NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

Second Assembly
Second Session

Parliamentary Record

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NORTHERN TERRITORY LEGISLATIVE ASSEMBLY

Second Assembly

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PART I

DEBATES

Mr Speaker MacFarlane took the Chair at 10 a.m.

ADDRESS IN REPLY

Mr SPEAKER: Honourable members, it is my intention to present the address in reply to His Honour the Administrator at 5 p.m. today. Honourable members are invited to accompany me to the residency.

MESSAGES FROM ADMINISTRATOR

The CLERK: The following message has been received from His Honour the Administrator:

I inform the Assembly of the following action taken pursuant to subsection 8 (1) of the Northern Territory (Self-Government) Act 1978. His Excellency the Governor-General of the Commonwealth of Australia, acting with the advice of the federal Executive Council did on 13 September 1978 declare that he has withheld assent to the proposed law entitled the Cattle Price Stabilisation Ordinance 1975. The statement of reasons for the withholding of assent to the proposed law and a copy of the relevant order by the Governor-General are attached in pursuance of section 10 of the act.

I lay on the table the statement of reasons and a copy of the executive council minutes.

There is a further message from the Administrator:

I inform the Assembly of the following action taken pursuant to subsection 8 (1) of the Northern Territory (Self-Government) Act 1978. His Excellency the Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council did on 21 September 1978 declare that he assents to the proposed laws passed by the Legislative Assembly of the Northern Territory and reserved by the Administrator at the Governor-General's pleasure and entitled Construction Safety Ordinance 1975, Fire Arms Ordinance (No. 2) 1975, Construction Safety Ordinance 1976.

PETITION

Electricity Supply

Mr DOOLAN (Victoria River): Mr Speaker, I present a petition from a number of Northern Territory residents requesting the supply of electricity to their area. 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; petition received and read:

To the honourable Speaker and members of the Legislative Assembly of the Northern Territory, a number of petitions of the undersigned residents and landholders in the area of section 327, Hundred of Stangways Northern Territory respectfully showeth that there is a most pressing requirement for the supply of electrical power to that area and your petitioners therefore humbly pray that the honourable members of the Legislative Assembly will pursue this request with all diligence and instruct the responsible authority to provide the said power supply without delay and thereby assist to alleviate some of the suffering of the under-privileged rural dwellers and your petitioners as in duty bound will every pray.

STATEMENT

Misuse of funds

Mr PERKINS (MacDonnell): Mr Speaker, I ask leave to correct a statement I made in the House at the September sittings.

Mr SPEAKER: You will have to seek the leave of the Assembly.

Mr PERKINS: I seek the leave of the Assembly, Mr Speaker.

Leave granted.

Mr PERKINS (MacDonnell): Mr Speaker, honourable members will recall that at the September sittings, on 14 September, in response to allegations by the member for Stuart in regard to misuse of the funds of the Central Australian Aboriginal Congress, I said the following, and I quote: "I would like to give a categoric assurance to this House that there was no such abuse of funds and particularly government funds in the manner suggested by the member for Stuart". That, Mr Speaker, was true then and it is true now.

However, I went on to say, and I quote: "I would categorically state that all the funds which have been used for my electoral and or political purposes and those of the ALP are actual funds which were raised independently of the Central Australian Aboriginal Congress and which came from independent sources including the ALP itself". At the time I made that statement, I also believed it to be true. However, on my return to Alice Springs after the sittings, I caused further investigation to be made and found that an account for $143.83 had been sent to and paid by congress which ought to have been sent to and paid by me as it arose out of activity to do with the election last year. However, as soon as I was made aware of the payment, I reimbursed the congress for this amount.

I believe I should take this first opportunity I have to apologise to this House for misleading it on 14 September. I would like to give the House an assurance that, at the time I made the statement, I believed it to be true.

Mr ROBERTSON (Manager of Government Business): Mr Speaker, I move that the statement be noted and seek leave to continue my remarks at a later time.

Leave granted.

TABLED PAPER

Remuneration Tribunal Report

Mr EVERINGHAM (Chief Minister): I table a report of the Remuneration Tribunal for the month of October 1978. I move that the report be noted and seek leave to resume my remarks at a later hour.

Leave granted.

