Social Development in his speech sought an indication as to why this method of raising revenue

from the industry should be preferred to that put forward in the bill. Surely it is fairly obvious. When bookmakers know they are faced with a fielding tax or stand-up tax, they can budget accordingly. The amount of the money is finite; they know how many days they intend to field throughout the year and they will know the levy to be imposed upon them for so fielding. A turnover tax, of course, is something else altogether. As the member for Sanderson said, it is not a tax on profit; it is a tax on the operation of the industry itself. Whether in fact a particular bookmaker may be making a profit or a loss, he still has to pay a tax on the amount of money he has turned over. That is the inequity of the turnover tax system. It cannot be budgetted for and allowed for by any bookmaker because he does not know from fielding day to fielding day the level of his turnover.

Mr Speaker, the policy of a turnover tax will set up a hierarchy of bureaucratic interference that I thought the Majority Party would not have wished to support under any circumstances. To have a stand-up or fielding tax can be simply policed. The money can be easily accounted for, collected and it would simplify the industry to a degree which should have merited the attention of both the honourable sponsor of the bill and the honourable Executive Member for Finance and Planning.

Mr Speaker, I cannot support the bill in its present form. I would certainly agree that the industry has to contribute to the welfare of the Northern Territory but I see that the methods they have indicated as being acceptable would, in fact, be more acceptable to the populace as a whole. It is easily identifiable and accountable, easily collected and one which would have my support if at any future date it is introduced in this Assembly.

Mr TUXWORTH (Resources and Health): I need a pair of braces I think, Mr Speaker. In reply to the remarks that have been made this afternoon on the legislation, there are some aspects I believe can be clarified and can be countered with argument. One of the difficult things, of course, is making figures say whatever you want them to say. We can spend the rest of the evening here talking about how figures can be made to say whatever one side wants them to say. It is the story of statistics - do not confuse me with the facts - and really I cannot see any point, Mr Speaker, in getting into a deep argument in that area.

The one matter I am concerned about, Mr Speaker, is the argument of the Opposition in pleading the bookmakers' case and I am still not clear in my own mind where we are going or where they are going, so that we can all know where we stand. As my colleague has pointed out, in 1974 TAB was in and bookies were out; in 1977 bookies were in and TAB was out. The honourable Leader of the Opposition was - and I believe, probably unjustly - charged with commenting that a 10% turnover tax would be equitable and I believe he is also on record as saying that he regarded - and I quote: "regarded the gambling industry as a legitimate area for government revenue and he would not oppose the turnover tax and stamp duty, as long as it was comparable with other states". Today we have a fielding tax as the official platform of the party and at the same time, Mr Speaker, there is a document floating around, a minute of the last meeting of the ALP in Alice Springs, asking for the party to formulate a gambling policy. So really, they are treading a thin line. We do not really know which side they are going to fall on and probably that is not unreasonable because they do not know themselves.

Mr Speaker, the member for Sanderson started off by saying how inequitable the proposed imposts that we have in mind were in the Northern Territory and that these proposed imposts would, in fact, see the demise of the industry. Well, Mr Speaker, just to refresh the honourable member's memory and the memory of the Leader of the Opposition who also has his own set of figures, I

will just read briefly the percentage of tax payable on $1000 holding by a bookmaker in each of the states. There is a fluctuation in this figure that takes into account the cost of the ticket and the stamp duty on the ticket and the various variables that each state government has set in relation to interstate betting in their particular state. In New South Wales there is a cost of 1.26% up to 1.28% per $1000 of hold; Victoria is 1.77% to 2.29% per $1000; Queensland is 2.02% to 2.28% per $1000; South Australia is 2.02% to 2.63%; Western Australia 2.01% to 2.41% and Tasmania is a flat 2.41%.

Mr Speaker, the tax we are alluding to, with the stamp duty built into it, would be 1.48% which is the second lowest - hardly an impost, hardly a figure that is going to see the demise of the industry, as the members on the other side of the House would suggest.

The suggestion that bookmakers will not accept their industry and the racing industry in general as a tax base is perhaps a little harsh on my part. There are some bookmakers who flatly refuse to accept their industry as a tax base; they came and argued their case and they were asked for an alternative to our proposal. They said straight out: we do not believe we should pay tax; we have been here for 12 years; we have higher operating costs than everybody else; why should we pay tax? It is very hard to be reasonable and rational with people who have an approach to life such as that, Mr Speaker. I am afraid there is a likelihood that the more vociferous of the people in the bookmaking world are these people and there are reasonable bookmakers who accept that a tax will come. They are not going to like it. We do not like putting it on, but that is what life is all about.

Mr Speaker, the Opposition has proposed or suggested that the fielding tax is an acceptable alternative to the turnover tax and that, in fact, the bookies would be happy to pay it. I was at the meeting that the honourable member for Sanderson alluded to with the bookmakers. In fact I went to dozens of them with bookmakers all over the Territory and my colleagues, the Majority Leader and the deputy Majority Leader and the honourable member on my right were all at the meeting. There would have been perhaps nine or ten of us at the table and I can assure you, Mr Speaker, that the offer the bookmakers made towards contributing from their industry on a fielding tax was nothing like the figure that the honourable member mentioned as being equal to the turnover tax.

Mr Isaacs: I didn't say that.

Mr TUXWORTH: Mr Speaker, my understanding of the Opposition's debate this afternoon has been along the lines that the fielding tax would do, in a just and simple manner, what turnover tax would do and that we should head off along the line of fielding tax. The discussions we have had with the bookmakers just do not bear that out. There has also been a suggestion that there will be reduced, modified services by the bookmakers. I do not think that is likely at all. It does not matter what business you are in, if you find additional costs of any sort coming into your costing structure, you make allowances for them and you reduce your risks. Gambling and bookmaking is a risk business and a very high risk business.

Mrs Lawrie: Almost like politics.

Mr TUXWORTH: Yes, only it's a bit more permanent.

Mr Speaker, the honourable member for MacDonnell suggested that the tax was directed at the bookmakers. Well, I do not particularly hold that it is a personal vendetta against the bookmakers but I do accept the premise that we are expecting the bookmakers to pay it because they are the people who are

handling the money. It would be much easier for us to collect the tax from 40 bookmakers than from 10,000 punters and I am sure the honourable member would take that into consideration.

He also suggested there was a cancellation of contracts with the radio station in Alice Springs by bookmakers, that they have cancelled these contracts two months before the tax is going to be introduced because it is going to send them broke. Mr Speaker, I find it very hard to accept the reasoning behind this argument. If the bookmaker cancelled his contract two months after we introduced the tax, he would have some basis for his argument but to suggest that he is cancelling it two months before, because the tax is coming in, is bordering on pious pap.

The honourable member for MacDonnell also suggests that the tax is unjust and oppressive and that bookmakers should not have to pay it. The bookmakers have suggested to me that they should not have to pay the tax; that it is very unfair and very unreasonable and that it is going to send them broke. However, they have been reluctant to put their licences in the mail and send them back. Whether there is any reason for that, I do not know, but perhaps they are prepared to carry on under this "oppression" that has been suggested.

My colleague, the Executive Member for Finance and Planning makes a very relevant point concerning the introduction of the tax. The reality is that there is going to be state-type taxes in the Northern Territory and if we do not put them on in the Northern Territory of our own volition, our federal friends of both political persuasions are going to ram them down our throats. From our experience of having things rammed down our throats by our federal colleagues of both political persuasions, I am much more of the mind that we should do these things ourselves. Life will be much easier in the long run because our federal colleagues are inclined to be a little heavy handed in the way they measure out their taxing measures. I really think it is the best approach that the Northern Territory as a whole can take.

Mr Speaker, the Leader of the Opposition referred to TAB and the remarks I made about TAB in a previous debate. I would like to bring to this House's attention the fact that in the last several weeks Neville Wran, the Premier of New South Wales, has also been having a rethink about TAB and bookmakers, and is making noises about introducing bookmaking again in that state. Whether it comes or whether it does not is another matter but the fact that the government of that state is concerned about it and concerned to the extent that it is prepared to introduce it must give us some very serious food for thought.

The Opposition Leader also mentioned how unfortunate it would be if bookmakers had to close on unprofitable days. Mr Speaker, I think it would be a very good idea if they closed on unprofitable days because I cannot see any future for anybody in keeping the door open if they are losing money and that perhaps would be the best approach. But what he is alluding to is that the bookmaker runs on some days with a minimal profit possibility, to maintain faith with his customers and to provide a service. Well, I accept that premise but this is a normal business operation in any sort of business you like to name.

Mr Perron: You pay pay-roll tax whether you make a profit or not, don't you?

Mr TUXWORTH: We are going to tax his turnover and if his business decisions are bad and he loses money on his day, that is his business judgement. He stands and falls on that like the rest of us.

Mr Speaker, the honourable member for Nightcliff entered into an argument

in the latter stages which I find very hard to comprehend. It goes something like this: that the bookmakers are happy to pay the fielding tax and they do not mind doing it, so we should follow that approach because that is simple and clean and efficient. However, they cannot pay a turnover tax to the same effect because it is very difficult to police and it is going to drive them all out of business. I am sorry, Mr Speaker, but if the industry can stand X dollars a year, whether it is collected over the table or under the table or on the roundabout, it does not really matter. The fact is the industry can stand it.

What we are proposing, Mr Speaker, is that there is no hidden costs in the turnover tax. When the bookmaker takes the bet he knows what his tax is on the bet the moment it goes into his hand. He knows what his fielding fee is; he knows what his stand-up fee is and he knows what his wages and his electricity are for the afternoon. Mr Speaker, from the point of view of the Majority Party the decisions relating to the turnover tax and whether to have TAB or not are taken over many, many months with a great deal of consultation. We are not going to make any friends in the bookmaking world but you cannot be a tax collector and be a popular fellow, and we accept that. The one thought we would like to leave the bookmakers with is this: that they may be in business and they may be paying a tax but it is better than being out of business and watching the TAB. I commend the bill.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 4 taken together and agreed to.

Clause 5:

Mr TUXWORTH: Mr Chairman, I move amendment 39.1.

This amendment is technical in nature in that it relates to the numbering of the sections of the principal ordinance.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clauses 6 and 7 taken together and agreed to.

New clause 7A:

Mr TUXWORTH: Mr Chairman, I move amendment 39.2.

This particular amendment relates to the transfer of funding of racing bodies and charities from the Commonwealth to the board. Again it is a machinery matter.

New clause 7A agreed to.

Clause 8 to 11 taken together and agreed to.

Clause 12:

Mr TUXWORTH: Mr Chairman, I move amendment 39.3.

This amendment relates again to the correction of a numbering error in the principal ordinance.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clauses 13 to 19 taken together and agreed to.

Clause 20:

Mr TUXWORTH: Mr Chairman, I move amendment 39.4.

This amendment comes about because the board will not receive fees after 1 July 1978.

Amendment agreed to.

Clause 20, as amended, agreed to.

Clauses 21 and 22 taken together and agreed to.

Clause 23:

Mr TUXWORTH: Mr Chairman, I move amendment 39.5.

Again this relates to the renumbering of the sections of the ordinance.

Amendment agreed to.

Clause 23, as amended, agreed to.

Mr TUXWORTH: Mr Chairman, I move amendment 39.6.

This particular section relates to a misprint in the percentage to be collected in the principal ordinance.

Mr CHAIRMAN: We have already put the whole of clause 23. We will have to recommit clause 23 for further consideration.

Mr TUXWORTH: All right. Mr Chairman, could I move that clause 23 be recommitted.

Mr CHAIRMAN: We will have to continue with the new clause now and go back to it, after we finish with the bill - to have it recommitted.

Clause 24 agreed to.

New clause 25:

Mr TUXWORTH: Mr Chairman, I move amendment 39.8.

This is a saving clause to protect the currently licensed bookmakers - a new clause to be inserted after clause 24.

New clause 25 agreed to.

Title agreed to.

Bill reported with amendments.

Mr ROBERTSON (Community and Social Development): Mr Speaker, I move that the bill be recommitted for reconsideration of clause 23.

Motion agreed to.

In committee:

Clause 23 - recommitted:

Mr TUXWORTH: Mr Chairman, I move amendments 39.6 and 39.7.

Just briefly, the first of these relates to the reduction of the 1.5% to 1.25% and the second part of it relates to originals being used rather than copies, to overcome the possibility of fraud.

Amendments agreed to.

Clause 23, as amended, agreed to.

Bill reported; report adopted.

Bill passed the remaining stage without debate.

ADJOURNMENT

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

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

TABLED PAPER

TOURIST BOARD ANNUAL REPORT

Mr TUXWORTH (Resources and Health): Mr Speaker, in accordance with the terms in section 21(1) of the Tourist Board Ordinance 1962-73, I table the annual report of the Tourist Board.

Mr PERKINS (MacDonnell): Mr Speaker, I move that the report be noted and I seek leave to continue my remarks at a later stage.

Leave granted.

STATEMENT

ADMINISTRATIVE ARRANGEMENTS FOR NT GOVERNMENT

Mr EVERINGHAM (Majority Leader) (by leave): There has been some reference this morning during question time to the new titles of some of the executive members. Members will recall that I presented to the last sittings of this Assembly a statement detailing the proposed administrative arrangements which were to have taken effect from 1 July. However, it has proved necessary that the new departments be created before 1 July so that members of the public service presently in the Australian Public Service can be transferred direct to the departments which they will be joining as from 1 July.

The Executive Council, therefore, called into existence the new departments and consequently the new titles of various executive members. I understand this information has been gazetted. If there has been any oversight on my part, I apologise for it but I would have thought that all honourable members would have read of these changes in the government Gazette.

Mr ISAACS (Leader of the Opposition) (by leave): I thank the honourable Majority Leader for making the statement he has made today. It clarifies the position. I trust the confusion which occurred during question time - and, certainly, you had cause to reprimand myself - I feel the confusion that has been caused will certainly be avoided by this statement. I thank the Majority Leader for the statement he made.

Mr SPEAKER: Honourable members, I draw your attention to standing order 43. It states:

No member may pass between the Chair and any member who is speaking.

I have not reprimanded members who break this standing order, but I do draw your attention to it.

WORKMEN'S COMPENSATION BILL
(Serial 48)

Bill presented and read a first time.

Mr STEELE (Transport and Industry): I move that the motion for the second reading be made an order of the day for a later day.

Motion agreed to.

CONTRACTS BILL
(Serial 76)

Bill presented and read a first time.

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

This bill is introduced to give effect to the contractural capacity of the new Northern Territory government to be formed on 1 July. Under the proposed Northern Territory (Self-Government) Act, the Northern Territory government is to be created as a body politic under the Crown. However, following representations by myself to the Attorney-General of the Commonwealth, it was agreed that the Commonwealth legislation would not spell out in detail the legal incidents attaching to the new body politic; rather this would be left to Territory legislation.

Clearly, one essential legal incident that should attach to the new body politic is the capacity to enter into contracts. This bill is designed to achieve that purpose. It is expressed in wide terms as, clearly, it is desirable that there be no unnecessary legal technicalities imposed on the contractural capacity of the Territory government. The old Contracts Ordinance can be safely repealed as it relates to contracts by the Commonwealth under the old system of administration applying to the Territory. Transitional provisions are not considered necessary in view of the provisions of the Acts Interpretation Act as applied to Territory law.

I do foreshadow, Mr Speaker, an amendment in committee to insert a commencement clause as at 1 July 1978. I commend this bill to honourable members.

Debate adjourned.

MINING BILL
(Serial 85)

Bill presented and read a first time.

Mr TUXWORTH (Resources and Health): I move that the bill be now read a second time.

Mr Speaker, the main purpose of this bill is to amend the provisions of the Mining Ordinance controlling the issue of mining leases to allow for additional conditions to be applied on the granting of mining leases relating to the protection of the environment.

As members of this House will appreciate, Mr Speaker, this is a most important issue and was a subject of concern to the Ranger Uranium Environmental Inquiry where Mr Justice Fox recommended that action should be taken to amend the Mining Ordinance to ensure that mining leases can contain such additional covenants. Until recently, Mr Speaker, when regulations were enacted to provide for some environmental controls to be placed on mining leases, the covenants and conditions which could be inserted in mining leases were prescribed by section 73 of the Mining Ordinance. These provisions did not include specific reference to environmental or restoration issues and, whilst there did exist a power for the Administrator to impose such other covenants and conditions as he considered necessary, legal opinion was that this was not sufficient authority to impose anything other than restrictions controlling normal mining activities.

On 8 July 1977, Mr Speaker, the Executive Council subsequently brought into effect regulations which would immediately impose environmental responsibilities on mining lessees. But these regulations were intended only as an interim

measure pending a more thorough review of the necessary control required.

This bill is the result of that review and incorporates those provisions which were previously enacted as regulations, with additional provision made for other matters which have been brought to light in consequence of an indepth study of the findings of the Ranger Inquiry. It is intended that, following the passage of this bill through the Assembly, the regulations previously enacted will be repealed.

The main provisions contained in the bill are to - (a) ensure that activities on a mining lease are carried out in such a way as to minimize disturbance to the environment; and (b) allow the Administrator, where he is satisfied that the activities on a mining lease are not being carried out in such a way as to minimize disturbance to the environment, to direct a lessee to take such action as he considers - "he" being the Administrator - necessary to make good any damage caused by the lessee's activities.

The bill also provides the Administrator with the power to regulate and control the construction, maintenance and stabilization of settling dams and other waste retention works. The bill further provides for the Administrator to have power to regulate and control the treatment and disposal of mine wastes and it also ensures that a lessee, if required to do so, will, prior to the cessation of mining or within such further time as is allowed, restore the surface of the land to a condition satisfactory to the Administrator.

The implementation of these proposals will provide for long overdue and essential environmental controls to be placed on mining activities throughout the Northern Territory. I commend the bill to honourable members.

PAWNBROKERS BILL
(Serial 53)

Bill presented and read a first time.

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

This bill seeks to replace the existing licensing provisions of the Pawnbrokers Act and Ordinance with completely new provisions. The existing provisions are contained in the South Australian act of 1888 which is still in force in the Northern Territory. These provisions authorise a special magistrate to issue a certificate to an applicant who in turn must present the certificate to a "treasurer" with the prescribed fee for the issue of an annual licence. Legal advice has been received to the effect that the "treasurer" in the Northern Territory context means the Minister for the Northern Territory.

The consequence of these provisions is that there are apparently no valid pawnbrokers' licences in force in the Northern Territory. The bill seeks to remedy this situation. It will introduce a new system of annual licensing through the executive member or his delegate in a similar manner to auctioneers. Provision will be made for corporate licensees. There will be power to cancel licences, with the right of appeal to the local court for any failure to grant or renew a licence or any cancellation of a licence. It is most desirable that there be some reasonably simple but effective form of legislative control over the persons carrying on business as pawnbrokers. This bill, I hope, will achieve that purpose.

I commend the bill to honourable members.

Debate adjourned.

CONSTRUCTION SAFETY BILL
(Serial 59)

Bill presented and read a first time.

Mr STEELE (Transport and Industry): I move that the motion for the second reading be made an order of the day for a later day.

Motion agreed to.

MINING BILL
(Serial 86)

Bill presented and read a first time.

Mr TUXWORTH (Resources and Health): I move that the bill be now read a second time.

The main purpose of this bill is to amend the provisions of the Mining Ordinance controlling the issue of mining leases to allow for a formal instrument of lease to be issued, notwithstanding that survey of the subject land may not have been performed before the issue of the actual lease documents.

The need for this change has arisen through the inability of the Department of Administrative Services to perform the required survey of land preparatory to the formal grant of a lease and issue of title documents. This inability to perform surveys has resulted in leases seldom being granted and the situation persisting of applications for mining leases being approved under the ordinance without any further action being taken towards the actual grant of a lease.

This proposal is an important issue and was the subject of an express recommendation of the Ranger Uranium Environmental Inquiry where Mr Justice Fox concluded that the Mining Ordinance should be amended to regulate properly the grant of a lease, bearing in mind survey difficulties which at present lead to lease applications being approved but not formally granted.

The amendment proposed in this bill will alleviate this situation and provide for the Administrator to have the power to grant a mining lease, notwithstanding that the boundaries of the area of the land have not been definitely determined. It provides for an interim description of the land to be specified in the instrument of lease with no such lease being voided by reason of any defect in the interim description. It also provides for the Administrator to have the power to correct an instrument of lease once survey of the land has been completed.

The only other amendment contained in this bill is to section 87A(2) of the existing ordinance which deals with forfeiture by the Administrator of a lease granted for the mining of a prescribed substance, within the meaning of the Atomic Energy Commission Act. Under the provisions of this section a mining lease for the mining of a prescribed substance cannot be forfeited by the Administrator unless the Director of Mines and the Australian Atomic Energy Commission have both recommended that such action be taken. The Ranger Uranium Environmental Inquiry recommended that this section be amended so that a mining lease may be forfeited by the Administrator without the need to have a prior recommendation from the Atomic Energy Commission. This recommendation has been supported by the Commonwealth government. The amendment proposed to section 87A is a minor one and simply requires the deletion from subsection (2) of all reference to the Australian Atomic Energy Commission.

I commend this bill to honourable members.

Debate adjourned.

CLAIMS BY AND AGAINST THE GOVERNMENT BILL
(Serial 75)

Bill presented and read a first time.

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

This bill deals with another of the essential legal incidents that must attach to any new body politic. It enables the new Northern Territory government to sue and be sued in the courts. This capacity which of course attaches to all other governments in Australia and as far as I know elsewhere - except perhaps in the Philippines - must be spelt out in legislation. This bill seeks to do this. In its terms it is very similar to the equivalent provisions in relation to the Commonwealth government. No unnecessary legal technicalities are placed in the way of prospective litigants and the new government is placed in substantially the same position as private Territory citizens.

I commend the bill to honourable members.

Debate adjourned.

INSPECTION OF MACHINERY BILL
(Serial 71)

Bill presented and read a first time.

Mr STEELE (Transport and Industry): I move that the motion for the second reading be made an order of the day for a later day.

Motion agreed to.

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

Mr EVERINGHAM (Majority Leader): Mr Speaker, I would ask that you direct the carriage of this bill to be given to my colleague, the Executive Member for Community and Social Development. Inadvertently this came up yesterday with the notices for me to sign and I did, in fact, sign the notice but it transpires that it is a bill which is properly the responsibility of my colleague.

Mr SPEAKER: I direct that the Executive Member for Community and Social Development take over the passage of notice No. 10.

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 purpose of this bill is to provide two further sentencing arrangements as alternatives to imprisonment. This is in line with Australia's concurrence with the United Nations' objectives to minimize imprisonment and to follow recommendations from the Hawkins, Mills, Mizner Report. The two alternatives proposed are attendance centre orders and community service orders.

A search carried out nationally and internationally has shown that a higher proportion of offenders have greater prospects of rehabilitation if they can be retained in the community and be held responsible for the financial and emotional support of themselves and their dependents. Frequently, a prisoner tends to become isolated from society and to acquire additional criminal tendencies through the process of institutionalisation where he may be continually thrown

into the company of other criminal offenders of a much harder nature. The provisions of this legislation and the practices which will flow from it must be regarded in the community's best interests, in terms of the individual, social and economic benefits it will enable to accrue without necessarily increasing the public risk. Given the foregoing, public support for the bill is confidently anticipated.

A well attended public meeting, under the auspices of the Northern Territory branch of the Australian Crime Prevention Council, on 30 August 1977 supported the commencement of both community service orders and attendance centres in the Northern Territory. Elements of the legal profession, the judiciary and magistrates service and the police have all been consulted. Both attendance centres and community service orders would appear to provide the opportunity or means of dealing with tribalised Aboriginal offenders by means that are seen by them and their communities as more relevant than the forms of sentencing that have been applied by European law in the past. In this regard consultation with Aboriginal communities will proceed.

Attendance centres are a versatile concept, used in conjunction with probation. Their major success has been with young adults and juvenile offenders. The sentences require offenders to attend a centre at specific times as a part of the order from the court. During attendance the offender may be involved in learning new survival skills, counselling, group therapy, academic study, craft activity and a wide range of programs designed to fit the needs of each specific case. Attendance centres work most effectively in major population centres and may be set up in premises within the general community. It is envisaged, however, that they may also be highly appropriate in more isolated communities.

Community service orders originated in the form proposed in the United Kingdom but have been developed and operated with outstanding success in Tasmania. They were recently commenced in Western Australia. Other states are considering the introduction of these orders. A person sentenced to a community service order, Mr Speaker, is required to perform some unpaid work for the community. In some cases this could involve reparation of damage caused in the commission of the offence. In others the type of work the offender may be required to do could include gardening for pensioners, clearing grounds for community parks, clearing of litter on public grounds, working with handicapped people and such similar activities. In addition, they may be engaged in other projects of a type similar to those carried out by service clubs or charitable organisations. Indeed the order could provide for community service to be carried out under the supervision of those organisations. The scheme ensures community participation by the use of volunteers to supervise the offenders at work. It assists the development of community awareness of social problems and the growth of community pride and responsibility by a number of offenders.

Apart from the above advantages in the use of these types of sentences, it is of substantial economic value to the community; to keep offenders in prison is an extremely costly business. In simple terms it may be said that it costs more money to keep people in prison than it would to keep them in certain motel type accommodation. As well, the prisoner is removed from his family and does not contribute to the economy of the family or the community. In many cases the cost of supporting his wife and other dependents - and, of course, it can go the other way round - whilst he is in prison must be borne by the taxpayer. Frequently, it is the family of the offender who suffers to a far greater degree than the person incarcerated.

Essential to the success of the sentences imposed in this bill is the requirement that the court must be satisfied the orders are practical and capable of being carried out. In this regard the person under sentence would have to consent to the arrangements.

The bill provides for the insertion of amendments in the Conditional Release of Offenders Ordinance which have the effect of dividing the ordinance into six parts. We will go through those parts, Mr Speaker. Part 1, preliminary: this involves the insertion of a number of definitions which are necessary for the operation of attendance centres and community service orders. These definitions are mainly self explanatory.

Part 2 is administration and permits the Director of Correctional Services to delegate his powers under this ordinance and also to arrange for the appointment of correctional service field officers.

Part 3 deals with conditional release and comprises the original Conditional Release of Offenders Ordinance. It streamlines the procedures to be followed when an offender breaches his recognizance. Where it was previously necessary for evidence to be presented to a justice of the peace and he would either authorise the issue of a summons or issue a warrant for the arrest of the probationer, the amendment now permits a member of the police force to arrest a probationer without warrant, if he has reason to believe he is in breach of his recognizance. Apart from increasing community safety by allowing this action to be taken quickly in a dangerous situation, the proposed amendment also brings the action into line with that laid down in the Parole of Prisoners Ordinance. Similar to that ordinance, this amendment endeavours to ensure that there shall be no injustice committed, by requiring the police to bring a probationer before a justice as soon as practicable after the arrest in order that he may be committed to the court that issued his recognizance to see if bail is appropriate prior to the hearing.

Parts 4 and 5 refer to attendance orders and community service orders respectively. The wording and structure of these two parts are very similar. Although the effects of the orders are somewhat different, it will be convenient to discuss them together. Before doing so, however, it will be appropriate once more to look at what the different orders do. Attendance orders require offenders to report to a particular place at a certain specified time for a specific period. For example, a person who has been convicted of an offence may be required to report to an attendance centre from 5 pm to 7 pm every week day until he has accumulated 30 hours. During the time he is attending he could be required to participate in therapeutic counselling, academic study or craft work and activities similar to that. The attendance order can be seen as an extension of the traditional probation order.

On the other hand, the community service order must be regarded as being an alternative to imprisonment rather than a more rigorous form of probation. Offenders who have community service orders imposed on them will be required to engage in compulsory work for the duration of the order. For example, an offender may be required to mow the lawns, to do gardening for old age pensioners, working eight hours every weekend until he has accumulated 100 hours or approximately four months.

Before imposing either type of order, the sentencing court is required to obtain a pre-sentence report from the field officer, and it is the field officers to whom we have previously referred. The court must also be notified that the offender is a suitable person to undertake the activity of the attendance centre or work specified on the order and the offender must consent to the imposition of the order. Clearly, it would not work to have this type of system imposed on a person against his will as the whole idea is to get the person back into the community and to rehabilitate him. Finally, the court must be sure that the order can be carried out and, of course, that would refer to resources available: such questions as whether services clubs are able and willing to take it on and whether sufficient officers are available to supervise the activity - and, of course, the honourable member for MacDonnell will be immediately speaking in terms of the people he represents out in remote communities; an order could only apply out there where sufficient resources and activities are

available. I will be looking to him for assistance in the formation of this particular legislation.

The offender may not leave the precincts of the court in both cases until he has received a written copy of the order. The presiding judge or magistrate must explain to the offender or have an interpreter explain the meaning of the order: what the consequences of breaching it are and how the terms of the order may be amended.

No attendance order or combination of attendance orders can require an offender to carry out required activities for more than four hours on any one day nor can it aggregate more than 120 hours. Similarly, a community service order cannot require an offender to work for more than eight hours in any one day nor can it aggregate more than 240 hours of work. An offender who has had an attendance order imposed is required to travel to and from the attendance centre at his own expense. This is in line with the procedures required in a normal probation situation where the probationers have to make their own way to report to their supervising officers. On the other hand, community service order recipients may be picked up at a central point and taken to their point of work in government transport. This is not only in line with the practice relating to prisoners but it is also appropriate in terms of the distance of the project from the offender's home.

Offenders must accept the reasonable direction of their supervising field officer and must perform their tasks and activities in a satisfactory manner. They must notify any change in their home address. Field officers on the other hand are required to ensure that their directions to offenders do not cause any conflict with the offenders' religious beliefs or cause any interference with their normal employment or education.

In the event of a breach of order, an offender may be arrested by police without honour and action may be taken to bring him before a court as soon as possible, following the same procedures as were earlier specified in relation to a breach of recognizance. When an offender is brought back before the court, the court may, if it believes the offender is in fact in breach of his order, revoke the order and deal with the offender on his original offence as if the order had never been imposed or, with the offender's consent, increase the number of hours of the ordered duration, providing the increase is not more than 60 additional hours in respect of an attendance order or 112 hours in respect of a community service order.

It might at this stage be wise to point out to the House that there is a reason for this limitation on hours and that reason is to be found in the experience both internationally and in Australia where these systems have been imposed. It has been found that to attempt to impose longer order terms on people under the system is most unsatisfactory and indeed can very often defeat the purpose which it sets out to achieve. If the offence is such that a longer period of punishment would be necessary, then clearly these types of orders are not used; you would have to go to the more traditional form. After all, this is not to be seen as a form of punishment so much as a form of rehabilitation.

The court is left with similar alternatives whenever an application is made, either by the offender or the Crown to have the terms of the order reviewed. In addition to the previously mentioned courses of action, the court may discharge the order or reduce the number of hours required. Both types of orders give the protection of the Workmen's Compensation Ordinance to offenders, with the Crown being held to be the employer.

Finally, both parts make provision for a justice of the peace to issue a warrant for the arrest of an offender if it is thought that he may abscond from the Territory or if he refuses to comply with the order. Of course, now we are

talking about the second time around. Upon arrest the offender would be referred to a court where once more he may have the order revoked and be dealt with in accordance with his original offence.

Part 5 deals with community service orders themselves and makes provision for the appointment of community service advisory committees. The object of these committees is to evaluate projects and jobs of work as being appropriate types of activity for community service orders. It has been demonstrated elsewhere in Australia that the involvement of the trade union movement in committees of this type has resulted in a more ready acceptance of the value of community service order projects and the wider variety of activity becoming available. It is therefore intended to involve the trade union movement in participation with the advisory committees in determining work projects. I might say it is imperative in fact to have the goodwill and cooperation of the trade union movement if the system is to have any hope of getting off the ground at all. Personally, I would be looking to a maximum degree of involvement and early discussions with officers of the trade union movement to explain the nature of this bill to them and the role in which they might assist. There has always been the allegation - and I think in some cases, in earlier days, perhaps rightly - that there was a use of prisoners as a sort of slave labour, which invariably meant that some worker could not get a job. I am referring to the old chain-gang type of stuff where they were clearing the edge of roads and that sort of thing. So it is necessary for the trade union movement to have confidence in this legislation if it is to work.

The availability of suitable work projects and volunteer supervisors are important aspects of the successful operation of community service order proposals. Although there has been some consultation, with an acceptance by members of service clubs and community organisations, I feel so strongly about the personal and community benefits to be obtained from this scheme that I intend to take every opportunity to pursue individuals and organisations in the community who may be able to contribute to a community service order program.

In conclusion, I would like to state that the proposed legislation is aimed at retaining offenders in the community where possible. It provides further alternatives to the sentencing authorities and provides more humane and more effective and less expensive methods of dealing with criminal offenders than imprisonment. I commend the bill to the House.

Debate adjourned.

CROWN LANDS BILL
(Serial 78)

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 principally to ensure the effectiveness of section 26A of the ordinance which provides that leases obtained under the sale of government houses scheme may not be transferred without the Administrator's consent during the first five years of the lease. This step is being taken as a result of a recent legal opinion which drew attention to certain inadequacies in this area.

The bill will also bring the provisions of section 26A into line with related provisions in sections 68HB and 68K which were amended by Crown Lands Ordinance No. 4 of 1975. Those amendments permitted transfer between spouses and parties to a dissolved marriage.

Clause 3 amends section 26(1A) in such a way that would render the provisions subject to section 26A, 68HB and 68K in addition to subsection (1B) as at present. This is necessary so as to remove any doubt that the consent of the Administrator is required during the first five years for the transfer of a town land lease where the lease was obtained through the sale of a government house or at a restricted auction, or where part of the reserve price is still unpaid.

Clause 4 amends section 26A to set out various circumstances under which a town land lease obtained through the sale of government houses scheme may be transferred during the first five years of the lease without the consent of the Administrator. This amendment will also bring the provisions of section 26A into line with section 28A of the Darwin Town Area Leases Ordinance.

Debate adjourned.

LEGISLATIVE ASSEMBLY (REMUNERATION OF MEMBERS) BILL
(Serial 90)

Bill presented and read a first time.

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

Until 30 June of this year the remuneration of members of the Legislative Assembly was determined by the Remuneration Tribunal established under the Remuneration Tribunal Act of the Commonwealth. On and after 1 July the remuneration of members will no longer be subject to direct determination under that act. However, it has been agreed that the tribunal may accept a reference from the government of the Northern Territory to investigate and make determinations in respect of the remuneration of members of this Assembly.

The purpose of this bill, Mr Speaker, is to provide a means for determinations to be made of the rates of remuneration of members of the Legislative Assembly after the Territory becomes self-governing on 1 July. It is a simple bill and, as is appropriate, it gives the final power of determination to the Executive Council of the Northern Territory. However, clause 4 of the bill provides the Executive Council may request the Remuneration Tribunal to inquire and determine the remuneration to be paid to members and if it makes such a request, then the Executive Council shall not make a determination. It would be the intention of the executive that the question of remuneration of members be referred immediately to the Remuneration Tribunal so that its skills in determining matters of this nature may be used without any possibility of personal interest or interference being considered. The determinations of the tribunal would be accepted as the remuneration to be paid to members of the Assembly.

I draw honourable members' attention to some minor amendments necessary to the bill before them. In clause 4 "discretion" has an obvious misspelling which the Clerk may consider to be corrected without formal amendment. Clause 6 requires the executive member to table determinations. However, as this bill will not apply until after 1 July, the terminology to be used then will be "minister" not "executive member". I foreshadow an amendment to make that change.

I commend the bill to all honourable members.

Debate adjourned.

TERRITORY MOTOR VEHICLES (LIABILITY) BILL
(Serial 88)

Bill presented and read a first time.

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

This is a short but most important bill. Its purpose is to ensure that where a person driving a motor vehicle belonging to the new Territory government does something that results in liability for damages, the Territory government will be liable.

In its terms the bill is substantially the same as the Commonwealth Motor Vehicles (Liability) Act 1959. That act, of course, applies to Commonwealth motor vehicles and will not have any application after 1 July 1978 to vehicles owned by the Territory government.

It is a most desirable piece of legislation. Otherwise, there could well be serious problems arising out of accidents involving Territory government owned motor vehicles. Without such legislation a person with a claim in damages against a driver of a Territory vehicle could run the risk of recovering nothing. The reason for this is that the Territory government, in the same manner as the Commonwealth government, will be acting as its own insurer and will not be taking out third party motor vehicle insurance. Accordingly, Territory vehicles will not be covered for third party.

Without this bill the result would be that before a person could recover damages against the Territory government, it would have to prove that the driver of the Territory vehicle was acting as agent of that government. This could be very difficult in some cases. The bill overcomes the need to prove such agents and thereby ensure that persons can recover any damages legally payable.

I commend the bill to members.

Debate adjourned.

JURIES BILL
(Serial 92)

Bill presented and read a first time.

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

This bill is necessary because on and after 1 July, Northern Territory public servants will no longer be covered by references in the Jury Exemption Act of the Commonwealth. That act presently provides for large numbers of Commonwealth public servants and in general Northern Territory public servants up until 1 July to be exempted from attendance on juries. After 1 July, except for those persons or classes presently listed in section 11 of the Juries Ordinance, all Territory public servants will be required to attend jury service.

The bill I have presented, Mr Speaker, will add to the classes of persons listed in section 11 of the Juries Ordinance persons employed in the Department of Law and persons acting as departmental heads in the Northern Territory Public Service. Although there are many more classes of public servants exempted under the Juries Exemption Act, it is not my intention at this time to seek exemption for any further class of public servant.

I think all honourable members will accept that the classes of public servants specified in the bill are ones which should be properly exempted from

jury service. Obviously any employee in the Department of Law may have some knowledge or some connection with action which comes before a jury and for the efficient operation of the Northern Territory Public Service it is important that the departmental heads are available at all times and are not called to jury service.

I would like to comment that I am concerned at the nature and extent of the exemptions which are provided under section 11 of the Juries Ordinance. The establishment of juries, in matters other than for murder trials, in the Northern Territory was fought for for many years in the Territory with final success in 1963 in an ordinance passed by the then Legislative Council. It was strongly argued that a representative jury was necessary and desirable for the proper administration of justice in the Northern Territory. Since the introduction of that ordinance it has been amended on a number of occasions and in each case it provides more exemptions from service on juries, until the classes of people who are still eligible for jury service are anything but representative of the Territory population. A good argument can be mounted for the exemption of each of the classes exempted by section 11 but the end result of all these exemptions is to remove such a large number of people from eligibility for jury service that no jury can be claimed to be properly representative of the people.

I would like all members to consider carefully the exemptions listed with a view to removing the exemption from many of those classes of persons so that juries in the Northern Territory may more properly represent the Northern Territory population. I can assure the Assembly that I will make it my business to review this list and make proposals to the Assembly for the reduction of that list, and I would appreciate suggestions from any honourable member in this respect. I do not propose to seek for the Northern Territory Public Service the range of exemptions which are common, for example, with Commonwealth public servants. The Northern Territory Public Service, as an employer, will accept its responsibility to make employees available for jury service so that juries may properly represent the population.

I commend to all honourable members this particular piece of legislation.

Debate adjourned.

SUSPENSION OF STANDING ORDERS

DRUGS BILLS

Mr TUXWORTH (Resources and Health): I wish to move, in relation to notices Nos. 15 and 18, the suspension of Standing Orders to allow the two bills to be presented together.

I move that so much of Standing Orders be suspended as would prevent two bills relating to drugs being presented and read a first time together and one motion being put in regard to, respectively, the second readings, the committee's report stages and the third readings of the bills together, and the consideration of the bills separately in the committee of the whole.

Motion agreed to.

DANGEROUS DRUGS BILL
(Serial 57)

PROHIBITED DRUGS BILL
(Serial 68)

Bills presented and read a first time.

Mr TUXWORTH (Resources and Health): I move that the bills be now read a second time.

These bills deal largely with the same matter in each ordinance and accordingly it is convenient to deal with them together. Some of the amendments are purely to correct minor errors in the two principal ordinances and also to remove inconsistencies between the two ordinances where there is no reason for inconsistency. However, some of the proposals in the bills are new.

In relation to the Prohibited Drugs Bill, it is proposed that two offences in the principal ordinance are to be converted from indictable offences to simple offences. The particular offences I am referring to are those of possession of cannabis, below prescribed traffickable amounts and the offence of an owner or occupier of premises knowingly allowing a prohibited drug to be used or kept by another person on the premises. The reason for this change is simple. In neither case is the penalty for the offence imprisonment and the legal rule laid down in the Acts Interpretation Act is that indictable offences are those carrying a penalty of more than six months imprisonment. It is therefore felt that the cost of a jury trial would not be warranted for offences merely carrying a penalty of a fine.

A further change to the Prohibited Drugs Ordinance is proposed in that more than 10 grams of an extract resin or tincture of cannabis is to be deemed a traffickable quantity. Whilst the quantity of 50 grams of cannabis may be reasonable in the plant form, it is felt that this quantity is excessive where more concentrated forms of the drug are concerned. Generally, cannabis in the form of an extract, resin or tincture is approximately five times as potent as in plant form and it is logical that the traffickable quantity of these forms should be one fifth the traffickable quantity of cannabis in the plant form.

The most important amendments to the principal ordinances are in relation to the seizure and forfeiture of property connected with an offence. Members may be aware of recent statements made by the Commonwealth whereby it is intended to tighten up present legislative provisions in this regard. The Northern Territory executive has determined that, as far as it is possible, the provisions as to seizure and forfeiture should be effective to deal with traffickers in drugs. People who commit these crimes should as far as possible not be able to profit from them. The emphasis must be on hitting down on dealers and traffickers rather than on small-time users. To this end the two bills propose a considerable widening of powers of seizure of things connected with the offence, including things acquired directly or indirectly from the proceeds of illegal drug sales. In addition, the bills propose a greatly widened power for courts to order forfeiture of things related to the illegal sale of drugs, including the forfeiture of property acquired from the illegal sale of drugs, such as bank accounts. It is also proposed that any forfeiture orders will be capable of being registered as a civil judgment and enforced accordingly. The Northern Territory will be showing a lead with these new provisions as evidence of its determination to stamp out drug trafficking.

I would also like to indicate that there are several technical amendments proposed in these bills in the committee stages but they are not of a significant nature as to change the intent of the bills.

I commend these bills to honourable members.

Debate adjourned.

PUBLIC TRUSTEE BILL
(Serial 99)

Bill presented and read a first time.

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

You will recall that in 1972 and in 1976 the Trustee Ordinance was amended to extend the range of investments which may be used by a trustee. The intent was, of course, to enhance the potential for income from trust investments without putting trust money at risk. Trustees are now able to invest in a wider range of stocks, shares and debentures, but still within fields that do not put trust money at risk. Trustees may also lodge money with building societies approved by the Administrator's Council for that purpose.

Some weeks ago when I was discussing the operations of building societies, I discovered that although trustees could invest in building societies, the public trustee is not so empowered. The amendments made to the Trustee Ordinance were not extended to the Public Trustee Ordinance. The sole purpose of this bill is to give to the public trustee the same powers of investment as are held by trustees so that he may seek better returns on moneys under his control. He will be empowered to invest in stocks, bonds, debentures and in building societies to the same extent and with the same restrictions as apply to other trustees. Such investments will, of course, be subject to the provisions of any will of trust.

I commend the bill to honourable members.

Debate adjourned.

AMENDMENTS INCORPORATION BILL
(Serial 103)

Mr EVERINGHAM (Majority Leader): I move that the notice relating to the Amendments Incorporation Bill be postponed to the next sitting day.

My reason for moving this is that there is cognate legislation to be introduced tomorrow and I wish to take the bills together.

Motion agreed to.

STAMP BILL
(Serial 64)

Continued from 9 March 1978

Mr ISAACS (Opposition Leader): This indeed is a very small bill but has quite a far reaching effect. As I said yesterday, it is very difficult to speak about this bill which is increasing ticket tax on bookmakers from 5¢ to 10¢ in isolation from the bill which was dealt with by the Assembly yesterday, and I certainly do not want to reflect on that debate.

I want to simply say this: that whereas in the previous amendments to the Lottery and Gaming Ordinance the executive member was quick to point out that in his view the comparisons compare very favourably, I did not note that that same line of argument was applied to the Stamp Bill. I would have thought it was appropriate to remind the House that we were being treated fairly and reasonably by the executive in the matter of comparisons with other states so far as turnover tax is concerned. But if that was a reasonable and logical argument - and I am certain the executive member would put no other type of argument - then certainly the same should apply with regard to stamp duty. But, of course,

we know and he knows that the position is quite different. He says the 10¢ stamp duty will not affect the bets on average because the average bet is around $20 and those bets which are under that will be covered on average by those bets which are over.

However, I wish to remind the Assembly of two important factors. I go first to the matter of stamp duty. The position in the states is simply this. In New South Wales there is a stamp duty on tickets in the city club - the paddock enclosure is 2¢ and in all other enclosures 1¢. In Victoria it is 2¢ in the grandstand and 1¢ in other areas: Queensland is 2¢ in paddock enclosures and 1¢ elsewhere; South Australia, 2¢ in the metropolitan grandstand and 1¢ in other enclosures; Western Australia, 2.5¢ in the metropolitan grandstand; and Tasmania has a 2¢ stamp duty. Here bookmakers are being taxed 10¢ in stamp duty.

I must admit the Executive Member for Finance and Planning is not treating this in his usual sage manner because that does not shape up very well with his proposals to us all the way through that we are not going to be taxed any more than the states. I would like to ask the Executive Member for Mines and Energy, as he is now named, if he can work some kind of rationalisation to get himself out of that bind which his colleague has put him to. It is quite obvious and it ought to be well known. It was the purpose of my reading out those figures. Perhaps the executive member has different figues but it ought to be well known around the place that this Assembly is being asked to agree to a stamp duty of 10¢ on tickets used by bookmakers whereas in the states it is 2¢ in the more gentile areas and 1¢ in the less gentile areas. It ought to be well known and well noted that this is the way the executive is approaching the matter.

The other matter to which the executive member referred was the fact that the average bet in the Northern Territory, obtained simply by dividing the total value of the whole by the number of tickets is $20.70. I will just read to you what the executive member said in his second-reading speech of 9 March :

> *The proposed new stamp duty related to the average amount per bet would represent 0.48% or less than half of 1% of the value of the bet. In the case of a smaller bet than the average amount, the proportion of the stamp duty will be higher and this may be seen as a disproportionate burden on the small punter.*

He continued, with inescapable logic:

> *However, if the stamp duty is paid by the bookmaker and not by the punter, it tends to become submerged in his overall cost structure and evened out by those bets which are in excess of the average amount.*

I suppose that is logical so long as the bets are evenly distributed. But as the executive member knows and as I am now going to inform the House, that is not the case.

Just to check out the position, we asked a number of on-course bookmakers what the position was with regard to a random Saturday fielding at the races. I will give the executive member two instances which I hope will not only assure him but also the House that the argument he put is hopelessly invalid. Bookmaker A wrote 1,106 tickets on that Saturday; 960 of them were less than $20. Bookmaker B wrote 995, of which 877 were for less than $20. I might just go on one step further - as far as bookmaker B was concerned, 70% of the tickets he wrote were for $5 or less.

Now it is quite obvious that the 10¢ ticket tax will have a significant impact on the betting industry, simply because by far the greater majority of bets are for less than $20 and it seems, if the figures I have given are any

indication of the overall position, the vast majority of bets made or placed in the Northern Territory are less than or equal to $5.

It is important to place those figures before the Assembly because it does add weight to the proposal which the honourable member for Sanderson put yesterday to this Assembly, that these types of taxes - the turnover tax which we debated yesterday and this stamp tax which we are now debating - will have a serious and significant impact on the betting industry. It will clearly mean that bookmakers will have to do away with certain of the services which they supply. It means also - and presumably this is already being postulated by the Turf Club as well as the bookmakers - that there will have to be imposed minimum bets.

I was intrigued by the executive member's response yesterday when he said, "Well, of course, some people go to the wall and some bookmakers will not field on certain unprofitable days or pursue unprofitable lines". I would have thought that that would have been the last thing he wanted, especially given that these taxes are on turnover and on tickets, because the last thing he wants is a reduction in the holding and a reduction in the tickets sold. He wants more. That is hardly a way to encourage it.

Mr Speaker, it is important to consider those two facts: the level of duty payable in the states is significantly less than the proposal we have now - 1¢ and 2¢ as opposed to 10¢ - and it appears from the preliminary figures that I have taken out that the far greatest proportion of bets placed in the Northern Territory are of $5 or less. This will have a serious impact on the industry. It is for that reason, Mr Speaker, that we oppose the bill.

Mr PERRON (Finance and Planning): In briefly speaking to this bill, I would just like to touch on a couple of points which the Leader of the Opposition raised: that was the difference between the two areas of taxation in the betting industry where, in one situation, we have turnover tax which is considerably less than in the states and in the bill before us we are proposing a stamp duty tax which is considerably more than that in the states. I think the principle that we should be looking at here is the fact that the Northern Territory executive does have the right to determine with some flexibility how it will impose taxes in any particular area that it seeks to impose a tax, and we have chosen in studying the documents that this would be an equitable way of taxing the racing industry.

We really should be looking at the global figures we are seeking from the industry and, from these global figures, it will be found that the Northern Territory betting industry is being expected to pay less than in most other places in Australia. The argument that 10¢ is a terribly high tax on a 50¢ or $1 or $3 bet - that it is a very high percentage factor - really should be looked at as the honourable sponsor of the bill proposed, that a bookmaker is a man expert in bookkeeping and fractions and juggling the figures, as it were - and when I say juggling the figures, I say it in an honest manner; that is the name of the game he is in and it is the way he juggles the figures in the books he is keeping that determines just how good or how successful a bookmaker he really is - and that costs do tend to become submerged in the overall cost structure. Obviously, if the electricity bills have gone up recently - and no doubt they have other increases in their industry from time to time - those increased costs have to be submerged somewhere into the system. It is not that they divide it up into little sections and put it equally across all bets, no matter how big they are. What is wrong with proposing that, as an internal administrative arrangement, they do not put any stamp duty on their bets that are under $5, for example, but they double it or treble it on higher bets. Why should a $1,000 bet only carry a 10¢ stamp duty on ticket tax. This is up to the bookmaker and I believe it is an area they are quite expert in determining because they know at the beginning of the day, from historical figures, exactly how much expense they will be up for in ticket tax. It is a global figure and they build it into their book work.

The bill is a short bill and only provides the one change - that is, raising the ticket tax from 5¢ and 10¢. This will have an automatic flow on, of course, in the distribution of funds raised in this way which go automatically to racing clubs in the Northern Territory and a percentage is distributed to charities. I think the turf clubs in the past have favoured TAB, largely, I believe, because they have felt they would have a much better return from a TAB system than they get at the present time. In fact, what we are proposing here will give them considerably more money than they have had in the past as an automatic distribution to race clubs. The Northern Territory executive believes that there should be more money than at present distributed to race clubs throughout the Northern Territory. The proposal in this case for doubling stamp duty will result in considerable benefit to the industry, I believe, and help to bring it up to a much stronger footing in the Territory as a locally based industry. I support the bill.

Ms D'ROZARIO (Sanderson): I would just like to say very clearly at the start that I am absolutely opposed to the increases that are proposed in this bill. I hope the honourable Executive Member for Community and Social Development has heard me correctly this time. I mean those words to be taken quite literally. I do not want any words added or subtracted, and I do not even want him to surmise what I might have meant.

My opposition to this bill is on quite a simple basis. I have just heard the honourable Executive Member for Finance and Planning speak about flexibility in taxation on the racing industry. Well, I would quite go along with his notion of flexibility but I do think he has entirely missed the point which was being made by the Leader of the Opposition - and that is that the stamp duty that is being proposed is many times higher, at least four times higher, than any other place in Australia.

The figures that were quoted by the Leader of the Opposition are quite consistent with figures provided by that paragon of financial integrity, the Grants Commission. I am looking at the 44th report, 1977 at page 202. The highest stamp duty on betting tickets in any place in Australia is 2.5¢ in the grandstand enclosure of metropolitan courses in Western Australia. Now I am really no whiz at mathematics but I think that 2.5¢ divided into 10 is four, so the proposal that we are putting is four times as high as any other place in Australia. So what has happened to the undertaking that was given by our friends opposite to people that they would not be taxed any more than the states.

The Leader of the Opposition has, I think, put paid to the argument given by the honourable sponsor of the bill that the proposed increase in stamp duty would not have very much effect on the minimum wagers or the average wagers. Now these figures or averages are very easily bandied about by executive members opposite but really what we are looking at is a skewed distribution on the amounts of wagers and I think that the bookmakers have certainly proved to us that the most commonly placed bet is around the $5 mark and not around the $20.70 mark, as mentioned by the honourable sponsor of the bill.

I was extremely interested to hear the honourable sponsor of the bill say - and I quote from Hansard of 9 March:

> *It may be of some interest to honourable members to note that, since the preliminary announcement some months ago of the possible review of stamp duty as an avenue for revenue raising, several representations have been made by bookmakers proposing increases of the stamp duty on betting tickets which would substantially exceed the rate proposed in this bill. This seems to indicate that, in the bookmakers' own opinion, the industry will be able to absorb the proposed increase in stamp duty on betting tickets without any serious detrimental effects.*

I think I have spoken to the same bookmakers that the honourable sponsor spoke to and that is certainly not the story they gave to me. The story given to me by these people is that not at any stage did they propose an increase nor would they be willing to swallow an increase in the stamp duty on betting tickets. The 5¢ ticket tax, which is the current level, they claim was originally meant to be a substitute for turnover tax. Now they think that is quite high enough. At no stage have I had any proposal or heard any mention of any bookmaker proposing that the stamp duty be increased. I think the honourable sponsor may be referring to submissions put by the Darwin Turf Club. That submission did indeed ask that the stamp duty be raised to 15¢ but it certainly did not come from the bookmakers. I am rather surprised - if that is not a simple error - that the honourable sponsor should have said it.

Now we have heard a great deal about wagers and what they cost the bookmaker. I would just like to point out that, combined with the increase in turnover tax which was passed in this Assembly yesterday and the stamp duty which is proposed in this, the rate per $1 that bookmakers in the Northern Territory would be paying will be at least twice the accumulated taxation on racing that is paid anywhere else. I find that very hard to justify, in terms of the undertaking that was given by the executive that we in the Northern Territory would be taxed no more than the states.

Mr OLIVER (Alice Springs): I rise briefly to support the bill. For quite some time I had been the final distributing agency of betting tax tickets to the bookmakers. It has always been a matter of concern to me that the price of 5¢ was ludicrously low and whilst I was in that position, it was also the feeling of the bookmakers that the 5¢ was a matter of indifference to them. It was not a thing that they considered was a serious charge in their bookmaking business. A tax is levied to raise revenue and to my mind very little of that 5¢ betting tax goes to increased revenue. Betting tax tickets have to be printed and, particularly in this country, they have to be freighted a long way and all that costs money. Betting tax tickets are accountable items and this means, in their movement from place to place, their numbers have to be recorded on every occasion, and this again costs time and money.

The increase from 5¢ to 10¢ on a tax ticket will not adversely affect the community as a whole. The increase is not going to deny any family its bread and butter or affect any family adversely. What does affect the family are the losing bets made by some punters week after week and also the amount of money paid to the bookmaking industry in an effort to recoup those losses. The increase in the betting tax ticket is confined to the bookmaking industry and in the light of what I have just said, I am quite confident that the industry can absorb the increase without any ill effects.

Mr VALE (Stuart): I support this legislation as it represents part of the CLP Majority Party's responsible attitude to revenue raising in the whole of the Northern Territory. The increase of 5¢ to 10¢ on betting tickets shown as a percentage appears large but in fact the increase is not unrealistic, and I believe responsible punters and responsible bookmakers, while not enthusiastically welcoming the proposal, have accepted that their industry must assist in the responsibility towards the Territory's overall revenue needs.

Mr Speaker, it is disappointing, to say the least, to note that some bookmakers are not exercising or observing this same degree of responsibility. Stories that some of them are opposing the bill because of the 1.25% turnover tax and the 10¢ betting ticket charge, strikes during key or popular race meetings and also proposing to refuse the placing of low bets is both unfair to punters and selfish. As one of the strongest opponent of TAB at this time, I would be prepared to review my stance on TAB should this irresponsibility continue.

Mr Speaker, the proposed betting ticket increase is necessary and responsible. The disturbing fact is that the Australian Labor Party can spout facts, figures and philosophy and yet their own organisation admits that it, the Australian Labor Party in the Northern Territory, has no policy on gambling. I support the legislation.

Mr ROBERTSON (Community and Social Development): We have heard from the other side of the House, by courtesy of the Leader of the Opposition in his love of the word "logic", a little bit of "illogic". Let us do a very quick examination of what we have heard, in a strict logical sense, from the other side.

Firstly, we heard the Leader of the Opposition manipulate his figures. Yet again, in the name of logic, he tells us that bookmaker A had bets in the order of 1,100, of which 900 were less than $20 and bookmaker B had bets in the order of 995, of which 887 were less than $20, and that 70% of bookmaker B's bets were less than $5. Now pure arithmetic tells us that the average bet in the Northern Territory is $20. That is irrefutable. You cannot argue with that; it is just ordinary simple division - the amount of turnover divided by the number of tickets, and they are numbered. That must lead us to believe that there must be an awful lot of big bets to bring it up to that average. So what the Leader of the Opposition is really suggesting to us is that, in the remaining 30% of the bets, we are going to have to find bets of $15 or greater and must be significantly greater to make up the $15. So much for the logic there.

I accept his figures but clearly he is implying that there must be massive bets by both of those bookmakers in order to make up the average, if we are going to assume that his figures are applicable thoughout the Territory. Personally, I do not really believe that bets of that magnitude are really made in the Territory and I would suggest that the figures he had obtained may, with the best intention on his part, be quite inaccurate.

Let us now look at the crux of the Opposition's argument and it is this: they have turned it back, Mr Speaker, on the Executive Member for Finance and Planning in his undertaking that we will not tax Northern Territory enterprises, businesses - and that includes bookmaking - at a greater rate than what applies in the states. What the Opposition chooses to do is take betting tickets in absolute isolation for their own convenience. Isn't it amazing - the Leader of the Opposition so piously avowed that we should be considering these two bills together, when it suits him; and then when it suits the Opposition to take them in isolation, they do so and try to make capital out of it.

Let us look at the true position. The honourable member for Sanderson indicates to us that if you take Western Australia which has the highest betting ticket tax and the Northern Territory, in this proposed legislation we are four times higher. But, of course, she does that in isolation and she accuses the Executive Member for Finance and Planning of going back on his word that we would not tax any individual industry at a rate higher than the states. But the reality, from the figures given by the Executive Member for Resources and Health yesterday - and we cannot deny them, because they are provided by interstate survey; they are provided by the authorities that the Leader of the Opposition previously stood in this place and thanked the Majority Leader for using, authorities who compile these figures, so he too must support them. The case in Western Australia per $1,000 bet, as was given yesterday, is that the tax component is between 2.01% and 2.41%. That is not taking betting tickets in isolation or turnover tax in isolation or stand-up fees in isolation. It is taking the unit industry - and this again is their "you beaut" logic, so let us use it on them. In the Northern Territory we have been told that the figures, based on research, based on accurate analysis, will be 1.48%. So the reality of it is that, while one unit of charge on the industry may be higher than the states, the actual charge of state-like taxation against the industry is in fact considerably less. In fact, a quick calculation would probably give you something

like 48% less. So the whole argument expressed by the two principal speakers of the Opposition this morning falls flat on its face.

PERSONAL EXPLANATION

Mr TUXWORTH (Resources and Health): Mr Speaker, before I embark on a few remarks in reply, relating to the stamp duty issue and the bill concerned, I would like to make a personal explanation because I feel I have been misrepresented by the Leader of the Opposition. During his dissertation this morning, he alleged that I was quite happy to see bookies going to the wall - well, he said he got that impression from what I said yesterday. I would like to have it placed on record, Mr Speaker, that I am not of this mind at all. I do not want to see anybody going to the wall financially, particularly bookmakers or anyone else. I would like to have that recorded without reserve at all.

In closing the debate on this particular issue of stamp duty, I would like to allude to some of the points that the honourable Leader of the Opposition raised in his remarks. He said he felt that the 10¢ was punitive and possibly a tax that the industry could not stand, and that it was much greater than any other tax in Australia in this particular area.

As we have discussed in previous debates in the House, the fact is that within the turnover tax that is collected by the states there is a component which is paid directly to the racing clubs for the promotion of their particular sport or industry, however it is regarded. When we took the decision in the Northern Territory we decided that perhaps it would be a better arrangement if we had a substantial stamp duty and no turnover tax, which would be returned to the clubs for their benefit. Going on from the comments made by the member for Alice Springs, we were mindful too of the cost of handling a lot of stamp duty tickets, at the cost of 1¢ or 2¢ compared to their value. We also felt the turnover tax component which might be built into the tax to be returned to the clubs would be a punitive tax on the industry and the bookmakers in particular. So we considered the possibility that we do not have any stamp duty but do as the other states do and have a percentage of our turnover tax, or a component of it, returned to the clubs. I can assure you, Mr Speaker, that I did not find one bookmaker in my travels who was prepared to opt for that solution. The reason for this will become a little clearer in a moment.

The honourable Leader of the Opposition suggested that the proposed stamp duty on small bets or on any bets was punitive, compared with the other states. I would agree with him to the degree that any bet less than $5 would see the Northern Territory with a higher percentage of the bet going in stamp duty than in any other state. But, Mr Speaker, if we take any other bet over $5, we find that the Northern Territory has a lower component of tax in the bet than in any other state.

I have here a list of figures which may or may not be different to those that are held by the Opposition. I would like to mention them here. On a bet of $1 the Northern Territory component is 11.25%; in New South Wales, it would be 2.5% and in South Australia, it would be 3%. If we go to a bet of $5, the Northern Territory component is 3.25%; New South Wales is 1.45% and Western Australia is 2.08%. If we go to a bet of $10, the Northern Territory component is 2.25%; with New South Wales the lowest at 1.35% and Western Australia showing a high of 2.75%. If we go to a $20 bet, the Northern Territory component is 1.75% compared with a minimum in New South Wales of 1.3% and a maximum in Western Australia of 2.62%. If we move to a $50 bet, the Northern Territory component becomes 1.45%; the other states have a minimum of 1.27%, compared to 2.62% in South Australia. If we take a $200 bet, the Northern Territory component becomes 1.3%, compared with 2.51% in Western Australia and a minimum of 1.26% in New South Wales. On a

$500 bet, the Northern Territory component drops to 1.27% compared with 1.25% in NSW and up to 2.25% in Victoria. Clearly, for a bet of under $5, the Northern Territory component or the payment in stamp duty of 10¢ a ticket may be regarded as punitive.

The member for Sanderson also alluded to the possibility that there were so many small bets that the 10¢ ticket tax could possibly send the bookies broke. The Leader of the Opposition this morning produced figures provided to him by bookmakers showing the number of bets they have held in the last couple of weeks at a particular meeting and how the breakup of those bets into $1, $2, $5 and $100 bets occurred. I would like to provide the House with some figures that were taken from the records of two Darwin bookmakers for the week ending 8 April 1978. The bookmakers' returns that I am referring to showed that 1.6% of their total number of bets - that is one and a half in 100 - were $1 bets. For $1 and $2 bets, there was 11.13% or just over 11 bets per 100 laid with $1 or $2 notes. If we go to bets between $2 and $5, 15 bets in 100 were for $2 to $5 at a time. If we go to $5 to $10 bets, there were 25 in a hundred which represents an accumulated total of 53%. The important thing is that that 53% represents 5.7% of the hold. In fact, the last hold that is recorded here shows bets from $40 to $100 - that is, 22.5% of the hold is reflected in the large bets.

By having a 5¢ tax on the bets as it applies to the industry at the moment, they are much better off than having a percentage of their turnover returned to the clubs. Just to fill this out a little - for $10 to $20 bets, there were 17.7%; $20 to $30 bets were 1.96%; $30 to $40 bets were 5.41%; $40 to $50 bets were 3.4%; $50 to $100 bets were 9.6% and $100 and over were 9.2%. Concerning the number of bets of less than $5 placed with the bookies, these bets - however many they were - came to 1.6% of the bookies' hold. The next 25% of bets laid represented 4.1% or a total of 5.7% of the bookies' hold. Of the next 25% - which takes us up to 75% of the bets laid - we have, 11.8% of the bookies' hold or, in that 75%, about 17.5% of the total hold held by the bookies. The balance of their hold was in the large bets.

Another aspect of this particular exercise is that it is important, as far as the Majority Party is concerned, that as much revenue as possible be derived for the clubs. The states have their mechanism for returning a percentage of the bookmakers' turnover to the clubs and it is our intention that the clubs receive as much money back into their kitties as is possible. The honourable member for Sanderson maintained that bookmakers would not be able to afford the 10¢ and that the drain-off was going into the Treasury and that very little of it was being retained in the racing industry. In fact, any additional funding from the sale of tickets that would be returned in stamp duty would return 65% of that total for disbursement to the clubs for the improvement of racing throughout the Northern Territory.

I really believe the Labor Party, in this particular exercise, has not been genuine in its defence of its case and the defence of the bookies. They too appreciate the need to regard this industry as a tax base and they have been merely making noises to justify their existence.

I commend this bill to the House.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

WILLEROO PROJECT

Continued from 2 May 1978

Mr ISAACS (Opposition Leader): I will take a leaf out of the Executive Member for Community and Social Development's book and attempt to be rational about the question of the Willeroo purchase. It is quite difficult to do so after having read the statement that we heard yesterday from the Executive Member for Transport and Industry because so much of the detail of the Willeroo project is of course left unsaid.

It is especially difficult when, under question by the Opposition this morning, the executive member seems to have been afflicted with the same disease as the chairman of the Country Liberal Party. I am reminded that it is only coincidental that he is the chairman of the Primary Producers Board but he also suffered from amnesia. It is a great shame the executive member could not recall the details of documents he apparently signed. He indicated in the House this morning that, although approval was given by himself for the $150,000 loan from the Primary Producers Board to the receiver, he could not recall the rate at which the interest was to be charged. Although the crop was used as an advance on the loan, he could not recall the value of the crop.

Mr Perron: You do not know until it is sold.

Mr ISAACS: You mean, no assessment was made at all. If seems a most extraordinary thing that - to use the same analogy which the executive member himself used - if I am to loan somebody a certain amount of money, say $150,000, I say to him,"I will give you a loan of $150,000 and put a lien on your motor vehicle". I think one normally has some idea or some assessment of the value of the property on which the lien is taken.

I will attempt to be rational about the statement presented by the executive member yesterday. I would like to take up two points which the Executive Member for Community and Social Development raised. I was impressed - in fact we were all impressed - by the manner in which the executive member, from being a jack-in-the-box in the first couple of sittings of the Assembly, has adopted a more mature role as that of a future minister. What did he say? Two points, I believe, of some note. One was that the 8% interest rate was first offered by the receiver and that is why the Majority Party was so intent on ensuring an 8% interest rate. There are always two sides to every story and sometimes you are amazed how many other sides sometimes creep into a story. Naturally, when you have two people dealing with each other, there are two sides to the story.

I have spoken to a representative of the receiver today and he assures me that at no stage did the receiver ever offer to the Majority Party or to any of its representatives an interest rate of 8%. How the Executive Member for Community and Social Development is aware as to what was offered by the receiver I do not know. His name has not been mentioned by his colleague, the Executive Member for Transport and Industry, so I can only assume he is going on hearsay: I can only put to the House the facts as they were put to me and that is that the representative of the receiver assures me that at no stage was 8% put to the government as being available so far as they were concerned.

The second matter the executive member raised was the story of poor Mr Jettner in Singapore, battle weary from a hectic trade mission. I do not want to disparage whatever happened on that trade mission, but the story we had from the Executive Member for Community and Social Development was that there was the poor chairman of the Primary Producers Board, woken up at

4 o'clock in the morning in Singapore to answer a question. He fumbled around it the best way he could and finally came up with the formula, "I don't remember". Again, there are two sides to every story. The story I have has come from the reporter who rang Mr Jettner. He rang him at 11 o'clock Darwin time - just how that pans out in Singapore time, I do not know, but I understand that there is two hours difference so we are talking about a 9 o'clock phone call. It is a far cry from waking the poor chap up at 4 o'clock in the morning, as presented to us by the Executive Member for Community and Social Development.

I do recall also - as an aside; I do not make much of it and I am sure the executive member himself did not make much of it - that we were only criticising the chairman of the Primary Producers Board because he happened to be chairman of the Country Liberal Party, and the executive member did not recall any similar protest by the Opposition when Mr Jettner was chosen to lead the trade delegation. My memory is quite clear - and I am sure yours is also, Mr Speaker - and I do recall the member for Victoria River in his comments about the trade delegation voicing his disapproval of the fact that the chairman of the Country Liberal Party was going. As I say, I do not make much of that, as indeed the executive member himself did not make much, but it is as well to get the record straight.

The only other interesting matter that I would put on record - not to place any great weight on it but merely again to get information on record - is the matter of the independent consultants involved in the Willeroo project. The member for Victoria River certainly gave the details of the plays that have gone on at Willeroo - apparently authorised by the chairman of the Primary Producers Board - and in particular he mentioned his son being employed there. I understand he is a junior. It appears that the Primary Producers Board is a most enlightened employer and is paying him adult rates. The executive member did allude to the fact that AACM was the firm of consultants chosen to carry out the investigation and that, of course, is on record. But it is also as well to get it on record in this debate that one of the directors of AACM is a gentleman called Mr Tiver who happens to be a cousin of the chairman of the Primary Producers Board.

The statement made by the Executive Member for Transport and Industry seems to come up with two principal arguments. One is that we as an Opposition somehow or another contributed to the demise of the Scott Creek - Willeroo project. Secondly, the receiver caused the whole problem by refusing to honour what apparently was a verbal agreement which the executive member regards as binding - but when, of course, the verbal agreement is on the other side, the Majority Leader does not. Because the receiver failed to honour his agreement, his side of the bargain which was that $125,000 would be placed in the bank account, and only $32,000 was placed in the bank account, obviously there was a short fall and therefore people were not paid. Quite correct. The executive member says, "If the money had been there, people would have been paid".

I would suggest to the Assembly, after discussions with the receiver's representative, that at no stage does the receiver say he offered the balance between $32,000 and $125,000. It is clearly the receiver's understanding that $32,000 would be made available because the $32,000 was the amount the receiver had as part of the receipts which had been derived from the Scott Creek - Willeroo project. There was no way the receiver had any more than that to play with, so that $32,000 apparently was advanced. I make it clear that the receiver says it was not his responsibility - or rather his representative says it is not his responsibility - for the balance between the $32,000 and the $125,000 but that the agreement was that the money would be provided by the executive. How they were going to do it is not the worry of the receiver but the receiver's point of view is that the

balance of $93,000 was to be found by the executive. Just how they were going to get it, one does not know. Perhaps it was to be similar to the way it is being done now, that is an advance by the Primary Producers Board.

I want to come to the question of the cause of it being the Opposition and I want to devote the rest of my time to three propositions about the whole story of Willeroo and the statement by the executive member. I want to speak about the role of the Opposition in relation to this particular matter. I want to speak about the damage which has been done to the credit of the Northern Territory government and future Northern Territory governments, and I wish to talk also about what I regard as a very serious matter: that is, the question of the attitude which the press has taken, and perhaps even there might be some suggestion of the press being muzzled on this occasion.

First the question of the role of the Opposition: as I say, it has been put to this Assembly by the Executive Member for Transport and Industry and by the numerous press releases which emanate from the Majority Leader's office that the Opposition has somehow or other stirred up the problem. One would almost get the view that we are the ones who entered the deal and did not pay people. The fact is this. Some weeks before the statement by the Majority Leader, as the member for Victoria River stated, he was made aware of certain problems in the Adelaide River Co-op. It has since been found, as a result of the member of Victoria River's visit to Scott Creek, that people were not paid - that for the month of March employees, who up till then had been paid, had not been paid and could not see any pay in sight. A number of Aboriginal employees had not been paid for the entire period from December to March when, so far as the employees on the farms were concerned, the Primary Producers Board was in control. Now I just wonder what sort of an Opposition we would be taken to be if we did not bring that matter to the attention of the public. How could we or anybody else stand by and allow people to remain unpaid and still be saying we are doing our job as an Opposition. It would be quite impossible. In fact, that was the first comment made by the Opposition: that people were unpaid, that responsibility ought to be accepted for their payment, and they ought to be paid promptly.

It is quite unwarranted to then turn around and say the Opposition caused the downfall of the whole scheme. It seems, from statements made by the executive member, that the scheme was doomed so far as the arrangement of the 11% versus the 8% argument some time in January or February. The Opposition had not made any statement until March or even April. However, we had raised questions at the time of the announcement in November-December because we wanted to know what authority existed for the purchase arrangements to proceed. And I suggest, if one goes back to those questions asked in November-December, one will find they are still sitting there on the notice paper, waiting for the Executive Member for Transport and Industry to remember just what has happened, because those questions remain unanswered today and he is still unable to answer them to this Assembly. As I say, the Opposition rightly stepped in when people were found to be not paid for their work. How could anybody justify not speaking when that position occurred? That fact is not disputed. There is no doubt that there is unanimity on both sides of the Assembly that people were not paid and arrangements had to be entered into to pay them. We were correct in establishing this as a problem and correct in ensuring that the matter was resolved.

The second matter I wish to speak about in regard to the sorry affair of Willeroo is the damage to the credit of the Northern Territory government and future Northern Territory governments. Of course, in all these areas, it is very difficult when the head of the government, the future premier, goes to one side - under a tree, I understand - with the principal of the other side and purportedly comes to some sort of an arrangement. Naturally enough, one has to take it; it is a question of weighing up one man's word, one person's word

against another. As I understand it, although there were people around there - and the people whom the Executive Member for Transport and Industry cited were himself, the Majority Leader and I think the Executive Member for Finance and Planning was there as well, and the receiver, Mr Quinton, and his manager, Mr Hilt - it appears the question of handshaking and the sealing of agreements was done under a tree to one side. And only two people were present at that discussion: the Majority Leader and the receiver. So, as I say, it is difficult when...

Mr Perron: He was saying goodbye.

Mr ISAACS: I will come to that in a moment; it is not a matter about which I would joke. I say that, because it is important that the two sides of the picture are put so that people can make their own assessment. I might say that I too have been subject to one of these come-over-here conferences with the Majority Leader when we discussed a matter of protocol concerning the recent Governor-General's visit. I must say I am not particularly happy about the outcome of that. But that is another matter.

Apparently the Majority Leader and the receiver, according to the receiver's representative, went to one side, had a discussion and then apparently shook hands. Then apparently they came back and said their goodbyes and the hands were shaken again. That, as I understand it, is the import of the Executive Member for Transport and Industry's statement yesterday when he added to the typed script of his statement "despite a little bit of handshaking here and there". There was some handshaking. The receiver's point of view was that there were two sets of handshakings, not just the one of saying goodbye to people. Apparently that is all the Executive Member for Finance and Planning recalls. There was also a handshake to consolidate and consummate an agreement. The receiver's representative has put it to me that this, in fact, is what happened. The Majority Leader requested the receiver to come to one side to discuss the deal; they discussed it and shook hands.

One of the things the Majority Leader did say to the receiver was that he very much wanted to make the announcement of the purchase before the coming election. Of course, we all know the fanfare with which the purchase was announced. It was announced indeed in the last ten days prior to the election. The Majority Leader was determined that the announcement would be made before the elections so that he would have some lever on whoever it was who came into power after the December election - to say, "well, you have to back us up". The receiver apparently understands that and recalls that conversation very clearly.

We recall here the fanfare with which the visionary project was announced. I recall the Minister for Primary Industry, Mr Sinclair, saying what a great thing it was and how he was patting the executive on the back for such an adventurous proposition. There is no doubt that it was done at that specific time with the election in mind and with a great fanfare of trumpets. But the receiver told me, through his advisers, that is what happened; that was the way events panned out and that is why he, as a person who has done business with other heads of government, presumed the deal would stick.

We now come to the question of the damage to the government's credit. So far as the receiver is concerned, he has an agreement and he is somewhat thunderstruck that the Majority Leader should be repudiating that agreement. But there has been more damage to the public credit. It does not take much to make the public, the business public, wary of dealing with somebody when they read in the newspapers soon afterwards just what the negotiator thinks of them. For example, there was the statement by My Everingham on 11 April 1978 when he said the receiver was "obviously using the tactic of not paying creditors in an attempt to bring pressure to bear on the executive to agree

with the unreasonable terms of some carpet-bagging financiers". The Majority Leader said that "the executive would not be intimidated and would agree to the purchase only on terms acceptable to it".

From the executive member's statement yesterday and from the fact that the executive knew the Bank of New South Wales was talking about floating them a loan, I presume the Majority Leader is talking about the Bank of New South Wales as "carpet-bagging financiers". If he is not, I just wonder who he is referring to. It does not assist the credit of the Northern Territory government's trading capacity when the Majority Leader, the future head of our government, makes those sorts of disparaging statements.

There is a further one in his press release on 13 April when that great crusader, the Northern Territory News, came into the picture and made some suggestion about bringing Rex back. On that occasion Mr Everingham, in his release dated 13 April 1978, talked about the executive refusing to be bullied into accepting unreasonable financial terms for the purchase. The Majority Leader was quick to attack the receiver, to use terms such as "intimidation", "bullying", "carpet-bagging financiers". I have not heard too many other premiers using that sort of language, not even the Majority Leader's great friend from Queensland, Mr Bjelke-Peterson. And certainly you do not hear that sort of language from a Hamer or from a Wran.

There have been other kinds of abuse, either in public or in the confines of talking to journalists, when the Majority Leader has also given a nice old caning to that dreadful man, the receiver. You would think the receiver was some backyard operator, some fellow operating from the back streets. Not out of Sydney. Oh no! Not out of Yagoona in Sydney. Certainly not a person of the reputation of H.V. Quinton and Company, who merely happen to be, I would remind the Assembly, a firm of chartered accountants who happen to do some work for the Bank of New South Wales. It is one of those "small" organisations which trot around the place. The Majority Leader has not only abused publicly this reputable company, H.V. Quinton and Company, but it appears that in his frank and open press conference, which he alluded to in his statement of 13 April, he was not backward in coming forward with his views about the receiver. I quote from some of the transcript of that press conference which the Majority Leader had. You will have to excuse me, Mr Speaker, if I use language which perhaps you may not think is parliamentary, as I am merely reading from a transcript. He was asked whether or not Mr Quinton was a bit of a sharpey and one of his officers said "yes". The Majority Leader then said, "Ah, he is trying to, you know, in the vernacular, trying to screw us. It is a hard, cold business-like world." That is not really the way I would have thought a future government leader would talk about a person he is dealing with.

It was also suggested to him that there was a problem with the Adelaide River people and this is what he had to say about the way the company of H.V. Quinton and Company was dealing with the Northern Territory executive. He said, "I just regard this guy as coming the heavies on us, in the ordinary course of business, in much the same way as the Northern Land Council is coming the heavies on the mining companies." I do not know how the Northern Land Council is going to act to that either, but I can assure you that I do not think H.V. Quinton is going to take particularly kindly to it.

This is the way the Majority Leader described the way the transaction actually took place. He said, "The most I have ever said to Quinton is, 'Gee, it looks like a nice place and we would really like to do something about this'. Three weeks ago he was still talking to me about giving me 8% interest. That is now conclusive it all was." It seems as though the Majority Leader is putting to the press, in his open and frank press conference, that he is somewhat of a reluctant debutante. That is not quite the way it was painted by the Executive Member for Transport and Industry in terms of going

to a car yard - I will not say "used car yard" - after contemplating the matter for some six months. It was first raised by them in May 1977; in October they tiptoed off to the car yard to have a look at the furniture. If you believe the Majority Leader, the man is reluctant to come across. Great damage is being done to the credit of the Northern Territory government in their abusing the person they are dealing with. But perhaps that is not so significant, although I think the point I make is correct. I suppose we can all accept in this hard business-like world a bit of abuse now and again, although I do not recall seeing any abuse from H.V. Quinton.

There is also the problem about the Majority Leader and the Northern Territory executive representing themselves as being able to clinch the sort of deal which was being proposed. I am intrigued by the words used by the Executive Member for Transport and Industry. He said, "There was nothing in the nature of a firm commitment to buy the Willeroo complex. There was no authority in existence which could enter into a contract for the Northern Territory" - at last we have that admission - "and at no stage did Mr Everingham represent to anyone that any such authority existed - despite a little handshaking here and there". I am not sure what that little bit was tacked on for, except it confirms in my mind what did happen.

However, I think the important question to ask is not whether or not the statement was made, that we have the authority, as that would have been untrue. The important thing is that at no stage did the Northern Territory executive say to the receiver, "Listen, whatever we come to agree upon, we do not have the capacity to make it stick". But here is the admission now, in the statement by the Executive Member for Transport and Industry yesterday. That is the first admission we have had from the Majority Party that, in fact, that is the position. There is no doubt the receiver would have gone ahead with the deal with the Majority Party on the understanding that they could and did have that capacity to make such an arrangement. At last we have, in the words of the Executive Member for Transport and Industry, the admission that there was no such authority.

How does that make us look in the eyes of the Australian finance community, remembering that in a very short time, from 1 July, we are going to enter into a new era of constitutionality here in the Northern Territory and we are going to be a new entity in the Commonwealth-state financial structure? We are going to be an entity attempting to buy and sell goods. And we are going to be sued and be able to sue, as we heard this morning from the bills introduced by the Majority Leader.

Here is this new fledging entity carrying on in such a way - misrepresenting, I believe, its position to this very reputable company of H.V. Quinton and Company. It seems the receiver was under a misapprehension because it was his view that, whenever he has dealt with government leaders in the past, a handshake was good enough. If you could not put it in writing or it was not put in writing, at least you had the understanding that you were dealing with people who will make sure the bargain is sealed, that a verbal agreement is satisfactory. Yet this very same company, H.V. Quinton, now finds itself in this position. Although the company believes it has come to an agreement, the Majority Party who now admits it did not have the capacity to make the agreement in the first place anyway is not honouring what they both regarded to be an agreement. So we have two aspects to the damage to the credit of the future Northern Territory government's trading. One is the public and private abuse of the person it is dealing with and, secondly, the fact that there is a clear misrepresentation on the part of the Majority Party that it is able to consummate such an agreement. Could we go further? Let us get to the story of the 8%.

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

Mrs O'NEIL (Fannie Bay): I move that the honourable Leader of the Opposition be granted an extension of time to complete his speech.

Motion agreed to.

Mr ISAACS (Opposition Leader): I am indebted to the Assembly. We come to the question of the 8%, because if nothing does more to damage our credit, I would suspect that this is it. The Majority Leader this morning indicated that they did make some inquiries, not about overseas loan money but to find out what sort of interest rates existed overseas. One can find the way the Majority Party understands these overseas financial transactions to take place, if one again goes to this frank and open press conference which he held.

In answer to a journalist, he said, "Who is going to come along and give you a $1m at 8%?" That is a fair enough question. The Majority Leader describes it this way, "Well, can I explain how these mobs like Partnership Pacific work. They borrow money in Switzerland or West Germany for about 4%, 5% or 6%, and you can borrow money government-to-government from West Germany at 5% tomorrow. Australia is one of the dearest interest countries in the world. They then sell their money that they get from West Germany or Switzerland to an off-shore company, perhaps in the New Hebrides or the Bahamas. They resell it at an interest rate higher to their Australian subsidary which says, 'Well, look, it cost us this interest rate to get it.' Now I know that is all a sham. To me, I am looking at the original source and they can get knotted about the, you know, hanky-panky transaction." I did not realise that was the way the international finance world worked. That is a lark, honourable Majority Leader.

Let us understand clearly how overseas interest rates work and how overseas borrowing works. The Majority Leader well knows - and his colleague, the Executive Member for Finance and Planning has explained it to the Assembly - that the only authority for overseas loans is the Loans Council and it needs Reserve Bank approval, and we do not have that.

Secondly, it is true that money does exist overseas at apparently appealing rates of interest. It can be had, as he says, at 4%, 5% or 6%. Because of the exchange risk which exists and the fluctuation in the exchange rate, although you might get your money at a seemingly attractive rate, you find out when you start to pay your interest on it that you are paying interest around 15% or 16%. That is one of the reasons why overseas borrowings are looked at so precariously by governments, and heavens knows, the Labor Party ought to know a bit about the precarious nature of overseas borrowings. To talk in glib terms about getting money from overseas, as the Majority Leader did, can only make the Northern Territory government a laughing stock in terms of how we are going to operate.

If you want to know anything about overseas borrowings and how strictly it is policed by the Australian Treasury, perhaps the simplest thing to do is to go to the Australian Senate. On 11 April 1978, Senator Wriedt asked a question of Senator Carrick about the Loans Council, and about overseas borrowing, to which Senator Carrick replied, "Discussions took place in recent times at the Premiers' Conference on the desirability for the states and semi-government authorities to be given the right to borrow overseas for such matters as infrastructure financing. This borrowing is subject to the central provisions of the 1927 financial agreement, the gentleman's agreement, that there should be complete coordination of all the borrowings in Australia". And, of course, borrowing is also subject to a certificate from the Australian Loan Council, approving the borrowing.

Now, Mr Speaker, for the Majority Leader to be glibly talking about overseas money at 8%, that we could possibly get our funding at 8%, makes us

the laughing stock of the finance world. If it is so easy to get it, I just wonder why we have not obtained it to date. The simple reason is that that sort of money is not available.

I believe the Majority Leader has very greatly damaged the credit of the Northern Territory, its people and future government, in the manner in which he has conducted these transactions - transactions, I might add, which are really the responsibility of the Executive Member for Transport and Industry. I suppose, with his memory lapses, we can only thank our lucky stars that it was the Majority Leader and not the executive member who was looking after it.

Let me return finally to the question that was raised by the Executive Member for Community and Social Development concerning the reason the Labor Party is approaching the subject as we are - critising what started out to be a very worthwhile proposition and something which would surprise most people that a conservative government would enter into. We certainly approve of the actual purchase, given of course the various assessments which had to be made. The charge is that the Labor Party is pursuing this matter only because Jettner, the chairman of the Primary Producers Board happens to be the chairman of the Country Liberal Party. Well, let me put that to rest.

You cannot get away from the coincidence. Certainly, nobody is going to say there is a great deal of love lost between myself and Mr Jettner. From answers given by the Executive Member for Transport and Industry some months ago, I was able to detail that Mr Jettner, though not a public servant, was receiving $17,500 of the taxpayers' money for being chairman of the Primary Producers Board. But it is not our desire to pursue this matter simply because Mr Jettner happens to be chairman of the Country Liberal Party.

Let me quote again from the frank and open press conference that the Majority Leader had on 31 March. He was asked, "You are worried about them" - I do not know who that is - "making political capital out of it and you are made to look like a bunch of ... because you have let Adelaide River go to the wall". The Majority Leader replied, "We are not going to let Adelaide River go to the wall. I am not worried about us at all. I do not believe that what we have done can be attacked. My major concern is really well, you know, Jettner is chairman of the CLP and if you guys", that is the press, "can hang a bit of stuff over his forehead, you probably will. You know that is exciting stuff". So do not let the charge be made that the Australian Labor Party is pursuing Mr Jettner because of his CLP connections. Listen to the frank statements from the Majority Leader about the Jettner connection.

This bring me very briefly to the final point I want to raise - that is, the question of the attitudes of the press. During that interview, the journalist indicated that much of the information being given by the Majority Leader could well have been libelous. I am not commenting on that. They were hoping that somebody would say these sorts of things under privilege. I suppose that is how we can understand why there is a deafening silence about the statements being made by the Opposition on this matter. Some four press releases have been made by myself and I think two by the member for Victoria River. The ABC, in their wisdom, has chosen not to use any of them until Mr Doolan, the member for Victoria River, spoke in the Assembly yesterday. Now it seems to me that although the NT News ran that crusading piece saying "Bring Rex back", that was the last we heard of it until I made a very detailed statement questioning certain aspects of the whole arrangement.

I do not believe the Willeroo episode does the Northern Territory people any good at all. I agree that at the outset it started off being a worthwhile

proposition so far as its concept was concerned. Given assessments being made of its viability and so on, it could have been an excellent proposition, even visionary as it was termed by the NT News. There is no doubt that the Majority Party, in the way it has negotiated with the receiver, H.V. Quinton and Company, and the manner of its dealing, has brought discredit to the people of the Northern Territory. It does not auger well for the future government of the Northern Territory from 1 July.

PERSONAL EXPLANATION

Mr ROBERTSON (Community and Social Development)(by leave): The honourable Leader of the Opposition has just claimed that I made a statement - I think I have the words right - that the only reason the Opposition was involving itself was because of Mr Jettner's involvement. Now, had I been responding to the honourable Leader of the Opposition's speech yesterday and not the honourable member for Victoria River, I would not have made any such implication at all. But let us look at what I did say. It was nothing like what the honourable Leader of the Opposition has just indicated. What I said was - and this was in reference to the honourable member for Victoria River's speech - what we have just heard is not a responsible statement on the paper delivered by my colleague, the Executive Member for Transport and Industry; it is a prepared political statement which has absolutely no regard whatsoever to the word, the content and information provided by my honourable colleague. At no stage have I accused the Opposition of only being involved in it because of the involvement of Mr Jettner. I would not do him that disservice.

Mr EVERINGHAM (Majority Leader): I suppose I should first deal with some of the matters raised by the Leader of the Opposition in his diatribe this afternoon. It shows us the depths to which the Opposition is prepared to stoop in this affair when the Leader of the Opposition is prepared himself to use a transcript of what he knows was an off-the-record background press briefing. Unfortunately, it appears that somewhere amongst the Darwin journalists who were present at that briefing, there is a bad apple. I suppose there is a bad apple in every barrel but someone obviously has made available the transcript of that briefing to the Leader of the Opposition. Someone, in fact, made it available to a paper down south known as the Nation Review. All I can say is that when this happens to politicians, it is not surprising that they cease holding background briefings for the press, cease sitting down around a table with a beer talking to the press. They cease keeping the press fully informed of what is going on and perhaps giving them an insight into the workings of their minds in connection with particular matters. The Leader of the Opposition has chosen to use segments of that transcript which he has got hold of through means unknown to me. No doubt he could inform the House if he so chooses.

Perhaps I should pass to the question of the capacity of the Northern Territory executive to enter into such a transaction as this. There is no doubt that the Northern Territory executive has the capacity to conduct such negotiations because the Northern Territory executive commands a majority in this Legislative Assembly and all that is needed in order to set up the structure to effect the contract to purchase this or any other property is for the Legislative Assembly to enact legislation establishing a statutory corporation. It is ridiculous to make the statement, as the Leader of the Opposition has, that there is no capacity. Can't we go out then and buy stationery? Can't we go out and buy ink? Can't we go out and buy biros? It is plainly ridiculous and I really cannot understand the Leader of the Opposition trying to make good such a weak point.

As to the overseas borrowings that the Leader of the Opposition referred to, once again he is attempting to mislead this House. He is talking about overseas borrowings by government. He is not talking about private

funds coming into Australia; he is talking about governmental and semi-governmental borrowing overseas. He knows, as well as I do, that although you have to submit to exchange controls while bringing money in and out of the country, private funds flow in and out of this country in just the same manner as I described to those journalists.

The Leader of the Opposition said there were three propositions that he saw as being reason for the Opposition to buy into the Willeroo transaction. These were that people at Willeroo were unpaid, that responsibility should be accepted for paying them and that they should be paid. I agree with all three propositions. The key, when you get down to it, after surmounting the extraordinary behaviour of the Opposition - the Opposition that is supposed to be the friend of the worker, the Opposition that in fact appears to me to be the friend of the merchant banks and big business because that is the way they have been behaving in this House for the last couple of days - the key to the whole thing in this transaction and a clear declaration of the intent of the receiver was the payment by him into a bank account in Katherine, opened by him, of the sum of $32,000. Would anyone pay such a large sum of money into a bank account if he had not come to some agreement in respect of the disposal of those funds? He set the bank account up and nominated as signatories to the account not only his manager, Mr Hilt, but Mr Jettner and Mr Magill who were certainly not employees of his. He would have had to have some agreement, one would expect, if he is the high-flying financier, the extremely clever receiver, the reputable chartered accountant, the man to end all men in the business world of Pitt Street. Surely, he would have had some agreement in respect of the disposal of $32,000. Are we expected to believe that there was a gift of $32,000 made to Mr Jettner and Mr Magill to sign away as they will? No, that is the whole key and it gives us the footing, the foundation on which we can build.

I agree with the Leader of the Opposition in this particular case; it is word against word, because the facts are not documented. In the sale of land it is normal for the vendor to prepare a contract. We have here a very capable chartered accountant aided, I think the honourable member for Victoria River said, by one of the leading and most honourable firms of solicitors in Australia, certainly one of the oldest and largest firms - and I freely and frankly acknowledge this - Allen, Allen and Hemsley. It is alleged that there is a concluded agreement. Where is the contract? Has a contract been prepared? Has Allen, Allen and Hemsley prepared and submitted a contract at any stage? Has the receiver sent us a contract? We are talking about this concluded agreement by these capable businessmen who are on the other side handling, as the Leader of the Opposition has attempted to paint it, the bunch of hicks who apparently make up in his eyes the Northern Territory Legislative Assembly executive. Can it be true that we are the hicks, if it is the vendor's responsibility to prepare a contract? Can it be? Surely, if these very capable professional men, chartered accountants and solicitors, have not sent us a contract, what is the explanation? I just wonder why?

Mr Jettner and Mr Magill and others, in a perfectly natural and warrantable enthusiasm to work for the good of the Northern Territory, went to Willeroo on the basis of the agreement that I say was made between them and the receiver to fund this experimental crop. I say there was that agreement because it is obvious that the receiver would not have paid $32,000 into any bank account on anyone's behalf unless there had been a firm agreement - oral, certainly - between him and Jettner, that he would fund the experimental crop. No other explanation is tenable. Jettner and Magill threw themselves into this project and worked hard; they worked over Christmas. The honourable member for Victoria River denies them the benefit, the joy of a New Year's Eve party when they have worked hard all over Christmas. Nothing is too low to excape the notice of the honourable member for Victoria River on his burrowings around his electorate.

Mr Doolan: The employees' social club fund paid for the party.

Mr EVERINGHAM: Yes, well I did not say who paid for it but you would rather there had been none.

The receiver found, when he put the $32,000 into the account, that the matter of the interest rate was not going to be easily settled with Mr Jettner who certainly was authorised by the executive to negotiate with the receiver on the question of interest rates. The receiver decided that funds had better dry up and had better dry up at a pretty critical period to really put the pressure on the executive. Why do you think the funds would dry up in this situation if everything had been concluded? If an interest rate had been agreed? There would be no reason for funds to dry up. The fact of the matter is that the receiver found that he committed himself too far and he had to do something to attempt to reprieve his position. His principals, I do not doubt, wondered why the receiver was prepared to put $125,000 into an experimental crop. I do not doubt that they wondered about it, but it is obvious that he and Mr Jettner came to that agreement with nothing in writing - and Mr Quinton a capable businessman! So the funds dried up. Of course the funds had to dry up, because it was a buyer's market and it was only in the hope of putting pressure on the executive that the receiver could get the executive to buy the property on his terms. If the executive had just sat back, the property was costing the receiver money every day to run and he did not want that. But the executive can sit back and let him continue to pay the expenses and get the interest rate down to a level that is wants. And why not? Why not try to exact everything we can, for the benefit of the Territory taxpayer?

There are three reasons why I believe that 8% is not an unreasonable interest rate in the circumstances. The first is that the loan was on a large amount in excess of $1m. In fact trading bank interest rates, to which the honourable member for Victoria River referred, decrease as you pass over the $50,000 mark and they decrease as you go further up. When you have $1m or $1.5m and you are lending it to what would be a semi-government authority, then I expect you would expect to receive a somewhat better interest rate than 11%. In fact, the reason I expected we would get the 8% interest rate was because the receiver held that out to me. And I can tell this House, Mr Speaker, when I had the conversation with the receiver. The receiver telephoned my department in either late February or early March and said he was coming up to see me because there was money to be paid on debts and he wanted things finalised before he paid them. He did not say that to me; he said it to a member of the departmental staff. I agreed to see the receiver on the following weekend. I met him in front of the Travelodge Hotel, I think on a Sunday morning, from memory. We greeted each other in a friendly fashion by shaking one another's hand - which, in fact, I still do with the receiver; he does not seem to hold any grudge against me, I think because he regards this as being in the ordinary course of business. He even shook my hand when I met him in Sydney in the Menzies Hotel a few weeks ago and had a further discussion with him.

Mr Speaker, the discussion went something like this: I said, "Well we have ourselves a deal, if the feasibility study is right and we can get the right sort of interest rate." And he said, "What sort of interest rate are you looking at?" I said, "You are offering 11% and I think that is too high. What do you reckon you can manage for us?" And it was the receiver himself who suggested the 8%. I was careful not to suggest an interest rate because, in fact, I might well have said 9%. But the receiver himself said 8%; he suggested it and he went so far as to say, "I think I can manage to get it at 8%." It was only later, the following week, that he rang me and said it was not possible to be managed at 8%. That is when I said, "Well, it sounds as though there is no deal" - and that is when things started to warm up a bit.

So I think you can see that the situation has developed in a fairly normal business-like way. You have these measures of disagreement but normally in a transaction you do not have an opposition political party wanting to move in and make political capital out of it, to sour the enthusiasm of people who really want to work for the good of the Northern Territory, such as Rex Jettner and Arch Magill and other people in the Primary Producers Board who threw themselves behind this scheme enthusiastically but who now would not touch anything like this with a 40-foot pole, because they can see that all sorts of legalisms are going to be thrown up at them.

We can draw one more lesson from this, turning back to those three points made by the Leader of the Opposition. The people were unpaid; responsibility should be accepted for their payment and they should be paid. Well, the receiver applied for a loan to the Primary Producers Board and he has, I understand, subsequently paid them their wages. Now, I just wonder why he did that, if it was the responsibility of the Northern Territory executive to pay them their wages. I just keep asking myself these questions. I am just trying to base my argument on facts - not on hypothecation, not on wishful thinking, not on the wish to denigrate everything decent and constructive that goes on in the Northern Territory, not to kill people's enthusiasm as the Leader of the Opposition wishes to.

Can I say something else about the incident at Willeroo that the Leader of the Opposition makes so much of? I certainly had a discussion with the receiver at Willeroo, after the Executive Member for Industrial Development, the Executive Member for the Treasury and I had been flown over the property to look at all the far corners of it. I said to the chap when we were by ourselves shortly after lunch, I think it was - a very nice lunch put on by the receiver, no doubt to get us into a good frame of mind - the consultation I had was something like this: "Well, you know, this is a beautiful spot and we really would like to buy it, I am sure. And I am sure we could develop it to really something big for the Territory here, but you have to get us the right interest rate and have to get a feasibility study".

That is another thing: the receiver was going to let me know the names of some consultants in New South Wales, several firms so that I could take my choice in nominating one through the Public Service Commissioner to do this study, and he has still not done that. He still has not given me that information.

I do not recall shaking the receiver's hand at that stage. I went back with the receiver and I made a speech to all the people there, after the receiver had introduced me and said a few kind words himself, and in the speech I made - and it was heard by 20 people - I certainly did not say we had agreed to buy Willeroo. If we had, in fact, just come to that arrangement, you would really think I would have said so. So I cannot see how the facts bear out the statements of the Leader of the Opposition.

I am terribly concerned at the way the Opposition continually denigrates positive prospects for the development of the Northern Territory. Any attempt at cheap political gain will be taken by them. I really thought they were the party of the worker, the party of the underdog, but after listening to them today and yesterday, I rather feel they are the party of the merchant banker, the party of big business and it is we, the Country Liberal Party, that is fighting for the interest of the ordinary people of the Northern Territory.

PERSONAL EXPLANATION

Mr DOOLAN (Victoria River) (by leave): Seeing we are all up on our feet trying to make ourselves look like lily-white characters, yesterday the honourable Executive Member for Community and Social Development...

Mr SPEAKER: Order! The member must confine himself to the misquotation.

Mr DOOLAN: The misquotation was that the Executive Member for Community and Social Development, in answer to what I said yesterday about the Christmas party at Willeroo, said, "For instance, he makes the accusation - and it is a direct accusation - about the charter to take family members". Now, what I said was, "Towards the end of the festive season, disaster struck when the King River flooded and cut off the party from civilisation".

Mr Everingham: You just came out with a slimy innuendo, like usual.

Mr DOOLAN: "So then we had no less than three charters in to fly the guests out. It would be interesting to find out if the Primary Producers Board paid for these charters". Now, I do not know who paid for the charters; I said it would be interesting to find out - and I am accused of making a direct accusation.

Mr SPEAKER: Honourable member, I do not recall this being brought up today by either of the speakers.

Mr DOOLAN: Well, it is quoted in Hansard. I thought it was an opportune time to set matters right on what happened.

Mr SPEAKER: You have not been misquoted. There has been no misstatement.

Mr Everingham: If you slither around the ground, you have got to expect to be trodden on.

Mr SPEAKER: Order! Order!

Mr ISAACS (Opposition Leader): The remarks just made by the Majority Leader are offensive and I think they ought to be withdrawn.

Mr SPEAKER: The honourable Majority Leader - I would ask you to withdraw those remarks.

Mr EVERINGHAM: Mr Speaker, are you making a ruling that those remarks are offensive, that they are unparliamentary.

Mr SPEAKER: If honourable members find them offensive - I find them offensive too.

Mr EVERINGHAM: If they are offensive to you, Mr Speaker, I withdraw them.

Mr ISAACS: They should be withdrawn without qualification.

Mr SPEAKER: They were withdrawn without qualification.

Mr ISAACS: He said if they are offensive to you, he would withdraw them. I think he should withdraw them and that's it.

Mr Doolan: I find them offensive, too, Mr Speaker.

Mr SPEAKER: The remarks have been withdrawn.

Mr TUXWORTH (Resources and Health): I would like to enter into this debate as I feel concerned about the tenor of the whole debate and in fact the way the whole thing has been carried on and kept alive over the last several weeks by the Opposition on the other side of the House.

Mr Speaker, on many occasions in this House the Opposition, for reasons of its own, takes a stance on various matters that appear to be opposition for opposition's sake. They have very little substance in what they are about and the matter is not particularly important or offensive to us, and for that reason I do not worry about it. But, Mr Speaker, on this particular occasion, I find that the tenor of the debate and the opposition is not for the sake of opposition; there are more perplex reasons to it.

The honourable Leader of the Opposition said a moment ago that his party and he had no objection of the concept of Willeroo. It was, I believe he said, a commendable project and one that should bring benefit and value to the Territory. We do not argue with that; the whole concept of this executive being involved in Willeroo was to bring some value and benefit to the Territory.

We have entered into discussion this afternoon, Mr Speaker, about crops and responsibility for them and the value of them and who assessed the value. We have discussed bank deposits and money that was not deposited in banks and who wrote the cheques for it. We have discussed the shortfall, that the receiver did not put in the bank and why he did not put it in. We have talked about the interest rates that are involved in the project - did Mr Quinton offer 8%? Did he offer 11%? Didn't he offer anything - and my colleague, the Majority Leader, is quite adamant that a figure of 8% was offered, but the Leader of the Opposition has it on hearsay that it was not.

The Opposition Leader reflects on government credibility. He alludes to a dishonesty and an impropriety without facts, without substance. He makes hollow sounds, Mr Speaker, about wages and other issues, that might get him some political mileage. What are we all about, Mr Speaker? What is going on here this afternoon? We have had all this debate. We have had the opposition to it, which had no substance. The Opposition has tabled no evidence of any impropriety or dishonesty. They have coupled their opposition with a lot of assertions and innuendoes that have brought no credit upon themselves and no credit upon this Chamber. What are we about?

Well, Mr Speaker, what I am concerned about is that we are involved in character assassination. I do not think the Opposition gives a tinker's cuss about Willeroo, Mr Speaker. They see in it for themselves an opportunity to assassinate the character of the chairman of the Primary Producers Board and this assassination has been spearheaded by no less than the honourable member for Victoria River who, in his first speech in this Chamber, put the boots in and tried to assassinate the character of another very well respected former member of this Chamber.

Mr Speaker, this particular debate and opposition - and it is the Opposition I am referring to here - has been bitter and twisted and disgusting, and I would hope that we never see it again in this Chamber.

Motion agreed to.

LEAVE OF ABSENCE

Mr B. COLLINS

Mrs O'NEIL (Fannie Bay): I move that the honourable member for Arnhem, Mr Bob Collins, be given leave of absence for today and tomorrow. Mr Speaker, the reason for this motion is that the honourable member is ill.

Motion agreed to.

WILLEROO PROJECT

Continued from 28 February 1978

Mr DOOLAN (Victoria River): Mr Speaker, I think this has been pretty well hashed over, and we can let it drop.

Motion agreed to.

MATRIMONIAL CAUSES ORDINANCE REPEAL BILL
(Serial 30)

Continued from 1 March 1978

Mr PERKINS (MacDonnell): On behalf of the Opposition, I rise to indicate our support for the repeal of the Matrimonial Causes Ordinance, as introduced by the honourable Majority Leader. The bill is a simple one which intends to repeal the Matrimonial Causes Ordinance of 1932 to 1960. In the process it removes unnecessary legislation from the statute books of the Northern Territory. The Opposition supports the repeal of this ordinance and we wish to cooperate with the Majority Leader to ensure the quick passage of it.

However, I am surprised to note that it has actually taken the executive some two to three years to take action, ever since the Family Law Act came into operation in 1975. I presume the Majority Leader is a reasonable man and that he is also in a reasonable frame of mind. I would invite him to explain why it has taken so long for him to introduce the changes, in particular the repeal of this particular ordinance.

Mr EVERINGHAM (Majority Leader): I will tender an explanation to the honourable member for MacDonnell who perhaps does not think as deeply about these things as he might. The Department of Law only came over to the control of the Northern Territory executive on 1 January this year. Prior to that the Attorney-General's Department, through its legislative drafting section, was responsible for the drafting of all legislation for the Northern Territory Legislative Assembly and whilst there was a measure of cooperation between the former executive and the Attorney-General's Department there was never the direct control that there is now. It has proved possible, because of the control we now have, to take some tidying-up action which has not been taken in the past.

It has also been possible to do this because we have taken action to employ more draftsmen and also, I believe, because the legislative drafting section is really putting its back into the work at the moment and really putting out a prodigious amount of work. In fact I think it is to the credit of the Department of Law and the legislation section of my own Chief Secretary's Department and in particular the legislative drafting section - people like Graham Nicholson and Bernie Sutherland - that this Assembly has seen more legislation introduced in these four months of 1978 than it saw in 1977 and 1976. I would not swear to that; I would not want to mislead the House, but I believe that is the case. If not, it is pretty close to it.

I believe that this is being achieved, Mr Speaker, as part of the benefits of local control over the people involved. They know who they are working for now. If they want more staff it can be made available. For instance, a few weeks ago they wanted some clerical assistants to read their bills. Well, they came along and said, "Can we have a few clerical assistants?" and we said "Right oh!", and they went out and got them, as far as I know. In the old days, they would have to go down to the headquarters of the Attorney-General's Department, then to the Public Service Board and the whole thing would take about nine months. I believe this sort of thing has improved the morale of these people, plus the fact that they know that, hopefully, by the end of this year they will be work-

ing together in one building, in good congenial circumstances with a decent library. I hope that satisfies the doubters in the department.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

ALSATIAN DOGS ORDINANCE REPEAL BILL
(Serial 47)

Continued from 1 March 1978

Ms D'ROZARIO (Sanderson): It gives me some pleasure to speak in support of this bill and I commend the honourable Executive Member for Community and Social Development for presenting the bill. No doubt he had someone in a position of influence - to him, that is - who was able to convince him that this piece of legislation is long overdue. I am very pleased he took that gentleman's advice and presented this bill to repeal this somewhat unnecessary ordinance.

While I am speaking on this bill, Mr Speaker, I would just like to say a few words about the German Shepherd Dog Club we have in the Northern Territory. The members of this club have done extremely good work in enhancing the reputation of this breed which has suffered from all kinds of myths. These myths have long since been exploded because this breed is the most popular breed in the Northern Territory. The registration for german shepherds far outnumber any other breed of dog registered by the Northern Australian Canine Association.

The reasons for the popularity of this breed are all quite simple and quite diverse - they are fine companion animals; they have been put to work in a number of areas including narcotic detection, search and rescue, tracking and also for police work. And all this is, of course, made possible by the extreme tractability of the temperament of the animal. We are very pleased to see the Alsatian Dogs Ordinance is to be repealed because people who take a genuine enjoyment in this breed can now enjoy their dogs with impunity, as it were.

It must be quite common knowledge to members of the previous Legislative Assembly in discussing former bills about the Alsatian Dogs Ordinance that there was a time when to keep an alsatian dog or a german shepherd dog one had to have it desexed. This caused a few problems for people who wished to participate in kennel activities - that is, not only in the breeding of this beast but also the showing and trialing of it because only entire dogs can be entered in these activities. This is another reason why I am sure members of the German Shepherd Dog Club welcome this bill and give it their enthusiastic support.

After we have disposed of this bill, it is time to address the mind of this Assembly to other problems in relation to dogs. I am thinking specifically of the control of dogs in our urban areas. I was pleased to hear the honourable sponsor's response to a question from the honourable member for Casuarina yesterday that he is going to take this matter up. I wish to assure him that when he has the time and when the draftsman is not so busy, the kennel clubs and the canine association will be only too pleased to put any input that he cares to invite into this problem.

It does seem to me that it is time to stop thinking in terms of specific breeds and think in terms of the control of all breeds of dogs, including those that are of no specified breed which is the more general problem in the urban areas of Darwin. Whilst I support the Alsatian Dogs Ordinance Repeal Bill, I look forward to the new Registration of Dogs Bill.

Members: Hear, hear!

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, I am pleased, as the honourable member for Sanderson was, to speak on this bill. The contents of the principal ordinance are to me completely unreal and I pity past owners - and, up until now, present owners - for the way in which they have had to protect this magnificent breed of dog.

Up to 1957 the owner was required to have a dog of this breed sterilised within seven days of arriving in the Territory; there had to be proof that you would occupy the premises where the dog would be kennelled and you also had to write to the Administrator to get permission to have the dog. All this red tape and paperwork - and nonsense, I should say - to own a dog which has been proven to be probably one of the most faithful and intelligent dogs you could find amongst all the dogs of our country and other countries.

Just imagine, Mr Speaker, if an owner did not meet these requirements a policeman might come around and knock on his door and say, "I have to destroy this dog if you do not abide by the rules". After 1979 they amended the ordinance to put in the new provision which allowed people to have an alsatian dog as long as it was a pure-bred german shepherd - they changed the name to german shepherd then - and it could only be kept in the City of Darwin or Alice Springs. They were the only two places where you could keep an alsatian or a german shepherd, as they called it then. It had to be registered as a pure-breed with an association - the Northern Australian Canine Association or the association known as the German Shepherd Dog Club of the Northern Territory. I do not want to be disrespectful to those organisations, Mr Speaker; as a dog lover and past owner of pure-bred dogs, I have the greatest admiration for those people. But now I can see the way clear for people to bring this dog out in the open, to own such a dog without having to register it with an association. We do not need all these restrictions and even so, I am sure these associations will grow from strength to strength.

There was some apprehension in the early days about having german shepherds here because of the fear that it could breed with dingoes - and then run wild - what our executive member who introduced the bill called "super cat killer". I do not know whether they would develop into super cat killers but there is no known mating of that breed with the dingo. I am sure any other breeder would feel the same way about their dog, that they would not like to have it restricted in the manner these have been.

I look forward too, as the honourable member for Sanderson said, to seeing the new Control of Dogs Ordinance because there has been a problem - not only around Darwin; it is a problem at Alice Springs, Nhulunbuy and everywhere. I have much pleasure in supporting this bill.

Mrs PADGHAM-PURICH (Tiwi): I have a few remarks to preface my speech regarding something the honourable member for Nhulunbuy and the honourable member for Sanderson said. Up until now, german shepherds were able to be kept in Tennant Creek as well as Darwin and Alice Springs, provided certain conditions were complied with. Regarding a remark make by the honourable member for Sanderson, german shepherds have been able to be shown since 1959 but in restricted classes. I speak from experience as the owner of one of the first german shepherds of any note in the Territory, even if he was not whole.

To start my speech I will say a few words about the history of this grand breed, the german shepherd. The german shepherd is a pure breed of dog which evolved from many sub-varieties found in Germany round about 1899. The exact origins are unknown, like the exact origins of the Australian cattle dog. The breed or the sub-varieties were used extensively, mainly in Germany and on the continent, by shepherds for working with the sheep by day in their intensive system of pastoral agriculture.

The first german shepherds appeared in England as a pure-breed representative about 1919 or 1920 and the first german shepherd came to Australia about 1926. During the First World War german shepherds were used extensively as guard dogs by the Germans. They were associated with the patriotic feelings of a national war, with prisoners of war behind high mesh and barbed-wire fences. This situation, coupled with the place where the first german shepherd came from to England, namely Alsace, which at that time belonged to France - having just been won from Germany - gave the german shepherd its alter name of the Alsatian, and also connected it with an unjust anathema of damaging humans by vicious attack. This association with the german shepherd of stupid and vicious attack on humans, held only by ignorant people, is completely wrong of this breed as a whole. Untrustworthy and stupid the german shepherd is not. It is an intelligent dog, capable of working with humans, taking orders and thinking out problems.

It was ignorant fear that forced sterilisation on german shepherds in the past in the Northern Territory, having regard to the supposed concern of some people for their breeding with dingoes and producing the apex of canine killers. Yes, dingoes will mate with german shepherds but only for a few months in any year due to the intricacies of the dingoes' breeding cycle. Not many pups would result and the cross-breeds I have seen are no better or worse than any other cross-breed. A far more dangerous cross results from a dingo-dobermann pinscher or a dingo-bull terrier or a dingo-cattle dog. But nobody would consider having these breeds sterilised, certainly not the four members in this Chamber who have these breeds.

Mrs Lawrie: What about boxers?

Mrs PADGHAM-PURICH: In 1977 a similar ordinance was repealed in the ACT so that whole german shepherds could be kept. In December 1976 the Western Australian act was repealed so that whole german shepherds could be kept there. The question has been raised before, and reasons given for the introduction of an ordinance requiring some german shepherds in the Northern Territory to be sterilised and some not. Since about 1960 various breeding enthusiasts have tried to have the plight of complete sterilisation of the breed in the Northern Territory alleviated. About 1970 the thin edge of the wedge was introduced to allow some german shepherds in certain situations and places to be kept au naturel. During all those years until now, none of the pessimists' prognostications have occurred. There was no rapid influx of enormous ravening dingo-german shepherd dogs advancing in hordes on our cattle stations. People were still able to walk the street with their children without having their throats torn out in bloody mad-dog situations.

I have not actually known of one occasion in all those years when any person has been attacked in the Northern Territory by a pure-bred german shepherd that is whole. I would also like to say that, in the matter of dogs straying loose on the streets and other areas, and creating a nuisance, which is of major concern everywhere in the Northern Territory now, there are few, if any, german shepherds that have been seen compared to other pure breeds.

I am fully in support of the Alsatian Dogs Ordinance Repeal Bill having kept german shepherds myself and having been directly concerned with the legislative acceptance of the breed for nearly twenty years and knowing the noble qualities of this fine breed.

Members: Hear, hear!

Mrs LAWRIE (Nightcliff): Mr Speaker, just for once it does appear it is all sweetness and light and all honourable members support the passage of this bill to repeal the ridiculous Alsatian Dogs Ordinance. The first time I sat in the public gallery of the old Legislative Council, the debate in progress was on

this particular subject and it appeared to me at that time to be quite illogical to single out one large breed of dog for this special attention. I commend the honourable executive member for his promptness in repealing what I have always considered an illogical ordinance.

I have to put one thing on record: part of the public fear about german shepherd dogs - which, of course, is their correct name rather than alsatian - is that they resemble wolves. I remember in an earlier debate someone was talking about the crossing of the wolf dog with the Australian dingo. Mr Speaker, that is quite incorrect; the Keeshond, the husky, the chow chow and the spitz are far closer morphologically than any german shepherd can ever be. Other honourable members have spoken of the danger of cross-mating of dobermann pinschers as being above and beyond that of cross-mating with german shepherds. Mastiffs are another breed; one could continue through the hierarchy of dogs but I think the argument has been well advanced. This particular ordinance is outdated and quite illogical.

Other members have taken the opportunity in debate on the passage of this bill to mention the urban dog problem. May I say that when the dreaded dog catcher comes around the precincts of Nightcliff, it becomes abundantly clear that he catches all the pet dogs who run up to him wagging tails and joyfully jump in the car. Two of mine have gone a couple of times. It is the completely unattended, hungry dogs roaming the northern suburbs that I hope will excite the attention of members rather than the local pets who do tend to jump in the car gleefully barking.

Mr TUXWORTH (Resources and Health): Mr Speaker, it would appear I have stolen the thunder of one of my colleagues; I am sorry about that. It is not often he has any thunder to steal.

I rise to speak in support of the bill. I do so because I will be glad to see the end of it. As I move around the Northern Territory there is one thing that I believe is not politics: that is, the disdain with which this present legislation is treated by everybody. It seems to be an ass and the sooner we get rid of it the better.

Mr Speaker, the Alsatian Dogs Ordinance was designed to protect the cattle industry from cross-breed dingoes, on the assumption that alsatian dogs were more prone to mate with dingoes than any other breed of domestic dog. The validity of this assumption, Mr Speaker, has never been ascertained. In the Australian Meat Research Committee Review of 1973, the CSIRO Division of Wildlife Research published a report on their investigations into the dingo. The research was the first biologically sound word on the dingo. It was carried out in two sharply contrasting areas: Central Australia and the highlands of eastern Australia. It was designed to give quantitative data about the status of the animal as a pest and about aspects of its biology that need to be understood to provide a basis for sound programs for managing the species.

The researchers could not suggest that the alsatian was more prone to mate with dingoes than any other domestic dog. Only 10% of the dingoes caught in Central Australia were domestic dog crosses. Although stock losses caused by dingoes were unable to be gauged accurately, the research proved that native game is overwhelmingly preferred by dingoes at all times. Cattle are an important part of the dingoes' diet during drought. But whether calf killing during a drought is economically wasteful is argued even among graziers. Much depends on the length of the drought because a cow whose calf is killed by a dingo will have a better chance of surviving a long drought. The damage which could be caused to the Northern Territory cattle industry by the possible alsatian-dingo cross is in my opinion minuscule compared to the other problems which beset the industry.

The report I have mentioned recommended the timing of baiting to coincide with droughts as the best strategy for eliminating the dingo, not desexing of alsatian dogs. Let us cease wasting funds and human resources in policing an ordinance which serves no valid purpose. In its current form, the Alsatian Dogs Ordinance can force the most law-abiding citizen into a breach of the law. Under the Alsatian Dogs Ordinance all cross-bred dogs must be sterilised before they are registered and, of course, no qualified vet would sterilise a dog or bitch under six months. Preferably the animal should be nine to ten months old. This creates a problem because the Registration of Dogs Ordinance states that a dog has to be registered at three months and the Alsatian Dogs Ordinance states it cannot be registered until it has been sterilised. What do owners of cross-bred alsatians do for the intervening period of three to six months while they are waiting for the dog to become old enough to be sterilised?

This law is an ass and it is time we changed the law. In fact, it is time it was removed altogether. I suggest that honourable members of this Assembly could devote their time to more important matters - in particular, to considering the dogs that are straying in the streets, that litter and despoil property, create a health hazard and, in fact, endanger human life. I have a very firm belief that perhaps all dogs in the Northern Territory should be sterilised except those that are kept for breeding purposes.

Mr Perron: You'd get a lot of support.

Mr ROBERTSON (Community and Social Development): I thought I would leap to my feet before the filibuster went any further and thank honourable members for their comments. I would just like to make an observation in relation to what the honourable member for Sanderson and my colleague said in relation to the dogs ordinance generally.

I see the task of revising the Control of Dogs Ordinance and in fact the whole question of providing legislation for the Territory to control dogs as being of a totally apolitical nature. With the agreement of the Opposition, I would be more than happy to take them into consultation right from the start on this particular issue in order that we might come to a solution jointly on the problem and have something which will be acceptable for control and acceptable to dog owners.

I would advise that two members of my own party have been appointed by the party room to assist me in this task and if the Opposition would like to do likewise, I am quite sure we could sit around together and thrash it out satisfactorily.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

OATHS BILL
(Serial 41)

Continued from 2 March 1978

Mr PERKINS (MacDonnell): On behalf of the Opposition, Mr Speaker, I rise to indicate our support for the Oaths Bill as introduced by the Majority Leader in this Assembly.

The Opposition welcomes the legislation which is proposed and agrees that the legislation is necessary in view of the inevitable move which we are taking towards statehood for the Northern Territory. Therefore, we will be cooperating with the passage of this bill.

However, I would like to draw the attention of honourable members to proposed section 23C(1) in the bill. This provides for the expansion of those persons authorised to witness statutory declarations. Although this provision is a welcome change in the view of the Opposition, I believe it ought to be further expanded to include other persons such as ministers of religion and members of parliament and, for example, school teachers, in order to further cater for the needs of the general community and particularly those needs in isolated areas. I would ask the Majority Leader to consider an enlargement of those persons authorised to administer oaths.

In addition we would suggest that he consider amending all the other Territory legislation regarding these matters in order to provide for uniformity of procedures and personnel.

The Opposition supports this particular bill and we will not be proposing any amendments in the committee stage.

Mrs LAWRIE (Nightcliff): I rise to express my support for the legislation as presented. I have only one other comment to make which is on the suggestion of the honourable member for MacDonnell. I would be very wary of widening too far the classes of persons who may witness signatures. We still have to have in the public mind a great degree of confidence in a statutory declaration. Not by any means am I suggesting that a school teacher is less competent than a bank manager to witness a signature. However, I do feel that to widen it too far may defeat the purpose of the ordinance itself. I support the legislation as presented.

Mrs O'NEIL (Fannie Bay): I would just like to make a comment - it is only a suggestion at this stage - on something I believe is worth looking at. One of the things that concerns me in the list is the people in isolated areas. Bank managers and similar people, even policemen, are not always available. Schools, for example, are much more widespread, and I think that is one good reason for considering expanding even further the people who can administer oaths and undertake similar offices in other legislation.

Mr EVERINGHAM (Majority Leader): I have taken note of the suggestion that the scope of persons who can witness statutory declarations should be expanded. I would point out to honourable members, particularly the honourable member for MacDonnell and the honourable member for Fannie Bay, that a teacher or a minister of religion or a parliamentarian can very easily apply to become a commissioner for declarations. It only takes one letter to, I think, myself actually, to become appointed as a commissioner for oaths. Provided that the vetting process is satisfactory, then one is appointed as commissioner for oaths, and there is really no reason why this should not be done.

To automatically impose this burden on ministers of religion, parliamentarians and teachers without some consultation with the whole class of those people before we did it could be repugnant to some of them in any event. I am sure that some ministers of religion would be unwilling or loath to be dragged into this because they already have many calls upon their time and those who wish to can exercise their free choice and apply to either become a commissioner for oaths or a commissioner for affidavits. I believe that is the solution.

I certainly note what has been said but I do tend to agree somewhat with the honourable member for Nightcliff who says we must be careful about this because the documents they are witnessing are important documents and I do not think we should draw them into it unless they really want to.

I thank honourable members for their support.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 5 taken together and agreed to.

Clause 6:

Mr EVERINGHAM: Mr Chairman, I move amendment 40.1.

The reason for this is to add an extra class of persons or witnesses to whom Territory statutory declarations may be made, elsewhere than in the Territory. Members will see that it says:

a person before whom an oath may be made under the law of the State or Territory in which the declaration is made.

That anticipates that these declarations will be made outside the Territory and covers the situation where, for instance, in South Australia they have some other types of classifications of people.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clause 7 agreed to.

Clause 8:

Mr EVERINGHAM: I move amendment 40.2.

It is proposed that the penalty for making a false statement in a statutory declaration be increased from $400 to $1,000. I think this is consistent with the sort of schedule of penalties which we were discussing yesterday on the amendments to the Police and Police Offences Ordinance. The matter is sufficiently important to warrant a serious monetary penalty. I quite heartily commend this amendment.

Mrs LAWRIE: If you are going to be fined $200 for wilfully and maliciously ringing a doorbell, I must say that in the scale of penalties I can find no quarrel with $1,000 for wilfully making a false statement.

Amendment agreed to.

Clause 8, as amended, agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

MOTOR VEHICLES BILL
(Serial 63)

Continued from 9 March 1978

Ms D'ROZARIO (Sanderson): Mr Speaker, I would just like to make a few remarks about the bill that was presented by the honourable Executive Member for Transport and Industry. The Opposition thoroughly supports the administrative arrangements that this bill sets out. I can see the logic of removing some of the constraints upon people to do things within certain times, such things as handing in expired plates. I quite concur with the honourable executive member's reasons for the administrative arrangements.

I would, however, like to say a few words about the amendments which relate to the mechanism whereby increases in motor vehicle registration charges and other services of the Motor Vehicle Registration can be prescribed instead of being defined by the legislation. It is well known in the Territory that motor vehicle registration charges that were announced in February will take effect on 1 June this year and I assume that the timing of this bill is to accommodate that proposal. While I am speaking about the mechanism to facilitate the increase in registration charges, I would like to place on public record a few remarks about the charges that have already been announced.

In the first place I would like to remind the House that in his budget speech the honourable Executive Member for Finance and Planning did not anticipate at that time any increase in motor vehicle registration charges. As I recall, he attributed the increase in revenue from the Motor Vehicle Registry to increased business which would be undertaken at that registry. There was no indication to the public that motor vehicle registration charges would be substantially increased. Most people in the Northern Territory have by now become convinced that they are indeed going to have to pay extra charges here and there, and some quite substantial extra charges. When these announcements are made, I would prefer that the person making the announcement do so with a greater deal of honesty than was the case with the announcement over the proposed increase in motor vehicle registration charges.

At the time that these charges were announced, the honourable Executive Member for Transport and Industry made great play of the fact that the registration charges were based on a completely new method relating to the capacity of the vehicle's engine. That is quite an innovation because all other states levy their registration charges either on weight or on a unit known as the weight unit. I certainly commend him for coming up with this novel idea. What I would like to take issue with him about is his statement that the proposed registration charges would do something to modify fuel consumption in the Northern Territory. I really do not know who he was fooling at the time but I think every Territory motorist would know that this, whilst being something to be devoutly hoped for, is not likely to occur and I would like to give a few reasons for the view I have just expressed.

One of the reasons why we will not get a reduction in the consumption of fossil fuel is simply because the product mix of the car industry is such that large cars tend to be produced in great numbers and this structure of the industry is not going to change overnight. Those people who have large cars will have them for some years to come and indeed those people who are coming to the stage where they have to replace a car will have very few options when it comes to the size of the engine. Even manufacturers that are making small cars, small in relation to body weight, are fitting them with quite large engines. I do not think the earnestly hoped for result of a reduction in fuel consumption will really come about.

The second point to remember when the honourable executive member is making statements like that is that most people are quite rational in their purchases of things like motor vehicles. They are large purchases and people think about it a bit before they enter into these transactions. I would say that, from my experience, most people buy the type of vehicle that suits their needs. For example, I do not know very many people who would purchase a mini-moke if they had three or four children to cart to school every day. From that point of view, the desired decrease in fuel consumption is not likely to occur either. What the charges are doing is penalising those people who have large families and have to have large cars and do not have the option of using public transport.

The third thing I would like to point out is that in other parts of the world, where taxes have been imposed with a view to lowering fuel consumption, this result has never been achieved. This is simply because the vehicle has

become very much a part of the western life style. People tend rather to adjust their household budgets to the higher charges instead of changing their habits which are life-long habits. Unless we can come up with some alternative modes of transport that would be more efficient than the private motor vehicle, then we are just kidding ourselves if we think we are going to reduce fossil fuel consumption.

Having said those few things about the charges that we are going to have in effect quite soon, I do not disagree in principle with the mechanism that the honourable executive member has used. Perhaps the work burden in the Motor Vehicle Registry will be substantially reduced and, as a result of that, the service to the public will improve. At the present time I have received quite a few complaints about waiting times and so on, and I presume the honourable executive member has also received such complaints from members of the public attending the Motor Vehicle Registry. I hope that if nothing else the bill as presented will serve to reduce the sorts of time-consuming tasks which are performed by the staff, which have no real necessity, and that the service to the public will be improved.

Mr HARRIS (Port Darwin): Mr Deputy Speaker, I would like to touch on some of the amendments to the principal ordinance. I will keep my remarks to that ordinance and not comment about fossil fuels.

It is ridiculous to have a situation where a driver instruction course outlasts the duration of a learner's permit. Both the course and the permit itself are married and, as such, must relate to each other. There are strict provisions for learner drivers under section 9 of the Motor Vehicles Ordinance and I feel no further comment is required on that particular amendment.

Having worked in the Motor Vehicle Registry some 20 years ago, I can vouch that we always had a problem when trying to police such sections as 98 and 101 of the Motor Vehicles Ordinance. For any legislation that cannot be enforced there are two alternatives, in my opinion. The first is to change that legislation so that you can enforce it and the second is to throw it out the door. Number plates have always been a problem, whether it be the transfer of number plates, the re-issue of number plates or the surrender of number plates. There is provision for protection of duplication and also abuse of use, and that is my major concern. Let us face it, one is able to have plates made illegally if one is that way inclined. I can remember in South Australia that once you were issued with a registration number, you could have that number painted on a piece of tin or a piece of timber or even on the car itself. Fortunately, in the Northern Territory we are still on issue with our number plates. Mr Speaker, through these amendments we are making our system realistic and within our capacity to police.

Like the member for Sanderson, I feel the final part of the bill is a sensible and realistic approach. I know that in many cases throughout the Northern Territory the constitutions of various clubs follow similar principles. To have to make amendments to sections scattered throughout an ordinance every time there is a fee structure change is just not on. I commend the honourable Executive Member for Transport and Industry for bringing fees under one set of regulations. It will indeed facilitate future amendments. I support the bill.

Mr VALE (Stuart): I also support this legislation. The proposal to increase registration fees is not welcome news - increases seldom are. However, for too many years in the Northern Territory there has been no annual review or gradual and acceptable increase on many government charges. When increases do occur, they are large and tend to cause problems with family budgets. Hence my support for this yearly fee review and, hopefully, gradual increase.

I would hope that with any future registration increases a much larger per-

centage is allocated to road maintenance, repairs and sealing. The proposal to do away with the return of expired number plates is also welcome news. The costly and time consuming efforts in attempting to locate and retrieve these plates is a waste of taxpayers' money. It is noted that with this proposal we will now conform with many of the other states.

The final comment I make is related to the proposal to extend learner driver permits from 28 days to 20 weeks. Many accidents are caused as a result of inexperience and the proposal to extend the training courses has my full support. I support the legislation.

Mr ROBERTSON (Community and Social Development): In looking at the legislation which no doubt was drafted some time ago, we see on page 2 in clause 5(2) where the words "payment of fees to the Commonwealth" are used and further on in clause 9(1) we have another reference of payment to the Commonwealth. That will no longer be applicable nor, I would suggest, desirable at this stage to include in this legislation. I would suggest to the executive member responsible for the carriage of the bill that, if it is agreeable, he make verbal amendments in the committee stage simply to delete the words "to the Commonwealth". Then will get out of the difficulty which would otherwise arise because we would have to bring these bills back if this is not done at this stage. If the committee agrees to that course of action, I would recommend it to the executive member who has control of the passage of the bill.

Mr STEELE (Transport and Industry): I thank honourable members for their contribution this afternoon and in particular the manager of government business; perhaps he would like to propose those amendments for me and save me looking for the reference.

I thank in particular the honourable member for Sanderson because I think some of her grave fears probably will be realised, in expecting people to jump down to smaller vehicles while they currently enjoy a larger one. Hand in hand with this is the lack of proper urban transport that is so much needed.

I will just go through the other points she brought up. Setting the motor registration charges by regulation is not a new device. It is not something we are ashamed of; it is something that happens with a lot of the fees that are set. They are defined by the regulations and we are not too worried about that. After we announced the actual charges for motor registration and the way we were going to make the charges, we found that Queensland had put theirs up another 15% and indeed today they propose another 20%. Where we were very close to being level with Queensland in some of the areas, we are looking at 35% increases today. We do not propose to lift our charges tomorrow but, with this regulation-making power, obviously we will have the opportunity to assess them on a better basis than they have been assessed in the past.

The honourable member for Stuart brought up the question of allocating funds for road maintenance and repairs. In this early stage we are not able to use the formulas that are used in other places but obviously in due course, when we are able to join in with the states in their bid for money under the different state grants acts that apply, the total component of the motor registration charges will then have a big bearing on the amount of money that is available to us. I commend the bill.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 4 taken together and agreed to.

Clause 5:

Mr ROBERTSON: Mr Deputy Chairman, as I previously indicated in the second-reading stage, I would suggest to the committee almost a formal amendment to clause 5(2) by the deletion of the words "to the Commonwealth". Of course, the question may arise in the committee's mind now as to what happens if any fee is paid between now and 1 July. Clearly, the deletion of the words "to the Commonwealth" will not alter the law as regards where payment of moneys before that date will go; they will still go to the Commonwealth. And after that date there is no necessity in this legislation to indicate any direction in which those funds should go because there is only one direction in which they legally can go. So the words are probably superfluous in any event.

I would therefore move that clause 5(2) be amended by omitting the words "to the Commonwealth".

Amendment agreed to.

Clause 5, as amended, agreed to.

Clauses 6 to 8 taken together and agreed to.

Clause 9:

Mr STEELE: Mr Deputy Chairman, in clause 9 a similar anomaly exists as in clause 5(2), and that is the words "to the Commonwealth".

I move that clause 9(1) be amended by omitting the words "to the Commonwealth".

Amendment agreed to.

Clause 9, as amended, agreed to.

Clauses 10 to 15 and the schedule taken together and agreed to.

Bill passed the remaining stage without debate.

TRAFFIC BILL
(Serial 66)

Continued from 9 March 1978

Ms D'ROZARIO (Sanderson): Mr Deputy Speaker, I simply wish to indicate my support for this bill. I do so with a bit of nostalgia because I feel the passage of it finally disposes of a little bit of Northern Territory history. The period to which I refer is, of course, when we did not have laned highways anywhere in the Northern Territory. I am pleased to see that the anomaly is being corrected and that it will no longer be an offence or an implied offence to drive abreast on a laned highway.

I enthusiatically support the other major provision of this bill which is to make secure the loads on the backs of vehicles. I think the honourable member for Tiwi has previously indicated some of the hazards from debris that flies off the backs of trucks that are travelling along the Stuart Highway and I support the honourable executive member's action to insert clause 5 in this bill so that it will be clearly understood whose responsibility it is to make secure these loads. Mr Speaker, on behalf of the Opposition I support the bill.

Mr HARRIS (Port Darwin): Mr Speaker, in speaking in support of the bill, I would say these amendments to the Traffic Ordinance have been long overdue. I doubt if anyone could dispute that point. The best example, of course, is in

relation to the amendments to section 19(1) of the principal ordinance which covers the matter of driving abreast. In our laws there are obviously many such instances occurring and we must aim at correcting such anomalies.

Whilst on the subject of multi-lane roads, I would like to make the comment that more emphasis should be placed on the marking of our lanes and also the marking at intersections. Some of our road art-work leaves a lot to be desired.

Under part IIIA of the Traffic Ordinance, in the sections which determine the rules of the road, provision is made for the correct usage of lanes. These various lane markings could be used to further educate people who use our roads.

In clause 5 of the bill which amends section 24 of the Traffic Ordinance we have another area long overdue for amendment. There must be many of us who have actually seen roofing iron, timber, various other forms of material, falling from the back of a motor vehicle. It may have been a utility, a car or a truck. In fact I daresay, Mr Speaker, that some of us have actually witnessed these materials flying through the air. Apart from the litter aspect, as brought out in the second-reading speech by the Executive Member for Transport and Industry which I feel sure we all agree with - Darwin being one of the dirtiest places in Australia, I am ashamed to say - there is grave concern for the safety of the public because of the possibility of pieces of iron flying into following vehicles or pedestrians walking on footpaths. In some cases vehicles must swerve to avoid flying objects or objects fallen on the road which create an accident situation. Any amendment to the principal ordinance to tighten up legislation in relation to the securing of loads must be supported by all members of this Assembly.

Section 55B, in my opinion, Mr Speaker, needs a complete overhaul. I would like to urge that the honourable Executive Member for Transport and Industry look into all aspects of the special licence provisions. It is a section completely abused. We should never allow the provisions of one law to be overriden by another. The amendments being made to section 55(4) are steps in the right direction. Provision should be made for a separate and distinct fee for the issue of special licences. I support the bill.

Mr OLIVER (Alice Springs): Mr Speaker, I too rise to support the Traffic Bill. Referring to clause 4 in this bill, this is an obvious amendment to cope with the advancement of the Territory and the subsequent building of roads of a higher standard to carry our increased traffic. We now have a fair number of multi-laned roads and the offence of driving vehicles abreast must naturally be removed from the ordinance where this situation occurs.

Clause 5, Mr Speaker, is an amendment that is long overdue. All of us are aware of the problems and dangers of items of loads falling on roadways from vehicles, particularly on the major highways. In some respects, I am not greatly concerned about litter - a bit, particularly in the Central Australian area - because much of these fallen items are very quickly salvaged, if I may use that term, because a lot of the items down there are not your cyclone stuff; it is good stuff.

I have done a lot of driving over Territory roads, Mr Speaker, and in not a few instances I have been confronted with potentially dangerous situations. I have no doubt that some of those fallen objects on our roads have contributed to accidents. If this amendment can be policed, Mr Speaker - and there is no reason why it cannot be, in the main - our roads will be safer and freer from litter.

Clause 6 relates to a separate fee for a special licence when the holder of the existing licence has been disqualified for a period from holding that licence. I support very much this amendment, Mr Speaker, particularly in relation to sec-

tion 55B(3) of the Traffic Ordinance where it refers to section 8, 8B, 8C or 9 concerning driving under the influence of intoxicating liquor or of a drug. I would hope, Mr Speaker, that the prescribed fee for a special licence under the Motor Vehicles Ordinance will be such that it will act as a deterrent to driving under the influence of either alcohol or drugs. I would hope, too, that a second offence under these sections would automatically bring disqualification for any further special licences.

Mr Speaker, road safety is a continuing thing and to achieve the fullest safety the Traffic Ordinance must be reviewed more frequently perhaps than other ordinances. I have had contact with road safety councils in other parts of Australia, particularly in relation to stop signs and give-way signs, and I believe our Traffic Ordinance can yet be updated and will be updated when this information comes to hand.

Mr Speaker, I support the recommendation proposed in this bill.

Mr VALE (Stuart): Mr Speaker, I would like to briefly add my support to this legislation and I refer specifically to that section pertaining to the securing of loads. The honourable executive member in his second-reading speech referred to the definition of a vehicle and I would hope that the ordinary small box trailer used by residents for the transportation of garden weeds and the like are included in that definition of vehicle, for it is these trailers which on many occasions spill rubbish onto the roads en route from a home to the rubbish dump. Properly secured, of course, these loads would not fall off trailers and would not cause either a traffic hazard or an untidy mess.

While this legislation refers to the securing of loads and the tying down of loads, I wonder whether or not these amendments also cover vehicles such as tip-trucks which do not tie down or secure their loads. I have observed on a number of occasions tip-trucks carrying sand and gravel, earth fill or rock, which appear overloaded and, as a result, some of this load falls off and again is a potential danger to other motorists or traffic. Provided the executive member agrees that these vehicles are covered in this legislation, then I support the bill.

Mr STEELE (Transport and Industry): Mr Speaker, that was a fairly serious threat that the honourable member for Stuart is not going to support the bill unless I can assure him that trailers are covered under the proposed amendments. All I can do, Mr Speaker, is give him that assurance and hope I am right, because I do not really know if the amendment covers trailers. I will do my best anyway.

I was very interested in the honourable member for Port Darwin talking about the road - what did he describe it as? - art-work on the roads. Surely Darwin is probably the worst place in Australia for markings on roads, signs and all the other things like intersections, overpasses and street lights. It is probably the worst place you would ever see unless, of course, you went to somewhere like Charters Towers where they probably have dirt roads and you could not read the signs in the dirt anyway.

There is not a lot more that can be said; it has been covered fairly extensively by the members who spoke to the bill. There will be a small amendment to clause 5. I commend the bill.

Motion agreed to; bill read a second time.

In committee:

Clause 1 agreed to.

Clauses 2 to 4 taken together and agreed to.

Clause 5:

Mr STEELE: Mr Chairman, I move amendment 41.1.

This is pretty well self-explanatory; it is only a small amendment.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

ADJOURNMENT

Mr TUXWORTH (Resources and Health): Mr Speaker, I move that the Assembly do now adjourn.

Mr ISAACS (Opposition Leader): Mr Speaker, I want to take the time of the Assembly for a few moments to discuss a matter which has been the subject of discussion in this Assembly since the November sittings. I refer to the dispute in the taxi industry which I am sure the honourable Executive Member for Transport and Industry would be aware of.

What I would like to do in the adjournment speech is to read the document which has been circulated, I understand, to a number of members of the Assembly by the Darwin Taxi Drivers Association and then make a few comments on it. The document reads as follows:

In view of the recent dispute and problems that have arisen as a result of the malfunction of the Motor Vehicles Hire Car Ordinance, the future and fate of the public/private hire car taxi industry now rests in the hands of the Assembly. A total of 22 workers involved in this industry at present have no foreseeable future in the taxi industry unless immediate changes are effected to bring the ordinance into a more reasonable and moral line. Although eight of Darwin's public hire cars are operating separately from the monopoly of the Darwin Co-op Taxis at present, the licences involved are held by Co-op members. Unless changes are immediate, then drivers and owners will suffer greatly. Licensed owners refuse to renew the licence to ply for hire for vehicles being used at present. As a result of this, one by one the vehicles will cease operating as taxis in Darwin. The vehicle owners, at great expense, have supplied and maintained the motor vehicles for the purpose of offering a service to the public, whilst the actual licensee seeks to gain financially at the expense of the public and at the expense of the government.

Due to the fact that the owner-driver previously signed statutory declarations to the effect that registration plates cannot be transferred without his or her consent, then the licensees cannot in fact resume possession of the plates unless by force. At the same time the licensee's signature is required to enable re-registration. This simply means the owner-drivers will not agree to the transfer of registration to please the licensee and the licensee will not sign for renewal of registration to please the owner-drivers.

It sounds like a "push-me, pull-you" type of situation.

In this event the licences will not be in use and this will result in the reduction of the number of taxis in Darwin, until the ordinance can be changed and updated. Therefore we urgently seek the cooperation of the Assembly in bringing about changes that will improve the position of both the owner-drivers and licensees and, in this instance, the government itself.

A detailed submission was presented to each Assembly member regarding the industry, outlining possible future changes which we believe should bring Darwin's taxi industry into a more feasible perspective and rate as possibly the best system in Australia with greater returns for the government's Department of Transport and Industry.

That is signed by the Darwin Taxi Drivers Association, the Associated Cabs and Hire Cars Association.

Mr Speaker, just briefly if I could reflect on the proposition, what has happened is simply this: because of the delay in bringing forward legislation in this Assembly to regulate the taxi industry - and I do not in any sense reflect critically on the draftsmen or on the government - but the delay is causing very great difficulties to the people operating the taxis in the Associated Cabs and Hire Cars Association. What I would seek from the honourable executive member is an assurance that the status quo will be allowed to exist; in other words, it will be allowed to remain until he introduces the bill to regulate the industry as he has foreshadowed he will do and to allow the current situation to apply until it goes through this Assembly.

I believe it would be a very bad thing if, as it is suggested in this letter by the Darwin Taxi Drivers Association, one by one taxi vehicles were picked off as it were and unable to ply for hire, and therefore we would have less taxis operating on the roads because, as it was pointed out, the motor vehicle owner cannot ply for hire and neither can the licensee. So we have a situation where cars not only get picked off but the plate itself is unable to be used.

I would ask the executive member who has taken some time, I must say, to resolve this matter to honour the undertaking he has given that legislation will be introduced into the Assembly, I understand in June or July, and that in honouring that undertaking, he will allow the taxi car owners to remain operating their vehicles, notwithstanding the lack of registration. If he can see his way clear to giving that sort of an undertaking, I am sure it will allay the fears of those people operating in the industry. I think it would be wrong if the association fell apart merely because of the delay in introducing legislation. I do not know what is on the mind of the honourable executive member so far as the type of legislation he is going to introduce but, certainly, the Majority Leader has indicated some kind of sympathy - at least, that is the way I interpreted it - in the statements he has made in this Assembly. I believe the sort of competition which they are providing certainly has proved to be of advantage to the Darwin public. I would ask the Executive Member for Transport and Industry to exercise his mind on that. I would like to see him give an assurance that the status quo will be allowed to remain and the Associated Cabs and Hire Cars Association allowed to maintain the number of vehicles they are operating at the moment until this legislation is introduced.

Mr DONDAS (Casuarina): Mr Speaker, I rise in this adjournment debate to make a brief report on the seminar which I attended at Westminster from 28 February to 20 March 1978.

In doing so, I would like to bring to the attention of members the countries from which other members of the Commonwealth Parliamentary Association, representing 21 parliaments, attended that particular conference. Trinidad and Tobago had one, Jamaica had two, Hong Kong had one, Malta had one - by one and two, I mean

persons or delegates - Malaysia had two, St Lucia had one, Dominique had one, Canada had three, Inida had three, Singapore had one, Mauritius had one, Sierre Leone had one, Sri Lanka one, Tanzania one, Zambia one, Western Australia one and, of course, the Northern Territory one: ourselves.

During the seminar the following areas were discussed: parliamentary government; the Commonwealth Parliamentary Association and its publications; introduction of the order paper; legislative function of the House; the critical functions of the House - debates, adjournments and motions; parliamentary control of finance; the Speaker and his role in parliament; library and information services; the House of Lords; the committee system; the administrative service of the House; questions; parliament, the public and the media; brains trusts; local government; parliamentary privilege; Westminster and other parliaments; the Cabinet; the making of a bill, and questions parliamentary or political.

In making some personal observations on some of the item discussed at the seminar, I hope that honourable members will make an effort to read the seminar record when it becomes available here in Darwin, as I am sure the honourable member for Arnhem will. I would inform members that there was no uranium debates at the seminar, nor kangaroos.

The making of legislation at Westminster is very similar to our own way because we operate on the Westminster system. However, the order and the way in which some of the bills are determined is quite interesting. For example, a private member who wishes to put a bill through could wait as long as six to seven months, because his name comes out of the hat, and I mean out of the hat. What basically happens is that, if a member wants to introduce a bill, he goes along to the Clerk's office and he puts his name down. Then the name is eventually drawn out of a hat and it goes on the order paper. So it could take you 20 years to eventually get a bill through Westminster.

The Cabinet function and setup is very similar to ours in Australia, although the secretary of the Cabinet who is a civil servant has one of the highest appointments in the United Kingdom. Another thing that is quite unusual with the Cabinet is that the chief whip attends all Cabinet meetings.

Members' accommodation, Mr Speaker, is not as drastic in the Northern Territory as it is at Westminster. They have over 635 members but unfortunately only 250 have their own rooms - and by room I mean about the same size as the demountable we occupy - including the government members, plus opposition front bench members; and the 250 members themselves have to share a desk. That's togetherness!

Another interesting feature of the seminar was the notice paper which was presented to us when we went into the House of Commons during a sitting. The questions without notice system is very different to the way we operate here. We are all aware of the system that operates in the Legislative Assembly here but at Westminster what basically happens is, if you want to ask a question without notice, you have to go along to the Clerk's office; you have to give your name to the Clerk and then all the names go into a hat and out they come in that order for questions without notice to a particular minister. In the morning we can question any of our executive members without notice. At Westminster it is a little different. You can only question one particular person, whoever's duty it is on that particular order paper. For example, I have questions 1 to 8 here - they go on to other questions, of course, but using these as an example - they are all asked of the Secretary of State for Northern Ireland. He is given notice in writing of what the question is going to be and he will get up and he will answer it, but then what he does not know is what the supplementary questions are going to be, and that is where he can run into a lot of trouble.

Another very interesting thing, Mr Speaker, is that the Speaker in the

House of Commons calls members by their christian names and surnames and not by electorates. The Prime Minister is able to answer questions twice a week, which is Tuesdays and Thursdays. Every Tuesday and every Thursday he has a 15-minute question time during which the Opposition can fire questions at him. Now the kinds of questions - when I first picked up this particular order paper, I nearly had a heart attack: from a Mr Toby Gentles of Twickenham, question 5, "Ask the Prime Minister if he will list his engagements for 9 March". Then there was another one, question 6: Mr Ian Lloyd to the Prime Minister, "If he will pay an official visit to Havant". It must be a suburb around there. Here is another one, question 8: Mr Andrew MacKay - I am going through this because there is a reason - to ask the Prime Minister, "If he will list his official engagements for 9 March". Now, as a newcomer to Westminster, you pick up an order paper and say, "Is that all they've got to ask him?" Your really think that way. There must be more important things they would like to ask the Prime Minister, especially when they only have 15 minutes twice a week.

The reason is, of course, the supplementary questions: they are the ones that can get the Prime Minister into all the troubles in the world. He does not know what they are going to be but so that a member does have the opportunity of asking the Prime Minister a supplementary questions, he first asks him some simple question on notice. They do not give him any notice of what the particular subject of the supplementary question is going to be. So consequently he can either handle himself well or go down the drain. But I think, from my own personal observation, Prime Minister Gallaghan is really holding his own in the United Kingdom.

Members: Hear, hear!

Mr DONDAS: There is another very interesting facility that we are not in a position to provide at this stage, Mr Speaker, but I would like to bring it to the attention of the Assembly. That is the press gallery or press club. With the discussions that are going to take place in the future regarding a new parliament house, I would certainly hope we would take into consideration the provision of some facilities for members of the press. In other words, if we are going to seek a site that is not close to town - or whether we are in town; it is immaterial - I think they should be able to have some facilities on these premises for making telephone calls, or having a drink or having a rest for five or ten minutes without being inconvenienced they way they are here. I am aware that we all work under very stringent conditions in the Northern Territory but I think if we are going to plan on building a new parliament house those particular areas shcuild be looked at.

I attended all the sessions of the seminar and I would like to thank members for giving me the opportunity of participating in that particular parliamentary seminar which I found to be educational, interesting and very beneficial.

There are some very interesting facts regarding the procedures in the House of Lords: The House of Lords has 1,100 members; 800 are hereditary peers and 300 are life peers. Of that 1,100 there are really only 500 active members: 250 Conservatives, 120 Labor, 30 Liberals and 100 Independents. They do not get paid - there is no such thing as getting paid in the House of Lords - and they are not all wealthy but they are allowed a travelling allowance, about £13 or £14 a day, when they are sitting.

They have no points of order in the House of Lords and the Chancellor really controls it. The House of Lords is the final court of appeal for Great Britain and Northern Ireland; judicial business is done by the Lords of Appeal who are the lord Chancellor, the Lords of Appeal in Ordinary and such other peers as hold or have held high judicial office, although only five Lords of Appeal are normally present. Such a sitting is a full sitting of the House of Lords and the mace is on the woolsack. If you do not know what a woolsack is - and

believe it or not, the woolsacks in the House of Lords have been presented to the United Kingdom by the Australian government - the woolsacks are great big woolsacks that sit out on the floor and the Lord Chancellor sprawls all over them and away they go.

As I say, they have no points of order and there was one particular gentleman who was out of order. The lines of the House ran that way and he happened to be standing about half a foot out of the House. His attention was brought to the fact that he was out of order by a gentle hiss, hiss, from the other members of the House of Lords.

The legislative sittings are presided over by the Lord Chancellor; the Bishop sits immediately on his right hand and the government peers further down the Chamber with the Opposition parties on his left, and the peers unattached to a political party on the cross benches just facing him. Although the Lord Chancellor presides, his position is unlike the Speaker in the Commons as he lacks power to call members to order and may himself participate in debate. In the Lords debates, however, the active intervention of the Speaker is not needed since the peers avidly respect their own standing orders of 1626 against asperity of speech which declares that it is "for honour's sake and so ordered that all personal, sharp or taxing speeches be forborne". Very interesting; it is a pity we could not pay some attention to that.

Robes of scarlet and ermine are worn by certain peers and ancient ceremony is followed at the introduction of a newly created peer, occasionally when the royal assent is given to bills and by all the peers, however robed, when the Queen opens parliament. The Queen has her own special little area. It is all gold, with a gilt-edged little fence inside the House of Lords. She sits there in her chair - like a throne - and only members of the Royal House are actually allowed to go in that enclosed area. But you find a lot of the other members of the House of Lords lean up against it and they talk and it is really like a good afternoon tea party, especially when you see these little old dears - baronesses and countesses - who are probably about 65 or 70 years of age with their little hats on and their little furs, just nodding away quietly there. Anyway, that is the House of Lords.

During debate, the procedure in the House of Lord is simple. The house has never developed the elaborate rules of the Commons and after three or four questions, the House proceeds either to the examination of a bill or when a member has moved for papers, to a general debate on a matter of policy or some topical subject. The lords vote by going into a division, in lobbies on either side of the Chamber, when their names are recorded.

So the House of Lords, whilst to us it might appear to be quite funny, is a very serious business. As I say, they do not get paid. Somebody interjected and said, "Well, they don't have to be paid". But they are not all wealthy; some of them have come up through the ranks. There are coalminers' sons who are now peers in the House of Lords and all kinds of people that have come up through the ranks.

In the House of Commons, the sitting of each day is opened by the procession of the Speaker, and the Speaker has a very formal procession through the corridors of parliament. This particular procedure of the Speaker's procession started off about 1558. He is preceded by a doorkeeper and a serjeant-at-arms carrying the mace and is followed by his train-bearer, his chaplain and his secretary. This procession passes through the central lobby and the Commons lobby into the Chamber. The mace is placed on the table, the Speaker and his chaplain take their places with the Clerk at the end of the table and prayers are read by a chaplain. I do not know if anybody knew that, but I did not know it before I got there. A chaplain comes in and reads the prayers and then he leaves. After prayers, the Speaker takes the Chair and the chaplain bows himself out of the House.

On the floor of the House, on the Speaker's right, are the benches occupied by the supporters of the government, the front benches occupied by the ministers, the Prime Minister taking his seat opposite the despatch box on the table. On the Speaker's left is the Opposition side of the House, the Leader of the Opposition sitting opposite a despatch box on that side of the table. Those particular despatch boxes are very, very nice; they are beautiful - and I believe that, just to reflect, we are getting some despatch boxes given to our House by the federal government which I believe are going to be better than those. Another thing: the chair that is occupied by the Speaker of the House of Commons was donated by the Australian government. Above the Speaker's chair is the reporters' gallery and under the gallery to the Speaker's right is the box for officials advising ministers in the House.

On entering the gallery the visitor is given a copy of the order paper which gives him the agenda for the day. The first item will probably be marked private business, after prayers. This quite sizeable order paper, as I have shown you - and I am quite willing to let any other member of the Assembly have a look at it - gives an idea of the nature of the work and how they get through it, especially in the committee stage, when you think that the House does not go into committee as we do because, within Westminster itself, there is a number of rooms all the way round the building that have on-going committees all the time and they report back to the House of Commons.

Mr SPEAKER: Order! The honourable member's time has expired. There is no provision in Standing Orders for an extension of time on adjournment debates.

Mrs LAWRIE (Nightcliff): I thank the honourable member for Casuarina for his very eloquent description of his trip to Westminster and the wonderful sights he saw there. May I say, Mr Speaker, that I thank God for the unicameral system. The thought of you, Sir, sprawled on a woolsack with no standing orders and with the group here setting their own standing orders is too much for the citizens of the Northern Territory to bear. But I do quite honestly thank the honourable member for Casuarina for a very eloquent description of his sojourn in London.

Mr Speaker, I only want to mention two things. Firstly, I support the remarks of the honourable Leader of the Opposition with regard to the present chaotic state of the taxi industry in Darwin. One would hope that members of the Majority Party, the Country Liberal Party, would support a system of free enterprise, a system of service to the customer through honest competition and would not support the perpetuation of a monopoly system. I will expand on my remarks at a later date but as the matter has been raised by the honourable Leader of the Opposition. I felt it proper to evince my support for the remarks he made.

Mr Speaker, the other matter I have to raise tonight may sound very simplistic, but I think it could auger well for the future of the Territory and its younger citizens. I am going to put a proposition which would have no hope of acceptance under the present system of government - that is, control by Canberra. But I hope it is a system that will be considered and approved by the NT executive when they achieve government status in the Northern Territory. It is particularly relevant to the Chief Secretary - the Majority Leader - and the Executive Member for Transport and Industry, both of whom unfortunately are not present tonight, although I would hope that other executive members will draw my remarks to their attention tomorrow.

It is quite obvious that government vehicles and government air charters traverse the Territory daily. A sessional committee of this Assembly has recently completed a trip to the uranium province. There would be government vehicles travelling to that province, I would assume, at the rate of two per week for the next few years whilst the Ranger project eventually gets under way - not to mention other journeys to other parts of the Territory.

My proposition is very simple: when there is a vacant seat in a government vehicle travelling through the Territory, a high school child fill that seat. It would be at no expense to the taxpayer of the Territory. Sustenance would be borne by the parents of the child themselves; the occupancy of the seat will not cost anything and eventually, at the end of the three-year period, I think we could safely say that a couple of thousand self-reliant high school children would have travelled through the Territory and learnt a great deal.

It is a very simple matter to sign an indemnity absolving the Northern Territory government or the Commonwealth government from any responsibility from any accident or harm caused to the child occupying that seat, whether it be a car or charter aircraft. Many such forms have been signed in the past. It is not a facetious suggestion. Three high schools are presently operating in Darwin - let me talk of Darwin alone at the moment - and we will soon have four. The high schools could arrange a roster system; they could have the kids ready at any given time with camping gear and be entirely self-sufficient.

Mr Deputy Speaker, I said at the outset that I could not see this suggestion being accepted by the Commonwealth government. It would become so involved in red tape while its relevance would be a simple matter. The scheme would not get off the ground. I do earnestly request the in-coming Northern Territory government and its executive members to seriously consider my suggestion. It would not cost us a thing, and it would benefit the children of the Territory and add to their knowledge, making them better citizens for the benefits of all.

Mr VALE (Stuart): Mr Deputy Speaker, several months ago Bill Wentworth, when he resigned from the Liberal Party, said that he was now a policy without a party and his former colleague, Don Chipp, as Leader of the Australian Democrats was a party without a policy. I suppose those remarks were quite amusing at the time. To look at something a little more serious, one of the major political parties in the Northern Territory, campaigning in the recent federal elections and before that in the Northern Territory Assembly elections, recently released a document in Central Australia which would indicate that they were not only conning their own supporters but not telling the whole truth to the Northern Territory.

I refer to a newsletter which was posted to me. It is headed "Alice Springs Branch, Australian Labor Party Newsletter". The first part is rather interesting. It has some important dates to remember: "March 30 public meeting, Jon Isaacs will speak on the handover of powers at the Top of the Town". I suppose that meeting could be regarded as a roaring flop; out of a population of 14,500 less than 1% of the Alice Springs population showed up. The honourable Leader of the Opposition was not content with one flop; he went on to have another one. He called a public meeting in Darwin and the attendance at that was even less - 4% of the Darwin population fronted up.

This document obviously indicates that the petition which has been presented in this Assembly in recent months had been fairly well orchestrated, because it goes on here to say; "Petitions: anyone still holding onto outstanding petition forms are asked to return them by March 30". If you look at the number of signatories which are contained on those petitions as presented in the Legislative Assembly to date, they still represent less than 10% of the Northern Territory population, it is less than 5%. This represents three flops in a row.

The thing that confused me a little is why the Alice Springs branch of the Australian Labor Party should send me such a newsletter. I consider that probably, in view of recent resignations down there, they are on some membership recruiting campaign.

The main point I want to speak on tonight is the fact that contained in this newsletter is this amazing statement - again by a major political party

which campaigned in two recent Territory elections. I quote from this newsletter. It lists a few of the many areas not covered in policy statements. I will mention some of them - mind you these are only a few; there are 30 listed here. These are a few areas where they have not got policies: real estate; auctioneers; legal aid; gambling - and just about the entire Opposition has spoken on gambling in the last two or three days in this House, without a policy; communications - one of the most important areas in the Northern Territory; patrol boats; and lo and behold, the Uluru National Park. The honourable member for MacDonnell represents one of Australia's major tourist attractions and yet the Australian Labor Party in the Northern Territory has no policy on it. Psychiatric facilities - well, maybe they need those to get their members straightened out so they can get policies; the community college; media control - the honourable Leader of the Opposition today talked about the muzzled press. Thank God in the Northern Territory we have a fairly free and independent press which prints what they believe is newsworthy. Another interesting point here is that they list it as "media control", maybe emphasis on the word "control", as far as the Australian Labor Party is concerned. The liability of police is another topic - legal process; arrest; interrogation; gaol and trial; state-owned industries; public transport - the honourable Leader of the Opposition has just been getting after the Executive Member for Transport and Industry about taxis and yet he has no policies on public transport of which taxis are a part. Recycling; pesticides; insurance; regionalisation; local government - the honourable member for MacDonnell has in recent weeks been making a lot of statements about local government, particularly the corporation of Alice Springs, without a policy. Refugees - another area of concern, not only for the Northern Territory but for the whole of Australia. The beef industry - the honourable member for Victoria River has been making speeches about the beef industry, without a policy. One of the major issues as far as Central Australians are concerned is the Stuart Highway, or South Road as it is known - no policy there again. Our policy is well known on this side of the House; we want it sealed and we want it sealed fast. Family law; control of credit unions; art councils; multi-national companies; credit data; debt collection; price and rent control; consumer standards; workers control - and the last one is interesting; they also have no policy on "etcetera".

Mr Speaker, I suggest that next time the Australian Labor Party goes into an election campaign the least it could do for the Northern Territory residents is to be a little more honest.

Mrs PADGHAM-PURICH (Tiwi): This afternoon I would like to draw the attention of members of the House to a small group of people who I think are to be commended for their initiative, depth of vision, realistic and down-to-earth approach to a common problem. These people have seen that a situation exists in their community which needs careful consideration and the application of a suitable remedy. I am referring in these few words to the people of the Acacia Hills area who live in a very isolated location. It is down the Stuart Highway about 30 miles and then off into the scrub about another eight miles to the east.

It could be said these people went to live at Acacia Hills of their own accord, under no duress from anyone, so therefore cannot expect any help from any outside source. This is not tenable to me, having regard to many other people and communities in the Northern Territory. The people of Acacia Hills are just ordinary people. They have bought their blocks of land in the place they can afford; they are now putting in their fences and building their houses slowly and their wants are simple. They primarily want reasonable road maintenance, especially in the wet. They are considerate enough to think of strangers using their roads and are looking at ways to warn these strangers of some dangers on these roads.

The Acacia Hills people are concerned that people not from their community are using their area as a dumping ground for rubbish and their horses and

cattle and other stock for target practice. They are taking action with the appropriate authorities themselves to remedy these last two situations. Finally, I would like to express my commendation here to the people of Acacia Hills in this new little community starting up in a true pioneering way.

Motion agreed to; the Assembly adjourned.

Thursday 4 May 1978

Mr Speaker MacFarlane took the Chair at 10 am.

MESSAGE FROM THE ADMINISTRATOR

Mr SPEAKER: Honourable members, I have received the following message from His Honour the Administrator:

I, John Armstrong England, the Administrator of the Northern Territory of Australia, pursuant to section 4S of the Northern Territory (Administration) Act 1910, recommend to the Legislative Assembly a bill entitled the Allocation of Funds (Appropriation) Bill (No. 3) 1977-78 to make provision with respect to the expenditure of moneys appropriated by the Parliament for expenditure for the year ending 30 June 1978, in respect of matters specified under section 4ZE of the Northern Territory (Administration) Act 1910. Signed J.A. England, Administrator.

In accordance with the procedure of the House of Representatives for money bills, I call on the Executive Member for Finance and Planning to present the bill.

ALLOCATION OF FUNDS (APPROPRIATION) BILL
(Serial 106)

Bill presented and read a first time.

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

Mr Speaker, the Allocation of Funds (Appropriation) Bill No. 3 comprises the additional estimates for the 1977-78 financial year. The purpose of the bill is to appropriate a sum of money for the business of the Assembly, in addition to those sums already granted by the Assembly in Allocation of Funds (Appropriation) Ordinances Nos. 1 and 2. The bill is an adjunct to the Northern Territory budget and caters for essential and unavoidable expenditures for which provision was not made in the original ordinances.

The introduction into the Assembly of the 1977-78 budget represented a major advance towards constitutional development. The original budget provided a total of $50m solely in respect of functions transferred by the Commonwealth government to the Northern Territory executive on 1 January 1977. The Majority Party has continued to work towards the progressive transfer of powers and on 1 January 1978 accepted the transfer of functions relating to the Department of Law, part of the Commonwealth Attorney-General's Department; the Department of Finance and Planning, part of the urban development and town planning function of the Commonwealth Department of the Northern Territory, the Department of Transport and Industry, the function of the Apprentices Board, formerly the Commonwealth Department of Education. The estimated cost of these transfers in 1977-78 is $1,396,000 and this amount has been appropriated by federal parliament for the year ending 30 June 1978.

In addition to providing for the cost of additional transfers, the Commonwealth government has provided funds for increases in district allowance, national wage increases, payment of allowances determined by the Police Arbitral Tribunal and for additional requirements of departments arising out of the continuing implementation of their functions in 1977-78.

In presenting the allocation in the form of one bill, I have departed from the practice observed in the Commonwealth of providing the additional funds in the form of two bills, one reflecting operational and the other capital expenditure.

I would now draw honourable members' attention to clauses 2 and 5 which may require some word of explanation. Clause 2 provides the explanation of the amount allocated. Honourable members will note that it includes not only the amounts appropriated in the federal parliament but also the utilization of savings which have become available from amounts allocated in the original budget. The purpose of clause 5 has been explained at some length in earlier debates, and in this respect I draw honourable members' attention to the Parliamentary Record of 21 to 23 September 1977, page 11.

The funds covered by the bill total $3,631,700. This amount comprises an additional $2,937,200 made available by the Commonwealth, the balance of $694,500 being in respect of savings. These are detailed in schedule 1.

Members of this Assembly are aware that, during the last sitting, I tabled 'Orders' made in accordance with section 5 of the Allocation of Funds (Appropriation) Ordinances Nos. 1 and 2 which enable myself or the executive to approve a transfer of funds and, in so doing, vary the allocations approved by the Assembly. It is my view, and that of the Majority Party, that the Assembly is entitled to be fully involved in the funding processes of our administration. I have therefore included all the 'Orders' made to date in the bill which is now before the Assembly. This will provide honourable members with an opportunity to debate the appropriations sought by our administration.

I now turn to items of special interest in the additional allocations. Further transfers of functions - the individual costs of these transfers, effective from 1 January 1978 are - law $1,117,000; town planning $162,200; Apprentices Board $117,500. These amounts provide for administrative costs including salaries, overtime, travel, etc.

Staff - during the course of 1977-78 the executive has approved recommendations of the Public Service Commissioner resulting in a requirement for significant additional funds in the administrative areas of the Department of the Chief Secretary, 35 positions, and Transport and Industry, 8 positions. Provision has also been made for implementation of a police promotion scheme and payment of shift allowance as determined by the Police Arbitral Tribunal.

Establishment grant - the Commonwealth government has agreed to support the move towards responsible self-government, particularly in planning and administrative support during the transitional stage. The government has therefore approved the provision of an establishment grant of $400,000 to provide for the one-off planning and administrative personnel costs of establishing self-government in the Northern Territory.

Rental rebates - with the progressive handing over of new and restored dwellings at a rate greater than expected, rental increases totalling $7 per week since 1 July 1977 and a sharp rise in the number of tenants receiving rental rebates are all factors leading to a requirement by the Housing Commission for an additional $160,000 in 1977-78.

Re-allocation of funds - an amount of $600,000 is to be appropriated in the Federal Appropriation Bill No. 4 for capital expenditure. The Allocation of Funds (Appropriation) Ordinance No. 3 contains an allocation of $600,000 to the Primary Producers Board. When the 1977-78 budget was being framed, an approach

was made to the Commonwealth government for an additional amount of $600,000 to assist the board to meet its responsibilities to the pastoral industry for carry-on finance. Approval had not been given when the 1977-78 budget was finalised. Pending resolution of this matter the executive made available to the board the sum of $600,000 re-allocation of priorities within the original amount of $50m. This has now been re-adjusted by this re-allocation. Since the funds have already been made available to the board, the amount now in the process of being appropriated is to be re-allocated to the various heads of expenditure where additional allocations are required. The mechanics of the re-allocation require that the $600,000 be shown also as a saving and the amount is therefore included in schedule 1.

I commend the bill to honourable members.

Debate adjourned.

LOCAL GOVERNMENT ELECTIONS (VALIDATING) BILL
(Serial 105)

Mr ROBERTSON (Community and Social Development): I seek leave to present a bill relating to local government, without notice. For the information of honourable members - and I think they ought to know this before they grant or refuse leave - it is a bill relating to the validation of the recent local government election in Darwin and the validation of the forthcoming Katherine and Tennant Creek elections, due to administrative difficulties and errors. If the bill does not go through this session of the House, it will be rather awkward to say the least. I would like the bill to be available to members over this weekend so that they can study it and proceed with its passage next week.

Leave granted.

Bill presented and read a first time,

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

The preamble to this bill tells the whole story. It recites a series of events which, unfortunately, put at risk the validity of the recently conducted Darwin election and the soon to be conducted Katherine and Tennant Creek elections. If the bill discloses there were irregularities, there is no indication that any person was adversely affected by them. The purpose of the bill is to ensure that the elections are fully valid and effective.

The fault with the Darwin election seems to stem from a simple miscalculation of the day on which the 28th day before polling day occurred. I propose by amendment to a Local Government Bill before this Assembly to insert a couple of words to prevent a further occurrence of this nature.

The Katherine and Tennant Creek elections are more involved. Firstly, the declaration of polling and nomination days and the appointment of returning officers were made by the Administrator, but the power had been transferred by a Transfer of Powers Ordinance to the executive member - that is, myself. Secondly, the time between nomination and polling days was not the time required by the ordinance and thirdly, when one of the appointed returning officers was unable to act, there was doubt whether the ordinance permitted the appointment of a replacement returning officer. This of course, as we all know in this House, gets back to the very miserable state of the Local Government Ordinance; it is something which has concerned us all for some time. This bill will make the elections valid and effective despite those matters.

As I said earlier, no person has been disadvantaged by these actions. I can assure all honourable members that the executive does not like validating legislation and is exploring all possible means to prevent any similar occurrence. I propose a further small amendment to the Local Government Ordinance, that is the one I have just given notice of, to ensure an effective power to appoint a replacement returning officer if the appointed returning officer is unavailable for any reason. Because it is necessary to ensure the validity of the local government elections, particularly the one in Darwin, I am seeking the passage of this bill through all stages of this sittings.

Debate adjourned.

INTERPRETATION BILL
(Serial 79)

Bill presented and read a first time.

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

This bill is a most important piece of legislation. It is essential to have a well prepared statement of general application for the purpose of legislative definition and interpretation. It provides a means of obtaining a better understanding of the statute book. It enables the length of individual enactments to be greatly reduced. It facilitates changes to legislation without the need to amend each particular item of legislation. It assists the courts, lawyers and others who regularly have to deal with the details of legislation. Many matters arising out of the proposals for self-government give rise to the need for general legislative provisions. Already the existing Interpretation Ordinance has had to be amended on a number of occasions to deal with constitutional changes occurring in the Territory. As members will be aware these changes will be of a much more substantial nature on 1 July 1978.

There will be a corresponding need for further interpretative provisions. It became clear that the time was fast approaching for a general restatement of the existing legislative provisions. The Territory at present relies not only on the Interpreation Ordinance but also on the Commonwealth Acts Interpretation Act. This is because the Interpretation Ordinance expressly applies most of the provisions of that act to Territory ordinances, as if they were Commonwealth acts, but the time has arrived when the Territory must as far as possible cease to rely on the technique of legislation by reference to Commonwealth legislation. The Territory must be prepared to legislate in its own right so that a comprehensive system of Territory law is developed. It is not sufficient to rely upon the whims of federal legislators to do what they think is best for the Territory.

Accordingly, the opportunity has been taken in this bill to incorporate such of the provisions of the Commonwealth Acts Interpretation Act as is thought suitable for adoption in relation to Territory law. The bill does not simply restate the old Territory and Commonwealth law; it seeks to be innovative and progressive. No doubt there will be problems with the legislation because of its technical nature and because of its innovativeness. Hopefully, most of these problems can be ironed out by amendment.

I welcome the involvement of members in this task and look forward to their comments and suggestions. Some amendments may well be required in committee, depending on the content of the federal legislation granting self-government on 1 July 1978. As I do not have final copies of the federal bills, I cannot comment further on this aspect at this time. I might say, Mr Speaker, that I propose as

soon as I do receive final copies of the federal bills, to make them available to all honourable members for their consideration.

It is not possible in a second-reading speech to go into the fine detail in this bill. All I can do is to outline some of the more significant features. I would be pleased to comment on any other aspect at a later stage in the debate.

Firstly, the bills repeal the existing Interpretation Ordinance with savings and as a result, the Commonwealth Acts Interpretation Act will cease to apply to Territory law. Secondly, the bill restates the law as to the manner in which Territory ordinances are to come into force under the new situation of responsible self-government. It is proposed that ordinances will become known as acts after 1 July 1978, as a mark of recognition of the constitutional development of the Territory. This has followed representations made by me to the Commonwealth Attorney-General.

A number of new general definitions are included in the bill, including the revised definition of the Territory so as to include the new Territory government where appropriate. There will be a new provision defining the term "minister" to mean the appropriate Territory minister. A number of provisions relating to old South Australian acts have had to be included, as a number of these acts continue to have force of law in the Territory. Several new provisions have been included to encourage an interpretation of Territory law and Assembly resolutions such that they can be construed in a manner that would not make them invalid. New provisions of general application are included as to the making of subordinated legislation. The various existing provisions in this regard are inadequate and conflicting. There is a new provision dealing with the manner in which papers are to be tabled in this Assembly.

It has been proposed to include a number of provisions dealing with penalties but these will now be included in the Criminal Law Procedure Bill and not in this bill. The whole bill, in its application to other Territory laws, will be subject to the contrary intention in any other such law. I refer members to clause 3, subparagraph (iii) in this regard.

I welcome this bill as a further step in the improvement of Territory law and a reduction in the need to rely on Commonwealth law.

Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

AMENDMENTS INCORPORATION BILL
(Serial 103)

Bill presented and read a first time.

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

This short bill arises directly as a result of the Interpretation Bill. The Amendments Incorporation Ordinance provides for the manner of incorporating amendments in an existing Territory ordinance. A number of the provisions of the Amendments Incorporation Ordinance require change to correspond with the Interpretation Bill. For example, references to the existing Interpretation Ordinance has to be altered as it is proposed to repeal this ordinance. The reference to acts of the state of South Australia is unnecessary as this is covered by a general provision in the new Interpretation Bill. The passage of this bill is necessary if the Interpretation Bill is to become law. I commend the bill to honourable members.

Debate adjourned.

WORKMEN'S COMPENSATION BILL
(Serial 48)

Continued from 3 May 1978

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

These amendments are the result of the work of a review committee comprising representatives of employer's organisations, trade unions, the insurance industry, the legal fraternity and government. Section 61 of the principal ordinance - definition of overtime: this definition has proven to be unsatisfactory on at lease three counts. Firstly, it is in conflict with the definition of overtime as it is contained in most federal and NT awards. Secondly, it takes no account of people such as shop assistants whose ordinary working hours can include duty on Saturday. Thirdly, the matters of shifts and excess travelling time are better left in the area of intermittent allowances as provided for in clause 1 (g)(ii) of the second schedule to the ordinance.

Definition of workmen: the intention of this amendment is to exclude from the definition of workmen those casuals who work for one period only of not more than five working days and who are not employed during this period for the purpose of the employer's normal trade or business.

Clause 4(2), to amend section 6(2) of the principal ordinance - the purpose of this section is to extend the benefits of the ordinance to persons who perform work outside their normal line of business, such as lawnmowing, ironing and similar domestic tasks. It is considered that $10 has not kept up with the upward trend in wages for this type of work. The amendment is to substitute for the amount of $10 that of $100. It is considered that anyone who is excluded by this provision can be adequately and more equitably covered by a public risk liability policy.

Clause 5 of the bill amends section 6A of the principal ordinance by omitting subsection (4). This subsection prescribes that a tribunal shall consist of not less than three members. Its proposed omission is intended to facilitate sittings of the tribunal although this should now be unnecessary, as 17 additional members have recently been appointed.

Section 6C of the principal ordinance is amended to streamline procedures and to allow more than one case to be heard simultaneously, at the discretion of the president, where there is a shortage of tribunal members.

The intention of the amendment to section 6N(2) is to speed up procedures of the tribunal by specifying that the registrar, on receipt of the memorandum of agreement, is required within 14 days to notify all interested parties of the date and time of the tribunal hearing.

Section 10 of the principal ordinance - an anomaly exists in this provision in that compensation under the third schedule for specified injuries is payable only when those injuries result in incapacity that is not total and permanent. It appears unjust that injuries resulting in total and permanent incapacity are not compensated under schedule. The amendments to subsections (1) and (1A) enable compensation payments made under the third schedule to be made for injuries resulting in total and permanent incapacity.

Section 11(2A) of the principal ordinance - the purpose of this new subsection is to allow for a certain amount of compensation to be paid to a workman whose particular injury necessitates an alteration to his dwelling or vehicle or obtaining any specialised aid or appliance. The specified figure of $700 appears unrealistic and in fact it is doubtful whether any realistic maximum amount could or should be set by legislation for this purpose. It appears that the most equitable way to resolve the problem is to leave the setting of the figure to the discretion of the tribunal. The amendment also tightens up this section by explicitly stating that compensation payable thereunder be only for injuries arising out of or in the course of the workman's employment.

Section 12(1) of the principal ordinance - the purpose of this new subsection is to allow for a certain amount of compensation to be paid to an injured workman to cover the expense incurred in having to arrange for the constant help or attendance of another person. As in the amendment of section 11(2A), it is considered that the sum of $20 for such a service is totally unrealistic and the same remedy is proposed, that the setting of the weekly rate be left to the discretion of the tribunal. As in 11(2A), it is desirable that it is stated that the injury arose out of or in the course of the workman's employment.

Section 18(2) of the principal ordinance is amended to provide protection for an employer in so much as it prohibits approved insurers refusing, without the consent of the Administrator, to issue such a policy of insurance or indemnity. It is considered that in the case where an employer either fails to pay the premium or the insurer has good reason to believe that he will be unable to pay, the insurer either has to carry the risk without payment of premium or breach the ordinance by refusing to issue a policy until the Administrator has completed his due inquiry into the circumstances. The solution is to make it compulsory for an approved insurer to issue a policy only on the offering or the tendering of the required premium by the employer. It is considered that this is the most equitable manner in which the responsibilities of the insurer and the employer can be reconciled in this area.

Section 25, subsections (5), (6) and (7) of the principal ordinance - the purpose of this section is to require the keeping of an accident book by all employers so that any accident that may result in a claim for compensation can be accurately recorded at the earliest possible opportunity. The weakness of the section is that there is no penalty provided for any employer who does not keep such a book. Without the provision of such a penalty the task of an inspector of workmen's compensation who attempts to enforce this section becomes impossible. A penalty of $100 is proposed for insertion in these subsections.

The insertion of new section 25A(1) into the ordinance is to allow points of law to be reserved for the consideration of the Supreme Court. Section 27B of the principal ordinance takes into account for compensation purposes custom and polygamous tribal marriages as practised by some Aboriginal tribes in the Northern Territory, in order to ensure that the number of dependants compensated is not doubled or trebled. It was considered that the meaning of this section was not entirely clear and might be construed to mean that compensation is payable only to Aboriginal natives of Australia who have more than one wife. The addition of the phrase "one or more" clears up this point.

Section 28(e) of the principal ordinance - the purpose of this section is to grant regulation-making powers under the ordinance to the Administrator in Council and in particular to enable the setting of penalties for breaches of any regulations made pursuant to these powers. It is considered that, for these penalties to have any realistic effect, the specified amount of $100 should be increased to $500.

The second schedule, prescribing the scale and conditions of employment, is amended in order to clarify the language and meaning of these provisions - firstly, in that it enables compensation payments to be reduced by the amount a workman receives from his employer during his incapacity by way of any payment allowance or benefit and, secondly, for the purpose of this clause, to exclude from any such payment, allowance or benefit the present exception stated in 2(b)(ii) and make it up as presently defined in 2A.

Regulation 5 - this amendment is to enable fees payable to a medical practitioner to be made in accordance with the common fee prevailing in the Northern Territory for the type of service proposed. Regulation 7 - the purpose of this regulation is to ensure that an injured workman has reasonable notice of his requirement to present himself for medical examination. The amendment is to remedy a weakness in the wording. Regulation 9 - the purpose of this regulation is to provide a penalty for any employer who does not abide by his responsibilities towards his insurer. It was considered that the specified penalty was too light; therefore the $100 penalty has been increased to $200. I commend the legislation.

Debate adjourned.

CONSTRUCTION SAFETY BILL
(Serial 59)

Continued from 3 May 1978

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

These amendments to the Construction Safety Ordinance and its regulations have developed out of discussions between the Master Builders Association, the Miscellaneous Workers Union and officers of the Department of the Northern Territory over the last 12 months.

It is proposed to amend section 2 to provide that the scaffolders and riggers licences, which were issued for life under the Scaffolding Inspection Ordinance will expire in two years after the commencement of this ordinance. The purpose of this amendment is to enable these licences to be brought into line with the licences which will be issued under this ordinance and which will operate for a five-year period.

The amendments include also definitions of "cranechaser", "dogman", "rigger", "scaffolder" and "mining work" to clarify the meaning of these terms.

Section 5 is to be amended to enable construction work on mines to be covered and to give the Administrator in Council the power to declare a mine subject to all or part of this ordinance. This provision could have particular application to construction work in the uranium province. It is worth noting that construction work on the Gove alumina project was not covered by the Scaffolding Inspection Ordinance.

It is proposed also to amend section 9 to allow the chief inspector to vary safety rules on a particular site. He may exercise his discretion for reasons due to the unusual type of construction or to achieve greater safety because of differing site conditions.

Section 12 is to be amended by excluding house builders from notifying or paying an inspection fee. However, all other provisions of this ordinance and regulations will apply to this type of construction.

Section 22 of the ordinance will be amended to provide that all accidents on a construction site, not only those to workers, must be notified by the constructor.

I propose to introduce an amendment to the bill in the committee stage by the addition of a clause to amend section 17 of the principal ordinance. Copies of this amendment will be made available to honourable members in advance. It is, very simply, to provide that regulations mentioned in this section include rules made under section 30. In explanation, section 17 of the ordinance deals with protective equipment and safety measures. It was first intended to set out in detail in that section standards for protective equipment and other safety matters in connection with construction work. However, such detail would unnecessarily clutter the ordinance and still may well fail to provide for every contingency. Consequently, it is considered more effective to provide for the making of rules in respect of these matters by the chief inspector. Mention of such rule making is required in clause 17 and arrangements for the making of them are set out in clauses 30 and 31. These rules, nonetheless, must be confirmed by the Administrator in Council and have no effect as law without such confirmation. That avoids such possibilities as a chief inspector behaving in some bureaucratic way, not necessarily in the best interests of construction safety or of the industry.

Finally and very importantly, this bill inserts a commencement clause in the principal ordinance to allow introduction of the ordinance on receipt of assent. I commend this bill to honourable members.

Debate adjourned.

INSPECTION OF MACHINERY BILL
(Serial 71)

Continued from 3 May 1978

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

The amendments proposed in this bill are simply designed to update and refine the legislation in defined areas. Because winding machines are only used in mining operations and the new Mines Safety Control Ordinance now contains provisions for the licensing of winding engine drivers, as well as the safe functioning of this machinery, it is unnecessary to retain similar references in the Inspection of Machinery Ordinance. I therefore propose to delete all sections that relate to winding engines and drivers.

Amendments are also proposed to the sections relating to mobile cranes and mobile hoists, as doubts have been expressed as to whether this machinery is actually covered by the existing ordinance. This legislation has specific definitions inserted and clarification in section 6(d) to remove any possibility of any misunderstanding or misinterpretation.

Lastly, for total conversion to metrication it is necessary to replace all references to imperial measures with metric terms. The opportunity has also been taken in section 37 to bring boiler fee determinations into line with the standard method of rating boilers, without altering the fees to be paid. With the intention of removing unnecessary legislation, updating and generally improving other sections, I commend this bill to honourable members.

Debate adjourned.

ABORIGINAL LAND BILLS

Continued from 2 March 1978

Mr PERKINS (MacDonnell): I am happy to see that after all the juggling by the honourable manager for government business on the previous business that the Aboriginal Land Bills will have a guernsey in the debate today in this Assembly. I rise on behalf of the Opposition in order to debate the Aboriginal Land Bills as introduced by the honourable Majority Leader in the Assembly.

At the outset I would like to say the Aboriginal land rights issue is important and complex. It is an issue which over the years have attracted a considerable amount of controversy amongst the public and I imagine that the issue will also attract the same amount of controversy amongst the public, in the Territory and in Australia at large, until such time as Aboriginal people are granted full justice and their adequate rights of ownership to their land. I believe the eyes and ears of the Aboriginal race, of the Territory community, of the wider Australian community and the world at large, are homed in on the Assembly here in relation to matters which are Aboriginal and, in particular, in relation to whether all the Aboriginal people of the Northern Territory and Australia at large will be given all their rights in relation to land ownership.

I would suggest, therefore, that the honourable members opposite ought to listen to what I have to say in relation to these matters and take notice of the views and the recommendations which are put forward in order that they can consider, I would hope in a serious vein, all the implications of the land rights issue in the Northern Territory.

I believe, Mr Speaker, the complementary Aboriginal land rights legislation introduced into this Assembly by the honourable Majority Leader is again a subtle and sinister attempt by the Majority Party and the Country Liberal Party of the Northern Territory to sell out the land rights of Aboriginals throughout the Northern Territory. If the complementary legislation is allowed to operate in its present form, then it would effectively deny Aboriginal people their full and meaningful rights to the ownership of land.

At its best, the complementary legislation before this House now is only a slight improvement on the previous complementary land rights legislation introduced into the Assembly by the former Majority Leader, Dr Letts. However, the present legislation does not even go far enough to satisfy adequately the wishes and interests of Aboriginals in the Territory. If this legislation is not improved to satisfy Aboriginal demands, as expressed through the Northern and Central Land Councils, then it may well face the disastrous consequences associated with the ill-fated complementary legislation of the previous Assembly.

The Opposition in this Assembly supports the need for Aboriginal land rights legislation to give effect to the full rights and interests of Aboriginal Australians in relation to land ownership, especially with regard to sacred and traditional Aboriginal lands. Naturally, in government in the Northern Territory the Labor Party would legislate to grant and to protect Aboriginal land rights and ownership. The Opposition would do its utmost to provide stronger complementary Aboriginal land rights legislation which did not contain the same defects and deficiencies as the present legislation under consideration in this Assembly.

The Labor Party guarantees Aboriginals full and meaningful land rights according to the principles laid down by the Woodward commission and according to the wishes of Aboriginal people themselves. The Opposition does not approve of the present complementary legislation as introduced by the Majority Leader. In the

main, the Opposition will oppose this legislation and we will be proposing substantial policy amendments in the committee stage to most of the bills which go to make up the package.

I now propose to consider each of the pieces of the complementary legislation in the order in which they were dealt with by the Majority Leader in order to establish in this Assembly the collective Opposition view and policies.

In the first instance, I refer to the Aboriginal Land Bill. Under the Aboriginal Land Bill, which is probably the major piece of legislation complementary to the federal Aboriginal Land Rights (Northern Territory) Act of 1976, sections 1 to 8 are generally acceptable, subject to a query as to whether all permits should be in writing. I am advised by the Northern Land Council that various communities have lately told the council that such is the case. At long last traditional Aboriginal land owners will be allowed to control who comes onto their land and the Aboriginal land councils may act as the agents of the traditional owners in relation to the issue of entry permits.

Under sections 11 to 19 of the bill provision is made for the closure of seas within two kilometres of and adjacent to Aboriginal land, or the opening of such seas which have been closed by application to the Northern Territory executive by the appropriate land council on behalf of the traditional owners or by an individual. The Northern Territory executive may approve such an application in the first instance or may refer the matter to the Aboriginal Land Commissioner for his advice.

No way is provided for Aboriginals to apply directly to the Aboriginal Land Commissioner to have the seas adjoining Aboriginal land within two kilometres closed. I believe this is essential. As a judicial person the Aboriginal Land Commissioner is the only person impartial to the political persuasions under which the Northern Territory executive operates. Therefore, both the concept and the practice of the proposed law relating to the two kilometres zone is unacceptable in general.

In the first place, the Aboriginal Land Bill should, as a matter of principle, provide for the closure of all seas within two kilometres of and adjacent to existing Aboriginal reserves and also provide for application to be able to be made by those persons who wish to have these sea areas opened in the future. In the second place, I believe there should be a provision which allows application for the closure of seas within two kilometres of and adjacent to land declared as Aboriginal land in the future. In the third instance, the bill ought to provide, again as a matter of principle, for the Aboriginal Land Commissioner to receive and determine all applications independently of the politics of the Northern Territory executive.

Unfortunately, the Northern Territory executive has not been able to see fit to follow all the recommendations of the Bonner committee on land rights which were outlined on pages 62 and 63 of its report. It was the Bonner Committee which said that provision ought to be made firstly for negotiations between the land councils and the Northern Territory executive concerning the closure of seas, and then for persons to be able to apply to the Aboriginal Land Commissioner.

I refer now to the Social Welfare Bill. I understand the change proposed by the Majority Leader to the Social Welfare Ordinance is to provide for the control of entry of people to Aboriginal lands in the Aboriginal Land Bill. I believe this will inevitably take away the old law which used to control entry onto Aboriginal Reserves. As such this change is to be welcomed.

I refer now to the Aboriginal Sacred Sites Bill. I understand the major purpose of this bill is to provide a means by which Aboriginal sacred sites may be recorded, registered and then protected in the areas where this is the actual wish of the Aboriginal custodians of these sites. In addition, this bill seeks to establish a statutory body which will be appointed by the Northern Territory executive. This bill, as it stands, is a woeful piece of legislation. It reflects in large part the ignorance of the Northern Territory executive in those matters which pertain to the importance and protection of Aboriginal sacred sites as a whole.

The Bonner committee on land rights, the Northern Land Council and the Australian Institute of Aboriginal Studies have all made recommendations to the Northern Territory executive regarding the Aboriginal Sacred Sites Bill. Unfortunately, all their recommendations have been disregarded. In particular, it was suggested that the ideas incorporated in the Western Australian Heritage Act should be followed as a model for the protection of Aboriginal sacred sites in the Northern Territory. Unfortunately, again, this has not been done.

I believe it is deplorable that the definition of "sacred sites" under the Aboriginal Sacred Sites Bill before this Assembly does not include ceremonial objects and Aboriginal sites which may be of archaeological, anthropological or historical importance.

An Aboriginal site ought to be protected by virtue of its very existence. It should not be protected only if the Majority Party decides that it would not hurt their own interests if they were to declare it. In relation to this issue, Mr Deputy Speaker, I refer to the commercial interests of the Majority Party. Section 69 of the Aboriginal Land Rights Act 1976 sets the standard to be met by the complementary legislation. Unfortunately, the Majority Party proposals conflict with the protection which is provided there. As such, this proposed complementary legislation provides a parallel system of law rather than a complementary system and this is completely inadequate. I understand that was the fault of Dr Letts' attempt at discriminating against Aboriginals. I would serve notice, Mr Deputy Speaker: let the Majority Party be warned of the consequences of ignoring clan Aboriginal wishes.

The bill does not attempt to look at land the way in which Aboriginal people would see it or be able to identify with it. The bill concentrates only on the declaration and protection of specific sites, rather than making a protected area around land which is of more significance than other land. The protected area can be made without unnecessarily affecting other people's title to the land and without the need for a survey.

As such, this bill will not adequately look after Aboriginal sacred sites or objects in the Northern Territory any more than any other law has done since the white man arrived in this country. Therefore, the Opposition cannot support the bill in its present form and we foreshadow substantial amendments to it in the committee stage.

I refer now to the Territory Parks and Wildlife Conservation Bill. This bill apparently seeks to amend the principal ordinance of 1977 to bring it into line with the intention of the Aboriginal Land Rights Act and to respond to the recommendations of the Bonner committee. It says, basically, that where a wildlife area or sanctuary has been declared on what is now Aboriginal land, then it should stop being a wildlife sanctuary unless the Aboriginal owners have made an agreement about it with the Territory Parks and Wildlife authorities within two years of Aboriginals gaining title to their land. Among other things, this is what the Woodward commission recommended and as such it should become law. The Opposition has no quarrel with this particular proposal.

I refer now to the Crown Lands Bill. This bill provides for a number of amendments which will achieve four main things. Firstly, the bill will ensure that Aboriginals can use the food and water on cattle stations. Secondly, it will establish a private area around European homesteads. Thirdly, it also provides for a sub-lease of a community area to Aboriginals. Fourthly, it will take away the provision allowing Aboriginals to claim 160 acres of vacant crown land. Under this bill, pastoralists can be fined, instead of facing the prospect of forfeiting their pastoral lease, in the event that they do not allow Aboriginals to enter their pastoral properties to hunt and gather food. I believe such a provision is a practical one and makes a lot of sense.

However, the bill disregards the recommendation of the Woodward commission that Aboriginals should be entitled to use the bore water on these pastoral properties, provided they comply with any reasonable requirements of the pastoralists regarding such use. I believe such a recommendation ought to be included in the Crown Lands Bill as a matter of principle.

The Crown Lands Bill also provides that Aboriginal communities may sub-lease an area of land from a cattle station where they may reside in a permanent camp. The Woodward commission recommended that Aboriginal communities, in this kind of situation, should be given a special purpose lease which is a more secure title to their land. In addition, the pastoralists ought to be required to negotiate with Aboriginals to establish the terms of the excision. The Aboriginal Land Commissioner should be given a role in the last instance. Unless this is provided for in the Majority Party's bill, then it is nothing but another empty promise.

Under the Crown Lands Bill, the right of Aboriginals to make a "needs" claim would also be taken away. Section 112 of the Crown Lands Ordinance which allows Aboriginals to apply to the Governor-General for the lease of areas of crown lands would be repealed by the present bill. The Majority Leader reasons that Aboriginals can now make their claims under the Aboriginal Land Rights Act, so therefore there is no need at the moment or in the future for section 112 of the Crown Lands Ordinance. However, he neglects to mention that the Aboriginal Land Rights Act only allows for claims over vacant crown land by Aboriginals who can prove their traditional ownership. Under this bill, there is no proper regard by the Majority Leader for Aboriginals in the Territory who have been taken away from their own land by European interference and forced to live elsewhere. Retaining section 112 of the principal ordinance may be the only way for such people to obtain secure land rights. If the Majority Leader is concerned about the rights and interests of the Aboriginal people, in relation to needs claims which have been put in by Aboriginal people, then let him immediately urge some action on the needs claims which have been outstanding in all Territory towns since the Fraser government came to power.

I refer now to the Special Purposes Leases Bill. I understand the effect of this bill will be to take away the law which allows the granting of special purposes leases on Aboriginal reserves. The granting of leases on Aboriginal reserves is now to be handled by section 19 of the Aboriginal Land Rights Act which says that traditional owners may give leases if they so desire. The Opposition supports this bill. However, we would recommend that persons desiring to occupy Aboriginal lands should negotiate these leases directly with those Aboriginals concerned.

I refer now, Mr Deputy Speaker, to the Cemeteries Bill. This bill provides in the main that a public cemetery can be established on land which is leased from the government for no rent. I understand that such a provision is made here ostensibly because of the situation at Nhulunbuy where the government has mistakenly established a cemetery on Aboriginal land. I wonder, Mr Deputy Speaker, what the

honourable member for Nhulunbuy has to say about that particular matter and whether in fact he has done anything in relation to that problem.

I refer now to the Mining Bill, the Petroleum Bill and the Coal Bill. Basically, they contain the same principles and therefore I will be discussing them together. Taken together, the proposals by the Majority Leader in the Mining Bill, the Petroleum Bill and the Coal Bill cannot be accepted because they do not recognise that Aboriginals should have land rights in the way recommended by the Woodward commission. Under these bills it is observable that the Majority Leader wishes to maintain the control of the Administrator over mining, even when Aboriginal land is involved. It would appear that the Northern Territory executive has a paranoia about Aboriginals "horse trading" the mineral rights. In so doing, they would deny Aboriginals the full extent of their land rights.

The amendments provide that a miner would not begin negotiations with the land council until the miner has obtained an offer in writing from the Administrator. The right to grant the exploration licence is to remain vested in the Administrator. The Administrator is not to offer the same exploration licence to anybody else unless the original application has been withdrawn or the licence has been handed back in or the consent of the land council has been withheld on a reasonable basis.

In my view, such a proposal is not adequate because it refuses to recognise the actual right of Aboriginals under statute to negotiate mineral deals, which is contained in the Aboriginal Land Rights Act. In other words, a statutory title to ownership of minerals is granted to Aboriginals by virtue of the power of veto and the power to negotiate the terms and conditions. I believe the legislation proposed ought to recognise these realities and I would call on the honourable Majority Leader to consider a provision for a system of competitive bargaining by the mining companies for exploration licences, as has been proposed by the Northern Land Council.

It is a matter which is also being considered, I would say, Mr Deputy Speaker, on the part of the Opposition. It is understood that this competitive bargaining system would eliminate the outmoded provision which is typical of Australian mining law - that is, on a first-come first-served basis. I believe there is no reason to give preference to an applicant simply because he gets to the Mines Branch office first. I believe the real concern should be with the applicant's ability in the financial and technical sense, also the suitability of their proposed exploration plan, and with the quality of the agreement that he is prepared to enter into with the appropriate land council. After all, Mr Deputy Speaker, I understand that this system is an essential ingredient of the free enterprise system which is really cherished by the Majority Party and other conservative parties. On the basis of that, Mr Deputy Speaker, I would urge that all members on the benches opposite take into account our views and I would ask them to consider incorporating these into the bills.

Mr Deputy Speaker, I would commend the views of the Opposition in this Assembly as outlined above. I have illustrated that in the four major areas of policy, the Majority Party proposals do not meet Aboriginal expectations nor with the support of the Opposition in this Assembly. The provisions for the closure of seas, the protection of sites, the recognition of the rights of Aboriginal residents on a cattle station, and the mining proposals - all of these represent a fundamental restriction on and an interference with the rights of Aboriginals in the Northern Territory.

I would conclude, Mr Deputy Speaker, by saying that when the Labor Party is the government of the Northern Territory, it will act to rectify the wilful neglect of Aboriginal rights which the Majority Party continues to perpetrate in these bills.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, the ten complementary and consequential bills before this House were introduced by the Majority Leader who gave a very good account of their contents in his second-reading speech. Copies of the bills and the second-reading speech have been seen by hundreds of people since then. The bills have been read by many Aboriginal people, by their advisors and by people in the general public.

The bills have been drafted in accordance with the Bonner report which was a joint parliamentary committee made up of 14 members of federal parliament. Amongst those members were three former Aboriginal Affairs ministers and others who have had long experience and association with matters dealing with the Aboriginal people and affairs. Most of the members are well known to the various Aboriginal groups in the Northern Territory, through sitting on those various committees from the federal parliament.

Mr Speaker, in recent years there have been many debates on Aboriginal affairs and, more particularly, on the Aboriginal lands. They date back to the first introduction of the Aboriginal Land Bill in 1975 by the Labor Party. Prior to that there were other debates over the past years in parliament. You may remember, Mr Speaker, that during 1976 a delegation of Majority Party members from this Assembly flew to Canberra to discuss the proposed Aboriginal land act for the Northern Territory before it was introduced into federal parliament. During those discussions the then Majority Leader, Dr Goff Letts, was able to speak to the Minister for Aboriginal Affairs and the Prime Minister and other people in Canberra, as were other members of the delegation. After those discussions there was a press release from the Prime Minister's Department that the government would proceed with the Aboriginal land act. However, it was also stated that the Northern Territory legislature could make complementary legislation. At that stage it was not fully known just what we could legislate on. The Minister for Aboriginal Affairs at the time, Mr Viner, in his second-reading speech spelt out what areas we could legislate on, and I quote from his speech of 4 June 1976:

> *The bill gives scope for the Northern Territory Legislative Assembly to participate in this most important legislation process, in particular in relation to the protection of sacred sites and measures to protect wildlife in Aboriginal lands and the control of entry into these lands and adjacent waters and the handling of applications for land to meet the needs of the Aborigines in towns and other areas where traditional claims cannot be established.*

That commitment was given to the First Assembly and now, after the much read joint parliamentary committee report by Senator Bonner, we have these bills before this Assembly.