STATEMENT

Employment in Northern Territory

Mr EVERINGHAM (Chief Minister) (by leave): My government has inherited an administration which was singularly lacking in any commitment to either encourage or assist the development of the Northern Territory. More specifically, we inherited a declining cattle industry, a moribund mining industry and an abysmal absence of progress in the primary and secondary areas generally. It is timely

that we should address ourselves to this particular area because 800 school leavers are about to leave Territory high schools to become, for the first time in their lives, competitors for employment in a tight employment situation. It is estimated that 600 of these young people may not get a job. The government feels a special responsibility towards these young Territorians, the real assets of this developing region. According to the Commonwealth Employment Service, at the present time there are in the Northern Territory 4,646 unemployed persons of whom 2,621 are in Darwin, 400 in Katherine and 1,625 in Alice Springs. There are 1,649 Aboriginal people unemployed and 1,166 of these are under the age of 21. The school leavers will add to these numbers.

This all adds up to an employment problem and the government is committed to doing something about it both in the shorter and in the longer term. Whilst we are a young government, we feel the need for advice from the youth of the Territory who perhaps see today's problems and the problems which face them with different eyes. For that reason, I have directed that a council of youth be established to advise the government on all matters which it considers would assist in policy formulation relevant to youth and which falls within the jurisdiction of the government. Especially, we will be seeking advice on how we can assist in the realisation of youthful aspirations in employment, accommodation, education, sport, recreation and job training. The council will be broadly representative of youth across the Territory. We want policies arrived at by consultation with youth not imposed on young people by oldies.

My government's development programs for the Northern Territory are designed to generate employment opportunities throughout the Territory. We are dedicated to the free-enterprise system with the knowledge that its promotion and growth is synonymous with greater employment opportunities for all. The government believes that there is a dangerous and growing overdependence on welfare measures and government hand-outs which serve only to drain revenue and act as a disincentive to production. This trend must be reversed. We reject the concept of simply spending taxpayers' money for the sake of creating jobs. Wherever possible, government should spend the taxpayers' dollar in creating productive assets such as roads, bridges, wharves, schools and hospitals. Positions cannot just be created in the public service for the sake of creating jobs without any definite objective in front of them.

Let me now draw attention to some of the positive developments that have been occurring in the Northern Territory since self-government and which will provide increasing employment opportunities. Firstly, there is uranium mining. With the recent signing of the Ranger agreement, an early start is expected on uranium mining projects in the Alligator River region. The Ranger project alone will involve construction of a township of 3000 or so population as well as mining complexes. It will create hundreds of construction jobs in addition to long-term employment for workers servicing the town and in the processing plants and the mines themselves. Many additional jobs will be created in handling mined uranium and its shipment from the Territory. The construction of the Jabiru town will mean an injection of $250m into the Territory economy over the next 3 years. This will be almost the equivalent of the funds spent on the reconstruction of Darwin post Cyclone Tracy.

There is much more than uranium. The recent announcement by Peko Wallsend of its intention to spend $35m to recommission the copper smelter at Tennant Creek also provides promise of many more employment opportunities. Not only will the recommissioning work involve many new jobs but the resulting demand for ore will require increased output from the Warrego mine and the recommissioning of the Peko mine. Both projects will increase employment opportunities in the area and add to the life and stability of the Tennant Creek field. This is an indication that copper is on the upward move again and other mining projects may become viable.

There have been significant finds of other minerals such as tin in the

Northern Territory in recent months and it is to be hoped that these deposits prove to be worth exploiting. Barytes, a mineral used in oil drilling, is also present in workable deposits in a couple of places in the Katherine district. One of these is now being exploited and the ore-loading facilities at Darwin harbour are being renovated to enable it to be shipped out of the port of Darwin.

$27m is being spent by Nabalco at Gove to further refine the treatment of bauxite and, at the present time, this is employing a workforce of 250 men, in addition to 930 other people employed by Nabalco. The Northern Territory government is still very anxious to see the alumina plant proposed to be constructed by the Nabalco partners built in the Northern Territory and will make every effort to bring this about. Discussions are continuing on the matter and they hinge very largely on the provision of an adequate electricity supply. The Northern Territory Electricity Commission is addressing itself vigorously to this question and all possible energy alternatives are being examined. These include coal, gas and hydro power.