I would like to talk about the Aboriginal Land Bill, particularly to part II - entry onto Aboriginal land. I took it upon myself to talk to the Aboriginal people in my electorate, the Yirrkala people who petitioned on bark back in the late sixties when the Nabalco Company was asking for leases on that land. I read the second-reading speech to those Aboriginals because some of them cannot completely understand English and they cannot read. I spoke to them about the entry onto Aboriginal land and told them what it meant. I spoke about the penalties for those people who did not have a permit. I raised the issue of permits - how they have been administrated in the past and how they are to be administrated under this legislation. I told them that, as traditional owners, they have the right to tell the land council what areas the people could come onto on their land and I told them they have a right to give, in writing or orally, permission for people to come onto their land. I told them that the Aboriginal land council can revoke a permit and the reasons why, and also as traditional owners they have that right.

Presently at Nhulunbuy we have a very good system of operating permits. I do not know what the structure will be when the Aboriginal land council sets up that organisation but I would ask that the land council look at the present system that we have there. The people in Nhulunbuy have been under certain restrictions and they have behaved very well according to the restrictions they have. When you go to live there you have to have a permit. It used to be that when you lived there, then left after a month or so, you had to get another permit for re-entry. Now if you are in the employment of Nabalco or other organisations, you have a permit for the time you are residing in that area, even if you go out on annual leave. However, if you go off the lease, you have to obtain a permit from the Department of Aboriginal Affairs and the officer there has permission from the traditional owners to issue permits to places where it has been accepted that the people of Nhulunbuy can go for recreational purposes. I would like to think that those areas would still be areas where the people from Nhulunbuy could go and even perhaps look at setting aside various areas where people from the town of Nhulunbuy would be exempt if they went to those areas. There is quite a lot of paper work in organising permits; it takes up quite a bit of time with typing and discussion, and I am just a bit concerned that if the Aboriginal land council does control that, say from Darwin, it would cause a lot of problems, communication-wise. I am sure the Aboriginal people in that area would like to continue in the same way. I have asked them and they said they would like to have it in the same vein as it is now - that is, that the officer there can do this.

I would like to read an extract from Mr Justice Woodward's report when he spoke on the permit system, more particularly concerning the area of Nhulunbuy. He said, in paragraph 115, that he could also envisage:

> *... problems arising in relation to the townships which have been established on Aboriginal land for mining purposes, Nhulunbuy and Alyangula. If visitors to the centres are to be exempt from the permit system, what are the boundaries of movement to be? If they are not exempt, a great deal of wasteful paper work would be involved.*

And then, in his summary of recommendations on page 24, paragraph 17:

> *Residents of Nhulunbuy and Alyangula and visitors to those towns should not be required to obtain permits if they confine themselves to the townships, the areas leased for mining purposes and agreed recreation areas.*

So there it is in Mr Justice Woodward's report, asking that visitors to the town not be required to have permits. It has been included by the Bonner report in the permit system that areas can be set aside, with the agreement of the Aboriginal traditional owners in that area, which people can use for recreational areas. I think there is quite a lot of work to be done in working out those areas but I am sure that, with the harmonious relationship we have in those areas, particularly Nhulunbuy, we can work out something to suit everybody. I know that in Alyangula they have had problems there recently where people were restricted to the town. I was over there last year and those people were very upset. I know they took notice of the Aboriginal leader but they said they had had approval from the Aboriginal leaders and that the restriction of movement was brought to bear by the Department of Aboriginal Affairs at that time.

The next provision of the bill is part III - control of entry onto seas adjoining Aboriginal land. There again, the drafting of this bill has been in accordance with the Bonner report. The Bonner report followed the same line as the Justice Woodward report.

Mr Perron: Not according to the member for MacDonnell.

Mr BALLANTYNE: That is that:

> *The Administrator in Council may, by notice in the Gazette, close the seas adjoining and within 2 kilometres of Aboriginal land to any persons or classes of persons or for any purpose other than to Aboriginals who are entitled by Aboriginal tradition to enter and use those seas ... in accordance with Aboriginal tradition.*

I do not know how that definition would be in the eyes of the deputy leader of the Opposition but to me it is something we have recognised and we can now negotiate with these Aboriginal people and tell them that they have that right.

I was asked by the Aboriginals in my area - how far is two kilometres? It is a very hard thing to describe - to look out to sea and say, "See that point out there? Well, it is about there". They do not understand what two kilometres or two miles means. I had a buoy placed out at sea by a surveyor for the Aboriginal people so that they can get an idea of how far two kilometres is. Those people in some of the isolated areas of Arnhem Land in my electorate have had problems with fishing boats coming in at night and frightening the women. They have not been landing on the shore but they have been out at sea and sometimes when you look out to sea at night, you do not know whether it is a mile or ten miles. It is very, very difficult. However, I do know that the Aboriginal people were not happy with that distance. I told them that I would take interest in what they said and pass it on. The Bonner report said that Yirrkala Aboriginal people were not happy with two kilometres.

The recommendations of Mr Justice Woodward are there, the recommendations of the Bonner committee are there. It is something that that committee spoke to every Aboriginal community along the coast and on the islands about, one thing they seemed to be in some agreement on. I know the Yirrkala people wanted a greater distance. There is an opportunity in the other ordinance I am going to talk about in a minute where they may be able to claim areas further out, where it is of sacred significance to them. There is also provision in the permit system for areas to be set aside for people going through the seas. There would be some problem in the harbour, where I live in Melville Bay, in that shipping coming in from the outside would be restricted in their passageway. However, so long as people are on the move, there is no problem.

There is provision in the permit system also for members of parliament and those proposing to stand for an election.

There is also a very good provision in clause 18 - and I think this was recognised by the Bonner report - that, where the holder of a licence issued under section 15 of the Fisheries Ordinance is able to establish that he has, prior to the publication of notice under section 12, carried out fishing operations for a reasonable period of time in an area of closed seas and that his livelihood may be placed at risk by the closure of those seas, the Administrator in Council may grant that permit in writing. I think this gives some protection for those people who have been using these areas for their living. I am sure there is no real problem there.

There is a provision for defence in certain circumstances. There is occasionally some problem where people might be offshore in an area declared to be out of bounds and may get into distress; their boat may break down or they may have some mechanical problem. Some people may even take ill and have to come onto land. The provisions are there to protect those people. I have spoken on this very thing to the Yirrkala people and they are quite happy, if anyone is in distress or having problems, for them to enter that area.

I think it is a most important thing, Mr Speaker, to ask these people how they feel about it, and it is nice to get a response. I do not know what the Opposition Leader or the deputy leader has done with regarding to talking to Aboriginal people. It would be interesting to hear later on any comment from them. We have had some comment from the deputy leader of the Opposition but I have not heard him say that he has spoke to these people; I think he made that up.

The next bill, Mr Speaker, is the Aboriginal Sacred Sites Bill which is to establish the constitution of an authority. This has always been important, Mr Speaker, with regard to places of significance and Aboriginal sites. I know, in the early days in Arnhem Land, there were people in my particular area who said that there were areas of significance to the Aboriginal people but they did not want them to be known, by putting fences around or putting up signs, and we have operated in that way ever since. There are certain areas where we do not go; we respect those Aboriginal people for that and we have never had any problems.

I have explained to the Aboriginal people the authority to be set up. I told them there will be seven positions and the Aboriginal people will have the majority of those positions on that authority; the other positions will be for a director and persons who are experienced in anthropological and Aboriginal studies, in land use and other fields of Aboriginal welfare. I told them that it was for a three-year term and they seemed to be quite happy about it. I explained that meetings would be held and how the authority would be run and about its functions.

Then I told them the areas of significance would have to be known if they wanted people to stay off those areas or not to go on those areas at all around east Arnhem Land. The message I got back from those people was that they were not interested in having any fences around those areas. They were not interested in having any signs put up. I said that was quite okay. They can have that prerogative, if they want to have it registered as a site but they do not have to have it seen to be a site. I explained to them about the register and they seemed very happy with that. I said that, when a request is received for a particular site under subsection (2), the Administrator in Council will have an investigation carried out to ascertain the importance of the site to Aboriginal tradition where the owners, if any, of the land containing the site object to taking the steps to protect it and so on - all the various steps. It was very important to them; they wanted me to make it known that they did not want to have any protection fences and signs put up although, under one of the sections, clause 28(2), the Administrator in Council may authorise the authority to erect signs on an area that contains sacred sites.

I also told them about areas of sacred significance out at sea. There may be some areas beyond the two kilometre mark that they could apply to have declared; they could go through the necessary channels and the request would go back to the commissioner. I told them of the penalties for people desecrating sites and they were quite happy with those particular provisions.

All in all, the Aboriginal people of Yirrkala are quite happy with the content of those bills. I told them there are other bills which were of a minor nature in some cases and I read them the second-reading speech to explain that to them.

Of the other bills, the Special Purposes Leases Bill was introduced to repeal certain provisions relating to the declaration of Aboriginal reserves in 1977 in the name of Aboriginal land. However, although these clauses 4(a), 4(b), 4(c) and 4(d) of the principal ordinance are repealed, there is provision there for Bagot Reserve to remain under that ordinance. The Crown Lands Bill contains a recommendation of Mr Justice Woodward and I support that clause 24(b) where the consent of the Administrator allows the lessee of a pastoral lease to sublease

part of his lease for Aboriginal community living purposes. This will allow for Aboriginals who belong to that land to have an area set aside for their own use. It is interesting to note that the areas requested by the Aboriginal people are usually close to the homestead, but that needs some liaison with these people.

The Territory Parks and Wildlife Bill is to amend the principal ordinance which was passed in the Northern Territory Legislative Assembly before the Aboriginal Land Act came in in 1976. Section 73 of that act provides for the commissioner to make agreements with the Aboriginals for the protection and conservation of wildlife and the protection of natural features of land vested in Aboriginals or held in trust or occupied by Aboriginals. These amendments are once again recommendations of the Bonner report and were also recommended by Mr Justice Woodward.

This morning the deputy leader of the Opposition spoke about the Cemeteries Ordinance. I can assure him that Nhulunbuy is quite protected. A bill was presented here in March last year on that very cemetery and it was passed in September and assented to by the Governor-General.

I think that is all I can say. I am not going to speak about the other bills. I only hope that some sensibility will be shown by the Opposition. They have had plenty of time to bring their problems or comments to the Majority Leader. He has distributed the bills to every settlement, to every area but - I don't know - they always seem to wait until the last minute. That is where their problems lie, I think. If they came out a bit earlier to discuss these things with people, they may have better results. But they always leave it to the last minute. I have no more to say, except that I support the bills as presented by the Majority Leader.

Mr DOOLAN (Victoria River): In speaking to the complementary and consequential legislation to the Aboriginal Land Rights (Northern Territory) Act 1976, I must say that it is undoubtedly a vast improvement on the previous controversial complementary legislation, introduced during the life of the first Legislative Assembly. I believe that Mr Creed Lovegrove deserves great credit for his dedication in helping to formulate the principles on which this present legislation has been drafted. His task in trying to reach an acceptable compromise between two fairly hostile factions has been an unenviable one and, although I may disagree in part with sections of some of the ten bills incorporated in the legislation, I feel that Mr Lovegrove's efforts have been most commendable.

The Majority Leader said in his second-reading speech, in referring to the previous complementary legislation, "It was expected that there would be considerable public debate on this issue and this in fact occurred". "Considerable public debate" is indeed a monumental understatement of what really happened, and the furore which erupted following the introduction of the ill-advised and ill-conceived attempt at legislation, not only from the Aboriginal people themselves, but from church authorities and other groups and individuals in the Northern Territory, was heard throughout the length and breadth of this continent. That is now history.

I am delighted that no attempt has been made this time to re-introduce the appalling concept of the "authorised Aboriginal". There were many aspects of that initial attempt at legislation which were objectionable and offensive to most fairminded Australians, but chief amongst them was the "authorised Aboriginal" concept, and the demise of this mysterious and anonymous individual has put few people into mourning. In fact, the reverse has occurred, and Aboriginals are rejoicing that the right to enter Aboriginal land will be granted or rejected by the traditional owner of that land, in the same manner that all other Australian land holders have the right to grant or to refuse entry to outsiders seeking to enter onto their property.

When the original complementary legislation was introduced no-one, except perhaps a few people with vested interests or ulterior motives, was aware of who this "authorised Aboriginal" might be. The term was never at any time defined, and we may well have had a Centralian Aboriginal with no real affiliation or connection with the land in the Top End being the person authorised to grant entry onto Aboriginal land in, say, Arnhem Land or the Daly River Reserve. Or conversely, an Arnhem lander may have been the person to issue a permit for people desirous of entering onto Hooker Creek or Haast's Bluff Reserves.

It is not inconceivable, in view of the fact that people in authority would not or could not define who this "authorised Aboriginal" might be, that we may have had a situation where, for example, the person appointed to grant permits to enter reserves within the Northern Territory may even have been some part-Aboriginal from Redfern or any other urban Aboriginal from southern parts of Australia. My personal belief is that whoever the "authorised Aboriginal" may have been - and we never did get to find out his identity - the principal criterion for his appointment would have been that he be a most compliant "Uncle Tom" type person. But the secret of his identity goes with him to his grave. Perhaps the land councils may give some thought to creating a monument to his memory along the lines of the "tomb of the unknown soldier" in Paris, and hold an anual celebration to mark his passing.

In commenting on the need for a permit system, in the second report of the Aboriginal Land Rights Commission, Mr Justice Woodward stated that "the most important proof of general Aboriginal ownership of land will be the right to exclude from it those who are not welcome", and surely no one could dispute the justice and the wisdom of Judge Woodward's statement in this regard. It is most pleasing to see that the section concerning "entry onto Aboriginal land" has taken note of the Woodward commission and the Bonner report in differing from the first misguided attempt at drafting acceptable complementary legislation.

On the Aboriginal Land Bill, part III - control of entry onto seas adjoining Aboriginal land, the Northern Land Council has made the following comments:

Sections 11 to 19 of the ordinance provide a system for the Administrator to close seas within two kilometres of Aboriginal land. It simply says that the Administrator may close the seas. If he wants to, he may ask the Aboriginal Land Commission for a report before he does so. There is no way for Aboriginals to make application to close the seas and have the matter directly considered by the Aboriginal Land Commissioner.

Both the idea and the practice of this law on the two kilometre zone is unacceptable. Firstly, the Northern Land Council has always said that all the seas should be closed and application should be able to be made by persons who want to have it open. At the moment it is the other way round. Secondly, even if it is to be done, as it is proposed in the draft ordinance, an independent way for asking the Land Commissioner should be made instead of simply leaving it to the absolute power of the Northern Territory government.

The Majority Party has not followed all the recommendations of Senator Bonner's committee which are set out on pages 62 and 63 of his report. He said the provision should be made firstly for negotiation between the land councils and the Northern Territory executive about closing the seas, and then for persons to be able to apply to the Aboriginal Land Commissioner. Generally speaking, it should be said that the majority of Aboriginals do not agree with Senator Bonner's proposal in any case. In particular, they would not agree with his proposal that existing fishing rights should be retained.

I was going to read a section from the Bonner report but on advice from the Speaker I would ask that these three pages be included in Hansard. It is only a short extract.

Leave granted.

The committee is also mindful of the strong desire to obtain rights over the two kilometre area and the expectations raised in the Aboriginal community by the recommendations of the Aboriginal Land Rights Commission. The principles of this report were endorsed by all political parties and the Aboriginal communities, with few exceptions, seem to have modified their demand for a 12 mile zone to fit in with the recommendation. The committee believes that the disappointment of those expectations could also have serious repercussions.

The committee has endeavoured to formulate a proposal which takes into account the various points of view presented to it and the needs of the whole community, Aboriginal and non-Aboriginal. In making its recommendation the committee points out that it is examining the legislative possibilities within the parameters of section 73(1)(d) of the Land Rights Act which establishes the limits of the legislative competence of the Northern Territory Legislative Assembly.

Section 73(1)(d) limits the Legislative Assembly to making ordinances regulating or prohibiting the entry of persons into, or controlling fishing or other activities in the seas within two kilometres of Aboriginal land. The Commonwealth act requires such laws to provide for the right of Aboriginals to enter and use the resources of those waters in accordance with Aboriginal tradition.

Another issue which has to be dealt with in any legislation is the particular problem of sacred sites within the sea. The committee is of the view that such sites should receive protection and for that purpose it should be possible for the appropriate Aboriginals to apply for the closing of specific areas of the sea. One problem is that such sites may extend beyond the two kilometre limit. There was ample evidence before the committee that this is so. Section 69(1) of the act, which states that a person shall not enter or remain on land where there is a sacred site, relates specifically to 'land' and the committee recommends to the government that it give consideration to either amending section 69 to cover all sacred sites, whether on land or sea, or to extending the legislative authority of the Legislative Assembly beyond the two kilometre limit for the purpose of protecting sacred sites.

The committee recommends that:

(a) the Northern Territory legislation should make clear provision for the right of Aboriginals to enter and use the resources of all waters adjoining and within two kilometres of Aboriginal land in accordance with Aboriginal tradition;

(b) the ordinance should provide that, pending the delineation of areas as set out below, such waters be also open to the general community for recreational use, including non-commercial fishing;

(c) provision should be made for consultation between the Northern Territory executive and Aboriginal traditional owners, through the agency of the appropriate land council, to negotiate with respect to the closing of areas of the sea which are of significance to Aboriginal communities, either for traditional use and enjoyment of the waters or for the creation of a buffer zone for the Aboriginal community. In the absence of

agreement about the area to be closed, either party may apply to the Aboriginal Land Commissioner. Once an area is defined as a closed area, all persons other than the traditional Aboriginal owners require a permit to enter such seas. The issue of a permit is to be governed by the same rules as govern other permits to enter Aboriginal land;

(d) the ordinance should provide for consultation between the Northern Territory executive and Aboriginal traditional owners, through the relevant land council, leading to definition of areas near substantial non-Aboriginal centres of population which are to be defined as being open recreational areas. On agreement being reached as to such areas, they can be gazetted and, in the absence of agreement, application can be made by either party to the Aboriginal Land Commissioner. Once an area is defined as an open recreational area, either by agreement or by decision of the Aboriginal Land Commissioner, it is to remain open to all persons for recreational use including non-commercial fishing.

(e) any person may apply to the Aboriginal Land Commissioner to have an area of sea declared closed to persons other than the traditional Aboriginal owners of adjacent land in accordance with paragraph (c) above, or opened for general recreational use;

(f) in determining all such applications the Aboriginal Land Commissioner shall consider Aboriginal traditional and other interests as well as the commercial, environmental and recreational interests of the public; and

(g) the rights of existing commercial fishing licences be retained and that new fishing licences not be issued except after consultation between the Fisheries Branch of the Department of the Northern Territory and the relevant land council. In the event of disagreement between the department and the council, the matter to be referred to the Aboriginal Land Commissioner for determination.

Mr DOOLAN: I find I must agree substantially with what the Northern Land Council has said but I do agree also with what the Bonner report says in relation to existing fishing rights being retained. I believe this is only just and to take away existing fishing rights would lead to disharmony between professional fishermen and Aboriginal groups.

In his second-reading speech the Majority Leader stated:

The bill provides for the closure of seas within two kilometres and adjacent to Aboriginal land or the opening of such seas which have previously been closed in accordance with the provisions of this ordinance by application to the Northern Territory executive by the appropriate land council on behalf of traditional owners or by an individual. The Northern Territory executive may decide to grant the application without further inquiry or to refer the application to the Aboriginal Land Commissioner for inquiry and recommendation to the Northern Territory executive. In making his recommendation, the commissioner should consider Aboriginal traditional and other interests as well as the commercial environmental and recreational interests of the public.

In any application for the opening of seas which have already been closed in accordance with the provisions of this ordinance, it will be necessary for the applicant to produce evidence that circumstances have changed since the making of the original determination. This departs in principle from the Bonner report which provided for an appeal against the decision of the Northern Terri-

tory executive and gave decision-making powers to the Aboriginal Land Commissioner. We know of no precedent where state or federal cabinet decisions are subject to such appeal and therefore the same principle should be followed in respect of the decisions of the Northern Territory executive.

There is no doubt that on the surface this is a valid argument and it would certainly be creating a precedent if a decision by the Land Commissioner could over-rule a decision made by the Northern Territory executive. However, the Aboriginal Land Rights (Northern Territory) Act 1976 has itself created a precedent in Australian legislation, and it follows that the complementary and consequential legislation presently before this Assembly is also creating a precedent. In granting Aboriginals title to land in the Northern Territory, for instance, we have the unique situation where, although they may hold legal title to the land, Aboriginals are not legally entitled to sell or mortgage the land which they own. Surely this departure from normally accepted principles that a landholder may dispose of or mortgage his land at his own discretion has certainly created an unheard-of precedent. On the basis that a whole series of precedents have been created in the total land rights legislation, it seems to me that the reasons given for the non-acceptance of the guidelines set down in the Bonner report - that is, that this would be creating a precedent - are not valid in the circumstances and are, in fact, quite unreasonable.

To further strengthen this argument - and the honourable member for Nhulunbuy said this himself - I would suggest that the Bonner committee, which consisted of Senator N.T. Bonner as chairman, the honourable G.M. Bryant, deputy chairman and twelve distinguished parliamentarians of long standing, would not have arrived at their recommendations in regard to closure of the seas without giving long and detailed consideration to the fact that, in making such recommendations, they would be suggesting something which might be departing from normally accepted principles. Such a distinguished and experienced body must have been fully aware that these recommendations would be creating a precedent. Yet they did so, obviously in the knowledge that such a precedent would be but one more new concept amongst a whole group of other new concepts which the executive seems prepared to accept.

It is my belief that the argument against acceptance of the Bonner report in this area is neither acceptable nor reasonable on the stated grounds that it creates a new precedent. To my mind, what the Bonner committee has suggested in relation to the right of appeal to the Land Commissioner against a Northern Territory executive decision seems perfectly just and legitimate in these circumstances.

I have had some consultation with the Northern Land Council in regard to the closure of all waters adjoining and within two kilometres of Aboriginal land. The president of the Northern Land Council, Mr Galarrwuy Yunupingu, has assured me that, should such waters be closed, neither the Northern Land Council, as agents, nor the traditional owners would have any objections to right of way being granted without permits to ships passing through such coastal waters. The obvious difficulty in this, however, is that there are undoubtedly sites of significance more than two kilometres off-shore. There are many sacred sites, nevertheless, within the two kilometre mark which would be given some measure of protection by closure of the waters.

The Northern Territory branch of the Australian Labor Party platform policy on control of coastal waters formulated last year, although it may not satisfy everyone, seems to me to be a fairly reasonable compromise. I quote:

Aboriginal control of coastal waters in the Northern Territory should, by virtue of the enactment of the legislation, extend forthwith two kilometres from the existing reserves only. Permits shall be obtained from the Northern

Land Council by persons wishing to remain within such coastal waters or wishing to exploit the waters. Applications may be made to the Northern Territory Land Comissioner to open areas within the two-kilometre coastal waters zone. The Commissioner, in considering such applications, shall have regard to commercial, environmental and recreational considerations as well as the traditional Aboriginal rights.

I feel that to close off waters, at least on existing reserves, could not be said to be unreasonable. The possibility of successful negotiations between traditional owners of land and persons wishing to exploit the waters within the two kilometre zone adjoining the land would in most cases be excellent. There are many groups of Aboriginals only too willing to cooperate with professional fishermen in a joint venture which could be mutually profitable and in some areas this has already been done.

The bill before the House says simply that the Northern Territory executive may close the seas within two-kilometres of Aboriginal land or re-open them if they have been closed. I believe, as the Northern Land Council has said, that it is completely unacceptable to leave the matter absolutely at the discretion of the Northern Territory executive. I believe that Aboriginals should be able to make application for closure directly to the Land Commissioner and I know personally that this is the wish of the Aboriginal people, because they have told me so in every area in which I have talked with them. Some communities have written to me asking that I speak on their behalf in this Assembly on this particular aspect, as it is a matter of the greatest concern to them.

The Land Commissioner is a person whom they know has their interest at heart. They know him as a person appointed to judge the merits of the claims they are presenting, who is someone who is real and tangible and approachable. The Northern Territory executive is just a name, some intangible, nebulous group of faceless men and Aboriginals have no personal knowledge of its composition or of its real meaning or function.

The Aboriginal Sacred Sites Bill has some good aspects - in particular, the establishment and constitution of the Sacred Sites Protection Authority and the Register of Sacred Sites. It is most pleasing to note that the composition of the statutory authority will be predominantly Aboriginal, so that it will not be likely that the position will ever arise in which we have a group of anthropologists telling Aboriginals where their sacred sites should be located.

As the Majority Leader has said in his second-reading speech, the greatest difficulty will arise in the protection of sacred sites which occur off Aboriginal land. The general view of most white Australians is that the erection of a fence around a rock or trees or some small natural feature will thus constitute a good measure of protection to the site but this idea is erroneous. I know of no way in which it is possible to accurately define a sacred site by some line of demarcation which is supposed to indicate that a sacred site has meaning on one side of a fence and ceases to have significance on the other side.

In mid-1977, I was asked to write a paper for the first National Convention of Surveyors held in Darwin. The paper which I wrote was entitled "Aboriginal Concept of Boundary - How Do Aboriginals Conceive 'Easements' - How Do They Grant Them?" The paper seems to have created quite a lot of interest amongst anthropologists and others, possibly not because of its erudition but because of the fact that little if anything had been written previously on the Aboriginal concept of "easements". In this paper under "mythological sites", I wrote:

It is actually a futile exercise to attempt to define precisely the area encompassed by a mythological site of significance. The site is best viewed as a point of concentrated power or "presence" of the dreaming creature in the same way as a gravity field acts on surrounding objects. It is not really feasible to divide sites from adjacent local country as we attempt to do in certain types of site declaration. The total surrounding land is, for example, snake country or dingo country or in coastal areas may be crocodile or shark country, which latter example accounts for one reason that the sea adjacent to the coast is claimed to be of mythological significance.

This fact explains the western dilemma when wishing to put a mutually accepted easement through Aboriginal country. Western people may consider their easement is going to miss the mythological focal sites but to Aboriginals the total dreaming landscape is at ransom. Mythological sites have zones of influence, without boundary definition.

From necessity, Aboriginals may have to compromise if forced to adopt a western approach to the demarcation of land and it should not be difficult for a mutually acceptable compromise to be reached. But the "fence around a rock idea" is nonsense and can only lead to a great deal of misunderstanding.

Aboriginals do have sites of significance which are clearly defined. These are sacred sites but of no mythological significance and are commonly known as "log coffin" sites. Their significance is of temporary duration, perhaps a decade or so, and many are located off Aboriginal land, particularly around the Gulf country and off-shore islands. No provision seems to have been made for them, either in the Aboriginal Land Rights (Northern Territory) Act 1976 or in this legislation. Perhaps of more importance is the fact that no clear indication has been given of what is likely to happen in regard to sacred sites within the sea which the Bonner report mentions on page 61 - that is the section I asked to be included in Hansard before.

When the Opposition Leader and myself talked with Aboriginal people at Peppimenarti, it was obvious that great concern was felt by the Moil people when they learned that the seas off-shore near the mouth of the Moil River would not be protected, and quite a few instances of sacred dreaming places were noted in the space of a few minutes. Many of the mythological creatures which are the totemic ancestors of Aboriginal people came from the sea in the dreamtime, and some of them are still either permanently aquatic or amphibious. It is easy to treat lightly such sacred beliefs of the Aboriginal people and I do not believe that nearly enough consideration has been given to the matter of off-shore sacred sites.

It is most interesting to note that in many cases the fear that Aboriginals have of Europeans approaching sacred sites is not so much that the site will be desecrated but rather that evil will befall the white-man who does not have the sense to keep away from it. A good example of this is the location of the old McArthur River homestead which was erected right on top of a sacred site. The Gurdanji people at Borroloola were utterly convinced that nothing but harm and ill-fortune could come to people stupid enough to build a homestead there and, as it so happened, their predictions turned out correct.

The importance to Aboriginals of closure of the seas to a distance of two kilometres off existing reserves cannot be over-emphasised. Aboriginals are not asking for something ridiculous or outrageous as many people like to suggest. They are merely seeking the right to exlude unwanted visitors and are prepared to grant permits to enter these seas in the same manner as permits to enter will be granted to outsiders entering their land. And they have very sound reasons for seeking this right which, in any case, the Aboriginal Land Rights (Northern Territory) Act

1976 has already said would be appropriate.

During the hearing of the historic case in which the Yirrkala people objected to the mining of bauxite by Nabalco, Mr Justice Blackburn made the now famous and certainly perceptive remark that he felt "it was a matter not so much of the land belonging to the people, but rather that the people belonged to the land". Mr Justice Blackburn might very well have extended this remark to include the seas adjacent to the land because these seas abound with dreaming places.

It is easy to dismiss the significance to Aboriginal people of such places, but in their culture off-shore rocks, reefs, sandbars and even whirlpools often have enormous significance. The original map makers in the Aboriginal world were the mythological beings who travelled through the country and named the assemblage of scattered place names throughout the particular clan areas. Many of these mythological beings are believed to have come out of the sea and coastal Aboriginals can readily point out the place in the sea from where the creature emerged.

In Tiwi mythology, there was a legendary giant named Purukapali who figures in many of their stories. The legend of Purukapali is a long and beautiful one which I will mention only briefly to illustrate a point. In the time of Purukapali, death was unknown to men until he returned one day from hunting to discover his brother Tapara, in adultery with his wife, Wai-ai. In her infatuation with Tapara, Wai-ai neglected their child who could not be found. In his grief, Purukapali decreed that all men would die from that time onward except for Tapara whom he cursed and changed into the moon, condemned to wander in space forever, and to rest only on the few days in each month when there is no moon. Wai-ai he changed into a curlew who cries all night looking for her lost child for the rest of time. Purukapali then walked across Melville Island to a place near Soldier Point on the eastern end of the island. On the cliff face is a natural rock formation looking like giant steps which Purukapali walked down and entered the water. As the giant walked away from the shore, he disappeared below the water and where he disappeared there is a tidal overfall which looks like a whirlpool. Every Tiwi - and there are well over a thousand of them - can tell you the story in graphic detail, and the place of Purukapali's disappearance is known to all. It is about a mile off shore; it is a place of the utmost significance to the people and yet it will not be protected because it happens to be not on the land.

During 1970, I was instructed to locate and learn the significance of sacred sites on Bathurst Island. In the course of this, I might add, impossible exercise, one Hector Tipungwuti and myself did a Bass and Flinders act and circumnavigated the island in a twelve-foot boat. When we were off the north-west coast of the island we were in imminent danger of sinking because of a huge and frightening following sea. We were about a mile off-shore and approaching some rocks when Hector, who was just as terrified as I was, suddenly stopped the motor and began calling out loudly in his language. After some minutes with Hector yelling and me bailing like mad, he started the motor again and we sailed into calm water in the lee of the point. I asked him in rather impolite language what he thought he was doing when he stopped the boat. His answer may probably sound quite mad to Europeans but it was just commonsense to Hector Tipungwuti. The off-shore rock is called Kalaprangenni and was a very dangerous and evil place. Although he was badly frightened by the following seas, Hector believed that it would have been insane to try to pass Kalaprangenni without first asking permission which fortunately for both of us was apparently granted. Kalaprangenni is a sacred site but, like the place of Purukapali's death, it will not be protected either, simply because it is not on dry land.

There are hundreds, probably thousands, of such sites on the coast adjacent to Aboriginal land. The great majority of them would be within the two kilometres

limit. To identify them all, apply for closure of the sea or have them registered as sacred sites would take several life times and result in an enormous waste of time, effort and money. The simplest, cheapest and most efficient way to protect these sacred sites would be to close the seas to the two-kilometre mark, and have persons wishing to enter apply for permits in the same way as they will have to if they wish to enter onto Aboriginal land.

Any commercial fishing which takes place within two kilometres of reserves is almost certain to result in a breach of the law. Most of the commercial fishing in the Northern Territory is done away from existing reserves and more than two-thirds of the catch comes from between the Adelaide and East Alligator Rivers. Closure of seas to the two kilometre mark off existing reserves would probably affect only illegal fishermen. If land claims by Aboriginal groups on other areas of crown land adjacent to the coast are successful, then we could look at what might be the best for all concerned at that time, when and if such claims are successful.

The one other area in the Sacred Sites Bill which warrants criticism is that the Administrator has the final say on whether a sacred site is to be protected. This seems to me to be quite unjust, irrespective of whatever background or academic qualifications the Administrator or anyone else may have. The traditional owners are the only persons competent to say whether a sacred site has the significance to need protection. No person of any ethnic origin, including Aboriginal, would be aware of the degree of significance which a particular sacred site might have unless he was a member of the particular Aboriginal patrilineal group of sub-sections in the locality of the site - in other words, the traditional owners.

On the Mining, Petroleum and Coal Bills, I have only two comments to make. The first is that they definitely do not recognise that Aboriginals have land rights in the way that Woodward recommended. The second is that land councils, acting as agents for traditional owners, have been greatly criticised for "horse trading" mineral rights with multi-national companies.

The point which most people seem to conveniently ignore is that Aboriginals do not want mining on their land. If they had any choice in the matter, they are 100% anti-mining of any description, as they clearly demonstrated to the world in the now historic Northern Territory Supreme Court action against Nabalco in 1970. Aboriginal people have said over and over again that they do not want mining on their land. In the national interest, or rather on the pretext that it is in the interest of this nation, the federal government has said that uranium will be mined. Aboriginals have no choice. Mining has been and will be forced on them, and now they are trying to get the best possible deal they can from multi-national companies.

In any other situation, a landholder having a valuable commodity removed from his land against his will would be considered insane if he did not attempt to obtain as much compensation as he could possibly get from whoever might be removing that commodity, but this point of view apparently does not apply to Aboriginal landholders. They are different. Any good, honest, sensible white fellow, trying to screw a few extra bucks out of a giant multi-million dollar company would be universally applauded for his courage and business acumen throughout this great bastion of democracy which we call Australia. But it is quite different when a black fellow tries to do the same thing. He is not a good bloke with a ton of guts at all; he is a cheeky, avaricious black fellow trying to rip-off the multi-national mining companies. The Northern Land Council has even had the temerity to hire a hot-shot American negotiator to deal with the financial octopus presently trying to strangle the Territory.

Time and again, normally sensible people have complained to me or in my hearing that the taxpayer is being burdened with an enormous cost in funding the land coun-

cils and the lawyers and negotiators which the land councils hire. The general public could not be blamed for complaining either, if the funding of land councils came from the taxpayer's pocket, but I believe it is time that the general public was made aware of the fact that it does not contribute one single cent to the support or operation of land councils. They are funded entirely from mining royalties on Aboriginal land.

In the case of the Nabalco bauxite operation, it has been estimated that after all the fine print in the contract has been read, royalties accruing to Aboriginals work out at approximately one half of 1% of net profit. The Swiss consortium gets 70%. And by no means all of the remaining 29.5% stays in Australia either. Some of the critics in the Northern Territory who are screaming loudest about Aboriginals demanding reasonable royalties should wake up to themselves and realise that if Aboriginals do get a reasonable return from mining, that money will not only stay in Australia but right here in the Territory where it is most needed, and we are certainly going to need a healthy injection of revenue to keep this place afloat. The most vocal critics however are obviously more interested in feathering their own nests than seeing the Territory progress.

The Northern Land Council has made objections to several aspects of the Crown Lands Bill. I will mention two of these objections of which I believe this Assembly should take note. In this bill, section 6, subsection (2) says:

Section 24 of the Principal Ordinance is amended by adding the following sub-sections:

..."2. Subject to sub-section (3), in any lease under this Ordinance a reservation in favour of the Aboriginal inhabitants of the Northern Territory shall be read as a reservation permitting the Aboriginal inhabitants of the Northern Territory who in accordance with Aboriginal tradition are entitled to inhabit the leased land -

(a) to enter and be on leased land;

(b) to take and use the natural waters and springs on the leased land;

(c) subject to any other law in force in the Northern Territory, to take or kill for food or for ceremonial purposes animals ferae naturae on the leased land ..."

and it goes on to say that Aboriginal inhabitants may also take vegetable matter growing naturally on the leased land.

This bill would, on the surface, make it appear that Aboriginals are free to hunt and forage on leased land without harassment from people holding leases, but in fact it does no such thing. With regard to the use of natural waters, Justice Woodward has stated more eloquently than I can - and I quote:

In saying that the rights of Aborigines should be brought up to date, I have in mind particularly the present limitation to 'natural waters' of the reservation in the pastoral lease. In many areas the sinking of bores has resulted in a substantial lowering of the water table and, consequently, waters which were once readily available to Aboriginal people, either on the surface or with some digging, are now beyond their reach. For this reason it seems to me appropriate that, for any normal requirements of drinking, cooking or washing, Aborigines should be entitled to make use of bore waters, provided they comply with any reasonable requirements of the pastoral lessee concerning such use.

I see no valid reason why what Woodward has said should not be incorporated in this bill. I might add also that Woodward apparently failed to note that even if the sinking of bores did not lower the water table sufficiently to dry up all the natural waters, many of the remaining holes are so muddied and fouled by cattle using them that they are filthy and unfit for human consumption. It is imperative that Aborigines should, provided they comply with any reasonable requirements of the lessee, be permitted to draw water from bores.

I raise an objection also to the right to hunt and forage being confined to:

...the Aboriginal inhabitants of the Northern Territory who in accordance with Aboriginal tradition are entitled to inhabit the leased land.

Before elaborating on this aspect, I would like to comment on another aspect or rather the omission of it from this bill. This is a most important aspect and one which ties in with the previous section concerning the class of Aboriginals who may hunt and forage on leased land. Section 112 of the Crown Lands Ordinance 1931-1973 says:

The Governor-General may grant to any Aboriginal native, or the descendant of any Aboriginal native, a lease of any Crown lands, not exceeding 160 acres in area, for any term of years upon such terms and conditions as he thinks fit.

It is my belief that section 112 of the Crown Lands Ordinance should be included in this bill.

The Majority Party is seeking to take away the right to make a "needs claim". The excuse for doing this is that Aboriginals can now make their claims under the Land Rights Act. However, the Land Rights Act only allows claims over vacant crown land by Aboriginals who can prove traditional ownership. On many cattle stations there are multi-tribal and multi-lingual Aboriginal groups who have lived for as long as a century on the station as dispossessed people. What is to happen to those people now? There is no way possible that they can prove traditional ownership to the land on which they and generations of their forebears have lived for so many years, because it just is not their country by tradition, although it has now become so by tacit acceptance of their presence by the few, if any, of the traditional owners who are still residing on the property.

Further, although many generations of them have lived and died on the place, they can in fact be legally prevented from hunting and foraging on this land because the law says that only Aboriginals "who in accordance with Aboriginal tradition are entitled to inhabit the leased land". It should be obvious that it would be an injustice if Aboriginal people who have lived a lifetime on a particular station property are unable to hunt in a traditional way on that property during gatherings for ceremonial reasons or to supplement their diet when the stock season is finished and they are forced to sit down until the next seasonal employment begins, simply on the grounds that the place on which they are living is not traditional land.

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

Mr ISAACS (Opposition Leader): Mr Speaker, I move an extension of time for the honourable member.

Motion agreed to.

Mr DOOLAN: Thank you, Mr Speaker. I am almost finished.

On Victoria River Downs, for example, there is such a group of dispossessed people. They are more fortunate than most, as they have been permitted by the Hooker Pastoral Company to sub-lease a fair sized block on a very precarious type of tenure, which at this point of time expires in 1988. The Hooker Company, I might add, did not agree to this because of any spirit of altruism but rather because Hooker Real Estate was losing a fortune through adverse publicity following the walk off by all their Aboriginal employees in March 1972, and the consequent nation-wide media coverage which highlighted the shocking living standards and conditions under which those unfortunate people had been forced to exist.

The area around the main station is country traditionally owned by the Ngaringman people. Over a period of 100 years or so, the remnants of the surviving Ngaringman group have been joined by the Ngaliwuru, Karangburu, Mudbra, a few Gurindji and an odd Walpiri and Djamindjung. They number over two hundred people during the wet season. I cannot see - and I am sure that they cannot see - any reason why the rest of the groups should not go hunting with the Ngaringman who are the only traditional owners.

I believe that something should be added to include people who have been forced by circumstances to adopt a station as their home, instead of just leaving the words "Aboriginal inhabitants of the Northern Territory who in accordance with Aboriginal tradition are entitled to inhabit the leased land". From a practical point of view, I might also suggest that a pastoralist would have his work cut out finding out which Aboriginals in the group of 200 odd could legally hunt and forage on the land, unless he did a muster and wacked a brand on the Ngaringman mob. Victoria River Downs is by no means unique in having a multi-tribal group of Aboriginal people, many of them out of their own traditional country.

I believe this bill should be amended so that the Aboriginals are entitled to freely use station bores provided they comply with any reasonable requirements of the pastoral lessee and to include Aboriginals who are long-term residents on a property as those entitled to hunt and forage on that property.

Mr PERRON (Finance and Planning): In considering the bills we would do well to reflect for a moment on the efforts of others in the past in the area of Aboriginal land rights and the constitutional rights of all Territorians. When the federal Labor government introduced the Aboriginal Land Rights (Northern Territory) Bill without any reference to this Assembly, the Majority Party at the time protested strongly. The bill totally exluded any role for this Legislative Assembly and automatically closed the seas adjacent to Aboriginal land for two kilometres. This proposal was strange indeed coming from the government which shortly before had created a fully elected Assembly to institute legislation for the law, order and good government of the Northern Territory. Our protest fell on deaf ears but fortunately before the legislation was processed that government was removed from office.

The Liberal and National Country Party government promply introduced a bill, substantially the same Aboriginal Land Rights (Northern Territory) Bill. The introduction of this bill into parliament raised a storm of controversy. In protest 15 members of the Majority Party in the Territory descended on Canberra at their own expense. The message given to our federal counterparts on that occasion was that legislation on state-type matters that affect only Territorians is rightly the function of this Assembly, not the federal parliament. Our efforts on that occasion were not completely without success. During committee stages, a Northern Territory team of Dr Letts, Mr Tambling and Mr Withnall were successful in having a number of amendments passed. The principal effect of those amendments was to provide that the Northern Territory Legislative Assembly would pass complementary legislation for the protection of sacred sites, the control of seas adjacent to

Aboriginal land, entry to Aboriginal land and other areas related to wildlife. That complementary legislation is now before us and due credit should be accorded to those responsible, in particular Dr Goff Letts whose foresight and dedication to black and white Territorians is yet to be recognised.

The two most controversial aspects of the bills are the entry onto Aboriginal land by other than the traditional owners and the closure of the seas adjacent to Aboriginal land. The system of administering the issue of permits proposed in the bill is innovative, although delicate, and the responsibility for its success rests largely on the Aboriginal land councils. Provided the advantage is taken of the opportunity to issue restricted permits to tourist operators and the formalising of arrangements whereby the public has continous access to particular areas on Aboriginal land for recreation, much of the public disquiet about Aboriginal land rights will no doubt be removed. There is no doubt that the permit system can work but only with understanding and cooperation between those involved. I hope that understanding exists.

After listening this morning to the speech given on these bills by the honourable member for MacDonnell, it seems clear to me that he does not have this understanding - the understanding that is required to make this system work - and I do not believe he has the goodwill. The honourable member for MacDonnell has demonstrated by his speech ...

Mr ISAACS (Opposition Leader): A point of order, Mr Speaker! I believe the honourable member reflected on the member for MacDonnell. That is contrary to Standing Orders and he ought to withdraw it.

Mr Everingham: The honourable member for MacDonnell called me just about everything he could think of.

Mr SPEAKER: The honourable member for MacDonnell has not objected, so there is no point of order.

Mr PERRON: ... and his general attitude in this Assembly in the past that he has some sort of enormous chip on his shoulder.

I suggest to him that he bears in mind legislation before this House should enshrine conditions equitable to all Territorians. We all have an equal right to be here, irrespective of the colour of our skins. To control the seas within two kilometres of the coast is a particularly sensitive matter for Territorians. I believe that many non-Aboriginals have a basic appreciation of the traditional Aboriginal's attachment to land and a respect for the view that their traditional life style and belief should be protected.

The translation of that situation from the land to the sea, however, is a more difficult matter. I have yet to be convinced that the presence of boats either stationary or passing near Aboriginal land is detrimental to Aboriginals. If anyone supposes that amateur or professional fishermen or other boating enthusiasts can be barred from entering vast stretches of our coastline, they are very wrong. Let us face it - one can hardly harm or deface the sea. You cannot cart it away with you or dig holes in it or burn it. You cannot really disturb it in any way.

The only situation where I can accept that an area of sea should be closed to non-Aboriginals is to protect traditional fishing grounds. There are no doubt many places around the Northern Territory coast, particularly near settlements, which would qualify for closure on these grounds. The Aboriginal Land Bill lays down a procedure for this to be done through the Executive Council. Even where the seas are closed in this manner, I do not believe that any vessel should be prevented

from traversing the area. To do so would be seen by the public as unfair and unreasonable. Such a situation could do considerable harm to the good relationships which might otherwise be built up.

The bills generally allow for flexible arrangements to be made in most situations relating to entry, protection, control of seas and administration of Aboriginal land. Some people will probably suggest that the provisions are too flexible. I do not agree. In areas of such sensitivity where no two situations would be the same, where dozens of groups of traditional owners will have their own authority, attitudes and beliefs, where the various land councils will also have their own powers, attitudes and beliefs, it should be patently clear that legislative provisions have to be very flexible or they will never work.

Mr Speaker, there has obviously been a great deal of work put into these ten bills and also into the honourable Majority Leader's speech and I commend those officers who are responsible for this work.

I support the bills.

Debate adjourned.

ELECTRICITY COMMISSION BILL
(Serial 67)

Continued from 9 March 1978

Mr ISAACS (Opposition Leader): The Executive Member for Finance and Planning outlined the findings of the McKay report which lead up to the establishment of the Electricity Commission. The executive member set out the various preconditions that the Assembly made in 1976 for the acceptance or otherwise of the Electricity Commission.

You will recall the fuss that went on at the time when the federal government offered the collection of finance for the electricity supply system to the Assembly. It was rejected and the reasons given by the executive member then, and now, were as follows: Firstly, that there was no acceptable agreement on, nor a proper assessment of, the financial implications of the transfer. Secondly, the control of the operational aspects of generation and distribution of electricity were denied to this Assembly.

Now it is quite true that the second of those conditions - that is, the control of the operational aspects of generation and distribution - are now being given to the Assembly and I wonder - certainly there is a significant doubt in my mind - whether or not the Majority Party and the executive are fully aware of the financial implications of the transfer.

Certainly, if one believes the statements of the Majority Leader - they are type-written statements, handed out to us all, so they are in black and white and on record - that even to this date, we do not have a full knowledge of what the arrangements are to be for the business undertakings of the electricity supply system. Having said that - and also I must say that I have a number of questions on notice to the Executive Member for Finance and Planning, seeking information about assets and other financial aspects of the electricity supply undertaking which remain unanswered - I can only assume that even to this date, on the recorded statements of the Majority Leader and the unrecorded answers of the Executive Member for Finance and Planning, we still really do not have full knowledge of the electricity supply system. It would seem to me that reasons which were certainly sound in 1976 according to them - and as I read the speech of the honourable mem-

ber introducing this bill at the last sittings, were valid then - seem now to have not quite that validity. But I would be pleased if the executive member in his reply might clarify this for the Assembly, either by tabling the material or giving us in his own words the financial position of the undertaking. We know in very vague terms what the operation loss will be and we know in very vague terms some figure about the state of the assets. Nothing else, nothing clear, certainly nothing that you would call a balance sheet or an establishment of assets and liabilities of the system. I think it is important for everybody that such details are available. If they are available to the Majority Party, I would be pleased if they would give us those very same details.

Other matters which the executive member referred to in his speech on the McKay report seem to carry on to his statement at the last sittings. They are preconditions which must be met, so that improvements in the system can follow. He said that one had to have total management in the one controlling body and nobody would disagree with that. He said it should be independent, and I will come to that in a moment. He said ...

Mr Everingham: Fourth division officers ...

Mr ISAACS: Well, I am just merely quoting your colleague. He said the assets of the Electricity Supply Undertaking had to be transferred, and there cannot be any argument about that - although one wonders just what the value of those assets is and whether the executive has that information. If they do, I would ask them to give it to us. He said the responsibility for planning and coordinating supply certainly has to go part-and-parcel with the whole operation and it has to be applied on sound commercial principles. That is only something we can determine having assessed its progress over a period of time. But certainly nobody could argue about those prescriptions.

I want to come to the question of the independence of the commission and I must say that we are not assisted by the remarks of the executive member himself. It seemed to me that the executive member was seeking to have a "bob" each way, if that expression is still in vogue. He said - and this is from the debate at the last sittings:

> *I can assure honourable members that my executive has had a long, hard look at this recommendation by Mr McKay ...*

That is the one of independence -

> *and finally decided that the McKay recommendation in this regard should be implemented. However, investigations into the procedures necessary to start the commission independently revealed that this could not be done within the existing arrangements covering staff transfers from the Commonwealth.*

There is no argument about that; that is perfectly correct.

> *Additionally, there remains some opposition to staffing the commission independently. Consequently, honourable members will note that clause 4(5) of the bill places the staff of the commission under the Northern Territory Public Service.*

Then comes the part, I say, which causes some doubt - certainly in my mind and I am certain in the minds of future members of the commission.

> *Whilst it is still proposed to negotiate and find ways to give the commission autonomy in staffing matters after it has been established, the interim period*

under the Northern Territory Public Service Ordinance will provide a valuable test of the flexibility within the Northern Territory Public Service.

Then he indulges in a bit of delusion.

Unlike systems which exist under the Commonwealth and in the states, a young public service is not a monolithic self-seeking body which aims to centralise authority but a modern, up-to-date organisation capable of responding to day-to-day challenges.

Well, I am not quite sure which world the honourable member is referring to; I am not certain that it refers to the real world that I exist in. So as I say, it gives cause for very grave doubt. Is the commission going to be independent or is it not? I believe, future employees of the Electricity Commissioner, as the Majority Party wishes to call it, must have grave doubts as to what is going to happen.

Mr Robertson: Let us have a look first.

Mr ISAACS: Solomon will deliver his judgment if we will only wait.

We have already seen a senior officer of the Department of Construction, an associate director of the department who was previously in control of electrical matters in the Department of Construction, resign. It is most distressing when that sort of thing happens. A person of that experience in the Northern Territory, I would think, would be a person of great assistance to a future electricity commission. We have lost that person. As I say he would have been of great benefit to the Northern Territory. It seems to me that we are in a position where we have to make up our minds what is going to happen and frankly I think we just have to be a bit determined. If we believe the Electricity Commission ought to be independent, then so be it - and, for the benefit of my colleague opposite, I certainly believe the Electricity Commission ought to be independent.

I know this is going to cause some concern amongst a number of unions and particularly the two public service unions, and I do not seek to be unkind to those two organisations, but it does not seem to me that the argument they put forward against the autonomy and independence of the Electricity Commission frankly holds water. I say that simply because I have spoken to officers of both the Clerical Officers' Association and the Fourth Division Officers' Association, as indeed my colleague the member for Sanderson has as well. I have also spoken to officers of the various other unions involved - not just the blue collar unions but the professional associations as well - and there is no doubt, as they see their position, as workers in that commission being able to make a contribution to the Northern Territory's electricity supply undertakings, they would be better served and the Territory would be better served by an independent Electricity Commission. And I make it quite clear that that is also the view of the Labor Party.

Saying that, I would seek a similar complete undertaking from the executive member. On this occasion, he is waffling all over the place, on the one hand accepting the determination of the McKay report and then, on the other, saying "Well, let us just see how it goes". One can see the power plays at hand here. On the one hand those people who desire a monolithic public service looking for members hell west and crooked and on the other hand those people ...

Mr Everingham: You are talking about Bill West.

Mr ISAACS: No, I am not. I believe, for example, the interim Electricity Commissioner himself - although I have not had this from his mouth, I would suggest

this - would desire to have an efficient, independent organisation running our electricity supply. The McKay committee, an expert panel of people, looked into the matter and without hesitation recommended it. The Majority Party with some hestitation, it seems, takes it up and then allows it to drop. Future employees of the Electricity Commission and those people currently trying to operate the interim Electricity Commission would seek a similar definite undertaking from the Majority Party that the Electricity Commission would be independent.

Mr Robertson: Did you undertake to the House that you will actually move amendments.

Mr ISAACS: There is another matter which I want to raise in relation to the bills which we have before us and I will then turn to a number of individual sections. The commission is to consist of a full-time chairman and two part-time chairmen. If anybody reads the Star newspaper - I do not know whether it has appeared in the NT News as yet - there has been an advertisement for part-time electricity commissioners. I must admit that if anybody was of a mind to be a part-time electricity commissioner, they would not have been too excited by the offer being put in the newspaper. It said very little of the obligations of a part-time electricity commissioner. It did not indicate whether he was to be paid or just how often members of the commission would meet. It gave absolutely no information to encourage people to apply for these positions. I would ask the Executive Member for Finance and Planning to apply his mind - if he can bother himself and stop talking to his Majority Leader and just listen to what I am saying - to this matter of ensuring that, if people are going to be invited to apply for a job, they are told what it is.

I would also like to indicate to the Assembly that I believe, given the wide powers and functions which the Electricity Commissioner is going to be given - and I applaud those wide powers and functions - that they should give consideration to calling the commission not an electricity commission but an energy commission. I believe the problems which we are going to face in future, of supplying energy to the Northern Territory, is of great significance. It is obviously going to be a very great problem. If we have a body that has the expertise to look into the matters of electricity supply, it may also be able to get the expertise to look into alternative sources. There are other ways of supplying energy which are not electrical. Therefore, an appropriate name for the commission is not "electricity commission" but "energy commission". I would ask the executive member to look at that, to see if he could agree to calling it an energy commission.

I would also like to see the commission expanded to include a representative elected by the employees of the commission. I do not believe a commission of three is appropriate and I believe the number of people on the commission ought to be expanded. I believe a place ought to be found for somebody who is elected by his fellow workers to be on the board of the commission.

In turning to the specific provisions of the bill, I would like to look at clause 9. This is a provision which has caused us concern in the past and indeed it is an area of interest to people acting on the commission. It is a problem, of course, that we are going to discuss with relation to ourselves, I presume, next week. I must admit that it does give me some concern when I read the provisions in clause 9 regarding people declaring their interest. I have always felt that there is a lot of nonsense talked about people declaring their interests on these various public boards.

Frankly, given the experience I have had on one such public authority, I am unimpressed with the manner in which these declarations of interest are, in prac-

tice, executed - most unimpressed. Indeed, I believe there is just as much influence exerted by those people with interest in matters by declaring their interest as if they sat there and argued anyway - because we all know that a lot of the business of these sorts of boards and authorities is not discussed at their meetings anyway. Very often it is discussed at such magnificent places as the Darwin Club and other excellent places, where the atmosphere is conducive to making very good decisions. So, as I say, I am unimpressed with the manner in which the interest provisions of ordinances which cover public authorities are executed in practice. I believe, when people are putting themselves forward for these positions, if they have an interest which is out of the ordinary, they should not be appointed.

Now obviously, we all have an interest in the electricity supply and, if by some ridiculous quirk, I was appointed to one of these authorities - which, of course, could not happen ...

Mr Robertson: How did you guess.

Mr ISAACS: I have the wisdom of Solomon at times, and the intuition of that worthy gentleman as well.

The fact is I have an interest in common with everybody else in having electricity supplied to my establishment but if people have a specific interest, either because they will be thinking of contracting to the commission or any other way, I do not believe those people ought to be allowed to be on the commission. I do not think it is good enough for people merely to say, "I have an interest in this. I am tendering". Hush hush, wink wink, or nod nod and they then leave the room. I am most unimpressed in my own experience with the way these matters are dealt with in practice and would hope that, when the executive does appoint part-time chairmen, they appoint them with those remarks I have made in mind.

I would also like to refer the executive member to the provision dealing with the definitions - in particular the definition of an "inspector". By definition, "inspector" means an "electrical inspector appointed under this ordinance". That tells you a great deal. If you look at clause 27, you find where the electrical inspector comes in. It says:

(1) The Commission may appoint an employee to be an electrical inspector.

(2) A person appointed under this section shall be issued with an indentification card by the Commission in the form approved by the Commission.

The problem of that definition of an electrical inspector is that there is no requirement for him to be a licensed electrician. It seems to me, unless I can be convinced by the executive member to the contrary, that that would have been an important requirement. I do not think it is a particularly good idea if a clerk who has no experience or qualification in electrical work carries out the functions of an electrical inspector. If there is a suitable answer to that, I would certainly like to hear it. If there is not one and the executive member takes my point, I would very much like to see that matter attended to in the committee stages.

There is also a strange reference in clause 26 of the bill in relation to audit. In the administrative arrangements tabled by the Majority Leader at the last sittings, we notice there is an office of auditor-general coming under the Majority Leader's functions. I am intrigued, therefore, that clause 26 merely reads as follows:

The Executive Member shall appoint an auditor to inspect and audit the

accounts and records of financial transactions of the Commission, and inspect other records relating to the assets of the Commission.

I do not know whether that is an attempt by the executive member to provide Darwin businesses with work or whether or not it is just a standard way of saying that the Auditor-General shall audit the books. I would have thought, if we are going to have an auditor-general, then we might as well use him or her - whoever happens to be the Auditor-General.

Mrs Lawrie: Nothing wrong with that, boy!

Mr ISAACS: I did not comment on that; I reflected on it. I added it in to make sure that people realise that it could be a male or a female.

I would like to hear from the executive member whether or not clause 26 means that it is the Auditor-General or whether or not we can expect the Electricity Commission to have its own auditor, a public auditor here in the Northern Territory or elsewhere. I would like some clarification on that point.

I would also like to turn to clause 34 which deals with the question of bylaws. I must admit it is certainly more preferable having this one bill which covers the whole operation of the electricity supply undertaking than having to leaf through the Supply of Services Ordinance and then to the Electricity Regulations made under that ordinance. I refer members to clause 34(2):

The by-laws may adopt any standard code or procedure laid down by the Standards Association of Australia or any other authority approved by the Commission in relation to the construction, maintenance or operation of plant and machinery ...

It seems to me a watering down of the current provisions. I refer members to section 18 of the first schedule to the Electricity Supply Regulations of the Supply of Services Ordinance - and I dare the executive member to get that mouthful out. Section 18 says:

Every installation to be connected to the electricity supply should comply with the latest edition of the wiring rules published by the Standards Association of Australia, wiring rules part 1, wiring methods and with these regulations.

The point I am making is simply this. In the bill, it seems that the commission has a choice. It may adopt any standard code or procedure. It seems to me that does fall far short of the statement in section 18 of the first schedule of the current Electricity Supply Regulations where there seems to me to be a compulsion - and certainly, I do not think anybody would argue with it - to comply with the Standards Association of Australia wiring rules.

Again I would seek from the executive member whether or not the word "may" in this case is imperative and really means "shall", or whether or not there is an option - because, if there is an option, I would like to see that option closed. I would like to see minimum standards established in accordance with the Standards Association of Australia wiring rules.

I would like to comment now on two matters I see arising out of the passing of such a bill. First of all, could I simply say that the Opposition welcomes the formation of a single unit which is going to regulate the whole process of the distribution of the electricity supply. Certainly, the situation we have at the moment, where the operations part is under one head and the building part is

under another, is hopelessly unhelpful to the rational supply of services in the Northern Territory. We support the appointment of a single commission. We support the establishment of an independent commission. But there are two points that I want to reflect on.

One is the question of the name. I think it is appropriate that it be called "energy commission". If members look at the powers and functions established in the bill, I think they will see that the Electricity Commission is going to have very wide powers. One thing I would very much like to see taken up - and I must applaud the honourable member for Sanderson in his regard - is the question of seeking assistance in Western Australia to use the fantastic Ord River Scheme for the supply of hydro-electric power.

Mr Tuxworth: Don't you listen to the news.

Mr ISAACS: I certainly listen to the news and I am absolutely delighted that the Electricity Commissioner, Mr Dryer, should take up the point made by the honourable member for Sanderson prior to the week-end. I have not yet heard any comment from you people. I do not know whether you agree or disagree, but certainly the Electricity Commissioner noted with approval the comments of the honourable member for Sanderson.

When you think about it, of course, it makes a great deal of sense. I am not quite sure how much the proposal for East Arm power station is going to cost - the Executive Member for Finance and Planning still does not know what has happened to the environmental impact statement on it - but the latest figures suggest something in the area of $180m to $200m. That is just to set it up. And then, of course, we have the cost of running it after that. The simple fact of hydro-electric installations are that, as has been pointed out by the honourable member for Sanderson, you certainly pay for the installation but the fuel is free. It is water. So you are saving a great deal.

The other thing I am sure a number of honourable members here would approve of - and certainly you, Mr Speaker - is that the installation of the wires which would have to be brought from the Ord River to Darwin and Katherine would develop the country right through that area. It would bring cheaper electricity or more accessible electricity to all those stations. It would employ people. It would certainly develop that part of the country. It would also need great cooperation with the Western Australia government. We could develop that area and use a facility which is, at the moment, going to waste - $100m worth of established dam and two farmers. Certainly it would be using that asset to very great advantage. So I commend the honourable member for Sanderson and the remarks she made, and hope the commission can see its way clear after feasibility studies to ensure that that goes ahead.

The other area I want to comment on in discussing the establishment of this new body is the question of industrial relations. Some people might think I have split the union movement in some way by saying that we want it to be an independent authority and, of course, that does cut across the views of two public service unions. But I do not believe it would cause a great deal of industrial disharmony. I believe that, if a decision is made and people know what the facts are and what the situation is, they can then come to live it. I do not believe any of the rights of Northern Territory public servants in either of those two organisations - the ACOA or the Fourth Division Officers' Association - are going to be affected one jot by the commission becoming independent. I am sure, if they could be convinced of that by a definite policy decision by the executive, then they would be able to get that issue off their minds and go about looking after their members.

The area of industrial relations which concerns me is the question of the benefits dollar which the Public Service Commissioner has spoken about - not in relation to the Electricity Commission in isolation but overall. Certainly an item of correspondence from the Majority Leader to me today indicates that there is some discussion about the benefits dollar. I have spoken to future employees of the Electricity Commission, members in what are commonly known as the blue-collar unions, and they have told me that in discussions they have had the benefits dollar includes the question of staffing. Because the unions have rightly been seeking additional staff to work the power station, to work in the distribution centre, that the management, the Public Service Commissioner's area, regards the question of more people working for the Electricity Commission as part of the benefits dollar. That is, if you want more people, you are going to have to lose something in benefits. To my way of thinking that is an unacceptable equation and I would hope the Northern Territory executive is not contemplating such a deal. I do not believe the question of staffing of the commission relates to the benefits dollar, and I would certainly like to hear an assurance on that point from the Executive Member for Finance and Planning.

The second point in relation to industrial relations is the matter of apprenticeships. Certainly, the McKay report goes on at some length in remarking on the number of apprentices that could be employed in the electricity supply system and the fact that we need tradesmen who know the system and are prepared to stay with it. The number of tradesmen, both electrical and mechanical, that turn over in that electricity supply system is staggering. It is staggering that people who have been there for less than a year find themselves to be leading hand because people just do not stay. Now I am delighted and I welcome the move by the Electricity Commissioner, Mr Dryer, to employ apprentices and I would like to congratulate him or whoever else was responsible for the employment of apprentices.

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

Mrs O'NEIL (Fannie Bay): I move an extension of time for the honourable Leader of the Opposition.

Motion agreed to.

Mr ISAACS: I would like to congratulate the people responsible for the employment of those apprentices.

I believe there is still some doubt on the status of the commission. I would like the Executive Member for Finance and Planning to assure us on this point in his reply - not only for those people currently working in the commission, but also for those people who are going to work in the commission - what the status of the commission will be. I have given an unequivocal undertaking, I believe, about what in my view the position of the Electricity Commission ought to be: that it ought to be independent in mind, in line with the remarks of the McKay report, and that most of the workers should be involved in the industry. I would certainly like to see a similar undertaking from the executive member.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, this Electricity Commission Bill is breaking new ground regarding electricity reticulation in the Northern Territory. The first thing that struck me when I read it was that it was in plain English. I could easily understand it the first time I read it. My compliments to the draftsman of this bill.

I was pleased to see the provision in clause 9, regarding the disclosure of personal interests of members of the Electricity Commission and their families. These interests may affect the chairman or members of the commission. It is of

great interest to the public and I think these provisions are commendable from all points of view.

Now I have some queries. In clause 15(2)(h) relating to contracts with agents to sell electricity - I would like to know if this applies to the situation now in high-rise office blocks and caravan parks which have each site metered. High-rise buildings do not concern me in Tiwi electorate but the caravan parks do. There are at least eight in the Tiwi electorate. The individual metering of sites is done, as I understand, at the caravan park owner's expense and with no profit or mark-up to the owner whatsoever. It is the only fair system as the caravan owner only has to pay for what electricity he or she uses. I have been told of a case in one caravan park where meters are used, that the bill for one caravan in one fortnight was 82¢ and for another $25.00.

While we are on this subject of caravan parks I hope that sympathetic consideration can be given to their only having to pay domestic rates, not industrial rates. Everyone in the caravan park, the van occupiers and even the owner, no matter whatever house the owner lives in - whether it is a house, a van or a shed or whatever - all are living in domestic situations using stoves, air-conditioners, jugs, toasters and fridges, etc. I think it highly unlikely to find many drills or welders or other industrial equipment in a caravan, let alone being used.

On page 11 - I cannot remember the clause and I do not have the bill now - I was pleased to see the conditions imposed on entry onto land and into premises. How many times have we seen government cars pull up, someone gets out, verbally declares authority to do something, then expects the landholder or householder to offer no objection.

I feel clause 16 (1)(b) is far too wide and should be limited to 5 or 7.5 kva generators. As it is written now, it can apply to any and every motor vehicle in the Northern Territory, which all generate electricity. Nor does it exclude any generation of static electricity so it has wide ranging provisions at present; it includes inspection of my wardrobe to check on my nylon petticoats which generate static electricity in dry weather.

In clause 17, on page 11, it can be assumed that no town bylaws are contravened.

Clause 18(1) and (3) on page 13 does not seem to me to be equitable. On the one hand the commission does not have to pay municipal rates, charges or taxes on a block of land but if that same block of land is let or leased to a person, that person then has to pay rates, charges or taxes. The land is still the same block of land; there are still the same amenities to be enjoyed for the same tax paid on this same block of land. So I fail to see why there is such a difference made between the two occupiers.

In clause 21(a), it does not seem clear to me that the chairman will be paid as per clause (5)(a).

From clause 26 it could be argued that the auditor can only ask a member and not the chairman for information.

On clause 28, I voice the same views as to clause 16 regarding 5 and 7.5 kva generators, motor vehicles and petticoats. Also on clause 30.

In clause 39, I find the assumption that any funny business going on in a meter box is caused only by the consumer to be probably but definitely not the only view that could be taken. It assumes that the consumer is guilty until proved innocent.

Finally, might I express the hope that with the operation of the Electricity Commission, we may finally have 240 volt power restored to our lines in the rural area. Out our way, our lines have been tested down to as low as 180 volts. In support of the honourable member for Sanderson who is also an elector in the Tiwi electorate, I also hope to have what little power we have at times in a little more continuous supply.

Ms D'ROZARIO (Sanderson): Mr Speaker, I would just like to make a few remarks about the bill that we presently have under consideration. In principle, I support the concept that there should be one independent Electricity Commission and the single most beneficial advantage that is likely to accrue to the Northern Territory from the passage of this bill is that the generation, supply and sale of electricity will be coordinated under the one roof.

I agree with the honourable sponsor of the bill that it was difficult to identify deficiencies in programming and administration when the responsibility for construction, maintenance, operation, supply and administration was split between different departments who were working with different ministers, within different departmental budget constraints. However, there are a few points I would like to clear up, either at this stage of in the committee stage. One such point which I think is of some substance and which has already been referred to by the honourable Leader of the Opposition is the matter of staffing the commission.

The honourable sponsor of the bill seemed to be treading on a plate of eggs when he raised this matter in his second-reading speech. He said to us that the executive had decided that the staffing of the commission should be outside the public service. He reminded us of a statement in the McKay report which indicated that inbuilt constraints in the public service would prevent rapid responses to changes in economic trends because public service methods are not generally geared towards day-to-day commercial operations. He went on to say that the executive had actually accepted this recommendation that the commission would not be part of the public service.

Mr Speaker, we of the Opposition believe that that decision is the correct one. The staff of the commission, in my opinion, should certainly be external to the public service. But then came my big disappointment. Having told the House that the executive had decided to accept that recommendation relating to staffing, we were then informed that the honourable sponsor had struck a few technical and procedural snags, and that this bill and a cognate one would actually place the staff of the commission under the Northern Territory Public Service.

Now presumably, because of the implied question on the ability of the public service to respond to day-to-day changes in commercial conditions, the honourable executive member claims that the interim period under the Northern Territory Public Service will provide an excellent experimental situation, to test the flexibility of that service. Well, it might do that, Mr Speaker, but he claims even more for the Northern Territory Public Service and I quote, "a young public service is not a monolithic self-seeking body" - I have to be convinced of that - "which aims to centralise authority but a modern up-to-date organisation capable" - I stress, capable - "of responding to day-to-day challenges". I am at a loss to understand what exactly the honourable deputy leader of the Majority Party really does think about the Northern Territory Public Service. Can it respond to such changes or can't it?

Well, I will not pussyfoot around this question. I believe the staff of the commission should be independent of the public service and I sincerely hope the honourable sponsor will take such steps that are necessary to ensure that this actually occurs. It is very easy to allow the situation to be sustained, once action has

been taken to entrench it by legislation and I hope the inconvenience that might later be caused in transferring staff out of the commission into a new independent body will not stymie this recommendation of the McKay report.

Like the Leader of the Opposition, I would have preferred to see this commission entitled the Northern Territory Energy Commission, rather than the Electricity Commission. If the commission were so titled, its powers and functions could be extended to enable it to investigate the feasibility of using other forms of energy, such as solar energy, tidal energy and wind energy and forms of energy that can be generated from the break-down of organic material.

Whilst I am speaking about the powers and functions of the commission as written in this bill, I would like to add a few remarks about the way they currently appear in clauses 14 and 15. I think there are possible constraints within the wording of these clauses which could militate against the economic supply of electricity in the Northern Territory. Clause 14, paragraph (b) states that the functions of the commission are to "plan and coordinate the generation and supply of electricity in the Northern Territory" and clause 15(2)(a) gives the commission a specific power to "generate electricity in the Northern Territory". The words in those two clauses could restrict the commission's activities unnecessarily to the Northern Territory, to the detriment of consumers in the Northern Territory.

It came as a source of some mild amusement apparently to the honourable Executive Member for Finance and Planning to have it recorded here by the Leader of the Opposition that I had made a statement to the press last week suggesting that the Top End of the Northern Territory could be supplied with electricity more economically than it is at present if hydro-electric power were available from the Ord River region. In that statement, Mr Speaker, I called on the interim commissioner to initiate investigations into the feasibility of this source of supply.

The advantage of this supply is quite obvious. It would remove our reliance on fossil fuel for the generation of electricity. I trust the honourable member for Port Darwin does not consider that too inconsequential a point. As I see it, Mr Speaker, as long as the generation of electricity is dependent upon supplies of fossil fuel at reasonable prices, we can expect the cost of generation and supply to continue to escalate.

I was gratified to hear, despite the jibes of the honourable Executive Member for Finance and Planning, in this morning's ABC news broadcast that the interim commissioner is investigating the feasibility of supplying the Darwin region from the proposed hydro-electric plant in the Ord River region. I certainly assure members of this House that the interim commissioner and I were not in any sprint and it is certainly not a question of beating each other at the starter's gun. If the honourable sponsor of the bill can keep up with the last runner, he will be doing very well. The interim commissioner went even further. He said he was looking at all sorts of locations within transmitting distance of Darwin.

However, I think the wording in clauses 14 and 15 could prevent the commission from availing itself of this source of supply, if indeed such a scheme proved workable. The reason for my saying all this is simply that I wish to foreshadow that I intend to introduce an amendment in the committee stages, as the interim commissioner and I seem to be on the same wave length, even if the honourable sponsor finds that amusing.

I notice that the bill, in clause 15(2)(c), does not give the commission power to determine electricity tariffs. This power is reserved to the Executive Council. The honourable sponsor, in his second-reading speech hastened to say that the reservation of this power to the Executive Council is not intended as a slur upon the

commission's ability to determine equitable tariff structures. Well, I hope the Executive Council will have some regard to the advice and expertise that will be available within the commission in coming to its decisions on tariffs. For if the commission is to have all electricity operations under one roof and it is going to rationalise the generation, supply, operation and administration of the electricity supply in the Northern Territory, I believe it will be the organisation best able to identify the relationships between capital and operating costs and between the costs of production and the tariff that should be levied on consumers. The honourable sponsor, however, indicated that in determining tariffs the factors I have just mentioned may not necessarily be the determinants of tariffs. He said - and I quote from Hansard of 9 March:

> *... electricity tariffs are an integral part of a much larger global economic structure - and when I say global, I mean the Northern Territory economic structure. Consequently, the determination of tariffs must rest with the executive government of the Territory and in the context of the total economic situation.*

Now, Mr Speaker, those words and the recent announcements of substantial increases in electricity charges lead me to the interpretation that what the honourable sponsor meant was that charges would be levied not necessarily on the bases of capital and operating costs, or on costs of production, but what is deemed by the executive to be what the consumer can "bear" or on what is thought by the executive to be "comparable charges for similar services paid in other areas". I think that is why he used phrases like global economic structure and total economic situation. By those words, I believe he wants the power to determine tariffs independently of capital and operating costs and costs of production.

Let me remind him of certain words from the McKay report that he himself has used in his second-reading speech:

> *... a public enterprise is bound to seek some sort of relationship between capital and operating costs, between costs of production and the charges that may be levied on the individual consumer. It does not necessarily mean the raising of charges to a level where production and recovery break even. Rather, in a properly managed enterprise, it should result in the lowering of costs of production through the efficient management of available resources and manpower, and adequate funding for long-range planning.*

Well, Mr Speaker, I certainly hope the setting up of this commission will have some of those results because if charges are going to be levied on the basis of what consumers can bear or on comparable charges for services elsewhere, there are a few points I would like to make.

The first is that the recently announced increases in electricity charges which were quite substantial clearly indicated that consumers are becoming less tolerant to being milked simply to swell the executive's coffers.

Mr Robertson: Oh, what rot!

Ms D'ROZARIO: Before the honourable sponsor goes on to observe that people do not like to be taxed anyway, let me say that the charges would have been received with less hostility ...

Mr Robertson: How do you swell coffers if your ...

Mr SPEAKER: Order, order!

Ms D'ROZARIO: ... had consumers noticed an improvement in the standard of service and if the announcement about the increases had been put to them with a deal of honesty.

In causing the new charges to be announced by the minister, while the honourable Executive Member for the Treasury hid behind that gentleman's pinafore, the honourable executive member deliberately attempted to keep from the public the true impact that these charges would have. He did not fool many people, Mr Speaker, even amongst his own supporters.

Here is a short list of some of the organisations that contacted me about some of these charges or wrote to the press about them: the Chamber of Industries - no great supporter of the Australian Labor Party; the Chamber of Commerce - likewise; Alderman Michael Hannan - certainly not a friend of the Labor Party; the Master Builders Association; and a group of people representing hairdressers in this city; and, of course, there was the Labor Opposition.

None of these people were at all assured by the glib statements made by the honourable executive member. This is a sizeable chunk of the business community, yet the honourable executive member claims in a press release on 19 April that the commercial sector had been misled by the Labor Party. Now, Mr Speaker, what is he trying to say? Is he trying to tell us that these people in business have no idea at all of their business costs and have no idea at all how increases in these costs will affect their operations? Is he trying to say that they are easily taken in by statements made by the Labor Party? I should have thought they would be more inclined to believe him. I am not so sure, Mr Speaker, that members of these organisations would be pleased to learn that not only are their tariffs to be increased but also that knowledge of their own business operations is being inpugned by a person who purports to be the treasurer.

Thanks to the efforts of the Labor Opposition, Mr Speaker, I am happy to say that domestic consumers are also becoming more aware of the impact that these new charges will have. Let us forget about the averages that the honourable executive member for the treasury has advertised - presumably at the taxpayers' expense - in the daily press around the city. Let us forget about those averages for a moment, Mr Speaker, because it is quite clear to me that the honourable executive member has only this one very simple arithmetic device at his disposal. In actual fact the impact that these charges will have is, as we say, an increase of 14% and not the 3.69% or whatever it is he gave them ...

Mr Robertson: Rubbish!

Ms D'ROZARIO: ... and that is simply because the average he has computed is an arithmetic average. The average that we have computed - and that consumers have now computed for themselves - makes it very clear that the more appropriate measure would have been the mode.

The second point I would like to make, if tariffs are to be based on charges levied elsewhere is to invite the attention of the honourable executive member to the McKay report, page 40, where that gentleman - and I gather that many of his recommendations have been accepted by the Northern Territory executive - said in respect of this matter:

> *Practically all services and commodities cost more in the Northern Territory than in the more populous parts of Australia and it does not seem valid to claim that electricity should be supplied at prices comparable to those charged in other areas.*

Getting back to the expertise that we all hope will be available within this commission, it is my hope that through sound financial management the commission should be able to ease the burden on consumers by offering such things as cheaper rates for consumption of electricity during off-peak hours. This is a very common reduction in price that is offered in other places and I see no reason why, with a bit of good management, the same could not be offered to Northern Territory consumers. As I have indicated, Mr Speaker, I am not opposed to the Executive Council reserving the power to set tariffs, provided that some advisory and consultative role is allowed in respect of tariff determination to the commission.

In conclusion, I would like to say on a note of optimism that I look forward to seeing a great many changes for the better in the supply and generation of electricity in the Northern Territory.

Mr TUXWORTH (Resources and Health): Mr Speaker, I rise to support the bill because I believe it is introducing into the Northern Territory a much needed concept and a new attitude towards the issue of power generation and energy.

Without going back over too much well-trodden ground, I would like to say that one of the great concerns that was felt in the First Assembly which was elected in 1974 was the fact that all was not well in the Electricity Supply Jndertaking in the Northern Territory and there seemed to be little explanation available to the politicians at the time, who were the people being asked to hike the charges of electricity to defray the losses in that particular unit.

The pressures that went on between the department and the legislature, Mr Speaker, over a period of twelve months eventually resulted in the McKay report which, as we all know well, in a short word told the Northern Territory that it had and was about to inherit a lemon and that perhaps the best thing that could happen to the people of the Northern Territory - because they were the ones who would be paying for the cost of power in the Northern Territory and they would be the ones who would suffer the disadvantages of poor power generation and reticulation - the best thing that could happen to the people would be to inherit and take over full responsibility for the function themselves. The legislature of the day was quite happy to do this, given the broad understandings that were needed from the Commonwealth because there was no likelihood that under our - and I say "our" meaning Northern Territory - supervision the activities and functions of the power generation system could have got worse.

Mr Speaker, as we look around the Northern Territory we can see, for instance in the mining communities a duplication of power houses because of the inbred jealousies of government organisations and the mining companies - a situation that to me is totally unacceptable, very hard to understand and one that cannot be allowed to continue because the whole concept of power generation is one of volume and size. The bigger you get, the cheaper the unit is to the consumer.

Why, in the name of goodness, the government would wish to stand around and see government agencies and private enterprise building two and three power houses in the same community, the same size, to service the same people - I just do not know. But it was allowed to happen and we, the consumers, will be paying for it for some time to come.

Mr Speaker, we are about to embark in the uranium province upon the construction of another mining community and I believe it is time that government and private enterprise got together and determined that there will not be a proliferation of power stations and that, in fact, we will combine our resources to build power houses that will provide the cheapest source of power possible to both the mining and the domestic communities.

In Aboriginal communities, Mr Speaker, we find the situation where the supply of power has been the most restrictive element of development for the progress of Aboriginals in many parts of the Territory, because the power which is the basis of our total lifestyle has not been adequate to provide air-conditioning, heating, water reticulation to maintain sewerage pumps, etc. And while we have in these Aboriginal communities failing and inadequate power services, there is little likelihood and little hope of us as a government - be it state or federal - bringing the total environmental health of the people up to a satisfactory standard. The generation of power is basic to us all and it is time that we accepted the reality of it all and the fact that there is no cheap power anymore.

In the rural areas - and I realise that Darwin has its own rural electricity problems - in the rural areas of the Territory as a whole there has not been a constructive approach by any organisation to provide power. It would seem to me, Mr Speaker, with the cost of power generation and reticulation increasing at the rate it is, that it is high time we were looking at the question of running lines from the major centres with large power houses and cheap forms of generation into the country areas to provide for the people in these areas electricity at a reasonable price.

Just to take my own electorate for a start, we have a power station that turns out 3.5 megawatts which is fine. We have built another power station at Elliott which turns out .5 megawatt and it costs us up to 22¢ a unit to generate the power. In between those two places, we have no less than 27 generators all providing 100% more power on the respective places than they need, because the people running the properties have to have a standby unit. I really believe, Mr Speaker, that the one benefit we should see coming out of a local commission controlled by the local Assembly is this rationalisation that we so desperately need from one end of the Territory to the other.

Also on the question of rural electricity supply, Mr Speaker, I would like to mention the situation at Uluru. We now have a body known as the Australian National Parks and Wildlife Service that believes it has the day-to-day function of running Ayers Rock, the Uluru Park and the Ayers Rock village. On its present performance, I do not think it would be out of place for me to say that I do not think it could organise a row of country dunnies.

Last week they were advertising in the southern press for tenders for the supply of generators - a Canberra department organising generators for Ayers Rock to be run by God only knows whom, because they do not have any staff in the Northern Territory!

Mr Vale: Pedal radio.

Mr TUXWORTH: Who it is to provide power for has not been ascertained; at what cost no one seems to know, particularly the Northern Territory people. This is just another area where it is important that a Northern Territory commission get into the business of providing power to the total community - Aboriginal, town, rural, mining, the whole business - because it is past a joke.

As I have said in this House on a few occasions, Mr Speaker, electricity is the basis of our lifestyle. The other reality that some of us have not come to grips with is that electricity is going to get dearer by the month, not by the year, and it is going to get to a stage shortly, particularly with generation from fossil fuels, that the average man is going to be very hard put to pay his electricity account and to pay his petrol bill for his car. So we as a government - and I believe the honourable members on the other side, as an Opposition - have a responsibility to the community to ensure that we provide for the community the cheapest

form of power possible, or we are all going to go out backwards.

The honourable member for Sanderson, I understand, has made a suggestion that the Ord River be used for the generation of hydro-power and that this be reticulated to the Northern Territory. Six years ago, Mr Speaker, that would have been not a terribly sensible suggestion but in view of the cost of fossil fuels today and the cost of generation, it is a very practical idea. For this very reason, the Electricity Commissioner undertook some months ago to get to work on finding out the reality of providing hydro-power from the Ord River to the Northern Territory, but it is not without its problems.

Up until recent days, the problem of generating power and transmitting it over more than 300 miles was a particularly difficult exercise. However, when they built the Ord River dam and power house, the Western Australians made provisions in the dam for the installation of hydro units, and that is a credit to their foresight.

It just might be our saving grace in the future, Mr Speaker, because with a breakthrough in technology which would enable people to transmit power economically over distances of more than 300 miles, the utilisation of the Ord River scheme would be of great benefit to the Territory.

I commend the honourable member for Sanderson for her attitude towards it. It is constructive and it is not a joke; it is quite sensible. However, it is something that was being done in the course of time and I do not really think there is any point in blowing horns about it.

While I am on my feet, I would like to make the point that before the life of this Assembly is out we will be looking at tidal energy, hydro energy and solar energy put to regular practical everyday use in many communities in the Northern Territory, not because we want to be high-flyers but because we do not have any choice. We cannot afford to do anything else. It is not a matter of politics, Mr Speaker, whether this is a good idea or a bad idea or whether we are here or the Opposition is in these benches. We all have a responsibility to ensure the cheapest possible generation of power that we can get our hands on and we should be working together to that end.

One other thing I believe the commission will bring to the Northern Territory is the concept of electricity being a technology and an expertise and not a bureaucratic department. I think we might look at the Electricity Commission rather in the same light that we would look at TAA or QANTAS whose function is to provide a service for a consumer. Our Electricity Commission has the same function: to provide a service to the consumer at the best possible rate. We cannot do it with a top-heavy bureaucracy because there is not a lot of fat in the game. I commend the bill to honourable members.

Mr DOOLAN (Victoria River): Mr Speaker, the bill seems to be quite adequate and competently drafted but I would just like to make a couple of points, particularly in relation to the constituents in my electorate.

Division 2, functions and powers of the commission, shows that there are very many worthwhile functions that the commission hopes to carry out. Incidentally, for the draftsmen, I think there is an error on page 5. In clause 9 (3) the second last word should read "from" rather than "form". But to go on: the failure to supply electricity to residents of my electorate, particularly those living along and adjacent to the Stuart Highway, needs a good deal of investigation and attention, and it is about time the excuse of the 1974 cyclone as the reason for the non-reticulation of electricity to people living particularly in the Hundreds of

Cavenagh and Strangways was dropped and something positive done to give them power.

I have had representations, by phone calls and visits, from a number of people living just outside the immediate city area, requesting that I try to have something done on their behalf to have electricity connected to their farms and their residences. Despite my efforts to date I cannot remember having any success in even one case. They certainly have not been frivolous or unreasonable requests. Some of my constituents were advised prior to Cyclone Tracy that funds had been allocated for the supply of electricity but, despite repeated requests for connection, many of them have been told the money set aside for this purpose has since been spent on cyclone-devastated town areas. After 3½ years this excuse is starting to wear a little thin.

Most of the people are long-time residents of the Territory. One family that I have known personally for many years, living at the 21-mile, was interviewed by an officer of the Public Utilities Branch and told he considered them to be speculators because they owned two blocks. They said they owned two blocks because they liked a bit of space but that was not acceptable. I know they are long-time residents, but this officer said that as there were only four families occupying eight blocks in the subdivision, electricity reticulation would not be an economic proposition. The other residents of this particular section are all raising families and intend to remain in the place, and the supply of electricity could probably lead to more consumers living in the area. The lady of one family who came to see me and wrote to me also said, "I would respectfully suggest that not all government undertakings necessarily have to be profit-making concerns" and I think she is quite right.

Another resident of that same area wrote a similar letter to me in which he claimed to have been shown a file of September 1974 in which it was noted that the necessary work had been costed and the money was now in allocation. After the cyclone he had been told this money had been spent in Darwin restoration and he would have to wait until it had been replaced, and he is still waiting. My letter to the Executive Member for Finance and Planning on this and related matters elicited the reply that no money had ever been allocated to service the particular section - 309, it is - in the Hundred of Strangways. But at least two of the residents in the section told me that they personally read letters on file which were shown to them in a government office in 1974 stating that $16,000 had already been allocated. Electricity reticulation in this case would entail extending existing power lines a distance of one kilometre. The residents themselves are prepared to erect the poles and one of them is actually an electrical linesman who is pretty competent to do it, I imagine, and has been for many years.

I have also had letters and visits from eight residents of section 363 in the Hundred of Strangways. They have provided me with a copy of an indenture made between them and the Commonwealth of Australia signed 13 May 1976, agreeing to pay 15% of the completed cost of the works. The copy which I have here is signed by Peter David Connelly of block 2, section 363, Hundred of Strangways. That was 13 May 1976 and it was witnessed by a person who is an officer of the Public Utilities Branch of the Department of the Northern Territory.

The letter which I received from the Department of the Northern Territory in answer to my letter on this one at least explained that the cost of power supply had risen from $5,200 at the time of signature of the indenture to $23,000 now, with the usual Tracy and Darwin reconstruction excuse. However, the people are still, to the best of my knowledge, without any electricity supply at all.

There are other people living in the Darwin River area also awaiting power. One resident wrote, "It is pertinent to note that we are subject to the controls imposed for the 40-kilometre radius yet benefits which we would gladly pay for at going rates are denied us out of hand, despite the fact that we have a 22 kv power line 22 yards from our boundary." And that is a fact; I checked it out. He also says, "I understand your busy schedule but it would be greatly appreciated if you could outdo your predecessor and make a visit to this area. Even one visit would be 100% improvement in that respect."

My letter to the Department of the Northern Territory on this one resulted in another stall from the department advising that, because of the considerable demand for electricity to 2.2 hectare subdivisions, these have greater economic potential to the Electricity Supply Division and must rate a higher priority than the larger 8 hectare subdivisions when funding for rural extensions are considered. But the ironic part of this is that the poor blokes on the 2.2 hectare blocks are not getting any electricity anyhow, so we ought to worry about priorities and not what is going to be made out of it.

The most sensible reason, and probably the most correct one, which I was able to find out unofficially from the government people was that a lot of the failure to provide power reticulation to various subdivisions was because of lack of liaison between government departments. Basically, land had been foolishly allocated for subdivisions in areas where power supply was cost prohibitive and would remain so, whilst in other areas where power was readily available, vacant land had not been subdivided. I do not know whether that is correct but it sounds like it has happened and from my own observations it appears that it has been. It is hoped that one of the areas where the Electricity Commission will take a good hard look, and do something about it, is the area of rural subdivisions.

I note also, under functions and powers of the commission, in clause 15 (2)(j), the bill states "to participate in research projects related to electricity". If I might make a suggestion: one of the most urgent matters which the commission could look at is the provision of single-wire earth-return high voltage systems in rural areas. This system which is called the SWER system has been in operation in South Australia and Victoria and probably most other states for many years and has proved highly successful. The Department of the Northern Territory believes that this system does not meet the requirements of three-phase operation, but again one of my constituents, a qualified electrician living in a rural area, believes it to be quite feasible and relatively cheap to both supplier and consumer to operate in rural areas close to Darwin. I suggest, through the functions and powers written into this bill, the installation of SWER be looked at as a matter of urgency.

The other thing is that, in listening to the schemes the Executive Member for Resources and Health and the honourable member for Sanderson mentioned with regard to the Ord River dam, there was a scheme in operation for quite a few years - it was being tested, not in operation - in the Apsley Strait between Melville Island and Bathurst Island where Water Resources had installed units - flow meters I think they called them. That was not a pie-in-the-sky scheme; it was an experiment and quite costly equipment was put in. They used to come across and check it out over a number of years. I have never ever seen the results of that experiment. At the time it was probably cost prohibitive but now that we know the supplies of fuel are foreign-owned, it may very well be worth having a look at again. Whether people are aware of that I do not know; but it is on record and it was pretty substantially documented.

Debate adjourned.

ADJOURNMENT

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

Mr DONDAS (Casuarina): Mr Speaker, I rise on this occasion to finish my report...

Mr Perkins: Oh, not again!

Mr DONDAS: ... of the CPA seminar. I think I might have finished off yesterday at one of the most interesting parts, and that was the procedure in the House of Commons. I had got to the stage where the chaplain, after having said prayers backed off and bowed his way out of the Chamber. On Fridays questions and answers are addressed to the Speaker who calls the name of the member asking the first question. He rises and says "No. 1, Sir". As I explained yesterday, there is a notice paper which has all the questions from 1 to 50 and the name of the person who is asking that particular question. Of course, the supplementary questions come later. The minister usually replies to each question and, if allowed by the Speaker, he can also answer the next question and so on. The questions must end by 3.30 pm. Questions may then be asked which have not appeared on the notice paper but which are of an urgent character and relate either to matters of public importance or to the arrangement of business. After questions, minister's statements may be made and new members introduced.

The next item on the paper entitled "the commencement of public business" consists of presentation of bills and motions connected with the business of the House. The presentation of bills is purely formal and motions relating to business are usually not debatable at all.

The House then enters upon its main business with orders of the day which comprise all the items on which debate takes place: namely, stages of public bills, the business of supply, ways and means, and certain motions. Government orders are marked with a star. Amendments to bills of which notice has been given are printed as a separate paper. This part is opened by the Speaker directing the Clerk to read the orders of the day. He rises and reads aloud the title of the order. If this entails the House going into committee, the Speaker and the Clerk leave their chairs, the Sergeant at Arms places the mace under the table and the Chairman of Ways and Means or a deputy takes the Clerk's chair. When the House resumes, the Chairman leaves the chair, the mace is placed again on the table, and the Speaker or the Chairman himself as Deputy Speaker returns to the upper chair. When a stage of a bill is completed, the House may either go onto a further stage of the same bill or pass to the next order on the paper, and so on.

As I have said, there are over 600 members in the House of Commons and everybody is not guaranteed a seat - unfortunately some of the members have to sit in the public gallery. Even if you win, you do not get a seat because there is not enough room in the House of Commons and, consequently, the gallery does take up about 240 or 250 members of the House and the remainder must stand where they can.

A lot of people would wonder how the Speaker would know where the different members were. What basically happens is that the members usually try to sit or stand in the same spot if they can. It is then a matter of trying to catch the Speaker's eye. The Speaker himself has a secretary who stands by his chair and helps the Speaker in identifying the particular speaker who is catching his eye, so in some cases it is not really the Speaker who catches a member's eye, it is the Speaker's secretary - and with all those eyes flying around, it must get chaotic! - who is looking around and he says, "Oh well, over there is a good one; you had better give him a bit of a hoy." So out comes the voice "The honourable Nicholas Dondas."

At the end of the orders of the day and notices of motion, there is a notation: Written answers are sent to members and questions, also oral questions, not reached by 3.30 pm are printed in the official report.

At 10 o'clock on Mondays, Tuesdays, Wednesdays and Thursdays and at 4 o'clock on Fridays, the proceedings on any business then under consideration are normally interrupted and a debate on a motion for the adjournment may then take place for half an hour. For half an hour - interesing, isn't it? But certain kinds of business are exempt from interruption; the government may suspend the standing order which governs the sitting of the House to enable business to be taken after 10 o'clock. In such cases the half-hour debate on the adjournment may be taken after the exempted business. This half hour at the end of the day's business gives members an opportunity to raise questions of administration.

At the end of the sittings, the Speaker does not walk out in procession but goes behind the chair preceded by the mace. The parliamentary day ends with the cry of "Who goes home?" and usually "Usual time tomorrow" echoing through the lobbies - relics of the days when the streets were so unsafe that parties of members going home in the same direction went together for safety. When there were no fixed hours for a meeting and because printing was slow, members were merely reminded orally of the time of the meeting.

Now another very interesting point, Mr Speaker, is that we have a quorum in our House of ten members. In the House of Commons there are over 635 members and there is no such thing as a quorum. I can remember one of our previous executive members in the last Assembly session called the House to order when there were nine members here. But that does not happen in the House of Commons because there is no such thing as a quorum.

As I said yesterday, the chief whip sits in on most of the cabinet meetings but another very interesting thing is that there are fifteen whips in the government and ten whips in the opposition. So there you have it! I found the exercise of visiting Westminster was very interesting and I certainly hope that other members of this Assembly will receive the same opportunity.

Another point, Mr Speaker, whilst I was in the United Kingdom I was asked to do a little job by the executive and that was in relation to the investigation of an insignia. I have a letter here dated 17 February 1978 from Mr Martyn Finger of the Chief Secretary's Department. I am going to read this letter, not just to give you an indication of my involvement in this particular project but because they might come back later on and say, "Well, how did you get involved?" The letter is addressed to a Conrad Swan, Esquire, PhD, MA, FSA, York Herald of Arms, College of Arms, Queen Victoria Street, London:

Dear Dr Swan,

Thank you for your letter of 26 January 1978 and following your discussions with Professor Danny O'Connell about our concern to obtain a coat of arms and a flag for the Northern Territory government when established in July this year.

We greatly appreciate your offer of assistance in raising for consideration a design by the College of Arms and the issue of the necessary royal warrants. It so happens, the chairman of committees from the Northern Territory Assembly will be attending a Presiding Officers Conference in London for some five weeks commencing late in February. He is taking with him some impressions for a design for a coat of arms which could be used for discussions with you and the College of Arms.

The artist who has prepared these impressions has been commissioned to produce the final design. It is hoped that by adopting this procedure we may be able to reach an early agreement on what should be included in the coat of arms.

In answer to your several questions I should like to say that the Northern Territory will not become a sovereign state in July but will become a political entity under amended provisions of the Northern Territory (Administration) Act, administering a wide range of state-type functions and with its own departments, treasury, auditor-general etc.

There appears to be no constitutional barriers to the eventual creation of a Northern Territory state but various opinions have been expressed as to the period which should elapse and the circumstances that should apply before that status is accorded to the Northern Territory. When statehood is conferred it would be hoped the Northern Territory will have the same constitutional status enjoyed by the other states.

I am enclosing for information a copy of the statement made by the then Majority Leader, Dr Goff Letts, in the Legislative Assembly on the Northern Territory emblems which will give you some of the background associated with the establishment of an emblem.

As we understand the position, it would not be necessary to seek the approval of the College of Arms to the Northern Territory flag as the Governor-General has power under the Commonwealth Flags Act 1954 to proclaim flags for Australia as he may think fit. We propose to hold a competition for a suitable design for a flag and as soon as it has been done and the selections made of a satisfactory design, we will be seeking the Governor-General's approval.

I have asked Mr Dondas who will be leaving Australia on 21 February to get in touch with you as soon as he arrives in London so that he can begin discussions on the design of the coat of arms.

Well, on the latter part of the letter in relation to the flag, we do now have an impression of the intended flag in last night's Northern Territory News. But in relation to the insignia or the coat of arms, I took over five designs with me that were commissioned and carried out by Mr Ingpen of Victoria. I am quite sure that most of the members have seen the copies of the five designs because I believe they were published in the Northern Territory News. The decision was to accept design No. 2, which is two red kangaroos each side of a shield containing an Aboriginal cave painting and motifs. The central figure is typical of Arnhem Land work and the circular motif is typical of Pintubi symbology for a camp site in Central Australia. The wedge-tailed eagle supports the shield which is surrounded by the Sturt desert rose motif.

I have a copy of it here if members have not seen it. It is a shield with the Aboriginal X-ray of a woman and the camp sites in the shield, with the wedge-tailed eagle in full flight and two kangaroos on either side. I note the mirth of the Leader of the Opposition over there, Mr Speaker; he seems to think this is some kind of a joke. I do not treat it as a joke; I treat it very, very seriously ...

A member: Hear, hear!

Mr DONDAS: ... and so should all members because we have not got a coat of arms and we are going to need one, and we now have the opportunity of having one by 1 July.

The wedge-tailed eagle is in full colour. It has its colours because a lot of people said to me before I went away, "Don't let us have that Aboriginal X-ray; it was terrible." They were the ones that were in the Star. There were some very rude remarks made concerning that particular design that was illustrated in the Star. But the one we now have I feel does the Northern Territory credit.

Western Australia is the other state that uses the two kangaroos on its official emblem. Our red kangaroos that we have by the shield are really good. We have selected the Territory colours which are, of course, the red ochre, white and black. But in heraldry you do not have white; it is silver. The other concern we did have at the time, of course, was the native churinga which the wedge-tailed eagle is holding in full flight. When you take all this into consideration, you take something over to a fellow who is 12,000 miles away and he says, "What the hell are you talking about?" it becomes a difficult situation to try and tell him in any heraldry that the Aboriginal X-ray motif is being used. I do not think that people can really complain, or any of the Aboriginals in the area can complain, that we have used that particular traditional design in our emblem. I think they should be quite proud.

The two kangaroos are back to back, as I said - isn't it funny; I think earlier yesterday, Mr Speaker, I mentioned that I did not speak of kangaroos and uranium in the United Kingdom. Unfortunately, I have; but it was not at the conference.

A member: Misleading the House.

Mr DONDAS: I would certainly hope that Dr Swan, the York Herald of Arms, fulfils his obligation by sending us in the coming week a copy of the final design with the blazons, with the illustrations and with the technical information that will assist the executive members to decide whether that is going to be our official insignia or not.

A word of warning: if the executive does not accept it, what could happen is that we may have to wait another twelve months before we get an insignia because this particular fellow, at the York Herald of Arms, is a very busy man - so busy that you have to ring him to make an appointment to ring him, if you understand what I mean. And the security there ...

Members interjecting.

Mr DONDAS: That's right! You've got to ring him to ring him to make an appointment. But anyway, Mr Speaker, I certainly hope that the York Herald of Arms sends the illustration to us within the next week or so, and then we may be able to have a better idea. I am quite sure the executive will circulate coloured pictures and photographs of it to the Opposition so they may have a look at it and make their comments. But as I say, a word of warning: if we do not like it, we will not have an insignia for another 12 months or even longer, because he is a very busy man and he has just laid it straight on the line.

Mr SPEAKER: Honourable members, there will be a meeting at approximately 12 noon on Tuesday next in the committee room, to discuss the future site for a parliament house. All members are requested to attend.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I rise rather humbly, having heard the goings on in the historic buildings of Westminster, to talk briefly about our historic buildings here in Darwin and to draw their neglect to the attention of the executive. In the annual report of the Northern Territory Historical Society in March this year the president, Mr Ivan Luscombe, drew attention to the deplorable lack of action by the government to restore a number of these historic stone

buildings. They are the old law courts - more recently known as the Naval Headquarters - looking over the harbour; the Lyons cottage on the Esplanade and the museum in Mitchell Street. The Historical Society is naturally gravely concerned, as are a number of others of us, that there is still no sign of action to rebuild these historic buildings which were reduced to varying degrees of rubble by Cyclone Tracy. I do not imagine that their chances of being rehabilitated are being improved by being left year after year.

The Historical Society president compared this lack of action most unfavourably with the positive action that has taken place to restore Brown's Mart. Of course, that is strictly the responsibility of a board of trustees rather than a government department.

Mr Robertson: Have a guess where they get their funds?

Mrs O'NEIL: I know that; I know, I will come to that.

Mr Robertson: Well, admit it.

Mrs O'NEIL: I was not blaming your government but the federal government whose responsibility I think it is. There are, of course, two other stone buildings and they are at the Fannie Bay gaol. One of those has a high category; it has been put in category B by the National Trust. As we know, the Fannie Bay gaol will be closed in a couple of years so we must also consider those two buildings along with the others. I point out that these historic and attractive old stone buildings are of great interest to tourists and, as I think we would all agree, the tourist industry is an industry which needs encouraging. I think we should look at it from that point of view also.

We have little enough evidence, here in Darwin - unlike in London - of our recent history and I think it is most important that we attempt to restore what we have. I mention this simply to draw it to the attention of the executive. I believe it has been a responsibility of the Department of the Northern Territory and not of this Northern Territory executive, and I hope that, perhaps after 1 July, they will see their way clear to take some urgent action in this matter.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, when you were speaking as the honourable member for Casuarina, I was very interested to hear that there were going to be two kangaroos in the emblem. I hope one is a male and one is a female, because if they are not, there will not be many little kangaroos hopping around in the future to put on an emblem. Also I was pleased to see - I have seen the picture you had there - that the eagle is carrying something in his claws which looks very much like an Australian rules football, which a lot of us follow up here.

Yesterday, I spoke of a small community at Acacia Hills, a long way south of Darwin. Today, I would like to speak in the adjournment debate of another community in the Tiwi electorate many miles to the north. Not very much publicity was given in the media to an important announcement last week affecting this community. I refer to the announcement that the Tiwi people now have their own official land council, known as the Tiwi Land Council. This brings to three the land councils in the Northern Territory. For a long time the people of Bathurst and Melville Islands have been wanting their own land council. I think the matter was publicised when the previous Country Liberal Party member for Tiwi urged its introduction.

The people of Bathurst and Melville Island are a compact group of people - all

of the one group, I use this term in a general sense - with similar interests. Their country, both islands, is the same geographically; the activities on the islands are the same. The food available on land and in the water is the same. And the outlook of the people is the same. The people of Bathurst and Melville Islands could not see why, over all these years, they could not have their own land council to manage their own affairs, in their own way and their own time. Now they have it and I am very pleased for them.

I think that other Aboriginal settlements and towns could learn something from the three main centres of population on Bathurst and Melville Island. I will mention just a few small things.

To a lot of people these will be of very little consequence compared to large communities of the mainland, but they are important milestones of development if the program of integration is to be followed so that Aboriginal and European can live side by side. At Snake Bay or Milikapati a school tuck shop has been set up. It is organised and run by Aboriginal mothers selling lunches at reasonable prices to the school children at morning recess and lunch time. At Garden Point and Bathurst, the two local councils have decided themselves to regulate their drinking and a rationing system was introduced which is adhered to pretty well. No-one in these three communities wants the sale of anything stronger than beer on the island. The men and women both say this and are very strong in their views. On both Bathurst and Melville Islands, I can see that the Aboriginal people know what they want and can work out ways to reach their ends in a peaceful and happy way.

Mr PERRON (Finance and Planning): Mr Deputy Speaker, I advised this House on Thursday 9 March that I would request a report on the subject of allegations made by the honourable member for Sanderson against a member of the Town Planning Board on Tuesday 7 March. I have received a report on the subject from the chairman of the Town Planning Board who interviewed the parties involved in the allegations and the honourable member for Sanderson. Statements were also received from the member of the board and the managing director of the company concerned. Legal advice has also been received from the Solicitor for the Northern Territory.

Mr Deputy Speaker, I am satisfied that the member of the Town Planning Board concerned has not acted improperly or in contravention of the Town Planning Ordinance. There is no doubt that a newspaper advertisement which was placed by the managing director of S.G. Kennon and Company in February referring to future land use under the Darwin Town Plan was incorrect and misleading and should not have been placed. It does not, however, constitute a reason for the dismissal of the member of the Town Planning Board merely because he owns shares in the company concerned. It would be ridiculous to exclude people from the various boards in the Northern Territory on the grounds that they own land or have an interest in matters which might come before a board. Statutory provisions are made to cover these situations and similar methods prevail in every state in Australia. Mr Deputy Speaker, I advise that I will not be seeking the resignation of the member of the Town Planning Board sought by the honourable member for Sanderson.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

PETITIONS

ABORIGINAL LAND BILL

Mr EVERINGHAM (Majority Leader): Mr Speaker, I present a petition from a number of citizens who have ties with Croker Island and who fear that they will be disadvantaged by the passage of the Aboriginal Land Bill. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders.

I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable the Speaker and members of the Legislative Assembly for the Northern Territory, the humble petition of the undersigned citizens of the Northern Territory respectfully showeth that, upon the passing of a bill introduced into the Northern Territory Legislative Assembly entitled the Aboriginal Land Bill, serial 31 of 1978, the existing statutory rights under the Social Welfare Ordinance 1964-1972 of the Aboriginal people who lived as children on Croker Island, having been taken from their mothers in accordance with government policy of the time but who have no Aboriginal traditional rights to that land, will be taken from them and they will have no rights to visit or live upon the land on which they grew up and in which they still have strong emotional ties. Your petitioners therefore humbly pray that the honourable members of the Legislative Assembly make every effort to ensure that the existing rights of these people be preserved by amendment to the bill, and your petitioners as in duty bound will ever pray.

TRANSFER OF POWERS - REQUEST FOR REFERENDUM

Mr ISAACS (Opposition Leader): Mr Speaker, I present a petition from 108 citizens of the Northern Territory requesting a referendum on the transfer of powers to the Northern Territory Legislative Assembly on 1 July 1978. Of those 108 citizens, Mr Speaker, 23 are from the electorate of Jingili and 64 are from the electorate of Sanderson. It is the same petition which the Majority Leader refused to table in this Assembly. Mr Speaker, the petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders.

I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable the Speaker and members of the Legislative Assembly for the Northern Territory, the humble petition of the undersigned citizens of the Northern Territory respectfully showeth that, at the conclusion of the historic negotiations between the Majority Party and the Federal Government for the transfer of powers to the Legislative Assembly for the Northern Territory, a new constitution and new revenue raising responsibilities will be conferred on the people of the Northern Territory on 1 July 1978. Your petitioners therefore humbly pray that the honourable members of the Legislative Assembly make every effort to ensure a democratic expression of the will of the people of the Northern Territory (with the support and assistance of the Federal Government) by holding a referendum to determine their acceptance or rejection of the

proposed arrangements before 30 June 1978, and your petitioners as in duty bound will ever pray.

Mr ISAACS (Opposition Leader): I present a further petition from 625 citizens of the Northern Territory requesting a referendum on the transfer of powers to the Northern Territory Legislative Assembly on 1 July 1978. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders.

I move that the petition be received.

Motion agreed to; petition received.

TABLED PAPER

ALLOCATION OF FUNDS (APPROPRIATION) BILL (NO. 3)

Mr PERRON (Finance and Planning): Mr Speaker, I table the explanation to the Allocation of Funds (Appropriation) Bill (No. 3) 1977-78 which was introduced into this House early during these sittings.

Mr ISAACS (Opposition Leader): Without seeing the document, I move that the paper be noted and seek leave to continue my remarks at a later date.

Leave granted.

STATEMENTS

COMPANIES AND SECURITIES LEGISLATION

Mr EVERINGHAM (Majority Leader): Mr Speaker, I seek leave to make a statement in respect of a proposed uniform national companies and securities scheme.

Leave granted.

Mr EVERINGHAM: Mr Speaker, several months ago I attended an important meeting of Commonwealth and state ministers to discuss the proposal for a new national scheme for the regulation of companies and securities. The meeting was held in Melbourne on 24 February 1978 and was chaired by the Commonwealth Minister for Business and Consumer Affairs, Mr Wal Fife. As the Northern Territory is seeking equal participation in any such scheme that may eventuate it is important that I give members some information as to the progress in the discussions to date and as to the outcome of that meeting.

The basic concept behind the scheme is to have a uniform system throughout Australia for the control of companies and corporate securities. To remove any constitutional difficulties, the system will be supported by complementary Commonwealth-state legislation. It has so far been accepted by the Commonwealth that the Northern Territory Legislative Assembly should be given the opportunity to pass legislation in a similar manner to the states for new legislation replacing the existing Companies Ordinance. The proposed national scheme would provide for a controlling ministerial council comprising the relevant Commonwealth minister and representatives of state ministers. It has not yet been accepted that the appropriate Northern Territory minister will be represented on the council after self-government, although I am presently negotiating towards this end - and I understand now that, in fact, we will be accepted on the council, Mr Speaker.

Under the ministerial council would be a national companies and securities commission which would be the controlling body of the scheme throughout Australia. The commission would operate in individual states and territories through existing companies offices or state corporate affairs commissions. It

was intended that the complementary legislation will be based on the legislation already in force in those states which presently operate the interstate corporate affairs commission. However, many states are anxious to introduce a number of new amendments to their existing legislation and the meeting was not able to come to any arrangement on which amendments should be adopted before the new scheme is brought into operation. For this purpose, ministers agreed to meet again this month to discuss the various proposals for amendment and the Northern Territory will be represented at this meeting by a senior officer of the Department of Law. Unfortunately, I am not able to go to the meeting, Mr Speaker, which is on the Gold Coast, as I recall it.

Mr Perkins: Why not?

Mr EVERINGHAM: Too busy working on the weekends, Neville.

One of the primary matters agreed on at the meeting I attended was that, should a person seek incorporation anywhere in Australia, lodgement of documents for registration would only be required in one place in Australia and this registration would have effect throughout Australia. Such a scheme would substantially simplify the system of company registration in the existing federal structure.

The ministers agreed to proceed with the consideration of the computerisation of registration with a view to further improving the proposed scheme and thereby permitting readily available search facilities throughout Australia.

The meeting concluded with a discussion of a draft agreement between the Commonwealth and the states designed to formalise the arrangement for the proposed new national scheme. No finality was reached at the meeting on the terms of the draft agreement. Although the draft agreement does not provide for participation by the Northern Territory in the scheme as an original party, it is proposed to provide that if administrative responsibility for company law and the regulation of securities in the Northern Territory is at some time in the future vested in a Territory minister, then for the purposes of the agreement the Northern Territory is to be deemed to be entitled to full participation in the scheme, as if it were a state - and, in fact, it has now been agreed that the Northern Territory will have responsibility for companies and securities legislation.

This provision which was generally accepted by the participants at the meeting without comment would be a significant concession to the Northern Territory. If the agreement is ultimately accepted and signed, as I have said it is, then full participation by the Northern Territory will hinge solely upon the transfer of responsibility for companies and securities to the Territory. With this in mind, I have been corresponding with the Minister for the Northern Territory and the Minister for Business and Consumer Affairs strongly urging such a transfer of responsibilities should take place on 1 July 1978. I have a response now which is favourable. Certain provisions have been included in the Transfer of Powers Bill to provide for the transfer of executive control of the Companies Ordinance to the new Territory government. I am optimistic that this transfer of control will take place and that the Northern Territory will become a full participant in this important national exercise in federal cooperation.

PESTICIDES CONTROL LEGISLATION

Mr TUXWORTH (Resources and Health): I seek leave to make a statement in relation to the licensing of pest control operators.

Leave granted.

Mr TUXWORTH: On Thursday of last week the honourable member for Nightcliff asked a question without notice relating to the introduction of legislation providing for the licensing of pest control operators. I have previously advised this Assembly that the Department of Health has been conducting a complete review of the existing legislation relating to poisons and dangerous drugs, with a view to consolidating and updating the law in this area.

I am now pleased to announce that the review has been completed and the department is currently preparing firm recommendations for a completely new Poisons and Dangerous Drugs Ordinance to replace several pieces of existing legislation. The proposed new ordinance considerably tightens up controls over the distribution and use of pesticides and other poisonous substances and those controls include the licensing of commercial pest control operators.

Mrs Lawrie: Hear, hear!

Mr TUXWORTH: The drafting of the new legislation will be a major task and I cannot anticipate when it is likely to be presented to this Assembly. However, I trust the honourable members, and the honourable member for Nightcliff in particular, will accept my assurance that positive progress is being made in rectifying the existing deficiencies in this law.

FINANCIAL ADMINISTRATION AND AUDIT BILL
(Serial 97)

Bill presented and read a first time.

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

The bill before us seeks to establish a body of legislation to control and guide, from 1 July 1978, all aspects of financial administration and the audit of Territory moneys comprised in the public accounts of the Territory and of the assets transferred to the Territory or accumulating to it over the years.

The bill has three main purposes. Firstly, it regulates the relationship between the Legislative Assembly and the executive by defining the powers and responsibilities of the executive in financial matters. Secondly, it establishes an office of Auditor-General for the Northern Territory and defines his role and responsibilities. Thirdly, it establishes a framework against which the Northern Territory Public Service must conduct its financial administration in order to service the executive in the discharge of its powers and responsibilities. The bill is at the core of self-government and is essential to the successful transfer of powers on 1 July 1978.

Honourable members will be aware that existing government financial procedures in the Territory are based on the Commonwealth Audit Act 1901 and the regulations and directions under that act. The bill now before the House has many similarities with the Commonwealth legislation. There are, however, many subtle - and perhaps not so subtle - differences between the proposed Territory legislation and the Commonwealth provisions. Those differences, I believe, properly reflect the Territory's needs and reflect a conscious decision by the executive to streamline government financial administration from that which we now know. I will discuss these differences in more detail as they arise.

Before proceeding to the various matters covered by the bill, I would like to take time to emphasise to honourable members the approach taken by the executive in the drafting of the legislation. Its basic philosophy is to promote a flexible administration - an administration that can respond quickly

to the need for change, an administration within which public servants can make - and are expected to make - decisions commensurate with their level of responsibility. Thus the bill establishes the principles of financial administration, places a responsibility on the Treasurer to issue directions to guide departmental heads, who are identified in the bill as accountable officers, on how those principles should be applied and places firmly with accountable officers the responsibility for the development of systems, procedures and practices in the day-to-day application of those principles. That approach is wholly consistent with the responsibility placed on departmental heads by section 22 of the Public Service Ordinance with respect to the efficiency of their departments.

Taking those points a little further, those who examine the bill in detail and compare it and the regulations which are to be made under the proposed ordinance with the equivalent Commonwealth and state legislation will note a real absence of provisions which seek to tightly control matters that are essentially internal to the workings of departments. Over the years I am sure we have all had some exposure to the frustrations that arise from the way that seemingly tight and inflexible legislative provisions have been interpreted and applied within departments. This bill permits, and the Treasurer's directions now being prepared require, public servants to be more business-like in their approach to decision making. In short, the proposed legislation recognises that major efficiencies can be achieved in public administration if responsible decision makers are allowed discretion.

Mr Speaker, there are many provisions in this bill which require separate consideration. Later I will be seeking leave of the House to table an explanatory memorandum which has been prepared to assist members in the consideration of the bill. A summary included in the memorandum lists 92 separate provisions encompassed by the proposed legislation. I do not propose to speak to each of those provisions at this time but I would like to mention some of the more significant matters.

Clause 5 of the bill establishes the public accounts of the Territory and provides that within those accounts there will be a consolidated fund and a trust fund. Here is one of the departures that we have made from the Commonwealth arrangements. The Commonwealth has three funds, the consolidated revenue fund, the trust fund and the loan fund. The latter fund records moneys upon the public credit of the Commonwealth but, essentially, once those moneys are received they are used in much the same manner as revenue moneys in the consolidated revenue fund. In practice, the separate recording and reporting of moneys in the loan fund serves only to identify the source of moneys and tends to confuse a proper consideration of how the government has applied the moneys. We are satisfied that we can adequately identify the source of such funds through sub-accounts in the Treasury's ledger system without creating a separate loan fund as an accounting entity. Thus, all moneys received by the Territory, other than trust moneys, will be paid to the consolidated fund to form a common pool from which the Assembly will be asked, from time to time, to appropriate moneys for the purposes nominated in the Appropriation Ordinances.

The trust fund is to comprise a series of trust accounts to which will be credited amounts received or appropriated for the specified purposes of the individual trust accounts. In turn, amounts may only be withdrawn from a trust account for the purposes for which that trust account is established. These arrangements follow the Commonwealth provisions. The bill contemplates two general classes of trust account: those established under clause 6 which will be necessary for the orderly performance of normal departmental affairs and those established under clause 59 to record the transactions of prescribed statutory corporations about which I will be speaking at a later stage.

The terms "Public Accounts", "Consolidated Fund", "Trust Fund" and "Trust Accounts" are all accounting terms which serve to identify major groupings of ledger accounts within the Treasury's ledgers. They are not the bank accounts in which moneys are held or upon which cheques are drawn. All Territory moneys will be held in official bank accounts opened by the Treasurer. The main government bank account which the Treasurer is required to open under clause 8 of the bill is to be known as the Northern Territory government account. Arrangements are in hand to open that account at the Darwin branch of the Reserve Bank. Other official bank accounts are to be opened by the Treasurer in other Territory centres for administrative purposes.

Subclause (3) of clause 5 of the bill provides that no moneys may be drawn from the consolidated fund except under appropriations by this Assembly. The Assembly will be asked to make those appropriations through supply, annual appropriation and additional appropriation ordinances in the Commonwealth pattern with which we are all familiar. We are, however, departing from the Commonwealth pattern in that it is the intention of the executive to seek appropriations only at division and subdivision levels - in effect, four line appropriations for each department. The Commonwealth practice is to appropriate at a third or item level and thus control expenditure in much more detail. We propose to support the appropriation bills by tabling, when those bills are introduced, an explanatory paper which analyses the division and subdivision estimates at the item level. Departments may be required by a treasurer's direction to control their expenditures within the item amounts set forth in the explanatory paper. The directions will also provide that ministers may approve the transfer of funds between items in the same subdivision.

The bill also introduces some further innovations with respect to appropriation. Clause 13 provides that the Administrator in Council may direct that savings arising within an appropriation for a division may be applied to another division and that the Treasurer may direct that savings in a subdivision may be applied to another subdivision within that same division. Honourable members will recall that arrangements to effect the same purpose were agreed to by the Assembly in the 1977-78 Allocation of Funds (Appropriation) Ordinances and that in this financial year that power has been used on a number of occasions to facilitate the better utilisation of funds available to the Territory. Subclause (2) of clause 13, by requiring the tabling of appropriation transfer directions within six sitting days, ensures that the Assembly will be informed promptly of any such action. Appropriations will not be required in respect of expenditure from the trust fund.

Clause 14 of the bill establishes the arrangements for the use of an appropriation to be known as the advance to the Treasurer. This parallels the Commonwealth provisions for the treasurer's advance. It will be appreciated that the amount which may be provided for the treasurer's advance in the Territory's budget will, of necessity, be restricted to a relatively small amount of around $1m or $2m. This is because we will be looking for a balanced budget within the amounts we expect to receive in the financial year from revenue, loan and grant moneys. It is probable, however, that as the financial year progresses further moneys will accrue within the consolidated fund. Clause 15 therefore permits the Administrator in Council to write up the treasurer's advance to allow those excess moneys to be utilised without delay. The amount of the write-up is limited to 5% of the amounts already appropriated in the appropriation ordinances applicable to that financial year. Again, the Assembly will be promptly informed of such action by the tabling of a statement as to the facts upon which the write-up has been made possible and the purposes for which the additional moneys will be used.

We will be following the Commonwealth arrangements with respect to the making of special appropriations by the Assembly in ordinances other than the appropriation ordinances. This bill provides for the first of those special appropriations as follows: the write-up of treasurer's advance under clause 15; the expense of borrowing and the repayment of loans under subclause (5) of clause 31; the payment of interest on temporary advances raised by the Treasurer under subclause (3) of clause 32; and the salary of the Auditor-General fixed under clause 39.

Division 4 of part II of the bill establishes the control mechanisms which apply to departments with respect to the commitment and expenditure of moneys from the consolidated fund. Clauses 16 and 17 relate to the control of commitments and provide for the issue of treasurer's authorities setting the upper cumulative limit to which accountable officers may enter into financial commitments. Treasurer's authorities will be issued in respect of both current and future financial years. Clauses 18 and 19 establish the control under which accountable officers may authorise the actual payment of moneys from the consolidated fund and provide for the issue of treasurer's warrants setting the upper cumulative limit within which expenditure must be contained. The amount of a treasurer's warrant may not exceed the amount of the relevant appropriation and warrants are issued only in respect of the current financial year. Treasurer's authorities and treasurer's warrants are not required with respect to the commitment and payment of moneys from the trust fund but clauses 17 and 19 establish alternative controls.

Division 7 of part II of the bill relates to the financial statements which are to be prepared by the Treasurer and accountable officers. Clause 28 requires that the Treasurer publish in the Gazette a quarterly statement in respect of the public accounts. That statement will be a summary document in sufficient detail to permit honourable members and the public generally to make interim assessments of government transactions to that point of the financial year.

Clause 29 relates to the Treasurer's annual statement of receipts and expenditures of the consolidated fund and the trust fund. Other than requiring a "full and particular statement" the bill is silent as to the detail which is to be contained in the Treasurer's annual statement. It is the intention of the executive that the statement will provide honourable members with no less information than that now provided in the Commonwealth parliament with respect to the financial affairs of the Commonwealth. Indeed, honourable members will realise, after reading the explanatory memorandum that will be circulated to them, that the Treasurer's annual statement in the initial years of self-government will provide a much wider range of information than that presently covered by the Commonwealth statement. It is our view that by not prescribing all details which are to be included in the annual statement, the Assembly will be better served by the presentation of statements prepared against the circumstances prevailing from time to time and in the light of requirements evolving through the Assembly's examination of the statements over the years. The Treasurer's annual statement is to be submitted to the Auditor-General who is required, under clauses 57 and 68, to prepare a report thereon and to arrange for the tabling of that report in the Assembly.

Clause 30 establishes a power for the Treasurer to direct accountable officers to prepare annual financial statements in respect of any manufacturing, trading, commercial or like activity under their control. Such statements are to be audited by the Auditor-General and will be submitted to the Assembly by the responsible minister. Honourable members will note, with approval I am sure, that there is under clause 30 a basic time limit of six months for the preparation of such statements and that the Auditor-General is required to submit his report to the minister within a further three months. The minister,

in turn, has six sitting days after receipt of the Auditor-General's report in which to table the financial statement and the report.

Division 8 of part II of the bill relates to borrowings by the Territory government. The basic provision of clause 31 is that no moneys may be raised upon the public credit of the Territory other than under the authority of an enactment of this Assembly. The bill itself authorises two classes of borrowing: Subclause (2) of clause 31 permits the Administrator in Council to enter into an agreement with the Commonwealth for the raising of loans by the Commonwealth on behalf of the Territory or for the lending or granting of moneys by the Commonwealth to the Territory. This power is consistent with the financial arrangements with the Commonwealth and upon which the Majority Leader made a report to the Assembly on 2 May. Clause 32 of the bill authorises the Treasurer to make arrangements to obtain temporary advances where the moneys in the Northern Territory government account are temporarily insufficient to meet payments falling due and legally payable from the consolidated fund or the trust fund.

Mr Speaker, I wish to pause here to foreshadow an amendment that I will be moving in the committee stage. Clause 32, as presently drafted, requires that all temporary advances arranged by the Treasurer shall be repaid within the financial year in which they are raised. That provision is aimed, with good reason, at defining a "temporary" period. Since the bill was drafted we have reached the conclusion that some real administrative difficulties could arise if a temporary advance is raised in the last weeks of the financial year and the moneys to repay that advance are to come to the Territory from Commonwealth moneys which may not be paid under Commonwealth law until the commencement of the new financial year. The amendment that I will be moving will overcome that difficulty.

Except as provided in subclause (4) of clause 31 and in clause 32, all moneys raised upon the public credit of the Territory or paid to it by the Commonwealth are to be credited to the consolidated fund. Thus those moneys will require an appropriation by the Assembly before they may be spent.

The first exception to that general rule is that where moneys are made available to the Territory by the Commonwealth or are raised under an enactment of this Assembly for tied purposes, the Treasurer may pay those moneys to an appropriate trust account within the trust fund. This is an accounting arrangement by which the government may set aside and account for moneys received for those tied purposes.

The second exception is in relation to moneys raised by the Treasurer as temporary advances. It is proper that we should look upon those moneys as moneys held in trust by the Treasurer and clause 32 requires that they be paid to a special account in the trust fund. They are, however, only legally available for purposes for which the consolidated fund has been appropriated by this Assembly or for purposes for which a trust account has been established.

Clauses 33 and 34 relate to the investment of moneys in the official bank accounts by the Treasurer. They permit the investments to be made in a range of investments set forth in clause 33 with a bank or authorized dealer in the official short-term money market. It is intended that all investment will be managed by a group located within the Treasury and it is expected that a considerable income will accrue to the Territory through a proper utilisation of its idle cash balances.

Part III of the bill relates to audit. The provisions relating to the appointment of the Auditor-General and the conduct of audits by him are similar to those pertaining in the Commonwealth legislation and in that of the

Australian states. They ensure the independence of the Auditor-General from the executive and permit him to report to the Assembly on any matter at any time. It could not be otherwise under any form of Westminster government.

Honourable members will note that there is a transitional provision in clause 46 which permits the Administrator to appoint the Commonwealth Auditor-General as the Territory's auditor-general. That provision will allow the Territory to develop its own audit office over an appropriate period of time and, in the transitional years, to deploy those appropriately qualified within the Northern Territory Public Service to the more immediate task of establishing sound financial administration. Discussions have been held and examination is continuing as to how the necessary arrangements may be made with the Commonwealth Auditor-General.

Mr Speaker, a matter which has been close to the heart of this Assembly over many years is the arrangements under which the Territory's statutory corporations have operated. With the transfer of functions almost upon us and the opportunity which the preparation of this first Financial Administration and Audit Ordinance presents to us, the executive decided that we should review the various provisions now applying to our statutory corporations. We are of the opinion that all statutory corporations should be brought within the framework of this legislation.

The provisions of the bill contemplate two types of statutory corporations other than those established under the Local Government Ordinance to which the bill does not apply. The first group of statutory corporations are those established to ensure an independence of administrative action but which might be expected to follow the accounting and financial arrangements applicable to a normal department. They will fall within the definition of a "department" in clause 3 and, therefore, will have accountable officers and will follow part III of the bill in matters of financial administration. The second group of statutory corporations are those essentially of a trading nature which, in addition to having a high degree of administrative freedom, should also be free to establish their own accounting systems and practices. Divisions 1 and 2 of part IV of the bill will apply to those corporations. The procedure by which statutory corporations will be placed under the part IV provisions is to prescribe the corporations by naming them in regulations made under the ordinance.

The new arrangements will effect prescribed statutory corporations in a number of ways. These are set forth in considerable detail in the explanatory memorandum prepared for honourable members. Generally, the existing financial and audit provisions in the various constituting ordinances are preserved in the set of common provisions in part IV but there are some important changes: All prescribed statutory corporations will operate through trust accounts established within the trust fund. They will, in effect, bank with the Treasury. Where separate bank accounts are required to be established for a prescribed statutory corporation, those bank accounts will be official bank accounts established by the Treasurer under clause 8 of the bill. We would expect, however, that most prescribed corporations will in fact operate through the Northern Territory government account. Investment powers currently used by some of the statutory corporations may be withdrawn. Clause 62 of the bill does, nevertheless, provide a means by which prescribed statutory corporations may retain an investment power and the income arising from those investments.

A review is currently being made of the effect that these changes would have on each of the statutory corporations. That review is almost complete and we would hope to announce in the near future the details of those statutory corporations which will be prescribed in the regulations.

Mr Speaker, on several occasions today I have mentioned an explanatory memorandum that is being prepared for the information of honourable members. Unfortunately the document is not yet printed and I propose to table it in the House on Thursday.

Mr Speaker, I would like to advise the House of two other matters relating to the consideration of the bill. I have received a number of suggestions to the effect that there would be considerable benefit to the public administration of the Territory if we adopted a financial year different to that by which we now work. The most common suggestion is for a financial year equating with the calendar year. I find much that attracts me in the suggestion. Unfortunately, there has been insufficient time for us to give proper consideration to this matter but I have instructed my officers that the matter should be examined in detail and that the examination should encompass the views of the public. I would welcome the views of honourable members.

The second matter on which I would like to advise the House is that an extensive program is now under way within the Northern Territory Public Service and those elements of the Commonwealth service which will be transferred on 1 July. The object of the program is to ensure that all those to whom the Financial Administration and Audit Ordinance will apply are aware of its many provisions and that those who have an integral part to play in financial administration are properly equipped to play that part.

In conclusion, Mr Speaker, my remarks would not be complete without paying tribute to the many people who have assisted in the preparation of this bill. Many people have been involved from both our own public service, the Commonwealth public service and experts in Queensland, New South Wales and from the Australian National University. I thank them all for their efforts. They have provided us with what can be described as the most flexible and advanced financial administration legislation in Australia.

I commend the bill.

Debate adjourned.

LOCAL GOVERNMENT BILL
(Serial 83)

Bill presented and read a first time.

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

This bill provides for amendments to the Local Government Ordinance, firstly to strengthen the bylaw-making powers of councils and secondly, to raise the upper limit of contracting liability without calling tenders. Amendments to section 349 of the existing ordinance are necessary to rectify the situation which arose when the Darwin Corporation was successfully challenged on their power to move vehicles from roadways. The magistrate ruled that there were no substantial powers provided to support the particular bylaw made by the council. Of course, that relates to the various placita under section 349 of the principal ordinance.

On examination it was found necessary to amend the definitions and the subsequent scope of the section with regard to other areas of responsibility. These include the depositing of materials on land, regulating or prohibiting the standing of animals and vehicles on roads, and providing for the removal and recovery of costs involved, regulating admission of persons, animals or vehicles to property which is the responsibility of councils and proof of

parking offences. These amendments are necessary to overcome the weaknesses in the existing ordinance and to provide councils with the necessary powers to administer the ordinance. Council officers give the amendment on bylaw-making powers high priority.

Amendment to section 333 of the existing ordinance allows local government authorities a greater freedom in the letting of contracts. Under the existing ordinance the upper limit of $2000 is allowed before it becomes necessary to call tenders. This figure was determined some years ago and it is considered necessary to bring this figure to a more meaningful level in view of the size of contracts undertaken and the effect of inflation. $6,000 has been suggested as a level suitable to the councils and at the same time affording a reasonable protection to the ratepayer. This has been discussed with the corporation.

I commend the bill to honourable members.

Debate adjourned.

ABORIGINAL LAND BILLS

Continued from 4 May 1978

Mr OLIVER (Alice Springs): I rise in support of these bills presently before the Assembly. I fully believe the Aboriginal Land Bills, presented by the Majority Party and presently under debate, are in favour of the Aborigines of the Northern Territory.

Mr Deputy Speaker, I would refer to the remarks by the honourable member for MacDonnell in the preamble to his speech on the complementary legislation introduced by the honourable Majority Leader as a subtle and sinister attempt by that honourable member to sell out the land rights of Aboriginals throughout the Northern Territory. To believe the honourable member for MacDonnell, the complementary legislation would effectively deny Aboriginal people their full and meaningful rights to the ownership of land. Again, we are to believe that the Aborigines' claim to their land is based on traditional ownership, that the land is all important to these people. Indeed, Mr Deputy Speaker, so important is it that it has been said that the Aborigines belong to that land rather than the land belong to them, and without that land they are a meaningless and dispossessed people.

Yet, Mr Deputy Speaker, we find the honourable member for Victoria River is concerned, vitally concerned that - to quote his words: "We have the unique situation that, though they may hold legal title to the land, Aborigines are not legally entitled to sell or mortgage the land which they own". I think we can assume that the land to which the Aborigines have legal title is of vital importance to those Aborigines. After all, they have claimed those lands as traditional lands and I feel that legislation is required to ensure that those lands remain with the Aborigines. But Aboriginal people who hold legal title to land which is theirs by tradition must accept the responsibility that they hold that land in trust for their descendants. That is what land rights are all about.

The Crown Lands Bill still ensures that Aborigines can kill and use for food native animals on pastoral leases. This still ensures that Aborigines have the right of entry onto any pastoral lease for those purposes.

Mr Collins: So long as they do not need a drink.

Mr OLIVER: I am coming to that.

Mr Collins: Good, good.

Mr OLIVER: One important point, Mr Deputy Speaker, is that a lessee denying Aborigines those rights can be fined up to $2,000 instead of having his lease forfeited. In all of my time spent roaming around pastoral leases in Central Australia, I have never come across a situation where Aborigines have been denied access to a pastoral lease for walkabouts, ceremonial purposes or whatever. But in any event, Mr Deputy Speaker, I do welcome this change from forfeiture to a fine.

There are two other important points in relation to the Crown Lands Bill that I would like to comment on. First is the amendment providing for Aboriginal communities to sublease - sorry, I have lost my page; I am out of order. I beg your pardon, Sir ...

Mr Collins: Just like those Aboriginals on pastoral leases.

Mr OLIVER: ... to sublease an area from a pastoral lease for Aboriginal community living purposes.

I would like to draw attention to the situation as it existed some ten to twelve years ago. This was a situation that many of the honourable members of the Opposition would not be aware of.

Mr Doolan: Not me, old fellow.

Mr OLIVER: Speaking of Central Australia, Mr Deputy Speaker, most pastoral leases then had large Aboriginal camps sited usually fairly close to the homestead. These Aborigines had a traditional interest in the areas in which they camped and they had a sense of belonging to that area.

Mr Collins: I am aware of that.

Mr OLIVER: They even had a pride in being associated with that pastoral lease and the lessee but that pride is not so much in evidence today. The reason they have lost that pride is that in those days gone by our unions throughout Australia intervened, without knowing anything of the situation, and insisted that the Aboriginal stockmen be given equal rights and equal wages.

Mr Collins: Dreadful.

Mr OLIVER: After ten years of extreme drought - and I doubt that any of the honourable members of the Opposition would even recall the drought - the pastoral lessees were not able to afford the wages or to maintain those camps.

Members interjecting.

Mr Robertson: You want to be heard in silence.

Mr OLIVER: The tragedy was that most ...

Mr Collins: I won't be.

Mr STEELE (Transport and Industry): Mr Deputy Speaker, a point of order! There is too much audible conversation in the Chamber and we are unable to hear the member.

Mr DEPUTY SPEAKER: Will honourable members allow the honourable member for Alice Springs to continue his speech without harrassment, please.

Mr OLIVER: Thank you, Mr Deputy Speaker - they were not really worrying me.

The tragedy was that most of the camps were dispersed and the poor Aborigines were obliged to live on the settlements away from their country and amongst - could I say - alien groups. The honourable members of the Opposition did not seem to pay much weight to the effect that the equal wages had on the Aborigines. It is one thing to have money and abuse it, and another thing to have a little less money but to have your pride and dignity.

This amendment to the Crown Lands Ordinance will allow these people to return to their own country and to live where they used to live in harmony with the pastoral lessees. The subleases required by the Aborigines are always within a reasonable distance of the homestead, indicating that they are willing to share the land with the European lessees.

The second point is that brought forward by both the honourable member for MacDonnell and the honourable member for Victoria River, relating to the recommendation of the Woodward Commission that Aborigines should be entitled to use the bore waters on pastoral leases, provided they comply with any reasonable requirement of the pastoral lessee concerned. What is a reasonable requirement? What is reasonable to me may not be reasonable to you. What is reasonable to a pastoralist may not be reasonable to a group of Aborigines. We could well see the situation where the pastoralist is obliged to defend himself in a court, merely because he is trying to practice good stock-husbandry and yet being accused of denying Aborigines the right to roam over the pastoral lease. I am rather surprised that Mr Justice Woodward did not spell out the precise terms on which Aborigines could use bore waters on pastoral leases. The honourable members of the Opposition probably would not know the ill effects of disturbing stock at water points, particularly in drought times or semi-drought times. If ever this recommendation finds its way into the Crown Lands Ordinance, the terms will need to be much more precise than "any reasonable requirement".

Referring to the Territory Parks and Wildlife Conservation Bill, the amendments to section 73 of the principal ordinance are in line with the comments of the Department of Aboriginal Affairs and the recommendations of the Bonner report. The first subsection of the amended section 73 is merely to bring this section into line with part III of the Aboriginal Land Rights Act 1976. This means that the Territory Parks and Wildlife Commission would be negotiating with an Aboriginal land council and not with individual Aborigines.

I particularly support subsection (2) of the amended section 73. This subsection allows a time limit of two years from the issue of freehold title for negotiation between the Territory Parks and Wildlife Commission and any Aboriginal land council to be completed. I agree with the remarks of the honourable Majority Leader - and I quote: "This is to ensure that meaningful negotiations on such schemes of management are commenced and pursued as a matter of urgency and that the land does not remain as protected areas or sanctuaries by default". I have seen more than a few occasions where land, by virtue of lack of legislation, has retained a particular status by default. It is an embarrassing situation and I am glad it will or should not arise in this particular area.

I agree, too, with the honourable Majority Leader in that it is the Aborigines' right to make a considered decision about the continued use of their lands as protected areas or sanctuaries, and I concur too with the honourable Majority Leader in hoping that agreements will be reached in the protection of wildlife and natural features on Aboriginal lands. Taking that

a step further, I would also hope to see the protection of wildlife and natural features throughout the Territory, irrespective of ownership or status of land.

Mr COLLINS (Arnhem): Mr Deputy Speaker, the question of land rights is something that is of particular interest to me. I recall only too clearly when I was a subscriber to Hansard, rather than a contributor to it, that it was the comments of the previous member for Arnhem in this House, when debating the previous complementary legislation, that caused me to be so foolish as to become a politician.

Mr Robertson: You were not foolish; it was the people who voted for you.

Mr COLLINS: Mr Deputy Speaker, could I draw your attention to the fact that, after I had been chastised for interjecting, I complied and did not interject again.

Mr Robertson: I have another ten to go before I catch you.

Mr DEPUTY SPEAKER: Order!

Mr COLLINS: The Labor land rights bills which were introduced in 1975 differed in one major respect from the subsequent bills introduced by the Liberal government. And that is that they ceded some authority over Aboriginal land rights to the Northern Territory Legislative Assembly.

Mr Deputy Speaker, on behalf of the constituents in my electorate, I have to protest at these bills even being debated in this House. I know that is the majority opinion of the people living in my electorate. I would like to read - and it is only brief - part of the protest that was lodged with the Bonner committee by the former Minister for Aboriginal Affairs, Mr Bryant.

> *The attempt to have the Legislative Assembly of the Northern Territory implement the wishes of the parliament and the government of Australia as regards Aboriginal land rights in the Northern Territory has been a failure.*

He was talking about the previous legislation, of course.

> *The Legislative Assembly has had before it unsatisfactory legislation and there is no guarantee that the newly elected Assembly is more likely to act in the spirit of the Commonwealth legislation.*

Well, of course, Mr Deputy Speaker, in significant parts they have not.

> *Therefore, I recommend that the section of the Aboriginal Land Rights Act referring to the Legislative Assembly be repealed and that the Australian government accept the sole responsibility of this parliament for the implementation of the policies on land rights.*

I could foreshadow,Mr Deputy Speaker, that I would probably be attacked on the grounds that I am eroding the forthcoming independence of the Northern Territory legislature. But I am putting a point of view which I know to be the majority view held in my electorate.

Aboriginal people in Arnhem Land have been watching recent events in Queensland with a great deal of interest - those events at Aurakun and Mornington Island. Recent events also in the Kimberleys in Western Australia have not given Aboriginal people in Arnhem Land any great hope of depending on state legislatures.

I might also add, Mr Deputy Speaker, that the subsequent actions of the Minister for Aboriginal Affairs probably did not give them any great hope in relying on the federal government either. As far as Australian laws are concerned - federal laws and state laws - they are between the devil and the deep blue sea. Nevertheless, if they want to take the best of a bad lot, they prefer to stick with the federal government and the reason for this is very clear.

Land rights bills are conscience bills. There is absolutely no legal reason at all under Australian law to grant Aboriginals land rights, none whatever. That was established very clearly by Justice Blackburn in the case of Nabalco. These bills are conscience bills, Mr Deputy Speaker; they came about as a result of the Australian conscience being moved in a referendum. Aboriginal people in Arnhem Land feel very definitely that their aspirations would be better served by appealing to the Australian conscience as a whole rather than to any section particularly a small population such as the Northern Territory.

The Majority Leader and the member for Nhulunbuy, when they spoke on land rights, spoke of the historical implications of the land rights bills. Everything we seem to be doing these days, Mr Deputy Speaker, appears to be historic in the Legislative Assembly - not to mention hysterical - but there is a great deal of history attached to these bills. Both the Majority Leader and the honourable member for Nhulunbuy mentioned that the Aboriginal's struggle for land rights commenced with the bark petition from Yirrkala and, of course, in a contemporary, legalistic sense, that is very true.

But in a much wider sense, the Aboriginal struggle for land rights began on the very first day that Europeans set foot in this country. In fact, the first recorded opposition of Aboriginal people in Australia to European incursion on their land occurred in 1623 in the Northern Territory. A Portuguese ship landed on the shore of the Northern Territory in search of gold. That ship was repulsed by the Northern Territory Aboriginals with loss of life. In 1644, Abel Tasman put a ship into the mouth of the Victoria River. He was also repulsed very successfully by Aboriginals and formed a very poor opinion of them subsequently. The historian, Douglas Lockwood, comments in that connection that the Aboriginals performed a great service at that time for the British Crown because they prevented Tasman from seeing very much of the country.

As far as the Northern Territory is concerned, the Aboriginal struggle against European incursions was long and, in fact, did not die out until the 1930s when the pressure against them became too great. But the history of Aboriginal conflict with whites in the Northern Territory is a very vicious and bloody one and many, many murders were committed on both sides. Fort Dundas was established in the Northern Territory in 1823 and the saga of Fort Dundas and Escape Cliffs and Raffles Bay is one of death and murder. The people who were living at Fort Dundas were attacked daily by local Aboriginals. They were confined to the fort and eventually, for that reason, they had to abandon the fort in 1829.

In 1860 Avon Downs, the very first cattle station to be established in the Northern Territory, suffered the same sort of fate. Cattle were speared because Aboriginals saw cattle particularly as being a very direct threat to their livelihood, by competing for water and by pushing out natural wildlife and game. The cattle industry in the Northern Territory right up until the 1930s was the subject of a great deal of vicious attack by the local Aboriginals, successful in many cases.

Getting right down close to home, when Palmerston was surveyed the surveying party was attacked by local Larrakeyah Aboriginals. One of the

surveying party was killed and another was wounded. It is interesting to note some of the comments that were made in those days about the Aboriginals that were numerous in Darwin. Mrs Dominic Daly, one of the first settlers in this place, quoted in Douglas Lockwood's book "The Front Door", talked about the local Larrakeyah Aboriginals here in Darwin and said:

> *When we arrived, one of the hills literally swarmed with black men and women. I cannot say I viewed the prospect of having so large a tribe for our immediate neighbours as an unmixed joy. They differed slightly, if at all, from other Australian Aboriginals. The same low physique, the same nomadic habits, the same vices - the least interesting specimens of an uninteresting race. The older women were hags, lean shrivelled and excessively ugly. We speedily obtained their assistance in the laundry.*

Dr J. Stokes Millner, an historical figure in the Northern Territory after whom the Millner electorate is named, had his horse wounded by a spear. This was in the very first year of the administration, so relations got off to a flying start. As a result of this wound to his horse, Aboriginals were tricked on board the "Gulnare", the ship out in the Darwin harbour. They were tricked on board with promises of food; subsequently, they were surrounded by soldiers who tried to capture them. Most of them were successful in jumping over the side of the ship and escaping. Two of them were caught and kept in leg irons and chains until the Aboriginals handed over the bloke that speared Dr Millner's horse.

So, in the very first year of the administration of the Northern Territory, leg irons and chains were used on Aboriginals. I quote from the Northern Territory Times of 1881: "We wish the law allowed these people to be flogged". It has often been said in this House - and I have no dispute with it - that Northern Territory people are the best people to decide Northern Territory issues. Territory needs are best known to Territory people; I do not dispute that.

But I find this interesting in an historical context - an excerpt from an editorial of the Northern Standard:

> *Territory needs are best known to Territory people. If it is the concensus of opinion to flog Aboriginals, then it should be done. Those who object to flogging should be asked what measures they propose to protect women from the horrible possibility of being ravished by a black man.*

It is interesting to see that in the context of the work done by Professor Berndt and the extensive research he has done on the treatment of Aboriginal women, particularly in the Northern Territory and Queensland pastoral scenes - I am speaking not of contemporary times but of many years ago - where he indicated in his research that the average age at which Aboriginals women were violated by a white on a pastoral property was seven years of age.

These comments on flogging Aboriginals were supported by the Reverend Len Kentish. I just want to indicate to you that it was not a dreadful thing in those days to advocate flogging for Aboriginals. The Reverend Kentish, who was the brother of a well-known former member of this House, commended the editor of the paper for his forthrightness and said, "Flogging is a happy medium between torture and imprisonment". Kentish said that he was unaware of any Aboriginals being flogged but thought it might be worth the experiment. I bring this up to indicate strongly that the commonly-held belief that Aboriginals in years gone by happily lay down before the white advance is simply not true. The Aboriginal opposition to white incursions began the day the white men first set foot in this country.

It is popular these days to abuse missions and the work that missionaries did. Many people do that and say, "Well, they were responsible for eroding Aboriginal culture", and so forth. The inescapable fact is that if it had not been for the work of the missions, there probably would not be an Arnhem Land Reserve now and there probably would not be any viable Aboriginal culture left in Australia at all because it was the work of the missions that preserved it. This was done mainly by offering Aboriginal people some small part of European culture - flour, tea, sugar, tobacco, clothing and so forth. It was enough to keep the Aboriginals in their country and it was successful in doing that. Many reserves were gazetted in the early history of the Northern Territory - 2,400 square miles were gazetted around Oenpelli in 1920; 4,000 square miles around Daly River in 1923 and the major Arnhem Land Reserve of 31,000 square miles was gazetted in 1931. All of these reserves had one thing in common. At that time, they were all considered to be remote and totally useless for European exploitation, something which is currently changing, of course.

There is no basis for land rights under Australian law, none whatever, only justice. Aboriginals have had no inheritance rights. There is no way that an Aboriginal can get any benefit at all from what his father had before; only European Australians had that privilege. This can be contrasted with the Maori situation in New Zealand where, despite the fact that they were defeated, because of their cohesion as a tribal group, because of the fact that they spoke a single language and so forth, they currently hold today 1.75 million acres in their own name in New Zealand.

The tenure of Aboriginals in reserves was a very tenuous one and this has been shown only recently in the 1960s by the massive excisions from reserves in the Cape York area of Queensland and also in Arnhem Land in the Northern Territory. The first moves to legislate for Aboriginal land rights were made by the South Australian state government in 1966 when they set up Aboriginal lands trusts which gave freehold title to Aboriginals over their land. It is interesting to note that at this same time they also tried to grant mineral rights to Aboriginals. The government attempted to include this in the bill but it was defeated in the upper house of the South Australian parliament.

To get onto the bills themselves - I do take exception to clause 4 subclause (3) of the Aboriginal Land Bill which allows for permits to be made orally. I was convinced on this matter by the comments made by the Chief Justice of the Northern Territory Supreme Court only very recently in connection with Maningrida. Justice Forster said he did not agree with the word-of-mouth granting of permission to go onto Aboriginal reserves. He said that where a restriction existed - where people could be fined; where people could be taken to court for breaking an ordinance - there should be a clear written piece of paper to say that they could be there or they could not be there. He commented on the many occasions that he had been into Arnhem Land, when he had never had a piece of paper in his hand, and he said he would have felt a great deal more comfortable with written permission. I go along with those sentiments. I do feel that, despite the amount of work involved, it would be better for all parties concerned if permits were written and were not oral.

Clauses 1 to 7 of this bill are very commendable provisions indeed. Clauses 1 to 7 put control of entry directly into the hands of the Aboriginal traditional owners through the land councils. Mr Speaker, I might say at this time that in going through these bills clause by clause, it will be found by the Majority Party that many of the arguments that I am putting now are the arguments that have already been given to them in writing by the Northern Land Council and this is coincidental. The reason for this is that the majority of the clients of the Northern Land Council are also the majority of the electors in my electorate.

The permit section is a very good one. I am very pleased to see it. It does away with this ridiculous concept of authorised Aboriginals. It will avoid fiascos like Maningrida where government ministers can override for political reasons the wishes of Aboriginal people clearly expressed not on one, not on two, but on ten occasions. It is very, very pleasing to see this in the legislation.

I also would like to commend clause 8 subclause (2) which defines a dwelling as including an Aboriginal camp. I can clearly remember cases in the Maningrida court where, on a question of gambling, convictions were gained against Aboriginal people for gambling in a public place. The defence was that they were not in a public place, that the area out in front of their houses where they were sitting was, in fact, part of their dwelling. That was thrown out of court and the convictions were recorded against them. I am very pleased to see this brought into the legislation.

Clause 9 is unnecessary. It does not need to be there. It is already adequately covered by the Aboriginal Land Rights Act 1976.

Clauses 11 to 19 of the land bill are the contentious ones. These are the ones which refer to the closure of seas. I commend the member for Victoria River on the very interesting and informative speech he made on the issue of sacred sites in the seas. In this respect, I am amazed at the reply to that by the Executive Member for Finance and Planning, Mr Perron ...

Mr Perron: Glad you read it.

Mr COLLINS: I did indeed. It was short, but it was to the point.

I found it extremely interesting because it shows once again the general contempt by Europeans for Aboriginal religion. Too many of us, whether we accept it or not, treat Aboriginal religion as a bit of a joke, and it is not. Certainly, the Executive Member for Finance and Planning does. After the long discourse that the member for Victoria River gave on the significance to Aboriginals of the sacret sites in the seas, the honourable member said, "I have yet to be convinced that the presence of boats either stationary or passing near Aboriginal land is detrimental to Aboriginals". He said, "Let us face it, you cannot harm or deface the sea; you cannot cart it away with you or dig holes in it or burn it; you cannot really disturb it in any way". Mr Speaker, for all the effects that the honourable member for Victoria River's statements on sacred sites had, he might as well have delivered them in the car park outside. I am not using the term with any contempt at all for the opposite side of the House but he was, as the old saying has it, "casting pearls before swine", as far as the honourable Cabinet Member for the Treasury - as I must say now - is concerned. He went on to say, "The only situation where I can accept that an area of sea should be closed to non-Aboriginals is to protect traditional fishing grounds". Well, I suppose we can take some comfort that the guardian of the Northern Territory exchequer is so totally commercial in his outlook on all things.

As far as Aboriginals' use of the sea is concerned, I did not intend to go on at length but I will now, in relation to reading the honourable member's speech. Whether you agree with it or not, whether you sympathise with Aboriginal religion or not, it has been established beyond any doubt by numerous researchers - Professor Berndt, Dr MacCarther, Dr Hiatt, Dr Meehan and Dr Jones, their number is legion - that there are not hundreds but thousands of Aboriginal sacred sites off the coast.

It is all right for former members for Arnhem, like Mr Rupert Kentish, to state categorically that Aboriginals did not possess any sacred sites in the

sea - which was something that staggered me, considered the length of time that man spent working with Aboriginals. And it is also interesting to note the comment that the federal member for the Northern Territory, Mr Sam Calder, made at that time. He dismissed any nonsense about sacred sites in the sea with a rather famous quote in which he suggested that Aboriginals were telling lies because of their greed. The quote was that, as far as sacred sites in the sea were concerned, "Aboriginals dreamed up the dreams". That is burned on my brain, that one.

I also recall many statements made by the former member for Arnhem in which he used section 112 of the Crown Lands Ordinance, which I understand now is being repealed, as a basis for opposing land rights for Aboriginals. I remember the former member for Arnhem saying that land rights were bad for Aboriginals because if Aboriginals got land rights it would make them obnoxious and arrogant. He also said that Aboriginals did not have any land rights. I remember that also. He used the words "land entitlement". He refused to use the word "rights". He went on to explain why he did that in one speech. He did not use the word "rights" because he said Aboriginals did not have any land rights and that had been firmly established by Justice Blackburn. They only had land entitlements.

Aboriginal people at Maningrida who are the people that I know very closely use the sea extensively. I worked very closely with Dr Meehan at Maningrida; she was there for a full calendar year working and living with an Aboriginal group and her studies were directly on the contribution the sea made to Aboriginal living. I will not go into the sacred site business, because that has already been adequately covered. I would like to talk about the economic use that Aboriginals make of the sea.

Maps that Aboriginals draw themselves do not delineate between the land and the sea. Aboriginal maps include areas of sea in the same way as they include land. They consider them to be exactly the same. Aboriginals have a major dependence on the sea for their diet. At Maningrida - and again I am speaking of the Anburra people who live at Kapunga on the Blyth River - all their carbohydrate foods such as flour and sugar were obtained from the store in Maningrida, but all flesh foods in that 140 head camp were foraged. Sea foods supplied 68% of the total protein requirements of those people. They were very well fed people indeed and very healthy. 85% of all their meat was sea food. Doctor Meehan reported 30 species of shell fish, 30 species of fish and six species of crustacian that were collected on, she observed, 58% of the days of the year. The women, mostly, collected the shell fish while the men collected the fish, using all kinds of methods - spears, fish traps, nets, driving fish into nets and lines. Fishing lines had been introduced to those people by Macassans a long time before Europeans came to this country. If the sea resources of those people were removed, or depleted in any way by commercial fishing, their diet would suffer drastically.

It is also interesting to note the commonly held belief in the community at large that Aboriginals in the bush are living a life of luxury, laying under trees and living on government handouts. Last year a study showed that the average per capita income of Aboriginals at Kapunga was $500 a year. It is interesting to note, Mr Speaker, if those Aboriginal people had to buy the sea food they consume at $1 a kilo - and I do not know where you would get fish for 50 cents a pound, but let us assume you could - with their average consumption of 1.15 kilo of sea food a day, they would have been spending $420 of their $500 a year on fish. So it is obvious, Mr Speaker, that the extensive use those people make of the sea makes a major contribution in their economy. The money they get is mainly used for buying things like tea, sugar, flour and so on.

It is also very interesting talking about the two kilometre limit in this respect. At Kapunga at low tide, it is possible to walk out two kilometres from the beach. I have done it, and it is a very strange feeling. You can literally walk in a straight line two kilometres away from the shore at low tide and you are still only up to your waist in water, providing you do not mind stingrays and sharks and various other things.

The Aboriginal people at Kapunga utilise the sea regularly, on almost every day of the year right along the coast from Maningrida around to Millingimbi. It provides, as I said before, 68% of their diet. And this story holds good for all coastal Aboriginal commhnities. Fishing, of course, over the long term could allow them to be contributors to the economy at large.

I do feel, Mr Speaker, that the Northern Territory executive should consider following the recommendations of the Bonner report rather than the legislation they have brought down. The fact that, according to the Majority Leader, it would set a precedent is nonsense. This has already been pointed out by the honourable member for Victoria River. It is not a valid argument to say that, by referring things to the Aboriginal Land Commissioner, it would be creating a precedent. It is just not a valid argument. This whole question of land rights creates so many precedents that it just does not stand up.

The wildlife bill follows the Woodward recommendations and we support it.

The Aboriginal Sacred Sites Bill, as far as I am personally concerned, is beyond redemption. It should be entirely redrafted. It is again showing a typical white approach to Aboriginal religion. I commend the provisions of the bill that allow for setting up a statutory authority of seven Aboriginals and five whites. It is about the only part of the bill that I do like.

Things that I do not like about it are the fact that the definition of sacred sites does not include objects or sites of archaeological importance and it should. Expert opinion has again been ignored by the Northern Territory executive. The recommendations of the Australian Institute of Aboriginal Studies have been ignored. Again, the Bonner recommendation should have been followed in using the Western Australian legislation as a model.

Mining provisions are set out in three bills. Again they do not recognise that Aboriginals have land rights. In fact, what it does is to ignore those rights completely. It is totally inconsistent with the federal act. It is taking the same attitude that the Australian Mining Industry Council takes in ignoring section 40, section 43 and section 44 of the 1976 Land Rights Act. Section 40 establishes clearly that Aboriginals have a statutory right to minerals. Section 40 says that Aboriginals must consent to the granting of a mining lease. Sections 43 and 44 say Aboriginals may negotiate terms and conditions if they do allow mining to go ahead.

There is one last point I would like to make on the Mining Bill. Aboriginals have had a consistent opinion on mining. They oppose it 100% and always have done. They have said that again and again and again, till they are sick of saying it. We saw that in the Nabalco land case. Just recently, one month ago in the uranium province a huge meeting of all the traditional land owners which lasted for three days had all the benefits that would accrue to them from uranium mining on a royalty of 2½% explained to them - so many million dollars over the next ten years, so many thousand dollars in each individual's pocket, so many this and so many that. Those Aboriginals came back after considering that for a day and on the third day told those people, "you can keep your money, we do not want it. We will exchange the lot for our land. You say you are making us rich. You are making us rich on your terms, not ours. We do not want the money; we would rather have our land.

Thanks very much".

Mr Tuxworth: They were the ones that were negotiating.

Mr COLLINS: Again, Mr Speaker, please let me expose that continuous lie. Aboriginals are negotiating with mining companies for the very simple and proper reason that they know the fact that they have been saying no for the last ten years is not going to prevail. They are trying to salvage something from the wreck.

The Crown Lands Bill covers four main areas - the Aboriginals' use of food and water, ensuring the privacy of graziers in their homesteads, granting sub-leases to Aboriginals on properties and removing section 112 of the Crown Lands Ordinance which allows for special purposes leases. I support completely the provision which replaces forfeiture of a lease with a fine. That was just not practicable and should be replaced.

I want to speak again - and I know this has been covered by speakers before - about the bore water. It cannot be said enough times. It is an empty gesture to give Aboriginals foraging rights over a pastoral lease if you do not give them anything to drink. It is a fact, as Woodward pointed out quite correctly and as the member for Victoria River also pointed out, that surface water has been greatly depleted, that the Aboriginals' normal access to water has been greatly depleted by the demands that the bores place on the water table and also by the actual damage that cattle cause to watering places. It is an empty gesture to offer Aboriginals free range over pastoral leases which are their traditional country if you do not give them anything to drink. I would say that that will have to be changed and the Opposition, I know, is going to put forward amendments to it in the committee stage of the bill.

Section 112 of the Crown Lands Ordinance should not be removed. As I mentioned before, that particular provision in the legislation was something the former member for Arnhem used consistently as an argument not to give Aboriginals land rights. He said it was not necessary because of this section. It is now going to be taken away.

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

Mr ROBERTSON (Community and Social Development): With your approval and that of the honourable member who is on his feet, we on this side of the House would be prepared to move for an extension of time if the honourable member would continue his speech after 2 o'clock.

I move that the honourable member's time be extended so as to allow him to complete his speech.

Mr COLLINS: Mr Speaker, before the suspension of sittings I was speaking on the need to retain section 112 of the Crown Lands Ordinance. I would reiterate, in support of that argument, the points that have been put previously by the honourable member for Victoria River. There are many groups of Aboriginal people in the Northern Territory who would find it impossible to establish traditional ownership of an area of land. These people were forced to leave their land through no desire of their own but because of continuing pressures of development and so forth, particularly in regard to pastoral properties. They have, in fact, spent their entire lives living on particular pastoral leases and, although it would be impossible for these people to establish traditional land rights over that land, they certainly have a right under the natural justice that we all enjoy for some sort of land claim on the pastoral leases where they have spent their entire lives.

The reason the Majority Party gives for removing this section of the ordinance is that the Aboriginal Land Rights Act covers such requirements. But in the case of those particular people that I have just mentioned, it does not cover them at all. It only covers the needs of people who can establish traditional ownership of land. There are many groups of disadvantaged Aboriginal people living in the Northern Territory who cannot establish land claims under this criteria. Therefore, I advocate that this section of the Crown Lands Ordinance should be retained. Section 112 gives a very strong title over land, a much stronger title than would be otherwise granted to Aboriginal people under the proposals put forward by the Majority Party.

I spoke this morning on the need to change the legislation in respect of the use of bore water. I think it is a reasonable right for people to have access to potable water supplies, if they intend to live on a property. Another dispute I have with this particular bill is that there should be some method of referring any dispute over such land to the Aboriginal Land Commissioner.

I move on to the Social Welfare Bill which repeals a section of the ordinance. The Opposition totally supports the removal of this. It is simply procedural action and is in accord with the new legislation which gives the control of access to Aboriginal land to the Aboriginal people themselves. As I said earlier this morning, it is a very pleasing thing to see this in the legislation as it will avoid the gross political interference that was recently demonstrated by the federal Minister for Aboriginal Affairs at Maningrida in placing party politics before the needs and wishes of the Aboriginal people.

The Special Purposes Leases Bill simply removes the law which allows special leases to be granted over Aboriginal land. We have no particular objection to that. The Cemetery Bill also is a noncontentious issue and we have no objection to it.

I do feel, Mr Speaker, some need to comment on some of the earlier speeches which were made on these land rights bills in the Legislative Assembly. I referred this morning to a speech made by the Executive Member for Finance and Planning. I would like to turn now to the speech made by the honourable member for Nhulunbuy who said some things in his speech that I found very strange indeed.

One particular part of the honourable member's speech, Mr Speaker, really intrigues me. He talks about Aboriginal consultation and the degree to which he consulted with Aboriginals in his electorate over this legislation. He opened this discussion by saying, and I quote: "I took it upon myself to talk to the Aboriginal people in my electorate". Mr Speaker, English is a very expressive language indeed, and contains a variety of shades of meaning but I can only interpret that in one way. I will say it again, "I took it upon myself to speak to the Aboriginal people in my electorate". There is a single English word to describe that collection of words, Mr Speaker, and that word is "imposition". I am sure the Aboriginal people of Yirrkala would find it interesting that their member considers it an onerous duty to bring himself to speak to them. Nevertheless, that is what he said in this HOuse.

He continued for a long time - in fact, for a tedious length of time - on his consultations with the Aboriginal people, pages of it. I found that most interesting; methinks the honourable member protesteth too much. One of the interesting parts about his consultation was his continual use of the expression "I told them" - "I told them this" and "I told them that" and "I told them something else". He used the expression no less than 12 times during his speech - "I told them this" and "I told them that".

Mr Robertson: Now who is being tedious?

Mr COLLINS: It is obvious, Mr Speaker, that the honourable member spent most of his time in his consultation with Aboriginals in telling them. I just wonder whether the honourable member bothered to listen at all.

I happen to know what the Aboriginal people of Yirrkala think about the two kilometre limit and I know, as the honourable member knows, that they would like it extended to 12 miles. But that received very scant attention in the honourable member's speech.

He also repeats, Mr Speaker, an incorrect story that has been brought up in this House before concerning the permit situation at Groote Eylandt, only this time he blames somebody else. Referring to this situation, the honourable member said "I know they took notice of the Aboriginal leader but they said they had had approval from the Aboriginal leaders and that the restriction of movement was brought to bear by the Department of Aboriginal Affairs. Well of course, that is totally untrue. The previous speaker who spoke about this in the House blamed the Northern Land Council for the restriction of permits at Groote Eylandt. I pointed out at that time that that was not true. This direction, I know, came from the Angurugu and the Umbakumba Councils at Groote Eylandt. The Northern Land Council was acting merely under their instructions, as was the Department of Aboriginal Affairs. I feel this point should be cleared up once again.

He then went on to say in the following paragraph - he was talking about control of entry onto seas adjoining Aboriginal land - that the legislation has been drafted "in accordance with the Bonner report", which is simply not correct. He then goes on to say in the next sentence that "the Bonner report followed the same line as the Justice Woodward report", which it does not. I would like to suggest to the honourable member that, if he really does think that that is the situation, then he should get the bill and the Bonner report and the Woodward report and have a look at them and read them again. He also says - talking about consulting with Aboriginals - "I think it is a most important thing, Mr Speaker, to ask these people how they feel about it and it is nice to get a response". I imagine the honourable member would get the same sort of pleasure from getting a smile out of a monkey that he had given a banana to. That is how it reads.

There is also a comment here referring to the deputy leader of the Opposition where he is criticising the deputy leader and says "I have not heard him say that he has spoken to these people", again referring to Aboriginals - apparently the honourable member does not feel it possible to speak of them as Aborigines; he continually refers to them as "those people" or "these people". He goes on to say, "I think he made that up". Of course, I happen to know that the honourable deputy leader of the Opposition did not make it up, that he has in fact consulted with Aboriginals.

I move on very quickly, Mr Speaker, to the speech of the honourable member for Alice Springs which I found just incredible. I will be interested to read it in Hansard tomorrow because I could not believe my ears. One of the things that I did take exception to - considerable exception - was the member's constant reference to things that "members of the Opposition would not know about". Members of the Opposition would not know what a cow was. Members of the Opposition would not know what a drought was.

There are six members on the Opposition side of the House. I happen to know that two of them have family connections in the Northern Territory that go back a hundred years in both cases. In fact - and I am sure the honourable member will forgive me for mentioning it and talking about him - the honourable member for Victoria River is married to a lady whose parents were the very first Northern Territorians born in the Territory to be married in the Territory. The

honourable member for Victoria River's connections go back a hundred years, as do the honourable member for Fannie Bay's. And, with respect, I can say that the honourable member for MacDonnell's forebearers go back a great deal further than that.

The member for Alice Springs then went on - and I could not believe my ears - to talk about the injustice of having to pay Aboriginals a proper wage when times were bad. Well, after listening to the quite proper comments made by the honourable member for Gillen this morning, in respect of paying people what they should get, I am amazed. I think the honourable member for Alice Springs is going to become somewhat of an anachronism in the Liberal Party, the new look CLP, if he does not update his point of view a little.

The other thing I found also impossible to swallow was when the honourable member talked about drought conditions in the Northern Territory and the fact that it would be impossible to give Aboriginals access to bore water because in times of drought the cattle needed the water. Now, that really took a little bit of listening to. I wonder if the honourable member's sentiments would put cattle above people if the people just happened to be white.

To sum up, this is probably the largest package of legislation that has come before this House since I have been in it and an enormous amount of work must have been put into it. I do not think there is any doubt at all that it is a vast improvement over the previous legislation and I do sincerely commend Mr Creed Lovegrove for the work he and a great many other people put into it.

There are, however, a number of provisions where I think changes should be made and I would like to list them now. The two kilometre limit should follow the recommendations of the Bonner report. The Sacred Sites Bill should be amended so that it is more in line with the Western Australian legislation which the Bonner report recommended should be used as a model. The mining legislation should be amended to bring it into line with the 1976 Aboriginal Land Rights Act, particularly sections 40, 43 and 44 which I have mentioned before.

In this context I would like to speak again about this business of Aboriginals negotiating with mining companies. I spoke this morning about the fact that they are doing this to salvage something from the wreckage but the honourable member should also know that they are doing this because they have to. They have to negotiate with mining companies under the terms of the 1976 Aboriginal Land Rights Act, as the honourable member should well know.

Section 112 of the Crown Lands Ordinance should be retained for the reasons I have already covered, so that non-traditional land owners can have some sort of claim over land they have lived on all their lives.

In conclusion, I would say that Aboriginal land rights is an evolving thing. It is not a static thing; it is an evolving thing. It started off with Aboriginals throwing spears at white people and murdering them. It has now moved into the political arena and it is gradually evolving. I remember as a schoolboy being taught about William Wilberforce, the Emancipation Act and the freeing of the slaves in England. I suppose, like most kids at school, I had some vague notion of William Wilberforce standing up in the House of Commons in England making a wonderful speech and everyone else saying what a terrific idea: "Let us free all the slaves". In fact, the facts are that William Wilberforce spent his entire parliamentary career trying to get that piece of legislation through and was successful only after 30 years of effort ...

Mr Everingham: While he was sweating children in cotton ...

Mr COLLINS: Mr Speaker, I would make it clear to the Majority Leader that I have read the Emancipation Act and I do not consider it a brilliant piece

of legislation. I am talking about it in the context that I am talking about the evolution of legislation and the evolution of the struggle for land rights in the Northern Territory and the rest of Australia. It was part of that evolution. Charles James Fox, Wilberforces' colleague in the House who was also a sponsor of that bill, spent his entire parliamentary career trying to put that bill through parliament and died without seeing it happen ...

Mr Everingham: Fox was dead.

Mr COLLINS: And died without seeing it happen! When the tide was turning for emancipation for blacks in England, when everything seemed to be going in Wilberforce's favour and the bill was put before the House, Wilberforce made a speech which was acknowledged by all to be one of the most eloquent speeches ever heard in the House of Commons. Some members were moved to tears. Everything appeared to be going his way but when it came to the vote, the bill was soundly defeated. Outside the House afterwards, when James Fox was commiserating with Wilberforce, he made the now famous statement: "The great speech is for liberty, the votes for property". That, Mr Speaker, is still very much the case today. I think these bills before the Assembly are simply one more part of the evolving story of the struggle for Aboriginal land rights in the Northern Territory.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, this complementary Aboriginal land legislation, comprising the ten bills presented by the honourable Majority Leader, has been itemised and detailed in a most comprehensive way in the member's second-reading speech. My speech will be brief.

The Special Purposes Leases Bill only envisages minor amendments to the Special Purposes Leases Ordinance to bring it into line with the Aboriginal Land Rights (Northern Territory) Act in that the position of special purposes leases on Aboriginal reserves is spelt out clearly.

The changes proposed in the Cemeteries Bill are clear and straight forward, having regard to the way Aboriginal rights, consequential to death, have changed over the years to become more similar to those outside Aboriginal areas in the rest of the Northern Territory.

Regarding the Aboriginal Sacred Sites Bill, it must be noted that the relationship to a site varies with family, clan and tribe. A person who is not of a tribe or tribal group may or may not have any knowledge of the sacred significance or degree of sacredness of a site. Therefore, their approach to a sacred site will be governed by this knowledge or lack of knowledge. The purpose of a visit to a sacred site is important and the reason why it is of prime consideration has to be assessed. Someone related to a particular tribal member would not want to go to a sacred site if they knew there was an emotional memory related to the site for him. Europeans have an academic interest, divorced from any reality of emotion and are considered differently. One tribe has to have permission from another tribe and the reason for a visit to a sacred site must be of sufficient moment to occasion the visit and to receive approval for it, or not, after an assessment is made. This is all relevant to clause 13(b) and 25(1) and I had some difficulty in aligning these provisions with the fact that the seven Aboriginals on the Sacred Sites Protection Authority would, in all probability, come from vastly different tribes, clans and families. However, I now think the system will work.

In the Crown Lands Bill, with regard to certain areas to be excised from pastoral leases for the use of Aboriginals already living there or living somewhere else in the Northern Territory but having allegiance to the area, it does not seem clear to me exactly what sort of lease they will get. If it is a pastoral lease, will similar conditions apply as to other pastoral leases in the Northern Territory? In the Crown Lands Bill, as also in the Territory

Parks and Wildlife Conservation Bill and the Aboriginal Land Bill, it is very important that provisions exist for land under the control of Aboriginals carrying any stock or wildlife to be treated exactly the same as other land in the Northern Territory with regard to disease control, especially with the position of blue-tongue at the moment and the conservation of fauna resources with our advanced thinking on this subject now. If we are to take our part fully in overseas markets, with regard to our beef exports, we must have the Territory free of TB and brucellosis by 1984. With the complications of the blue-tongue situation at present and the reluctance of overseas countries to trade with us because of this, further careful consideration has to be given by all concerned to this important matter if our primary industries are to remain viable and people stay on their properties populating the Northern Territory.

The Administrator in Council has control of the working of many provisions of the Aboriginal Land Bill. In clause 6(1) the position of government employees entering onto Aboriginal land is controlled by permits, conditions etc, determined by the Administrator in Council, and the same thing applies to closed waters. The previous rights of fishermen are protected by the Administrator in Council who may also close or open waters. An important point worth considering is the entry into and remaining in what may be closed waters by alien boats or ships that are illegally fishing, carrying illegal immigrants or engaging in other activities associated with the carriage of drugs. Further legislation must be introduced or the present provisions tightened up to prevent all three of these highly undesirable activities continuing.

Section 38 in the Mining Ordinance is the section granting exploration licences over Northern Territory land. In this bill, clause 7 deals with section 38. In the last six to eight years, no exploration licences have been granted over Aboriginal land. The bill is making provision for exploration licences to be granted over Aboriginal land in certain conditions. However, before any exploration licence is granted over Aboriginal land, the applicant has to get approval from the Administrator, the land council and the Minister for Aboriginal Affairs while for the rest of the Northern Territory, as I understand it, only an approval of the Administrator is needed whatever tenure the land may be.

The new charges in the Coal Bill and the Petroleum Bill bring these ordinances into line, regarding exploration licences, with the amendments in the Mining Bill.

Regarding the Territory Parks and Wildlife Conservation Bill, as I said earlier, it is important that all stock disease control measures can be carried out on all land in the Northern Territory to make any program for TB or brucellosis or blue-tongue control fully effective. Similarly, it is important that, together with Aboriginals enjoying their land in traditional ways with regards to hunting, regard must also be paid to conservation everywhere on all land in the Northern Territory, and monitoring must be done to keep a full record of all fauna species to prevent any becoming endangered.

I hope the passage of these ten bills will make for clear thinking and harmonious relations with all the sections of the community in the Northern Territory.

Mr ISAACS (Opposition Leader): I rise very briefly to discuss the legislation before the Assembly. I speak as one person, anyway, who does not profess to have particular links with the Aboriginal community but certainly as a person who regards Aboriginal land rights as something which has been unanimously agreed upon between the major parties who represent the political scene in Australia. Sometimes I just wonder how committed my friends opposite are when they talk about Aboriginal land rights. Nonetheless, there is no doubt

that it has been accepted by both major political parties that Aboriginal land rights is a matter which has to be accommodated and should be accommodated. I speak as a person who does not have any particularly detailed background of experience with Aboriginals. Certainly, as a union secretary I had something to do with tribal Aboriginals in a very minor way, so far as the cattle industry was concerned, but I would rather not speak about the trade unions' involvement so far as that industry is concerned, because I do not think it is a very respectable history at all. I speak as a person who is concerned about the Northern Territory community and certainly concerned in a very fundamental way about the rights of Aboriginals as important people within that community.

It seems to me that the difference of opinion between this side of the Assembly and the other side is that we on this side seem to take a conciliatory approach to the question of Aboriginal land rights whereas the Country Party takes an approach that says that, if there is a conflict of interest, it should be determined by arbitration. It have never been impressed with the notion of arbitrating differences of opinion. I have always been far more impressed - and I think the parties to a conflict are too - by sitting around the table and trying to thrash out differences of opinion. I believe one of the problems, especially in so far as the two kilometre question is concerned, is that too little is directed towards conciliation and too much is directed towards arbitrary determinations. I think the points made by my deputy leader and the member for Victoria River and the member for Arnhem go very much to this point.

I too, like the member for Arnhem, was staggered by the response by the Executive Member for Finance and Planning in relation to sacred sites in the waters. I suppose there is an analogy but every analogy you make certainly loses something. I do not suppose too many people would be impressed by a person, such as myself say, wandering around a chapel or church or some other site of religious significance in the Western world, not so much poking holes or desecrating the site but being in an area where people were not permitted. It seems the executive member just does not understand the significance of these sites. Of course it is true, in the most trivial sense, that you cannot desecrate the seas but you certainly can desecrate people's religious views and feelings by being in a place which is taboo. I would have thought that that point would have been perfectly obvious, certainly to the Assembly, and I thought it would have been obvious to the executive member also. In certain religions, where women for example are not permitted in certain places - I do not want to argue whether they should or should not be - I would have thought that, if women were to go to places which were taboo to a certain religion, then that would have desecrated that site. Certainly, it would not in any material way, according to our own eyes and our own religious views, desecrate it but in the view of those people who hold those sites sacred, I would imagine it most certainly would. I think it is that point which the Executive Member for Finance and Planning fails to comprehend. He refused, in my view, to come to grips with what is meant by a site of significance. I would ask him to reread the speech so ably put by the member for Victoria River.

I would also like to reflect upon the points raised by the member for Alice Springs. It was his considered opinion that, because of union pressure to pay Aboriginal stockmen award wages, people did not consider the effect that decision for equal wages would have had and therefore the trade union movement was somehow responsible for one particularly bad aspect of the cattle industry. I think it does well to remind the Assembly of the significance of the 1966 case which I think he ought to be referred to, where the union, it is true, sought an award in the cattle industry to cover not only non-Aboriginal workers in that industry but also Aboriginal workers. It is my recollection - I think you might have a recollection of it also - that the proposition for equal pay for either non-Aboriginal or Aboriginal workers was not opposed by the pastoral industry. Certainly I recall that the counsel for the pastoralists was no other entity than one J.R. Moore as he then was. It is my clear recollection that

the pastoralists supported the proposal for equal pay.

Mr Everingham: You are going to blame it on the pastoralists, too.

Mr ISAACS: Those are your words, not mine. The pastoralists supported the question of equal pay but there was an argument as to when it should be brought in.

My clear recollection of the case - and I would remind you, Sir, that it was not just an ordinary case; it was a full bench case, with John Moore, as he then was, on the bench and, I believe the president of the commission, Sir Richard Kirby, as the presiding officer. So it was not just an ordinary, run-of-the-mill case. However, the only point of difference was when equal pay for Aboriginal stockmen came up. My recollection is that, although the case was fought in 1966, the decision by the court was that equal pay for Aboriginal stockmen should come into effect from 1968, so that pastoralists were given ...

Mr Oliver: And we still can't afford it.

Mr ISAACS: ... some time to adjust to the dreadful impact that this equal wage would have. Of course, I think the records show that there was not so much damage from equal pay for Aboriginal workers. I do not know of anybody - apart from the member for Alice Springs and maybe there are some more of them on that side - who even now, twelve years after that decision and ten years after the implementation of equal pay, questions the validity and the justice of that decision. I was staggered to see that chestnut brought up in this Assembly in 1978.

The Labor Party puts the view that in the area of land rights and in particular the question of the two kilometre mark, more emphasis should be given to the question of consultation between the parties. I have had numerous conversations with fishermen and with Aboriginal groups affected by the legislation and there can be no doubt about two matters anyway. One is the fact that some Aboriginal communities - and certainly the ones I have spoken to - do have sites of significance in the sea and they are as real as sites of significance on land. Secondly, the areas of disputation that currently exist between fishermen and Aboriginals on existing reserves is very small. The areas where the conflict is likely to arise are not very many at all. It seems to me, where those conflicts arise, the parties in the first instance ought to be directed to discuss and consult with each other and only then, if there is some question of a conflict that cannot be resolved, the matter should be determined, I believe, by an independent arbitrary body, by the Aboriginal Land Commissioner.

I think it is correct to say, as the member for Victoria River said, that the whole question of Aboriginal land rights and the way in which it has been brought into being, the passing of the federal act and also these ten complementary bills, sets a precedent. That sort of thing has not occurred before. It seems to me quite ludicrous, therefore, to say we are not going to establish a precedent by allowing an independent person, a judge, to have views which cannot be changed by the executive. It seems to me that if one is accepting the precedent already established, these extra precedents surely cannot be argued down, merely because they are a precedent.

I believe it is a very good idea to have this area removed from the sort of political bartering which can go on. I believe such matters ought to be resolved between the parties where conflicts exist and, where they cannot, they ought to be settled by an independent person. The Land Commissioner has shown himself to be a person able to make decisions which have the confidence of the people who are interested in the conflict.

Mr Speaker, I do not want to take up the time of the House any more on this except to say that I was amused in one way and rather horrified in another that the member for Nhulunbuy reminded us of that historic - I suppose I can use that word - historic trip that Snow White and his 14 dwarfs, made to Canberra some time last year, to enforce the will of this Assembly on the federal parliament in relation to the complementary land legislation. I, too, believe it is a shame that we have to debate this legislation in this Assembly. I also believe it is properly the preserve of the federal parliament.

However, the reality is that there is a vacuum in this area of legislation given by that federal parliament. In that case we are bound to pass legislation to fill that vacuum. I believe the job that has been done on this occasion certainly is an improvement on the bills which were put before this Assembly early last year. But we would indicate that there will be a number of amendments moved in committee stage, specifically relating to the question of the two kilometre mark and the matter that parties ought to be put into conference to resolve their differences rather than have them arbitrarily determined. The other matters have been covered by my deputy leader, the member for Victoria River and the member for Arnhem.

Debate adjourned.

ELECTRICITY COMMISSION BILL
(Serial 67)

Continued from 4 May 1978

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, the Electricity Commission Bill is a further step in the development of the Northern Territory and I welcome its introduction into this House. In part I, the definitions, I would like to have seen perhaps a better definition put in there of what electricity is. As you know, we can generate all sorts of electricity; the member for Tiwi gave one perfect example of generating static electricity.

The proposed statutory body will consist of a chairman and two other members, and the commission will have a wide variety of functions, such as planning, coordinating, selling and purchasing electricity and, of course, the supply of electricity. One very important function is to set and enforce the standards of electrical installation apparatus and equipment and, moreover, to enforce the standards under the law in force in the Northern Territory relating to electrical workers. Also relating to this is the Electrical Contractors Bill now before the House.

I think for the first time in the Territory we will be able to see the power stations properly managed. As we remember from the McKay report, there were a lot of problems relating to management, demarcation lines between departments, no proper spares and no proper manual to go by. In other words, confusion reigned in the power station.

The commission has a very wide scope of powers under clause 15 and I shall be looking forward to the day when a consumer can enter the office of the Electricity Commission and be given an answer to problems. Perhaps it will improve the services we already have; I am sure there is a lot of room for improvement, particularly for the consumer and in all facets of supplying electricity.

I remember in 1976 a number of houses were built in Darwin under the Darwin Reconstruction Commission but nobody could move into those houses at the time because they did not have electricity connected to them. Those are the sorts of problems which people had to put up with at that time when they were living in caravans or some other improvised accommodation, living under

houses or perhaps in tents. I only hope we never see those sort of situations again.

Clause 16(1) allows for electrical inspectors to enter land and premises to inspect the various electrical installations, apparatus and equipment.

Mr Collins: And get bitten by dogs.

Mr BALLANTYNE: An electrical inspector may be bitten by a dog too. However, it is a big responsibility on the commission. It is also something that will protect the consumer and, in another way, it may be against the consumer. I would like to ensure that electrical inspectors do use their discretion when they enter a property because I believe there are genuine cases where wiring installations are perhaps not up to the standards but quite safe electrically.

Mrs Lawrie: Oh, come on! Either they have them up to standard or they haven't.

Mr Collins: That's a bit self-contradictory.

Mr SPEAKER: Order!

Mr BALLANTYNE: We do not want people to be upset by an over-conscientious inspector.

Mr Speaker, it is strange to hear the Opposition Leader say the other day that he wondered what type of person this electrical inspector would be. There is no doubt in my mind what he would be. He said he may be a clerk or something of that nature but I am sure that anyone who has worked in the electrical field would know that first of all he would have to have some qualifications in that field. I am sure he would be registered under the new ordinance that will be going through this House, and approved by the Electrical Workers and Contractors Licensing Board. I was quite amazed to hear this ex-unionist talk on those matters because that is one of the main things that unionism strives for, to make sure that the proper tradesmen are working in the proper job with the proper qualifications.

One very important provision of clause 16(2) is that the inspector must show his identification and that he is authorised by the commission to carry out his job. Moreover, the consumer also has the protection that he has the right to ask for the inspector's credentials before any work commences in his house or wherever it may be. Part III, in clauses 27 and 28, fully lists the duties of inspectors and, if I am any judge, it is clear that those people will be qualified tradesmen.

Everyone will welcome the commission handling its own finances and having responsibility for the accounting system. I am sure we do not want to delve into the past to tell the House just what has happened when it comes to the past accounting system - people getting accounts twelve months later and some of them not even getting them at all at some stage. There is an urgent need to improve these services and whatever method they introduce, I am sure it will certainly be beneficial to the consumer and the general public.

Whilst the commission is responsible for its own purse strings and may borrow and invest moneys, clause 25 states that the commission cannot borrow on or mortgage any of its real estate or personal property without the consent of the executive member. That is a very important clause and a normal one for statutory bodies, as that body is in the business of generating electricity, not in real estate. Clause 15(2)(e) gives the commission power:

to acquire by lease, purchase or other means any land, buildings, easements and other property (real or personal) ... for the purpose of this Ordinance.

The commissioner is subject to strict audit procedures and the auditor shall report his findings on the commissioner's accounts and records to the executive member at least once a year. The bill does not say who the auditor should be but I would like to think the auditor would come from the office of the Auditor-General.

Clauses 29, 30 and 31 in part IV, electrical installations and equipment, detail the powers of the commission to make bylaws for the control, inspection and testing of electrical equipment. We all know how very important that is. It also makes provision for the consumer to request the commissioner to test electrical installations and other apparatus pertaining to electrical current. This is a very good provision which can assist both parties. I should imagine there would be no charge for the service, other than where equipment owned by the consumer and rendered unserviceable would have to be replaced at the owner's expense.

Electricity meters have caused problems in the past although today they are considered quite a reliable unit. However, clause 32 allows for the testing of meters and I should imagine meter-readers employed by the commission would be trained, as part of their job, to recognise the faults in meters and ...

Mrs Lawrie: Trained to recognize faults in what?

Mr BALLANTYNE: Where they are taking these readings of households and factories and so on.

In part V, appointment of agents, under clause 33 the commission may approve agents in areas to "generate, store and reticulate electricity." I would certainly like to see the supply of electricity in the Northern Territory in the hands of one commission. However, if not possible - and I doubt whether for a number of years we could ever have the situation where the commission would be responsible for all power generated because there are so many small units scattered through the Territory in small settlements. But it would be nice to know that we could have that control. The only thing is that they are doing a wonderful job and a service to those communities in the sense that they are not earning one cent. Perhaps some system will eventuate where in some areas electricity charges can perhaps be made to offset the running costs of those small units.

In part VI, clause 34 provides for the commissioner to make bylaws. One important subclause, 34(2), deals with the adoption of standards. In the past there have been some areas of electrical work where the standards did not always conform to the standards laid down by the Standards Association of Australia. The sooner those standards are brought in and applied, I am sure in the long term everyone will be happy - except those poor people who have to install new cables or perhaps even buy new equipment because it does not meet the required standard. This is where a lot of discretion will have to be applied because in a lot of outback areas cabling and other jobs have not met those requirements.

Clause 40 provides for charges for consumption to be determined by the Administrator in Council by regulations and to be payable to the commission. I can only hope that charge fixing will be viewed in a meaningful and sensible way to bring about a reliable, efficient electricity supply.

I welcome the formation of this Electricity Commission and I support the bill.

Mrs O'NEIL (Fannie Bay): There are only a few items in this bill that I would like to mention. The first is the question of conflicts of interest of members of the commission. Honourable members will know that this is something I have directed my mind to in the past. The margin note to clause 9 reads: "Persons not to act as member where interested". If that were indeed the full intent of this clause, I would be very happy. Unfortunately, what the clause attempts to do is to allow the executive member to direct, in writing, the chairman or a member of the commission to act in relation to a matter to which he has declared an interest. I do not believe that is good enough. I have pointed out before in this Assembly that I doubt very much if the courts would think it good enough and they would quite possibly set aside any transaction affected by such a conflict. The executive member cannot, with a stroke of his pen, overcome the principles of common law regarding public offices.

Once again, I urge the executive to consider this question of conflict of interest in persons appointed to statutory authorities. As it is, each piece of legislation which is introduced seems to take a different line on the question. The Town Planning Appeals Committee, the Town Planning Board, the Port Authority and now the proposed Electricity Commission all have different requirements in this regard.

Without reflecting on the forthcoming debate on the Financial Administration and Audit Bill, I welcome what the executive member said this morning about bringing uniformity into the financial and auditing arrangements of the various statutory authorities in the Northern Territory. I hope the executive can see its way clear also to bringing uniformity into the question of appointments to these various authorities. From a practical point of view, it would cause no great disruption to the working of the Electricity Commission for a person to have to withdraw, as the occasions on which conflicts would occur are probably small. In any case, there is provision under clause 10 for temporary appointments during the absence of a permanent member of the commission.

I would also like to reflect briefly upon the question of the appointment of an auditor. It might very well be covered by the executive member later on. I certainly hope it is. As it is, the bill simply says that the executive member shall appoint an auditor. We hope, as the honourable member for Nhulunbuy mentioned, that it is the Auditor-General or some other suitably qualified person but, as the bill now stands, he could well "do a Caligula" and appoint his horse. I am not terribly happy with that. I hope the honourable executive member can shed some light on that situation when he addresses us in reply.

Finally and briefly, I would like to look at the question of electricity charges to be levied by the Electricity Commission. The honourable Executive Member for Resources and Health pointed out that we must expect electricity and energy to get more expensive. We must look to new sources and indeed we must encourage thrift in the use of electricity. Yet this principle which I think has been recognised world wide, certainly in the United States and other developed countries, is not reflected in the way that charges are levied. At the moment users of small amounts of electricity - up to 800 units per quarter - are discouraged by having to pay a higher rate per unit than users of large amounts of electricity.

I would further like to point out that this particularly affects pensioners, because they are frequently the people who are living alone in small flats and who would be using small amounts of electricity. Yet they have to pay more per unit than higher users. I would urge the executive member to consider providing rebates for pensioners in the provision of electricity charges and, in general, to all persons who use only small amounts of electricity.

As it is, pensioners have a great deal of trouble balancing their budgets,

faced as they are with increased costs. Although they do get automatic increases as a result of the quarterly wage indexation decisions, the administrative arrangements of the Department of Social Security are such that pensioners do not receive those increases until some six months after the decision has been handed down. They are paying higher costs for the other goods and services for over six months, before their income is adjusted. The monthly charging of electricity is going to make it even harder for them to balance their budgets. If the executive could consider giving them rebates in electricity charges, I think everybody in the community would support it. I would urge them to give that consideration. That is all I have to say on these bills and I look forward to hearing what the executive member has to say in reply.

Mr EVERINGHAM (Majority Leader): Mr Speaker, I did not intend to speak on this particular bill but I was rather provoked into speaking by an event that took place yesterday morning. I only heard of it yesterday evening. It was the not unfamiliar event over the past few weeks of someone's power being cut off after they had paid their electricity bill. I was phoned yesterday evening by this particular woman whom I know very well, to tell me that yesterday morning, whilst she was at work - and her husband overseas - the electricity supply people had come out and cut off the power. Consequently, about $50 worth of meat and other food in her freezer had been ruined and everything in the fridge as well. This is something that has been happening not infrequently, Mr Speaker. It happened only a few days before to another woman who also spoke to me about it.

The story seems to be this. These people pay their bills - I remember this bill was paid on 26 April. No account rendered had been received in this particular case. No notice of intention to cut off the power had been received and yet these heavies had come around under instructions and cut off the power. The excuse that is always handed out is that it is the computer that is at fault - this computer we hear so much about which, in fact, we are going to sell on the second-hand market as soon as we get control of it. The fact of the matter is that computers are operated by human beings, or at least the people who operate them are supposed to be human beings. I sometimes wonder who is operating this computer because a machine just could not be so bad if it was being operated correctly.

Another situation that causes me a great deal of concern is people coming to me with certified letters they have received which are costing about $2 to send out each time. I understand that in Tennant Creek, for instance - so the honourable Executive Member for Resources and Health tells me - the postmaster has about 300 to 400 of these certified letters containing accounts rendered for electricity supply. I know of at least three particular instances where these certified letters have been received some weeks after the account has been paid.

The waste of money and time that is going into this is just staggering, and that is why I pin so much hope on this new bill that is going through to establish an Electricity Commission. I just hope this man, Max Dryer, who is the interim Electricity Commissioner, can do something with the people and the machines that for some reason or other have not been able to do any good at all in the past. I would certainly say that, if we see any repetition of this sort of thing after the creation of the Electricity Commission, I will be most disappointed.

There is only one other topic I would like to speak on in addressing myself to this bill and that is a topic raised by the honourable Leader of the Opposition in relation to the staffing of the commission. As he pointed out and as we all know, it is one of the key recommendations of the McKay report that the staff of the commission be outside the operations of the Public Service Ordinance so that the commission can be truly independent in its operations and run

as a business enterprise. I accept that and, in fact, I support it wholeheartedly. We all do and it was the executive's decision that the commission should operate outside the public service and run as a business enterprise.

The fact of the matter is that the transfer of public servants to a business undertaking or commission outside the operations of the Public Service Ordinance is just not legally possible. The Commonwealth public servants who are to transfer to the Northern Territory Public Service on 1 July have to be transferred to an operation that comes within the ambit of the Public Service Ordinance. So we are utterly hog-tied and the key recommendation of this report is to be set at naught by the fact that these peoples' requirements must be met.

What we have proposed to the Public Service Commissioner and to the Electricity Commissioner is that when new people are hired into the commission they be hired wherever possible outside the terms of the Public Service Ordinance. I hope that within the next couple of years we can get the commission operating on a fully business-like basis. It may well be that the people who do transfer into the commission as public servants on 1 July will perhaps see that there is nothing to be fearful of and offer this voluntarily. I certainly hope that is so, because I do not think the commission will be able to be criticised unless we implement fully the recommendations of the McKay report. I can certainly assure you and all honourable members that that is what we would like to do.

Mr COLLINS (Arnhem): I rise very briefly to support the sentiments expressed by the Majority Leader. I too had no intention of rising this afternoon to speak on these bills but I must rise in response to that, to say that I also look forward to the establishment of this commission.

I think that electricity generally has been a thorn in the side of everyone in this place for some considerable time. It is most upsetting for people to have their power cut off when they have paid their bills. I have been subjected to similar experiences myself. I have had numerous complaints from people in the area where I live, not about the cutting-off of power but the inaccurate way in which accounts are prepared. These stories have been brought to me on numerous occasions where people have complained that they have been overcharged for electricity, people who simply could not get the electricity people to send them an account. Then it became very real when it happened to me. So I must add to the complaints of the honourable Majority Leader and certainly look forward to the establishment of this new commission.

Literally for two years, I had asked the electricity people to send me an account for my power. I was becoming despondent about ever getting one. I had sent numerous communications simply to get a bill because I was worried that on my frequent trips out bush, for the same reason as the honourable Majority Leader has just mentioned, they would take it on themselves, when they found out I had not paid for a considerable period of time, to come out and cut my power off and I would lose a deep freeze full of food. It took two years before I finally got an account and then I got one in excess of $800 in one hit. I got this incredible thing out of the computer and it was literally - I measured it - four feet long. What disturbed me was that there were very, very few actual meter readings on it. Most of the account debited to me were for readings that had been assessed.

Now, being a single man and being involved in a job where I was out bush almost every second week, just a cursory glance through these accounts showed that the amounts were just incredibly excessive. For periods when I was being billed for enormous amounts of electricity, I was not even in the house. I referred this matter back to the electricity people and they very casually knocked a very substantial amount of money off the account, which disturbed me

both at the inaccuracy of the account itself and the very casual manner in which they knocked off an enormous amount of money - simply because I had made a complaint about it. They conceded that the account was in error and they just casually said, "We will charge you a couple of hundred dollars less". I said, "Thanks, very much. Perhaps if I come back in another week, I will get it knocked down further".

I believe the number of complaints that have been received about this same matter - this computer and the way in which it has fouled up numerous accounts - has got well and truly beyond a joke. I echo the sentiments of the Majority Leader and I look forward very much to the formation of this new commission.

Mrs LAWRIE (Nightcliff): I only rise to speak briefly to this bill, to echo a couple of the points raised initially by the honourable Leader of the Opposition - points which have not been taken up by any member on the government benches, though I hope the honourable sponsor of the bill will reply to some of the queries that have been raised.

Firstly, may I say that I fully support the proposal to establish an independent Electricity Commission and, in fact, gave evidence to the McKay inquiry on that point. I would have preferred the commission initially to have been a fully independent body but I can realise, because of the rapid acceleration of transfers of powers, it may not be possible to have a fully independent commission at the outset. One would hope that the honourable sponsor of the bill, whose responsibility it will be to supply this rather fluctuating service, will indicate the policy of the Majority Party as to when, if and at what point of time, we can see the authority moving from the public service to become fully independent. I took on board the remarks of the honourable Majority Leader but, knowing something of the Westminster system, I would prefer to hear the executive member responsible detail his policy.

Mr Speaker, the honourable Leader of the Opposition and I think the member for Fannie Bay also raised the point that one has to have uniformity in the appointment of people to statutory authorities which are to operate directly under and be responsible to the Northern Territory executive. May I echo their sentiments. One would hope that the sponsor of this bill would take great care in appointing the part-time commissioners. I too have seen the advertisement in the paper and believe it to be woefully deficient.

I share the concern as to the inadequate provisions of the bill relating to declaration of interest. One would also hope, as the member for Fannie Bay said, that uniformity right through Northern Territory legislation regarding declaration of interest will be a major policy decision taken by the Northern Territory executive and detailed to this House. At the moment every time we have a piece of legislation presented to us, we seem to have different forms and regulations regarding the appointment of persons and declaration of interest.

Mr Speaker, I was horrified by the member for Nhulunbuy's reference to having a standard but not necessarily having to stick with it. One would hope that the sponsor of the bill will refute such peculiar suggestions. The honourable Majority Leader pointed out quite rightly that there seems likely to be a slight slipping of standards if we do not stick strictly with the Australian Standards Association in what has become a highly technical field - one in which, I would imagine, the honourable sponsor of the bill would not wish to dabble.

I totally refute the suggestion that we set a certain standard for electrical wiring and installation, and then if poor old Joe Blow cannot afford it, we ignore it because he is a nice fellow anyway. That is quite untenable and I just cannot believe it possible that a responsible member of parliament could have put it forward in 1978 as being a reasonable suggestion. Let us not carry

the old-boy and old-mate system into the field of electrical wiring. Likewise, his suggestion that we have on-the-spot testing of meters. I can only suggest that the electricity authority will have to appoint rather large inspectors if they are going to be capable of carrying the necessary equipment.

Mr Speaker, I applaud the concept of the bill. I understand there are significant amendments to be proposed in the committee stage which have recently been circulated. I do not intend to speak to those clauses in detail but will reserve my comments for the committee stage. I hope the Executive Member for Finance and Planning, having passage of this bill, will reply to some of the detailed queries which have been raised.

Mr PERRON (Finance and Planning): Mr Speaker, I will oblige the honourable member for Nightcliff and others who raised a number of queries during the second-reading debate on this bill and in closing the debate, I will refer to a number of those matters.

The Leader of the Opposition sought details of the financial arrangements which are to apply in regard to the Northern Territory Legislative Assembly taking over control of the electricity function. This executive has agreed with the Commonwealth on basic principles by which the Northern Territory will move to self-government and these matters have been outlined somewhat by the Majority Leader previously in this House. The principles concerning the agreement for the electricity undertaking have been established but the details are still being worked on.

The prime basis for the agreement on the electricity function is that the Northern Territory consumers should not have to pay more for electricity than those people in a like geographical situation, and north Queensland has been determined as a parallel for our situation. It is clear that the cost of generating and distributing electricity in the Territory will be substantially more than those charges will bring in and the Commonwealth will provide a subsidy to cover the loss.

There is, however, a number of ways that the actual cash subsidy can be reduced and these are now under detailed investigation by Commonwealth and Northern Territory officials. One aspect being examined is transferring the assets which are valued at around $70m at a reduced or even nil value. This proposal would considerably reduce the debt repayment cost and therefore the subsidy required. It is only one aspect of the various methods which are being looked at to finalise the arrangement for the transfer of electricity. My executive is satisfied that the details being worked out, within the principles that have been established between ourselves and Commonwealth ministers, will not disadvantage Territorians.