Each new mining project generates its own employment opportunities which can reach significant levels both because of the size of the workforce required and because of the extent of backup services involved. Major operations such as Gove, Groote Eylandt and Tennant Creek have resulted in the creation of complete townships with the whole range of essential and secondary services growing with them. The government has taken the initiative since 1 July to overcome the stalemates that had developed in the issue of new exploration licences under federal administration. Due to issues such as land rights, uranium mining and foreign investment, the granting of new exploration licences had been completely stopped for some time. Since self-government, we have granted at least 71 exploration licences representing a commitment by mining companies to spend over $0.5m on exploration throughout the Territory in the next 12 months and considerably more in future years. Some of the new projects we hope to start in the future involve the silver, lead and zinc deposits at McArthur River and the Mereenie oil and natural gas fields west of Alice Springs. All of these projects will generate increased employment opportunities.

In approaching the future with confidence, the Northern Territory government recognises the importance of large scale development and expansion of industry of all kinds and is acting accordingly. One long-term aim is to establish a sound diversified economic base of a kind warranted by the Territory's wealth of resources. The commencement of uranium mining will give us a breathing space. The Department of Industrial Development and the Territory Development Corporation have been created to encourage every possible avenue for development of all forms of primary, secondary and tertiary industry. New industries mean new jobs and industry needs incentive. To attract industry, my colleague the Treasurer will address himself in his contribution to this debate to the possibility of lowering, over a period, payroll tax. The Minister for Industrial Development will also raise the matter of a new and most progressive apprentices legislation which I expect will be introduced into this House early in the new year.

The pastoral industry has been responsible over the years for some of the Territory's most widespread and important development. Low beef prices in recent times and the continuing blue tongue problem have affected this industry badly but it is on the way back. Good seasons and the current higher prices are likely to restore it to its prominent position in the Territory economy and increase the industry's capacity to employ Territorians, especially Aboriginals. Overseas markets are important for the cattle industry for both processed beef and live animals. Being only a few hundred miles from the teeming millions of South-east Asia, populations which in many instances have rapidly improving living standards, the Territory is obviously turning its eyes northwards to the potentially vast markets of that region. In addition to beef and cattle, we have huge areas of land capable of producing many sought-after agricultural and

horticultural products. It is only natural that the government is looking to significant development in that respect. Our second trade mission this year is about to depart in furtherance of that aim. We do not intend to wait for the buyer to come to the market place; we intend to go out and sell. And our markets are to our north and our north-west. We must look outside Australia, not to the south. The development stimulus that these measures will provide will create greater employment opportunities throughout the Northern Territory.

Another vital area of employment potential and growth is the tourist industry. This is particularly important as development in this industry will have an immediate effect on employment. Tourism is now the Northern Territory's second most important industry and is bringing in over $30m each year. It has the potential to bring many millions more, together with hundreds of new jobs. The hotel-casinos planned for Darwin and Alice Springs will in themselves be a fruitful source of employment. The Wrest Point experience in Tasmania has demonstrated that the spin-off from these ventures will be many subsidiary and related enterprises and services, and will improve the Territory's ability to attract tourists. All of these will open new avenues of employment. An energetic tourist promotion program, together with the construction and improvement of roads, the undertaking of new but long overdue projects such as the Ulara Tourist Village at an estimated cost of $14m and the expected expansion of accommodation and related tourist services will all in turn create new jobs in accommodation, retail, wholesale, travel, food processing, restaurants, arts and crafts, curios and other side lines to the tourist industry.

My government has called on the Commonwealth to institute a public inquiry into the two airline agreement and the cost of domestic air fares with a view to reducing the cost of domestic travel so as to make the Northern Territory a more attractive tourist destination. This would also be a boon to Territory residents and I think that you can say, without any shadow of doubt, that that is a subject that we will keep plugging away at until we get results. So, airline companies beware!

Fishing is already a most important industry, particularly because of the operation of big prawning fleets off our coastline with associated on-shore facilities. With the advent of the two hundred mile economic zone and the increased potential of deep sea fishing areas, many large operators have turned their attention to Australia. The Territory is not missing out. Joint venture proposals between foreign and local companies have been received and are being studied. Ultimately, they should bring large scale investment into this industry.

Employment opportunities will arise from the crewing and victualling of vessels, but perhaps more so from the ancilliary industries such as canning and freezing works which could be established on shore. My government is considering applications for fishing licences in the light of their potential contribution to Territory employment, especially amongst Aboriginal people.