On this subject, I would like to point out, as it was the Leader of the Opposition who brought this matter up originally in his second-reading speech on this bill, that back in 1977 the Labor Party were prepared, it seems, to take over electricity immediately with very little regard to any financial implications which may have entered into it. I quote from the Northern Territory News of 20 April 1977, where it was stated by Mr Isaacs, "The ALP would negotiate immediate responsibility for power supply". In July 1977, the statement was made, "Let there be no doubt about it. We will take responsibility for electricity and the whole of our future energy planning." And later on, in referring to costs, "The Darwin power house could fall apart at any time and the costs of restoring it would be astronomical." That final statement was probably very close to the mark, as well.

There seemed at that time to be a great deal of concern over the fact that the electricity supply was deficient by a long shot and that the real answer

was perhaps to take over local control of it. I did not think very many of us would have disagreed. But there did not seem to be very much consideration at that time being given to what terms it was going to be taken over on. The Labor Party was saying that, should we win office in the Legislative Assembly, we will virtually take it over immediately. No regard to the fact that they might have entered into a year or two's wrangle over finances, or even a few months - they were set for immediate takeover.

The Leader of the Opposition inferred during his second-reading speech that there was some ambiguity in the Majority Party's intentions about the future staffing of the proposed Electricity Commission and this matter has been raised by a number of other speakers. Mr Speaker, the members who seem to be somewhat vague on this matter are obviously having difficulty in interpreting the words in my second-reading speech, and I can really only repeat them. In one place I said:

> *I can assure honourable members that my executive has had a long, hard look at this recommendation by Mr McKay and finally decided that the McKay recommendation in this regard should be implemented.*

Well, that sounds like a pretty definite statement of intent. Further, in that second-reading speech, I stated:

> *Whilst it is still proposed to negotiate and find ways to give the commission autonomy in staffing matters after it has been established, the interim period under the Northern Territory Public Service Ordinance ...*

and I went on saying how it would be a reasonable test of flexibility for that service, and I still believe that. But the fact that I have stated that there will be an interim period in the staffing of the commission, in my mind, should put to rest what I proposed at that time. It was made quite clear where the Majority Party stood on this matter.

Concern was expressed that an experienced senior officer of the Department of Construction has recently resigned. Mr Speaker, I am not sure what inference we were supposed to draw from that comment because the comment by the Leader of the Opposition was not very specific, other than that he was concerned that a senior and experienced man had recently left. I certainly agree, Mr Speaker, that we can ill afford to lose competent and experienced men from the Territory. However, I am advised that the fortunate gentleman concerned recently won a house in Queensland and this may have had something to do with his leaving the Northern Territory.

I was asked by the Leader of the Opposition in his second-reading speech to spell out in some detail what the role of a part-time commissioner is when advertising for applicants. He said, "If you invite people to apply for a job, tell them what it is". Mr Speaker, I give the public more credit for common sense than the Leader of the Opposition does because if anyone cannot imagine what is expected of a part-time commissioner of an authority with something like $70m worth of assets and employing, I think it is, over 600 people all over the Northern Territory, then they are probably wasting their time applying for the job anyway.

It was suggested, Mr Speaker, that the commission should be called an energy commission - this was a point put forward by several speakers - and that its role should be extended to cover all forms of energy generation and use. What came to my mind when I heard that was the statement that used to be flung around a short time back: "first things first". I am not adverse to this concept. However, at this stage the commission will have a demanding task in getting established and consolidating the existing electricity supply into a

reliable and efficient service. Let us not detract from that task yet.

The Leader of the Opposition questioned the audit provisions and was concerned that the government auditor was not mentioned. I foreshadow an amendment to this clause of the bill that will bring the audit requirements of the commission under the Financial Administration and Audit Ordinance, the bill for which I introduced in the House earlier today.

Concern was also expressed at the provision whereby the commission may adopt any standard code or procedure laid down by the Standards Association of Australia or any other authority approved by the commission in relation to construction, maintenance and operation etc. It was argued that the commission should not have discretion in this regard, that it should be told in the legislation that it "shall" have regard to the SAA code and that is all.

Mr Isaacs: As currently exists.

Mr PERRON: As currently exists. I doubt - though I am not expert in this field at all - that even the Standards Association of Australia have a code or procedure laid down for every conceivable piece of electrical equipment made in the world today and I see no danger whatsoever in allowing the commission some discretion in this matter. Surely, we must give them credit for knowing their business and adopting codes and practices in a rational manner without the legislators interfering in these technical matters. I believe they are or they should be competent men. If they are not, well, we will have appointed the wrong people. We can surely leave some matters to their discretion and I would suggest one of those is the form of code that they will seek to adopt for the Northern Territory.

The honourable Member for Tiwi expressed the feeling that the commission inspectors should not concern themselves with small portable generating sets and that the powers of entry and inspection should not apply to these pieces of equipment. I cannot accept this point, as the generation and use of any electricity which is potentially dangerous to life should come under the umbrella of the commission and be subject to all the regulations deemed necessary in the interests of human safety.

Another point made by the honourable member for Tiwi was that a person should not automatically be presumed guilty if a meter box on their premises has been tampered with to alter the electricity consumption reading. I am advised that some people have in the past gone to some extraordinary lengths and trouble devising ingenious ways to alter meter readings or the rate at which meters register readings and I have no sympathy for these people whatsoever. I am prepared to assume persons having such meters on their premises as guilty unless they can reasonably demonstrate otherwise.

The honourable member for Sanderson, in a rare flash of brilliance, had a revelation about using hydro-electric power. The Leader of the Opposition was very proud of her for coming up with this hitherto unthought of concept. The facts are that departmental engineers have made preliminary investigations of alternative generation methods in the Northern Territory for many years and they have included in those preliminary investigations proven technologies in solar, tidal, hydro, gas and nuclear generation. The viability of any alternative is governed by economy and it is only recently that the costs involved in fossil fuel power generation in the Northern Territory have escalated to such an extent that hydro generation may soon be economically feasible.

The honourable member for Sanderson also waffled on in an attempt to justify the Labor Party's claim that the recent electricity tariff increases in the domestic sector were something in the vicinity of 14% over that which was being

charged previously. They still persist, Mr Speaker, tongue-in-cheek with that claim. Obviously their aim, to my mind at least, is to deliberately mislead. The facts are that, if one adopts the mode to calculate the increases in charges as suggested by the honourable member for Sanderson, the value which occurs most frequently, being the mode, is the 2000 unit average consumption which incurred an increase of 3.69% not 14%. I suggest that the Labor Party buys itself a new abacus.

On the subject of electricity increases, the honourable member for Sanderson has been quoted on the NT News this morning as furthering her revelations about hydro-electricity, that coal-fired power stations would mean constantly increasing electricity bills because of rising fossil fuel prices. Well, I think I could reasonably assure her, Mr Speaker, that even without fossil fuel power houses there will be a constantly increasing bill for electricity, no matter how you generate it. It is going to be a fact of life, so she and others may as well get used to it. Costs are not going to come down.

Mr Speaker, the honourable member for Fannie Bay sought some consideration of concessional rates for electricity charges for pensioners. This is a matter that the executive will be looking into. Until this time, we have not had the resources available to do sufficient studies on a range of these matters in the Northern Territory. We should have sufficient resources to do them after 1 July when we inherit considerably more staff from the Department of the Northern Territory. Quite a sizeable proportion of new transferees will be within the treasury unit and there will then be a number of assessment units in treasury to investigate these matters and report to the executive on them.

On the subject of monthly billing, can I say that the interim Electricity Commissioner has not yet decided that monthly billing will start on 1 July. It is a matter that he and I would like to receive public reaction on. It has been well explained, I hope, that monthly is not going to mean that all the various rates of electricity charges start from scratch three times during the period but one third of each particular segment of the charges will be taken with each monthly bill. I understand there is a considerable amount of support within the community for monthly billing inasmuch as it will assist some people in their budgeting arrangements to pay a bill monthly rather than three monthly, particularly if they are not going to be disadvantaged by the method of calculation of those charges.

The honourable member for Nightcliff mentioned that she was concerned that legislation coming forth from time to time seems to have various types of provisions in relation to the declaration of interest. I agree with her and I believe these matters should be standardised. For that matter they might even be the subject of separate legislation altogether. However, I would support any moves to look at that matter with a view to standardisation.

In conclusion, as a result of the widespread circulation of this bill by the honourable members opposite and ourselves, there has been a lot of interest shown in the bill and there are a number of amendments that have been prepared. They have been circulated to members of the House today and I propose to bring this bill on on Thursday and take it through the committee stage. As these amendments have only just been circulated, I would like as much time as possible for us all to have a look at them.

Motion agreed to; bill read a second time.

Committee stages to be taken later.

PUBLIC SERVICE BILL
(Serial 69)

Continued from 9 March 1978

Mr ISAACS (Opposition Leader): This bill merely ensures that the Electricity Commission is named correctly in the legislation and finds its place in the Public Service Ordinance. There is no disagreement and we support the bill.

Motion agreed to; bill read a second time and passed the remaining stages without debate.

ELECTRICAL WORKERS AND CONTRACTORS BILL
(Serial 70)

Continued from 9 March 1978

Mr ISAACS (Opposition Leader): It is very difficult to address oneself to a bill when you are confronted with another document which tells you that 27 amendments are going to be moved to that bill. That is the position in which I am in with regard to the Electrical Workers and Contractors Bill. Without having had a chance even to peruse the amendments circulated by the honourable executive member, I can only make my remarks on the basis of the bill as it stands.

I might say, Sir, I have circulated a large number of people concerning both the Electricity Commission Bill and the Electrical Workers and Contractors Bill, and it is another case of being "killed" by the amount of material offered in response.

The only organisation that has responded to me is the Electrical Trades Union who rightfully have an interest in this matter. It is a great shame, as far as I am concerned, that the employer organisations who also must be interested in this matter have not seen fit to respond. I hope they have made their representations to the executive member.

There are a number of matters that I want to refer to in the Electrical Workers and Contractors Bill. I believe there have been a number of omissions in the definitions and I would instance the classifications of "electrical linesmen" and "electrical jointer". I would ask that the executive member seek advice from his departments on the requirements of those two classifications in the bill.

I refer members to clause 5 of the bill which establishes the Electrical Workers and Contractors Licensing Board and although I do not quarrel with the number of members on it - that is five - I believe there ought to be representation on it both from the union involved, the Electrical Trades Union and the employers association, the Electrical Contractors Association. I do not believe paragraphs (d) and (e) of clause 6 are specific enough. We have these organisations who represent specific interest groups and they ought to be the ones to nominate the people on this board.

I believe that, where the bill says "a representative of electrical contractors" and "a representative of electrical wiring workers", that person should be selected by the interest group involved. It would be quite conceivable to select, for example, an electrical wiring worker to represent that group of people who really does not have the support of that group. So I would suggest that paragraphs (d) and (e) in the provision relating to the composition of the board be amended so that they be appointees of the Electrical Trades Union and the Electrical Contractors Association.

The only other comment I have to make is on part III. I am sure it is merely my ignorance in the matter, having made a very quick perusal of the amendments, but I notice the same phrase reoccurs. If you look at part III you will find the expression "natural person". I do not understand the use of that term or if it is an accepted term in the industry. If those people who work in the industry understand it, I am happy, but "natural person" has all sorts of connotations for me. I seek some clarification from the executive member as to just what that means and what is the necessity for the word "natural" in the bill.

Other than that, all I can say, Mr Speaker, is that there is certainly a need for this type of legislation and we support it on those grounds. It is a shame, though, that we have these 27 amendments to the bill but I hope the executive member will also give us the same sort of time to peruse these amendments as he is giving us for the Electricity Commission Bill so that we will be able to make some comments on them.

Mr HARRIS (Port Darwin): Speaking in support of this particular bill to establish the Electrical Workers and Contractors Licensing Board which will control all aspects pertaining to workers in the electrical trade, as well as electrical contractors, I would like first of all to make the comment that the Northern Territory should not be different to the rest of Australia in any way, particularly in areas involving the electrical trade. We should work with the states in promoting safety and help achieve eventual uniformity. I think we all agree with that.

After the cyclone, there were many instances where variations in electrical wiring requirements between the Northern Territory and the states caused problems. We had licensed electricians who came to Darwin in both a voluntary and paid capacity from other places and this resulted in many final inspections ending up with rewiring orders being issued. It is, therefore, essential for the safety of those working in the electrical trade that a board, the principles of which are outlined in this bill, be established.

There should be provision for the licensing of electrical contractors in the Northern Territory. There should be provision for the issue, the suspension and cancellation of licences to electrical workers and there should be provision for appeals against any decision made by the board. The creation of a licensing board such as the Electrical Workers and Contractors Licensing Board does just that, Mr Speaker, and I support the bill.

Mr OLIVER (Alice Springs): Mr Speaker, I rise briefly to support the bill. I find it necessary in that, firstly, the board will be able to license both the electrical workers and electrical contractors. I support the three types of licences - that is, grade A, grade B and grade R - in that they provide flexibility in the industry and afford an opportunity of employment in the industry for what might be called the not fully skilled electrician.

I support, too, the issue of permits under clause 2 of the bill. There are and will be circumstances in the Territory, particularly in the remote areas, where licensed electricians are not available but the local handyman is quite capable of doing the job. Naturally, these permits would allow only the simplest tasks to be undertaken but, again, Mr Speaker, this is important in those remote parts of the Territory when you are suddenly without power and somebody can fix it.

Turning to the electrical contractors, I consider it most desirable that they be licensed. Of all the trades the electrical trade is perhaps the most dangerous, in terms of lives and fire, and it is a trade where the utmost protection should be afforded the general public. I see in the licensing of

electrical contractors that protection being afforded the public.

Finally, the bill will allow the reciprocity of licences between the Northern Territory and the states, and our standard of electrical wiring work will be uniform with those standards throughout the remainder of Australia. I join the honourable Leader of the Opposition in wishing to know the interpretation of a "natural person".

Mr ROBERTSON (Community and Social Development): Mr Speaker, in rising to support the bill, briefly and in principle, I think perhaps the first thing I might do is solve a problem which seems to have come from both sides of the House. I can assure honourable members that the insertion of the words "natural person" was not put in by us in anticipation of legislation covering artificial insemination. It is a legal term which distinguishes a living person from a body corporate or a body incorporated according to law. That is the distinction. If honourable members examine division 3 section 29, they will notice that one relates to the person and one to the company or to a group of people forming a firm.

There is only one area of concern I have in the legislation, although the honourable Leader of the Opposition will no doubt be looking forward to a couple of answers to the areas he raised. In clause 29(1)(a) we have a proposal for a person to have two things in order to become an electrical contractor. He is required, firstly, and quite properly in my view, to have the highest possible qualifications available within the trades field before he can become an electrical contractor. In addition to that - and this concerns me a little - we are also expecting him to have two years' experience in that field.

It would seem to me that the board quite properly should look to protecting the consumer against faulty work but not necessarily against a person's inability to conduct a business, although of course there is a highly desirable element in that - consumer protection after all is one of my functions. But if we extend this argument to its nth degree, we are going to have people having to prove their ability to deliver the goods; we are going to have people having to prove their ability to pour concrete, to erect fences, to lay driveways, to plant lawns - because they all concern the delivery of services.

I realise the problem which has arisen in this particular industry, as it has arisen in the building industry. It is the problem that incompetent people from a business point of view are getting half way through a contract, taking substantial amounts of money from the consumer for their services and then not being able to complete the contract because they have gone broke in the meantime. I really do not think that any legislature will ever come to grips with that problem satisfactorily. The fact of the matter is that the very largest of companies operated by the most experienced managerial staff do go broke, do embarass people, do cost people money as a result of their being unable to complete a contract. We have seen multi-million dollar companies do that, with apparently the highest level of expertise available.

I wonder, Mr Speaker, if we could not get out of my dilemma by rewording clause 29(1)(a) to read that this person must be the holder of an electrical mechanic's licence grade A or a licence which, in the opinion of the board, is equivalent to that licence, and is competent by reason of his experience to carry out the functions which are required of an electrical contractor. I have, of course, the same problem as the Leader of the Opposition has. I too have only just received this.

This takes us also to the amendments to clause 29 to be proposed in the committee stage which relate to our "unnatural body", our body corporate or our partnerships in business. That would have to be cleaned up too. It seems

to me that what we have to do is make allowance for the person who joins this industry as a school leaver, who goes through his five years' apprenticeship and by the time he reaches - as all apprentices do, particularly in substantial terms - by the time he reaches year 3, year 4 and particularly year 5, he has been given instruction in business management. They are given instruction in looking after other apprentices below them - that is the first year level - and once they get to fourth year level, they look after second year and third year; and in the fifth year, they look after the fourth year. So if the board or the honourable executive member can find the mechanism for allowing this type of person, who is a thoroughly trained apprentice within the Territory system, to satisfy the board that he is a qualified person, right out of his fifth year - after all, he has every qualification necessary to be a contractor; the only thing is he has not done his two years' practical work.

I know there are other examples. Lawyers get their degree and then they have to do two years' articles or, in the new and rather more successful scheme, a workshop. Then, of course, all a lawyer is trained in in law school is pure law, pure theory. He is not trained in the practice of it. In medicine there is a similar set of circumstances although the teaching in hospitals now is probably providing a type of apprenticeship as they go, because of the internship. The person is not only learning the theory while he is an apprentice, he is also learning the practice. It would seem to me to be rather unfortunate if we have to impose a seven years' training scheme - or as many years as it takes for a person to be a surgeon - a seven years' training school on a young person before he can go up to the Leader of the Opposition and say, "Can I charge to wire your house". I think it is something the honourable executive member could examine and, if he is able to find an answer to my problem, I would appreciate it. Apart from that, I support the bill.

Mr PERRON (Finance and Planning): There were two points specifically raised by members speaking to this bill. Fortunately - and I must admit it - fortunately for me my honourable colleague has settled the one about a "natural person".

The honourable Leader of the Opposition felt that the Electrical Workers and Contractors Licensing Board should specifically state that it have a representative on it from the union or organisation which represents electrical wiring workers. This point is raised from time to time when we are considering the membership of boards generally and a variety of organisations lobby from time to time to have their organisations specifically nominated in legislation. So in some situations that exists and in other situations they just argue that the word "union" or "employer's group" be mentioned.

Personally, I feel the way it has been done here is quite a satisfactory way inasmuch as proposed section 6(1)(e) does say "a representative of electrical wiring workers". I believe that when the matter goes before the executive of the minister concerned, or indeed for that matter the Electricity Commission, the person selected to be on this particular board who will have the role of looking at people who have applied for licences - people who have been accused of mishandling their licences or acting improperly in accordance with their licences, and also whether or not a person should be an electrical contractor - that person would be selected to represent the most logical and representative area concerned. It is rightly the role of the executive to make these decisions from time to time. It is an area where I think we will have some continuing disagreement with the Opposition as we have had in recent appointments that we have made to other boards.

The matter taken up by my honourable colleague was that section 29 provided an unreasonable length of time for a person to have to serve after an apprenticeship in order to be eligible for a contractors' licence. I think there is some

merit in what he has said and, as the committee stage of this bill will not be brought on for a couple of days, I will have this matter looked at closely by those concerned and see whether we can propose any further amendments to the ones which have already been circulated and discuss the matter in the committee stage.

Motion agreed to; bill read a second time.

Committee stages to be taken later.

SUPPLY OF SERVICES BILL
(Serial 72)

Continued from 9 March 1978

Mr ISAACS (Opposition Leader): Once again, this is much the same as the Public Service Bill. It is purely a machinery bill to eliminate matters pertaining to electricity from the Supply of Services Ordinance and also to remove the regulations and provide certain saving clauses. I have not gone through the details to make sure they are correct but I am quite certain the legislative draftsmen have. The Opposition has no complaint with this bill; we support it.

Motion agreed to; bill read a second time.

In committee:

Clause 1 agreed to.

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

Bill passed the remaining stage without debate.

WEIGHTS AND MEASURES BILL
(Serial 16)

WEIGHTS AND MEASURES (PACKAGED GOODS) BILL
(Serial 15)

Continued from 9 March 1978

Ms D'ROZARIO (Sanderson): Mr Speaker, I welcome these bills and fully appreciate the reason or the necessity for repealing and replacing the existing Weights and Measures Ordinance. It is a fact of our modern economy and technological status that new legislation which will take account of up-to-date measuring equipment must be passed in this Assembly. I commend the honourable sponsor for presenting these two bills.

There is, however, one point which I would like to raise in detail later on. I do so with the sole objective of assisting in the provision of modern legislation in the field of weights and measures - an objective which, I believe, I share with the honourable sponsor of these bills.

The matter that does concern me is the definition of "metric system of measurement" given in clause 4 of the Weights and Measures Bill and in clause 3 of the Weights and Measures (Packaged Goods) Bill. I note, Mr Speaker, that this definition limits the units of measurement to the metre, the kilogram and the cubic metre. I would also like to remark at this stage that the spelling of kilogram is not quite in accordance with the recommendation of the metric conversion authorities.

Mr Speaker, I wonder why the honourable sponsor did not make the definition such that it could include the four other basic units of the SI system of measurement. SI is the abbreviation in many languages, for Systeme International d'Unites. It is the system of measurement that is an extension of the traditional metric system and it embodies, in itself, features that make it logically superior to any other known system of measurement.

The SI system received the formal approval of the Conference Generale des Poids et Mesures in 1960 and that body - I make no apology for the name of it - is the world body responsible for maintaining standards of measurement. Since 1960 when it adopted the SI system, 30 other countries have also made the SI system the only legally accepted system of measurement. Australia is one of those countries and the Metric Conversion Board, in the act under which it operates, is charged with the responsibility of guiding Australia to metrication under the SI system and no other system of measurement.

The main features of the SI system, which I shall just outline for the benefit of honourable members who might not know this, are simply as follows. There are six basic units - the metre and kilogram take the place of the centimetre and gram of the traditional metric system. The unit of force, the newton, is independent of the earth's gravitation. The unit of energy in all forms is the joule and of power, the joule per second; the variously defined calories together with kilowatt hour, British thermal unit and horsepower are all superseded. Electrostatic and electro-magnetic units are replaced by SI electrical units. Multiple units are normally but not always restricted to steps of a thousand and similarly fractions to steps of a thousand.

Mr Speaker, the two exceptions from that last point which I have just made is the unit used to measure time, which has been retained as the second, and for the unit used to measure distances and speed at sea, it was decided to retain the knot.

Mr Robertson: And aviation.

Ms D'ROZARIO: And aviation. I mentioned earlier that there were six basic units in the SI system and these are the metre, the kilogram, the second, the ampere, the degree Kelvin and candela. The second, as I have mentioned, is from a fairly traditional form of measurement but because of its very extensive significance in mathematics, physics and engineering, it has been decided to include it in the SI system of measurement.

I am of the opinion that all of these units, including the four that have not been included in the definitions as written in these bills, should be included in any definition of the metric system of measurement. It would make our weights and measure legislation entirely consistent with the SI system and besides that the four units involved are important in industry and technology even if they may not yet be so in commerce. I hope to show that the omission of these four units from the definition of the metric system of measurement can and will have an effect on some consumer services that are presently offered in the Northern Territory and also upon certain other services that are necessary to human comfort and safety.

For example, three units of measurement - the ampere, the degree Kelvin and candela - have everyday application in the manufacturing industry. These three units are used to measure, respectively, physical quantities of electric current, thermo-dynamic temperature and luminous intensity. We may well say that there is not much in the way of manufacturing in the Northern Territory at the moment and so we need not concern ourselves with this matter but I submit that something as basic as weights and measures legislation should not prejudice or prevent the setting up of such industries in the future. We might not have

manufacturers of fuses and lightbulbs at the moment but I can see that it is a possibility that this may occur in the future. It seems to me quite basic that such enterprises would need to have recourse to measuring instruments; consumers would demand it.

Now from these basic SI units we get, in the same SI ysstem, certain other units of measurement called "derived SI units", many of which also have extensive application in industry. Some examples are the joule which measures physical quantities of energy, the newton which measures force, the watt which measures power, the coulomb which measures the electric charge and the lumen which measures luminous flux, and also the lux which measures illumination. It is not a brand of detergent. These measures have quite extensive significance in mechanical, electrical and civil engineering and yet their measurement is severely restricted because of the limitations contained in the definition of the metric system of measurement as it appears in the two bills.

If I could perhaps give an example from the field of civil engineering to illustrate the implications for public safety of these exclusions, I would like to do so at this point. In order to guard against structural failure of buildings and structures, it is necessary to set standards for force and pressure. Honourable members might recall that following upon Cyclone Tracy we had, in the Darwin area, to undertake a complete reassessment of the standards that we would consider necessary for public safety. But we cannot guarantee these standards if our weights and measures legislation does not contain provisions for measuring force and pressure. Force is measured in newtons which is defined as joules per metre and pressure is measured as newtons per square metre.

Not only does the legislation not contain provision for such measurement but some clauses in the Weights and Measures Bill actually prevent it. For example, clause 14(1) prevents the verification of a measuring instrument if it is not calibrated in Commonwealth legal units of the metric system of measurement. This metric system of measurement is already defined in clause 4. Clause 22 states that a person shall not use the unit of measurement of a physical quantity in trade unless that unit is a Commonwealth legal unit of the metric system of measurement. Clause 24 in my opinion has extremely severe implications for contracts to build. It reads that:

> *Subject to sub-section (3) a person shall not enter into a contract or any work article or other thing that is to be done, sold, carried or agreed for by measurement of a physical quantity, unless that contract is made or entered into by reference to Commonwealth legal units of the metric system of measurement of that physical quantity.*

There is a penalty of $500 should you contravene that.

Mr Robertson: It is being picked up in the amendments.

Mz D'ROZARIO: Oh, thank you. I am pleased to hear from the honourable sponsor that an amendment has been drafted for this. I did look at them; I am sorry I have to say I did not see it, but I do believe him when he says it is there. It is necessary because this clause means we would not be able to specify standards of structural sufficiency in contracts to build, and whilst it is quite true that people rely upon engineers' certificates to state the building will in fact stand up under such and such conditions, most of the work is undertaken by builders for which there is yet no system of registration in the Northern Territory.

From the consumer point of view, we have several products on the market - perhaps some of them are already manufactured in the Northern Territory and I have no doubt that in the future some other manufacturing industries could set up. The products I am thinking of are related again to the building industry.

They include such things as structural timbers, pre-stressed concrete and so on. We must be able to give buyers of these products the assurance that the products will stand up to certain degrees of force and pressure as the manufacturer might specify.

If I could give an example relating to human comfort - the International Labour Organisation and other labour organisations interested in the welfare of people at work sometimes specify the physical conditions under which certain work or types of work should take place. One such condition is the adequacy of lighting in work places where workers are working with small component parts and in industry which requires precision and manual dexterity. The same specification of conditions is also applied to people who are doing technical drafting work and so on. It is not at all uncommon for employers to look after the eyesight of their employees by making frequent checks on the lighting in the work place. In these cases, what they measure is luminous flux which is the product of candela, the measure of luminous intensity, and steradian, the measure of the solid angle. The bill does not permit an employer to use such an instrument that will measure luminous flux and, worse still, it prevents him from having in his possession such an instrument.

All these problems, I suggest, are simply caused by the restrictions in the definition of the metric system of measurement. For the reasons I have given, it would be preferable to include in the definition of the metric system of measurement, in both these bills, all the basic units of measurement in the SI system. Those six units are, again, the ones given plus four others: metre, kilogram, second, ampere, the degree Kelvin and the candela. I can see the day when the application of these measurements will increase. I think I have given some hint that they are with us already. It seems to me to be entirely consistent with the undertaking that has been given by the Australian government that we should be consistent with the SI system and no other.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, I rise to support these bills. These bills are drafted to rationalise and streamline our system of weights and measurement and to repeal the six existing ordinances on this matter. After having read the bills it seems to me that one person, the superintendent, will be the man in charge of making sure that the regulations are carried out. That is a very important job, particularly in the Territory.

The most important thing in legislation such as this, relating to standards of weights and measures, is that when we refer to standards, we are probably working with a substandard rather than a real standard. Standards are kept in laboratories at a regulated temperature and substandards are taken from those.

It is very important, too, that we relate all our standards to the Commonwealth act which is called the Weights and Measures (National Standards) Act 1960. As I said, I certainly approve of having national standards to apply in all states. This is one time when I approve of centralism.

If we had accepted the French standards many years ago instead of the English standards, we may not be in this position today - having to cope with the changes that we have had since the introduction of the metric system. We first had the changeover of our monetary system and you know the problems that were caused then, particularly with older people, trying to understand the decimal system. However, we adapted ourselves to it and as time went by we changed over. Each day and each year that goes by we find we are gradually getting into this French system.

When we think about the cost to the public it is a wonder that the changing over of the various measuring instruments was not considered in earlier days. Sometimes they have had to be scrapped, just thrown away. I know at the time the government did subsidise most people, such as shopkeepers, for converting all

their measuring equipment, particularly cash registers. Luckily some of those instruments are convertible because they are designed on the metric system and had been converted mechanically or electrically to the old British system. We only have to think back to the cost of standardising our railway gauges in recent times.

We are going to have to look at everything we buy in the way of packaged goods, bottled or canned or bulk goods. Everything we can think of is related to either weight or measurement. During their manufacturing process goods have to go through all sorts of controls and inspections, so weight and measurement is probably one of the most important things in our everyday life.

Of course, anybody who contravenes any of these standards will be taken to task by our inspectors and clause 12 refers to the actual powers of the inspectors where they can enter a property and search a building or vessel if they have reasonable cause to believe that measuring instruments are in use for trade. They can stop a vehicle - as you know, all vehicles are weighed - and if they are overloaded, the person can be fined. So everything in our everyday lives is affected by weight and measurement.

The penalties if you contravene the provisions of the ordinance - that is, you charge people more money for less weight than you should have supplied and so on - mean you can be in an awful lot of bother.

The verifications of the standards must come from the Commonwealth legal units, the metric system. Clause 14 says that the measuring instrument shall not be verified in pursuance of this ordinance unless it is calibrated in Commonwealth legal units of the metric system of measurement and unless it is of a pattern for which approval has been given by or on behalf of the National Standards Commissioner. So it is very strict, and for contravention of this you can get fined up to $500.

However, there is always the possibility of other faults that may occur, not necessarily by the person operating the equipment. So they have a defence in the case of a mistake or an accident, and clause 32 spells out the various areas where a person can defend himself.

All in all, I think this is a very timely step. I compliment the executive member for taking the step to upgrade our ordinance and bring it into line with the states. I am sure that a lot of the things the member for Sanderson said earlier will be considered. There probably are some errors with regard to the terminology of the measurements and weights. I can only say, looking at the regulations at the back of the bill, on page 24, that upgrading all those regulations is going to mean a lot of work. I know we have upgraded quite a few regulations in other ordinances in the past and hope that soon all our ordinances, through drawing up new regulations, will be changed in accordance with the new measuring system. By the end of this year at least most of the changes should have taken place and we will be able to use the metric system forever.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I also wish to speak briefly to these two bills and in so doing to support them. I am very pleased to see them. I was mildly surprised to find that the term "weight" was used rather than the accurate scientific term "mass" in a piece of legislation introduced as recently as 1970 and I am pleased to see that small but significant change. We certainly support the principle of uniform national legislation in this area of weights and measures and packaging.

There is one question on packaging which I would like to pursue here, Mr Speaker. The point is the amount of information which is available to consumers

on packages. This is covered briefly in various parts of these bills. For example, there are two classes relating to the packaging of bread. I note that one of them is to be deleted but I would still like to pursue it briefly just to make a point. The more information you can get on packages for the benefit of consumers the better. The clause relating to bread ensures that the weight of the loaf is put on it. The part to be excluded is that, if the loaves are found to weigh less than they are purported to weigh, the baker is guilty of an offence. It is a defence for the baker to prove that the bread was not baked within a period of 24 hours preceding the inspection.

This might seem a very small point but I receive very many submissions from my electors and others on this point and they constantly complain to me that the bread they buy is not fresh. There is no way they can tell, particularly with wrapped bread, whether it is fresh or not without feeling all the loaves on the shelf. I know it is a very difficult question to legislate upon but I ask the responsible executive member to give some thought as to whether further legislation can be introduced so that the date of the baking of the bread can be put on the packages.

A similar situation exists with milk. There is a voluntary system at the moment whereby the major wholesalers of milk in the Northern Territory, Pauls and Malanda, voluntarily put a date in code on their packages. However, the way they do this is such as to make it so obscure, I believe, for the consumer to follow that the benefit is lost.

Paul's have a code which reads, for example, 5-1. Five means fifth month, and one is the day - therefore 5-1 equals 1 May. Malanda's is even more difficult; in the Malanda code 1 May would read 1-E - E being the fifth letter of the alphabet and May the fifth month of the year. I very much doubt that there is any good reason for doing this rather than having 1 May on the package. I do not think that the cost of gearing a plant to do it this way would be very high and I have noted that in various other states - while pursuing the question of uniformity of legislation - they do this by regulation. It is not done by regulation under the Weights and Measures (Packaged Goods) Ordinance, although it could be done that way; it is usually done under the Food and Drugs Act. I have the South Australian regulations here and they read as follows:

> *Where the durable life of a packaged food is 90 days or less, the label of the packaged food shall include: (a) the words "use by", followed by the expiry date.*

I note that our Consumer Protection Council prefers "packaged by date" to suit our conditions and I certainly support that.

There is also need for instructions for the proper storage of the packaged food if it requires storage conditions that differ from normal ambient conditions. It then goes on to say:

> *The expiry date shall be shown in the following manner: (a) the day of the month shall be shown first and shall be expressed in numbers; (b) the month shall be shown after the day and may be abbreviated as prescribed ...*

Jan for January, Feb for February and so on, and then the provision for putting the year in if that is necessary.

This may seem only a small point, Mr Speaker; I know it does not sound very impressive perhaps, after we have talked about joules and so forth, but it is most important to the broad masses of consumers in the Northern Territory that the food they buy is fresh and that they know it to be fresh. I would ask

the executive member to give some thought to whether we can introduce legislation governing the dating of perishable foodstuffs in the Northern Territory.

Debate adjourned.

ADJOURNMENT

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

Speaking to the adjournment very briefly, a previous debate today - without reflecting on that debate - indicated a difficulty in the transmission of accounts and I am wondering if, after that dissertation, we should not have a sewerage commission as well.

Recently I was a proud recipient of a bill from the Department of the Northern Territory for a sewerage account in respect of my home at 102 Bradshaw Drive. I might point out that it is the first bill I have received and I have been in the house for four years. To top it all off, they had the gall, would you believe it, Mr Deputy Speaker, to call the account a "current account". And when I got a reminder - a rather rude one - fourteen days later, having taken them four years to send me this account which incidentally was quite sizeable, they pointed out to me that my current account was fourteen days overdue. Fourteen days later, I actually got threatened with legal proceedings because my current account was now 28 days overdue.

I subsequently paid up because I did not want the bailiffs coming around taking away my toilet pan. After I had paid, they rang my wife and threatened her with legal action, because it turns out that she was the person who signed for it in the first place. The moral, of course, is to read the account thoroughly. Had I realised that, I would not have bothered to pay it, for the simple reason that my wife is the Clerk of Courts.

Mr DOOLAN (Victoria River): Mr Deputy Speaker, for a couple of weeks prior to the sittings of this Assembly I was travelling in parts of the Victoria River electorate. From my travels in that area, it is most obvious that a great deal of attention is needed in providing road signs in isolated areas. One of the things that strikes the traveller on the Buchanan Highway, for instance, is the lack of signs on creeks and bores which were there only a couple of years back. I draw the attention of the Executive Member for Transport and Industry to this matter in the hope that he might do something to rectify the situation as soon as possible. Most of these creeks and bores have no signs on them at all and many of the few remaining signs are broken or defaced to the extent that they are unreadable.

It is not unlikely that this is a matter of small importance to members of the government as they almost invariably fly round in charter planes ...

Mr STEELE: I'm going down there next week.

Mr DOOLAN: Good on you!

Nevertheless, it is a matter of great importance not only to strangers and tourists but to local people as well that creeks and bores are clearly marked, if only to give an identifiable reference in the case of mechanical breakdown, accident or some other emergency. Some idiot has been turning signs around to point the wrong way; I guess one cannot do much about people like that.

One interesting thing is the post bearing the sign "Kelly Creek" which the

Executive Member for Transport and Industry will remember; that is planted in a bloke's garden a couple of doors from my place at the moment. Discreet inquiries by myself reveal that the present occupant is not the person who placed the sign there, though I really wish he was. Even the fire zone signs are faded to the extent that they are unreadable or hanging askew.

Despite the fact that the Buchanan Highway is mostly a bitumen road from Katherine for nearly 500 miles west, it is a very lonely and sometimes desolate stretch with only one recognised watering place at Top Springs in the middle of a 508 mile stretch to Wave Hill township, which has been officially gazetted as the township of Kalkaringi for some years past. There are kilometre signs every five miles along the road in a reasonable state of repair. However, these signs bear the legend "HC X kilometres". I do not know what the uninformed tourist would make of HC but my guess is it stands for Halls Creek in Western Australia. It could also stand, incidentally, for Hooker Creek which is a sizeable sort of a place 80 miles off the highway. I did in fact meet a contractor who was not really amused; he came from Darwin and he finished up at Inverway 120 miles past the Hooker Creek turnoff because he thought he was on his way to Hooker Creek while he was heading for the Western Australian border and Halls Creek. He was not amused.

Kalkaringi is a gazetted township and it does not have one sign at all indicating its presence. It is just off the highway; it is a matter of a couple of hundred yards and it could possibly be passed at night in the dark without noticing its existence. Yet at Kalkaringi there is a store, a petrol bowser, a police station and telephone in an emergency, and one of the few really pleasant camping spots on the highway alongside permanent water on the Victoria River. Surely it is possible for someone to use just a little imagination instead of erecting a stupid sign five kilometres out of Katherine saying "HC" - hundreds of miles away in Western Australia.

The person responsible for erecting signs between Top Springs and VRD must have been a bit of a prankster, I think. We start off with kilometre signs with a mysterious legend saying "VH X kilometres". Now that is a newie on me. It could be anyone's guess, but mine is that it is Victoria River Hotel which is quite a recent establishment. The old sign used to say "TC" which presumably was Timber Creek. It is a much better known place; again they have a pub, a store, a police station and a telephone in emergency. So it looks a bit like the publican at the Victoria River Hotel is mates with the signwriter - a bit of free advertising.

Going from Top Springs to VRD, the first creek is clearly marked Companion Creek. A couple of miles further on is another creek clearly marked Companion Creek. The next creek is a few miles further again; there is no sign, and then the fourth creek, miles and miles further on, is Companion Creek again. After a hard day's driving or perhaps a couple of hours' spell at Mrs Hawke's establishment at Top Springs, you do not know whether you are going ahead or astern. I think it would be an idea to put Companion Creek 1, 2 or 3 - something like that would be common sense. A few miles further on again the road crosses Coolibah Creek which is, for a change, clearly marked. But it does not say "Coolibah Creek", at all; it says "Creek Coolibah", both sides of the road. So evidently the signwriter was not only a prankster but he must have worked in a French restaurant previously to print "Creek Coolibah" - a nice little effect. Maybe this Companion Creek - I know it does have a serpentine course but three Companion Creeks in a row starts to get a bit much.

In all seriousness I would ask the executive member responsible to ensure that something is done to have signs erected or repaired in the district as the lack of them, apart from the obvious inconvenience, could have serious consequences for travellers in such an isolated area. I particularly draw his

attention to the need for signposting at Kalkaringi because there are quite a lot of services there and nobody even knows the place exists.

Mr MacFARLANE (Elsey): Mr Deputy Speaker, I rise to bring the attention of the Assembly to the plight of the primary producer. In 1971-72 our total primary commodities, excluding minerals - that is crops, livestock slaughtering, livestock products, forestry, fishing and hunting; I am not too sure how hunting comes into it - were worth $25m. In 1972-73 it was $31m, in 1973-74 $27m, in 1974-75 $11m, and in 1975-76 about $11m. Fishing in the same years was $2m, $4m, $6m in 1973-74, $3m the next year and then nearly $8m in 1975-76. In those years the rural holdings - whatever that means - were 419, 415, 394, 385 and in 1975-76, 361.

The people employed - they are under the statisticians labels of farmers, fishermen, hunters, timbergetters - there were 1700 in 1971. That is the last figures I can get. In addition, there are occupations inadequately described or stated - 342, so you have about 2,000 people in 1971 who were dependent on 419 rural holdings and they produced in that year $25m.

What I feel we are doing at present is neglecting the main chances for income production and concentrating on minor things such as bookmakers. We are going to get $800,000 out of the bookies but the Northern Territory's long-term future is with the cattle industry. Well, how do you go about it? This Northern Territory government has done something about it. It sent trade delegations abroad and they seem to have found promising markets.

Let us look at what the functions of the Department of the Northern Territory are. This is page 1 of the document entitled "Explanations to the Budget 1976-77", under functions of the Department of the Northern Territory. The principal matters dealt with by the department are: "administration of the Northern Territory of Australia, and the Territory of Ashmore and Cartier Islands". I do not think too many people around here know where Ashmore and Cartier are, but those are the principal matters dealt with by the department. Also "matters related to the specialised development and utilisation of natural resources, being land, water and minerals" - well, that is a pretty wide field. "Matters related to the production and marketing of beef" - so, really this Northern Territory government should not have sent a trade delegation overseas; it should not have worried about production of beef or marketing of beef as it is one of the principal functions of the Department of the Northern Territory. And some people are against self-government!

The second matter is "the production, processing and export of minerals". Well, I do not think that Mr Livingstone and Mr Dwyer, with all due respect to them, know that this is in the estimates of the budget. I am pretty sure Mt Isa Mines and others are not quite ignorant of this.

Other principal matters dealt with by the department are: "specialised transport development projects, including beef and development roads, mining, railways and minerals, port facilities". Once again, I do not think Mt Isa Mines or MacArthur River are aware of the principal functions of the Department of the Northern Territory. It goes on "in relation to the foregoing, the undertaking or support of research, the planning or initiation of projects" - that would be a beauty, wouldn't it? - "the coordination of activities in respect of projects, cooperation with states and other authorities".

With those lofty ideals, the Department of the Northern Territory has been a complete failure and some people want to stick with them. Some people want the taxpayer down south to continue to foot the bill for the Northern Territory. I say that this Northern Territory government will be very lucky if the southern taxpayer, by virtue of the Commonwealth government, is going to fund the Northern Territory ad infinitum, adequately. I say it is time we got up and worked for

ourselves. The only way we can do something about this is to get primary producers back on their feet, and how do we do it? Markets, that is the first step. I will come to subsidies later on; it is a distasteful word to me - but "needs most when the devil drives".

Markets are available - we are sure of that - not only in Southeast Asia but in the Middle East. One of my informants, actually the person who first started me looking for markets away from the traditional market, assures me that there are markets in Egypt for $25m worth of beef. It is a lot of money, the figures I gave for 1971-72 were $25m - $25m worth of beef. How do we investigate this? The Department of the Northern Territory, of course! It is their baby. This Northern Territory government must be prepared to do something about this, to prove what is proved.

There are other markets and they all matter to us very greatly but if we continue to develop these markets - who for? Are we trying to help the producer or the processor-exporter? I am not trying to help the processor-exporter because the facts show that all over Australia, meatworks are valued at $259m but the producer has a stake estimated at $5.6 billion. So you can see the bottleneck. This has been said plenty of times before and will be said plenty of times again. I say this Northern Territory government must involve itself in these killing facilities; that is all they are. The producer does all the work and then it comes to this bottleneck where the processor takes the rake-off.

The eight meat processing and exporting companies listed on the Australian stock exchanges showed a profit last year, that is return on capital, of 16.7%. I put it earnestly to this government that if they controlled the killing facilities, the Northern Territory could benefit by some of that 16.7% because meatworks are efficient these days. The one in Katherine is very well run but not for the producer. The one in Alice Springs - I have not got much to say about that and anything I have to say will not be good. These could be purchased by this Northern Territory government - though I feel they have had their fingers burnt and have suffered under the criticism from the "Willeroo wreckers", so I think they would be pretty brave men to go again.

The situation is that there are markets for beef but if the producer is going to benefit, he will have to have some say in it. The government has to come in on it. I know it is socialistic thinking but I cannot see another way. If the government has 51% of the killing facilities - and that is all they are, killing facilities; there is nothing magic about a meatworks. The cattle come in one end and go out the other. The meatworkers get their chip, and I believe the meatworker is entitled to get his fair wage. But where the disadvantage lies is that the meat processor is too hungry. So if this government finds more markets for beef, what is the point in giving more to the meat processor? It has to come back to the man who makes it all possible, and that is the producer. So that means control of the killing facilities and the markets.

The third important thing these days is - and this probably means a subsidy of a kind - labour. You have heard the honourable Leader of the Opposition detail today how the award wage came in for black and white alike. I never opposed this; I think the unions were quite considerate. They gave us two years to get used to it and prices for beef were not too bad in those days. But gradually, whether you like it or not, the Aboriginal was phased out because the unions insisted that every Aboriginal had to get the award wage; there were no slow workers. Well, there are slow workers of all colours and that was one of the reasons for unemployment.

However, these days even with helicopter mustering and things like that, there is still a need for stockmen - not all the time. But on present prices

of beef, when you get between $100 for live export cattle, though not many are going out, and $60 at the meatworks - that is, if they are not going to drop their price - how can you afford to pay a stockman who may be good or bad - and he has no set qualifications - $100 a week plus keep? You cannot. But to get this couple of thousand men back in employment I feel the government could provide something like the NEAT scheme whereby a portion of their wages could be met by the government to achieve increase employment until things get better. The simple fact of the matter is that the cattleman cannot afford them. He cannot afford to employ men on this wage at this juncture.

It is fairly simple; it is just a matter of money. I am worried that the wonderful efforts, the visionary efforts of this Northern Territory government may have been completely stifled by the "Willeroo wreckers" opposite. I take the liberty of reading from one of the greatest embryo statesmen in the Northern Territory certainly, and possibly Australia:

> *When our next agricultural opportunity comes it must proceed through some imaginative government structure, as an active capital investing and sharing partner whose resolve will not weaken at the first setback or criticism.*

The author of that, of course, was Mr John Waters, ALP secretary, on 29 September 1977 in the Darwin Star. I commend those thoughts to honourable members.

Mr EVERINGHAM (Majority Leader): Mr Deputy Speaker, in rising to speak to the adjournment this afternoon, I think I should just give some of the background in relation to the petition which I presented to this House this morning on behalf of persons who claim to have an interest or affiliation with Croker Island. Without wishing to reflect on any legislation that has come before this House recently and, in fact, is still before the House, I would hope that you will permit me some indulgence in making these remarks.

The situation that apparently exists in relation to Croker Island - for all I know, it may exist in relation to other areas in the Northern Territory although I doubt it - seems to me a rather unique one, and one that has been forced on these people through no voluntary act of their own. Rather than give it to you in my own words, I have here a report of the Methodist Overseas Missions of Australasia - a report of the special committee of the mission board on Croker Island - and this comes from the Welfare Branch library. It was provided to me by one of the young men who has some connection with Croker Island. This report was prepared, I should say, in 1959 or 1960 because on the front it has "Subject: 1960-1961 Appropriations and Works Program" and at the top "Northern Territory Administration".

The plight of these people, Mr Deputy Speaker, rather concerns me and that is why I wish to bring it to the attention of the House at the present time. The words of this report perhaps give the best explanation:

> *In 1939-40 the Methodist Overseas Missions, Australasia was granted a lease over Croker Island 160 miles east of Darwin close to the Arnhem Land coast. On this island the settlement of part-Aboriginal children was established by the mission with a view to protecting, training and caring for these neglected children of Australia's centre and north.*

They did not come from Croker Island; they were brought from all over the Northern Territory to this centre on Croker Island.

Part of the plan was the development of a community of mixed-blood people who would marry and live on the island, becoming self-supporting through agriculture and certain industries. Government cooperation and financial help was given from the beginning. Buildings were erected and staff appointed by the mission board. In 1940 the work was commenced with 90 children, the majority coming to us from government sources but some passed through to our care by private individuals.

And there is one thing I am told is common to most of these children, if not all of them - of course, they are children no longer - and that is that there are very few details or records of their parents or ancestry, and that has some significance in their problem today.

Soon after the commencement of the mission, the war came. Children and staff were evacuated to Sydney where they remained until 1946 and in this year, on the recommendation of the government and to the delight of the children, return was made to Croker. Buildings and equipment were repaired and extended and the enrolment of the children remained approximately 100.

In 1951 the government reimbursed the board for previous capital expenditure to the extent of £13,000 and assumed responsibility for future capital costs. In 1952 the South Australian government accepted responsibility for building and staffing the school; in 1957 the present financial arrangement was entered into...

and so on.

In 1955 the government proposed the complete transfer of part-Aboriginal institutions in the Northern Territory to southern states. This was opposed by Anglican, Roman Catholic and Methodist missions, I am pleased to say, on the grounds that the main weakness of the institutions - their segregation and their institutional character - would be perpetuated. In 1956 the government sponsored a plan by which suitable children would be placed in church and private homes within the states, with suitable financial subsidy per child. Forty children have left Croker Island under this scheme.

That was in 1959-60.

In concluding this brief historical survey, it should be said that although there have been many problems in the work on Croker and disappointments in some of the 150 children who have passed out of Croker since 1940 - and where have not there been disappointments amongst 150 children - on the whole the work has been successful. A large number of the young people are well placed both in Darwin and southern communities and in Darwin and in the south many are happily married. In the last six years, fifty have left Croker Island for the wider community and our records show that only six of these are unsatisfactorily placed. In the last four years, forty have come to the southern states and have adjusted themselves with reasonable success.

Of course, these children, as I said, were all moved around involuntarily. The Croker Island institution was established largely as a protective measure after the sordid pre-war experiences of government in rearing these children in the Darwin environment. It was envisaged that here, away from the more sinister elements of the community, young people could be brought up under Christian influence and prepared for agriculture, trade and other occupations in a continuing community there.

> *The committee learned that the majority of those at Croker Island grew up to the ages of 16, 17 or 18 years with no real knowledge or experience of the life of the community of which they must some day be citizens. They leave Croker Island - under the ordinance they are free to leave at the age of 18 years - to enter a new and strange world into which they come with a handicap of colour, without trade or apprenticeship training and with a background that makes them easy prey to exploitation in many ways. This, together with the possibility of mining development being talked about even then on the island - in the future the whole area has been thoroughly surveyed by the bauxite mining interests - makes a reappraisal of our policy necessary.*

With the result, Mr Deputy Speaker, that in 1960 apparently they were all moved by arbitrary transfer from Croker Island, or all that were left of them were moved from Croker Island, to Darwin where a new centre was set up. And this is what the report says of the future of Croker Island:

> *The committee considered that it should be deemed advisable to move the work from Croker Island to Darwin and the lease should be held by the mission and a full-blood Aboriginal centre established. In the vicinity of Croker Island and along the coast to Cape Don, there are approximately 130 Aboriginals. They are said to be amongst the most reliable and industrious in the north. The area is not part of an Aboriginal reserve because of its comparative proximity to Darwin for timber, pearl shell, rice and pastoral development. The committee considers that with government cooperation a station could be established there without affecting other full-blood centres.*

So presumably, some full-blood people who may have had their roots at Croker Island were moved back to Croker Island when these young part-coloured children were moved away.

The situation today is that many of these children are now grown - in fact, many of them are elderly - and they still have this feeling of affinity for Croker Island. Some of them want to go back there for their old age and many of them just want to be able to go back there to visit for a period, I think. The problem is that the present-day inhabitants of Croker Island feel they may be injuriously affected by the claims of these other people. Of course, these people we are talking about who were moved to Croker Island in their infancy by the government could never claim to be traditional owners of Croker Island and that is the problem. They feel they may be denied permits and cut off from the place they regard virtually as the land of their birth.

This to me, Mr Deputy Speaker, is really a rather heart-rending problem. It is one I hope the House will support me in when I propose that I take it up to discuss it with the Northern Land Council, and indeed the Central Land Council, to see if some sort of compromise can be arranged that will not unduly affect traditional owners but will also give some degree of

consideration to people who, through no fault of their own, have been placed in circumstances such as this.

Mr COLLINS (Arnhem): Mr Deputy Speaker, I feel I should make a few remarks about this Croker Island situation as it is in my electorate. I am well aware of the problem that the honourable Majority Leader has talked about this afternoon. Some of the people that have made representations to him have also made representations to me and I understand they have, in fact, approached a number of members of the Legislative Assembly on this problem.

It is a heart-rending situation. The government policy that was responsible for it probably made sense at the time. It is another one of these historical things that gives you a bit of a jolt when you sit down and read it now in 1978. The honourable Majority Leader is probably aware that government policy back then, on the advice of anthropologists who were advising the government, was that it was an undesirable thing to be part-coloured. They did, in fact, have categories of part-coloured children that were going to be trained for specific jobs. The ones who were inclined more to be black than white were categorised as being only fit for manual labour and unskilled professions - this is all a matter of historical record, Mr Deputy Speaker. Part-coloured children who were inclined more to be white than black were categorised for training in skilled and semi-skilled jobs. As far as the girls were concerned, the hope was expressed - and again it is a matter of record - that perhaps they would be able to obtain work as domestics, attract the eye of some suitable white husbands and, eventually - and it was actually spelled out - after a specified number of generations, they would breed back to be so close to white that you would not be able to tell the difference.

The decision to take these people to Croker Island and various other centres that were set up was not done, as normal in those days, with any consultation at all with the Aboriginal people who owned that particular area of land. I can understand the aggrievement of these part-coloured people from Croker Island. Many of them spent long periods on Croker Island and many of them spent short periods there. There has been a lot of emotive discussion among these people as to what they intend to do when they go back to Croker Island. A lot of them are very concerned to get into the cattle industry over there and there has been talk of taking out a court injunction to prevent the full-blood Aboriginal people of Croker Island from selling their cattle. I know, and I am sure the honourable Majority Leader also knows, that negotiations are currently in progress between the Northern Land Council and these people. I was present myself at a meeting at the Northern Land Council when a deputation of Croker Island people met with the Northern Land Council.

I know also that, as the honourable Majority Leader has already said, the traditional Aboriginal landowners of Croker Island are not very enamoured of the idea of these people having land claims on the island. They feel the government centainly does owe these coloured children some sort of compensation. Going right back in Territory history, many half-caste children were summarily removed from their parents by mounted police patrols. Some of the early historical records of the Northern Territory record some truly heart-breaking stories of the distress that parents of these children suffered when a police patrol would ride out of the bush and simply lift their children from them and take them away. It is not a very nice story at all.

However, the Aboriginal people of Croker Island, the traditional landowners, feel that these were decisions made by Europeans to bring these people to Croker Island - decisions on which they were not consulted at all and had absolutely no say in the matter. That also is indisputable. They were not. I do not think it is a situation that is beyond solution but it

is certainly not going to be an easy one to resolve.

As I say, Mr Deputy Speaker, I have had representations from the part-coloured people who want to go back to Croker Island and the reason I am speaking at the moment is that, after these current sittings are finished - on Monday, Tuesday and Wednesday of next week - I will be going to Croker Island at the request of the council and the council president there, Dick Malwangu. I know that one of the first topics on the agenda that he wishes to discuss with me, as he has already spoken to me at the Northern Land Council about this, is this very question. So I will be continuing my remarks on it probably at the next sittings of the Assembly.

Motion agreed to; the Assembly adjourned.

Wednesday 10 May 1978

Mr Speaker MacFarlane took the Chair at 10 am.

PETITION

TRANSFER OF POWERS - REQUEST FOR REFERENDUM

Mr PERKINS (MacDonnell): Mr Speaker, I wish to present a petition on behalf of 100 citizens of the Northern Territory requesting a referendum on the transfer of powers to the Northern Territory Legislative Assembly on 1 July 1978. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders.

I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable the Speaker and members of the Legislative Assembly for the Northern Territory, the humble petition of the undersigned citizens of the Northern Territory respectfully showeth that, at the conclusion of the historic negotiations between the Majority Party and the Federal Government for the transfer of powers to the Legislative Assembly for the Northern Territory, a new constitution and new revenue raising responsibilities will be conferred on the people of the Northern Territory on 1 July 1978. Your petitioners therefore humbly pray that the honourable members of the Legislative Assembly make every effort to ensure a democratic expression of the will of the people of the Northern Territory (with the support and assistance of the Federal Government) by holding a referendum to determine their acceptance or rejection of the proposed arrangements before 30 June 1978, and your petitioners as in duty bound will ever pray.

PERSONAL EXPLANATION

Mr OLIVER (Alice Springs): I wish to make a personal explanation, Mr Speaker. I claim to have been misrepresented. I was misquoted yesterday by the honourable member for Arnhem who, in the debate on the Aboriginal Land Bills, declared that I said I would deny Aborigines the use of bore waters on pastoral leases. Not at any time did I say that. I am not opposed to Aborigines using bore waters on pastoral leases; I was merely developing the theme that the terms of the useage of bore waters on pastoral leases should be incorporated in the Crown Lands Ordinance, so there would be a clear understanding by all parties concerned.

This inclusion in the Crown Lands Ordinance, Mr Speaker, would apply to both Europeans and Aborigines alike ...

Mr ISAACS (Opposition Leader): A point of order, Mr Speaker.

Mr SPEAKER: What is the point of order?

Mr ISAACS: The point of order is simply this, that if the member claims to have been misrepresented, he should state where he has been misrepresented and not debate the matter. I believe he is now debating the question.

Mr SPEAKER: The point of order is upheld. Will the honourable member state where he was misrepresented.

Mr OLIVER: I did state that, Mr Speaker. The honourable member for Arnhem de-

clared that I said I would deny Aborigines the use of bore water on pastoral leases. I did not say that.

MATTER OF PUBLIC IMPORTANCE

PASTORAL INDUSTRY IN NORTHERN TERRITORY

Mr SPEAKER: Honourable members, I have received from the honourable member for Victoria River a letter in the following terms:

Mr Speaker, in accordance with standing order 81, I desire to propose that tomorrow, Wednesday 10 May, the following definite matter of public importance be submitted to the Assembly for discussion, namely: the Majority Party's failure to take positive steps to alleviate the parlous state of the pastoral industry in the Northern Territory. Yours faithfully, J.K.R. Doolan.

I have considered the matter and in light of previous decisions I have given, I am loath to give this permission because I am not sure that the matter referred to falls within the competence of this Legislative Assembly.

Mr EVERINGHAM (Majority Leader): I certainly agree that the executive responsibility for primary industry in the Northern Territory certainly is not that of this executive and in a way will probably remain with the Commonwealth for some considerable time, although we will have our own primary industry section. However, I concede that primary industry is in a parlous state and I would not mind seeing the question debated, if it is the wish of the Opposition. I certainly think we can establish that the Majority Party is not at fault in the matter.

The member being supported,

Mr DOOLAN (Victoria River): Mr Speaker, I believe it is high time that some urgent measures were taken, right now, to do something positive for pastoralists in the Northern Territory. The whole of the industry is in a state of collapse, both in the Top End and in Central Australia - primarily because of the continued apathy and general lack of interest in the north, which is only too obvious when we look at the performance of the Minister for the Northern Territory, Mr Adermann, and the Minister for Primary Industry, Mr Sinclair. Mr Adermann would probably be more aptly named "Mr Ader-no-man" because he does not seem to know anything about the place. Nor could he be expected to; he is so seldom here.

Mr Sinclair is over-flowing with sympathy but he does nothing but sympathise. I listened to him in a Centralian Cattlemen's Association meeting tell a group of pastoralists, who have enormous debts with no prospects of clearing their debts in the immediate future, that he has a lot of sympathy for them. They had asked for a 10,000 tonne export quota to shift some of the cattle from their grossly over-stocked properties and had been granted a 2,000 tonne quota. At their request, the minister attended the meeting with them but refused, point blank, to intervene and override the Australian Meat and Livestock Corporation's miserable 2,000 tonne quota.

The pastoralists have enormous assets on the ground but little if any opportunity to unload these assets. They are in such a desperate plight that they will accept almost any price to sell off some of their herds. The Executive Member for Transport and Industry made a press statement criticising the miserable beef prices offered by the Alice Springs meat works, and rightly so, because they are miserable prices. Yet the Cattlemen's Union spokesman made a counter statement saying that his union was content with what was being paid. No doubt he said this in absolute desperation because pastoralists in the Centre will sell at any price.

When the blue tongue scare hit the Territory, Mr Sinclair again expressed his sympathy. He is certainly a very sympathetic minister but he does nothing at all of a practical nature. What happened to all those great federal election promises of fuel freight subsidy and cattle freight subsidy? The mustering season has already begun in the Top End but there is a deafening silence with regard to honouring those pre-election promises. One of my constituents on a privately owned pastoral lease which has been developed into probably the best property in the Territory has an annual fuel bill of $25,000 - $8,000 of which represents freight. How is he expected to carry on in such a depressed time without government assistance?

The pastoral industry has been the only real long-term industry of any worth in the Northern Territory, yet the apathy of the government in doing something concrete to try to keep it afloat is unbelievable. It appears that the government is endeavouring to drive the private pastoralist out of business altogether. No doubt companies like Vestey's and Hooker will survive and hold out over the worst period the Territory has ever gone through, because they have the capital to hang on until things improve. But privately owned stations are getting so deep in debt that they cannot survive unless something is done for them urgently. Of three properties in my electorate which have been sold over the last year or so, one was purchased by a South-east Asian state and the other two by a religious organisation which happens to be vegetarian, so you may depend on it that those two properties have not been bought for beef for the faithful. Evidently they have the financial backing to hang on till the industry improves but the small pastoralists do not have that backing.

Everywhere I go, I hear complaints from pastoralists with regard to the operations of the Primary Producers Board and, believe me, they are legitimate complaints. One of the most frequently heard complaints concerns its composition. It is too top heavy with public servants for a start. Of the five members of the board only one has any real claim to being a practical farmer and pastoralists feel that such a board, so heavily loaded with public servants, cannot help but be ineffective.

Perhaps the most often heard complaint against the Primary Producers Board is that its members and servants are so apathetic they do not care a damn. One pastoralist, now in debt for an astronomical sum, is firmly convinced that had he received carry-on finance of $15,000 when he applied for it, he would be close to breaking even now but he did not get a loan at the right time and he is hopelessly in the red at the moment. Some of the pastoralists in my electorate have made long and unnecessary trips to Darwin because they could get no satisfaction from letters and phone calls to the Primary Producers Board, only to be told that their application had been lost or mislaid or the person dealing with their application was not available. This kind of thing is just not good enough for people in desperate circumstances.

On one privately owned station the family is now unashamedly living on social service payments. The owner was refused a loan from the board because he is too honest. He stated in his application that he had only 4,000 head of cattle. The Primary Producers Board must have assessed that this number did not give him reasonable medium-term viability. Now if this is the criterion, what cattle station in the Territory is viable at the moment? The Primary Producers Board sticks to regulations all right, but only when it suits it.

On another privately owned station desperately needed carry-on finance has been deferred time after time. The owners have been unable to sign cheques since before the last wet season and their sole source of income has been from the wages of the wife who is employed as a cleaner.

Whilst this Assembly was sitting last Thursday, I received a telegram from a pastoralist. It reads:

My application to the Primary Producers Board lodged 19 February 1977 yesterday deferred for the seventh time to 10 May stop This information supplied only by reply-paid telegram stop How come Willeroo can obtain loan overnight stop Unable to make any working arrangements until definite answer received my application, regards Bob Rixon, Ooloo Station.

What a magnificent performance on the part of the Primary Producers Board that is - deferred for the seventh time. Would you believe it?

Another of my constituents is a new land developer in the high rainfall area close to Darwin. He has sunk $20,000 into his block in developing it over a period of five years. It has taken him all that time to build up a herd and this year would have been his first chance to recoup some of his outlay by selling off some beef. Now the blue tongue virus has blocked whatever chance he may have had to do this. What is to be done with regard to compensation for loss of income associated with cattle movement restrictions? How about the extra costs involved for mustering and holding cattle for testing for blue tongue? Somebody on the other side of the House will probably get up and say the executive is considering these matters. But cattlemen do not want consideration; they want some action.

A short time ago I made inquiries through the Department of Primary Industry regarding the payment of cattle freight subsidy. The information I received was that a submission had been made to Canberra by the Northern Territory executive. Canberra did not want it and threw it back to the executive. They will not accept it and have now sent a further submission to Canberra. These are the people who are going to manage our responsible self-government.

Even government departments at a local level which are concerned with the pastoral industry do not seem to be over exerting themselves to assist pastoralists and farmers. Recently a detailed questionnaire was sent to pastoralists in relation to blue tongue with the injunction that it be completed and returned as a matter of urgency so that it could be used as the basis of a submission to Canberra. No doubt this scheme had a great deal of merit except that whoever was responsible for mailing the questionnaire forgot to send it to pastoralists in the Batchelor area until it was too late. This kind of apathy or ignorance or disinterest is inexcusable.

Mr Speaker, there was a very strong rumour around that Katherine meatworks was not going to open this year and I am pleased to say that it was only a rumour, because that would have been the final straw, I think. Many small operators just could not afford to send cattle to Wyndham without a pretty healthy cattle freight subsidy. Instead of accepting Mr Sinclair's sympathy all the time, the Country Liberal party - or Liberal Country or whatever the currently going term is - should be hammering hell out of the minister to try to save the cattle industry in the Northern Territory.

The honourable member for Elsey has for years been bringing to the notice of the Assembly matters such as the urgency of bridging the King River or doing something positive with regard to providing increased assistance for school children in isolated areas. I have been pushing the same and other matters at every opportunity, but our joint pleas appear to be falling on deaf ears.

Yesterday a statement on blue tongue was circulated. The statement said things like:

Submissions made to the Commonwealth government for special assistance in recognition of the blue tongue problems are said to be receiving consideration and an early decision is expected.

Another quotation:

The government will continue to tackle the problem vigorously and with due urgency.

I say poppycock! It is no secret that the stringent measures adopted in the Northern Territory with regard to the blue tongue virus are primarily to protect sheep farmers in the south. If southern sheep farmers are to be given such total protection, to the detriment of the cattle industry in the Territory, then some kind of a levy should be made on southern farmers to assist Northern Territory pastoralists and the Majority Party should be pursuing this matter. I am very well aware, Mr Speaker, that many of the matters which I have mentioned are not controlled by the government of the Northern Territory but at the same time, the Majority Party is not doing nearly enough to push the case for the pastoralists in the Territory. The time for prevarication is past and the time for positive action is overdue.

This morning I received a phone call from Mr Bill Tapp, the owner of Killarney Station, which is the station referred to earlier and is probably the most improved station in the Territory. Mr Tapp has given me permission to say this. He had been trying to ring me all week and he said he was ringing in relation to the dissatisfaction which he feels with the Primary Producers Board and the general lack of interest shown by government departments towards the pastoral industry in the Territory. He did say - and after the remarks of the Majority Leader, made obviously to impress the school kids, attacking my credibility, I do not feel like saying it but he did say - that the Majority Leader had at least shown some interest and had been in touch with him on occasions. Mr Tapp said that his approach to me was on two levels: the first approach was as the private owner of Killarney Station to a friend who might possibly be able to assist him and the second as an official approach as president of the Cattlemen's Association of North Australia and spokesman for that association to his elected member in the Legislative Assembly. Speaking both privately and in his official capacity as president of the Cattlemen's Association, he has confirmed all the matters on which I am making a complaint on behalf of the cattlemen in the Territory.

Mr OLIVER (Alice Springs): I do agree with the honourable member for Victoria River that the cattle industry is in a most parlous state. Naturally, I would refer specifically to the Alice Springs area and I might give a brief history as to why the pastoral industry in that area is in such a state.

I would go back to the drought, Mr Speaker, the ten-year drought that finished in 1966. At the conclusion of that drought probably over 90% - to pluck a figure out of the air - of the pastoral leases in that area were heavily in debt. They were so much in debt that they did not have the money to restock. At the completion of that drought the herds were, in many instances, down to as many hundreds as what they normally had been in thousands. Fortunately, after the drought, we did have a run of very good seasons but the pastoralist could not take advantage of this because he had to rebuild his herds. By the time the herds came to a viable quantity, the beef market had collapsed. That would possibly be about three or four years ago and since then, of course, he has not been able to sell any stock for any great return.

What can be done about it, Mr Speaker? It is very awkward. Turning to the abattoir at Alice Springs - certainly they went for a 10,000 tonne quota and only got 2,000 tonnes. We in Alice Springs made strong representations to the Austral-

ian Meat and Livestock Corporation to keep this at 10,000 tonnes but, although in actual fact they were initially refused any export quota, with our representation at least they got 2,000 tonnes.

I have spoken to many of the cattlemen in the area and they are quite content with the price they are getting for the better quality stock. I believe at the moment they are killing about 400 head a day and they are working, I think, a six or seven day week. So there are a few cattle going through but, in comparison with the herds and the overstocking in Alice Springs, it is fairly infinitesimal.

I understand the Australian National Railways are subsidising certain types of cattle out of Alice Springs. Also I understand that Mr Adermann has agreed to remit the rent on application. Rather than have a blanket remittal of the rents, they will be looked at very sympathetically and I am assured that anybody who applies will get their rent remitted, possibly under certain circumstances.

I feel, Mr Speaker, that there is so much money involved, so much capital involved, so much funds necessary that this is above and beyond the executive here. It is really a federal matter. But then again, looking at it as a federal matter, Mr Speaker, we have the same situation in Queensland and all over the country. The federal government would be obliged to subsidise and assist cattlemen throughout the country. I am sympathetic towards them, Mr Speaker, and I would like to see the federal government come to the aid of the cattlemen, but there are some difficulties associated with that.

Mr ISAACS (Opposition Leader): I rise to speak in this debate and would like to congratulate the honourable member for Victoria River for raising this matter of public importance in the Assembly. There is no doubt that you personally - as well as, I am sure, other members in the Assembly too - feel the very necessary need to do something to aid the industry. Having said that, I must admit some personal distress and concern at the statements made by yourself in this Assembly yesterday, as the member for Elsey, in the adjournment debate. I say distress and concern not because you voiced an opinion about the matter of Willeroo - you are entitled to voice that opinion and, if I disagree or agree, that is another matter entirely - but what concerned me was the manner in which you spoke, knowing yourself the personal and practical assistance given by members of the Opposition and myself in particular in relation to the live export market. We have always voiced our concern that every effort should be made to assist that sector of the industry in getting it out of the doldrums. I was concerned that in your expose yesterday you failed to mention the active and practical assistance given by members of the Opposition in regard to this matter.

When people talk about the beef industry and the parlous state that it is in, a number of issues are raised and I was waiting for the member for Alice Springs to raise the matter he spoke about yesterday. I will raise it because it is a myth which I think ought to be put to rest, and that is that it was trade union activity in the cattle industry over the 60s and 70s which killed the cattle industry. I want to make two points in relation to that. First is in regard to the remarks made by yourself in the adjournment debate.

Mr EVERINGHAM (Majority Leader): A point of order, Mr Speaker. Are we debating the present parlous state of the cattle industry in the Northern Territory or are we rehashing ancient history and reflecting on debates that took place earlier in this House? I think the matter should be confined to the question or urgent public importance. We have already seen them roaming over the prairies.

Mr SPEAKER: I uphold the point of order. The honourable member will not refer to previous debates of this sittings.

Mr ISAACS: In that case then, the matter of public importance cannot go on because we have already talked about the cattle industry. I am talking about the parlous state that it is in and I am directing my remarks to that point.

Mr Everingham: Well, you had better sit down.

Mr SPEAKER: 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.

Mr ISAACS: With the greatest respect, I would have thought that what I am saying is relevant to the matter under discussion.

Mr SPEAKER: That is your opinion. My ruling is that it is not relevant. I uphold the point of order.

Mr ISAACS: I am not going to canvas your ruling; I accept your ruling. I am talking about the parlous state of the beef industry and, as I have said, many people think it was the trade union movement which brought that about. What I was going to refer to was the question of positive action which can be taken to assist it.

Before I was interrupted by the Majority Leader, I was going to refer to the question of the Katherine meatworks and what you or I put to a meeting of cattlemen some 18 months ago. I believe it is relevant to put to this Assembly positive solutions or options which can be taken to solve the problem. Now, if that is out of order and irrelevant, then please let me know. I would have thought it was relevant before I was interrupted by the Majority Leader; if he had waited and listened to what I had to say, maybe we could have saved some time.

When we were speaking in Katherine about 18 months ago to cattlemen who at that stage were facing an imminent closure of the Katherine meatworks, we put to them a proposal that the government - the industry, the producers and the workers - take over the Katherine meatworks. I recall a figure of around $1m being mentioned as the price. That figure, of course, is pretty near the price being asked for the purchase of Scott Creek-Willeroo. The only difference in regard to Scott Creek-Willeroo is that the departmental advice was a no-no whereas Katherine meatworks, as you yourself pointed out, is a viable operation and certainly would be far more viable in the hands of the producers and the workers involved. That is a positive measure which could be taken. If advice were to be asked on the viability of the meatworks, one would find that it is a viable proposition, unlike the advice given so far as Scott Creek-Willeroo is concerned.

I would also like to mention in relation to the parlous state of the pastoral industry the effect that wages have on pastoralists. People argue that because of the high wages paid to workers in the industry, they cannot carry on. You yourself, Mr Speaker, yesterday alluded to the question of slow workers - that the trade union movement had eliminated payment for slow workers and therfore the pastoralists were faced with a very high cost structure.

Let me put to this Assembly the facts on the matter of slow workers. In the 1966 test case, as I mentioned yesterday, a slow workers' clause was instituted.

Mr EVERINGHAM (Majority Leader): A point of order, Mr Speaker.

Mr SPEAKER: What is the point of order?

Mr EVERINGHAM: I just repeat what I said earlier. The honourable member is canvassing ancient history on the union's debate on the Cattle Industry Award, back in 1962, rather than the present parlous state of the pastoral industry.

Mr ISAACS: Mr Speaker, I am going to bring it very quickly to relevance. I would have thought the Majority Leader would like to have heard at least the history of the matter, because I was very briefly sketching that history from 1966 - not 1962 ...

Mr Everingham: I'd like to hear ...

Mr ISAACS: ... and in 1975 the award was renegotiated. The important thing to remember is that in 1966 a slow workers' clause was put into the award and that applied to the whole of the pastoral industry. Employers could pay slow workers less than the award wages. In 1975, contrary to the view of the union ...

Mr Robertson: What has this got to do with us?

Mr ISAACS: ... who sought to remove the slow workers' clause, the Conciliation and Arbitration Commission inserted a slow workers' clause into the Cattle Industry Award to protect pastoralists, so called, from employing people who could not do a day's work, as it was put, and therefore they would not have to pay such high wages for their employees. As I say, it is relevant because it has been charged that the high union wages have brought about, in some measure, the demise of the cattle industry. The fact is that, so far as slow workers are concerned, an employer merely has to seek from the secretary of the union involved - in this case it was myself - an approval to pay a worker a slow workers' wage. From 1975 to the current day, not one application has been made.

I just wish to put those charges to rest because, in talking about the parlous state of the beef industry, it is important to get the facts straight and see where the problems lie. I believe that positive proposals have been put forward to assist the beef industry, certainly so far as the question of live export is concerned and you, Sir, know my own personal involvement in that aspect. The second one, which I put forward seriously to support what you have said in this Assembly numerous times, is that consideration ought to be given to the purchase of the Katherine meatworks to be run in the interests of the producers and workers by the producers and workers.

PERSONAL EXPLANATION

Mr OLIVER (Alice Springs): Mr Speaker, I claim to have been misrepresented and I wish to make an explanation.

The honourable Leader of the Opposition quoted me as saying that I blamed the unions for the state of the cattle industry today. I did not say that.

Mr SPEAKER: Honourable members, I draw your attention - as my attention has been drawn to it several times by the honourable Majority Leader - to the fact that the matter being discussed is the Majority Party's failure to take positive steps to alleviate the parlous state of the pastoral industry in the Northern Territory. I ask members, as I should have done earlier, to stick to that matter of public importance.

Mr STEELE (Transport and Industry): Mr Speaker, I hope I am not entirely at fault for precipitating such a debate. When I asked for that statement to be circulated to members yesterday, I did not really think it would be an act of unkindness that could be criticised in advance of the statement being made in the House.

If it is the Opposition's wish, I will not make any further statements on the question of blue tongue. The honourable member for Victoria River likes to be selective in his quotations. Well, good luck to him. We have heard plenty of that.

I do not, in any way, accept that the parlous state of the beef industry is the fault of the Majority Party. Mr Speaker, you are aware of just how extensively we have worked towards assisting the beef industry, as we know it. I can support the honourable gentlemen opposite in their claim of "sympathetic consideration" and things of that kind. We have had to live with them a little closer than what they have and we do not like the federal system of looking after the Northern Territory beef industry any more than they do. We have a lot more troubles with the Northern Territory beef industry than they do. For example, last year we put together a very good proposal. It was in October last year. We sent it down to the federal people and they came up with what I call their "east coast special". It had nothing in it for the Northern Territory whatsoever and I understand the Minister for the Northern Territory did not even have any input to the Minister for Primary Industry's proposal. We know where we stand on that. We do not like this centralism, either.

I would just like to mention that we came in here on 19 September. We did not have the officers of the Animal Industry and Agriculture Branch working for us then. We still do not have them working for us today. There is something like 219 people involved in that organisation. They do not work for me; they work for the Minister for the Northern Territory. We have been able to get some cooperation from the Department of the Northern Territory but you know of our struggles in many other areas where we have not had cooperation and I am not too worried about saying that.

I would like to explain a little on the Alice Springs quota situation. I do not claim any responsibility for assisting; I assisted along with many other people. They had applied for 10,000 tonnes and they obtained 2,000 tonnes, and this was a precedent against previous rulings of the old Australian Meat Board. It is a precedent now established by the Australian Meat and Livestock Corporation to provide quotas to new abattoirs and we look forward to an extension of their generosity, if you could call it that.

The blue tongue restriction certainly has been very serious for the Northern Territory. No-one is more concerned than myself. You can no longer send cattle into Hong Kong; whether it is their fright of the disease or whether they have financial interests to consider, we do not know. We cannot answer that question. Certainly the restrictions on movement of cattle are almost impossible. You will recall that, for over 20-odd years, we have said to overseas countries, "Blue tongue disease is on a schedule of diseases, so stock is prevented from coming into Australia". Because we have something known as CS20, which is called blue tongue virus, all of a sudden we have an export animal which we cannot get out of Australia because these people say, "Remember you told us for 20 years that you would not accept stock from us because of blue tongue restrictions". It is not as easy as it might sound.

I agree with you, Mr Speaker, that the beef industry is going through its greatest recession since the war. I cannot pin any blame on anybody for that. Our policy is to get hold of a few good people, to work out the right sorts of proposals so that we can do something positive for the beef industry. I accept the honourable gentleman's criticism of the Primary Producers Board being too top heavy with public servants. For God's sake, hasn't he read the ordinance? Doesn't he know that it inhibits any sort of action at all? Why doesn't he read it out to

us? What do you think we are doing - we are going to get rid of it. Not only that, the Primary Producers Board has had "blind Freddy" and a dog working there as staff. How in the hell can they get through all the blinking applications that have to be processed? Does he think that the money supply is just an open hole in the ground where you can go along and dig a bit up every time you want some? How does he think we are going to readjust all these loans in the Northern Territory? Have another think about it.

Another flight of fancy - the honourable member for Victoria River said the people in the Batchelor area did not get the questionnaire. He mentioned the gentleman from Ooloo Station who has been to see me many times and who is, I consider, a friend. When he mentioned to me that he did not get his form, I checked up with the Animal Industry Branch and they ticked him off as having had the form posted out to him. So they sent him another one but "why blame the AIB just because you did not get your form? Why don't you ring up and ask for one?" - you know.

When the honourable Leader of the Opposition said let us take over the Katherine meatworks, he was really trying to make some political gain. It is not unusual for governments to be involved in the operation of meatworks. It certainly is not unusual for Labor governments anyway to put that sort of money into a meatworks without any sort of collateral. Did you know that, Mr Speaker? No collateral whatsoever.

I genuinely feel sorry for the people that the honourable member for Victoria River mentions in his debate. However, there are people who were not dazzled by the fancy prices of the early 1970s and did not go into such great debt. I can only say that they are the fortunate ones on this occasion. The person he refers to who is on social service benefits - I know that family very well over a long period of time. There is not a lot that I can do for them.

The rural roads program is just one of the things that is designed to help pastoralists. I can turn to some of the avenues that can be of use to them. Government policy to provide access is a policy that we have inherited. It is not a new thing but all pastoral properties in the Northern Territory have to have an access road. Finance for bores - this is not available anywhere else in Australia as far as I am aware. I understand the previous administration provided advice on two bores under an ordinance of this Assembly.

The fact is local control and having a real big say in the beef industry is looked forward to very much by us. One instance of what we may be able to do is that, at the Rural Roads Conference the other day, we indicated that we would call tenders this year for the sealing of the Tanami Road starting out from the Stuart Highway. This is just one item where we can help people by having the decision-making process in our own hands.

The executive is currently looking at a moratorium on repayments of interest charges through the Primary Producers Board. Once again we have not got the number of people necessary to assist us in our analysis of this requirement. In recent discussions with the Cattlemen's Union, I agreed with them that I would put forward a proposal to the federal government involving a herd limiting program for the Northern Territory. This involves a couple of features. It involves the fact that cattlemen will not muster at the moment because the cost of running a stock camp is something like $1,500 a week and if they will not muster, then there is no chance of doing anything with the herds whatsoever. There can be no disease control or anything of that kind. I am looking at a program of herd limitation through the device of spaying females. We are also looking at a capital component towards a mustering charge to assist with mustering.

If we are not out of this terrible mess by 1984, then we are going to run into complications of marketing overseas. If we do not continue testing for contagious abortion, TB and blue tongue and are definitely able to demonstrate to the importing countries that out livestock is free of disease, well, we have nowhere to go. So there will be no debate on the pastoral industry in 1984 if these measures are not picked up by the federal government. You can rest assured that we will be bashing them around the ears; we have not stopped since we have been in this business.

I would just like to mention, on a brighter note, that there is a scheme by Point Stuart abattoirs this year to diversify away from their normal kill of buffaloes into the area of killing horses for export to the Europe market and also killing cattle for the first time. We were able to assist them by making sure that their road was brought up to a better standard and we will certainly monitor that, as the months pass by. We were able to impress upon the Department of Primary Industry that they should be given an extension of time to complete $100,000 worth of capital works around the abattoirs and that the capital works program would be spaced so that it could fit inside their budget. This is just one small thing that we have been able to do.

I know the blue tongue committee is waiting anxiously for their report back from the federal people on the cabinet submission that the Minister for Primary Industry has put forward several weeks ago. I only hope that there is a reply soon so that we know where we are going.

Just to conclude my remarks - the position of the Territory beef industry is a peculiar one in that the beef industry up here is a monoculture, unlike most other areas of Australia. In many other areas of Australia there is diversification of cropping and different types of animal production. This is not available to people in the Northern Territory. Our agriculture is non-existent and there is just nothing that we have available to us. We certainly need exclusive attention and this is what the Northern Territory executive is fighting for.

Mr TUXWORTH (Resources and Health): Mr Speaker, I would like to speak briefly on this, if I may, because I believe the Majority Party or the government on this side of the House has been charged unjustly with not doing anything or as much as it should for the beef industry. I refute that assertion and I take particular exception to the fact that the basis of this debate was not anything less than a statement of complaint by the honourable member for Victoria River. There was not one constructive suggestion in all the pages he read out.

The honourable member criticised federal ministers and the fact that the Primary Producers Board was, in his view, neglectful and that there was no carry-on finance available. He was concerned that possibly the Katherine meatworks might not open. All this is beyond the control of the Northern Territory executive, in the sense that we are not dealing with a Northern Territory problem, Mr Speaker; we are dealing with a national problem, an Australian problem and in many cases a worldwide problem. The difficulties that are besetting the industry are not within the control of this executive. We have heard discussion on wages, quotas, prices and other factors such as import restrictions in other nations. All these are outside the control of this Assembly.

There is one area where this government and the people of the Northern Territory can help themselves. We have a problem. We have too many cows and not enough markets. We have one option open to us and that is to get out and sell, sell, sell. This party has already sponsored one trade delegation to South-east Asia. I would hope that within a few years to come we can have permanent trade delegations in South-east Asia selling our beef, on the hoof, on the hook, in the box and in any

way we can get rid of it. That is how we will help our producers, not with subsidies and handouts.

Mr EVERINGHAM (Majority Leader): I only wish to say a few words in this debate. Clearly the Majority Party has not been lacking in efforts to assist the pastoral industry. It is, indeed, not even a responsibility of ours to assist the pastoral industry except in so far as the Assembly has any control over the Primary Producers Board. The only control the Assembly appears to have over the Primary Producers Board, from my dealings with it, is through the actual legislation. The Primary Producers Board appears to be extremely jealous of its prerogatives in setting policy. Any efforts of mine to make representations on behalf of various pastoralists who have spoken to me about the problem they have in securing finance have been met with various policy objections. For this reason, I believe a more flexible approach is needed towards this industry and a number of other industries.

Obviously, the Primary Producers Board is going to be a convenient whipping boy for everyone. The pastoralists are in a bad state; we are trying to help them and we are blaming the Primary Producers Board, which has only so much money in the barrel, and the pastoralists are blaming the Primary Producers Board. They obviously have not got enough to go round everyone so I suppose it is a bit unfair to kick them too much. But we do believe a more flexible approach is needed. It is for that reason that members will see, when my colleague, the honourable Executive Member for Transport and Industry, who spoke so well this morning in giving what was virtually an up-to-the-minute run down on the total primary industry picture in the Northern Territory, introduces the Territory Development Corporation Bill tomorrow, it contains provisions in it for the repeal of the Encouragement of Primary Production Ordinance. The development corporation legislation will permit a much greater flexibility and will permit ministerial direction in certain cases, where it is considered to be necessary in the interests of public policy that particular industries be assisted even though treasury-type guidelines may not be met - such as first priority of mortgage and the like, which the government seems to insist on even though, when they come 19th in the line, they expect to go first on the queue.

We have taken these initiatives. We have sent the trade delegation overseas at considerable expense - we scrounged the money up and we sent it, and it has come back with reports of markets. We have taken the initiative at Willeroo - as you have said, there are certain people wanting to wreck Willeroo but we are not going to let ourselves be perturbed by the Jonah's of the world. I believe the Majority Party has shown that it can go in there and put its shoulder to the wheel in an area where, if anything, it has a very minimal responsibility.

Mr VALE (Stuart): I want to speak very briefly in relation to this motion. There is no question that the Northern Territory cattle industry is probably in one of its worst positions ever, but it was not very many months ago that the former Labor Prime Minister said to a number of pastoralists in Western Australia that they had never had it so good, and it was then an equally depressing time for the pastoralists and other associated industries.

The responsibility for the cattle industry is still very firmly under the control of the federal government and despite the Majority Party's initiative in organising and negotiating for the transfer of powers to the Northern Territory so that we can have some local control and can offer some local assistance to the pastoral industry, the ALP on the other side still opposes this proposal.

It is a little amazing to see this motion come forward on behalf of the Australian Labor Party related specifically to the cattle industry because, in their own words, they have no policy on the cattle industry. We at least have a policy and

we at least have taken a number of steps in recent months and in fact in recent years through this Assembly at least to assist the industry or put forward proposals to the federal government for assistance to the cattle industry.

Other speakers have mentioned today the overseas trade delegation which was set up on the initiative of the Majority Party, again despite the snipings of the ALP on the other side of the House.

There have been a number of meetings held throughout the Northern Territory in the last six or eight months which the Executive Member for Transport and Industry and myself have attended, and these have been between pastoral organisations and other related industries. One was held late last year in Central Australia between the Centralian Pastoralists Association, the Cattlemen's Union and other representatives including the chairman of the Australian Meat and Livestock Corporation to discuss the export quota for the Alice Springs abattoir. I chaired that meeting and it was publicly advertised. But the ALP, without any policy on primary industries, did not see fit to attend - as they have not done with a number of meetings in Central Australia relating to the pastoral industry. We at least continue to attend these meetings and continue to make representations to the federal government. Sometimes it is a little like hitting your head against a brick wall; when you stop, it feels very good.

Mr Speaker, I do not know how the Opposition can get up and propose a discussion like this when they know darn well that the present state of the cattle industry is directly related to those disastrous years of the Australian Labor Party in Canberra. The honourable member for Victoria River mentioned that a friend of his has an annual fuel bill of $25,000. I wonder if he told him that his mates in Canberra in the ALP removed the petroleum freight subsidy, increasing the price of fuel to remote areas, and that the Liberal Country Party in Canberra, with the support of the Country Liberal Party in the Northern Territory, are responsible for the reinstating of that subsidy.

MESSAGE FROM THE ADMINISTRATOR

FINANCIAL ADMINISTRATION AND AUDIT BILL

Mr SPEAKER: Honourable members, I have received from his Honour the Administrator the following message:

> *I, John Armstrong England, the Administrator of the Northern Territory of Australia, pursuant to section 4S of the Northern Territory (Administration) Act 1910, recommend to the Legislative Assembly a bill entitled the Financial Administration and Audit Bill 1978 relating to financial administration and the audit of public accounts.*

Honourable members, this message was received after the Financial Administration and Audit Bill was presented yesterday. The wording of section 4S of the Northern Territory (Administration) Act makes it clear that the bill should not have been presented before receipt of this message and therefore yesterday's proceedings in relation to the bill must be considered a nullity.

Since the bill is being treated as an appropriation bill, because of the provisions of clause 15, it will be in order for the Executive Member for the Treasury to re-present the bill without notice.

FINANCIAL ADMINISTRATION AND AUDIT BILL
(Serial 97)

Bill presented and read a first time.

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

I refer honourable members to yesterday's Hansard for my second-reading speech.

Debate adjourned.

LAW OFFICERS BILL
(Serial 82)

Bill presented and read a first time.

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

This is a small but very important piece of legislation - at least, I think so. It seeks to create as statutory positions the offices of Territory Attorney-General, Solicitor-General and Crown Solicitor of the Northern Territory.

In the case of the Attorney-General, he will derive his official appointment from the proposed new Northern Territory Self-Government Act as a Territory minister. However, the act will not define his powers and functions. In order to avoid confusion with the Commonwealth Attorney-General and to ensure that the Territory Attorney-General has, in relation to Northern Territory matters, the equivalent powers of the Commonwealth Attorney-General, it has been decided to set these powers and functions out in detail in this bill.

The Territory Attorney-General will assume the position of the first law officer of the Territory government and will be given powers, duties and prerogatives equivalent to the Attorney-General of England, in so far as they are capable of application to the Territory. I might mention that it is not usual to legislate in this manner, but members will appreciate that the introduction of self-government in the Northern Territory is a unique and historic occurrence and, accordingly, special measures have to be taken. There is a precedent for a legislative statement of the powers and duties of the Attorney-General in the Canadian Department of Justice Act.

In the case of Territory Solicitor-General and Crown Solicitor, these officers will be members of the Northern Territory Public Service in the Department of Law. They will be appointed by the Territory Attorney-General. It is intended that the position of Solicitor-General will be occupied by the present Solicitor for the Northern Territory and he will act on behalf of the Northern Territory government in more important legal matters as required. It is not thought necessary to specify his powers and functions as he will act more in the capacity of a barrister upon brief. It is intended for the time being that the person appointed as Territory Solicitor-General will continue to hold the appointment of departmental head of the Department of Law.

The position of Territory Crown Solicitor will be occupied by the person with responsibility for the day-to-day management of the legal affairs of the Northern Territory government, acting through the Department of Law. As is usual in other jurisdictions, his powers and functions are enumerated in the bill. I commend the bill to honourable members.

Debate adjourned.

LANDS ACQUISITION BILL
(Serial 93)

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 provide a method whereby the new Northern Territory government can acquire land, either voluntarily or compulsorily. At the present time land in the Northern Territory is usually acquired under the Commonwealth Lands Acquisition Act. The view has been taken that section 9 of the Northern Territory (Administration) Act 1910 precludes the Legislative Assembly from passing a comprehensive ordinance on the topic of land acquisition. However, the current Commonwealth proposal is that the equivalent of section 9 will not appear in the new Northern Territory Self-Government Act following representations made to the Attorney-General. This leaves the way open to introduce this bill into this Assembly. The Commonwealth Lands Acquisition Act, of course, only empowers the acquisition of land on behalf of the Commonwealth. With the creation of the new Northern Territory government, it is essential that there be some method of acquiring land in the Territory on behalf of that government. This bill is designed for that purpose. It is expressed to come into force on 1 July 1978.

Mr Speaker, no-one likes compulsory acquisition of land. It is clearly far better for governments to acquire land by agreement. However, the public interest dictates that there will be some occasions when it is necessary to acquire land for some public purpose and it is not always possible to do this by agreement. In these circumstances, a mechanism has to be devised to strike a fair balance between the public interest and the rights of the private citizen. This bill seeks to strike that balance. It is a revolutionary piece of legislation, far in advance of any other such legislation in Australia. To a considerable extent the ideas incorporated in the bill have been drawn from the Australian Law Reform Commission's discussion paper entitled "Lands Acquisition Law Reform Proposals". A copy of this paper has been circulated to members previously.

In addition, many members recently had the opportunity of attending a public hearing about the commission held by the commission in Darwin and also the subsequent private meeting between the chairman of the commission and the commissioner in charge of the project, Mr Murray Wilcox. Further helpful suggestions came out of those meetings. The end result is, I hope, a very advanced and well balanced piece of legislation. It recognises the superior bargaining power of the Crown in land dealings and seeks to incorporate sufficient protective provisions in favour of the private citizen to redress this imbalance and to provide fair compensation.

In summary, the bill establishes a Lands Acquisition Tribunal of three members to be drawn from a larger panel of available members with a wide range of expertise. It provides for a method of pre-acquisition hearing to assess whether there is a real necessity for the acquisition or whether the public purpose sought to be achieved by way of the proposed acquisition can be achieved in some other way. The tribunal will be able to take into account environmental factors at this hearing. Following acquisition, provision is included in the bill for a further hearing of the tribunal to assess compensation. The tribunal will be obliged to have regard to a formula in the schedule in assessing compensation. That formula is basically the same as that recommended in the Law Reform Commission's paper and appeal will lie to the Supreme Court.

Mr Speaker, I foreshadow a number of amendments to the bill. Members will appreciate that the bill has been prepared in a fairly short time - regrettably too short a time - but it is necessary to have power to acquire land as soon as possible after the creation of a new Northern Territory government. I will circulate a schedule of amendments before the next sittings so that members will have sufficient time to give them consideration and prepare their views. I would, in turn, welcome comments and suggestions preferably before the next sittings.

I foreshadow changes in the provisions dealing with the membership of the tribunal. I am not happy with the provisions of clause 4(4) in this regard. I think also some further provisions are necessary as to membership, such as a provision for resignation and for requiring disclosure of interest. I am a little concerned also that there is no government member on the tribunal and I would welcome the views of members on this issue.

I am not satisfied with clause 50 of the bill dealing with acquisitions other than under the bill. In particular, I feel that it should be open for the Territory government to acquire land generally without having to observe any pre-acquisition technicalities. I will be proposing an amendment to clarify clause 50 for this purpose. I also wish to give further consideration to the provisions of the bill which authorise the payment of interest on certain moneys. There may be a number of other amendments, mainly of a drafting nature. I commend the bill to members.

Debate adjourned.

CONSUMER PROTECTION BILL
(Serial 89)

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 bill before the Assembly would be, without a doubt, the most significant piece of consumer protection legislation to be introduced into this Chamber, either in its present form or as the old Legislative Council. The bill confirms to the people of the Northern Territory my executive's concern to ensure that the rights of the consumer are protected by law whilst at the same time ensuring the government does not interfere unnecessarily with the legitimate trading of the business sector.

I would like to make some observations on this last point. It has long been my belief that there has been a vast difference between government and, through it, the law providing protection to the citizens to whom it is responsible and being in the business of the government of business. We have seen the inflexibility of the prices and rent control systems as they have been inflicted upon Territory enterprise for the sole purpose of pandering to a socialist political philosophy. In both of these cases, the burdensome laws have done little or nothing to curb the rate of inflation and cost. Indeed, it was during the years of socialist reign that we saw the greatest increase in inflation in our history. Consequently, we on this side of the House see the role of government as being to provide a system of redress of wrongs rather than to impose a system of rigid and meddlesome controls. This bill will seek to obtain this objective.

The bill provides for the establishment of a Consumer Affairs Council for the purpose of making investigations into matters affecting consumers and to make provision for matters incidental thereto. The bill sets up a Consumer Affairs Council

to replace the existing Consumer Protection Council. The membership of the proposed council can be from six to ten, representing a wide cross-section of interest The proposed council has a much wider function than the Consumer Protection Council. It is an advisory body to the Minister-to-be, an investigatory body for the consumer and a consultative body for the business community.

The bill also sets up a Consumer Affairs Bureau headed by the commissioner. The commissioner and his staff will be employed under the terms and conditions of the Public Service Ordinance. The functions of the bureau are to investigate complaints on behalf of the consumer and the council, to take action as it thinks proper and to carry out a consumer investigation program.

The functions of the commissioner are set out in section 19. The commissioner may institute proceedings for and on behalf of a consumer, indemnify the consumer for any award of costs where that may be in the public interest and may pay the cost incurred by the consumer on those proceedings. The commissioner may act as or nominate an arbitrator with the consent of all parties. The commissioner is empowered to require a person to furnish information and to answer questions in writing or on oath. It is made an offence to fail to furnish the information or to give false information. The commissioner has the power to investigate the nature of certain goods likely to be dangerous to body or health and the minister will have the power to prohibit the sale of such dangerous goods.

Members of the council, the commissioner and his staff are protected from actions taken against them - that is, civil actions, Mr Speaker - for acts done in good faith. Members of the council, the commissioner and his staff are required to preserve the secrecy of information coming to their knowledge in the normal course of their duties. In the administrative arrangements which will follow the establishment of the Consumer Affairs Bureau, I intend that the commissioner should be appointed as the Prices and Rents Controller in accordance with these two ordinances which exist in their present form and which will be amended to make them workable.

I should like to take the opportunity to pay tribute to the work of those members of the Legislative Council who were appointed to inquire into the legislation relating to consumer protection and who reported and gave valuable aid in the formulation of policies which have led to the presentation of this bill.

I should also like to refer to the excellent service given over the years by members of the Consumer Protection Council. I know that members of the existing council welcome the provisions of this legislation - in fact, Mr Speaker, it was made in extensive consultation with them - and I hope many of them will offer their services in the new Consumer Affairs Council. I commend the bill to honourable members.

Debate adjourned.

LOCAL GOVERNMENT ELECTIONS (1978) VALIDATING BILL
(Serial 105)

Continued from 4 May 1978

Mr PERKINS (MacDonnell): I rise on behalf of the Opposition, Mr Speaker, to debate the Local Government Elections Validating Bill introduced by the honourable Executive Member for Community and Social Development.

At the outset, Mr Speaker, I would say the Opposition is amazed at the manner in which this bill has been introduced into the Assembly by the executive member,

as it is subsequent to and in validation of an event which has already taken place. The event, of course, was the election of a mayor and aldermen for the Darwin City Corporation which was held on 29 April this year.

I now refer to the second-reading speech of the honourable Executive Member for Community and Social Development where he announced that the bill relates to the validation of the local government election in Darwin and also to the validation of the forthcoming local government elections in Katherine and Tennant Creek. In his second-reading speech, Mr Speaker, he claims that the validation at this stage is due to administrative difficulties and errors. Of course, what he does not say is who was responsible for those difficulties and errors, and why they were allowed to occur in the first place. In his second-reading speech he also admits, as this bill reveals, that there were actual irregularities and this bill ensures that the elections will become valid and effective. I think, Mr Speaker, the Opposition would agree with his admission which I think is perhaps also an admission of guilt. We are further told that the fault with the Darwin election arose out of a miscalculation of the day, 28 days before polling day.

In the preamble to this bill, we are informed of the series of events which have occurred and which have lead to this bill and its proposals. I would say, Mr Speaker, that the Opposition is absolutely amazed that the executive member now sees fit to amend the Local Government Ordinance at this later stage in order to validate a past event and in particular the electoral procedures relating to the Darwin City Corporation elections.

This bill discloses serious irregularities in relation to the conduct of the recent elections. I believe that such action ought to have been taken by the executive member before the elections in Darwin were held and not after the event. The validation of the recently conducted Darwin elections at this stage is a sad reflection on the competence of the honourable member and the appalling manner in which the Darwin elections were conducted in the first place.

Members injecting.

Mr SPEAKER: Order!

Mr PERKINS: I would now like to refer to some of the circumstances of the recent Darwin elections which require to be questioned and held up to scrutiny and which are relevant to this debate, I believe.

In the first place, the nomination form of one of the intending candidates for election as alderman was sent by registered mail on the Tuesday prior to nomination day which, I understand, was 31 March.

Mr Robertson: He forgot to put the stamp on it.

Mr PERKINS: Unfortunately, this nomination form was held up in the mail. I understand that, legally and technically, the nomination day ought to have been declared as 1 April and not 31 March. The fact that the nomination day was declared as 31 March is a grave indiscretion with grave implications. Had this particular nomination been received on the afternoon of 31 March, then the candidate would have been also disadvantaged because of the premature closure of nominations by the town clerk.

Unfortunately, under the Local Government Ordinance, there is no provision for the acceptance of a mailed nomination form. This is most absurd and unfair in that it represents a disadvantage to any candidate who is absent from the Northern Territory or who, out of illness, is not able to actually lodge the nomination form. I

believe this indicates serious deficiencies in the Local Government Ordinance which the executive member has overlooked and neglected.

In the second place, Mr Speaker, I am advised that two candidates approached the town clerk on a number of occasions and asked him for a written advice as to what really constitutes a valid vote. At the time the town clerk is alleged to have given vague and inaccurate advice which I believe could also be regarded as being misleading. He said that every square on the ballot paper for the aldermanic election had to be filled in by the elector. On a reading of the Local Government Ordinance and also on legal advice, the two candidates were of the opinion that this was not so. In the result the town clerk, in response to a written request from the candidates, replied that the vote would be valid if the elector had voted for one candidate or two or three candidates on the ballot paper. It is evident that this advice conflicted with the earlier advice of the town clerk.

After the town clerk was made aware of his inaccurate advice, he continued to insert advertisements in the daily newspaper insisting that the voters had to complete every square on the ballot paper. I believe this was confusing and misleading to the electors of Darwin. I wonder why the honourable executive member did not intervene to correct this situation before the election, as the Local Government Ordinance was involved, in particular section 108, subsection (2).

At this stage, Mr Speaker, I would ask leave of the Assembly to incorporate into Hansard a number of documents - there are only three - which relate to this particular matter.

Leave granted.

The Corporation of the City of Darwin

Mr P.A. Bourke and Ms R. Lesley
16 Tennison Street,
Anula, N.T. *26th April, 1978*

Dear Sir and Madam,

Municipal elections - 29th April 1978

I refer to your letter received today requesting advice in relation to voting for the vacant positions of Alderman in the forthcoming elections. I refer to section 108 (2) of the Local Government Ordinance 1957-1978 and advise that all votes will be counted in accordance with the provisions stated therein. Therefore, if a ballot paper carries the number one (1) in the square against a candidate's name it will be regarded as a vote to that candidate and if the number one (1) and two (2) have been placed in the square opposite the names of two candidates, then one vote will be recorded to each of those candidates. In other words, if an effective number, that is one (1), two (2) or three (3) appears on a ballot paper, the vote will be recorded to the candidate against whose name that number appears, provided, of course, that the vote is in accordance with section 108 (4) of the ordinance.

Yours faithfully,

G.T. HOFFMAN
Returning Officer

The Town Clerk,
Corporation of the
City of Darwin,
P.O. Box 84,
Darwin, N.T. 5794

16 Tennison Street,
Anula, N.T. 5793

26 April 1978

Dear Sir,

City Council Elections: 29 April 1978

Would you please advise us on the following procedural points in relation to the method of voting for the vacant positions of Aldermen in the coming Darwin Council elections.

1. What constitutes a formal vote:

2. Whether the recording of -

(a) 1 against a candidate's name as the only mark on the ballot paper, and

(b) 1 (one) and 2(two) against two candidates' names

constitute valid votes in accordance with section 108(6) of the Local Government Ordinance, as amended.

We would appreciate your reply by Thursday 27 April 1978 so that proper instructions can be given to our scrutineers.

Yours faithfully,

P.A. Bourke
R. Lesley

Press Release *26 April 1978*

Candidates for Waters ward, Pat Burke and Robyn Lesley, stated today the advertisements of the Corporation of the City of Darwin, in relation to the method of voting and what constitutes a valid vote in Saturday's elections, are misleading the public.

"It is quite clear from the relevant section of the Local Government Ordinance that, in voting for aldermen, the elector need only record an 'effective' number on the ballot sheet. An 'effective' number is defined as being the number of aldermen to be returned (eg. 3 for each ward) or any number less. This means that an elector, if he so desires, can record a vote for only one candidate, or two or three candidates. He is not required to put a number in every square on the ballot paper in order for it to be a valid vote, as indicated by the corporation's advertisements."

In summary, a valid formal vote is recorded where 1, 2 and 3 or less is shown on the ballot paper.

Mr PERKINS: I think it would be ludicrous to deduce that the fault in this matter is entirely with the Local Government Ordinance as the ordinance is abundantly clear on the method of voting. The point is that the Darwin electors did

not have to vote for all the aldermanic candidates on the ballot paper. However, they did have to vote for all the mayoral candidates. I believe that all the electors of Darwin ought to have been informed of the correct method of voting and the precise manner, and I also believe the honourable Executive Member for Community and Social Development had a responsibility to ensure that this was done.

In the third place, the two candidates were promised up to two copies of the electoral roll, at least by 10 April, but in fact they did not receive any rolls until 12 April and then only one copy of the roll was provided. The candidates were told that the second copy could be secured at a cost of $10. I would ask the honourable executive member to investigate this particular matter to see if it is a regular procedure in relation to the provision of copies of electoral rolls by the Darwin corporation.

I believe all this will demonstrate the inability of the Darwin corporation to conduct its own elections efficiently and fairly.

Mr Robertson: You take over for them.

Mr PERKINS: I believe it highlights the serious defects of the Local Government Ordinance and also the need for an urgent review of this ordinance. The whole issue also highlights the appalling inaction on the part of the honourable executive member to correct the inaccuracies and to prevent the town clerk from acting in a manner which I believe was contrary to the Local Government Ordinance.

I agree with the honourable executive member that the Local Government Ordinance is in, I think, what he described as a very "miserable state". I would say, Mr Speaker, that the Opposition in government would never act in the way in which the executive member has acted in this whole affair.

Mr Robertson: I am sure of that.

Mr PERKINS: I believe he stands to be condemned for failing to intervene, as the member responsible, to correct the actions of the Darwin town clerk and to amend the Local Government Ordinance before these problems arose at that particular election.

I would reiterate, Mr Speaker, that there is an urgent need to review the Local Government Ordinance, in particular in relation to the electoral procedures as handled by the local government authorities of the Northern Territory - in this particular case, the local government authority of the Darwin City Corporation. I would suggest that the executive member give consideration to the proposal that all future local government elections be conducted by the Australian Electoral Office, in view of the problems which I have outlined above.

Mr HARRIS (Port Darwin): It is not necessary for me to reiterate the unfortunate circumstances which have caused this validating legislation to be introduced. I am quite amazed at the statement made by the member for MacDonnell that there was, in fact, a case where someone was refused nomination because of the wrong time being stated.

I would like to make some comments about sections of the Local Government Ordinance which deal specifically with the areas which have led to this bill coming before the House. It is quite obvious that we all know the main objectives. Sometimes, I do have my doubts of what a local government election is about. Darwin has just been through one and Katherine and Tennant Creek are about to go through one on 13 May. It is to elect a mayor and aldermen to serve and look after the

affairs of a particular community for a term of three years.

It is also obvious that there must be a period of time before polling day which will allow for the necessary stationery to be printed, procedural matters to be carried out and allow the candidates themselves time to organise their programs leading up to the elections which they are to contest. There is no doubt that the period as laid down under section 87 of the Local Government Ordinance of 28 days is adequate for this purpose. It is, however, interesting to note that in 1957, when this ordinance came into operation, Saturday was an accepted business day and as such banks, and the post office and other businesses were open for trading. The present situation is that Saturday is no longer looked on as being an accepted business day. Under section 49, polling day must be a Saturday and, following on from this, nomination day which is set under section 87 must also be a Saturday because of the 28-day period.

Might I suggest that consideration be given to amending section 87, allowing nomination day to fall on an accepted business day. We have a period of 21 days mentioned in section 58 which relates to enrolment day. We have the 28 days as already mentioned in section 87. For the first election which is set under section 45, we have mention of a period of 30 days which determines enrolment day. It is a little confusing, to say the least, Mr Speaker. There would appear to be no logical reason, and I will stand corrected if there is, to vary the periods of time which govern the setting of these two particular days - that is, enrolment day and nomination day. One does feel that perhaps the ordinance could be consistent and set a period on which to base formulas to arrive at such dates. We should try to simplify ordinances not complicate them.

As I mentioned at the beginning, it is unfortunate that this legislation had to be introduced into this House. However, I feel it may serve us well inasmuch as attention has been drawn once again to the sorry state of the Local Government Ordinance which the honourable executive member realizes himself. I hope that instead of arguing about the principles, we can try to do something constructive to correct the anomalies which occur throughout the Local Government Ordinance. I support the validation bill.

Mr ISAACS (Opposition Leader): It appears that, unlike the Majority Party, the Opposition takes the question of elections very seriously. If the executive member responsible for this bill decides that he can adopt a flippant attitude about it, I hope that in the next few moments in which I speak, I will put his mind at rest about the seriousness of the matter.

The bill before us seeks to validate actions in three different elections. The Darwin election, which I remind the Assembly has already been conducted, held and declared, and the elections in Katherine and Tennant Creek which on the contrary have yet to be completed. Indeed, the three elections can be differentiated in another way. The validation acts asked for by the executive member in relation to Katherine and Tennant Creek go purely to the point of mechanics, whereas in the question of the Darwin city council election it is a different matter altogether. I hope that difference is understood clearly by the executive member responsible.

Frankly, I do not think it matters too much to the electors or the candidates whether or not the election is to be declared by the Administrator or the executive member. I do not say that in any way in disrepectful terms. In so far as the closure of nominations a day ahead of time - that is, illegally according to the terms as prescribed by the ordinance - that is a totally different matter altogether. The technical validations of Katherine and Tennant Creek bring no censure and, as I see it, the executive member acted in the way that the member for MacDonnell sought. He acted as promptly as he could to rectify a situation to ensure

that the election could be held properly and validly.

Before turning to the Darwin city council election, I want to enumerate to the Assembly four points of principle which, I believe, are essential to the holding of an election and which go to the whole basis of our democratic system. First of all, there must be integrity in the electoral system. Secondly, there must be disinterest on the part of a returning officer, and I hope honourable members opposite understand what I mean when I use the term "disinterest". Thirdly, there must be expertise in the running of an election and a confidence that the election can be run properly. Fourthly, overriding the principles which not only apply to points of election but also to bills generally - retrospective validations are never ones which can be taken lightly. If you want to have an argument about that, you just have to witness the recent row in the federal parliament over the validation of current schemes of tax avoidance made retrospective to, I think, 17 August last year. When the question of validation of acts retrospectively is fully canvassed, that is a separate matter. But in so far as a retrospective validation of elections is concerned, I would ask this Assembly to consider very carefully the ramifications of this. Before I go to those four points of principle, I just want to go through again, for the benefit of honourable members, the chronology of events in the Darwin city council elections.

First of all a returning officer was appointed who was to be the town clerk. He called for nominations and outlined the timetable which was to be followed - that is, when the rolls would close, when nominations would close, when the election was to be held. During the period between calling for nominations and the date the nominations would have closed, the returning officer took it upon himself - to use that expression - took it upon himself to tout for business. He had a quick look at the nominations and realised he was not going to have an election and panicked. I have a marvellous press release from the town clerk, published in the NT News of 22 March 1978. It is headed: "Potential aldermen slow to nominate". Of course it is not the fault of the town clerk that such a headline was used. The story reads:

> *Nominations for the Darwin City Council election of 29 April are slow in coming, returning officer, Mr Greg Hoffmann, said today. "To date three nominations have been received for the position of mayor, three for aldermen in the Lyons ward, one for Chan ward, two for Richardson ward, and one for Waters ward", he said.*

That is a direct quote from the press release issued by the returning officer. He touted for business.

The next point was that he issued details in the Northern Territory News of how the ballot papers are to be filled out and, as the member for MacDonnell pointed out, the instructions were incorrect. Fourthly and lastly, we have this validation being put upon this Assembly by the executive member responsible.

I must admit I am impressed, Mr Speaker, by the loyalty shown by the Executive Member for Community and Social Development to the town clerk. I wonder if the town clerk showed as much loyalty to the executive member in accusing everybody, all and sundry, on declaration day, because the ordinance was incorrect, that the Assembly had not done the right thing, when the person responsible for this complete foul-up was the town clerk himself.

Mr Robertson: You could hardly call this running a tit-for-tat show, could you?

Mr ISAACS: Mr Speaker, I now turn to those points of principle which I mentioned earlier. As I say, I hope the Assembly does treat this matter seriously. It is a

small matter, I suppose - the validation of an election - but it does raise very serious questions. First of all is the integrity of the electoral system. I believe that people in the city of Darwin can have no real confidence in the electoral system because of the actions that have been taken; I believe the integrity of our electoral system has been badly dented.

For example, we have boundaries drawn - and I have already spoken about the matter of boundaries for the Darwin City Council - and we have 12 aldermen to be elected. I do not know who decided there would be four wards. I presume it was the Darwin City Council. Who drew the boundaries, under what guidelines, what were the criteria? Heaven only knows. But they were drawn, and drawn in such a way that, for example, electors of my electorate of Millner in the Legislative Assembly find themselves divided - some in Chan ward, some in Richardson ward. People in Wanguri find themselves voting along with people who are in Anula and Wulagi for the Legislative Assembly elections, but in this election find themselves voting alongside people who live in Alawa, Nakara and Tiwi. It is absolutely absurd. How can people have any faith in the electoral system if that kind of nonsense goes on. Mr Speaker, I can speak with some hindsight on it because you will recall that I raised this very matter when we discussed the local government amendment ordinance in the last sittings.

The second point I mentioned was the disinterest of the returning officer. Everybody knows that, for an election to be properly held, the person who conducts it has to be totally removed from the whole election process in so far as whether or not he favours one side or another. I am sure there would be nobody in this Assembly, no candidate who has ever stood for parliament, certainly not in the Northern Territory, who could have any qualms about the disinterest and expertise of the Australian Electoral Office.

What about this occasion? The town clerk, an employee of the city council, conducts the election. I have learnt one thing. I believed in the Clyde Cameron amendments to the Conciliation and Arbitration Act when he ruled that no office holder of any union could act as a returning officer for any union election. I sometimes wondered about that amendment but I think the principle is very well held. Certainly in this case I do not believe that an employee of the city council ought to be conducting the elections. What did he do? He did something, I believe - contrary to the views of the NT News which, frankly, does not know what it is talking about in regard to these sorts of matters - I believe the town clerk did something which, if an Australian Electoral Office employee did it, he would have been sacked, and that is touting for business. I have never heard of it. I would ask the honourable Executive Member for Community and Social Development if he has ever heard of it or to find out if any of his staff has ever heard of it. I would be most surprised if he has. I would ask him to check with the Australian Electoral Office to find out what it does in such a situation. It staggers me that the town clerk, as the returning officer, should be touting for business in the way he did. I am sure you have never heard of any Australian Electoral Office employee doing it, simply because it has never happened. It goes to the very point of disinterest. It is not his job to tout for business.

I was involved just recently in a union election where I stood for the position of vice president in my union and I was elected unopposed. There were a number of positions open for nomination which nobody nominated for. What sort of a position would the electoral officer have been in if he went round to the various hotels in the Northern Territory and said, "Listen they want a nomination for the hotel section of the union. You have to get in and nominate". He would have lost his job. I do not believe the town clerk acted in any way responsibly. He acted totally contrary, in my view, to the principles of disinterest involved.

Thirdly, we come to the question of the expertise of the returning officer, and the trust and faith people must have in the electoral system. Frankly, I do not believe the town clerk, as the returning officer, was competent. There may be very good reasons for it. He has only just arrived. It is very easy to blame the Legislative Assembly or the ordinance, but I have read the provisions relating to the holding of elections in the Local Government Ordinance. Maybe the ordinance itself is pretty miserable and antiquated, but I tell you what - you may disagree with the provisions but it is perfectly clear what is required, and for the town clerk to blame his problems on us, frankly I think it is ridiculous. He made the mistake; he should have been man enough to admit it.

You do not get the sorts of mistakes which were made by the town clerk with the Australian Electoral Office. It has the expertise - and I have already spoken in this Assembly about it. The Australian Electoral Office conducts the elections of trade unions. There is a decision by the Australian government that it pays the Australian Electoral Office to run union elections. Although there has been some hue and cry within the trade union movement about it, the large bulk of trade unions in fact have their elections run by it. Our elections recently held by the Miscellaneous Workers Union in the Northern Territory were conducted by the Australian Electoral Office, simply because it has the expertise. It is quite simple and it is quite obvious to me that this town clerk did not have that expertise.

Finally, we come to the question of retrospective validation of elections. I do not believe it is good enough to say, as the member for Port Darwin said, that it is unfortunate. It is that, but I would have hoped that he would have considered a bit further the implications of what we are doing. The retrospective validation of legislation is bad in principle. I believe it is doubly bad when it means the retrospective validation of an election. Let us just have a look at an example that might occur which we might be asked to validate. Here we have an election run by an employee of the council. There is no doubt that it has stopped people from nominating because, as the executive member well knows, it is traditional for people to nominate at the last moment. I well remember a breathless Joe Fisher running into the Australian Electoral Office in Darwin on the Friday before the Legislative Assembly election which happened to be a public holiday ...

Mr Robertson: It did not do him any good.

Mr ISAACS: It did not, but he was able to nominate. He exercised his democratic right. I do not know whether you mean that facetiously or whatever, but he did exercise his democratic right to run. It is well known that people do come in at the last moment and nominate. I do not think it is sufficient for the executive member merely to say, "Well, nobody nominated after the time, so nobody was affected". I do not think he can run that argument at all. We will never know.

So let us look at the sort of thing that has been done. It is the sort of thing which I understand could happen in the Philippines, the sort of thing I would accept in certain totalitarian regimes, but I would not have thought we would have it here. We could have a situation, Mr Speaker, where an election could be run, the rules not abided by, people would have been elected who should not have been elected, by rule, by law, and this Assembly could turn round and say, "Well, notwithstanding that errors were made, notwithstanding that those people were not elected properly under the rules, we are going to validate it". I am not going to put it as high as that in this case, but I am saying - and I agree with the honourable member for MacDonnell - the executive member responsible or his officers should have realised that a mistake had been made and the procedure should have been stopped and recommenced. I believe that is the sort of thing which would have happened if the election were run by the Australian Electoral Office.

On the question of retrospectivity ...

Mr Robertson: The mistake would not have been made, would it.

Mr ISAACS: It certainly would not have been. On the question of retrospectivity, I would again ask the executive member responsible for the passage of this bill to ask his officers to find out whether or not there has been ever such a bill passed for the retrospective validation of an election. I will save him his homework; it has never been done in Australia before. The only previous retrospective validation relating to an election was in relation to a redistribution and figures involved in that redistribution. But it did not affect the election. I believe we have set a precedent here. Frankly, I am not particularly happy that I am taking part in it.

Mr Speaker, it is not the first time the Majority Party in this Legislative Assembly has sought to fiddle with the democratic rules of election procedures. At the city council elections immediately after the cyclone, they tried another trick. Despite the fact that people had been elected for three years - and that term finished around April, May or June in 1975 - the Majority Party of this Assembly sought to postpone the date of re-election. If a union tried that, it would get hauled before every court in the land and rightly so. But this Assembly tried it, and thank goodness, there was a government in power who understood what elections were all about, who understood that the integrity of the electoral system was important to our way of life and it instructed the Administrator not to assent to the bill. All of a sudden, all those difficulties predicted by the members opposite came to nought. The election was held and, as we all know, Dr Stack was elected as mayor.

Mr Speaker, I believe we cannot speak harshly enough about what we are going to do. We are going to set a precedent in Australian parliamentary history. We are going to validate procedures taking place in an election after the election has been held. Despite the fact that the town clerk acted contrary to law, we are going to say that he acted properly. If a union tried it, it would be hauled before every court in the land. I do wish, Sir, that we were consistent in the way in which we discussed this matter of elections. I am not happy to be taking part in the debate at all.

Mr ROBERTSON (Community and Social Development): If I might ignore the word used by the honourable Leader of the Opposition, and the accusation made the Leader of the Opposition, in that we sought to fiddle - and he couples this unfortunate accusation with an attempt to fiddle anything, as if we have something to gain from it - if I might ignore that, I would like to say that I thank him for the speech he has just delivered to this House. I think it was an excellent speech, based on my feelings entirely - except, of course, I am different to him in that I have responsibility and he does not. Therein lies the difference. It is so convenient for him to sit on the Opposition bench and make those statements, right as they may be, without having the carriage, the responsibility, the actual worry of the thing itself. I can assure this House, as I assured members on the introduction of this legislation, that I do not like it either. I am probably as keen as the honourable gentleman opposite on the laws that structure this country. I have two volumes of the Australian Constitution sitting here on my desk; I am a very keen student of it. I totally agree that it does not make it right but when you face a situation like this unfortunately, or perhaps fortunately, ultimately someone has to make the decision.

That decision boiled down to weighing the two sides of the coin. One side of the coin was, "Yes, that election had not been conducted properly". Then you ask yourself in progression: to what extent wasn't it conducted correctly? Who was

inconvenienced? Who was put out? Who suffered as a result of it not being conducted correctly? The advice I got - and we can only act on advice - was no-one. No-one had made any application - that was known to me at the time and is still known to me - no-one attempted to make an application, so no such person was therefore inconvenienced. On the other side of the coin, one asks oneself: What would have been the result if I had taken the course of action of the Opposition Leader? I do not deny him that right, if he was in my position and made that decision. I would tend to support it, because he too would have had to make it in the light of the responsibility he would have. I would not have criticised him as he has criticised me, had our roles been changed, because he would have made it in the light of the information available and on balance, and it has to be a judgment decision.

The reality of postponing the election would have meant that every person who was involved in the election in Darwin would have spent quite considerable money and effort, quite considerable time and worry, and then would have had to start all over again. Therefore, a whole lot of people would have been inconvenienced. In fact, there were also other questions of law in the timing of the election: whether a council would exist or whether it would not; how long the city could be governed by a clerk without a council; all the people that could be inconvenienced because of that - because it would have overrun its statutory term in that respect. So another law could well have been breached.

Having weighed up everything together, we considered - and I suppose history will judge me and the Majority Party on this - that we had made the correct decision to validate the election in this manner. I do not like it; I will never like it. I consider this a serious embarassment caused to my government, the government of the Northern Territory. It is a precedent, as I understand it, within the constitutional system under which we live, for faults or mistakes not of our own making - and quite frankly, I am not amused in the slightest, Mr Speaker - to be corrected in this way. I will be taking on board the excellent comments of the Opposition Leader in relation to having local government elections in the Northern Territory conducted either by the Territory's electoral officer - if we are going to have a Territory electoral officer - or, if we are going to use the agency of the Commonwealth, by professional returning officers, even if it does cost a lot more. Now that we have that clear on both sides of the House, then it cannot be part of an approach to that particular problem.

In respect of the Tennant Creek and Katherine validations, I thank the Leader of the Opposition again for stating that, while he sees it to be undesirable to do this, he agrees with me that no-one is really being hurt by it and we are not breaching any principles. In respect of these sorts of mistakes, as I indicated in the second-reading stage, I apologise to this House for having to introduce legislation of this nature but I do not make any excuses for what has happened. Nevertheless, I commend the bill.

Mr SPEAKER: Honourable members, I have received a request for urgent treatment of the bill on validation. I have considered the request by the Majority Leader. I am satisfied that the delay of one month provided by standing order 151 could result in hardship being caused, and I therefore declare the bill an urgent bill.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

ANNUAL HOLIDAYS BILL
(Serial 43)

Continued from 2 May 1978

Mr STEELE (Transport and Industry): I thought we would never get to it. I allowed a couple of days after the adjournment of the last speaker to have a couple of clauses and proposals of the Leader of the Opposition looked at, and I can now turn to the debate which I introduced recently on the Annual Holidays Bill.

Firstly, my colleague, the Executive Member for Finance and Planning, in supporting the bill, none the less questioned the title of the principal ordinance, suggesting that a more practical title might be "Annual Leave Ordinance". Whilst the title "Annual Leave" is considered to be in keeping with current usage, such a change would necessitate references to "holidays" in the existing ordinance being altered to "leave". I believe the proposal to be a sensible one and propose to make arrangements to this end.

Members will be aware that the Leader of the Opposition introduced legislation purporting to overcome deficiencies in respect of the Annual Holidays Ordinance, the Sick Leave Ordinance and the Public Holidays Ordinance. These matters are being attended to and I note that the Leader of the Opposition proposes to withdraw his bills dealing with these matters in consideration of my undertaking to introduce the necessary legislation as soon as practicable.

The amendment proposed by the Leader of the Opposition to clause 6 of the bill now before the Assembly follows most awards, although it may be somewhat academic. The honourable member was attempting to have provision made for shift workers not covered by awards. I am unable to identify cases nor are my advisers able to conceive of the situation where a genuine shift worker was not covered by an award. Consequently, whilst there is nothing wrong with the Leader of the Opposition's proposal, it does not appear to provide for any real situation. We propose the defeat of that amendment.

The requirement under clause 7 for an employer to give notice in writing to an employee of his annual leave entitlements has been found by experience to be impracticable, unnecessary and difficult to enforce. The bill gives the employee credit for some sense and also gives the employee a little more protection by the addition of subsection (5). Indeed, the whole tenor of the present bill is to make the arrangements for annual leave for those not covered by awards more closely follow the practical day-to-day arrangements commonly recognized by awards. For this reason I am sure the bill before the House has the support of all members. I commend the bill.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 5 agreed to.

Clause 6:

Mr ISAACS: Mr Chairman, I move amendment 38.1.

The purpose of this amendment is to ensure that shift workers who are not covered by awards are paid the standard leave provisions. I am pleased to hear that the honourable Executive Member for Transport and Industry accepts that that

is true. I would hate to have had to go through the Metal Industries Award and the letter from the Master Builders Association to convince him that what I am saying is right. The argument that says we cannot put it in because it is only academic and we cannot think of anybody who is going to be affected by it, to me, is unreal. What we ought to be doing is ensuring that should a situation arise, as indeed it may, where we have a number of townships springing up and there may not be awards covering their construction work and so on - and it may well be that those employees will not be covered by any award - the ordinance will protect them.

For example, I note that some mining operation is to go ahead in Banka Banka. The Executive Member for Resources and Health will be aware of the manganese deposits in that area. There is no award covering that, so far as I know. As soon as it commences operation, the unions will be in to make sure that it is covered by an award but, in the meantime, it seems to me that the people working there need protection. I ask the executive member to reconsider this. The argument has been as well put by him as by myself; we agree that such provision would be normal in current practice in current award provisions. I ask that it be included, even though at this stage it may seem that it does not apply. It may well protect people in the future.

Mr STEELE: Mr Chairman, we are not prepared to accept this particular argument at this time. If the Leader of the Opposition had been really serious - and I say this in a fair dinkum way - he would have been able to suggest to us the job classification to which he refers instead of just referring to people who work in power stations and people in continuous operations. Today he mentions the aspect of people not being covered in manganese mining. I do not think that is good enough so at this stage we will not be proceeding with his suggestion.

The committee divided:

Ayes 7	Noes 10
Mr Collins	Mr Ballantyne
Mr Doolan	Mr Dondas
Ms D'Rozario	Mr Harris
Mr Isaacs	Mr Oliver
Mrs Lawrie	Mrs Padgham-Purich
Mrs O'Neil	Mr Perron
Mr Perkins	Mr Robertson
	Mr Steele
	Mr Tuxworth
	Mr Vale

Amendment negatived.

Clause 6 agreed to.

Clause 7:

Mr ISAACS: Mr Chairman, I indicate to the committee that we oppose this provision, simply because it seems to reverse the onus - as was certainly indicated by the executive member responsible. Again I put to him the proposition that I put in my second-reading speech. It just seems to me unreal to expect a person whom this provision is meant to cover to do this, so as to ensure the people who are not covered by awards get award-type entitlements. If they are unaware of what the entitlements are, it strikes me as being a bit rich to ask that person to seek in writing from his employer the date when his annual leave is to come due. If he

is unaware that he is entitled to annual leave, he is hardly going to ask the employer when it is due.

I do take the point made by the Executive Member for Finance and Planning. He pointed the finger right at me and he was right. I do not recall putting this in writing to any employee who worked in my office in the union, telling him in writing that his annual leave was due.

I believe a bit of common sense should prevail and, although I have not prepared an amendment, if the Executive Member for Transport and Industry is amenable to a discussion on this, I certainly think the problem could be overcome in this way: that, if a verbal indication from the employer is satisfactory, as I believe it is, then that is the way it be done. The person's leave falls due on such and such a date but if after that the employee requires the employer to put it in writing, then so be it.

In other words, the intended insertion in proposed subsection 7(3) would be okay so long as there was an onus on the employer first of all to notify the employee but not necessarily in writing. If that kind of proposal meets with the executive member's approval, I would be happy to discuss a suitable amendment with him at the conclusion of this committee stage.

Mr PERRON: I was following what the honourable Leader of the Opposition said closely because I have an interest in this particular section. My interest is mainly in seeing that the principal ordinance is amended somewhat because it is quite frightening as is is.

I think legislation that places an onus either on an employer or employee to say a few words to each other every 12 months is not really good legislation; it is not the type of thing one can enforce. That is why, when you want to make sure something is to be done, you say it shall be in writing. I think that what he was suggesting was, in fact, that nearing the end of the 12 months period of a person's employment, an employer should verbally say to an employee. "You are due for leave soon". If the employer wishes it, he can say back "Yes, will you give me that in writing". The employer would forthwith write a note saying when the leave was to start. I do not think that really gets us much further away from the situation we are in now, if the argument is that the employee may not know when he is entitled to take leave.

The number of people in the Northern Territory whom this might apply to is probably small. The number of persons who do not realise they are entitled to leave every 12 months is small. Most people are entitled to leave every 12 months. As a rule they talk to other people who are working alongside them or at home or with friends or over a beer or whatever. I would be surprised if there were very many people in the Northern Territory who do not realise that after 12 months of being employed they are entitled to some leave. They could certainly make inquiries. I could not ever see the situation arising where a person would work for years, poor thing, and not take leave because he was just ignorant of his entitlement. As such, one might say, well, that is an awful thing to happen. I just could not see it arising - not in this day and age of welfare agencies and organisations all over the place who contact people from time to time, particularly those in need, those who are perhaps not very astute and do not do very much reading and the like.

Mrs Lawrie: And do not speak the language.

Mr PERRON: And do not speak the language, in which case if we did amend the legislation so that it said the employer shall, 11 months after the guy started working for him, say to that employee, "You are entitled to holidays in a month"

- what on earth! The point is he would never know about it. How would you be able to police the thing? How would you be able to go to an employer and say, "Did you tell that man a week ago that he was entitled to leave?" It is not the type of thing that is going to stand up too well in court. I just do not think it is a practical alternative, Mr Chairman.

Mr ISAACS: If I can just answer the point made by the Executive Member for Finance and Planning - he says that in this day and age people who stack up a whole heap of years working for an employer are aware that they are entitled to annual leave. Just before I was elected to this Assembly, in August last year, I was representing a person who had worked for a well known Darwin company for 9½ years. Not once in those 9½ years did that gentleman take annual leave. It was a well known company; I am not going to name the company. After the discussions between myself and the Chamber of Industries who represented the company, we worked out a settlement which from memory was something in the area of $4,500 or $5,000.

I can assure the honourable Executive Member for Finance and Planning that it does happen and it is only by the sorts of debates that we are having and the sorts of publicity gained by these debates that people are made aware that they are missing out on their entitlements.

I can assure him that the interjection by the honourable member for Nightcliff about people who do not speak the language is well made and that, generally speaking, employees in the Northern Territory are not aware of their rights. There are something like 10,000 employees in the Northern Territory not covered by an award, determination or agreement. That is a lot of people. Many of them are in the managerial world. So as I say, there are plenty of people who are working in the Territory for a long period who are not aware of their rights. And let me just nail this problem of who is to know and who is not to know. By and large, as I think I said in the second-reading speech, employees are unaware of their rights. I believe that employers in the main, when they take on the responsibilities and the obligations of employing people, should inform themselves of their obligations and what they have to do in relation to their employees.

I believe a simple amendment which says that the employer shall notify the employee that his anniversary date is approaching is not impractical. It is, in fact, what happens. And then, if the employee so requires it, we could put into effect the provisions in section 3(a), (b) and (c) as requested in this amendment. I believe the suggestion I am putting up is practical. It does accommodate what is going on in the Northern Territory at the moment.

I do stress to the honourable member that people have gone for many, many years without taking their leave. I can assure the honourable member that the case I have quoted is a genuine case and if he wants to check it up, I am quite sure that a phone call to the Chamber of Industries would verify what I am saying.

Mr STEELE: Mr Chairman, I am prepared to take up the offer of the Leader of the Opposition to discuss this with him further. But I am not prepared today to make any changes. On the surface, it does look like a little more over-regulation - the fact that an employer has to write a letter to his employees - but I accept that. I think that is a fair enough principle. If the employee wants a letter stating that person's benefits, I could not disagree with that. However, I will take the matter up again with the Leader of the Opposition.

Clause 7 agreed to.

Clauses 8 to 10 agreed to.

Clause 11:

Mr HARRIS: Mr Chairman, I move amendment 31.1.

The amendment is a correction. The word "holidays" becomes redundant. In order that this section has meaning, the only words to be retained are "or aware"; the word "holidays" should be omitted.

Amendment agreed to.

Clause 11, as amended, agreed to.

Clauses 12 and 13 agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

ALLOCATION OF FUNDS (APPROPRIATION) BILL
(Serial 106)

Continued from 4 May 1978

Mr ROBERTSON (Community and Social Development) (by leave): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the Allocation of Funds (Appropriation) Bill (No. 3) 1977-78 passing through all stages at this sittings.

Motion agreed to.

Mr ISAACS (Opposition Leader): Mr Speaker, I will be brief in my comments on this bill. The remarks of the Executive Member for Finance and Planning explained what is happening and I have no quarrel with them. I am rather sorry that the Majority Leader is not in the Assembly at the moment because I think he would like to hear what I am saying and respond to it. You will recall, Mr Speaker, that in the March sittings of the Assembly the Executive Member for Finance and Planning tabled executive members' orders relating to the transfer of funds to cope with the transferred functions from 1 January 1978, and you will recall the debate that ensued after that, principally raised by myself in relation to statements made earlier in September of last year by the executive member when referring to the $50m allocation by the federal parliament.

You will recall that during that debate I asked the executive member to explain the apparent inconsistency in that the $50m which we thought was to look after transferred functions from 1 January 1977 should not have been used for transferred functions from 1 January 1978. I sought some understanding from the Executive Member for Finance and Planning to explain this apparent contradiction and you will recall the comments made by the Majority Leader at the time, who was somewhat more apoplectic in his remarks than he normally is - although I suppose that can be explained because it was after lunch - when he said in the debate on 1 March 1978 - and I quote:

> *We all know that the Deparment of Law was transferred to the Northern Territory Public Service on 1 January and the cheque for the Department of Law's wages did not arrive on 1 January. It has arrived now.*

That explained it and we all understood and went away quite happy. I then asked a question of the honourable Majority Leader in relation to authorities which were,

as I understood it, to overcome the situation where money had not been allocated to the Northern Territory Legislative Assembly to cover the transferred functions from 1 January. I would remind honourable members again of what the Majority Leader said:

> *We all know that the Department of Law was transferred to the Northern Territory Public Service on 1 January and the cheque for the Department of Law's wages did not arrive on 1 January. It has arrived now.*

Well, I understand that and I would imagine the Assembly did. In fact, we were all very enlightened by the Majority Leader and we thank him for telling us what it was all about.

In the course of events, other questions were asked. I asked a question on 17 March this year which is still unanswered on the question paper, seeking a response from the Majority Leader as to when the authority was given by the Australian government to transfer money from the Commonwealth fund to the Northern Territory government. As I say, that question remains unanswered. But here is an answer given to Senator Robertson by the minister representing the Minister for the Northern Territory. He too was interested and he asked, "When was a cheque sent to the Northern Territory executive to cover the functions transferred to the Territory on 1 January 1978". Of course, we know the answer. So far as the Majority Leader is concerned it had already been sent and that was on 2 March. I quote, in part, the Minister's answer:

> *The 1977-78 financial year funds provided by the federal government are provided through the Commonwealth public account and access to the public account by the Northern Territory executive is by way of warrant authority issued by the government. There is no payment of cash or cheque.*

Perhaps I had better read that again:

> *There is no payment of cash or cheque.*

Now frankly, it makes a mockery of what the Majority Leader told us in this Assembly on 2 March. It is unfortunate that he is not here to respond to what I am saying.

But we understand what is being effected by the executive member: it is ensuring that money is being provided by the Australian government. We have that assurance and we are quite certain that the $50m does apply to functions transferred over during 1977 and that an additional amount of money is being paid. I just wonder why the Majority Leader mislead us, because that is what happened on 2 March by saying the cheque had arrived. It had not. In fact, it is obvious by the words of the Minister for the Northern Territory that it is not going to arrive; that is not the way it is done.

I would like the Executive Member for Finance and Planning to respond to the questions I have asked on notice from 17 March seeking information on when the authorisation was given by the Australian government, because it seems to me from the introduction of this bill that it has not been given, and will not be given until this bill is passed. I would like the honourable executive member to clarify that apparent contradiction.

Mr PERRON (Finance and Planning): By way of explanation to the Leader of the Opposition's few words - firstly, let me apologise for the fact that questions on notice have not been answered that should have been. I will have those followed up immediately. As I have mentioned before, as a rule when questions are placed

on notice the department chases up the answers and they are then presented to executive members for their agreement before the answers are issued. Sometimes these things get stopped in the system and we are unaware that they are even there. However, I will have those chased up straight away.

I think the explanation is fairly simply inasmuch as it is not in the form of a cheque that comes daily or weekly or monthly from the federal government; it is by way of treasurer's advances that we are allowed to spend money in the Northern Territory in accordance with treasurer's warrants. Perhaps it was, I would suggest, that the Majority Leader over simplified the situation in saying that the money was now available.

Mr Robertson: He was having regard to his audience over there.

Mr PERRON: He was explaining that the money was, in fact, available at the time of him replying to the Leader of the Opposition so that these payments could continue. It is true that the federal Treasurer had not allocated the further sum of money which is spoken of here - the total Northern Territory appropriation now being $52,937,200. The difficulty which arose immediately after 1 July was that there were insufficient arrangements made between officials - and I blame, in this situation, the Commonwealth officials - and that urgent action had to be taken on our behalf to ensure a continuity of payment in the areas that were transferred on 1 January. To do that we did make an order redirecting funds which were allocated to us, as was explained by the Majority Leader. It was a completely legal order and it is certainly in the course of events that allow government to appear to be flowing smoothly on the outside - even if sometimes, administratively, it gets into a bit of a flurry. That is what government administration is all about. That is all I have to say, Mr Speaker.

Motion agreed to; bill read a second time.

In committee:

Schedules 1 and 2 agreed to.

Clauses 1 to 4 taken together, by leave, and agreed to.

Clause 5:

Mr PERRON: Mr Chairman, I move amendment 47.1.

This is to omit the word "Treasurer" wherever occurring in clause 5 and substitute "Minister for Finance". This is necessary for procedures now that the minister's responsibilities in Canberra are somewhat different than they used to be.

Amendment agreed to.

Clause 5, as amended, agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

ABORIGINAL LAND BILLS

Continued from 9 May 1978

Mrs LAWRIE (Nightcliff): Mr Speaker, I intend speaking to the Aboriginal land rights bills as a whole, not individually as some members have chosen to do. I think it is interesting that although the second-reading debate on these bills is continuing, the main points pro and con have already been very well canvassed. The Majority Leader, in introducing the bills, effectively outlined his policy and his party's policy in that presentation. But I think it is of greater significance - as I am given to understand - that he has agreed that the bills shall not proceed through all stages at this sittings of the Assembly so that the comments made by individual members and by other interested parties such as the Northern Land Council can be taken into account and the legislation which eventually will pass this House will be well considered in view of the different viewpoints. I would like to place on record my appreciation of the Majority Leader's attitude.

Mr Speaker, because of this time given to us, I think it is encumbent upon me to speak on the bills and some specific areas which cause me concern in the legislation before the House although, as I stated earlier, I think that everything that needs to be said has already been said and, in some cases, said brilliantly. The member for Victoria River outlined succinctly and sympathetically some of the reasons for concern being voiced by the Aboriginal people whom these bills affect. In light of subsequent comments I think it is proper that I advise the House that in this, my third term as a serving member, I have never listened with such appreciation to any person speaking for and on behalf of the Aboriginal people. The honourable member for Victoria River is not an arm-chair philosopher; he has not sat in an ivory castle determining the fate of other people. He has worked for over 20 years with Aboriginal people in the field and worked with them closely. The comments he brought forward in regard to the bills were not only pertinent in view of the thinking of the various Aboriginal groups but also pertinent in view of some of the fears engendered in the European community.

One of the most contentious issues to be raised, of course - and we have known about this for years - was the provision in the legislation dealing with the two-kilometre limit. I agree with comments made that had the legislation more closely followed the Bonner report, it would have been more acceptable to more people. In the Bonner report, pages 62 and 63, the committee made certain recommendations which have been incorporated in Hansard. I wish to indicate my support particularly of the Bonner recommendations regarding the two-kilometre limit. In particular, because I attach so much importance to this, I intend to read paragraphs (c), (e), (f) and (g) of section 129, even though they are already in Hansard, because they express the viewpoint which is not only my own but which I have been able to canvass from people with whom I have discussed the legislation. I quote:

> *(c) Provision should be made for consultation between the Northern Territory executive and Aboriginal traditional owners, through the agency of the appropriate land council, to negotiate with respect to the closing of areas of the sea which are of significance to Aboriginal communities, either for traditional use and enjoyment of the waters or for the creation of a buffer zone for the Aboriginal community. In the absence of agreement about the area to be closed, either party may apply to the Aboriginal Land Commissioner. Once an area is defined as a closed area, all persons other than the traditional Aboriginal owners require a permit to enter such seas. The issue of a permit is to be governed by the same rules as govern other permits to enter Aboriginal land.*

He then goes on to say, after speaking of more consultation:

(e) Any person may apply to the Aboriginal Land Commissioner to have an area of sea declared closed to persons other than the traditional Aboriginal owners of adjacent land in accordance with paragraph (c) above, or opened for general recreational use.

That is the one I have just read.

(f) In determining all such applications the Aboriginal Land Commissioner shall consider Aboriginal traditional and other interests, as well as the commercial, environmental and recreational interests of the public.

(g) The rights of existing commercial fishing licences be retained and that new fishing licences not be issued except after consultation between the Fisheries Branch of the Department of the Northern Territory and the relevant land council. In the event of disagreement between the department and the council, the matter to be referred to the Aboriginal Land Commissioner for determination.

Mr Speaker, there is not a great area of difference between the recommendations of the Bonner report and the proposals as outlined in the legislation. In having regard to the fact that the honourable Majority Leader has seen fit to defer consideration of this legislation until the next sittings, I urge him and his executive to pay a little closer attention to the Bonner report, to pay more attention to what the member for Victoria River and other speakers have said, and the points I have reiterate.

I agree with the Northern Land Council when they ask for the right to approach the Aboriginal Land Commissioner without necessarily having to wait for determination by the Northern Territory executive, and I point out to the honourable Majority Leader - perhaps I should not; he would be well aware of it - that the Land Commissioner is, of course, a judge. He stands above politics. Executives come and go; governments come and go; it is not necessarily going to be this government that shall determine such matters in the future. A safeguard - and one which would allay the fears of both the Aboriginal people and, I think, members of the European community - would be for either Aboriginal people or interested Europeans to have the right to apply to the Land Commissioner.

In his remarks, the honourable Majority Leader said - and it has been quoted before, but I shall quote it again - on page 28 of the restricted Hansard of Thursday 4 May: "We know of no precedent where state or federal cabinet decisions are subject to such appeal and, therefore, the same principle should be followed with respect to decisions of the Northern Territory executive." This is talking about the right to appeal against a decision to ...

Mr SPEAKER: Order! The honourable member may not read from the restricted Hansard, as she well knows.

Mrs LAWRIE: I had no idea that I could not read from the restricted Hansard, Mr Speaker; others have; with impunity.

Mr Collins: We have been more careful and don't mention it.

Mr SPEAKER: My adviser assures me that you can only quote from Hansard for this particular session.

Mrs LAWRIE: That's what I am quoting from.

Mr SPEAKER: Only if it is directly relevant to the current debate.

Mrs LAWRIE: Mr Speaker, I am quoting from the honourable Majority Leader's remarks on the presentation of these bills; if they are not relevant ...

Mr Isaacs: Mr Speaker, I might be able to help.

Mr SPEAKER: Yes, certainly.

Mr ISAACS (Opposition Leader): Mr Speaker, I recall the honourable Majority Leader sending copies of his speech to many communities; I am not a community but I certainly received one and I am quite sure the honourable member for Nightcliff received one also. If she could quote from it, I think we would overcome the problem.

Mr SPEAKER: Well, if someone would lend the honourable member his copy of the Majority Leader's speech.

Mrs LAWRIE: Thank you, Mr Speaker. I think I had actually finished the quote. My whole point was that I wished not to quote the Majority Leader out of context or incorrectly, and he does say in his speech that he does not know of a precedent for allowing an appeal to the Aboriginal Land Commissioner against a decision of the executive.

May I support other speakers where they have pointed out that the legislation itself is unprecedented and, therefore, there should be no fear of setting another precedent, which I think can only enhance the legislation and enhance the stature of the legislature in the eyes of all members of the Northern Territory community.

Mr Speaker, the other area of concern in the legislation concerns sacred sites. I had prepared fairly lengthy notes on this particular aspect of the legislation but all I would have said was beautifully said by the member for Victoria River who pointed out the grave difficulties of Europeans delineating the Aboriginal people's sacred sites in the European manner, to be readily understood by other Europeans. He outlined graphically and brilliantly the difference in perception and understanding the sacred sites which still exists. I ask the Majority Party to take close heed of his remarks, again with a view to polishing, enhancing and presenting the best legislation for all the people of the Northern Territory.

Mr Collins: Mr Perron has got clogged ears.

Mrs LAWRIE: The other area of contention concerns hunting and foraging on pastoral properties by Aboriginal people. I support the original Woodward recommendation that Aboriginal people should have access to bore water, providing they comply with the reasonable requirements of the pastoral lessee. Having said that, I listened closely to the honourable member for Alice Springs and initially was appalled at what I understood to be the gist of his remarks. However, the honourable member for Alice Springs, in explanation this morning, assured the House that he was not suggesting Aboriginal people had less right to use bore water than cattle and I accept his assurance.

If one reads Woodward, though, the honourable member for Alice Springs stated - I had better not quote from that Hansard; I will be in the same trouble.

Mr SPEAKER: Just to clear the honourable member's mind on this, 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.*

Mrs LAWRIE: Thank you, Mr Speaker. This is the same debate on the same bill; therefore I would assume it is relevant.

The honourable member for Alice Springs said that the Woodward recommendations would have been more acceptable had they been more precisely set out. Notwithstanding that, the principle was very clear and again I ask the executive of the Majority Party to take that on board and to amend the legislation, perhaps defining more closely what is reasonable, making sure that Aboriginal people on pastoral property have the right in reasonable circumstances to use bore water.

May I also comment on another point of the honourable member for Alice Spring's statement. He was talking about the problems facing the pastoral lessee and I do not disregard those problems. He said, "After ten years of extreme drought - and I doubt that any of the honourable members of the Opposition would recall the drought - the pastoral lessees were not able to afford the wages to maintain those camps". I think it is grossly unfair of the member for Alice Springs to make an assumption that because one is not a member of the Country Liberal Party, one has no idea of the problems facing pastoral lessees and especially in the context of the Aboriginal land rights bills. The rights and needs and problems of Aboriginal people and pastoral lessees are not necessarily in antipathy. They are not mutually exclusive. In many cases they are exactly parallel. I think it unfortunate that one should have been put in an adversary position in talking about the needs of lessees and the needs of Aboriginal people.

I also resent the implication, because I am not a member of the Country Liberal Party, that I would not know "a" from a bull's foot, or even what is called a drought.

Mr Collins: Hear, hear!

Mrs LAWRIE: Mr Speaker, I was living in Alice Springs at the time of the great drought and remember it vividly.

Mr Robertson: Power of witchcraft.

Mrs LAWRIE: I must reiterate this in view of the fact that we are likely to have another personal explanation, the honourable member for Alice Springs said he doubted if any member of the Opposition - I assume he included me in that - would even recall the drought. But looking around the members of the Country Liberal Party, there are quite a few there who, in my opinion, would not know which end of a cow kicks.

One does not have to be a member of the Country Liberal Party to appreciate the problems facing whole groups of people in the Northern Territory. I shall continue to object violently if any member of the government party tries to assume that, as the member for Nightcliff, I should know nothing about the rest of the Territory other than what happens to occur in Nightcliff. We have been sworn in this place to legislate for the good order of the people of the Territory and I, for one, shall continue to do that.

The honourable member for Victoria River - I realise I keep quoting him but, as I said at the outset, I think his speech was brilliant - raised a point which I assume the executive will also closely consider: that was the specific recommendations that the right of entry for Aboriginal people onto pastoral properties should be restricted to those Aboriginal people traditionally entitled to be on that land. I had not really considered it deeply until I listened to the honourable member but when he validly put the case of Aboriginal people who have been dispossessed of their own tribal area for generations and who have lived happily in

a different area, it is obvious that that clause needs amendment. I must assume that the clause was drafted very carefully to preclude any suggestion that urban people of Aboriginal descent would have the right to come to the Territory and wander willy-nilly over pastoral properties. We, of course, are aware that such an intrusion would be bitterly resented by the Aboriginal people themselves and is not likely to occur. I must assume that that was the logic behind the drafting of the clause. If so, I acknowledge the necessity for some such clause but ask that it be amended to take cognizance of the valid point raised initially by the member for Victoria River.

There are going to be many consultations taking place before this legislation continues on its merry way at the next sittings of this Assembly. I would like to place on record my appreciation of the valuable work which has been done by Creed Lovegrove; I think it was a significant advance when he was appointed as special adviser to the Majority Leader.

A member: Hear, hear!

Mrs LAWRIE: Having said that, I put forward a proposition to the Majority Party in the spirit of cooperation and goodwill, and to try to ensure that this legislation satisfies the people of the Territory and allays unnecessary fears as far as possible. I would ask the Majority Leader if, in his consultations over the next few weeks, he would particularly consult with the member for Victoria River, the person in this Chamber who has spent all his working life not only in the interests of the betterment of the Aboriginal people but in the interests of harmony between the various communities - some of them quite primitive. Some people, as we are aware, only had contact with the white man in living memory. There are other articulate, skilful, sophisticated Aboriginal people, particularly on the coast, whose interests have to be considered too.

The honourable member for Arnhem pointed out that it is raising some hackles in the white community that these people have been smart enough to buy themselves the best advice possible when dealing with the mining companies. I agree with his contention, that it is about time this happened, and out of such expert advice could come good legislation and good mining agreements.

That brings me to my final point. The honourable member for Alice Springs - and here I am going to agree with him completely - in talking of the amendment to the Territory Parks and Wildlife Conservation Ordinance said that taking certain things a step further - and I quote now the honourable member for Alice Springs directly: "I would also hope to see the protection of wildlife and natural features throughout the Territory, irrespective of ownership or status of land". May I support that wholeheartedly. I am afraid the Northern Land Council will not appreciate my view but I believe that in the sanctuaries, these fragile areas of the Northern Territory, the protection of the land and its flora and fauna is far more important than day-to-day considerations of lessees - pastoralists, miners or traditional owners. I would ask that, as the Northern Land Council has sought expert advice in its negotiations with mining companies, it seeks the same expert advice with regard to sanctuaries and protected areas which are to become Aboriginal land.

A member: Hear, hear!

Mrs LAWRIE: That land is extremely fragile. A member of the staff of the Northern Land Council put the proposition to me that it was unfair of me to expect Aboriginal people to be the collective conscience of years of neglect by Europeans. Whilst appreciating that point, not all Europeans have displayed the arrogance to the land which is synonymous with our culture. Some have worked hard and in a very

dedicated manner to preserve certain areas of the Territory and its flora and fauna, and I believe it was this dedication to which the honourable member for Alice Springs referred. I expect all members of the Northern Land Council will appreciate the work done in that area but I would hope that, if they read this debate, they will pardon the European lady putting forward the proposition that, before disregarding certain sanctuaries, they seek the best advice possible to protect the land.

I support the bills through the second reading and I look forward to the honourable Majority Leader's amendments. I hope that, if the amendments are formulated before the sittings of the Assembly scheduled for June, he will distribute them to us as he does with other such controversial legislation. It is very important for all members to have the opportunity not only to study the legislation but to refer it to as many interested people as they can find. In that context, I believe every single citizen of the Northern Territory is interested in this legislation and I would hope the amendments can be widely circulated. I support the bills.

Mr SPEAKER: Honourable members, the reading from a restricted Hansard has always been contentious because, as you see on the front, this is an uncorrected proof of the daily report. This is the only reason that reading from Hansard has been frowned upon because it could be quite wrong. It is uncorrected; that is the reason we disapprove of reading directly from Hansard, and for no other reason.

Mr STEELE (Transport and Industry): I join the debate not in such great depth as the honourable members opposite who have researched their speeches in an excellent way - and certainly I think the honourable member for Victoria River's experience must rank with men like Ted Evans and Tas Festing and also Mr Lovegrove who is in the gallery today. In fact, I recall that when I was a young fellow on the road droving, Mr Lovegrove use to come along in his patrol vehicle and deliver our tobacco and necessities to us. I only wish I had more time myself personally to research the subject matter so that my contribution would be a better one.

However, today I wish to present a certain view and address some remarks to the problems associated with the present and future development of the Northern Territory fishing industry and to draw honourable members' attention to the fact that approximately 78% of the Northern Territory coast is presently situated in Aboriginal reserves and the granting of additional land claims will further increase this percentage.

Most coastal and off-shore fishes migrate from shallow in-shore nursery areas to fishing grounds where the adults are taken by fishing operations. This is especially the case with the two most commercially important fisheries in the Northern Territory - that is, prawns and barramundi. In the case of barramundi where the stocks are seriously threatened with collapse, it is essential that the Fisheries Branch has full control over all areas of occurrence so that strict conservation measures can be implemented. Juvenile fish, for example, occur well into the rivers and spawning occurs on mudflats outside the rivers. Almost all fish pass through their whole life within two kilometres of low tide, although there is lateral migration along the coast, and the major part of the stock lives in areas that could be closed under the present bill. If the Fisheries Branch cannot control the exploitation of barramundi in all areas where they occur, the threat of total collapse of the population could become a reality, as has happened in the Queensland fisheries.

The Fisheries Branch proposes to develop fisheries and to ensure stocks such as mullet, reef fish and so on, to further increase the contribution of fisheries to the Northern Territory economy, both through increased profitability and increa-

sed employment. Participation and cooperation with Aboriginal communities will be an essential feature of fisheries operations in the years to come.

Turning now to some of the clauses, I believe clause 12(3) may not be wide enough to ensure the type of development envisaged in attempting to assess the commercial interests of the public. Paragraph (e) of this clause could be modified so that the Aboriginal Land Commissioner is required to inquire into and report on the following specific aspects: (a) whether any Aboriginal group or settlement has developed or has concrete proposals for the development of a commercial fisheries venture within the area or areas under consideration; (b) whether a commercially viable Aboriginal joint fishing venture could be arranged in the area; and (c) whether a venture of any kind in the area or areas is in accordance with the overall management and conservation of the Northern Territory fisheries as laid down in the Fisheries Ordinance and is within the policy of the Fisheries Branch.

Briefly, this policy is to develop and manage the exploitation of fish resources in or adjacent to Northern Territory waters in such a manner that the maximum economic and social benefits are obtained for the people of the Northern Territory. During the past years the Fisheries Branch has attempted to develop economically viable fisheries within the Aboriginal settlements but to date there have been no successful ventures.

In reference to clause 13(1), the commissioner should also be empowered to apply this clause to open previously closed seas to allow commercial fishing ventures to develop. In doing so, he should ensure that there is no interference by such ventures with traditional fishing in the vicinity of the Aboriginal settlements.

The provisions under clause 18 of the bill have little advantage in the context of fisheries development as past licence restrictions under the Fisheries Ordinance and problems of marketing of fish other than barramundi have not allowed full development of fisheries off Aboriginal land by Northern Territory commercial fishermen. The Fisheries Ordinance has now been amended and the resolution of the marketing problems is currently under serious study.

Clause 19 will have the effect of placing the onus of proof of innocent passage on vessels traversing areas closed under this ordinance. In so doing, clause 19 conflicts with articles 14 and 15 of the international law of the sea which expressly provides for the right of innocent passage for ships of all nations through territorial seas. Innocent passage means navigation through territorial sea en route from port to port, irrespective of port of origin or destination, including stopping and anchoring in the territorial sea, but only in so far as is incidental to ordinary navigation or rendered necessary by force majeure. It is proposed to apply clause 19, only when there are grave doubts or suspicions as to the vessels' bona fides in traversing closed areas and I think it should stand unaltered. However, clause 20 does need amending to conform with the accepted provisions of international law. I commend the legislation.

Mr ROBERTSON (Community and Social Development): Mr Speaker, in rising to speak on the second reading of this series of bills, I do not propose to do my usual act and start to slip into people on the opposite side of the fence. It is my proposal though, Mr Speaker, to deal with, at least two issues if I am permitted.

One of these issues is, I think, of the most vital importance and that is the argument which has come from the other side - and I know it is consistent, of course, with their federal colleagues - that there is no place in this legislation, or in any legislation relating to the land rights of Aboriginal people of the North

ern Territory, for this legislature. We have heard two speakers on the opposite side - I cannot recall the honourable member for Victoria River mentioning it, although he may have - say they found it somewhat unfortunate that they found themselves standing in this place debating this particular series of bills.

Whether or not this legislature should have a role in Aboriginal land legislation is probably answered best by the honourable member for Nightcliff herself and I agree entirely with her that legislation passed in respect of these important matters must be legislation which satisfies the peoples of the Northern Territory - she used the plural and I think Hansard will subsequently show that - and I totally support that sentiment. It is the peoples of the Northern Territory. I do not know, Mr Speaker, who the honourable member for Arnhem purports to represent here or who he claims to represent. It seems to me that if he says the majority - and he did - the majority of people in his electorate do not want him to speak on this type of legislation here, then really I wonder what he is here for. It certainly seems to me that he has the attitude that the majority of people in his electorate would prefer that he was not in a position to speak here.

However, I think if we are going to look at the question of whether the Northern Territory Legislative Assembly should have a role in this legislation, it is necessary to look at what is the basis for the federal government to claim exclusive right to legislate in the field of Aboriginal lands. It has long been the argument of the Australian Labor Party that the federal government does have this exclusive right as a result of the referendum of 1967 which altered placitum 26 of section 51 of the Constitution. I think we must analyse that placitum as it originally was and as it now stands and then come to a conclusion as to whether or not that gives the federal government exclusive right to legislate for the well-being of Aboriginal people, or whether or not it gives them a right to do it per se. I believe, of course, it most certainly does give them a right to legislate in this area, but it does not give them the exclusive right to legislate in this area.

Further, with the exception of one learned opinion - that of Professor Ryan - I doubt really where we can base our argument for the "yes" case presented in 1966 and for the 1967 referendum that it really has a right, at least morally, to legislate in the matter of land which is properly the province of a state government in the states or the Territory government in this case in the Territory. I have maintained in this place before, Mr Speaker, and I will maintain it as long as I am here, that it is my belief that all this legislation should have been passed here, that there was never any necessity or any validity in the mind of the majority of the Territory people for this law to be passed in the federal House. The fact of the matter is it has; and the fact of the matter is we have been granted a right to participate in that legislation. That was what - to use the term of the Leader of the Opposition - Snow White and the 14 dwarfs went to Canberra for; those 14 dwarfs brought home the goodies. We went down there without anything to clutch at, at all. We came back with a major participating role.

Anyway, back to section 51 of the Constitution. I will quote the original section first, from what is regarded as the absolute bible of the Australian Constitution. It is the annotated Constitution of Quick and Garran. Section 51 in its original form states - this is placitum 26:

> *The people of any race, other than the aboriginal race of any State, for whom it is deemed necessary to make special laws ...*

Now, why did that particular placitum in section 51 contain the words "other than the aboriginal race"? Was it meant originally as a discriminatory law against the Aboriginal people? No, Sir, it was not. In fact it was quite the contrary; it was

to prevent discrimination against the Aboriginal people. The whole of placitum 26 of section 51 was designed expressly to discriminate against other races, particularly the Chinese people and the Kanakas. The exclusion of the Aboriginal people of the state was to prevent discriminatory laws against them. Time subsequently had it that it could be construed so as to be interpreted as being discriminatory. It was never meant to be so in the first place and I will use Quick and Garran as my authority. On page 622, item 2(10):

> *It enables the Parliament to deal with the people of any alien race after they have entered the Commonwealth; to localize them within defined areas, to restrict their migration, to confine them to certain occupations, or to give them special protection and secure their return after a certain period to the country whence they came.*

It is quite clear in the mind of those learned authors that it was never intended to discriminate against Aboriginal people. Therefore, it is my view that the entire argument put up in the "yes" case for the alteration to placitum 26 was invalid, under a false premise. Had they said it could be construed as being discriminatory, then it would have been fair enough, but then of course they never even mentioned the word "land" in those days.

We can now turn, if we do not believe those learned authors, to two more learned authors, Lumb and Ryan. Professor Ryan, incidentally, is the Dean of the Faculty of Law in Queensland. This is, of course, a much more modern book than Quick and Garran. On page 140 we have "The people of any race for whom it is deemed necessary to make special laws" as a subsection:

> *Under this head of power the Commonwealth can legislate with regard to specific classes of people who fall within the category of a race. It seems to be accepted that its particular purpose was to give the Commonwealth power to deal with problems associated with the influx of people from the Pacific Islands ... Until 1966, the Aboriginal race was specifically excluded from the paragraph but pursuant to a constitutional amendment approved by a referendum in that year, the Commonwealth now has power to make laws for the Aboriginal race.*

So it is important, when we are talking about who should legislate, to understand the history behind that particular placitum.

The Labor Party claimed that because of that referendum the Australian people gave to the Commonwealth exclusive powers to legislate in that regard. Their behaviour in Queensland, of course, is quite typical of that attitude. But the Commonwealth has always had the power to legislate in respect of the Aboriginal people in the Northern Territory. We can look at section 122 of the Constitution which provides that the parliament may make laws for the government of any Territory.

Under this provision - which is, of course, a note from the person who did this opinion - the parliament has full power to make such laws for the government of the Territory as it sees fit. So it is quite pointless, in fact ludicrous, to suggest that because of the referendum in 1966 the federal parliament must make laws in respect of the Northern Territory in this matter when they had the power in 1901. The whole argument seems to fall to pieces.

Of course, this legislation has a role in respect of legislating for the well-being of Aboriginal people - and why, Mr Speaker? The answer quite simply is because they are Territorians like you and I are, Sir. They are no different and that is the whole fundamental of my attitude when I stand here. There is precisely no difference. There is a recognition that the Aboriginal people, because of a

depressed economic state, require certain assistance as a race, other than that which would normally be applicable to you and me. Mind you, in a large number of areas of the Territory there still are Europeans, white people, in great need of help and, indeed, I would suggest probably special laws.

That, of course, brings us to the question: can we pass here and can the federal government pass special laws in relation to Aboriginal people? It has been an expressed sentiment from around the Territory - and quite frankly I regret that this sentiment has existed in the Territory - that we must not or cannot make special laws in relation to the Aboriginal people because it is discriminatory. Well, I suppose that, while the nature of the law can be discriminatory, Mr Speaker, the attempt to make the law is not. And what authority do I have for that when, of course, the existence of the Racial Discrimination Act is well known to many people who seek to marry the Racial Discrimination Act of 1975 with the Aboriginal Land Rights Act of 1976 and claim they are mutually exclusive? They claim perhaps that the Racial Discrimination Act must fail as a result of its being implicitly repealed by the latter legislation. But what we have got to understand, I think, is whether these two sets of laws can live together. Can the new federal act live together with the Racial Discrimination Act and can what we are attempting to do here in Aboriginal land rights live with the Racial Discrimination Act? Mr Speaker, my submission would be an emphatic "yes". The provisions - it does get a bit complicated - the provisions of section 10(1) of the Racial Discrimination Act are as follows - and this, of course, is the one that is the key to the whole question. Section 10(1) of the Racial Discrimination Act says:

> *If, by reason of, or of a provision of, a law of Australia or of a State or Territory, persons of a particular race, colour or national or ethnic origin do not enjoy a right that is enjoyed by persons of another race, colour or national or ethnic origin, or enjoy a right to a more limited extent than persons of another race, colour or national or ethnic original, then notwithstanding anything in that law,...*

There is the key to it: "notwithstanding anything in that law" -

> *... persons of the first-mentioned race, colour or national or ethnic origin shall, by force of this section, enjoy that right to the same extent as persons of that other race, colour or nationality or ethnic origin.*

Now where does that get us? It is frightening, really, if you want to examine the thing. Where it will get us in the long term, I do not know, Mr Speaker. I suppose it will be a matter for the courts ultimately, if anyone ever wants to pull it on.

But it is quite clear that the two can live side by side. Section 10(1) of the Racial Discrimination Act does not say that any such law is invalid; indeed no, it supports it. What it does, it says that that will apply to every other race. Then we come down to the question: am I a member of a race in the Commonwealth of Australia? Am I a group of a conglomerate of people such as to lose nationality within this Commonwealth of Australia? The Aboriginal people - if we are going to, say, take as a rule of thumb people with more than 50% Aboriginal blood as being Aboriginals or whatever definition you like - are clearly identifiable as being Aboriginal people. I suppose if we are going to say Robertson is entitled, because he is a member of a race, to go onto Aboriginal reserves and fish; that Robertson is entitled to use natural waters or bores - because this clearly says he can, if he is a member of another race; it quite clearly states it - then, of course, we have come to the question whether I am a member of a race? I believe I am.

Mr Collins: Not the human race.

Mr SPEAKER: Order!

Mr ROBERTSON: We come, of course, to the question: if I am not a member of a race what about, say, the Chinese people? Again, they are clearly identifiable as a race. Does it mean that they can enjoy these rights?

So there is no doubt, Mr Speaker, that both sets of laws can work together. I think in the long term the problem is going to come from the fact that they can work together, if my opinion is correct. And I think the people of the Northern Territory are entitled to know that, because I think it is quite clear. It has also been argued that the Aboriginal Land Rights Act would be successful as a result of article 4 of the United Nations convention annexure to the Racial Discrimination Act. I do not think that applies to the law at all for the simple reason that section 10(1) allows the whole to operate concurrently.

Mr Speaker, these are areas which do concern me; it is the first time in public forum I have heard this expressed - I know of no one else who has raised these fears before. I look forward to the answers to these problems; I have made it quite clear that I support the legislation which is before us as being the best possible attempt we could make, subject to whatever amendments the Majority Leader and this party may propose at a later time - the best possible attempt to comply with what the honourable member for Nightcliff described as being an aim to satisfy the peoples of the Northern Territory.

Let us not think that I oppose it on any grounds. Let us also believe that I have concern in areas of mining and areas of wildlife and areas of access and fishing. Can I just give another example, just to finish off, Mr Speaker, of my worry in this: if we are going to hold that the Aboriginal people under the Aboriginal Land Rights Act are able to say to a mining company, "You may not have a lease on our land", does it not follow from section 10(1) of the Racial Discrimination Act that a pastoralist can say the same thing?

Ms D'Rozario: A lot of them would love to.

PERSONAL EXPLANATION

Mr COLLINS (Arnhem): I claim to have been misquoted, Mr Speaker. The honourable member for Gillen, when he stated that the members of my electorate have asked me not to speak on this legislation in this House, grossly misrepresented what I did, in fact, say ...

Mr Robertson: Read what you said.

Mr COLLINS: What I did say was ...

Mr Robertson: Read it.

Mr SPEAKER: Order!

Mr COLLINS: I can recall it accurately, Mr Speaker; there is no need for me to read it.

What I did, in fact, say - as a reference to Hansard will show - was that the members of my electorate asked me, in speaking to these bills, to make the point that they would prefer to have the land rights act totally administered under federal legislation rather than under state legislation, and I made that point.

Mr TUXWORTH (Resources and Health): Mr Speaker, I rise to speak on the Mining,

Petroleum and Coal Bills which are included in the package of complementary legislation for Aboriginal land introduced by the Majority Leader and it is my intention to speak in support of the legislation. Before doing so, I would like to comment on some remarks that were made by the Opposition in the last two days of debate.

The most astounding remark that has been made was made by several members of the Opposition who rose to their feet and said, as one of their opening comments, "We believe that this legislation should not be in this House". I regard this as an unfortunate approach to the affairs of the Northern Territory because we are dealing with legislation concerning Northern Territory land and the people of the Northern Territory in the legislature of the Northern Territory.

For the Opposition to adopt a position of wishing that this legislation was not in this House - that the legislation should be presented in another place - I think it is a complete abrogation of responsibility.

Mr Perron: Hear, hear!

Mr TUXWORTH: What really concerns me about this attitude is why the Opposition would particularly adopt this position. The only reason I can think of - and perhaps following speakers from the other side of the House might like to enlarge on this - is that the Opposition has a very good ploy here to divide the white and the black community in the Northern Territory and keep it divided and keep this football kicking up and down the field for as long as it gives them political mileage.

Mr Collins: I explained my reason.

Mr SPEAKER: Order!

Mr TUXWORTH: The honourable member for Arnhem yesterday did make a rather sweeping statement to the effect that Aboriginals do not want mining. Perhaps the honourable member could have qualified it by saying that the Aboriginals whom he knows and deals with and represents may have that feeling but, Mr Speaker, I would like to place on record that Aboriginals in my electorate with whom I have a close relationship are quite adamant that they are happy to see mining go ahead.

I might just elaborate on this by pointing out that on a recent visit to Borroloola one of the questions posed to me by an Aboriginal whom I grew up and went to school with was, "When is the McArthur River mine going to start?" The discussion that followed, Mr Speaker, revealed that this Aboriginal, whom I regard as a pretty fair friend over many years, believes that the commencement of mining at Borroloola will bring to his community a lot of benefits - benefits that he knows exist in other mining communities, benefits that only came to those Aboriginal communities around mining ventures because of the mining. He can see that the advent of mining in the McArthur River district will bring to his people at Borroloola certain advantages that would never come in any other way.

Mr Collins: Tell that to Gove and Groote.

Mr TUXWORTH: The other point I did find rather interesting was the remark by the honourable member for Arnhem that Aboriginals do not want mining; however, they are prepared to negotiate and they are, in fact, negotiating under duress. They do not want to; they would like to get out of it but seeing they have to, they will do it.

Now, Mr Speaker, that may be the case ...

Mr Collins: It is the case.

Mr TUXWORTH: ... for some Aboriginal groups; it is most certainly not a rule of thumb that can be applied to every Aboriginal group throughout the Northern Territory. I think it is a gross misrepresentation for the honourable member to allude such a thing because there are Aboriginals who are happy to talk and negotiate and come to an arrangement and a compromise with the people in their areas.

The honourable members for MacDonnell and Victoria River have been critical of the concepts contained in the bills on the grounds that the proposed legislation does not recognise that Aboriginals should have land rights in the way recommended by the Woodward Commission. In reply to the honourable members for MacDonnell and Victoria River, I would like to draw their attention to the comments made by Mr Justice Woodward in paragraphs 537 and 618 of the Second Report of the Aboriginal Land Rights Commission. On the question of mineral rights, Mr Justice Woodward concluded that this aspect had given him the most difficulty and concern and one can readily appreciate the complexities of the matters with which he had to contend. In all, Mr Justice Woodward made 22 major recommendations affecting mineral rights - the most important of these being that minerals and petroleum on Aboriginal lands should remain the property of the Crown.

A further important recommendation associated with the question of ownership, which is reflected in the bills presently being considered by this Assembly, was that if mining or petroleum companies were seeking mineral rights over Aboriginal land, applications for those rights should be processed as in the past by the appropriate government departments. It is clear from my reading of the Woodward report that Mr Justice Woodward reached the conclusion that Aboriginal ownership of minerals could not be supported, except for the right of any traditional owner to determine whether he was prepared to allow exploration for minerals or petroleum to take place on his land. I do not know of any member on this side of the House who would argue with that particular contention.

In accepting recommendations of the Woodward commission the Commonwealth government, in introducing the Aboriginal Land Rights (Northern Territory) Act, substantiated the concept of crown ownership of minerals in relation to Aboriginal land and in this regard I would draw honourable members' attention to section 12(2) of the act. In accordance with the provisions of that section, the grant of Aboriginal land is subject to a reservation that the rights to all minerals remain with the Crown. Section 12 of the act is then clarified by the provisions of section 30 whereby a mining interest in respect of Aboriginal land cannot be granted unless both the Minister for Aboriginal Affairs and the appropriate land council have consented in writing to the grant of such an interest.

Mr Collins: Doesn't that give a statutory interest in the mineral?

Mr TUXWORTH: The honourable member for Arnhem did allude the other day to the sections of the federal act, sections 40, 43 and 44, which he contends give the Aboriginals rights over the minerals in the ground by virtue of the fact that it gives them such total control over the surface that they, in fact, have control of all that is under it. That is an opinion that the honourable member for Arnhem might perhaps hold but it is one that has yet to be tested.

Mr Collins: I didn't say that!

Mr TUXWORTH: Mr Speaker, the property of the Crown should remain the property of the Crown. Clearly the Commonwealth government's intention was to retain crown ownership of minerals and in so doing to maintain substantial government control over the issue of exploration and mining rights. Certainly the government accepted,

as recommended by Mr Justice Woodward and expressed in section 40 of the act, that there ought to be rights given to traditional owners to determine whether exploration should take place on their land but it is my contention, Mr Speaker, and that of my colleagues, that this was intended to be limited to that discretion and not to be taken to include the right to determine the individual recipients of such rights where conflicting applications existed. This is contrary to the views of some of the honourable members on the opposite benches, Mr Speaker, and the Northern Territory executive in the words of the honourable member for MacDonnell has been accused of a paranoia about Aboriginals horse-trading mineral rights and in so doing, denying Aboriginals the full extent of their land rights. Mr Speaker, the Majority Party in presenting its complementary legislation is bound by the provisions of the Aboriginal Land Rights (Northern Territory) Act and the express Commonwealth government policy on Aboriginal land rights issues. Our prime responsibility lies in bringing down amending legislation to conform with the provisions of the act and I firmly believe the Mining, Petroleum and Coal Bills are completely in accordance with this requirement.

Mr Speaker, as outlined by the Majority Leader in his second-reading speech to the bills, the amendments proposed basically provide for a continuation of the rights of the Administrator, subject to the provisions of the land rights act, to determine in what circumstances and to whom exploration and mining rights would be issued. In essence, whilst views have been divergent, our complementary mining legislation steers a middle course and is consistent with the parent federal act. This appears as the major area of concern of the honourable members opposite, as well as the land councils. It is clear that the opponents to this provision would like the discretionary powers of the Administrator to be deleted and the land councils given full responsibility for determining successful applicants on the basis - as the Opposition has described - of horse-trading.

The Northern Territory has considerable mineral wealth. Many of its mineral deposits are of world significance and in recent times the mining industry has had an overwhelming economic importance in the development process of the Northern Territory. Most of the major developments have been in isolated areas, where costs are high. As a result it has been necessary to establish large-scale capital-intensive projects to ensure viable operations. Also such developments have required the provision of complete industrial and community infrastructure and in most cases the companies concerned have had to provide all or a large proportion of this. In some instances, this has resulted in a financial outlay for infrastructure of double that for the actual mining development.

It is our belief, Mr Speaker, that the mining industry will continue to play a major role in the development of the Northern Territory and it is essential for the proper development of our mineral resources that the government continues to exercise control over these developments. The amendments which we have proposed will not prevent the negotiation of fair terms and conditions to any traditional owner who elects to allow exploration for minerals on his land, nor will they prevent any traditional owner from exercising his right to prevent exploration if he so wishes.

Whilst I have attempted to outline the divergent views on this complementary land rights legislation and to indicate how the Majority Party has arrived at the mining legislation now before the Assembly, I am surprised to note, Mr Speaker, the very divergent views between members of the Labor Party in this House. I was particularly interested in the member for Victoria River's comments last Thursday. Apart from two points on the Mining Bill and some other issues, he generally found that this package of legislation was a great improvement of the previous package and obviously closer by way of compromise to meeting the views which have been poles apart in the past. What I could not accept as being consistent with the

Labor Party view were the remarks of the member for MacDonnell. He quite liberally quoted from the Northern Land Council paper on this legislation package prepared by Mr Stuart McGill.

Mr Perkins: That is a false assumption.

Mr TUXWORTH: He did not feel that this extreme view was, in fact, Labor Party policy. It seems we have come a long way, Mr Speaker, from the Labor Party view in the days of the late Mr Rex Connor where there was little doubt that the minerals were the property of the Crown.

Add to this confusion, Mr Speaker, the events of the last 24 hours in the federal house in Canberra where the Labor Party in the lower house has opposed the government's package of bills designed to get the uranium mining moving and this afternoon the Labor senators have announced that they will be supporting the legislation in the Senate. Now, Mr Speaker, I do not think it would be unreasonable to call on the Leader of the Opposition to stand up and say exactly what the Labor Party position and policy is in relation to this legislation.

Mr Collins: We are free thinkers.

Mr TUXWORTH: They are free wheelers, Mr Speaker; they are not free thinkers. Mr Speaker, I would like to make a point ...

Mr Perron: Renegades.

Mr SPEAKER: Order, order!

Mr TUXWORTH: ... that we are dealing with some very important issues, uranium and Aboriginal land rights, both of which matters from my own personal point of view - and, I believe, that of my colleagues on this side of the House - are above party politics and ...

Mr Collins: Rubbish!

Mr TUXWORTH: ... the footballing and the rhubarbing that goes on by the honourable members on the other side of the House. Mr Speaker, I am prepared to call on each honourable member of the Opposition to stand up and say exactly where he stands on both issues and have it put down in Hansard so that it can be held for future debate, because it would appear that they do not have any solid line; they are prepared to go whichever way the wind is blowing.

Mr Collins: Who are you following, Country Party or Liberal Party?

Mr SPEAKER: Order, order!

Mr TUXWORTH: Mr Speaker, the very least that can be said of this group of mining bills is that we have made our position clear and we have been consistent in these matters.

Mr Perkins: And you have distorted the facts.

Mr SPEAKER: Order!

Mr TUXWORTH: This inconsistency displayed by the Opposition, though, in the last week provides ample evidence that there is no concerted policy on this matter in the Labor Party as they appear to rely heavily on the observation and written comments by one or other of the interested parties in the exercise.

Mr Speaker, the amendments which we have proposed are consistent with the Aboriginal Land Rights Act and I support the amending bills as presented.

Debate adjourned.

FIRE BRIGADES ARBITRAL TRIBUNAL BILL
(Serial 51)

Continued from 2 May 1978

In committee:

Bill taken as a whole and agreed to.

Bill reported; report adopted.

Mr STEELE (Transport and Industry): Mr Speaker, just briefly on the third reading, I would like to reply to the honourable Leader of the Opposition and his comments on my second-reading speech when I introduced the bill.

When I introduced the bill I did explain in my second-reading speech that its purpose was to regularise the position of certain officers in the Northern Territory fire service. This was done at the request of the Fire Officers Federation. On 2 May the Leader of the Opposition questioned the arrangements made in this legislation for what he regarded as essentially a trade union matter, suggesting that such matters would better be left to the areas of more common industrial arbitration.

However, as the Leader of the Opposition well knows, the matter is covered in the legislation. The situation is a long and well established arrangement in the Northern Territory for associations like the fire officers, fire fighters, the police and prison officers, who have the conditions of their service set out in legislation covering the respective services. As I said at the outset, all that this small amendment to the principal ordinance does is to regularise a development in the fire brigades service and it is entirely consistent with other legislation of a similar kind.

Mr ISAACS (Opposition Leader): Mr Speaker, I must also speak briefly in the third-reading debate on the bill. It might be certainly consistent with practice which has gone on in the Northern Territory, but it is unique in Australia that this sort of legislation exists and I do know that it is the desire of the people who regulate industrial matters that there be some uniformity in the way these various associations are dealt with.

It seems to me that the points made by Mr Meeve in his reflections on the fire service are correct: that if you are going to have proper trade unionism and representation, then you ought to have trade unionism by registered organisations. None of the organisations to which we are referring in these ordinances - the police, the firemen, the prison officers - is registered. They ought to belong to registered organisations.

Motion agreed to; bill read a third time.

AUSTRALIAN TRANSPORT ADVISORY COUNCIL

Continued from 1 March 1978

Ms D'ROZARIO (Sanderson): Mr Deputy Speaker, firstly I would like to thank the

honourable executive member for informing the Assembly of his attendance at the meeting of the Australian Transport Advisory Council in Wellington and I thank him also for his account of what occurred at that meeting.

I welcome the full membership status that the honourable executive member foreshadowed and which will be conferred upon the Northern Territory representative after 1 July this year. I believe this development may go some way to permitting the Northern Territory to put its case more forcefully before other state ministers of transport and towards providing the opportunity for fuller discussions of the unique problems relating to transport from which the Territory suffers.

Mr Deputy Speaker, in responding to the statement given by the honourable executive member, I just want to place on record a few remarks about matters raised by the honourable gentleman and also to put to him one or two questions that he could raise on behalf of the Territory at the next meeting of the ATAC which I believe he is to host in Darwin in July this year.

I notice that the council expressed concern about escalating road costs. With respect to this point I am particularly concerned with the implications of escalating road costs and the construction of the Stuart Highway. Before I go any further on this point, Mr Deputy Speaker, I would like to settle one point of some substance. I do not want the honourable member for Stuart grappling with conundrums that are beyond him. Despite the allegations that he made last week in this House that the Labor Party does not have a policy concerning the Stuart Highway, I would like to set that small matter straight - our policy which concerns other highways as well as the Stuart Highway is that there should be year-round all-weather connections between the Northern Territory and all adjoining states. Now that policy, Mr Deputy Speaker, is published in the Northern Territory platform and I suggest that either the honourable member for Stuart reads the platform or else he place less reliance upon practical jokers in the Alice.

The Leader of the Opposition has had some discussion with the South Australian government on the matter of the Stuart Highway and some very interesting facts have come to light. I would like to put some of these facts on the public record and as I say, I would like the honourable executive member to raise some of these matters at the next meeting of ATAC in July. In August 1977 the South Australian Minister for Transport, Mr Virgo, wrote to the federal ministers, Mr Nixon, about the Stuart Highway. In that letter Mr Virgo outlined the reasons why construction of the Stuart Highway could not proceed. The reasons related to the responsibility and participation of the federal government in the national highway program.

First, the Commonwealth allocation to South Australia for the construction of national highways was cut from $17.49m in 1975-76 to $15m in 1977-78. If we convert these figures to a basis from which they can be compared - that is, if we convert the 1975-76 figures to 1977-78 prices, we find that the $17.49m in 1975-76 is equivalent to $23m in 1977-78 prices. So, as some of us might be able to see, the cut in the Commonwealth allocation was very substantial indeed from about $23m to $15m in 1977-78 prices.

Secondly, Mr Deputy Speaker, this cut in the Commonwealth allocation meant that it was necessary for that allocation to be substantially greater in real terms than the current year's allocation, and yet the undertaking that has been given by the Commonwealth government to the South Australian government is that in 1978-79 and 1979-80 the Commonwealth allocation would not be less in real terms than the allocation for 1977-78. That means the Commonwealth government is not prepared to commit itself to a greater allocation in subsequent years but only to an allocation equal to that of 1977-78.

Now the declining participation of the Commonwealth government has very serious implications for the reconstruction of the Stuart Highway. Because of the previously high level of Commonwealth funding, the South Australian government committed itself to substantial expenditure on the construction of national highways - and I point out here that national highways are the responsibility of the federal government. Following the severe reduction in Commonwealth funding, the South Australian government still had to meet its commitments and so it diverted some $13m of state funds to national highway construction projects.

Mr Deputy Speaker, and honourable Executive Member for Industrial Development, we cannot expect the states to carry federal government responsibilities in the road construction area indefinitely. One point that was made clear is that the diversion of state funds to national highway projects takes place at the expense of other state funded road projects and the South Australian government certainly put this point to the federal government quite clearly. Mr Virgo said in his letter - and I quote:

> *The expenditure of state funds on national highway projects has led to a backlog of urgently needed projects in categories other than national highway construction and it will not be possible to continue to finance national highway projects from state funds beyond the present financial year. An early commencement on the Stuart Highway can accordingly be achieved only if the Commonwealth government is prepared to make a significant increase in its allocation to national highways construction without any reduction in the allocation to other categories which have already suffered as a result of this state's expenditure on national highways construction.*

Mr Deputy Speaker, for a while late in 1977 we were given to believe that the federal government had indeed decided to face up to its responsibilities in the matter of the Stuart Highway but this turned out to be just another bout of election fever. Speaking in Alice Springs on 25 November 1977, the Deputy Leader of the National Country Party and Minister for Primary Industry, Mr Sinclair said - and I quote:

> *The Federal Minister for Transport, Mr Peter Nixon, has however firmly committed the Country Liberal Party government to commence work on the reconstruction of the Stuart Highway in 1978. After discussing the issue with Mr Sam Calder, MP and Senator Bernie Kilgariff, I believe it necessary to identify a special fund allocation specifically for the reconstruction of the Stuart Highway. This would mean, in addition to funds provided to the South Australian government as part of the national program and for allocation at their direction, there would be a specific sum provided to upgrade the Stuart Highway over a period of years.*

Mr Deputy Speaker, I think that last sentence deserves some special note. Naturally this statement, coming as it did from a very senior minister in the government, caused some interest among our friends in South Australia. So the South Australian Minister for Transport, Mr Virgo, wrote to the federal minister, Mr Nixon, on 12 December saying:

> *You will recall when we met in Melbourne on 1 December 1977 to finalise the railway transfer agreement, brief reference was made to statements that allegedly had been made earlier regarding funds for the Stuart Highway. Since that meeting I have received a copy of a statement which it is claimed your Deputy Leader, Mr Ian Sinclair, made in Alice Springs on Friday 25 November 1977.*

He then quoted Mr Sinclair's statement and went on to say:

> *So that we can prepare for the expenditure of the additional funds to which Mr Sinclair referred, I would be very grateful if, as soon as possible, you could advise me the extent of these funds in the forthcoming and subsequent year.*

Now Mr Nixon did indeed reply to that letter on 13 January and his reply made it quite clear to us that all our best hopes for the Stuart Highway were not really going to eventuate, because he said:

> *It is not the policy of the government to provide a grant for specific roadworks outside the normal road funding arrangements. However, careful consideration will be given to the needs for national highways in South Australia when the government examines the allocation of funds and the programs to be approved under the roads legislation during 1978-79. I am sure you will appreciate at this stage that I am not in a position to advise you on these matters.*

Well, I think what happened, Mr Deputy Speaker, was that the election was over. The Liberal-Country coalition had been returned and I do not suppose they considered the Northern Territory any more until next time round. So, honourable member for Stuart, never mind about the ALP policy on the Stuart Highway; our policy is quite clear. Why can't your senior ministers get it clear among themselves?

Mr Perron: We know Virgo's policy on it.

Ms D'ROZARIO: I am concerned that the escalating costs to which the honourable executive member referred in his speech on this council meeting and which apparently caused great concern among state ministers and the federal minister who attended that meeting, together with the federal government's declining participation and contribution towards national highways, does not bode well for the reconstruction of the Stuart Highway.

The point of saying this is simply that I want the following matter to be cleared up: the financial arrangements we have heard so far describing negotiations between the Northern Territory executive and the federal government have not made any reference to the funding of national highways and I would like the honourable executive member to obtain some express provisions for this project. It seems to me that an arrangement which is analogous to that which the states enjoy with the federal government would not be satisfactory because, as I have outlined, the arrangement that the South Australian government has with the federal government has not proved to be workable for that South Australian government and I do not see why it will work for the Northern Territory.

Mr Perron: Because South Australia will not cooperate, that is why.

Ms D'ROZARIO: I hope I have demonstrated, Mr Deputy Speaker, that the member who purports to be the treasurer in the up-coming self-governing unit has not understood a word that I have said; he has not understood at all the letters I have read.

Mr Vale: We can hardly hear you over here.

Ms D'ROZARIO: Well, you clean your ears out, young fellow. I would say that if the honourable executive member for Transport and Industry would obtain the

clarification I am seeking, then I would certainly support him in obtaining from the federal government a clear statement as to what is to occur with the funding of national highways. We have not heard anything from the honourable executive member for the treasury and I doubt that we ever will because he just does not understand that there is a problem.

In conclusion, Mr Deputy Speaker, I would like to say again to the honourable executive member that he was most courteous in advising us of his attendance at this meeting and in describing what went on and I would suggest to him that it would be an extension of that courtesy if he would give the Opposition some notice of the agenda for the meeting that he is to host in July later this year.

Mr ROBERTSON (Community and Social Development): Mr Deputy Speaker, I cannot let the pious harpings of the other side go unchallenged. When I was in South Australia last, which was at the beginning of this year, and driving all over the place, I saw that what the honourable member for Stuart said is quite accurate - although, of course, it is not the inner suburban streets, it is the outer ones where the money is being spent. In other words, Mr Deputy Speaker, what is happening is they are taking the funds which the federal government allocates for national road programs and using it to rip up national roads which they have already got in their high populated areas where the votes are, rather than having concern for the progress of their state economy. They rip up sealed roads that they already have and replace them with better ones. We in the Territory, of course - and incidentally the entire business community in South Australia which is in the business of supplying goods and services to the Northern Territory, or should I say "was" in the business of supplying goods and services in the Northern Territory - would not be very happy about it. They are being sold down the creek economically for a few votes for Donnie Dunstan. That is the reality of it.

The Port Augusta-Port Pirie road, the Morgan-Renmark road, the Kapunda-Nuriootpa road, the Kapunda-Eudunda road, just to name a few that I drove over - and I have known those roads for 20 or 30 years, more like 25 years, to be accurate; I have known that area where I grew up as a kid - those roads were sealed; they have now been declared national and are being ripped up and replaced while we cannot even get two or three confounded graders for our South Road. That is the reality of it.

Let us have a little look at broken election promises while we are talking about that. I stood in Collegate Park myself, Mr Deputy Speaker, and heard the Prime Minister at election time in 1974 promise the Northern Territory a sealed highway. I do not, incidentally, accept the nonsense that has been spoken about him saying it was to be a dual highway; he did not mean that and I do not accredit that to him; he meant two lanes. It was to be a properly constructed highway within five years. The 1975 budget indicated not one cent for construction, not one cent even for survey. The facts are there; have a look at the budget documents. He said he would build the road in five years. That only leaves him four because there had been absolutely no funds until the financial year 1976-77. Everyone who has ever looked at the South Road knows it is going to take six years to build. He never even had any intention of honouring that promise, none whatsoever, because he must have known - he is an intelligent man - that it was utterly impossible physically to fulfil that promise. He knew it.

Mr Isaacs: Why did he start work on it?

Mr ROBERTSON: The reality of the matter is he had absolutely no intention of fulfilling the promise whatsoever, so let us not have any of this pious claptrap from the other side about breaches of promise.

Mr ISAACS (Opposition Leader): Mr Speaker, another pious contribution to the debate on ATAC. I read the statement by the Executive Member for Industrial Development and I, like the member for Sanderson, am going to be in a friendly mood and congratulate him on it because he certainly told us what happened, as the member for Sanderson explained. But I think the record speaks for itself on the question of the sealing of the South Road and none of the bleatings or meanderings of either the member for Stuart or the Executive Member for Community and Social Development is going to run away from the facts. The Executive Member for Community and Social Development would know that money allocated for national roads by the Australian government must be spent on national roads. It cannot be put to the South Australian government that they are spending it on their local suburban roads.

Now the fact is this: during the last election the Deputy Leader of the National Country Party, who will not be a friend of the other side for much longer I understand, made a commitment and he was joined by his goodfriends Senator Kilgariff and Mr Calder. Apparently those two gentlemen have got to sort out their differences too, because one is happy to be a Liberal and the other wants to be a Country Party member, so they have to sort that one out. The Deputy Leader of the Country Party, Mr Sinclair, said that there would be a special allocation made for the South Road. That was clear. He even informed the mayor of Alice Springs, Mr Smith, who has been working like crazy to get the South Road sealed - and I congratulate him for his efforts - he even told him that this was going to be done and they told the world at large. There was an election to be won and they were prepared to offer anything they could. No intention whatever of honouring it, that comes after; during election campaigns you can do what you like.

But the problem is this: people have a memory. And also ministers, state ministers as the Executive Member for Community and Social Development has said before, are intelligent people who follow these sorts of things up and are only too willing to cooperate. So that very cooperative gentleman, Geoff Virgo, the Minister for Transport in South Australia said, "Well, Mr Minister, if you are going to be that reasonable and that cooperative, please let me know how much money you are going to give because I want to start the program just as soon as you do." But the silence was deafening and, of course, as the honourable member for Sanderson in such a detailed way showed, the Minister for Transport, when he was called upon to honour the promise of Mr Sinclair, said, "Sorry we don't work that way; you're not going to get it."

Now the facts are these: $3.2m is required to commence work on the South Road. It is not a six-year program; I understand it will be something between 10 and 15 years to get the thing sealed completely. But we require $3.2m over the next two years to get it started - $1.8m this year, 1978-79, and $1.4m in 1979-80. That is what is required. That is what is being sought and, despite the bleatings from the member for Stuart who keeps running to the press in Central Australia telling them all sorts of mythical stories how the road is going to be built and the money has not been allocated, the fact is it has not. And the fact is that during the Labor government - that dreadful socialist period that the Executive Member for Community and Social Development waffles on about - that dreadful socialist period happened to allocate more for the national roads program than any other government in history.

Members interjecting.

Mr ISAACS: And the fact is too that this government, this Fraser government, since 1975 has continually down-graded the allocations. As the member for Sanderson pointed out, $15m a year for South Australia over this coming triennium for

the national roads program will not cover the Stuart Highway and it is a direct repudiation of an election promise; the special allocation promised by Mr Sinclair has been repudiated.

Now let me just make one other point so far as the business community of South Australia is concerned. It has been said that the South Australian business community, particularly the Adelaide community, is really upset that the South Road has not been constructed and they are bleating to the premier. I wish they were because I too was in Adelaide at the beginning of this year and I made representations both to the premier and to the Minister for Transport, and I was told by them that they want to do what they can; they made the comments which the honourable member for Sanderson has made that it was not their job to supply the funds for national highways, that it had to be supplied by the Australian government and that they had already entered into commitments which they could not opt out of.

Mr Perron: Oh, what a load of rubbish!

Mr ISAACS: Well, they don't opt out of agreements, as you do.

Mr Perron: They could have put the money wherever they liked.

Mr ISAACS: The fact is this ...

Mr Perron: They are untied grants.

Mr SPEAKER: Order, order!

Mr ISAACS: Well, I can assure you that they had made agreements with people to build certain roads ...

Mr Perron: Why not the Stuart Highway?

Mr ISAACS: ... and the money was committed. They do not like letting contractors off the hook as you do. Once they make an agreement, they like to stick to it. And that is why the Dunstan government has been in existence for so long.

Mr Robertson: It would be useful if the honourable member on his feet would address the Chair.

Mr ISAACS: I will address anybody who interjects; if the Executive Member for Treasury interjects, I will answer him.

Mr DEPUTY SPEAKER: Order! The member will be completely out of order unless he addresses the Chair.

Mr ISAACS: I have finished with the executive member.

So far as the business community of South Australia is concerned, Mr Deputy Speaker, the facts are these: they have not made the concerted complaints to the government of South Australia that members opposite like to say. I spoke to a gentleman who is involved in the Road Transport Association and he admitted to me that the business community in South Australia had not done as much as they might to get the South Australian government to give priority to the South Road. Now I say to members opposite, if they are keen on getting the South Road built - as I am and the Labor Party is - they ought to convince their colleagues in South Australia to assure the government there that they do require it. I can assure you that the silence has been deafening from the South Australian business community.

Now I hope the statements, and the chronology of events as portrayed by the member for Sanderson are accepted because it is there on the record: a repudiation of the electoral promise by the deputy leader of the National Country Party. In concluding, I would again like to thank the Executive Member for Transport and Industry for the document he presented. It was informative and I do look forward to subsequent documents from him. As the member for Sanderson indicated, it would also be appreciated if we had advance notice of agenda items for the coming session of that Council in Darwin.

Mr STEELE (Transport and Industry): Mr Deputy Speaker, I did not realise that I had released such a pen of caged animals. I feel fearful of the BTE report having some undue influence over Commonwealth minds. I am very mindful of the need to press as strong as we possibly can to ensure that that South Road is constructed but I do not wish to enter into the South Australian Monarto or whatever debate.

Just commenting briefly about the Wellington ATAC meeting itself or one aspect that concerned me - although it is disgressing slightly - was the fact that Mr Geoff Virgo had to leave that Wellington conference because threats were made against his wife's life. I did not have the opportunity to talk to him as much as I would have liked. I have the utmost admiration for Geoff Virgo's ability as the Minister for Transport in South Australia. However, he could do a little bit more for us, possibly, if we twist his arm.

My involvement to date has only been as an observer and my contribution has been limited almost solely to canvassing ministers away from the main forum. I hope I will be able to participate in a much stronger and more forceful way when I have the benefit of some people who are able to research the needs of the Northern Territory so that I can be in there without the Minister for the Northern Territory sitting on my shoulder like little Jack Horner and I can get on with the job.

I expect the July agenda may have already been set. I have not seen it, I must confess, but one of the organisers behind the ATAC secretariat will be here next week. I propose discussing the final arrangements of the meeting with him. If I can obtain a forward agenda, I will send it as wide as it needs to be sent. I do not know that we will get to the stage where we will send these sorts of statements around again but if there is a need for that sort of information, certainly we will do our best to provide it.

Motion agreed to.

ADMINISTRATIVE ARRANGEMENTS FOR NT GOVERNMENT

Continued from 9 March 1978

Mr ISAACS (Opposition Leader): I waive my right to speak in continuation, Mr Deputy Speaker, in favour of the member for Fannie Bay, but seek leave to continue my remarks at a later date.

Mrs O'NEIL (Fannie Bay): Thank you, Mr Deputy Speaker. I have looked at this paper and found it most interesting. I support the broad principle. I think it is the obvious, sensible thing to do, to have each executive member responsible for two departments. In a small Assembly such as this, there is obviously a problem in covering all the areas that need to be covered. That is looking at the broad structure.

In looking at the detail of the departmental functions outlined in the state-

ment, I was a bit surprised. I found them totally inadequate as a description of existing functions. Frankly, I doubt very much that many of them were produced by officers currently working in these particular fields. I will examine just three particular areas, Mr Deputy Speaker. Firstly, I would like to look at the section of community development and the functions of that department. It starts off with civil liberties, which sounds nice, but I do not quite know what is meant by that as a function of the department of community development. I thought to myself, "Ah, the ombudsman" - that is obviously a question of civil liberties but he, of course, comes under the Chief Minister's Department. So, I would be interested to know what exactly is meant by that. It does sound good and contrasts very well with the phrase "public relief and destitute persons"; that is something I do not expect to find, in this day and age, coming from public servants and I doubt very much that many of them would be using it. It is quite old fashioned. There is another reference in this section which is something we have not heard about for many years - that is a child welfare council. It does exist under the Child Welfare Ordinance, in theory, but as far as I know it has not met for about five years. I am surprised that anybody knows that it still exists.

I would now like to consider the health section. The first and most notable thing about the description of the functions of the Department of Health is the fact that it anticipates the lack of a Health Commission. Now this, of course, Mr Deputy Speaker, has since been announced in a brief statement issued in Canberra by the federal Minister for Health and the Majority Leader - so much for local autonomy. The statement is very brief; it reads as follows:

> *The Commonwealth government has decided not to go ahead with the establishment of a Health Commission in the Northern Territory. This was announced today in a joint statement by the Minister for Health, Mr Ralph Hunt and the Majority Leader in the Northern Territory Legislative Assembly, Mr Paul Everingham. They said the original decision to establish a Health Commission had been overtaken by the Commonwealth's approval for the transfer of responsibility for all state-type functions to the Assembly by 1 July 1979.*

That is a lot of nonsense. As we know, many states are in the process of and have in the last few years established Health Commissions. In this Assembly we have just discussed the establishment of an Electricity Commission; that is apparently thought to be a good thing to do in view of the transfer of powers. Why not a Health Commission?

This is also quite contrary to the CLP policy. Unlike our colleague, the member for Stuart, on the other side of the House, I do not always take much notice of pieces of paper that people might slip into my letterbox. I am far too wise for that. When I am looking at the CLP policy, I get hold of the document and that is what I have here. Section 3 deals with health. There is a nice little preamble and then it says:

> *To this end the party supports - 1. delivery of health care through an NT Health Commission.*

So much for party policies, Mr Deputy Speaker, they are obviously flexible all over the place. But I do find it is a most unfortunate change and it is most unfortunate that the statement was not issued in the Northern Territory by the responsible executive member. He is obviously quite a capable and competent executive member, more so than any of his colleagues.

Health policy is of interest to the people of the Territory because this is a most vital area. It is an enormous budgetary area; it concerns all the people

of the Northern Territory and yet the executive member hid his light very much under a bushel when this statement was issued. That does not auger well for the future because it suggests to me that he is not as interested in his health portfolio as he is in his mines and energy one. That does not auger well, particularly when you consider the area of industrial and mining health. In these cases the health role and the industrial role are often antagonistic. You only have to look at the history of mining to see how the health of miners has frequently come a very poor second to the profits of mining companies. I would much rather, myself, see the health department with the community affairs department, responsible to the one minister, as the functions of these two departments are more frequently complementary.

Mr Collins: Hear, hear!

Mrs O'NEIL: Perhaps to compensate for the departure from CLP policy on the health commission, there is a nod in the direction of private hospitals which is, not surprisingly, in their party policy that I have in front of me.

Why have we got a separate mention of sanitation regulations, yet no mention of community health services; perhaps community health comes under the public health heading? But the sanitation should come under public health. I find it totally confusing. We have a separate mention of quarantine services - is the Northern Territory going to go it alone, defy the constitution, duplicate the Commonwealth government's quarantine services, or is it meant to be on an agency basis? I suppose it is, but I do think the statement would have had much more meaning if it said so. I do not believe that statement was produced by a professional working in the health field.

Let us look at education which I find usually parallels health in policy and practice. What do we find under education? Under health we have hospitals, but under education there is no mention of schools. Is the CLP policy to take up the banner of "education in the community" theory and do away with schools? I am also disturbed to note that although there is a reference to primary and secondary education, pre-school education is omitted entirely. The honourable executive member responsible in this area knows that it is a concern of mine. I believe very strongly in pre-school education as a most important step in providing a sound basis for future learning. What has happened to it? It does not get a mention in this document.

Many of us have been concerned lately by what seems to be a down-grading of pre-school education in the Northern Territory. Not all the teachers now being appointed to pre-schools are specialists in early child education, as they should be, and trained in that area. Some band 2 positions have apparently been down-graded to band 1. I would welcome a clearer statement of the policy of the CLP on the area of pre-school education.

Finally in education there is this bit of a bombshell. Technical and further education is under the Education Department - where does that leave the Darwin Community College? It is, as the honourable executive member knows, about the only institution providing technical and further education in the Northern Territory. Yet it seems, here, we have another major policy statement that the Darwin Community College is going to be responsible to the Education Department. Well the Teachers Federation will be pleased, but I do not think the college staff and the college council will be pleased. Yet that is what seems to be in that statement.

As I said, I welcome the intention of this statement: it is just that I find it is considerably lacking in detail. I have a lot of faith in the Territory but it has to be reinforced by the knowledge that the Northern Territory will be

well governed and I find it very hard to reinforce it when what they come out with are statements like this. It looks as if they will not be able to administer it properly because they do not know what administration is all about. There are areas that are left out, there are apparently policy statements made therein - I do not know whether they reflect the CLP policy. They do not seem to. Is it based on their policy or is it not? If it is based on their policy, it is a very peculiar document. I hope we get another one, perhaps after 1 July, which more clearly defines what the various departments are going to do.

Mr STEELE (Transport and Industry): Mr Deputy Speaker, I rise just briefly to make a couple of remarks about the administrative arrangements. I think they are fairly well researched and the end result has come about after something like six months of looking at what happens in the states and looking at what happens overseas. Certainly, the fine detail that the honourable member is looking for is not in this particular statement.

I suppose I should, on behalf of the Majority Leader, apologise for that. However, I think what you have to do when you look at an administrative arrangement proposal like that is relate it back to the ordinances that have to be administered by the secretaries of those ten departments. When you do that, you will start to see some meaning in the statement which, unless it is all written down, is not readily understood.

I cannot comment on the health areas except in the area of industrial safety which has been placed under the Department of Health. There is another view to this and that is that instead of industrial safety matters being administered by my department, they be in the health area. I can only be sort of superficial in my comments because it is not an area that I have had a real chance to study. I am told that it works very well in other places but not necessarily in Australia.

I think the other area I would like to touch briefly on - apart from saying the Majority Leader has given me far too much work to do and I do not get enough sleep - is that the quarantine services are separate entities; they are provided by state and Commonwealth and in some places the agency arrangements are reversed. In our case, of course, we still have a function as far as animal and plant quarantine is concerned; we have always had that function although the honourable member for Nightcliff has often asked why don't we get some more people working in our coastal quarantine or airport quarantine services? And I agree with her on that. However, the Commonwealth has a function which we cannot deny - it will be still there after 1 July - and we will have a subsidiary quarantine service of our own.

Just touching on the rest of the administrative arrangements - and it is very difficult to just wave them away with the sweep of one hand - but when you consider just how many ministers there are to be and just how wide a range those functions are, well, you can see the need in some cases for there to be cells or units of administration not necessarily fitting very well under a certain department.

However, I believe - and I understand this happens in the states - that every now and again - if there is a need to make a change in a cell of administration, that change is made. Certainly, this happens after elections to suit new ministers coming into the cabinet, for example; it does not always suit everybody else. There are movable units of administration and I think that is the key to those administrative arrangements: that if they are found not to be working properly, they can be moved around to suit the needs of the community.

Mr ISAACS (Opposition Leader): Mr Deputy Speaker, I commend the member for Fannie Bay and her overview of the arrangements presented to this Assembly by the Chief Secretary. It is a shame that he is not here to listen to what is said and able to take part in the debate. In fact, I am not quite sure why he is not here at all this afternoon; it strikes me as being quite discourteous, but never mind.

Coming to the document, I would like to take up the point made by the Executive Member for Transport and Industry and ask him to fight hard to get the industrial safety cell into his area.

Mr Steele: No.

Mr ISAACS: It strikes me that - no?

Mr Steele: No.

Mr ISAACS: You can ask, Mr Deputy Speaker; you do not always get what you want.

Mr Steele: I have got enough to do.

Mr ISAACS: It seems to me that it is sensible and rational to have all matters relating to industrial relations under one head and certainly I believe it would be far better and the people who are working in industry would be far better served if the industrial safety cell was part of an overall industrial relations unit, if you like. There is a fairly significant section within the industrial development department, a labour unit which talks about employment, factories and shops, manpower planning, the actual employment opportunities. It seems to me that it would be appropriate for industrial safety to come under the control of that unit. I am somewhat sorry that the executive member should shake his head and say "no" in this instance because I believe that an overall view of industrial relations is far preferable than having some kind of fighting going on between departments.

The other matter I want to reflect upon so far as the detail of the document is concerned relates to the electoral office. Although I was going to be speaking about it anyway, the remarks of the Executive Member for Community and Social Development this afternoon in relation to the Local Government Bill has prompted my remarks much further. I would like to have some detail from him as to just what extent this electoral office will go.

Surely to goodness we are not contemplating what happens in Western Australia: that is to have separate electoral rules and regulations and officers for state elections and for federal elections - different rolls, different rules. If that is the case, then I would certainly like to hear it early from the Majority Party. I was recently in Western Australia, in fact in late December last year, to assist in the by-election there for the Kimberley electorate, and I was staggered by the confusion which reigned. People came to record a vote - and remember that election was held a week after the federal election - they came to record a vote to be told, "Sorry, you are not on this roll". And when they said, "Well, I voted at this very spot a week ago", they said, "Ah, but that was a Commonwealth election. This is a state election. You have to enrol separately".

Not only is it very costly to have two separate organisations but it is highly irrational. I would like to hear from the Majority Party just to what extent their electoral office is going to go. Are they suggesting it will have separate rolls for Territory elections as opposed to federal elections? Does that mean we will

have to have separate enrolment? Is the electoral office there simply on the basis that occurs in most of the other states, where it acts really as a liaison in the question of elections?

Mr PERRON (Finance and Housing): Mr Deputy Speaker, just to speak briefly on this document. The document was prepared almost exclusively by the Majority Leader. It was done on a great deal of advice that he had received over a period of months and after having received the advice of a number of state public service commissioners and a number of other state officials who have particular expertise in this area. And it was prepared after a number of exercises were done on the Northern Territory by these state officials as to alternatives which could be proposed as an administrative arrangement for the Northern Territory. One thing that came out of the advice, Mr Deputy Speaker, was the fact that in a whole range of functional areas, you can do almost what you like and you are not really breaking from conformity.

It seems that when you look at the states, they have the most amazing conglomeration of functions under various portfolios. Some of them seem very, very unusual and it seems that there is almost nothing that is the norm. After a great deal of advice, as I say, from people in states - both Labor states and non-Labor states - this document was put together and is presented here for information of members of the House. Whilst it is certainly up to members of the House to pass comments as they see fit, they must bear in mind that it is the Majority Party's role to establish the government and run it as it sees fit. One thing they must bear in mind is that we do not have the socialist policies of our Opposition and as such we do not expect to see eye to eye with them very often, particularly on matters of government administration.

Motion agreed to.

FINANCIAL ARRANGEMENTS WITH FEDERAL GOVERNMENT

Continued from 2 May 1978

Mr ROBERTSON (Community and Social Development): Mr Deputy Speaker, there clearly has been a misunderstanding between myself and the Opposition whip. I do not want to force this on for debate if the Leader of the Opposition is not ready. I move that the debate be adjourned on the understanding that he has the right of replying still.

Debate adjourned.

ADJOURNMENT

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

Mrs O'NEIL (Fannie Bay): Mr Deputy Speaker, I have only a couple of things to say, just one point to make really, and that is about the Mental Defectives Ordinance. I am not making it because there has been a degree of publicity in this past week, because if there has, it is quite coincidental. But today I received a reply from the Executive Member for Resources and Health to a question I had asked on notice of him a couple of weeks ago, and I thank him for his rapid reply. It is a question that I have discussed with him before.

I asked him a series of questions. They will end up, obviously, in Hansard but I think it is worth analysing the answers. So I will go through them briefly here. I asked how many persons were apprehended in accordance with sections 6(1),

6(2), 9 and 11 of the Mental Defectives Ordinance? In each of these categories, how many were remanded and detained? Where and for how long? How many in each category were subseqently found to be mentally defective and how many had been transferred to state institutions? Section 6(1) says:

> *If a complaint on oath is laid before any justice that a person is by the complainant believed to be a mentally defective person ...*

That is a complaint by a member of the community, I suppose. There have only been two persons to whom that applied in 1972. One was dismissed and one person was found to be mentally defective; both were remanded to Darwin Hospital. The next section 6(2) says:

> *Any member of the police force who has reason to believe that a person found ... is mentally defective, shall take the person before a Justice of the Peace.*

This was applied to a very large number of people, a much larger number than I would have guessed. It would appear that, by this section, in 1977 a total of 43 persons were apprehended by the police. They were taken before the magistrate; six of those were immediately dismissed. The magistrate remanded the other 37, 12 to Darwin Hospital for 14 days and the others to prison for varying periods of time. 17 were remanded - 17 persons - to goal for 14 days. That is a long time! The result was that, when the decision was finally made, 30 cases were dismissed. Only seven of those 37 people, many of whom had been in goal for up to 14 days, were found to be mentally defective. So of that large number of persons who were dealt with under this ordinance in the Northern Territory in 1977, a grand total of eight were found to be mentally defective, and I understand they have been transferred to state institutions in other states.

I am particularly concerned - I know we all are - about the workings of this ordinance. I am particularly concerned that we can have an ordinance whereby so many people can be apprehended, can spend weeks in goal and in the end it is found to be entirely unnecessary. I know we all agree upon this but I do want to bring it to the attention of honourable members so that we can all, I hope, work towards getting this ordinance changed as quickly as possible. I doubt very much whether there is any other ordinance - Police and Police Offences, or any other ordinance - in the Northern Territory whereby so many people - 45 in this case - were apprehended and yet it was found that such a small percentage of cases was warranted. Mr Deputy Speaker, thank you for listening to me about that this afternoon.

Mr BALLANTYNE (Nhulunbuy): Mr Deputy Speaker, I would like to speak for just a short period in the adjournment debate. I was handed a petition before I came to the Assembly, just on my departure, and when I handed it to the Clerk regretfully it did not meet the requirements due to the fact that there were no addresses on the petition.

It is in relation to my constituent's concern about the recent increase in motor vehicle registration fees. They have asked the Legislative Assembly for consideration towards a reduction of the proposed registration fees from 1 July in respect of the town of Nhulunbuy and the Gove Peninsula.

The petition is based on the unique isolation of the Gove Peninsula and the extremely limited number of roads available to motorists. It goes on further to say that the Legislative Assembly should make every effort, if a reduction of registration fees is not feasible, to seek an assurance that the registration fees collected from that area will be used exclusively for development and

maintenance of the roads in the area for that community.

I am sorry I could not produce it on their behalf, Mr Deputy Speaker. I do commiserate with my constituents on this. I have made representations to the executive member concerned and we have also made arrangements for looking into assisting my constituents in their request, particularly in the maintenance of roads in that community.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, I read in the NT News last Friday that the chief town planner had a notice inserted to the effect that a fire station was planned for the Berrimah crossroads area. While hailing this as providing better and quicker replies to requests for fire prevention in the rural area and wishing well to all those boys in yellow - I must comment today on the current situation at the Berrimah crossroads, which coupled with the opening of a fire station in the near future would present a completely chaotic situation.

I would like members to note that the Berrimah crossroads is on the Stuart Highway, our main highway, from Darwin to Adelaide. I have spoken before about the five Berrimah brumbies roaming the crossroads area and they are still there. I have also had figures given to me previously involving human fatalities and accidents, involving a lot of injury and damage. Near this crossroads area there are three large caravan parks with approximately eight caravans and in each caravan there are usually about two adults and 2.5 to 2.75 children. All these people shop at Berrimah and cross the highway on foot to go to the shops. Running parallel with the Stuart Highway and just off the gravel at the side of the highway at the crossroads is a small swimming pool or a large drain, depending on your point of view. Admittedly, it is dry now, but this drain or swimming pool is at least five feet deep and close on eight feet wide across the top.

Coupled with all these things of interest at the Berrimah crossroads, there are two very well-known watering points close by which attract a lot of clients after the long, hard dusty days we have been having. These clients do not walk; they travel by vehicle. Coupled with this, there are always dogs around, here there and everywhere. And added to this usual traffic at the Berrimah crossroads, there is at present a major works program going on to enlarge the Stuart Highway with a consequent ground upheaval, large road machinery, dust and piles of dirt.

If the fire station is established now at the Berrimah crossroads before the roadwork is finished, before traffic lights or an overpass is built, before some widening of the East Arm road is done, then the situation of a fire call coming about 5 o'clock in the afternoon one week day does not bear thinking about. The least damage that could be expected would be that one of the fire brigade trucks would end up wearing one of the brumbies and not getting to the fire on time that day.

Mr ISAACS (Opposition Leader): Mr Deputy Speaker, I want to take a few moments of the Assembly's time in the adjournment debate to explain why I did not wish to proceed with the debate on the proposed financial arrangements this afternoon.

I have noticed that while we have discussed the Aboriginal Land Rights Bill and the administrative arrangements during this afternoon's debate, both documents having been presented and carried through this Assembly by the Majority Leader, the honourable member himself has been absent. I frankly did not wish to have him continue that discourtesy by discussing what is a fairly momentous statement while the person who made it and the one who has the carriage of it was not here to accept the debate and reply to my statements.

Mr PERKINS (MacDonnell): I wish to raise a couple of matters in the adjournment debate this afternoon. In the first instance, I would like to talk about the attitude and the policy of the Progress Party of the Northern Territory in relation to Aboriginal land rights, as evident in March this year. I would like to draw the attention of all honourable members to a report that appeared in the NT News on 2 March 1978. It was headed by the title "Land rights for everyone". It said that the NT branch of the Progress Party wanted the Prime Minister to give Territory landholders the same rights as Aborigines. It went on to say that, in a telegram to Mr Fraser, the party's chairwoman, who I understand is Mrs Elva Pierce, said that "the NT Progress Party urgently requests that you provide to all landholders in the NT the same rights as those that are given to Aborigines".

I wish to point out, in relation to that particular statement, that I believe the Northern Territory Progress Party shows a complete lack of understanding of Aboriginal land rights and also an ignorance of the Aboriginal Land Rights Act 1976. I believe that such a call by the Progress Party would demonstrate again that they have a complete lack of knowledge and understanding of Aborigines in the Territory, and in particular the question of title to Aboriginal land. I am surprised by the incredible statement by the Progress Party concerning Territory landholders and Aboriginal land rights.

I would like to point out that it is important to realise that all those lands that will be handed over to Aboriginal people under the Aboriginal Land Rights Act would not be able to be transferred or leased or mortgaged. Unfortunately, the Progress Party does not realise this. I would suggest that, if other people in the Northern Territory wanted to have the same land rights as the Aboriginal people will have under the land rights act, it would be disastrous. It would mean that, if there are any people in this Assembly or in any other place in the Territory, who have an interest in wanting to transfer or to mortgage or to lease their land, then they would not be able to do so, if they had the same rights as Aborigines under the land rights act.

Mr Robertson: Oh come on, that's a wild construction of the law.

Mr PERKINS: No, it is true. I wonder whether the Progress Party of the Northern Territory wants all land in the Northern Territory to be subject to the same restrictions as Aboriginal land is under the Aboriginal Land Rights Act. If that is so, then we would see a collapse in land development in the Northern Territory and I am sure that would have some serious consequences for industrial development and, I think, for other matters such as the building industry. Territorians who believe in a free enterprise arrangement over land would not accept the argument which was put forward by the Progress Party to the Prime Minister. I believe that, in future, the Progress Party ought to spend its efforts in researching facts about Aboriginal land rights in the Territory rather than making absurd statements which are fanciful.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

PETITION

TRANSFER OF POWERS - REQUEST FOR REFERENDUM

Mrs O'NEIL (Fannie Bay): Mr Speaker, I present a petition from 75 citizens of the Northern Territory requesting a referendum on the transfer of powers to the Northern Territory Legislative Assembly on 1 July 1978. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders.

I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable the Speaker and members of the Legislative Assembly for the Northern Territory, the humble petition of the undersigned citizens of the Northern Territory respectfully showeth that, at the conclusion of the historic negotiations between the Majority Party and the Federal Government for the transfer of powers to the Legislative Assembly for the Northern Territory a new constitution and new revenue raising responsibilities will be conferred on the people of the Northern Territory on 1 July 1978. Your petitioners therefore humbly pray that the honourable members of the Legislative Assembly make every effort to ensure a democratic expression of the will of the people of the Northern Territory (with the support and assistance of the Federal Government) by holding a referendum to determine their acceptance or rejection of the proposed arrangements before 30 June 1978, and your petitioners as in duty bound will ever pray.

ENVIRONMENT COMMITTEE REPORT

Mr VALE (Stuart): I present the first report of the Sessional Committee on the Environment.

I move that the report be noted and seek leave to continue my remarks at a later date.

Leave granted.

STATEMENTS

EDUCATION ADMINISTRATION IN NT

Mr ROBERTSON (Community and Social Development) (by leave): The Northern Territory executive has given consideration to the structure of educational administration in the Northern Territory after the responsibility for the provision of education services has been transferred to the Legislative Assembly. In reaching its decision, it acknowledges the submissions made by various groups, especially the Northern Territory Teachers Federation and the Northern Territory Council of Government Schools Organisation, the council of the Darwin Community College and the secretary of the Commonwealth Department of Education, and it appreciates the very considerable amount of effort and thought which has gone into the preparation of these submissions. The Northern Territory executive has accepted the joint proposals of the Northern Territory Teachers Federation and the Northern Territory Council of Government Schools Organisation, that an advisory body be established to make recommendations on matters pertaining to the transfer of education. An education advisory group consisting of the Public Service Commissioner, Mr N. Campbell who will be chairman, the Director of Education, Dr J.H. Eedle, the Director-General of the Department of the Chief Secretary, Mr M.R. Finger, the president of the Northern Territory Teachers Federa-

tion, Mr Russell Totham, and the president of the Northern Territory Council of Government Schools Organisation, Mr Mark Jacobs, has subsequently been formed. The terms of reference for the group are set out later.

The Northern Territory executive has decided that the educational needs of the Northern Territory, with due regard to its area and size, and to the distribution and diversity of population, will best be served by a ministerial department administrative structure together with advisory arrangements which provide for the active involvement of teachers, parents and the community at large in decision making. The provision of advisory councils is in accordance with the Majority Party's pre-election decision to "encourage a more active role for teachers, parents and the community in school management and decision making".

Mr Speaker, the parameters for the education advisory group will be as follows:

1. Education, after transfer to the Northern Territory Legislative Assembly, will be administered by a ministerial department and the final responsibility for all matters will rest with the Northern Territory minister for education and through him the Northern Territory government.

2. Responsibility for the implementation of all policy will be vested in the permanent head of the department.

3. Education advisory councils will be set up by statute.

4. Arrangements for participation by teachers, parents and members of the community at large will be made at various levels within the system.

5. The Darwin Community College will continue as a body corporate providing a range of post-school educational services with policy and coordination arrangements laid down by the Northern Territory government.

6. The administration of education will be decentralised.

7. Particular consideration will be given to the special needs of education of the Aboriginal people.

8. Provision will be made for state-type student assistance measures.

The terms of reference for the education advisory group: against the background of the executive's policy decision and those parameters, the education advisory group of five members has been established to make recommendations to the Northern Territory Cabinet Member for Education on educational administration in the Northern Territory, following the transfer of the education function to the Northern Territory Legislative Assembly, including in particular the following matters: the role of the department in the area of post-compulsory education; the composition and role of education advisory councils at the Territory, area and school levels; the desirable relationship between the Commonwealth Teaching Service and the education administration in the Northern Territory; matters to be included in the Northern Territory Education Act.

The group is to report within three months. It may hold discussions with interested parties but will not conduct meetings necessarily in public.

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

Leave granted.

TRADE MISSION TO ASIAN COUNTRIES

Mr STEELE (Transport and Industry) (by leave): Mr Speaker, prorogation will probably prevent this from being noted with any real deep interest.

On 28 February this year I gave honourable members details of the trade mission, comprised of two delegations, which was to visit the Middle East and South-east Asian regions in March and April. Both delegations were required to explore means to establish closer ties with neighbouring countries; inform the people of those countries about the Northern Territory and its potential; explore the extent of interest in joint venture arrangements to develop approved resources within the Northern Territory; and seek out potential markets for Northern Territory products.

Members of the mission were - Middle East: Mr G.F. Heaslip, leader, Mr W.E.L. De Vos, secretary-manager, Mr B.J. Hartree, Mr A.S. Trippe; South-east Asia: Mr J.L.S. MacFarlane, leader, Mr R. Jettner, Mr J. Bremner, Mr R. Rooney, Mr D. Matheson, Mr H. Forday, Mr L. Ah Toy, Mr J. Tilley.

Honourable members will be aware that the delegations returned to the Northern Territory in the middle of April. A detailed report is being prepared for the government on their experiences and achievements, while the complex data gathered from the various regions and countries visited is being collated and registered for easy accessibility. In the meantime I am pleased to provide the Assembly with a broad outline of what the mission achieved and of the follow-up action which is proposed.

The South-east Asia delegation commenced its activities in Singapore on 7 March 1978, with talks and negotiations with a number of government and private representatives. These were followed with similar discussions in Indonesia, Malaysia, the Philippines, Hong Kong and Japan. Similarly, the Middle East delegation undertook discussions and negotiations in the United Arab Emirates, Bahrain, Egypt, Saudi Arabia, Kuwait and Iran. Members of this group also followed up some of their own contacts in Singapore and Malaysia.

In each area visited, the delegations were first briefed by the Australian Trade Commissioner who, in return, was provided with detailed information about the Northern Territory. I do not know whether I should express surprise at the failure of the Commonwealth government to have already provided such details through the Department of Overseas Trade but I must comment that the trade commissioners will be much better informed in the future as a result of our mission and will be able to operate more effectively on our behalf. We have since had representations from the regional manager of the South Australian branch office of the Department of Trade and Resources. At the same time, I must acknowledge the tremendous cooperation extended by the trade commissioners in every area visited. Without their help the mission would have met with considerably less success.

Let me say with some enthusiasm that the results of the mission are all that we had hoped and more. The existence has been confirmed of firm export prospects for a range of primary products which are produced or capable of being produced in the Northern Territory. Specifically, discussions with a great number of business interests and government organisations have opened up or revealed trade prospects for live cattle, beef, buffalo meat, fish, grains and various other agricultural products. Two substantial contracts are under negotiation as a direct result of the contacts made and while it is too early to make any firm announcement at this stage, the government is taking a close interest in the negotiations and is prepared to provide appropriate support and cooperation.

As might be expected, the blue tongue problem cast its shadow on negotia-

tions involving the cattle industry but even so the live cattle trade would seem to be one of the more exciting prospects arising from the mission's activities. Insufficient regular shipping from Darwin to the areas visited is also a drawback in our efforts to promote overseas trade and we will continue to pay attention to this matter in the future. Some proposals for improving the situation have already been put forward as a result of the trade delegation's efforts.

The important thing now is to follow up the work done by the trade mission in order that the contacts made and the opportunities revealed should not be allowed to lapse. In that respect it is our intention to establish within the Department of Industrial Development a small industrial and trade promotion section which, among other things, will maintain liaison with delegate members and the contacts they made overseas, while promoting the interests of others desiring to take advantage of such opportunities. The section will be expanded as the demand arises to ensure that this work, of such vital importance to the future economic development of the Northern Territory, is maintain at the appropriate level.

Finally, on behalf of the government, I would like to pay tribute to the members of the trade mission who worked so hard in ably representing and negotiating on behalf of the Territory. I believe that what they have achieved will prove to be of immeasurable value to our economy, provided it is actively followed up in the way in which we propose. Accordingly, I commend their work to the Assembly.

Mr DOOLAN (Victoria River): I move that the statement be noted and seek leave to continue my remarks at a later date.

Leave granted.

CONSUMER CREDIT - PROPOSED UNIFORM LAWS

Mr EVERINGHAM (Majority Leader) (by leave): Mr Speaker, recently I attended a special meeting of the Standing Committee of Attorneys-General in Melbourne, accompanied by the Northern Territory Solicitor, Mr Ian Barker QC. The two main matters dealt with at that meeting were the proposed uniform consumer credit laws and the various proposals for the rearrangements of the legal position as to off-shore laws. I have already made a statement to this Assembly in relation to the second of these two matters and I do not wish to add to it at this stage.

I do, however, want to say something about the proposal to introduce uniform consumer credit laws in this country. This is a matter that will vitally affect all persons in the community and not just large financiers. It is appropriate that the Assembly be kept informed of the negotiations as it is likely that legislation will be introduced into the Assembly at some stage in the near future, probably before the end of this year.

Before proceeding, I would mention that the Melbourne meeting was the first occasion upon which I have attended a meeting of the Standing Committee of Attorneys-General and the Northern Territory was well received by the attorneys. The next meeting of the standing committee will be in Darwin this July.

In recent years, there has been a tremendous growth in the use of credit for the acquisition of consumer goods and services. We are now the world's third largest credit using nation on a debt per head of population basis. It has been estimated that Australians have $178 involved in instalment credit debt per head of population. At the end of January 1975, the consumer credit receivables for finance companies alone was $2,430m.

The development in the use of consumer credit in Australia has not been paralleled by development in consumer credit laws. We rely on archaic forms,

such as bills of sale and hire purchase agreements, which do not reflect the substance of the transaction. While there exists in the Northern Territory an Instruments Ordinance, a Money Lender's Ordinance and a Hire Purchase Ordinance these often fail to deal with some of the real problems of consumers. There still exists the imbalance between the consumer with limited bargaining power and limited knowledge of commercial realities and the credit provider with access to the best possible skills and advice. The need to reform the law has been widely recognized and in the last decade there has been considerable activity in this field, both in Australia and overseas, and a large number of reports have been produced.

Extending over a number of years, there have been proposals to introduce on a cooperative basis a new uniform set of laws on consumer credit throughout Australia. One state, that being South Australia, has adopted a go-it-alone policy and has enacted legislation along the lines recommended in one of the various reports. Several other states have made changes to their legislation to correct what they consider to be the worst features of their existing legislation. In the Northern Territory the position has to some extent been covered by the Commonwealth Trade Practices Act and in particular the consumer protection provisions of that act. Unlike the states that act has a general application in the Northern Territory to both individuals and companies. There are current proposals before the federal parliament to extend the consumer protection provisions of the act even further. The act does not, however, provide a comprehensive code on the provision of consumer credit.

Following the 1972 Molondi report the subject of possible uniform consumer credit laws was taken up by the Standing Committee of the Attorneys-General. A number of meetings have been held to discuss this matter, the latest being the Melbourne meeting that I recently attended. Much work has been done on the proposals and draft legislation is being prepared. Consultation with the finance industry has taken place. The current proposals are still largely based on the recommendations of the Molondi report and accordingly it may be appropriate to outline those recommendations.

The committee saw the chief failure of existing law to be concerned with legal form rather than commercial substance. The chief symptom of this was a proliferation of forms of consumer credit designed to achieve the same commercial result but regulated in different ways. Previous legislation has been content to regulate each form of consumer credit separately and this had served to emphasise still further matters of form rather than substance. In the committee's opinion there was a clear need for reform in the area of consumer credit and this could only be achieved by legislation. The legislation would encourage forms of legal transaction that are simple and that accord with the substance of a commercial transaction. The legal forms recommended by the committee are founded upon the use in most consumer credit transactions of what are described as three simple and basic legal concepts. These are - the sale, the loan and the mortgage of goods. If used in various combinations, these three concepts are regarded as capable of achieving satisfactorily almost all of the legal relationships desired by the parties and of doing so in a manner in which their legal rights and duties will correspond with the real commercial relationship between them. The committee recommended that the legislation should ensure the use of these three concepts in consumer credit transactions.

The committee proposed two enactments: a credit act to deal with credit and to repeal the hire purchase legislation and the money lenders legislation, and a chattels securities act to deal with chattel securities and to repeal parts of the instruments legislation. The proposed legislation to cover the field of consumer credit transactions and the forms of transactions should be those which accord with commercial reality. However, it was not proposed to provide that all legal forms of consumer credit transactions other than those recommended should be prohibited. Hire purchase agreements, for example, would

not be prohibited but be treated as consumer credit sales. The committee expected that once the proposed legislation commenced it would quickly be found in practice that there was no purpose in adopting forms of transactions such as hire purchase. In the course of transposing these proposals into draft bill form, the standing committee now has under consideration three bills: a credit bill, a goods sales and leases bill and a chattels securities bill.

As can be expected, Mr Speaker, in a project of this magnitude many matters of detail have arisen to hinder the implementation of these proposals. There has not always been a common approach by the states. Some states have expressed a preference for the retention of the hire purchase concept, although I myself lean in favour of the Molondi proposals. Having regard to the peculiar situation of the Northern Territory it is, I think, important that any legislation adopted in the Territory is both in tune with the special needs of the Territory and, as far as is possible, consistent with the legislation in the majority of the states.

Only one thing about this legislation frightens me a little, Mr Speaker: it is there to assist consumers but I am afraid that any money they might save in other directions could well be chewed up by lawyers, because the bill is over 400 pages long with more than 1,000 sections. It is going to be put in in all the states and the Commonwealth, so we have to be part of it. But I am afraid it is going to prove a happy hunting ground for lawyers for quite a while and they will be more than happy to see conveyancing go once they get their teeth into this.

The matters discussed at the Melbourne meeting that I attended mainly related to matters of detail. Among the more important of these matters was agreement upon reciprocal interstate recognition of licences under the new legislation and an acknowledgement that the administrative structure to support the legislation was a matter for each state and territory. The end result of the meeting was that Victoria undertook to prepare revised drafts of the three bills with a view to introducing them into the Victorian parliament. These bills will be considered at the Darwin meeting of the standing committee. I will keep honourable members informed of further developments.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I move that the statement be noted and seek leave to continue my remarks at a later date.

Leave granted.

WELFARE NEEDS IN NT - BOARD OF INQUIRY

Mr ROBERTSON (Community and Social Development) (by leave): I move that this Assembly pursuant to section 4A of the Inquiries Ordinance, resolve that a board of inquiry be appointed to inquire into, report on and made recommendations concerning all aspects of the welfare needs of the Northern Territory community and the policies, legislation and resources to meet those needs and in particular matters relating to -

1. Juvenile crime and the disposition of juvenile offenders.

2. The care and treatment of juveniles, including the areas of adoption, child care and protection.

3. The administration and development of welfare programs and services by all levels of government, voluntary agencies and other community groups or services. Consideration should be given to the varying needs of the Northern Territory's multi-cultural population and the desirability of involving communities in development welfare programs and services.

4. The human, administrative and fiscal resources required to implement satisfactory policies and programs.

5. The changes that should be made to the law to implement any recommendations of the inquiry and to achieve a greater involvement of parents in the care and protection of juveniles.

For the purpose of carrying out the inquiry, the board of inquiry may refer any matter to a committee for consideration and report back to the board.

In framing its recommendations the board of inquiry may have regard to the recommendations of the Law Reform Commission or other relevant bodies which deal with all or any of the matters of the inquiry.

Mr EVERINGHAM (Majority Leader): I would like to speak in support of the motion on which debate can later be adjourned. I am sorry that the motion has had to be moved in the way it has, without notice, but unfortunately the executive member and I only finally got to settle the terms of reference yesterday evening. It is something that we have been trying to give some priority to and we rather thought it would be better to introduce the motion at this late stage of the sittings so that everything can be thought about and discussed at the next sittings rather than perhaps springing it on members in the first part of the next sittings.

I would like to say at this stage that I support the motion to establish an inquiry under the Inquiries Ordinance to investigate all aspects of welfare needs in the Northern Territory. Under current proposals for self-government, the Northern Territory government will take over responsibilities for child welfare and related matters on 1 July 1978. This being so, this is a most appropriate time to conduct a general review of the welfare needs of the Territory with a view to developing comprehensive policies and programs. Of particular concern to me is the aspect of juvenile crime and the disposition of juvenile offenders. Recent remarks from the bench have highlighted the need to pay some attention to these areas as a matter of urgency. Accordingly, the terms of reference require particular attention to be paid to such matters. The resolution also enables the board of inquiry to establish a committee to consider and report back to the board on any matter. It is my intention that the board should establish a committee for the purpose of looking at matters of juvenile crime and the disposition of juvenile offenders. The board would then be asked to make an interim report when it has received the report from the committee.

Recently the chairman of the Law Reform Commission was in Darwin and he expressed on behalf of that commission a desire to assist in the work of this proposed inquiry. That commission has access to various experts and information which would be invaluable to this inquiry. I therefore propose to write to the Commonwealth Attorney-General suggesting that a new reference be made to the Law Reform Commission on the matter of juvenile crime and related issues. This reference would be limited to Northern Territory matters. This should enable the Law Reform Commission to work in conjunction with the inquiry and the committee established by the inquiry. There could be joint use of consultants and other experts and exchanges of information. I commend the terms of the resolution to honourable members.

Debate adjourned.

STATEMENT

COASTAL SURVEILLANCE

Mr EVERINGHAM (Majority Leader) (by leave): With recent publicity given to a statement by the Premier of Queensland announcing the setting up of a volunteer coastwatch service covering the north of Australia and with the continuing arrival of refugee vessels into Darwin, I should like to place on re-

cord the actions taken by the Northern Territory executive so far and also our future intentions.

The original actions were initiated by the Northern Territory executive. In fact on 7 March this year, the director-general of my department wrote to the under-secretaries of the premier's departments in Queensland and Western Australia in the following terms:

> *There has been, as you know, a good deal of publicity associated with the successful penetration of northern airspace by unauthorised aircraft and the movement into Australian territorial waters by boat loads of Vietnamese refugees. Because of this publicity, detailed consideration is now being given in a number of quarters to the means of providing more effective surveillance resources in Northern Australia.*
>
> *There appears to be some reluctance on the part of the Minister for Defence to commit additional aircraft and patrol boats for northern surveillance. In these circumstances a proposal has been floated that a northern coastguard service, separate from the defence forces, should be established in this area. To enable early consideration of such a proposal, it has been suggested that a joint approach should be made to the Commonwealth government by the two states, Queensland and Western Australia, and the Territory as being most involved in this matter to test the reaction of the Commonwealth to the proposal and particularly to its funding by the Commonwealth.*
>
> *I believe it could be to our mutual advantage for representatives from the two states and the Territory to meet and discuss the sort of coastguard organisation which might be developed, both initially and in the long term, and the basis on which financial assistance might be sought from the Commonwealth government for the establishment and operation of such a service.*

A formal reply to these letters is expected shortly. Certainly, in view of Mr Bjelke-Petersen's statement, Queensland will be supporting our suggestion and I am sure Western Australia will support the proposal.

What I am anxious to see, Mr Speaker, is a voluntary coastguard service utilising all the facilities available on the coast and adjoining waters. These include the police, residents of missions and Aboriginal communities, crews of fishing vessels, weekend boating people, aircraft pilots, both commercial and private, and any other facility or service that can be integrated in the system in a practical manner. And, Mr Speaker, we are seeking funding from the Department of Aboriginal Affairs to assist in training Aboriginals to take part in such a service. Any suspicious sightings or movements could then be advised to a central point for examination and action if necessary.

Officials are to examine and propose a system that will not only work but be effective and on endorsement by the Northern Territory, Queensland and Western Australian governments, approaches would be made to the Commonwealth seeking their cooperation and financial assistance.

I believe this volunteer service should be estabished promptly and we will act as quickly as we can. Despite several requests to the Minister for Defence to take more positive action in regard to the unauthorised entry of refugees, I have not been able to get a positive response although we have now three Tracker aircraft stationed in Darwin and patrolling northern water. But I am heartened by a recent report in the Weekend Australian of 29-30 April. Mr Speaker, I would like to distribute copies of this report from the Weekend Australian and would seek leave to incorporate it in Hansard.

Leave granted.

A special defence committee will urge the Federal Government to populate northern Australia to reduce the country's vulnerability to attack. The government will be pressed to buy new aircraft, new ships, introduce a civilian coastwatch service and clamp down on illegal refugees.

The government foreign affairs and defence committee, chaired by David Connolly (Lib, NSW), will present these recommendations to the government next month. Several ministers have already expressed their approval for some of the proposals. The committee believes effective defence of the north depends on a significant increase in the region's permanent population, based on development of mining, primary (including fishing) and service industries.

The Federal Government should initiate a northern Australia development program with the governments of the Northern Territory, Western Australia and Queensland to boost opportunities. "Attractive taxation incentives should be considered to encourage both people and investment and a firm undertaking should be given that northern Australia will be developed and defended as a matter of national priority", according to the committee's initial report.

The use of Orion aircraft, originally designed to protect the country from submarine attack, is a waste of money, according to the committee. Aircraft specially designed for coastal surveillance should be bought to supplement the existing aircraft capabilities. The Australian built Nomad could be used as a medium capability aircraft, if its range was extended.

The committee believes the planned purchase of 15 new patrol boats will improve surveillance, but these should be supplemented by medium-performance vessels to be used for close in-shore surveillance and co-ordination with land and air patrols.

The committee recommends consideration be given to setting a viable and effective coastwatch service comprising civilians, local policemen and reserve units of the defence force.

It suggests the Canberra-based control structure for northern Australia is inadequate. Maritime operational headquarters should be set up in Darwin with the authority to take local initiatives if required. The committee envisages the regional command would include military and civilian components.

Vietnamese refugees should be discouraged from sailing to Australia in their own vessels. The committee believes the government should take a strong stand against refugees arriving in Australia who were merely criminals, hijackers or "queue jumpers" who had refused to wait for processing.

The Jidalee over-the-horizon radar experiment being conducted near Alice Springs should be pressed ahead as a matter of high defence research priority. In the meantime, as a matter of urgency, another radar unit should be installed to replace the system at Darwin which ceased to exist in 1974.

Mr Connolly said on Friday night one senior member of the defence force in the Northern Territory had told him: "Frankly, the north is indefensible unless we can get people up there".

In conclusion, Mr Speaker, I assure this House that we will be making every effort to get a volunteer coastguard service into operation as quickly as possible even if the Northern Territory government goes it alone. I hope members appreciate that initiatives like this will prove that self-government really works. I have here, Mr Speaker, something that I would like to distribute to

honourable members. It is entitled "A Speedy Solution to the Refugee Problem" and it involves relocating Canberra where Darwin now is, and Darwin where Canberra now is.

Mrs LAWRIE (Nightcliff): I move that the statement be noted.

If I may speak to this, I would like to indicate my support for the proposal put forward by the honourable Majority Leader that we have a voluntary coastwatch system. But in doing that, Sir, we are only solving half the problem. Once information is gathered and sent to a central point as to suspicious movement of aircraft or ships or any other form of suspicious movement on the coast or the coastal waters, it is of concern to me what then happens to the information.

At the last sittings of this Assembly and the one prior to that, I think, questions were asked of the honourable Majority Leader as to what assistance was being offered to the Northern Territory by the federal Minister for Defence, the honourable Mr Killen. In fact that honourable gentleman was on television, in the press and on the radio, and he made it fairly clear he did not really consider it to be his problem. We were going to have to look after ourselves. Honourable members on both sides of this House have expressed grave concern regarding the possible entry of exotic diseases. I do not believe I need to labour that point.

Mr Speaker, the comment that I would address to the statement of the honourable Majority Leader is that he has to get more assistance from the federal government to augment what is, on the surface, a splendid proposal. With the assistance of the Queensland and Western Australian governments we can make a token reconnaissance of our vast northern coastline but without the federal government's direct assistance, it will be no more than that, a token reconnaissance.

Mr Speaker, there is in Darwin and I believe in Australia generally a tremendous sympathy for refugees and for those who have sought succour in this country. There is not quite the same sympathy for people whom the community suspects are not genuine refugees, and again I believe the federal Minister for Immigration has been less than forthcoming and appears on the surface not to know what the hell to do next. Well, that is fine for those honourable gentlemen, the Minister for Defence and the Minister for Immigration, sitting in Canberra. It does not greatly assist the Northern Territory executive or the governments of Western Australia and Queensland. I have sometimes defended the "dreaded feds" in this place, Mr Speaker, but I certainly do not defend them now.

Those two most responsible ministers and the Prime Minister, who has ultimate responsibility for the running of this country, need to devote a little more time and give a little more thought to the people arriving on the northern coast and to the need to intercept drug runners coming into Australia, which has been clearly demonstrated. In addition to that, Mr Speaker, may I say that there is abroad in Darwin at the moment a feeling that there is a mother ship dropping people a couple of hundred miles off the coast into small fishing boats and they then make their way from only a couple of hundred miles off the coast to Darwin. This theory is in fairly wide circulation. There is also a feeling amongst people who one would think would know about these things that the government is well aware of it.

Now, Mr Speaker, it is not up to the Northern Territory executive, either now or in the immediate future, to have to prove or disprove such theories and such rumours. But it is up to the federal government. And I sympathise with the honourable Majority Leader when, at the last sittings or the one before - I cannot quite remember - he criticised his federal counterparts for not giving the assistance in this matter he believes the northern coast deserves.

Mr Everingham: It won't be the last time.

Mrs LAWRIE: I missed the interjection, but I echo that criticism and I fear that the setting up of a voluntary coastguard, admirable in itself, will not be of significance unless we get a greater involvement, as I said, from the federal government which means money, aircraft, extra patrol boats and better upgraded quarantine facilities here with extra personnel to staff them. The honourable Executive Member for Transport and Industry recalled yesterday that I have expressed fears about the lack of personnel for animal and plant quarantine. As I said in my opening remarks, there would not be one member on either side of this House who would not share that fear and concern.

In speaking to the honourable Majority Leader's proposal and supporting it, may I ask him to urge his federal counterparts to do a little more for the northern coast than they have been shown to do in the past.

Mrs O'NEIL (Fannie Bay): I would like to take this opportunity, briefly, to comment on the inadequate surveillance of our northern coastline. It is something that I find my constituents mention to me frequently. I am sure all honourable members find that it is of concern to their constituents.

I have heard, for example, that on 21 April a report was received from the Grumman Tracker that there were no unexpected boats within 400 to 500 miles of the Darwin port. And yet within a couple of days, two entirely unexpected yachts came into the harbour. Now, I am not blaming the crews of the Trackers; it is obvious that there are just not enough of them to cover the area adequately. One of these yachts came in and anchored, I understand, off the Fannie Bay Sailing Club and was there for nearly 24 hours before anybody knew anything about it. Eventually, the people of that boat came ashore and asked "Where are the quarantine services?" The quarantine services did not go to them. They fortunately had the goodness to come and search for the quarantine. So it is of grave concern, bearing in mind what the honourable member for Nightcliff pointed out about the risk of introducing diseases.

There are lots of theories, as she also pointed out, about the refugee boats coming in. I do not know whether they are true or whether they are not. There is certainly grave concern that some of the people who arrive are not genuine refugees and, obviously, if we are going to provide succour to genuine refugees, as we should, then we would like to think that they are people most in need...

Mrs Lawrie: Hear, hear!

Mrs O'NEIL: ... of the support of our community. I have heard a theory. It sounds most amusing, but I have heard it and I think it is worth repeating: that the refugee boats only started arriving - although obviously people have been leaving Vietnam for a number of years - they only started arriving in Darwin at a certain time last year. And that was after the Can Tiki had sailed to Singapore. The theory is that, having demonstrated by this intrepid voyage that a small craft could get from Darwin to Singapore, people in Singapore decided it was obviously easy to come in the other direction. I only mention that story because it demonstrates just what is being discussed in our community at the moment. I absolutely support, as I am sure all members do, the need for more adequate surveillance of our coast.

Mr COLLINS (Arnhem): Mr Speaker, I rise very briefly to comment on the honourable Majority Leader's statement. I have spoken in this House before of the concern of my electors as to the illegal entry to their coastline by people from overseas. This has occurred. I did point out before in this House, Mr Speaker, that on a number of occasions these people have in fact voluntarily given information to the authorities as to these incursions. I think I mention-

ed before that I personally know of four occasions when Aboriginal people, living in homeland centres or outstations, have reported illegal entry into the coast of Australia. I understand one of those cases resulted in the arrest of a boat subsequently by the Australian Navy.

I welcome the honourable Majority Leader's statement. I think it is an excellent idea and I assure the honourable Majority Leader that, to the best of my knowledge, it will receive the maximum cooperation and support from the coastal people of Arnhem Land.

Mr ROBERTSON (Community and Social Development): Mr Speaker, in any debate in this House concerning refugees, I feel it is imposed upon me to make a couple of comments in relation to the people that are coming to this country as refugees. I would like to repeat roughly what I said to the Commonwealth and state ministers for immigration in Brisbane recently: that it would be quite hypocritical of me to seek to deny these people refuge from what they believe is gross political oppression.

Mr Speaker, I would certainly be the only person in this Chamber who was involved in that unfortunate affair in Vietnam and I think, as Australia embarked upon the course that it did embark on, in becoming involved in a military sense in that country, then it must be woe betide it in conscience now to turn its back on the same people that it was allied with then.

I know our concern must be in terms of health and our primary industries and exotic diseases and matters of that kind. We must be concerned with a control over the points of entry into this country and a control, indeed, of immigration policy. But I believe, in pure humanitarian terms, that we should never deny within the limits of our capacity aid and succour to these people who were our former allies and formerly fought alongside us and whom we became very actively involved with in a military sense. I would like to be on record as having that view very, very firmly.

NEW PARLIAMENT HOUSE SITE COMMITTEE

Mr EVERINGHAM (Majority Leader): Mr Speaker, with your permission - much as it grieves me, because I would like to move this motion - I will have to ask that the carriage of it be transferred to my colleague, the Cabinet Member for the Treasury, because Standing Orders require that the person who moves the motion be a member of the committee and I do not propose to be a member of the committee because I think it is more important that the man with the money-bags be on the committee than myself. I therefore ask leave to transfer the carriage of this motion to my colleague.

Leave granted.

Mr PERRON (Finance and Planning): Mr Speaker, I move that the area of land known as the precincts of the Legislative Assembly and particularly described in the first schedule of the Legislative Assembly (Powers and Privileges) Ordinance 1977 be the site for a new parliament house.

That a sessional committee to be known as the New Parliament House Site Committee comprising Mr Speaker, Mr Perron, Mr Dondas, Mrs O'Neil and Mrs Lawrie be appointed.

That the committee have power to institute site investigations, using such expert assistance as it finds necessary, to confirm the practicability of using the site for the proposed purpose and to prepare a brief upon which a cost advice for the project may be sought.

That the committee have power to send for persons, papers and records and

to sit during any adjournment of the Assembly.

Mr Speaker, speaking briefly to that motion, I would like to say that I feel all members of the House would support the fact that new premises are badly needed to conduct the affairs of government in the Northern Territory. There has already been a considerable amount of work done over the past couple of years in looking at sites for a new parliament house or a new Legislative Assembly and for the buildings to go on that site. The job is going to take some time to complete, for studies and reviews to be brought back to the Assembly for consideration. As well as that there is the financial consideration; I believe a new Legislative Assembly for the Northern Territory will be a fairly costly project and as such we will have to look at it within the constraints of budgets of the day. So it will take time to get it all completed and we should start as soon as possible to finalise at least the site and design work, so we can carry on with cost estimates and start to program the work.

Mrs O'NEIL (Fannie Bay): Mr Speaker, as a potential member of this committee I would like to second the motion of the honourable Cabinet Member for the Treasury. I suppose we are all rather reluctant to take on extra work and, obviously, this is going to be a considerable amount of work and will take a considerable amount of time as he pointed out. But I am sure we are all aware of how necessary it is to start as soon as possible so that we will have a Legislative Assembly in a few years - one that is worthy of the Northern Territory. I am sure we all know, too, Mr Speaker, that not everyone in the community will support our decision on the siting of this new Legislative Assembly building but I am sure we will get the support of everyone so that our work can be completed as soon as possible.

Motion agreed to.

TRANSFER OF POWERS (SELF-GOVERNMENT) BILL
(Serial 95)

Bill presented and read a first time.

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

I think, Mr Speaker, this particular bill is an example of the work that has had to have been put in by the government printer and his staff. There are some 70 or so pages of pretty finely detailed printing in the bill and I think the congratulations that I tendered to the government printer and his staff earlier are really well deserved.

It has been necessary, Mr Speaker, to make transfer of powers legislation on each occasion that the Commonwealth transferred any of its powers to the Territory. Two previous ordinances of this nature were passed to reflect powers that were transferred. Although those ordinances made a number of amendments to Territory legislation, they contained fairly simple and straightforward provisions as the extent of transferred powers was mainly to vest in a Territory executive a number of powers which had been vested in a representative of the Commonwealth. This third Transfer of Powers Bill, Mr Speaker, reflects a much more comprehensive transfer of powers from the Commonwealth to the Territory.

The Northern Territory Self-Government Bill presently under consideration in the federal parliament will create under the Crown a government of the Northern Territory fully empowered to do those things required of the government in the management of the Northern Territory - well, most of them. With certain exceptions - for example, health and education - the Commonwealth is transferring to the Territory all the rights, powers and responsibilities it exercised in the Territory. Previously introduced bills will establish the necessary ma-

chinery of government in the Territory. The purpose of this bill is to amend Territory legislation so that powers will, from 1 July, be exercised by Territory authorities, that moneys from the Territory will be paid into a Territory treasury, that public moneys will be expended in the Territory pursuant to proper appropriation by this Assembly - in effect, to vest in the government of the Northern Territory the powers, rights, duties and responsibilities of the Commonwealth until 30 June of this year.

The bill will make many hundreds of amendments to Territory legislation. It results from a comprehensive review of legislation over many months by a number of officers. It would be a very difficult task for any honourable member to check in detail the terms and effect of the bill. I can assure all honourable members, however, that this bill despite the number of amendments it makes does not do more than transfer powers from the Commonwealth to the Territory. It does not make any other substantive amendments to Territory legislation. If other substantive amendments are also necessary, as well as transfer of powers matters, then a specific bill has been prepared. I draw honourable members' attention to the series of bills introduced by my colleague, the Cabinet Member for the Treasury, as examples of the specific legislation where amendments additional to transfer of powers is necessary.

It would not be possible or profitable to attempt to discuss the bill in detail. A high proportion consists of formal changes - for example, the first schedule in its first seven parts lists changes from "Administrator" to "Minister", from "Administrator in Council" to "Administrator" - to conform with the new interpretation proposed in the Interpretation Bill - from "Attorney-General" to "Minister", from "Commonwealth" to "Territory" and so on, and takes 18 pages for that purpose. Those parts are followed by miscellaneous amendments covering situations where the transfer could not be effected by such simple amendments but required additional omissions or insertions in the ordinances. Further schedules cover amendments of South Australian laws in force in the Territory regulations and rules. In each instance the effect is merely to transfer power and authority so that the Territory government has the right to powers and obligations previously vested in the Commonwealth.

Some explanation of clause 7 seems desirable. The first Transfer of Powers Ordinance proposed a transfer of powers relating to electricity under the Supply of Services Ordinance to the Territory. As no satisfactory arrangements were possible, this was amended to defer commencement of those provisions to a date to be fixed. Those matters are now dealt with under the Electricity Commission Ordinance so those provisions of the Transfer of Powers Ordinance will never be brought into operation.

Clause 8 of the bill provides necessary and detailed savings provisions. Unlike previous Transfer of Powers Ordinances which saved merely appointments made and actions taken under the amendment legislation, it is necessary in this bill to make provision for moneys payable, whether by or to the Commonwealth and for legal liabilities or courses of action flowing from the amended ordinances. All these matters are covered in clause 8 and I commend the study of that clause to all members.

It has been necessary to give effect to the transfer of powers from the Commonwealth to the Territory by means of general bills of this nature which amend hundreds of references to Territory law. This bill should be the last such bill. Future transfers will be limited to specific health and education functions and should be dealt with in the specific legislation.

The number and extent of amendments made to Territory law has created a serious problem. The executive fully appreciates the problem and is taking action to remedy it. Territory law has become much more difficult to follow and the possibility of error is enhanced. There is now a serious need for up-

dated reprinting of the laws of the Territory incorporating all the amendments made over the last few years. I have established a committee, to work with the government printer, to get such a reprinting program under way as soon as possible. Our limited printing facilities at this time will retard such a program but with the opening of the new government printing office, with greater facilities, I am hopeful that what will amount to a complete blanket reprinting of Territory laws can be achieved in a reasonable time. The benefit of such action to courts, to the legal profession and indeed to the public at large is obvious. Preliminary work on preparation of copy and so on is under way now and the many amendments made from the current legislation before the Assembly will be incorporated. The committee I spoke of will be examining priorities of need and determining the most effective method of preparation, including review of modern word-processing equipment to deal with such a task and future printing needs. I can assure all honourable members that every effort is being made to ensure a speedy resolution to this problem.

Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

SUSPENSION OF STANDING ORDERS

Mr PERRON (Finance and Planning): I move that so much of Standing Orders be suspended as would prevent five bills associated with the removal of audit provisions from statutory authorities legislation being presented and read a first time together, and one motion being put in regard to, respectively, the second readings, the committee's report stages and the third readings of the bills together, and the consideration of the bills separately in the committee of the whole.

Motion agreed to.

STATUTORY AUTHORITIES AUDIT PROPOSALS BILLS

LOTTERY AND GAMING BILL (Serial 104) TOURIST BOARD BILL (Serial 100)
MUSEUMS AND ART GALLERIES BILL (Serial 101) PORTS BILL (Serial 102)
TERRITORY PARKS AND WILDLIFE CONSERVATION BILL (Serial 108)

Bills presented and read a first time.

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

These bills are designed for two purposes. They effect the necessary transfer of powers from the Commonwealth to Territory authorities and they also amend the concerned ordinances to comply with the provisions and requirements of the financial provisions which will operate in the Northern Territory from 1 July 1978 when the Territory becomes responsible for its own financial arrangements and operates through a Territory treasury.

The Financial Administration and Audit Bill which I earlier presented to the Assembly details the financial arrangements which will apply to all operations of government in the Territory on and from 1 July. That bill details all aspects of financial control and administration, the reporting of the activities of government and the auditing of accounts of all Territory government operations.

In general, the bills are self-explanatory. A high proportion of their content is simple amendments to transfer powers from Commonwealth to Territory authorities - for example, from Commonwealth to Territory or from Administrator to Minister. Additionally, the bills repeal the sections of the principal

ordinances which deal with the financial affairs of the concerned authorities, their financial operations, their reporting and the audit of their accounts. All the authorities will from 1 July be subject to the provisions of the Financial Administration and Audit Ordinance. So, the provisions in these ordinances are no longer relevant.

Examining the bills and the principal ordinances, it is obvious that an unexpected but desirable benefit will flow from this action. The repeal of the detailed financial reporting and audit provisions from statutory authority legislation will leave that legislation as a more direct statement of the powers and functions of those various authorities. They will be more easily read and understood by the general reader.

It will also be noted that there was some inconsistency in the financial powers conferred on authorities by the ordinances which created them. The current proposals provide for a consistent pattern of financial administration.

It will also have the benefit of enabling regular reporting by the authorities. Honourable members will recall that reports of some authorities could not be presented because final audit of their financial statements was not available and the ordinances required that audited statements accompany their reports.

The Financial Administration and Audit Bill provides for interim reports which would enable tabling of reports in this Assembly, with supplementary final audit statements to follow when any financial complications are resolved.

The bills also save current financial actions of the authorities, including existing banking and investment matters, which could fall outside the requirements of the financial administration and audit provisions while they are being brought into the new general framework of financial administration, so that no loss be incurred by early realisation of investments etc.

The bills are part of the process of establishing an operating government of the Territory on 1 July to exercise the powers to be transferred from the Commonwealth on that date.

I commend the bills.

Debate adjourned.

MAGISTRATES BILL
(Serial 111)

Bill presented and read a first time.

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

At the present time the Magistrates Ordinance limits the number of offices of stipendiary magistrate, other than the chief magistrate, to six in number. There is at present a chief magistrate, Mr Kirkman, and five stipendiary magistrates. Mr Kirkman is due to retire in September of this year and Mr Hall, SM, in Alice Springs is due to retire at the end of June this year. Mr Galvin, SM, is acting as chief magistrate and a new appointment has recently been made to fill the sixth vacancy of stipendiary magistrate.

Recommendations for the appointment of two new magistrates to fill the vacancies to be caused by two retirements are about to go before the Administrator in Council. However, these must be permanent appointments. With the present restrictions on the number of offices of stipendiary magistrate in the ordinance, it is not legally possible to make such permanent appointments. This

bill will correct this situation. Hardship could result if this bill is not passed as a matter of urgency. The two intending appointees could be seriously prejudiced in making their necessary private arrangements. Delays would be encountered in the appointments, thereby prejudicing the administration of justice in the Northern Territory.

I commend the bill to honourable members.

Mr SPEAKER: Honourable members, I have received a request from the Majority Leader for urgency for this bill. I am satisfied that hardship could be caused and I therefore grant a certificate of urgency for the bill.

Debate adjourned.

TAXATION (ADMINISTRATION) BILL
(Serial 81)

Bill presented and read a first time.

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

The primary purpose of this bill is to set out the administrative and judicial mechanisms necessary to support the Stamp Duty Ordinance. In doing this, it adopts the structure and procedures which will provide a potential for use in conjunction with any other revenue measures. The form of this bill and the principles which it applies are similar to the equivalent ACT legislation.

The bill creates the position of Commissioner of Taxes and Charges, the encumbent with the administrative responsibility for its operation through such delegates as are needed. Strict secrecy provisions are included - in particular, clause 7 which provides a penalty of up to two years imprisonment for an official divulging information. Under this bill the payment of duty may be evidenced either by special adhesive stamps or by the impression of a die stamp on the document itself. The provisions relating to the class of documents specify which form of stamping is required and in some cases allows either type.

In certain special circumstances, the accumulation of duty may be remitted as tax with a monthly return. This is where there is an exemption from duty by stamps in respect of documents executed by a party who is registered under a series of categories in the bill. These categories are bankers in clause 18; hire purchase owners in clause 31; insurers in clause 41; life insurance in clause 47 and brokers in clause 67. There is of course, as there has to be, a heavy penalty for avoiding stamp duty or making false returns. On the other hand, the commissioner may allow extended time to pay duty where necessary.

The bill includes the right to object to and seek review of any assessment by the commissioner. Subsequent appeal is placed within the jurisdiction of the Supreme Court. In general the penalties and procedures for recovery and prosecution follow the ACT practice.

This bill, perhaps, should logically have been introduced after the Stamp Duty Bill and I think it will be better rearranged in future sittings, when we process this legislation, to put this and other matters in proper order. I commend the bill.

Debate adjourned.

TERRITORY DEVELOPMENT CORPORATION BILL
(Serial 49)

Mr SPEAKER: Honourable members, the presentation of this bill will have to be deferred while a fault in the bill is rectified. There is one page missing.

Mr STEELE (Transport and Industry): I seek leave to reintroduce this bill towards the end of today's proceedings.

Leave granted.

CRIMINAL LAW AND PROCEDURE BILL
(Serial 98)

Bill presented and read a first time.

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

This is a measure designed to incorporate in Territory law certain provisions relating to the criminal law presently contained in the Commonwealth Crimes Act. Members may be aware that the Commonwealth Crimes Act presently extends to Territory law and to Territory offences in two ways.

Firstly, the Crimes Act itself is expressed to extend to Territory offences in a number of sections. For example, the aiders and abettors provision of section 5 of the act apply to offences against the law of the Commonwealth or of the Territory. Secondly, section 4A of the Interpretation Ordinance expressly extends certain sections of the Crimes Act to Territory ordinances as if they are a law of the Commonwealth. For example, the power of a constable to seize any articles forfeited under any law of the Commonwealth in section 9 of the act is extended to articles forfeited under Territory law by the operation of section 4A. It is not possible to deal in detail in this speech with all those sections of the Crimes Act that apply to Territory law and Territory offences by either of these two methods.

There are a number of reasons why it is most desirable to rewrite the relevant provisions of the Crimes Act in the form of Territory law. Perhaps the most important of these reasons is that, from a policy point of view, it is desirable to develop a comprehensive system of Territory law and not to rely upon Commonwealth law by way of reference for any purpose. As I have said earlier in this Assembly, it is no longer good enough to rely upon the federal legislators to enact such legislation as they think fit for the Territory.

The second reason why it is desirable to introduce this bill at this time arises out of self-government for the Territory. Many of the provisions of the Crimes Act apply expressly to the Commonwealth and the activities of Commonwealth officers. On the creation of a new Territory government these provisions will no longer apply to that government and its officers. New provisions are called for to deal with this situation otherwise there would be a hiatus in Territory law. A further reason for this bill at this time is that the Interpretation Ordinance is likely to be repealed as a result of separate legislation introduced into this Assembly a few days ago. As a result, certain provisions of the Crimes Act which previously applied to the Territory will, after 1 July 1978, no longer apply.

Another reason for the legislation arises out of continuing confusion in the Territory between the effect of some provisions of the Crimes Act and the equivalent provisions in the Territory law. Such confusion has already given rise to litigation in past years and continuing doubts exist in certain areas. For example, provisions as to time limits within which offences must be prosecuted are contained in both the Crimes Act and in Territory law. Such confusion

and doubts are most undesirable. If a further justification is required for the bill, it is most desirable to incorporate provisions of this type in a single legislative statement. It makes for ease of reference.

The opportunity has been taken to bring provisions from several sources into the one bill and to repeal several other provisions which I suggest can be better dealt with in the context of this bill. Having said this, I stress that this bill does not comprise a total review of the law on the subject. The time available to enable this bill to be in force on 1 July 1978 does not permit it. In large measure the bill comprises a restatement of the existing law. This has been necessitated in the past by the fact that until certain provisions of the Crimes Act are amended to delete their specific application to the Northern Territory and to Northern Territory offences, it would be most undesirable to have substantially different provisions incorporated in this bill. I do not rule out the possibility that at a later stage some of the provisions of this bill may be reviewed once they have been fully considered. I would like to inform honourable members that I am taking up, with the Commonwealth Attorney-General, the need to amend the Crimes Act in the manner I have previously indicated. I will keep members informed of this response. I do not anticipate any action in this regard from the Commonwealth before 1 July, however.

I now turn, Mr Speaker, to the specific provisions of the bill. Firstly, the bill repeals a number of other pieces of legislation where those provisions have been incorporated in the bill. This includes the Criminal Procedure Ordinance, the remaining provisions of which are also encompassed in the Juries Ordinance and are presently under review in the context of that ordinance. Clauses 5 to 12 of the bill are to a considerable extent taken from the equivalent provisions of the Crimes Act.

Clause 13 which relates to the prosecution of indictable offences in the name of the Territory Attorney-General or a person appointed on his behalf is a result of amendments to be made to the Northern Territory Supreme Court Act. At present indictable offences must be prosecuted in the name of the Commonwealth Attorney-General. Following representations by me to Senator Durack, it has been agreed that this position should not continue after 1 July 1978 in relation to Territory indictable offences. Clause 14 largely comes from the relevant provision of the Judiciary Act. By definition, a reference in the bill to the Attorney-General will be a reference to the Territory Attorney-General. Clause 15 is taken from the Crimes Act.

Part III deals with penalties. Some of these provisions were formerly included in the Acts Interpretation Act and applied to Territory offences by the Interpretation Ordinance. As explained in an earlier bill, these provisions will cease to apply in the Northern Territory after 1 July 1978, if the Interpretation Bill presently before the Assembly becomes law. The opportunity has been taken in clause 16 of the bill to revise the provision in the Justices Ordinance which provides that where an offence carries a penalty of imprisonment, the court may impose a fine instead. The present monetary limit of $200 in the Justices Ordinance has been increased in the bill to $500, per each three months term of imprisonment, thus giving the courts a much wider discretion. This is in line with the policy of expanding the range of sentencing options and reflects the intentions of the Majority Party to improve the sentencing system. I foreshadow an amendment to this clause, designed to remove the restriction in the bill to bodies corporate. Clauses 17, 22, 23 and 23 come from the Crimes Act.

Part IV of the bill deals with offences relating to the administration of justice. It is largely a measure copied from part III of the Crimes Act but, of course, restricted in application to Territory courts and judicial officers.

Part V of the bill deals with forgery. Again, these provisions are taken

largely from the equivalent of part V of the Crimes Act but limited to forgery in relation to Territory matters - for example, the forgery of the public seal of the Territory.

Part VI of the bill is a most important new provision. It deals with offences by and against Territory public servants. The equivalent provisions of the Crimes Act are contained in part VI of that act. To some extent, the Crimes Act is applicable to Territory public servants and I will be seeking appropriate amendments to that act to ensure that provisions governing Territory public servants are entirely contained in Territory law. I am sure that all honourable members will agree that this is both sensible and desirable. Not all the provisions of the Crimes Act dealing with public servants have been incorporated in the bill as it is thought that some of the provisions of the act are not necessary. The provisions that have been included are: firstly, bribery of a Territory public servant; secondly, disclosure of information by a Territory public servant where he is under a duty not to disclose it; thirdly, obstruction of a Territory public servant and fourthly, impersonating a public servant. Well, fancy that! Members will agree that all these provisions are reasonable. Certainly, there is nothing draconian in them. I wonder what sort of clobber you have to wear to impersonate a public servant.

A member: Long sox!

Mr EVERINGHAM: Part VI of the bill contains several miscellaneous provisions, most of which are taken from similar provisions in the Crimes Act. All have specific application in the Territory. In relation to clause 54 I will seek an amendment in committee to make it clear that the provision only applies to land upon which there is a warning sign.

I hope members will accept this legislation as an honest attempt to deal with Territory matters by way of Territory law. It would be my desire in the longer term to review some of the provisions of the bill, particularly those dealing with criminal responsibility. There is a need for general review of the criminal law in the Territory and in previous addresses to this House I have announced initiatives that have been taken as a start towards this end. I commend the bill to honourable members.

Debate adjourned.

SUSPENSION OF STANDING ORDERS

Mr PERRON (Finance and Planning) (by leave): I move that so much of Standing Orders be suspended as would prevent two bills relating to the office of Home Finance Trustee being presented and read a first time together and one motion being put in regard to, respectively, the second readings, the committee's report stages and the third readings of the bills together, and the consideration of the bills separately in the committee of the whole.

Motion agreed to.

HOUSING BILLS

HOUSING BILL (Serial 109) HOUSING LOANS BILL (Serial 110)

Bills presented and read a first time.

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

Housing matters in the Northern Territory have been handled in a number of areas with no apparent liaison between those various areas.

Mrs Lawrie: That's true.

Mr PERRON: There is the Housing Commission with responsibility for the provision of rental accommodation to persons not able to afford accommodation in the private sector and for the administration of a sales scheme in respect of such persons. The commission also has power to build houses for industry. There is also the public service housing scheme which makes housing available for public servants and there are also schemes for the provision of housing for other government employees such as defence services personnel and employees of the Commonwealth Railways. There is, additionally, the provision of assistance towards the contruction of housing under the Housing Loans Ordinance through the Home Finance Trustee, who also has responsibility for the administration of the 6% concessional loan scheme for rebuilding consequent upon Cyclone Tracy.

The major purpose of these bills is to create, under the Housing Ordinance, a single housing authority in the Northern Territory responsible for all facets of housing so that professional, technical, inspectorial and accounting skills related to housing will not be scattered in a number of diverse areas. They will be centralised under one authority for the better administration of all housing matters in the Territory.

The bills I have presented cover four main points. Firstly, there is the transfer of powers. They will complete the transfer of the main financial powers from the Commonwealth to the government of the Northern Territory. Secondly, there is an adjustment of financial audit and reporting provisions to accord with the Financial Administration and Audit Bill, which I have earlier presented. Thirdly, the bills will vest the commission with the authority to manage public service housing and to administer housing rental and sales schemes on behalf of the Territory or the Commonwealth. Fourthly, they will appoint the commission as Home Finance Trustee, invested with the power to administer housing loan schemes, including the 6% concessional loan scheme introduced after the cyclone. The bills will also repeal the Housing Loans Ordinance while retaining the schemes declared under that ordinance until such time as they are amended by schemes described by regulation under this ordinance.

The transfer of powers amendment is a simple amendment, transferring powers from the Administrator or the Commonwealth minister to a Northern Territory minister. These powers were not effected under the Transfer of Powers Ordinance which was presented by the Majority Leader this morning because other substantive amendments are also made to the ordinance by this bill. As matters relating to financial administration, audit and reporting are to be covered in respect of all authorities under Territory legislation, by the Financial Administration and Audit Ordinance, that particular provision in the Housing Ordinance relating to such activity will be repealed by this bill, so that the provisions of the Financial Administration and Audit Ordinance will apply. This is similar to the action taken in respect of other statutory authorities in the bills I have introduced earlier.

The Housing Bill will add a new part IIIB, government housing schemes, to the principal ordinance which will empower the commission to administer a rental or sales scheme on behalf of the government of the Northern Territory or on behalf of the Commonwealth government - for example, in defence and railway housing in the Territory. This part is distinct from previous responsibilities of the Housing Commission and does not alter the present housing or purchase entitlements of public servants whether Territory or Commonwealth. It merely empowers the Housing Commission in the future to administer such schemes while retaining those schemes as entities distinct from other activities of the Housing Commission.

Finally, the commission will be responsible as Home Finance Trustee for the administration of the normal housing loan scheme and the 6% concessional

housing loan scheme which has been established. The bill will make the commission the Home Finance Trustee and it will have all the previous rights, responsibilities and obligations of the Home Finance Trustee in the administration of those schemes. The bills will also maintain in force the schemes previously declared under the Housing Loans Ordinance until such time as they are varied by regulation prescribed under this ordinance. To give effect to these provisions, the provisions of section 12 and 13 of the principal Housing Ordinance, which specify the functions and powers of the Housing Commission, have been amended to incorporate the range of functions that are proposed for the Housing Commission as a single housing authority for the Northern Territory.

The previous emphasis on the Housing Commission as a provider of rental accommodation for persons not otherwise eligible for housing has been removed and it has been replaced with a general function as detailed in proposed new section 12 of providing or assisting in the provision of accommodation whether for housing, office or industrial purposes. Pursuant to that function, subsection (2) of proposed new section 12A spells out those matters relating to the exercise of this function, while proposed new section 12A(2) details the powers of the commission in the exercise of that general function. It will be noted that paragraph (m) of that subsection includes the power as necessary when so directed by the minister to construct premises as required for the government of the Northern Territory.

In general, Mr Speaker, the Housing Bill establishes the Housing Commission as a single agency responsible for matters relating to housing in the Northern Territory. I think all honourable members will agree that this is the most effective and efficient way of dealing with housing matters. Although the bill is simple in expression, I consider it is a most important change in the administration of housing matters and I strongly commend it to the House.

The Housing Loans Bill repeals major provisions of the principal ordinance, as they will now be detailed in and exercised under the Housing Ordinance. It retains a statutory office of Home Finance Trustee, that office to be in future a commission function.

I commend the bills.

Debate adjourned.

RADIATION (SAFETY CONTROL) BILL
(Serial 87)

Bill presented and read a first time.

Mr TUXWORTH (Resources and Health): I move that the bill be now read a second time.

In speaking to the second reading, Mr Speaker, I would like to point out that the purpose of this bill is to control and regulate the possession, use and transport of radioactive substances, other than uranium ores and concentrates, and to control and regulate the use of irradiating apparatus.

Since X-rays were discovered in 1895 by Roentgen, and radioactivity in 1896 by Becquerel, it has been realised that ionising radiation can induce pathological changes in human tissue. Within five years of the discovery of X-rays, 170 cases of radiation injury had been recorded and it was soon realised that some form of protection was necessary. At first, voluntary measures were relied on. However, by 1922 many countries had established standards for radiation protection.

In Australia radiation protection is still largely under the legislative

jurisdiction of the states and the important nationwide role has been played by the Australian Atomic Energy Commission, the Australian Radiation Laboratory and the National Health and Medical Research Council.

The major Commonwealth legislation is the Atomic Energy Act 1953 which established the Australian Atomic Energy Commission. This commission, Mr Speaker, has diverse functions, including cooperation with the appropriate authorities of a state in matters connected with the treatment, use or disposal of uranium found in the state, and the construction and operation of plant and equipment for the liberation of atomic energy and its conversion into other forms of energy. Radioactive substances for medical use are produced by the commission and then cleared by the Australian Radiation Laboratory before routine application.

The Australian Radiation Laboratory, a branch of the Commonwealth Department of Health, is responsible for the procurement and distribution of all radio-isotopes used in Australia for medical purposes, the provision of advice on the physical aspects of medical radiology and of nuclear medicine, the operation of the personal monitoring service for persons engaged in work with ionising radiations and other matters.

The National Health and Medical Research Council plays a particularly important role in radiation protection. It is the specific function of this council to advise the Commonwealth and state governments on matters of public health legislation and administration, and on other matters relating to health, medical care and medical research.

The council's recommendations are reflected in the provisions set out in this bill. Codes of practice and standards established by the council will be prescribed in regulations where necessary or will be available to the Director of Health when setting conditions and when determining applications for licences or for registration of equipment under the ordinance.

The importation into Australia of radioactive substances is controlled by federal customs regulations. The transport by air or sea is controlled by federal navigation and air navigation regulations. Supervision and control within the state boundaries are covered by legislation which has been passed in all states. Neither the Australian Capital Territory nor the Northern Territory has legislation dealing with the matter, with the exception of the Radiographers Ordinance in the Northern Territory.

No special controls are necessary where the doses of radiation incurred by any person would be trivial and of no special hazard. It has been accepted internationally and by all states of Australia that exemptions should be granted in respect of such operations and such items as the following: Firstly, operations which do not involve the use of specified amounts which are listed in schedule 5 of this bill. Secondly, operations which do not involve the use of radioactive substances of concentrations exceeding .002 microcurie per gram or solid natural radioactive substances at concentrations exceeding .01 microcurie per gram. Thirdly, the use of apparatus provided that the dose rate at any external point situated at a distance of .1 metre from the surface of the apparatus does not exceed .1 millirem; leakage of any radioactive substance must be effectively guarded against and the apparatus must be approved by competent auchority. Fourthly, the use of equipment in which electrons are accelerated to an energy not exceeding 5,000 electron volts. Fifthly, the use of television sets for which the dose rate at any readily accessible point five centimetres from the surface of the set does not exceed .5 millirem per hour under normal working conditions.

The protection of the health of occupationally exposed persons against the effects of ionising radiation is the principal purpose of this legislation. The

need for such protection imposes a number of general obligations on employers - for example, the obligation to supply radiation workers with the necessary protective devices, to inform them of the risk to which they are exposed, to exclude persons under the age of 18 years and pregnant women from radiation work, to reduce the number of occupationally exposed persons to an absolute minimum, to verify that the maximum permissible doses and maximum permissible concentration of radio-nuclides in inhaled air and drinking water are not exceeded. The legislation also provides for medical examinations during employment and special examinations in the event of overexposure.

Physical surveillance constitutes another mechanism for the radiation protection of workers. In addition to the definition and marking of controlled areas, protective devices must be checked, environmental monitoring must be conducted around radiation sources, while workers are subject to individual monitoring designed to determine the extent of exposure or contamination. An obligation is placed on an employer or person in charge to notify cases of radiation workers receiving doses in excess of the maximum permissible levels. The director is empowered to take whatever steps he considers necessary to ensure the safety of such workers and to investigate the reasons for the excess dose.

Legislation on the transport of radioactive substances shows substantial conformity within and without Australia. This is due to guidance of the International Atomic Energy Agency set up by the United Nations. This agency has published regulations for the safe transport of radioactive materials which have been used by most countries when drawing up their own legislation. The sections of the bill before the Assembly which deal with the transport of radioactive substances are based generally on the International Atomic Energy Agency's proposals.

Radiation protection could be defined as the prevention of illness or injury due to exposure to X-rays and nuclear radiation. X-rays and nuclear radiation are invisible and, except in the case of acute overexposure, the effects do not appear for some time. In the case of radium poisoning, for example, delayed effects still were being discovered over forty years after exposure which occurred in the late 1920s. At present there is no cure for the various effects produced and so all our efforts must be concentrated on prevention.

When we consider radiation exposure we must remember that man has been exposed for hundreds of generations to background radiation from cosmic rays and naturally occurring radio-isotopes. This is the basic level of exposure and cannot be reduced. The theoretical ideal of radiation control would be maintenance of exposure at background level. This is not generally possible. Economic considerations become increasingly important as exposure is restricted to lower and lower levels. Maximum permissible levels are those considered safe, based on past experience. Often by careful planning exposure can be reduced below the permissible levels and, whenever this is possible, such reduction should be made. Needless exposure to any potential hazard is foolish and every effort should be made to minimise such exposure. Mr Speaker, fortunately exposure can be measured and can be controlled so that permissible levels are not exceeded and thus preventable damage from radiation can be avoided.

I would now like to turn to the bill and point out some of its major provisions. The bill provides that, subject to direction by the minister, the Director of Health will be responsible for its administration. The bill makes it necessary for any person who wishes to possess, use or deal with radioactive substances or irradiating apparatus to obtain a licence. Licences are to be issued by the Director of Health for periods of up to 12 months and are subject to such conditions as the director believes to be appropriate. The director has available to him expert advice from his own offices and from the Australian Radiation Laboratory in Melbourne when determining such conditions.

The bill requires each licensee to appoint a radiation safety officer. Both the licensee and the radiation safety officer have specific duties and responsibilities which are designed to ensure safe working practices and proper supervision. The bill provides that each worker likely to be subject to harmful radiation is to be constantly monitored to ensure that the amount of radiation received over periods of time is kept within safe limits.

A radiation hazard exists when equipment using radioactive substances or irradiating apparatus is used. Examples of the former are radiation gauges which consist of a radioactive material enclosed in a shielded case with a window which can be opened and closed. When opened a beam of radiation is emitted. This beam with the detector sighted in its path can be used to activate machinery, open doors, measure thickness and depths, check pollutants in the air and perform many other useful and valuable tasks.

Radioactive substances also have an important role to play in medicine. The principal apparatus producing dangerous radiation is the X-ray unit. X-ray units are used widely in medicine, by veterinary surgeons and industry. Radioactive substances and irradiating apparatus have an important part to play in modern medicine and in industry. Provided adequate controls and supervision are applied, the equipment and the substances may continue to be used with complete confidence. This bill aims at providing for such controls and supervision.

The bill also requires each piece of irradiating apparatus to be registered annually. This will ensure that the unit is safe, that it is operating correctly and that, in the case of fixed units, it is installed properly. Limitations will be placed on the use of such registered equipment.

The bill also deals with the movement and storage of radioactive substances. It is important to know when any radioactive substance arrives in the Northern Territory, what its movements are, where it is stored and used, and when it leaves the Territory or is disposed of. The movement and storage of such substances is, therefore, subject to strict controls. Packaging approved by the director must be used. Appropriate warning labels must be applied. Approval for transport and storage must be obtained and specified instructions must be carried out in case of accidents. No fissile substances may be carried unless such transport is specifically authorised in writing by the Director of Health. These substances which are of particular danger require special transport and storage arrangements. The director must approve any place which is intended to be used as a store for radioactive substances. It is important to know where such stores are located and to ensure that authorities, such as fire services and police, are aware of such stores.

When considering applications for licences or approvals, the director will be guided by standards which have been developed by the National Health and Medical Research Council, the International Atomic Energy Agency and the International Commission on Radiological Protection.

Schedules are included in the ordinance setting out maximum permissible concentrations of radioactive substances in air and water and maximum permissible doses of ionising radiations. The schedules also prescribe labels for packages or containers, for vehicles and for stores and special design requirements for packages containing radioactive substances.

Schedule 4 classifies radioactive substances into groups 1, 2 or 3 for transport purposes. Maximum amounts of radioactivity are set for the different groups and different packaging requirements are specified. Schedule 5 lists radioactive substances exempted from the ordinance. These substances present no hazard at or below prescribed levels of radioactivity.

As radio-isotope and X-ray utilisation in industry increases, it becomes

much more important that adequate knowledge of any significant exposure of those employed in these fields is maintained. An employer must protect himself and his radiation workers wherever there is any possibility of significant radiation exposure and every effort should be made towards reducing all exposure to a minimum.

The measures set out in this bill will enable adequate controls and supervision to be established and will bring the Northern Territory into line with the states in this important field. The preparation of this bill was carried out as a priority measure. A number of minor errors were noted, in the draft, mainly of a technical nature, but it was decided to proceed with the bill and make the corrections by amendments in the committee stage.

Mr Speaker, I would also seek leave to table for the members of the House a publication by the Commonwealth Department of Health which has in it a particular item relating to radiation exposure through occupation, medical treatment and consumer products as it applies to the individual. The particular feature is on page 10 and I would ask honourable members to give it their attention.

Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

PAY-ROLL TAX BILL
(Serial 84)

Bill presented and read a first time.

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

The main purpose of this bill is to effect the transfer of the pay-roll tax function from the Commonwealth to the Northern Territory government from 1 July 1978. Pay-roll is now levied under the Pay-roll Tax (Territories Assessment) Act. This act will be amended so that liability to the Commonwealth extends only until 1 July 1978.

Pay-roll tax is a tax on wages payable by the employer not the employee. It was brought in during World War 2 as an alternative to a plan under which wages paid by employers would have been fixed according to the number of employees dependents. Child endowment was introduced instead and employers were charged with pay-roll tax when wages exceeded a minimum figure. Pay-roll tax was transferred to the states from 1 September 1971 as a growth tax. It was increased by the states from 2½% to 3½% at the time of transfer and was increased in all states and territories to 5% in 1974.

The importance of pay-roll tax in state budgets can be appreciated when one considers that it commonly totals more than 50% of state taxation revenue. Collections in respect of the Northern Territory have been submerged in the Commonwealth Consolidated Revenue Fund and the best estimate we have for 1976-77 is $7.4m.

Under all pay-roll tax enactments there is a monthly liability to pay 5% of wages, with annual readjustment to compensate for variations in pay-rolls which occur from month to month during the year. Small employers are given relief from the tax by means of a general exemption which operates in parallel with these arrangements on a monthly and an annual basis. Between this general exemption and the full 5% payable by larger employers is a phasing-in range of wages so that there is not an abrupt disincentive to employ persons once the threshold of taxability is reached. This bill repeats the pattern.

The details of exemption treatment vary as between the states and territories. At present the ACT and the Northern Territory have the lowest exemption, $4,000 per month and $48,000 per annum. All states except Queensland have a general exemption of $5,000 per month and $60,000 per annum. The rise to full tax incidence in those states and the territories is by a loss of $2 exemption for every $3 in wages over the threshold. In Queensland there is a very high commencement of tax, $8,000 per month and $100,000 per annum, but the individually styled phase-in applying there is so designed that approximately $450 per month in tax liability is generated by employing the next three people over the $8,000 pay-roll. This tends to stifle any recovery in employment levels.

Following careful examination of the alternative arrangements, this bill raises the maximum allowable deduction in monthly returns from $4,000 to $5,000 and the annual general exemption from $48,000 to $60,000. The phasing-out of the exemption at the rate of $2 for every $3 by which the wages for the month exceed $5,000 means that deductions cease where the monthly pay-roll reaches $12,500. The corresponding figure at present is $10,000. As a result of these changes the average savings to a Northern Territory employer with a pay-roll from $5,000 to $11,000 is approximately $80 per month.

The policy of this executive is to review the application of this tax at frequent levels. The employer who pays wages of $1,000 or less per week anywhere will not be required to register for pay-roll tax purposes. The lower limit is at present $900 per week. Clause 12 of the bill allows an employer seven days from the end of the month when wages exceed this limit to apply for registration. Apart from the relaxation of exemptions, this bill follows the provisions of the Commonwealth act, which it supersedes, very closely. This action is quite deliberate; the operation and administration of pay-roll tax is surrounded by a complex series of special exemptions from providing returns, restrictive definitions, rules for the treatment of wages paid and from interstate, extensions of time to pay and so on. I am most anxious that Territory employers are not confused by unnecessary changes in forms or procedures during this period of changing responsibility. Clauses 12, 13 and 14 of the bill which preserve the registration status and special exemptions applicable to individual employers under the Commonwealth act are also designed to smooth the transition.

I re-emphasise that this is not a new taxation measure. As far as employers are concerned, the bill continues in practical terms their responsibility to pay this tax but to a different authority. I announced on 9 March last that our legislation in this field would contain concessions so that the discouraging effects on employment are minimised. These concessions are represented by an increased exemption level so that small businesses, with a pay-roll less than $12,500 per month, will not have to pay this tax at the usual 5% rate.

I commend the bill.

Debate adjourned.

STAMP DUTY BILL
(Serial 91)

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, together with its companion bill which I introduced a few moments ago, is in complete replacement of the stamp duties legislation which has been effective in the Northern Territory without significant change for 60 years.

Mr Speaker, this is an historic moment; it is six years ago today that an attempt by the Commonwealth to push a stamp duty bill through the Legislative Council was defeated. The mood of the day, unanimous among elected members, was summed up best by the words of the respected Labor member, the late Dick Ward. He said, and I quote from Hansard where he talks about a famous book on parliamentary democracy:

> *The relevance of this to the Stamp Bill is that we are being asked to raise revenue in terms presented to us by somebody else and on the basis that the money is presumably paid into Consolidated Revenue for somebody else to appropriate in its entirety. I say that the people of the Northern Territory should adopt an attitude that they should only be required to raise revenue themselves if they have a say in the appropriation of it. I would emphasise that there is a link between state-like revenue, such as stamp duties, and increased involvement by elected members in the administration of state-like activities for the Territory. What we are being given is one onerous duty of raising in revenue from the people of the Territory some money which will go into Consolidated Revenue for somebody else to decide how to spend. This is intolerable to me.*

Mr Speaker, from 1 July 1978 not only will we be able to retain stamp duty within our own government account but we will also be able to spend it according to priorities determined by the elected representatives of Territory people upon functions formally passed to this Assembly. To reach this position, the Majority Party has demonstrated a consistency which has its roots in the struggles of earlier representatives, of both parties in this House. We will not retreat from the democratic principles which they strove to uphold. We will not shirk from our role as trustees for them. We will raise our fair share of revenue from available sources, so that there is a relationship between our revenue and the new level of services which we will provide under the transferred functions. We will do this, as we have demonstrated, with strict attention to the lower capacity which is the result of the special circumstances faced by Territorians.

Stamp duty is one of the important revenue-raising powers available in the states, commonly returning over a quarter of total state taxation revenue. Stamp duty has traditionally been a tax on documents which evidence a wide range of contractural or legal relationships. It is usual that the instrument to be stamped has no effect until the stamp duty has been paid. Stamp duty is levied either as an ad valorem rate of a monetary value, for example a percentage of the value of real property sold, or as a specified amount for a particular document.

The bill itself is relatively brief with two rather long schedules. Clauses 4 and 5 of the bill render the instruments set out in schedule 1 dutiable at the rates specified. Clause 6 exempts certain transactions, including those set out in schedule 2. The general exemption are, for the most part, to cater for the transitional period but there are several of more substantial character. I can dwell for a moment or two on these as they represent concessions in comparison with states' practice.

The first is the exemption in clause 6(11)(a) of certain loan instruments. The instrument evidencing a loan or a credit arrangement is distinct from a mortgage or other loan security executed by a person borrowing or seeking to maintain a level of credit accommodation. Loan instruments are subjected to duty in the states where the interest rate is 14% simple per annum and upwards. This duty rises from 1.5% up to 2.1% through the states. The duty has been criticised in the way in which it penalises those poorer people least qualified for low interest finance. It is also criticised as producing a third level of tax, after tax on income and tax on expenditure. All state governments are considering representations by the Australian Finance Conference to reduce this

duty and at the same time broaden its base by spreading its application across all borrowing in a non-discriminatory manner.

The exemption referred to here exempts loan instruments where duty has been paid on the loan security. In the case of unsecured loans and credit, the bill does not impose any ad valorem duty of the kind objected to in the states. This produces a real advantage to many persons and firms seeking to put down a stake in the Territory.

The second concession referred to is the exemption of conveyances made by a trustee, which includes an executor to a beneficiary, by clause 6(11)(c). This is most important in the context of the parallel abolition of death duties. Queensland abolished death duties but stamp duty became payable when the executor had to transfer certain assets to beneficiaries.

I turn now, Mr Speaker, to rates of duty in schedule 1. Cheques and bills of exchange - stamp duty on cheques will rise, as I have already announced, to 5¢. It will remain with the ACT the lowest rate in Australia. There will be a decrease in the duty payable on bills of exchange from the present ad valorem rate to a flat 5¢.

Mining agreements - the bill provides specifically for payment of duties on conveyance and sale of land but there are many agreements which relate to dealing in mining interests and rights with respect to mining which, if no special provision were made, would probably be dutiable in an amount of only $5. It is anomalous that substantial transactions with respect to mining, comparable as they are with rights to land and generating effects throughout the community, should not attract a duty under this sort of law. So that a fair imposition applies across the range of possible agreements, the bill introduces a stepped rate of duty commencing at 5% for the consideration of up to $100,000 in a year and rising to 30% where the consideration exceeds $500,000 in a year.

Company incorporation, deeds, guarantees under seal and trustee appointments - most deeds are liable to stamp duty of $2 at present; documents under this category will now bear a flat duty of $5.

Conveyances - the duty on conveyances of property is now .5% of the amount or value of the consideration. All states have stepped rates which range up to 4% in South Australia for transactions worth over $100,000. This bill imposes a duty of 1% on conveyances of land up to $50,000 and then three steps to 2% over $250,000. The same rates of duty are scheduled to apply to conveyances of crown leases, conveyances of other property and foreclosure orders. An additional concession is made to people who buy land to live in the Northern Territory for the first time by exempting such a transaction from all stamp duty. Certain charitable organisations are also exempted from duty on conveyances made to them.

Hire purchase - this is a new class of stamp duty introduced by this bill at 1% of the purchase price of the item. Certain charitable bodies are exempted. The equivalent duty in the states ranges from 1% in Queensland up to 2.1% in Victoria.

Hire arrangements and leases - hiring arrangements, for example, casual equipment hire or hire of vehicles, are made dutiable at 1% of total hire charge. This is also a new class of duty in the Territory. Such arrangements are usually characterised by a deposit and a lump sum completion payment on return of the item. Leases of property, on the other hand, are usually characterised by the payment of rent and in this category duty in most instances is set at .5% of that rent.

Loan securities and mortgages - the bill places a duty on loan securities

at $5 where the loan secured does not exceed $15,000 and 25¢ for each $100 over $15,000. Where a mortgage is transferred or assigned, a further duty of .25% is payable on the unencumbered value of the mortgage.

Motor vehicle certificate of registration - when a vehicle, new or second hand, is registered for the first time in the name of the applicant there will be a duty of 50¢ for each $100 of its market value. The new owner will declare the value on the application form. The Taxation Administration Bill provides that the Commissioner of Taxes may call for evidence of value and make a re-assessment if warranted. I must stress here that this duty is a once only duty upon the first registration in a person's name. No-one who has a vehicle registered in his or her name at 1 July will have to pay the duty in respect of that vehicle when registration falls due. A person bringing his vehicle from interstate and registering it here will not have to pay the duty. The rate of duty has been deliberately kept low in recognition of the heavy reliance on transport in the circumstances of the Territory. The equivalent duty in South Australia is $4 for each $100 of the value of the vehicle. Vehicles used for agricultural or pastoral purposes are exempted from this duty.

Insurance - various forms of insurance are rendered subject to duty by this bill at modest rates. Policies covering public liability are dutiable at a fixed 25¢. Other forms of insurance, apart from life insurance, are dutiable at $5 per $100 or part of the premium per annum. Life insurance generally is made subject to a duty at 5¢ per $100 of the sum insured. This is payable once only when the policy is entered into and is the equivalent of $10 for a $20,000 policy. Temporary or term insurance policies are dutiable at 5% of the first year's premium.

The executive has been most mindful of the savage burden placed on many Territorians and Territory companies through high premiums in particular forms of insurance. I am speaking here of insurance on buildings and their contents, workers compensation insurance and motor vehicle third party insurance. In each of these areas there is reflected aspects of particular difficulties which we are confronted with in the Territory. My colleagues and I believe that it would be unfair to compound these difficulties by making them subject to duty while premiums are so high. Each of those areas has been exempted.

Tax tickets - the 10¢ duty on betting tax tickets levied as part of the adjusted package of revenue measures associated with the racing industry is included in this bill.

Marketable securities - everyone is aware that shares and marketable securities are transferable in the Northern Territory without duty. This has created something of a tax haven. There is no doubt that adoption by us of the uniform rate of duty which applies in the states would cause the turnover to virtually cease and with it significant business activities. I cannot put figures on this assertion as the value of transactions is not always revealed when documents of transfer are presented for the impression of the "duty not payable" die. I do not propose to impose a duty which will frighten this business away. I do, however, have a responsibility to secure revenue from this trade which will assist the government in providing the infrastructure which supports the venue for such transactions. Accordingly, this bill fixes a duty of 10¢ per 100 shares transferred with a minimum of $2. This will avoid complex share valuation procedures and associated administrative costs.

The total return from the stamp duties I have mentioned in this speech is estimated at $2,570,000 in the first year, compared with an expected collection of about $580,000 payable to the Commonwealth in 1977-78.

I must introduce several notes of caution here as there are those who might be tempted to manipulate these figures in per capita terms to discredit

the bill. Firstly, the great bulk of government revenue under this type of legislation is for once only payments by persons executing a document of one kin or another - a house is purchased, a life policy or property mortgaged; others such as a purchase of a car occur for most of us infrequently. With rates of stamp duty rising with the value of transactions in a progressive manner, the amount assessed will rise according to the ability to pay. Secondly, I would remind members that a fair proportion of this stamp duty will be payable by pe sons not resident in the Territory. I refer in particular to betting from inte state and transfers of shares. And thirdly, there is the added consideration o the effects of the abolition of succession duties.

To further clarify the impact of the duty, I have prepared a table which shows the level of duty which will be payable on a sample of transactions and, as examples, the amounts which would be paid on the same transactions in Victoria and South Australia. I seek leave to have this table incorporated in Hansard with this speech.

Leave granted.

Table: Comparison of Stamp Duties

Transaction or document	Present NT duty	NT duty from 1-7-78	Victoria	South Australia
	$	$	$	$
Car first registered				
New value $7,000	Nil	35	175	220
2nd hand value $2,600	Nil	13	65	48
Transfer of shares				
2,000 at $1.40	Nil	2	17	17
100,000 at $2.00	Nil	100	1,200	1,200
Conveyances				
Sale of land, value $14,000	70	140	227	160
Sale of house, value $40,000	200	400	682	820
Sale of house, value $65,000	325	725	1,463	1,705
Cheques				
Each drawn	0.01	0.05	0.09	0.08
Hire				
Equipment for $300	Nil	3	6.30	5.40
Loans or credit				
$3,000 at 15%	Nil	Nil	63	54
Mortgage				
$15,000 secured	2	5	31	42
Life insurance policy				
Sum assured $20,000	Nil	10	23	Included i annual licer
Insurance of property				
Premium on car $190	Nil	10	14	12
Premium on household $300	Nil	Nil	28	18
Premium on business premises $850	Nil	Nil	70	54
Hire purchase				
Purchase price $200	Nil	1.00	4.20	3.60
Purchase price $7,000	Nil	35	147	126

Workers compensation				
On payroll $100,000:				
Builder Co.	Nil	Nil	1,190	823
Cleaning Co.	Nil	Nil	498	315
Insurance Co.	Nil	Nil	71	25
Leases				
House at $100 p.w. for one year	Nil	Nil	31	52
Third party insurance				
Average motor vehicle policy	Nil	Nil	18	9
Goods carrying vehicle	Nil	Nil	18	15
Semi trailer	Nil	Nil	46	15

Mr PERRON: I commend the bill.

Debate adjourned.

TERRITORY DEVELOPMENT CORPORATION BILL
(Serial 49)

Bill presented and read a first time.

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

In line with our announced policy, this bill seeks to repeal the Encouragement of Primary Production Ordinance and replace the Primary Producers Board with a new statutory authority, to be known as the Territory Development Corporation. On December 6 last year, the Majority Leader, Mr Paul Everingham, made a statement to this Assembly outlining plans for future projects and operations. He indicated that it is proposed to introduce legislation to establish a Northern Territory Development Corporation which would incorporate, amongst other objects, the functions of the Primary Producers Board and would be responsible for encouraging and assisting industry including tourism and small business, and attracting investment to the Northern Territory.

The existing Encouragement of Primary Production Ordinance provides the basis for assistance in the Territory to primary producers for the development and operation of their enterprises. However, the legislation is limited in its application, particularly as it applies to financial assistance as it provides such assistance on a lender of last resort basis.

Assistance is presently aimed at pastoral, agricultural, horticultural and fishing activities. There is no provision within the existing legislation of the Northern Territory for assistance to be provided to other industries - in particular, to those involved in tourism or in secondary industry. The importance of these industries to the Northern Territory is growing dramatically and government support to encourage their development, along with primary industries, is very desirable.

Tourism, for example, has vast potential in the Territory but it is unlikely to be fully realised until facilities and services are developed to cater for an increased tourist trade. The provision of government assistance for those wishing to establish or upgrade such facilities and services could contribute significantly to the growth of the industry.

To hasten development projects in the Territory, the government needs to broaden its approach. With the move towards self-government, it is becoming increasingly important to encourage the establishment and expansion of industry and to stimulate the broadening economic base of the Territory. In particular,

there is a need to attract industry investment but to do so requires government action to overcome the real problems associated with industries in the Northern Territory.

The isolation of the Territory, the high costs of industry establishment, the mobility of the workforce and the size of local markets create barriers to industry and investment attraction. It is hoped that the provision of government assistance will help to overcome these barriers and help establish viable long-term industries.

The six states all have industry development legislation, policies and practices relevant to their metropolitan and regional needs. Industry promotion and encouragement assistance schemes are actively pursued and, as a consequence, active competition has developed between the states for the attraction of industry investment. The Territory has been comparatively inactive in this field and industry development has depended on the development of natural resources, a continuing high government level of expenditure and the exportation of the more obvious market opportunities.

The proposed Territory Development Corporation will be able to assist industries financially and to provide advice and other assistance to enterprise. Although it is intended to broaden the scope of industry assistance, it is not intended that financial assistance to aid business will be an automatic entitlement. Due regard will be paid to the role of the existing financial institutions and professional services and the corporation's role will complement, rather than interfere in any way with, these services. Stringent terms and conditions of eligibility for assistance will be applied and the merits of individual applications will be carefully evaluated and weighed against the benefits of such development in the Territory.

It is proposed that the corporation consist of seven members who may be drawn from industry groups, professional bodies and from government, with appropriate importance being placed on regional representation. In this way, the government will be able to draw on the experience and expertise available in the Territory, to effectively fulfil the objects and obligations of the corporation.

I see the proposed corporation having a major role in the growth and development of the Northern Territory. It will attempt to meet the needs of industry at present not adequately catered for and bridge the gap for liaison and coordination between the government and the private sectors.

I commend the bill to honourable members.

Debate adjourned.

MAGISTRATES BILL
(Serial 111)

Continued from 11 May 1978

Mr PERKINS (MacDonnell): I rise to indicate the support of the Opposition for the Magistrates Bill as introduced by the honourable Majority Leader. I wish to indicate that the Opposition will be cooperating with the urgent passage of this bill.

Mrs LAWRIE (Nightcliff): I rise to indicate support for the bill, particularly as it allows the executive to appoint stipendiary magistrates as the need arises.

There has been community concern expressed quite recently about the appointment of people who are not legally qualified to the bench. Allowing the urgent

passage of this bill will mitigate against such a possibility occurring in the future.

I support the passage of the bill but I would ask the honourable Majority Leader if in future, when he has a bill of such an urgent nature, he could seek permission of the House to introduce it without notice, so as to give members 24 hours for perusal before its passage.

Mr EVERINGHAM (Majority Leader): I take note of what the honourable member for Nightcliff said and I thank her for her support. I also thank the Opposition for its support of this legislation. I seem to recall that I did say something yesterday to the honourable member for Nightcliff, advising her that we would be introducing such a bill, the necessity for which only become apparent to us on Monday or Tuesday of this week. Really, there is not a great deal in the bill, more than I told her yesterday, so I really think she has had 24 hours notice as she desired.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

PERSONAL EXPLANATION

Mr COLLINS (by leave): Mr Speaker, I speak in reference to the question asked this morning by the member for Nhulunbuy regarding the alleged statements I made at the meeting of the Kakadu Society last night. I did not use the alleged words. The meeting was an extremely rowdy one and on several occasions when I attempted to speak, I was howled down. Indeed it was impossible to hear clearly because of the continual interjections to what was being said. On one occasion on which I attempted to address the chair, I made the remark, "This meeting is a shambles". I then turned and looked at the member for Nhulunbuy, who was one of five members opposite who attended the meeting, and said "This is worse than the Legislative Assembly". The words were used in a humorous vein.

Since the complaint was raised this morning I checked with others who attended the meeting and who were sitting with me. They agree with my recollection of the words used and the manner in which they were spoken. If members of the Assembly took offence at the words used, then I apologise for their use. They were not said in any way to cast contempt on this Assembly.

Mr SPEAKER: Honourable members, I have received a request from the manager of government business that I examine the matter referred to by the honourable member for Arnhem as a matter of privilege. In view of the apology offered, I request that the manager for government business advise me as to which course he wishes me to take: whether to pursue the matter or whether he is happy with the apology.

Mr ROBERTSON (Community and Social Development): Mr Speaker, I accept without reservation and without further comment the assurances of the honourable member for Arnhem, in the spirit and manner in which he made the comments. He is quite right; it was a very noisy meeting and probably a very annoying one for those who were there with a genuine purpose. In fact, I would say, everyone went there for their own genuine purpose.

I would say in passing, Mr Speaker, that for the honourable member for Arnhem to have made such a comment and really meant it seriously would have been quite out of character for him. I think of all members in this House he shows this place the greatest of courtesy at all times and I am very happy to accept the words of the honourable member.

TABLED PAPER

DARWIN CYCLONE TRACY RELIEF TRUST FUND REPORTS

Mr EVERINGHAM (Majority Leader) (by leave): Mr Speaker, I table the monthly reports for the Darwin Cyclone Tracy Relief Trust Fund for September, October, November and December 1977 and January, February and March 1978.

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

Leave granted.

ELECTRICITY COMMISSION BILL
(Serial 67)

Continued from 9 May 1978

In committee:

Mr CHAIRMAN: I certainly hope members will have some patience with the passing of this particular bill through the committee stages. There are an awful lot of amendments which seem to be scattered in several directions.

Honourable members will note that at the end of amendment schedule 49 there are two groups of amendments; one omitting reference to the "Executive Member" and substituting "Minister" and the other omitting "Administrator in Council" and substituting "Administrator". If we do not move them now, then it would require the recommittal of the bill later on. These will be moved now.

Amendments agreed to.

Clause 1 agreed to.

Clause 2:

Mr PERRON: Mr Chairman, I invite defeat of clause 2. It is our intention that the ordinance should come into operation on 1 July; the amendment merely obviates the series of administrative actions requiring the Administrator to sign a formal notice of commencement and the timing and publication of the notice in the Gazette to be published prior to 1 July.

Clause 2 negatived.

New clause 2:

Mr PERRON: Mr Chairman, I move amendment 49.2.

This will insert, after clause 1, a new clause 2 stating: "This Ordinance shall come into operation on 1 July 1978".

New clause 2 agreed to.

Clause 3:

Mr PERRON: Mr Chairman, I move amendment 49.3.

The definition of electrical equipment is necessary to dispel any confusion concerning the use of the term throughout the bill and also dispenses with a lot of repetitive verbage.

Amendment agreed to.

Mr PERRON: Mr Chairman, I move amendment 49.4.

The amendment in the definition of "inspector" is necessary in the light of further amendments proposed concerning the appointment of inspectors under clause 27.

Mr ISAACS: I seek some guidance from the executive member on this point. I am rather puzzled as to how an ordinance can appoint inspectors. I can understand how inspectors can be appointed under the ordinance and that is covered, but the effect of the amendment is to have the ordinance appoint inspectors. I just wonder if he could explain how that is possible.

Mr PERRON: I did not realize that the wording of that particular amendment would mean that the ordinance would appoint inspectors. I agree with the honourable Leader of the Opposition that an ordinance itself cannot.

Actually I think we are appointing some inspectors that are existing inspectors, aren't we? I move that further consideration of the amendment be postponed.

Motion agreed to.

Mr PERRON: I move amendment 49.5.

The insertion of a definition of a "licensee" is necessary for the purposes of part V which is to be substantially amended.

Amendment agreed to.

Further consideration of clause 3 postponed.

Clause 4 agreed to.

Clause 5:

Mr ISAACS: I move amendment 51.1.

The purpose of this amendment is to implement the recommendations of the McKay report and that is to appoint a commission of five people including the chairman. I have gone one step further by seeking that one of the appointed members of the commission be a person elected by the staff of the commission. I believe there should be representation from the interests of the workforce. It can be done in one of two ways - one by direct representation by ballot of the staff or by seeking a representative from the relevant trade union body. I would be interested to hear the Executive Member for Finance and Planning's views, firstly, on expanding the commission in line with the recommendations of the McKay report and, secondly, on including one member on that commission who would be representing the interests of the workforce.

Mr PERRON: Mr Chairman, I speak in opposition to the amendment. The prime reason why it was decided that the commission should consist of three members instead of five, as recommended by the McKay report, was that when the federal government approved of the Northern Territory executive proceeding with the implementation of legislation for an electricity commission, federal Cabinet, I understand, decided that it should be a commission of three members. Members will realise that after 1 July these matters will rest on the responsibility of this Assembly. In the meantime, we feel it would be quite reasonable to leave the commission at three members. It is a point that could be debated; whether it should be three or five anyway.

On the honourable Leader of the Opposition's suggestion that one of the members, be it three or five, should be elected from within the ranks of the

Electricity Commission itself, I think there would have to be some sections added to the bill to provide how that person is to be elected. There could be considerable dispute as to how that person is to be selected. I think we would have to provide for a procedure in the legislation and we certainly do not have amendments ready proposing that. I oppose the amendments on those grounds, Mr Chairman.

Mr ISAACS: One point on the question of there being a three or a five-person commission, I take the point of the honourable executive member that it was a federal Cabinet decision but I understand this bill is not going to come into effect until 1 July. That is the day on which the executive can make those arrangements. I would have thought that, in keeping with the recommendations of the McKay report - certainly nothing he said to date says that that recommendation is not a good one - he would have been able to implement that recommendation without regard to what a federal Cabinet decision might have been, up to and including 30 June. This bill comes into effect on 1 July at which date the Majority Party does have control over electricity. I believe it could be within their powers now to accept that recommendation.

Mr EVERINGHAM: Mr Chairman, I thought the honourable Leader of the Opposition might have got the message from my colleague, the Executive Member for Finance and Planning. The fact of the matter is that certain agreements had to be entered into with the federal government - or understandings rather than agreements; that is the fashionable word these days. As the honourable Leader of the Opposition well knows, the funding to run the Electricity Commission or to subsidise it is coming from the federal government and it is coming to the tune of $25m or $30m a year. It seems to me that it is worth humouring the federal government if it only wants a three-person commission, rather than a five-person commission. The honourable Opposition Leader has advanced no good reason why the number should be enlarged to five. It cannot be said that it is going to make it more or less efficient or anything like that. We will not know till we see how it operates for a few months and when we see how it operates for a few months, then all sorts of changes could be contemplated.

Amendment negatived.

Mr ISAACS: Mr Chairman, I move amendment 51.2.

This seeks to amend subclause (3) to ensure that members are appointed to the commission for a period of three years. There could be a different wording; I notice in the bill presented this morning, to establish the Northern Territory Development Corporation, there is a slightly different wording. It seems to me that the standard period for which people are appointed to commissions or boards in the Northern Territory is three years. I recall a number of years ago it was raised from two to three. I would just seek for the purpose of uniformity and to ensure that people are appointed for the same period of time, that the wording of subclause (3) be altered to provide for a period of three years.

Mr EVERINGHAM: I have sought my colleague's permission to answer this particular proposition of the honourable Leader of the Opposition. It has concerned me that the number of boards and tribunals in the Northern Territory, or most of them, have slightly varying terms and conditions and declarations and all the rest of it. A week or two ago, I was discussing this with some officers from the Department of Law and we decided the best way to tackle the whole thing might be to produce something that tentatively we called the "Tribunals Ordinance" to standardise the whole thing for all boards and tribunals. So it seems to me pointless to amend this particular piece of legislation now because we are intending to bring in this tribunals legislation, we hope, within six or nine months and the whole situation will alter.

Amendment negatived.

Clause 5 agreed to.

Clauses 6 and 7 agreed to.

Clause 8:

Mr PERRON: I invite the defeat of clause 8 and will be proposing a new clause in a moment.

Mr Chairman, could I ask for a ruling here. I have been advised that you can only speak to one amendment at a time; if I speak to an amendment to defeat a clause of the bill and then propose to insert another one in its stead, does the same argument apply to both situations?

Mr CHAIRMAN: The honourable member may speak to invite the defeat of clause 8 and, at the same time, speak on the introduction of the new clause.

Mr PERRON: I move amendment 49.6.

This invites defeat of clause 8 and I foreshadow that I will be proposing a new clause to consolidate the procedure for acting appointments in place of both the chairman and members. It also removes the restriction whereby an acting chairman must be an employee of the public service. Membership in the Northern Territory Public Service is not a prerequisite for the appointment of a chairman and the same freedom of choice should apply to the appointment of an acting chairman.

Clause 8 negatived.

Mr PERRON: I move amendment 49.7.

This inserts after clause 7, a new clause as I have just indicated.

Mr ISAACS: I would like to assist the executive member but I think we have a problem. New clause 8 to be inserted has reference in paragraph 8(b) to the chairman or member being precluded from acting by the operation of section 9(2). That was okay in the old bill but, for the foreshadowed amendment, it makes nonsense.

Mr CHAIRMAN: Subject to later amendments there could be a consequential amendment made by the Clerk to 8(b) or we could omit 9(2) and substitute 9. Does that help the honourable Leader of the Opposition? The Clerk has the power to make that numerical change.

New clause 8 agreed to.

Clause 9:

Mr PERRON: I move amendment 53.1.

This invites defeat of clause 9. In doing so, I give notice that I will be moving a replacement clause, after discussion with the Leader of the Opposition, on the matter of the disclosure of interests and whether or not a member should be able to act having disclosed an interest. The new clause proposes to prevent a commissioner from acting in any matter in which he has an interest or his spouse, child or parent has an interest. I invite defeat of clause 9.

Clause 9 negatived.

Mr PERRON: I move amendment 53.2.

This inserts after clause 8 a new clause as circulated for the reasons aforementioned.

Mr ISAACS: I welcome the new provision although I am not quite sure that it goes as far as I would like but certainly it does as much as we can expect. The procedure, of course, which I would like to see inserted is that which was suggested by the member for Fannie Bay - that, where a member has an interest, that interest be declared and that member remove himself or herself from the meeting. However, I think clause 9 does about as much as any other ordinance, that I am aware of, in relation to the matter of interest and I welcome this insertion in the bill.

New clause 9 agreed to.

Clauses 10 and 11 agreed to.

Clause 12:

Mr PERRON: I move amendment 49.10.

This invites the defeat of clause 12. In so doing I would foreshadow no amendment to replace that clause as the requirement to submit annual reports will be covered by the provisions of the Financial Administration and Audit Ordinance in its application to the commissioner.

Clause 12 negatived.

Clause 13:

Mr PERRON: I move amendment 49.11.

This is a technical amendment to clause 13, clarifying the intention and meaning of subclause (3).

Amendment agreed to.

Mr PERRON: I move amendment 49.12.

This is a consequential amendment following on from the amendment of part V which substitutes the concept and term of a "licensee" for "agent".

Amendment agreed to.

Clause 13, as amended, agreed to.

Clause 14:

Ms D'ROZARIO: I move amendment 44.1.

The aim of this amendment is simply to alter very slightly some words in paragraph (b) of clause 14, to read "to plan and coordinate the generation and supply of electricity for the Northern Territory". The reason for putting this up is simply that the Interim Electricity Commissioner has indicated that he is investigating sources of power that may lie beyond the boundaries of the Northern Territory. By moving this amendment it is proposed to clarify the position of the commission in planning and coordinating the generation of electricity at a source that might lie beyond the boundaries of the Northern Territory. With the indulgence of the committee, having given that explanation, I would further move that the words be changed to "in and for the Northern Territory". The purpose of that is simply to allow the commission to sell

electricity to areas that may lie beyond the boundaries of the Northern Territory.

Mr CHAIRMAN: The honourable member for Sanderson has an amendment to the original amendment that was circulated, by adding the words "in and for the Northern Territory". The clause will read"in and for the Northern Territory" and not "for the Northern Territory" as circulated.

Amendment to the amendment agreed to.

Amendment, as amended, agreed to.

Clause 14, as amended, agreed to.

Clause 15:

Ms D'ROZARIO: I move amendment 44.2.

In doing so, I would further move for a change of words in the amendment from "in the Northern Territory" to "in and for the Northern Territory", for the same reasons as given earlier.

Amendment to the amendment agreed to.

Amendment, as amended, agreed to.

Mr PERRON: I move amendment 49.13.

New paragraph (2)(d), as circulated, is necessary to provide legal foundation for licences to be issued under the amended part V - generation of supply of electricity by independent suppliers. Paragraph (da), as circulated, is necessary to spell out the power to enter into contracts and subcontracts for related functions, such as the construction of works, reticulation lines etc, in remote areas where a transfer in placement of commission personnel would be uneconomical. Paragraph (db) provides the legal foundation to exercise discretionary power for saving and for rationing electricity within the supply area or between supply areas in case of emergency or national disaster. Details and guidelines will be spelt out in the bylaws which are subject to disallowance by this House.

Amendment agreed to.

Mr PERRON: Mr Chairman, I move amendment 49.14.

The power under paragraph (2)(i) will be covered under the provisions of the Financial Administration and Audit Ordinance and should be deleted here. New paragraph (i) spells out the power relating to the construction and maintenance of plant and equipment.

Amendment agreed to.

Mr PERRON: Mr Chairman, I move amendment 49.15.

The general functions of the commission, generation and supply of electricity, leave some doubt as to whether the commission could spend funds on the sponsoring of training schemes and scholarships in the electrical trade. Yet these are very important ancillary functions and the relevant power should be defined.

Mr ISAACS: I welcome the insertion of amendment 49.15 because there was some doubt as to whether or not apprenticeship stars and awards of merit and so

on could be given and, of course, it is a very necessary function of the Electricity Commission. I am pleased that the commission already has shown its interest in this area. It is a provision which I thoroughly approve.

Amendment agreed to.

Mr PERRON: I move amendment 49.16.

The insertion of new paragraph (ma) is warranted in the light of the substantial asset value of the property to be vested in the commission, now valued at some $72,000,000 but in fact representing a replacement value close to $150m.

Amendment agreed to.

Mr PERRON: I move amendment 49.17.

New subclauses (4) and (5) refer to large bulk consumers. Subclause (4) enables the commission to negotiate terms and conditions for the cost of extra equipment. Subclause (5) provides for control over sales of private entrepreneurs and the prevention of exploitation of small consumers who are entirely dependent on electricity supplied by a licensee or bulk consumer such as a caravan park owner. New subclause (6) is a standard provision to be found in all legislation establishing a public authority.

Mr ISAACS: Once again I welcome the insertion of these three subclauses, and I am also indebted to the executive member for explaining new subclause (4) because, for a lay person to just read that, he would think the Electricity Commission was merely going to arrive on his block of land, install a piece of equipment and charge him for it. The explanation he has given is certainly satisfying. It is a shame that that cannot be written into the ordinance to allay people's fears although, quite obviously, it can only be used in the circumstances indicated.

Amendment agreed to.

Clause 15, as amended, agreed to.

Clause 16:

Mr PERRON: Mr Chairman, I move amendment 49.18.

This is a consequential amendment flowing from the amendment of part V, again dealing with licensees.

Amendment agreed to.

Clause 16, as amended, agreed to.

Clause 17:

Mr PERRON: I move amendment 49.19.

New subclause (2a) is to provide legal protection for warning signs, fences and barriers put up by the commission over excavation sites and around road closures.

Amendment agreed to.

Clause 17, as amended, agreed to.

Clause 18 agreed to.

Division 3 of part II - heading:

Mr PERRON: I move amendment 49.20.

This changes the heading from "Finances" to "Moneys".

Mr ISAACS: Mr Chairman, I suppose now is as good a time as any to ask a question about this matter because, quite obviously, we are going to make some pretty wholesale changes to this provision and the changes from "Finances" to "Moneys" is, I think, a significant amendment. Can the executive member explain to me how, in changing from "finances" to "moneys" and therefore bringing the whole question of finances under the Financial Administration and Audit Ordinance into effect, this will effect the independence of the commission because I took those statements from the Majority Leader the other day seriously, when he said it is his desire to have an independent commission. But on my perusal of what is going to happen to division 3, the commission is going to lose that independence in so far as its capacity to invest money and so on.

Mr PERRON: By way of explanation, Mr Chairman, I would say that the commission, in coming under the financial administration and audit legislation, will still be able in certain circumstances to invest moneys; it will be able to control its own affairs with a large degree of autonomy. The financial administration and audit legislation provides a great deal of flexibility and each statutory corporation will be looked at individually and on the merits of each case.

On the functions of the commission itself certain powers will be allowed under the ordinance for it to open its own bank accounts. In some cases it may be able to invest moneys under certain conditions; it may be able to enter into overdrafts under conditions laid down by the Treasurer. There was some concern expressed about the proposed system of central cheque issuing - computerised cheque issuing - but there is provision in that bill which is before the House to allow statutory corporations to run their own cheque systems completely and, indeed, this will be done in several cases. I think that is about all I can say to the honourable Leader of the Opposition. In fact the commission will still be able to have a wide range of administrative autonomy even coming under the financial administration and audit legislation.

Mr ISAACS: I thank the executive member for that explanation but I am still somewhat concerned. Presumably when the bill was first drawn up the question of autonomy and independence of the commission was kept in mind and bearing in mind the remarks already made about the incapacity to make it independent of the public service, which has already been stated, it seemed to me that this other bill would restrict the financial autonomy of the commission more than it is restricted under the current bill. It seems to me that there may be some unnecessary restrictions on the financial autonomy of the commission. I recognise the requirement and the need to have it under surveillance and under ministerial control - indeed we have already passed an amendment to ensure that. But it does worry me that on one hand we are setting up a public enterprise and on the other hand ham-stringing it to some degree.

Mr EVERINGHAM: I had mentioned earlier the inability of the executive, despite its wishes, to have the commission established at least at the outset outside the provisions of the Public Service Ordinance. This has been forced on us really because the federal legislation only provides for the transfer of Australian public servants to the Northern Territory Public Service. Therefore we are unable to force them into a commission which is outside the public service and at this stage they will not voluntarily go into it. So we have no

alternative.

We are hoping that within the foreseeable future - and I would say not more than 12 months - we can persuade them that it is in their own interest to be part of a commission that is outside the provisions or operations of the Public Service Ordinance whilst at the same time attempting to ensure for those who want it as much interaction in terms of employment opportunity with the public service as is commensurate with the efficient operations of the Electricity Commission.

But turning to the question of the finances of the Electricity Commission, I happened to be speaking about this last night to the person, Mr Ashley, who is proposed to be the permanent head of the Treasury Department. I said "What's this about the Electricity Commission not having its own bank account and cheque book and all that sort of thing?" And he said "Well, in fact, they will have their own cheque book and they will have their own bank account. The only area where they won't have complete freedom is the area of investment of their funds". And I must say this is a principle that I entirely support, because what we are proposing to do with the Northern Territory Treasury funds is to amass them together, the spare funds, and invest them in one lump, rather than each particular authority or department investing its spare money at the best rate it can get. Some departments and some authorities really have no expertise in this area and, of course, the larger the lump you can play with the greater the interest you can demand. This is the whole idea of putting all the money together in one bin for investment purposes only. But for operational purposes they will have their own bank account and their own cheque book and, as far as I can see, it is very much in the taxpayers' interest that we use this money to the best advantage to get the greatest return for the Northern Territory. If it is going to get a greater return by being in one big bin for investment purposes, well it seems to me irrational to argue against it.

Mr Isaacs: What about short-term investments though?

Ms D'ROZARIO: I just seek some clarification from the honourable Majority Leader. I quite go along with his reasoning in principle but there will be times when a public enterprise operating as we are legislating for this one to operate will need to have some access to short-term funds and to be able to borrow on the short-term money market. There will be instances, which I believe other public enterprises encounter, when funds are required for periods of 24 and 48 hours and such short-term periods as that. I just wonder whether the Majority Leader would kindly clarify whether the proposed commission is to be denied this facility.

Mr Everingham: You said borrowing, didn't you?

Ms D'ROZARIO: Yes, also borrowing.

Mr CHAIRMAN: Speak to the Chair, please.

Mr PERRON: Mr Chairman, if I may explain that, I would certainly hope that if any commission is in a situation where it requires some short-term funds, the first person it would come to is the Northern Territory Treasury. This is indeed if they were in the situation of banking in the private sector rather than banking with the Northern Territory government bank accounts. As I outlined in the second-reading speech to the financial administration and audit legislation, there is an enormous amount of flexibility so that, with the concurrence either of the minister concerned or of the Treasurer - and apart from those two, the Administrator in Council also has powers under that financial administration and audit legislation - there is a whole wide range of power; it is almost unlimited, except for the fact that if powers are given to invest, the list of persons with whom you can invest are limited and approved,

which is surely fair enough.

So in answer to the honourable member's question, there will be no necessary restriction in this regard. They are all provided for under that financial legislation. Whilst I am not saying here that they definitely will or definitely will not have a particular power, I am saying the merits of the financial situation of every authority will be looked at and they will all be dealt with on those merits. The legislation will be flexible enough to allow for virtually every conceivable and reasonable financial situation.

Amendment agreed to.

Heading, as amended, agreed to.

Clauses 19 to 26:

Mr PERRON: Mr Chairman, I move amendment 49.21.

This invites the defeat of clauses 19 to 26 which deal with finances, annual reports and the audit of accounts of the commission. These are now being provided for under the provisions of the Financial Administration and Audit Bill and therefore are not necessary in this situation.

Mr ISAACS: Mr Chairman, I will pursue the line I was pursuing before because I used up my two questions on the previous one. The problem I would like to put to the executive member is as follows: quite often large sums of money come into the bin of the public authorities, say, on a Friday afternoon. It may not be possible to get approval from the Treasurer or somebody delegated by him to invest that money quickly. However, I think the executive member would be aware that very often businesses do take advantage of having a large sum of money on a short-term basis and being able to invest it, say, over a weekend or perhaps even over a long weekend - perhaps even the Christmas period, something of that order - when the money obviously would not be required, but the essence of the operation is to be able to act quickly. Now my concern is, following on from what the member for Sanderson said in relation to borrowings but in so far as investments are concerned, it seems to me that the commission is going to be ham-strung to some extent if it needs to place this money quickly and cannot get the necessary authorisation from the Treasurer.

Mr PERRON: Mr Chairman, in the situation the honourable Leader of the Opposition outlined, I would envisage that if it is deemed that the commission, in this case the Electricity Commission, should have a power to invest in the short-term money market, it would be a standing power and not one that they had to run along for every time. If it is deemed on the merits of the case that they should have it, they will be given the authority.

I would further say that it is really reinforcing the argument for a central investment point inasmuch as, if there were a number of authorities with small amounts of temporarily surplus moneys, all banking with the Northern Territory Treasury, with trust accounts operated from the central consolidated revenue account, the central Treasury will have persons there very experienced in the investment field, including the short-term investment market, and will be able to play with much larger sums of money which, scattered around the Northern Territory, may not be available in the one place.

Mr TUXWORTH: Mr Chairman, just to reinforce the argument put by my colleague, the honourable member for Treasury, it is my understanding, particularly on the short-term money market, that people do not work an eight-hour day, a five-day week; they work 24 hours a day, seven days a week, which is all the more reason why we should have the money centralised in an area where

money managers are operating around the clock irrespective of the time of day or night or holidays which is something you would not get in a small commission.

Amendment agreed to.

Clauses 19 to 26 negatived.

New clause 19:

Mr PERRON: Mr Chairman, I move amendment 49.22.

This inserts after clause 18 the new clause 19, as circulated, defining the moneys of the commission in accordance with the proposition established under the Financial Administration and Audit Bill as applicable to the commission.

New clause 19 agreed to.

Mr ISAACS: Mr Chairman, I move amendment 51.3.

The purpose of this amendment is to ensure that electrical inspectors have certain qualifications. With my amendment, the provision will read as follows:

> *The Commission may appoint an employee to be an electrical inspector provided that such employee is the holder of an Electrical Mechanic's Licence, Grade A.*

I realise that might be unnecessarily restrictive in that we might want other people, who have qualifications equal to or above that of an electrical mechanic, grade A, to be appointed as an inspector but the intent of what I am seeking is to ensure that nobody is to be appointed as an electrical inspector who has any less qualifications. If my line of thinking is agreeable to the Executive Member for the Treasury, the sort of thing I would be looking at is to say, provided that such employee is the holder of at least an electrical mechanic's licence, grade A.

If that is not precise enough, as I believe it may not be, an appropriate way of handling the situation would be to say that such an employee be the holder of - and then list the four qualifications that we would accept: that is, electrical mechanic grade A, a diploma of electrical engineering, certificate of electrical engineering or an electrical engineer. I would ask the executive member to consider that.

I was most concerned during the second-reading debate that we respect the safety standards and that electrical inspectors only be those people qualified to carry out those functions. I believe the four classifications I have cited are those that would be acceptable as people being able to carry out that function.

MR PERRON: I have discussed this aspect with officials earlier and it is felt that it is an area where we should allow some discretion to the commission to appoint inspectors and should not be particularly restrictive. As the honourable Opposition Leader said, it is difficult just to talk about a grade A licence holder to be an inspector because there is a whole range of electrical qualifications which range up to diplomas in electrical engineering and probably beyond that, persons who could be regarded as having sufficient expertise to be classified as an electrical inspector. Indeed, further amendments, Mr Chairman, will show that we propose to have certain suitably qualified persons appointed as inspectors in the area of mines as well. I oppose the

amendment to the clause as being restrictive. It is one area I believe the commission, in its wisdom and expertise, should be able to operate quite effectively and there are certain avenues if it does not do so.

Mr ISAACS: I am indebted to the executive member but there is a very significant problem which arises out of what he says. I too have faith in the commission but I am not quite so certain that I have as much faith in those people that the commission is going to delegate powers to. As you know, we have already agreed to clauses in this bill which will allow the commission to delegate its functions to other people and it does concern me, therefore, that the person who has the functions delegated to him may not exercise the same kind of thoughts as the commission itself will.

I have sought from officials and experts, both from the union concerned and from other people as well, to find out the classifications of people who would be able to carry out this function and it seems that the four classifications I mentioned provide an exhaustive list: that is, electrical mechanic grade A, holder of a diploma of electrical engineering, holder of a certificate of electrical engineering or an electrical engineer.

I do not believe what I am proposing is restrictive. I do have faith in the commission. I do not believe the commission will appoint electrical inspectors who do not hold those qualifications. But I am fearful that people who have been delegated responsibility by the commission will. It seems to me, if they are given a carte blanche, we are heading for all sorts of trouble. I cannot understand the reluctance on the part of the Executive Member for the Treasury if the list I read out is exhaustive, and I am sure it is.

Mr PERRON: I appreciate the concern of the Leader of the Opposition but, if powers are delegated carte blanche and particularly a power like the appointment of inspectors, I would presume that the commission would not delegate the power of appointing an inspector to just anyone. I would be extremely surprised if the commission delegated that power beyond one of the very senior officers in the commission itself. Certainly it has the power to delegate to other licensees and the like but it is still up to the commission as to whether or not that power is delegated. If the power is delegated, it can be qualified in the way the member proposes by listing those four particular sets of qualifications that persons have to have. The point is that I am not expert in the field and the honourable Leader of the Opposition admits he is not. Our expert advice seems to differ. Mine says that the section is fine as it is and should not lead to any trouble, and his says no, you should have it defined. I propose to go with my set of experts.

Mr ROBERTSON: One thing does occur to me in this debate in committee on this particular amendment to this clause. That is the little inconsistency perhaps in what the Leader of the Opposition has suggested. He suggested he has full faith in the commission. That's fine. He then says he has not necessarily got that same faith in the delegate of the commission. Surely, if you have faith in the commission to make the correct delegations, you are safe. Alternatively, if you have faith in the commission and the delegate makes a silly decision, the commission will be aware of it, will correct it and change its delegate. So I think that faith in the commission is sufficient to give faith in the clause.

Mrs LAWRIE: I support the proposed amendment by the honourable Leader of the Opposition. I think it could perhaps be further amended, by way of a formal amendment, in a manner in which the honourable executive member may accept. For example, I would suggest an amendment to the suggested amendment 51.3 to read: "In subclause (1) add after 'inspector' the words 'provided that

such employee is the holder of an electrical mechanics' licence grade A or is similarly qualified'." That does not list a number of qualifications but it gives a clear direction to the commission that anyone who is to be licenced as an inspector has to have at least the equivalent of an A grade licence or similar qualifications.

If I may put another proposition to the honourable executive member, as reason for accepting this amendment - if we look at the duties of the inspector under clause 28(3), we see that:

> *A person who owns or has in his possession any electrical installation, apparatus, equipment or thing used in the generation, storage, reticulation or consumption of electricity shall, at the request of an inspector produce or allow an inspector access to that electrical installation, apparatus, equipment or thing.*

And the penalty for not allowing access is $1,000. We are now talking about allowing access to people to equipment in some cases worth hundreds of thousands of dollars. I would agree with the sentiments expressed in the House that we should have faith in the commission. What I am now trying to preserve is faith in the public having such equipment and the ability of the person who has the power under the ordinance to test it, tamper with it and interfere with it in the line of his duty.

I seriously ask the executive member to consider the feelings of the person owning that equipment. They want to be sure that the person who has the legal right to interfere with and test it is qualified to do so. Whilst I appreciate the feelings of the honourable executive member that the integrity of the commission is sufficient, that is not going to be an easy line to sell with people's equipment worth hundreds of thousands of dollars. The very least they are entitled to expect is that the person with the statutory right to come onto their property and inspect and interfere with their equipment is qualified to "A" degree. Therefore, I ask him seriously to consider my proposition, perhaps even to postpone further consideration of this clause.

Mr PERRON: I think I will seek a deferment of this clause as I did with an earlier one. However, I would like to point out to the honourable member for Nightcliff that there is an amendment to omit subclause 28(3). It is circulated as 49.24. However, I think the point the honourable member has made has some validity and I would seek to have the consideration of this clause postponed.

Clause 27 postponed.

Clause 28 :

Mr PERRON: I move amendment 49.24.

This proposes a new substitute subclause (3) in clause 28. The new subclause ties in with the provisions relating to the renewal of electrical mechanics' and contractors' licences under the Electrical Workers and Contractors Bill.

Mrs LAWRIE: I support this clause. May I just draw the attention of the honourable executive member to the fact that electrical workmanship undertaken in industry is always done by a qualified electrician. Therefore it is reasonable to expect that the person having the right to inspect that work should be at least similarly qualified. I am only backing up what I said before.

Mr Perron: I agree completely with that principle.

Amendment agreed to.

Clause 28, as amended, agreed to.

Clause 29:

Mr PERRON: I move amendment 49.25.

The amendment will enable the commission to withdraw from the market any appliance which, although previously approved for sale, turns out to be dangerous on account of a hidden fault. The commission could also ban the sale of damaged second-hand appliances.

Amendment agreed to.

Clause 29, as amended, agreed to.

Clauses 30 to 32 agreed to.

Part V - heading :

Mr PERRON: I move amendment 49.26.

This changes the wording in the heading of Part V from "agents" to "licensees".

Amendment agreed to.

Heading, as amended, agreed to.

Clause 33:

Mr PERRON: I move amendment 49.27.

This invites the defeat of clause 33. In doing so, I foreshadow a new clause to take its place. New clause 33 clarifies the position of private persons and companies which generate their own electricity and sell the surplus to the public. These enterprises are not in any manner agents of the commission as they are not selling the commission's electricity but their own product. It is, however, desirable that the commission should maintain full control over generating plants, distribution system and installations receiving electricity from these plants in the interests of safety. It is also important that the rise of monopoly situations be prevented through control of retail charges.

Clause 33 negatived.

Mr PERRON: Mr Chairman, I move amendment 49.28.

This inserts the new clause for reasons I spelt out before.

New clause 33 agreed to.

Clause 34:

Mr ISAACS: Mr Chairman, I have a question on clause 34 that I referred to in my second-reading speech. 34(2) reads as follows:

The By-laws may adopt any standard code or procedure laid down by the Standards Association of Australia ...

My concern is that there is an option open to the commission which is not currently open in so far as the electricity regulations are concerned. It has been put to me that the word "may" really means "shall" where no other alternative is put. I would like to be convinced of that argument and I would like to be convinced that the commission will use standards laid down by the Standards Association of Australia or where there are not any standards in respect of certain items of work, they will adopt the standards established by one of the other commissions or authorities around Australia.

Mr PERRON: I think it is a situation of getting back to having faith in the expertise of the commission. I feel it is really telling your grandmother how to suck eggs if you are telling the commission what standards it shall adopt. I would be amazed if the minister at the time did not do something very promptly about it. I do not think the commission would go off on a tangent by itself and adopt some strange system totally alien to this country instead of the usual Standards Association of Australia or other forms of codes which I believe are acceptable, covering different subjects in the industry. The bylaws may adopt other standards; that should be quite an acceptable thing. The commission is a responsible body - well, it should be - and I think we have to allow them some discretion, particularly in these technical matters.

Mrs LAWRIE: Mr Chairman, accepting in good faith what the honourable executive member has said, may I hope that he remains in charge of this particular operation so long as that party is in power, rather than the member for Nhulunbuy. The member for Nhulunbuy, in his second-reading speech, kept making comments along the lines of, well, if it does not quite come up to standard, "She'll be right, mate" and "Don't let's worry about it" - the very sentiment that the honourable executive member is anxious to allay. I join with the honourable Majority Leader in saying I would have preferred a more precise wording of the legislation to ensure that the commission shall abide by the ...

Mr Robertson: The Leader of the Opposition.

Mrs LAWRIE: Yes, what did I say?

Mr Robertson: Majority Leader.

Mrs LAWRIE: I am sorry. I was obviously thinking of changes in policy. May I make it quite clear I am agreeing with the honourable Leader of the Opposition in his wish to have a more precise wording so that we are quite sure that the commission shall comply with the Australian standard. My remarks, although facetious in the beginning, have more than a grain of truth. It is nice to have faith in the good judgement of the commission and faith in the executive member responsible, but personalities do change.

Mr PERRON: Sure they do. In regard to this, I think that if we changed the wording to "shall" in subsection (2) of section 34, it would merely require that the Commission "shall" adopt any standards laid down by SAA or any other authority approved by the commission. The commission has discretion in this matter even if you change it to "shall". What you are assuming is that they will adopt any codes whatsoever. The clause really allows them to adopt any codes that the commission sees fit. I really think it is a bit of a non-event.

Mr ISAACS: I present a bit more fuel to the non-event. If we are going to establish a grandma, we had better give grandma a few rules to abide by. Otherwise, if we are going to have faith in grandma, we establish her and say run your own race.

I suppose you have to strike a balance as to how far you go and I am very

reluctant to enter into the question of technicalities because I am the first to admit I have no expertise in it at all. I thought the explanation the executive member just gave added more weight to the argument that the member for Nightcliff and I have been putting. As I read it, this is a question I asked in the first instance, whether the commission may or may not adopt standards. If we put "shall" in, that certainly gives them a discretion, but it gives them a discretion within accepted standards laid down. As I read 34(2), the commission "may" adopt the Standard Association of Australia standards or those of other authorities around Australia, or it may not.

The point I am making, and I think the member for Nightcliff was making, is that if we change "may" to "shall" the commission is then required to adopt already accepted standards. It cannot do as the member for Nhulunbuy suggested - and I believe the member for Alice Springs was putting up a similar proposal - adopt procedures where it saw fit to suit the circumstances. Circumstances can change depending on where you are. I believe what we are putting forward is sensible. I think it is an issue; I think it is an event. To complete the analogy, if we are going to establish grandma, we had better tell her along what guidelines she is going to travel and perhaps we might even tell her what she is going to say.

Ms D'ROZARIO: I would like to add a few words to this which might perhaps overcome the fears the honourable executive member has on this point. The Standards Association of Australia is an extremely well thought of authority in the field of setting technical standards. I cannot see that there would be any difficulty in holding the commission to adopt these standards. I would like to say, in response to an interjection from the honourable member for Nhulunbuy that standards change, indeed they do. The Standards Association of Australia, I am happy to say, keeps up with changes in standards.

Apart from that, proposed section 34(3) provides that:

In adopting a standard code or procedure under subsection (2), the By-laws may adopt it subject to such modifications, conditions or restrictions as are prescribed in the By-laws.

It seems to me that the draftsman has indeed provided for a situation where the standards of the Standards Association of Australia might be adopted as a guide. Should there be some special circumstances which require modification, well, it is provided for and I think, in those circumstances, the wording of proposed subsection (2) should be changed from "By-laws may adopt" to "By-laws shall adopt" because provision for modification has been made.

Mr PERRON: The honourable member for Sanderson has almost argued against herself. She said that what we should be doing is forcing them to adopt a particular code laid down by the Australian Standards Association or anyone else because there is flexibility in that they can disregard it. There is no point in making it "shall"; they can adopt it to suit local circumstances and if they feel local circumstances are such that we should pay no notice to those particular sections or we should water them down considerably, we are really putting the commission into an absurd situation. There seems to be some dispute that I have interpreted her words correctly. She said they should be compelled to adopt the standards because, if they are too inflexible, there is provision in the ordinance for them to be varied by the commission. Right? Well, if they are to be varied by the commission, then what are we doing: demanding that they adopt a set of standards which they may not particularly want at the time. Surely their men are supposedly somewhat expert in the field - certainly more than we ourselves admit.

Ms D'ROZARIO: Mr Chairman, I would just like to clear that up. Indeed,

that is not the intention of what I was saying at all. What I was saying is merely that there was some truth in what the honourable member for Nhulunbuy said in his interjection. The Standards Association of Australia may not be a world leader and certainly there are standards which change more rapidly in other places than they do in Australia; I am merely saying the Standards Association of Australia standards, as they exist at any particular time, should be used as a guide. I am not trying to say that, if they are found to be not appropriate, they should not be abandoned or they should not be modified; what I am trying to say is that they should be used as the minimum standard and, if something comes along later on, as something always does, which alters the standard and makes it somewhat higher, well then, provision is made. But we need not be bound by any anachronism in SSA standards.

Mrs LAWRIE: Mr Chairman, it is perfectly logical and obvious, and the member for Sanderson has expressed it succinctly and clearly. We are saying the original standard by which everything shall be set is that of the Australian Standards Association. That is the mean. We are saying that the commission shall set that standard. Then there is provision in the bill ...

Mr Perron: It's nonsense.

MRS LAWRIE: The honourable executive member said it makes nonsense; well, it is his bill, so it must be his nonsense.

Mr Perron: No, of her point. Her point is nonsense.

Mrs LAWRIE: The honourable member for Sanderson, myself and the Opposition Leader are suggesting that as the first measure, the first standard, the commission shall adopt the standards of the Australian Standards Association, or such other organisation as the commission in its wisdom determines, but they shall adopt that standard or equivalent. That is in effect what we are saying. The subsequent clause under the bylaw-making powers says that under certain circumstances the commission has the power to deviate from that standard for a variety of reasons. But what we are saying is that the mean, the measure, in the initial instance shall be something equivalent to the Australian Standards Association; that is all. That is logical and very clear.

Clause 34 agreed to.

Clause 35:

Mr Perron: I move amendment 49.29.

New subclause (3) as circulated confirms the position that a licensee under clause 33 must sell electricity in accordance with the terms of his licence. New subclause (3A) deals with the bulk consumers who are re-selling electricity supplied by the commission, such as caravan parks.

The bill empowers the commission to regulate re-sale tariffs by way of agreement between the commission and bulk consumers. This provision renders a bulk consumer liable if he sells electricity at higher rates than the rate agreed upon.

Mr ISAACS: I welcome this provision but I would like to go a bit further and hope that the commission would ensure that people who re-sell electricity re-sell it at no greater rate than the commission itself offers it. Although it is not specified in anything I have seen in the bill or heard, from what the executive member has said, I would trust that that would be the principle. Certainly we would be happy for people to re-sell electricity, I suppose, at a rate lower than that charged by the commission but the commission should not

allow a person to re-sell it at a rate higher than the commission charges.

Mr PERRON: The bill certainly does not provide that they shall not sell it at a higher rate. I think that again would be an unfair restriction because if there were circumstances where a bulk consumer, as it were, was selling electricity and he had installed the reticulation or metering system beyond the point where he is metered in bulk the commission may, in fact, feel he has a right to recoup a small charge in tariffs to cover his own capital expenditure and possible losses that is, where the bulk consumer or bulk purchaser of electricity on-sells. So I can see in some circumstances the commission agreeing to a higher charge than they charge a bulk purchaser.

Amendment agreed to.

Clause 35, as amended, agreed to.

Clause 36:

Mr PERRON: I move amendment 49.30.

This invites the defeat of clause 36. The obstruction of inspectors and other persons authorised by the commission will be covered by the provisions of the Criminal Law and Procedure Bill which was introduced this morning and is now before the House. That covers the situation of obstructing public servants and the like.

Clause 36 negatived.

Clause 37:

Mr PERRON: I move amendment 49.31.

This amendment is consequential upon the amendment to clause 33.

Amendment agreed to.

Clause 37, as amended, agreed to.

Clause 38:

Mr PERRON: I move amendment 49.32.

This invites the defeat of clause 38. The criminal offence of impersonation is covered by other legislation, as I previously mentioned, where it carries in fact higher penalties than was envisaged in the bill here. I think the legislation that has been introduced has a penalty up to $4,000, by way of interest.

Clause 38 negatived.

Clause 39:

Mr PERRON: I move amendment 49.33.

This amendment and the three following amendments extend the protection of law to licensees who are supplying the public with electricity. If I could just foreshadow now the next three amendments to this clause, they are all covered by the same explanation.

Amendments 49.33, 49.34, 49.35 and 49.36 taken together and agreed to.

Mrs LAWRIE: I do not want to speak to those amendments, but to clause 39 as it stands. I just feel some mention should be made in committee of subclause (4):

> *The existence of artificial means for causing the alteration of the index of a meter, or for preventing a meter from duly registering the quantity of electricity supplied, or for abstracting, wasting, diverting or using electricity supplied by the Commission or the agent, when the meter is in the custody or control of the consumer, is prima facie evidence that the alteration ... has been fraudulently, knowingly and wilfully caused by the consumer.*

This is a fairly heavy clause. I assume it attracts the same penalty of $1,000.

Mr PERRON: By way of answering the honourable member for Nightcliff, Mr Chairman, I mentioned in my second-reading speech that I did not have a lot of sympathy for people who undertook to fraudulently tamper with meter readers in an attempt to ...

Mrs Lawrie: Meter readers?

Mr PERRON: As long as there's no sex discrimination. And I am not sure at this stage what the penalty would be for this particular offence. The offence under the regulations is $500. However, I think her point primarily was the presumption of guilt and I feel ...

Mr Robertson: It's prima facie evidence, not presumption of guilt.

Mr PERRON: Why didn't you get up for me?

Mr CHAIRMAN: Order! The honourable executive member will address the Chair.

Mr PERRON: Mr Chairman, I move that the motion be put.

Clause 39, as amended, agreed to.

Clause 40:

Mr PERRON: Mr Chairman, I move amendment 49.37.

This amendment to subclause (2) is consequential upon the amendment of clause 33.

Amendment agreed to.

Mr PERRON: Mr Chairman, I move amendment 49.38.

The amendment of subclause (3) extends to licensees the provisions relating to changes in tariff during the metering period.

Amendment agreed to.

Mr PERRON: Mr Chairman, I move amendment 49.39.

New subclause (4) establishes the legality of electricity charges under the regulations.

Amendment agreed to.

Clause 40, as amended, agreed to.

Clause 41:

Mr PERRON: Mr Chairman, I move amendment 49.40.

New paragraph (1)(c) authorises the assessment of electricity charges supplied to installations where the meter reader is prevented from reading the meter, for example the presence of vicious dogs on the premises, locked gates, etc - and I will be very surprised if we do not get some reaction to that.

Mr ISAACS: Mr Chairman, I am not going to react terribly viciously about it but I just remind the draftsman or the Clerk, when he is attending to the amendment to take note of the fact that it will need a semicolon after "damaged" in paragraph (b) and another "or" to ensure continuity of the clause.

Mrs LAWRIE: Mr Chairman, I recognise the necessity for some clause such as this. However, I would like to tell the House a little story. A gentleman who has a very well known restaurant in the central business district of Darwin came up to me some months ago and said, "Mrs Lawrie, the electricity people came to me and gave me a bill for" - I may have the amounts not quite accurate but it was something in the order of $6,000. "I said to them 'I have not used $6,000 worth of electricity' and they said "Well you see, we assessed you. You run a restaurant, so you must have used that much'." He then said "But I've got gas ovens". "Oh" they said, and ripped it up. I would hope that in making his assessment, the executive member shows a little greater responsibility than is occurring at the moment.

Amendment agreed to.

Mr PERRON: Mr Chairman, I move amendment 49.41.

The amendment to subclauses (1), (2) and (4) empower the commission rather than the minister to make an assessment of units of electricity supplied to an installation. It is considered that such assessment is a proper function of the commission.

Amendment agreed to.

Mr PERRON: Mr Chairman, I move amendment 49.42.

This is really a consequential amendment upon the previous one to alter the word "his" to "its" in subclause (2).

Amendment agreed to.

Clause 41, as amended, agreed to.

Clause 42:

Mr PERRON: Mr Chairman, I move amendment 49.43.

This omits "an agent" and substitutes "a licensee".

Amendment agreed to.

Clause 42, as amended, agreed to.

Clauses 43 to 49 taken together and agreed to.

New clause 50:

Mr PERRON: I move amendment 49.44.

This inserts after clause 49 a new clause 50 which is a transitional clause - well, it seems to be a transitional and a savings clause.

Mrs LAWRIE: I have a query on this transitional clause. It reads:

All rights and liabilities under an agreement referred to in subsection (1) shall continue in force ...

Does this mean that if a person disputes an account levied on him by the Commonwealth who is at the moment providing his power under the terms of this transitional clause, for failure to pay that account his supply will be disconnected when the responsibility for that supply comes under the new ordinance coming into force on 1 July?

Mr PERRON: In relation to outstanding accounts or moneys not paid up until the transfer, I believe it is right that liability for debts incurred under these circumstances should stay. If an account is disputed, well, as I understand it, the disputed liability is there and, of course, the dispute can be carried on with and heard or argued, however it is going to be settled. In some cases we hear it is pretty easy to get them settled; tell them you have gas stoves. But I do not think there is anything unusual or liable to cause any hardship in this particular provision. I would point out that we have made our interim electricity commissioner well aware of the inadequacies in the current procedure whereby people get power cut off for supposed non-payment of accounts etc, and I understand he will be instituting procedures which have some very secure checks before such action is taken.

Mr ISAACS: I take the question of the member for Nightcliff one step further. I do not believe the executive member has yet answered her question. As he would know, the Department of the Northern Territory currently has a very great stick in its hand and that is the power to cut off your power. There is not much point trying to go to somebody else to supply your power; there is only one person who gives it to you and you are in the same boat as you are when you do not pay your telephone account. The question the honourable member for Nightcliff asked was simply if there is an outstanding account, and the Department of Northern Territory pursues it after 1 July, will the Electricity Commission cooperate with the Department of the Northern Territory in cutting that supply off?

Mr PERRON: I find difficulty in giving a black and white "yes" or "no" to this question. I do not think it is unreasonable, at least until I have had time to talk with officers both of the interim commissioner's office and the Department of the Northern Territory. However, I will say this: I believe, if there is a legally incurred debt and it has been a long outstanding debt that should have been paid and the department requests the new commission to assist it in recovering the debt, I do not see that as an unreasonable thing. As a matter of fact, I could see perhaps some resistance to paying accounts if persons knew that the reverse was the case.

Mrs LAWRIE: One of the most sensible statements to come from the honourable member and sponsor of this bill was made some weeks ago in a burst of pique ...

Mr PERRON: Are they that long apart?

Mrs LAWRIE: I am at a loss for words. In a burst of pique at the procedures of the Commonwealth Public Service in attempting to collect money for

electricity supply accounts, the honourable member said the most sensible thing they could do would be to wipe the slate clean and start again. Now, I am not exactly promoting that; what I am saying is that perhaps at the next sittings he could prepare a statement to the House as to the precise policy which will be followed because the present accounts of the electricity supply are a hopeless mess. We all know it is supposed to be the fault of the dreaded computer. I am not really interested in where the fault lies, but it is of magnificent proportions and it would be most unfortunate if the present chaotic position is perpetuated when the Electricity Commission comes into operation. I think the honourable Leader of the Opposition has a valid point in that if a debt is owed at the moment, it is owed to the Commonwealth and it is up to the Commonwealth to pursue that debt and recover it. Why should we inherit their nest of worms?

Mr PERRON: Mr Chairman, I will undertake to have a statement tabled at the next Legislative Assembly sittings on the situation regarding accounts both before and after 1 July this year, so that the matter can be cleared up for all members, and leave it at that.

New clause 50 agreed to.

Postponed clause 3:

Mr PERRON: Mr Chairman, I do not wish to proceed with amendment 49.4.

Amendment negatived.

Clause 3, as amended, agreed to.

Postponed clause 27:

Mr Perron: Mr Chairman, after the short adjournment and discussion we had, I have an alternative suggestion here for an amendment to clause 27 - with the concurrence of the Leader of the Opposition as it would require him, as I understand it, to withdraw his amendment so that I could move this one. This has not been circulated but has been discussed.

Amendment 51.3 negatived.

Mr PERRON: Mr Chairman, if I can seek the indulgence of the House, in clause 27 subsection (1) it is proposed to include after "employee" the words "having qualifications prescribed by the by-laws". I understand that this will substantially satisfy the points brought up earlier in committee.

Mr CHAIRMAN: Would the executive member mind restating the words of the amendment please so that the Clerk can take a proper recording of it.

Mr PERRON: Yes, the words to be inserted after the word "employee" are "having qualifications prescribed by the by-laws".

Mr CHAIRMAN: Clause 27(1) would then read: "The Commission may appoint an employee having qualifications prescribed by the by-laws to be an electrical inspector". Is that right?

Mr PERRON: Yes, Mr Chairman.

Amendment agreed to.

Mr PERRON: Mr Chairman, I move amendment 49.23.

We have not dealt with amendment 49.23, as circulated. New subclause (1A) enables the commission to maintain and enforce the provisions of the ordinance covering mining areas. This is particularly important in residential areas adjacent to larger mines where electricity is supplied by the mining company. The provision is aimed at removing any potential conflict between this legislation and special mines electricity legislation. New subclause (1B) is a transitional provision to preserve the legal authority of the present inspectors until they can be formally reappointed by the commission under this ordinance after 1 July. The new subclause (1C) confirms the commission's authority over its inspectors.

Mrs LAWRIE: May I suggest to the honourable sponsor of the bill, in light of the previous amendment, the words "in the opinion of the commission" should be deleted. The amendment would then be that the commission may appoint an inspector of mines appointed under the Mining Ordinance who is suitably qualified to be an electrical inspector.

Mr PERRON: I think if you say "who is suitably qualified" or if you say "who is in the opinion of the commission suitably qualified" somebody has to be there to interpret what is suitably qualified ...

Mrs LAWRIE: It's under the by-laws.

Amendment agreed to.

Clause 27, as amended, agreed to.

Title agreed to.

Report adopted.

Mr ROBERTSON (Community and Social Development): Mr Speaker, perhaps with a little bit of lightheartedness in speaking to the third reading, we have heard throughout the passage of this bill two heart-rending stories - one by the Majority Leader and one by the honourable member for Nightcliff - in relation to the misdeeds of those terrible people in there charging for electricity. Of course, there was a consistency about those two stories. I would like to relate an experience of mine. It was when I was living in a flat in Bourke Street, Alice Springs and I queried an electricity account because I figured it was excessive. I duly lodged the complaint at the district office in Alice Springs and was told to pay $4 in order to have a check carried out on the meter. About ten days later I received a receipt for my $4 and a bill for another $14; the meter was slow.

Motion agreed to; bill read a third time.

ELECTRICAL WORKERS AND CONTRACTORS BILL 1978
(Serial 70)

Continued from 9 May 1978

In committee:

Mr CHAIRMAN: It will be necessary to move the bank of amendments at the end of the amendment schedule on page 5 first.

The question is that in the clauses specified the words "Executive Member" be omitted and the word "Minister" be inserted.

Amendments agreed to.

Mr CHAIRMAN: There is a further series of amendments to alter references to the "Administrator in Council" in clauses 15 and 51 to "Administrator". These are formal amendments again.

Amendments agreed to.

Clauses 1 and 2 agreed to.

New clause 2A:

Mr PERRON: I move amendment 50.1.

This inserts a new clause 2A. The purpose of this provision is to enable persons and firms now operating as electrical contractors to carry on their business for another three months after 1 July without breaking the law. At present there is no legislation regulating the electrical contractors and persons and firms now operating as contractors are, in fact, operating under A grade electricians' licences, or should be. This bill introduces the concept of electrical contractors' licences in the Territory and after 1 July, it will be an offence to undertake and carry out electrical wiring work without a contractor's licence except under certain conditions.

The proposed three months transitional period is necessary to enable contractors to complete current contracts and to submit their applications for licences, also to enable the board to process these applications before 30 September.

New clause 2A agreed to.

Clause 3:

Mr PERRON: I move amendment 50.2.

In speaking to this amendment, I will be speaking to two other amendments to clause 3, Mr Chairman.

Amendment agreed to.

Mr PERRON: I move amendment 50.3.

In doing so, I would explain that the expression "electrical work" does not occur in the bill, which is concerned with electrical wiring work primarily, so the definition is superfluous.

Mr ISAACS: I have some doubts about the statement made by the Executive Member for the Treasury. It is true that the words "electrical work" as such are not used in the bill, but it seems to me that when you are talking about an electrical mechanic and, I would think, an electrical contractor they would be doing the sort of work that is described in the definition "electrical work". That being so, I am not quite sure how to approach this; perhaps insert it into the definitions of electrical mechanic and electrical contractor - for example, "electrical mechanic" means "a person engaged in electrical wiring work or electrical work". But it seems to me, if we delete the definition of "electrical work", we are going to be deleting some of the functions which an electrical mechanic and a contractor would be taking part in.

Mr PERRON: This legislation and in particular, I must admit, the definitions were the subject of a great deal of to and fro-ing over the past couple of weeks, between project officers, draftsmen and officers of the interim commissioner's office. There was a lot of discussion on the definitions of electrical work and wiring work and transmission lines and whatever.

It was very extensively covered and agreement was reached in the form of these amendments, Mr Chairman. I feel the definitions that are included after the omission of these clauses can be expected to cover the situation by those who are concerned.

Mr ISAACS: Well, Mr Chairman, I am pleased to see there has been consultation and discussion on it, but I am not quite sure whom those consultations involved. It strikes me that, if we are going to delete "electrical work" as an area of operation that is going to come under this ordinance, then we can see the sorts of work which will no longer be regulated.

> *All operations in or in connection with the installation or repairing of electrical lines, meters, accumulators, fittings or apparatus for the generation, transmission, supply or utilisation of electric energy.*

It seems to me that it is appropriate that that sort of work come under the control of such a board and I am surprised, and disappointed I must say, that it is to be deleted.

I do not believe that when the member says there has been consultation - I doubt, for example, that this is in agreement with the thoughts of the Electrical Trades Union.

Mr PERRON: To repeat the comments I made when moving this amendment, Mr Chairman, the expression "electrical work" does not occur in the bill. The bill is concerned with electrical wiring work only and if the expression "electrical work" does not occur in the bill, I do not see a great need for it to be in the definitions.

Amendment agreed to.

Mr PERRON: I move amendment 50.4.

In rounding off the definition of "member" this ensures beyond doubt that deputy members while acting on the board will have the same powers and are subject to the same obligations as permanent members.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clauses 4 and 5 agreed to.

Clause 6:

Mr PERRON: Mr Chairman, I move amendment 50.5.

This omits from subclause (1A) the words "who is" and substitutes "who is or is eligible to become". The requirement under (1A) unduly narrows the field for selecting the chairman of the board. There is a number of duly qualified electrical engineers who may not be members of the Institute of Engineers of Australia but are eligible to become members by virtue of their professional qualifications or their membership of other recognised institutions.

Amendment agreed to.

Mr PERRON: Mr Chairman, I move amendment 50.6.

This inserts a new subclause to ensure that a representative of an interest group can always act in accordance with his own conscience and on

the merits of a case or person before the board.

Mr ISAACS: Mr Chairman, I think now we know what those consultations involved. If ever I have heard a most ridiculous compromise come out of anywhere, this would have to be it. Look what you are going to have.

Mr Perron: Is this supposedly a compromise?

Mr ISAACS: Well, I do not know how else you could get it. See what I am looking at. I am sorry, were you looking at 50.6? What we have here is that a person comes from an organisation - say, the Electrical Contractors Association - and what he is required to do in a meeting of the Electrical Workers and Contractors Licensing Board is to put the view of the society or organisation he represents. He is not going to argue it, mind you; he is going to put its view. Then he is going to put his own view. There are going to be some pretty lengthy meetings and, of course, what happens if he is uncertain what the view of his organisation is on a particular matter that might arise at a particular time? Frankly, I think it is an absurd clause. I would like to find a precedent for it. If there is a precedent for it, marvellous - but I do not recall any such clause like that in any ordinance in the Northern Territory. As I say, it seems to me an absurdity. The simple way of doing it surely is the way suggested in my second-reading speech - that is, you ask the organisations concerned to nominate somebody. That organisation will nominate somebody who they believe will represent their organisation properly and in the interests of the organisation and away you go. This (1A), I am sure, will never be honoured, in my view, in practice; and if it is - as I say, I do not think it will be but if it is - it will unnecessarily lengthen meetings of the licensing board. I believe that in twelve months time or whenever it is that we look at the report of the licensing board and we ask some learned person from that board how many members did as proposed in 6(1A), we will find that none did. Frankly, I think it is an absurdity.

Mr PERRON: Mr Chairman, the honourable Leader of the Opposition certainly has a point and I think perhaps the clause should read "each member of the board shall speak, act and vote independently". It is the only possible amendment that I would accept to that clause. I cannot for one moment accept that when we appoint people to these boards they are frozen and unable to speak other than as representatives of a group and only to represent the views of that group. I do not think we would get very many decisions out of very many boards if, every time a matter changed or the inference changed, each person on the board said, "Well, I will have to go and assemble an annual general meeting of the organisation I represent." I believe that, whilst persons are selected from a particular area of professional or trade background to be on a board, those persons are on the board in their own right, even though they may have been nominated by the particular organisation. They are there as individuals with a particular expertise or background and if the honourable Leader of the Opposition does not like the way subclause (1A) is phrased at the moment, I would suggest removing all the words between "shall" and "he" - that is, "shall" first occurring.

Mrs LAWRIE: Mr Chairman, I ask the honourable sponsor of the bill why subclause (1A) is necessary at all.

Mr Isaacs: Correct, it is unnecessary.

Mrs LAWRIE: I understand the Northern Territory Port Authority has no such restriction or instruction or indication, nor any other board. I cannot see why the amendment has to be proceeded with.

Mr PERRON: Mr Chairman, I accept the point completely and withdraw my motion to move amendment 50.6. I invite defeat of amendment 50.6.

Amendment negatived.

Mrs LAWRIE: Mr Chairman, I have a question to the honourable sponsor of the bill. It is not in any way in opposition; I am just seeking some enlightenment. How is the representative of the electrical wiring workers to be chosen? I do not know that there is any guild of electrical wiring workers. Is there a specific union? I want to know.

Mr CHAIRMAN: Order! I do not think that particular question is relevant to the clause under amendment.

Mrs LAWRIE: Excuse me, Mr Chairman, I am talking to clause 6. With respect, Sir, this deals with the constitution of the board.

Mr CHAIRMAN: Yes, I am sorry. The honourable member for Nightcliff is in order.

Mrs LAWRIE: Paragraph (e) of clause 6 reads that one of the members of the board should be a representative of electrical wiring workers. I am asking how that representative is to be chosen.

Mr PERRON: Mr Chairman, as has been indicated by the honourable Leader of the Opposition, I understand that the Electrical Trades Union represents electrical wiring workers specifically, and perhaps other classes of workers as well. They would be eligible.

Clause 6, as amended, agreed to.

Clause 7:

Mr PERRON: Mr Chairman, I move amendment 50.7.

Paragraph (2)(a), as it stands, would require the minister to contact each and every member of an interest group represented on the board. The omission of even one member of a union or a trade association could cast doubt on the validity of this action when making an appointment. The amendment will enable the minister to communicate with identifiable groups or persons.

Mr ISAACS: I am sorry, Mr Chairman, you have caught me napping but there is a problem in amendment 50.7.

Mr PERRON: Mr Chairman, I might just explain this briefly. I was quite alarmed when I first read the original clause 7(a) in the bill, saying that when the executive member, or now the minister, proposes to appoint a person to the board he shall first give "to all members of the interest group that that person is to represent, and to persons and associations claiming to speak on behalf of any of those members, an opportunity to recommend persons" to be put on the board. That obviously is quite absurd, as you would have to contact every single member of a particular union or association. The amendment goes quite a way to correct the situation.

Amendment agreed to.

Clause 7, as amended, agreed to.

Mr PERRON: Mr Chairman, I move that clauses 8 to 15 be taken together.

Mrs LAWRIE: Mr Chairman, I rise only to point out to the committee that under clause 8, a member who is not a public servant "holds office until the expiration of such period not exceeding three years". So we see we are putting through legislation again in the House with a different time period. Two hours

ago we put through legislation which mentioned five years. When the honourable Leader of the Opposition sought to amend the previous legislation, he was told his amendment was not necessary as the whole thing was under review. I only bring it to the attention of the committee that here we have the opposite occurring.

Clauses 8 to 15 taken together and agreed to.

Clause 16:

Mr PERRON: Mr Chairman, I move amendment 50.8.

The situation could arise where in the event of an equality of votes, the board is unable to reach a decision. The present paragraph (c) denies the chairman a casting vote. It is now proposed to give the chairman a casting vote in line with the procedural provisions generally applicable in similar boards.

Amendment agreed to.

Mr PERRON: Mr Chairman, I move amendment 50.9.

It is a consequential amendment; paragraph (d) is to be deleted.

Amendment agreed to.

Mr ISAACS: Mr Chairman, I refer the Executive Member for Finance and Planning to clause 16(2) which reads:

> *In the performance of its functions and the exercise of its powers, the Board is subject to the directions, if any, given it by the Northern Territory Electricity Commission.*

I accept the intent of that but I see some problem. Under that section the commission may direct the licensing board to license a certain person. That is, it might overrule the rights or the functions of the board. I would hate to see that happen. I do accept the necessity of such a provision that if the commission asked the board to look into a certain matter, it should so look. But I would not like to see the commission take over the function of the licensing board. Perhaps the executive member could reflect on that.

Mrs Lawrie: It would give them the power of appeal.

Mr PERRON: I accept the point. I, also, do not think the commission should override this board so far as the issuing of licences is concerned. They could bring a matter to the attention of the board or even give the board particular directions, depending upon circumstances. However, it should not be able to override the board to the tune of giving a licence to someone whom the board considers should not have one, and I take on board the honourable member's comments.

Clause 16, as amended, agreed to.

Clauses 17 and 18 agreed to.

Clause 19:

Mr PERRON: Mr Chairman, I move amendment 50.10.

The purpose of this clause is to authorise the holder of a grade R licence to carry out a special type of electrical work which, by definition, is classed

as electrical wiring work - such as the repair, servicing, connection or disconnection of refrigeration or airconditioning plants and units which form part of an installation that is not merely plugged in. The class of work is to be endorsed on the licence and if the holder carries out wiring work outside the limitations of the licence, he is guilty of an offence. Direct supervision by an A grade mechanic is unnecessary and impractical.

Amendment agreed to.

Clause 19, as amended, agreed to.

Clause 20:

Mr PERRON: Mr Chairman, I move amendment 50.11.

The requirement for character references to be furnished with all sorts of applications has a long history. However, it is now evident that it is an empty formality encumbering legislation and administrative procedures, and is of no practical value as a guide to a person's eligibility to perform a task.

Proper requirement for an electrician to distinguish code colours and to identify special function wires and parts is not a colour vision test but a colour identification test. That is the accepted definition of the particular test generally required in the electrical trade. Apprentices are already undergoing such colour identification tests. It is proposed that paragraph (d) be omitted and paragraph (e) be amended by substituting "colour identification test" for "colour vision test".

Amendment agreed to.

Mr PERRON: I move amendment 50.12.

This proposes to insert new subclause (1A). It ties up with the requirement for training and experience under clauses 17 and 18. In view of a possible situation where an applicant for a licence formally complies with the prescribed apprenticeship and examination and experience requirements, but was not actively engaged in the trade for a number of years - for example, as a parts or appliance manager in an electrical store - the board would have the power to ensure that applicants are fully acquainted with up-to-date wiring methods, colour codes, service rules and specifications.

As regards subclause (1B), at present the passing of an industrial safety course is not a formal requirement for a licence, mainly because no such courses have been conducted in the Territory. It is proposed that the Electricity Commission will eventually conduct regular courses in industrial safety, probably in conjunction with other organisations, and issue proper certificates. In the meantime the board should have the power to satisfy itself that applicants are not entirely ignorant of the basic elements of safety or to direct an applicant to undergo a course when such a course is available.

Amendment agreed to.

Clause 20, as amended, agreed to.

Clause 21 agreed to.

Clause 22:

Mr PERRON: Mr Chairman, I move amendment 50.13.

It is proposed that the term of a licence should be five years instead of for life. I am informed that at present Queensland, New South Wales, Tasmania and Victoria grant life-time licences but this situation is under review. South Australia and the ACT licences are for five years, while in Western Australia electrical mechanic's licences are renewable each year. In view of rapid changes in technology, it is desirable that Northern Territory licences should come under review at five-yearly intervals. This will give the board the opportunity to check the trade experience and up-to-date knowledge of the applicant.

Mr ISAACS: I welcome this amendment. However, I ask the Executive Member for Finance and Planning to give some kind of assurance to the committee that when the five years expiry date approaches, the holder of that licence will be notified that the expiry date is coming up and they have to renew that licence.

Mrs LAWRIE: Mr Chairman, I have a query for the honourable sponsor of the bill. What are the reciprocity arrangements between states regarding this position?

Mr PERRON: The reciprocity provisions of these bills has been primarily directed towards the qualifications of electricians, with emphasis on that area rather than the licensing of contractors. Let me just check what we are talking about.

Mrs Lawrie: These are applications for electric mechanics licence grade A.

Mr PERRON: Mr Chairman, I would have to check the information for the honourable member. It seems to me that, if in one state you have an annual renewal of an A grade electrician's licence and in another state you have it awarded for life, then it is going to be pretty difficult to have any reciprocity arrangements. However the bills were drawn up bearing in mind difficulties in the past in this matter. The officials working on these documents were doing their best to provide that reciprocity was a fact after their adoption. However, I can only undertake to find out the information for the honourable member at some time.

Mrs LAWRIE: Having regard to the excellent recommendations of the original inquiry, which I understand the Majority Party has accepted and is actively fostering - that is, the encouragement of electrical apprenticeships - with the issue of these licences and a very mobile population in Australia, I would like a statement - obviously we cannot have it at this sittings, but at the next sittings - as to how the five-year provision will affect people who have obtained a licence in the Territory and who are travelling interstate, perhaps after four years and eleven months of the licence here.

There must be someone who can put his mind to working out reciprocal provisions. I accept the fact that we cannot elucidate much more information at the moment but I would ask for a statement on the matter at the next sittings.

Mr ISAACS: The executive member might also answer the question I put to him: when the expiry date is coming up, will the licensee be notified by the board?

Mr PERRON: It is really an administrative matter for the Electricity Commission, who will be providing the secretariat for this particular board, to arrange for persons to be advised. It is not provided for in the legislation and that is what is the concern of the honourable member. Certainly I support the proposition that the motor vehicle registration people should write to me every time my driving licence expires. So I would support the idea that in the situation where a licence is five-yearly, then perhaps they should be

written to as well.

Amendment agreed to.

Mr PERRON: Mr Chairman, I move amendment 50.14.

This amendment is consequential upon subclause (1) to ensure that terms specified in an R grade licence do not exceed five years.

Amendment agreed to.

Clause 22, as amended, agreed to.

Clause 23:

Mr PERRON: Mr Chairman, I move amendment 50.15.

This amendment is consequential upon the amendment of clause 19, dispensing with the requirement for direct supervision by an A grade mechanic. It also enables an air-conditioning or refrigeration mechanic to work on his own, not merely as an employee of an electrical contractor.

Amendment agreed to.

Clause 23, as amended, agreed to.

New clauses - 23A, 23B and 23C:

Mr PERRON: Mr Chairman, I move amendment 50.16.

This amendment inserts three new clauses and is consequential upon the amendments to clause 22, fixing a term not exceeding five years for all electrical mechanic's licences. The board must renew a licence unless it is satisfied that the holder is no longer a fit and proper person to work in the trade in his original classification, or else has lost touch with recent developments in trade practices. The board could also take into consideration the number and nature of complaints lodged against an electrician or firm of contractors employing A grade electricians arising out of unsatisfactory workmanship, reported by individuals or by the Electricity Commission. Before granting a renewal, the board may impose a requirement for proficiency in industrial safety similar to clause 21B. Clause 23C states that all renewals are for a term not exceeding three years.

New clauses 23A, 23B and 23C agreed to.

Clauses 24 to 28 taken together and agreed to.

Clause 29:

Mr PERRON: Mr Chairman, I move amendment 48.1.

This amendment is on a separate sheet, schedule 48. As the paragraph stands, the business of an electrical contractor's firm must be managed and controlled by an A grade mechanic who has taken out a personal contractor's licence. This provision defeats the intent of having an A grade mechanic in or employed by the firm. His role is clearly not business management and control, but rather the carrying out and supervision of electrical wiring work on the site. The basic requirement for a firm to obtain an electrical contractor's licence should be that the actual electrical wiring work undertaken by that firm is carried out by or under the supervision of an A grade mechanic.

This amendment is aimed at achieving that purpose.

Mr ROBERTSON: Mr Chairman, I would just like to say that I welcome this amendment. I think I would be sufficiently vain to say it stems from my comments in the second-reading stage and I totally support the amendment.

Amendment agreed to.

Mr PERRON: Mr Chairman, I move amendment 48.2.

The comments I read out for amendment 48.1 stand for this amendment also.

Mr ISAACS: Mr Chairman, I am in some difficulty. I can understand what is being attempted by this particular change but it concerns me that the person who applies for the electrical contractor's licence can be one of the members or employees of the company or organisation who holds the electrical mechanic's licence. In other words, the person who is in the business of managing the show, who is pushing the paper and doing all the telephoning and so on, is the person holding an electrical licence grade A. That seems to me to defeat the purpose of it, if the purpose of that person is to supervise the work that is being done. That is how I understand the purpose of the amendment.

I would much rather see a qualification added onto this amendment 48.2 that would require that member or employee to be substantially employed in electrical wiring work. Unless you include that, it does not get us very far at all. What I am pointing to is that a company, for example, applies for an electrical contractor's licence and it says that person X holds the electrical mechanic's licence grade A. That complies with the requirements so a licence can be issued, but the purpose of having an employee who holds an electrical mechanic's licence grade A is to ensure proper supervision of electrical wiring work. If that person is involved substantially or entirely in the management of the organisation, it seems to me that it defeats the intention of what we are getting at.

I would suggest to the honourable executive member that we postpone this clause - if he agrees with the reasoning I am putting to him - so that we can amend it by saying that at least one of its members or employees in the Northern Territory be a "natural person" and that person be substantially employed in electrical wiring work.

Mr PERRON: I do not think it is really necessary. We are amending the bill from doing the complete opposite to what the Leader of the Opposition is mentioning. The original clause 2B said that the person who was holding the licence had to also be managing and controlling the business. We have got away from that in the amendment and have taken out the requirement that he manage and control the business. I do not think we should put in here that he should be substantially employed on wiring work when, in fact, he may have a role that is purely supervisory. I am sure the Leader of the Opposition would agree that being in a supervisory capacity is still being employed on electrical work, but the requirement is that a firm who takes an electrical contractor's licence has an A grade mechanic on its staff and he is the person who is responsible for the work that is carried out by that company. The company cannot hold its licence without him. Before work is undertaken, applications have to be put in to the commission and when work is finished it has to be inspected. I do not think there is really a need to specify that he shall be substantially employed on electrical wiring work. I think it is better to leave it as it is in the amendment.

Mr ISAACS: With respect to the answer given by the Executive Member for Finance and Planning, it misses the point. I accept his first statement that the original bill required the manager to hold an electrical contractor's

licence. Now, as I read the intention of amendment 48.2, the sole purpose of having an employee holding an electrical mechanic's licence grade A is not simply so that you can say somebody is responsible in a theoretical sense but also in a practical sense. If the person who holds that licence is substantially engaged in work other than that which is involved in electrical wiring, it seems to me a pretty absurd proposition that that person is held responsible for that work. He has nothing to do with it. He is managing the show. He is not supervising or overseeing the electrical wiring work. It seems to me that, if the requirement is to have any sense - that is, that any employee hold an electrical mechanic's licence grade A - then the only sense we can make out of it is that that person is involved in electrical wiring work.

Mr PERRON: Mr Chairman, I think that for that very reason, that he is a licence holder, we would expect him to be involved in that work if there is work available but ...

Mr Isaacs: But he is the manager.

Mr PERRON: No, he is not necessarily the manager at all.

Mr Isaacs: But if he is the manager?

Mr PERRON: He does not have to be the manager. If the company is not doing any electrical wiring work for the time, are you going to say that they cannot employ this man with an A grade licence unless he is substantially engaged in electrical work? They may not have any electrical work for a time. Mr Chairman, if I could just explain, persons who hold an electrical contractor's licence need not necessarily be solely engaged in the electrical business. They could be in quite a large building company that seeks to have his licence within its ranks, as it were, by engaging an A grade licensee. The electrical work that is undertaken by the company will no doubt be supervised by that particular person. It is an unnecessary restriction to say that he must be engaged on electrical work. We have already said that he does not have to be the manager. But if it happens to be a two-man show, he may well be.

Mr ROBERTSON: Mr Chairman, I would like to take a minute just to try and put all this together. I wonder if it would assist the Leader of the Opposition if he were to look at amendment 50.27 on page 5 of the circulated amendments and cross reference that back to his concern. It may alleviate his concern somewhat, particularly looking at paragraph (a) of this new clause 48. I certainly do not see it as being necessary to put this sort of provision in the legislation. The Leader of the Opposition is obviously concerned that the only person who is qualified to the extent of having an A grade licence is going to be the person who sits down and does no electrical work. That would never happen in business for the simple reason that the most efficient workman is always the person with the highest qualifications. If he is the manager, you can bet your life he is staying current with what his troops are doing. I do not see any necessity for it whatsoever.

What does worry me a little, however - and I must apologise to the executive member responsible for this legislation - is that this person, the "natural person" who is going to be, shall we say, the person upon whose strength the company will get its licence, is in fact required to have less experience before the board than an electrical contractor. I am wondering if we could not insert something - I would like some reaction from the honourable executive member responsible for the bill - at the end of paragraph (b) that he is eligible to hold an electrical contractor's licence on his own behalf. The person who is supporting the entitlement of the company for a contractor's licence does not have to have the same experience as an individual coming before the board. It would seem to me that there has to be an experience provision inserted, because we are only going as far as saying he holds an A grade

licence or its equivalent and yet, in respect of the individual, he has not only got to have an A grade licence or its equivalent, he must also support his application by experience and understanding of the industry.

Mr PERRON: I have to oppose my honourable colleague's suggestion. The aspect of the licence that requires a person who seeks an electrical contractor's licence to be able to run an electrical contractor's organisation efficiently and effectively is really the aspect of management. A company with the management experience and expertise to operate an electrical contractor's operation merely requires an A grade electrician within its employ to get a contractor's licence. In other words, it has the managerial expertise and it has the technical expertise by having an A grade mechanic work for it. In the case where an A grade mechanic seeks to be an electrical contractor himself, he has to satisfy the board that he has the management expertise, in other words that he is a fit and proper person to be an electrical contractor. He has to have the experience and the resources to be an electrical contractor and it will be up to the board to decide exactly what that is. It does not mean that he just has to be a fit and proper person in the context of being an honourable person with integrity. He has to show some resource and ability.

So on this subject of the amendment circulated, I do not see any difficulty at all, Mr Chairman. It just means that a company - we could take any company and I could pick a name like John Hollands, for example, just for what comes to mind - that wishes to enter into obtaining contracts for electrical wiring work and other electrical work, that wishes to be registered as an electrical contractor, engages a person who has an A grade licence and that person, naturally - and I say naturally because I cannot see any other person being in charge of the electrical wiring work of that organisation other than that person. I see no necessity at all for us to put in the legislation that he shall not be engaged in managerial-type tasks.

Mr ROBERTSON: Oh dear, the gentleman seems to have a difficulty. Could I put a proposition to the honourable executive member that we have two people - one is the holder of an A grade licence and the other is the holder of an R grade licence - and these two people get together and register themselves with the registrar of companies under the Business Names Ordinance as A and R Electrical Contractors. They are entitled under that section to apply for a contractor's licence but neither of them may necessarily have the requirements called for in the provisions of 29(a)(b), in terms of the experience required. Now any two people can form a body corporate or a body or association of persons as a partnership and be eligible for a licence under that section without meeting the provisions of section 29(1)(b). That is my problem.

Mr PERRON: Well, can I further ask the honourable executive member - this is getting ridiculous, Mr Chairman ...

Mr Robertson: I am sorry but I never saw it before, Marshall.

Mr PERRON: ... how he would propose to get over this situation. I realise that what he is really saying is that an incorporated association does not have to prove its capacity according to this legislation to be a contractor.

Mr ROBERTSON: I know I have had two turns, Mr Chairman, but may I just suggest to the committee, in breach of Standing Orders, if we add ...

Mr CHAIRMAN: By leave. You must seek leave of the committee.

Leave granted.

Mr ROBERTSON: If we insert the words - or words equivalent to these -

"and is eligible to hold an electrical contractor's licence in his own name", we are going to solve the problem.

Mr PERRON: Mr Chairman, perhaps we are getting a little messy on this and we should perhaps jump over it and leave it, to deal with other clauses. If the member is suggesting that, in the case of a large building company, the chief would have to be ...

Mr Robertson: We're not worried about that.

Mr PERRON: Well, we are talking about an incorporated or unincorporated body or association of persons.

Mr Robertson: A partnership of two people, as I see it. I would be happy to come back to it later.

Mr PERRON: Mr Chairman, can I seek a postponement of clause 29?

Mrs LAWRIE: Mr Chairman, I was going to suggest, having listened carefully to both honourable executive members, that if the honourable sponsor of the bill withdrew amendment 48.2 and left the original clause in its printed form, it would meet the objections of the honourable Executive Member for Community and Social Development.

Mr Isaacs: It would not meet mine.

Clause 29 postponed.

Clause 30:

Mr PERRON: Mr Chairman, I move amendment 50.17.

This amendment is consequential upon the amendment to clause 29, so I would seek the postponement of clause 30 also.

Clause 30 postponed.

Clause 31 agreed to.

Clause 32:

Mr PERRON: Mr Chairman, I move amendment 50.18.

Both the personal and company or firm contractors' licences are renewable annually, without exception in all states. It is desirable that the same provision should apply to the Northern Territory, particularly in view of the responsibilities owing by contractors, both personal and company, to the public.

Amendment agreed to.

Mr PERRON: I move amendment 50.19.

Mr Chairman, I wonder if we could arrange to have a short break for some consultation, otherwise we are liable to get into further troubles as clause 29 which we deferred keeps cropping up in subsequent clauses.

Sitting suspended.

Mr PERRON: Mr Chairman, I seek leave of the committee to postpone further consideration of clause 32 and the remaining clauses and amendments.

In doing so the committee will be able to go back to postponed clause 29. By way of explanation, a number of the remaining clauses in the bill reflect back to clause 29 - some of them directly, some of them indirectly - and it seems we will have to resolve clause 29 before proceeding further.

Clause 32 and remaining clauses postponed.

Postponed clause 29:

Mr PERRON: Mr Chairman, I move amendment 48.2.

I understand this was the amendment which was postponed on clause 29. By way of explanation, the problems which arose in committee over this matter can be satisfied it seems, if members look at clause 30, subclause (2D)(i). The provision refers to the applicant's good repute and fitness to carry on business as an electrical contractor and this overcomes the problem raised by the Executive Member for Community and Social Development, that a group without any particular qualifications in managerial or contractors' expertise may be able to apply for an electrical contractor's licence just by reason of the fact that they are an incorporated body. Section 30 would provide that the board could look at their expertise in this regard.

Mr Chairman, with this in mind, I move amendment 48.2 again.

Mr ROBERTSON: Mr Chairman, for the record, in considering the amendment of clause 29, I do accept that if we look forward to clause 30(2D)(i), I would be satisfied that proper provision has been made.

Amendment agreed to.

Clause 29, as amended, agreed to.

Postponed clause 30:

Mr PERRON: Mr Chairman, I move amendment 50.17.

This amendment is consequential upon the amendment of clause 29(2)(b), requiring the employment by a contractor's firm of an A grade electrical mechanic. The applicant company will have to clarify the nominated electrician's position with the company and his functional area.

Amendment agreed to.

Clause 30, as amended, agreed to.

Postponed clause 32:

Mr PERRON: Mr Chairman, I move amendment 50.19.

This is also consequential upon the amendment of clause 29(2), requiring a firm of contractors to employ and keep employed an A grade mechanic rather than have its business managed and controlled by the holder of a personal contractor's licence.

Mrs LAWRIE: Mr Chairman, I think the amendment is slightly deficient in that clause 29 - I am sorry but I am trying to tie this up in my head; it is not very easy. I understand perfectly the first half of subclause (4), that is the amending subclause (4). It does appear at a cursory glance that the contractor's licence of that body is only suspended until it nominates another such person and states its position in or on the body and that the board does not have to inquire into that person and accept him. The company only has to

nominate him and their licence is restored, if I have read that correctly. Surely, the provisions should be a little tighter so that the person goes through the same screening as the original person. Or am I incorrect?

Mr PERRON: Mr Chairman, by way of explanation, we are talking about a firm that is an electrical contractor, of course. Their only requirement as far as other than managerial expertise is to employ an A grade electrical mechanic. Therefore, the amendment is actually in order.

Amendment agreed to.

Clause 32, as amended, agreed to.

Clause 33 agreed to.

Clause 34:

Mr PERRON: Mr Chairman, I move amendment 50.20.

This is consequential upon the amendment of clause 32, rendering both personal and company contractors' licences renewable every twelve months.

Amendment agreed to.

Clause 34, as amended, agreed to.

Clause 35:

Mr PERRON: Mr Chairman, I move amendment 50.21.

As clause 34 now applies to the renewal of both personal and company contractors' licences, it is necessary to distinguish between the criteria on which a renewal may be granted. The purpose of this amendment is to restrict the application of clause 35 to company licences.

Amendment agreed to.

Mr PERRON: Mr Chairman, there is a further amendment to clause 35. I move amendment 50.22.

The amendment is consequential upon the amendment of clause 29. A company applying for renewal must satisfy the board that its nominated A grade electrician member or employee is continuing to be engaged in electrical wiring work and supervision.

Amendment agreed to.

Clause 35, as amended, agreed to.

Clause 36:

Mr PERRON: Mr Chairman, I move amendment 50.23.

This amendment is consequential upon the amendment of clause 32, fixing the term of a personal contractor's licence at one year instead of life. Clause 36 is now to apply to the renewal of both personal and company licences.

Amendment agreed to.

Clause 36, as amended, agreed to.

Clause 37 agreed to.

New clause 37A:

Mr PERRON: Mr Chairman, I move amendment 50.24.

This inserts a new clause after clause 37. New clause 37A confirms the Electricity Commission's status as a contractor for the purposes of the bill in order to remove any doubt concerning its employees' liability for a technical breach of this legislation.

New clause 37A agreed to.

Clause 38:

Mr PERRON: Mr Chairman, I move amendment 50.25.

This amendment is consequential upon the amendment of clause 29, requiring the employment of an A grade mechanic in the operational area rather than in the business management and control area of a firm of electrical contractors. I would just say, Mr Chairman, that this seems to cover a lot of the concern of the Leader of the Opposition that the man may not be working in an electrical area when engaged by an electrical contractor.

Amendment agreed to.

Clause 38, as amended, agreed to.

Clauses 39 to 47 taken together and agreed to.

Clause 48:

Mr PERRON: Mr Chairman, I move amendment 50.26.

This amendment invites the defeat of clause 48. This clause categorically forbids the performance of electrical wiring work by persons other than licensed electricians or permit holders. Literally taken and enforced, it would prevent apprentices from obtaining practical experience in installation wiring.

Clause 48 negatived.

New clause 48:

Mr PERRON: Mr Chairman, I move amendment 50.27.

This inserts a new clause after clause 47. The insertion of a new paragraph (b) in this redrafted clause 48 enables apprentices working under the supervision of an A grade licence holder to carry out electrical wiring work. The effect of this provision is that where an apprentice, in contravention of the provisions of this bill, wilfully and illegally performs any wiring work, he is definitely liable for prosecution. On the other hand, where the lack or absence of supervision is entirely due to the fault of the employer, then the employer is liable.

Mr ISAACS: Mr Chairman, I am pleased to hear that explanation but I just do not see how he gets it from reading the legislation. I accept the reasons for defeating clause 48 and the insertion of the new one. But as I read this new clause 48, it will work this way so far as apprentices are concerned: A person shall not carry out electrical wiring work unless he is serving an apprenticeship as an electrical mechanic, a fitter, a mechanic, or an elec-

trical fitter in the employ of an electrical contractor and is working under the direct supervision of the holder of an electrical mechanic's licence grade A. Now, where it is the fault of the employer that the apprentice is working on his or her own - and believe me it can happen, where the apprentice is told to go and do some work and the apprentice says, "But look, I'm not eligible; I can't do that on my own". And the employer says, "You'll do it or you'll be sacked". And do not tell me that every employer in the Northern Territory is so enlightened that that has not happened. It seems to me that under clause 48(b), the apprentice is liable. Perhaps the executive member can show me how he draws the interpretation he puts on it from this or any other provision in the bill.

Mr PERRON: Mr Chairman, I have to admit that I believe the Leader of the Opposition is probably correct here. From the notes I have been provided with on this particular clause, I also do not see where in this particular piece of legislation the liability would fall upon the employer - unless it is in some other piece of legislation, which should be indicated in my notes. Perhaps it is, Mr Chairman, that under the Apprentices Ordinance or whatever an apprentice who is not properly supervised is not liable for his actions. I am not aware of any such legislation in existence and on the face of it I would have to concede to the Leader of the Opposition that whilst I still support the amendment I have proposed, the words I used about the employer being liable if there is lack of supervision may well be incorrect.

Mr ISAACS: I do not know whether the executive member is inviting defeat. I believe we have to try to find some way around the problem. We cannot have the existing clause 48 which we have already thrown out, because we have to allow apprentices to get practical experience. But I would object very strongly to the proposed clause 48(b) as it stands at the moment because there is no doubt in my mind that the apprentice working without supervision is going to be liable, and he or she is going to be liable for $1,000 fine or imprisonment for six months, or both. So it seems to me, Mr Chairman, that we should postpone the clause, if that is what we have to do, just to get an answer to that question.

Mr PERRON: Mr Chairman, looking back at the head of it, the clause provides that a person shall not carry out electrical wiring work unless - and paragraph (b) says if he is an apprentice - he is working under direct supervision. This obviously means that if he is working without direct supervision, then he is contravening the section. Whether we should completely indemnify an apprentice who works without supervision from his responsibilities, I am not so sure, Mr Chairman. I wonder if the honourable Executive Member for Community and Social Development has anything to say on this matter, having spoken briefly on the subject.

Mr ROBERTSON: Mr Chairman, there is no real concern here. I think we are doing a little bit of a Don Quixote act, quite frankly. The whole basis of apprenticeship is master and apprentice; that is the understanding. If the apprentice wants to charge off on his own and do the work, then of course he is going to be liable in accordance with these provisions. But no court in this land would find an apprentice guilty, if the boy stands up there and says on oath, "I was told to do that or I would get the sack". You just will not find courts prosecuting like that. As I say, we are tilting at windmills.

I find no problem with this piece of legislation. It is a relationship between employer and apprentice. In fact, the whole thing is designed to allow an apprentice to work and I think the Leader of the Opposition recognises that. But to suggest that this sort of legislation could be used to fine an apprentice $1,000 because of the capricious action of his employer is to me quite nonsensical.

Mrs LAWRIE: Mr Chairman, then the bill is deficient - isn't it? - because there is no provision in these penalties to fine the employer who wilfully directs an apprentice or willingly, knowingly allows the apprentice to act in that manner. That is the point I think the honourable Leader of the Opposition was bringing up. I would suggest that, if we agree with the honourable Executive Member for Community and Social Development, we should have a paragraph (c) saying that a penalty of $1,000 or imprisonment for nine months, or both, shall apply to the master of an apprentice who directs such occurrence - I cannot possibly phrase the amendment on my feet but I think the honourable executive members opposite will realise what I am saying, that there is a deficiency in the penalty provisions.

Mr ROBERTSON: You go gobbling up the second bite of the cherry. I hope it is not too early. Mr Chairman, the reality again is that there are other provisions in this legislation as to the conduct of employers who are corporate contractors. Their licence is renewable annually. Now if such a complaint came before the board, I have absolutely no doubt at all that it would not wait for the annual renewal to take that licence away; it would probably do it forthwith and in any event that company would certainly not retain its licence the next year if it behaved in that manner. Again we are tilting at windmills. You do not need a penalty of that nature expressly built into the law. I would not be surprised if there is something for that type of conduct in there anyway, although I do not propose to go right back through the bill. But the reality of it is, there is ample provision in this bill to govern the conduct of corporate employers or corporate licence holders.

Mr COLLINS: Mr Chairman, without going into the details of this amendment, could I respectfully suggest to the honourable executive member who has passage of it that whatever else he can say about it, it does appear to be bad legislation. Perhaps he should reconsider it.

Mrs LAWRIE: Mr Chairman, notwithstanding that the forfeiture of the licence to which the honourable Executive Member for Community and Social Development refers may be a far more severe penalty - and the only penalty applicable - than the court would care to hand down under section 48, which is of course, a penalty of $1,000 or imprisonment for six months, or both, at the discretion of the court, when the honourable Executive Member for Community and Social Development says that an erring contractor or master who permits or instructs his apprentice to behave in an unlawful manner may have his licence forfeited, he is saying that he is subject to a far harsher penalty in one respect and one which will, of course, deprive the apprentice of his apprenticeship because it may be very difficult to place him with a new master. Therefore, I am not tilting at windmills, nitpicking or trying to be obstructive; I am suggesting, with respect, Mr Chairman, that a third clause needs to be drafted saying that the master of an apprentice who knowingly allows this occurrence shall be subject to these penalties.

Mr PERRON: Mr Chairman, I have reflected on it while other members have been speaking on the subject and feel that what we are really doing here is providing a penalty for any person who carries out electrical work outside this provision. In the case of an apprentice, he has to work under direct supervision. The argument seems to be: what if the employer tells him to do something and then does not give him that direct supervision? Well, I guess the same thing would apply if the employer said, "You'll get in your car and you will go from here to Winnellie and you'll do it in five minutes". It is the same as any situation where a master orders a person to break the law, Mr Chairman; the same situation would arise. Are we to exempt the person in those situations and blame the employer because he held some awful threat over his head? What if the employer - look, it gets ridiculous. The employer could tell him to jump over a cliff, Mr Chairman, On reflection on this, I feel it is a law - and we are talking about the safety of lives here - and an apprentice

under this law will have to work under direct supervision. I cannot see any way outside that, other than to say he is breaking the law if he does not do it.

Mrs Lawrie: But his master gets away with it.

Mr PERRON: Well, he shouldn't do it.

Mr COLLINS: Mr Chairman, with the greatest of respect for the honourable executive member, I would think that using the analogy of asking somebody to go and jump over a cliff and using the very practical day-to-day reality of a third or fourth-year apprentice being told to go and do a job on his own - which I have absolutely no doubt at all happens constantly in the contracting business - the honourable executive member is being slightly unrealistic about it. I think this is something that happens all the time.

Mr PERRON: Just as one final reply, Mr Chairman, and then I believe this question should be put. In the area of apprenticeships, there are inspectors who interview apprentices and employers who have apprentices. There is an Apprentices Board which hears complaints from either party about the relationship, the contract between an employer and his apprentice. If an apprentice is aggrieved over the fact that he may be being pushed around or his employer is coming the heavy with him, then he has the right to appeal to the Apprentices Board for justice and I think there is sufficient protection in that situation. I believe the amendment should be put.

New clause 48 agreed to.

Clauses 49, 50 and 51 agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

SPECIAL ADJOURNMENT

Mr ROBERTSON (Community and Social Development): Mr Speaker, I move that the Assembly, at its rising, adjourn until 10 am on Wednesday 7 June 1978 or such earlier time appointed by Mr Speaker.

By way of brief explanation for beginning the sittings on the Wednesday, Mr Speaker, Monday 5 June is a public holiday and out-of-town members would find it extremely difficult to attend their parliamentary wing meetings and meet on the Tuesday. All I can suggest to honourable members is, seeing we are starting a day late, not only should they bring their lunches, they should bring their evening meal as well.

Motion agreed to.

ADJOURNMENT

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

Mr DOOLAN (Victoria River): Mr Speaker, I am sorry to hold the House up at this late hour but there is something I would like to say. I listened with interest yesterday to the discussion on the matter of the part-Aboriginal people who grew up on Croker Island and, like the Majority Leader, I also have a great deal of sympathy with these people who fear that in the not very distant future they may be legally excluded from visiting the place which they

have always regarded as their home.

In common with the Majority Leader and the honourable member for Arnhem and perhaps other members of the Assembly, I also have been approached by some of these people who are concerned about the matter. Some of their suggestions have been fairly unusual to say the least. One was an inquiry from them as to whether or not I could manage two jobs at the same time and act as the town clerk at Croker Island, as well as remain a member of the Assembly. Another suggestion was that I might arrange for the dismissal of the manager of the Northern Land Council and take over that job as well.

These suggestions might sound odd but they do illustrate that the people are most concerned that they may not be able to visit the island with which they have such close association. I used to visit Croker Island fairly regularly just after the last war and at that time the mission superintendent was, from memory, a fellow named Tom Hanna. The previous member for Arnhem, Mr Kentish, was a member of the staff there.

In keeping with government policy at that time, the Methodist mission demanded and enforced complete segregation between half-castes and local Aboriginals who belong mostly to the Iwaidja tribe. This segregation was enforced to the extent that traditional owners were pushed off their own island and banished to the mainland which many of them quite naturally resented. The removal of the locals caused quite a deal of ill feeling at that time and some of the backlash remains. I have no doubt that it would be much stronger except for the influence of people like the late Reverend Lazarus Lami Lami who did so much in cementing relations between the local inhabitants and the alien coloured children who arrived there through no fault of their own.

Much has been said over the years about the rights and wrongs of simply collecting unfortunate coloured children from all over the Territory and dumping them at a particular centre in an institution. Incidentally, what occurred at Croker Island also happened at Garden Point on Melville Island and again, to some lesser degree, resentment was felt by locals there. There does appear to be some small degree of dissension and concern among the part-coloured people from Garden Point and the local Tiwi people, though not to the extent that it has occurred with the Croker Island people.

To go back to the time when the children who were gathered from all over the Territory and dumped on Croker Island and Garden Point on Melville Island - in some cases there is no shadow of doubt that it was an immoral and cruel thing to take children away from their mothers who in many cases were never to see them again. In other cases it would be quite true to say that some of the children would never have survived if they had not been given some sort of protection.

Frankly, it is indisputable that very few, if any, at Croker Island and only very few at Garden Point - of all the coloured children who were reared at these places - could claim land rights to them. It is a fact, however, that both the people reared on Croker Island and the people reared at Garden Point have a tremendous feeling of cohesion within their particular groups. Those of them living in Darwin tend to group themselves whenever possible in a particular suburb; very often they try and work together in the same jobs and they certainly enjoy the same social activity and belong to the same football and sporting clubs. This feeling of togetherness is most evident in the case when someone gets into trouble or when a family is neglected; others in the group will rally and assist the person in trouble. It is most noticeable that they stick together. Such a feeling existing in a group of dispossessed people is by no means unique.

Unfortunately, although the people from both of these communities have found a very strong identity as the Croker mob or the Garden Point mob, I fail to see how this could possibly give them any real claim to be landholders at Croker or Garden Point. Most of them have been away from these centres for a period of 15 or 20 years. This perhaps artificial identity which was born and grew strong at the mission to which they were sent as kids has carried over with them when they came into Darwin and has remained with them here in this city. I do not really know their motives in wishing to return permanently to the place where they were reared, although I do clearly understand the nostalgia and wishing to return for holidays to the place where they first found an identity. Should they wish to return to the scene for holidays or even to live there, I cannot see that traditional owners would be likely to object to any great extent.

The Majority Leader said at the conclusion of his speech in the adjournment debate that he hoped the Northern Land Council would agree to some sort of compromise that would not unduly affect traditional owners but would also give some degree of consideration to people who through no fault of their own have been placed in circumstances such as this. I agree with his sentiments.

I can only hope that the Majority Leader takes note of his own words when considering an amendment to the Crown Lands Bill in the complementary legislation because a similar situation would happen to a far greater number of dispossessed Aboriginal people living on stations who, unlike the Croker and Garden Point people, have never at any time left their place of dwelling, if the Crown Lands Bill is passed as it has been presented and becomes law without any amendment. I refer to the section that gives the right to hunt and forage only to Aboriginals who in accordance with Aboriginal tradition are entitled to inhabit the leased land and I trust that the compassion shown by the Majority Leader in considering the plight of the Croker Islanders will extend to the dispossessed Aborigines on stations.

Motion agreed to; the Assembly adjourned.

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