In keeping with my government's aim to offer inducement for the development of industry and to expand employment opportunities, we have provided an incentive scheme in the form of preferential treatment for locally established businesses tendering for government contracts. The Northern Territory has no future if it is to remain a government outpost with an artificially inflated economy and most of its workforce in a southern based public service. Whilst there is still some requirement to recruit skilled people from outside the Territory, the advent of self-government has enabled us to offer employment preferences to Territorians to fill those public service positions that we must have if we are to operate efficiently and provide the public with the services that they need and they deserve.

Within the Territory public service, we are now seeking to generate local employment opportunities through changes to the public service structure.

Amongst other things we are providing greater career opportunity and mobility by removing many qualification barriers between different designation structures. We are also generating employment opportunities for school leavers by allowing age 55 retirement in the service and by virtue of the act which disallows discrimination on any grounds of race, sex and nationality.

There is a conscious policy within the Northern Territory Public Service of giving preference to local Territorians and especially to Territory school leavers when recruiting for vacancies at the base grade levels which do not require specialist knowledge or skills. This applies to the keyboard, clerical, administrative and industrial type designation groups. In addition to this policy relating to base grade vacancies, departments and prescribed authorities offer apprenticeships in a wide range of trades - for example, mechanics, welders, fitters and turners, technical officers, finance officers and so on. A total of 111 apprenticeships and 27 traineeships were offered by Northern Territory departments and authorities during 1978. This program will be intensified during 1979 and current indications are that there will be a minimum of 158 apprenticeships and 50 traineeships offered in various areas of the Northern Territory public service next calendar year. These schemes will go a long way towards providing relief from the gruelling impact of unemployment so prevalent amongst younger age groups and provide a lead for the private sector to invest in our youth.

The necessary growth and development of statutory bodies such as the Northern Territory Electricity Commission is also affording employment opportunities. With continued investigation, expansion and development of alternative power sources, this trend must continue. Moreover, the Northern Territory Electricity Commission is playing an important role in the awarding of contracts to Northern Territory companies which is having a significant effect on local suppliers and local employment.

The government is closely scrutinising the employment problem as it affects Aboriginals and is taking positive action to seek solutions. With the movement towards the establishment of Aboriginal community government, we are introducing a more flexible local government organisation so that each community might choose the system which best suits its needs. This will assist in the implementation of the policy of self-management, as well as the provision of essential services to remote communities. This in turn will lead to employment and training opportunities for Aboriginals within these communities. Increasing participation by local groups of Aboriginals in carrying out civil works programs will be sought.

In the private sector on Groote Eylandt, there is the regular employment by Gemco of some 50 Aboriginal people largely in the handling of earth moving equipment. The company absorbs virtually all the male Aboriginal labour, whilst the Kailis prawn factory at Bartalumba Bay absorbs the female Aboriginal labour and, utilising now a modular approach, successively trains individual Aboriginals in the operation of various items of plant. The government is also actively encouraging authorities to employ Aboriginals under the NEAT scheme. Members will be aware of the Northern Territory Electricity Commission's scheme to train Aboriginal linesmen.

Finally, Mr Speaker, and more generally, let me draw attention to some of the other steps that we are taking or will take to further promote Territory development and stimulate employment opportunities. We are improving the administration and use of land to promote investment and permanent residence in the Territory, including the Planning and Development Ordinance regarding freehold subdivision and amendments to the Freehold Titles Ordinance to permit the conversion of commercial and industrial leases to fee simple and subsequent strata titles. In the area of mining, completely new legislation is to be introduced early in the new year. This will provide greater security for holders of exploration licences who wish to proceed with the extraction of minerals.

The measures that I have outlined offer a workable solution to the problem of unemployment both in the short term and in the long term. In the short term, much of the unemployed workforce will be absorbed by the major development projects we have under way and, perhaps more importantly, these projects will lead to the establishment of a diversified economic base upon which a larger population will be more able to sustain itself and to provide the products and services which will improve the quality of life for the Northern Territory. We are not proposing to develop merely for the sake of development or even just to provide employment now and in the future. We believe that the economic development that this government is fostering will sustain an equal measure of social progress and lead to a far better life-style for all Territorians.

Mr Speaker, the spirit of self-government goes hand in hand with the spirit of progress. The progress that we are making and to which my government is dedicated will help provide a tangible and meaningful solution to the problem of unemployment. Our greatest asset in the Northern Territory is our people and we must all work together to ensure that this asset is not frittered away.

Members: Hear, hear!

Mr EVERINGHAM (by leave): Mr Speaker, I move that my statement be noted.

Mr ISAACS (Opposition Leader): The opposition welcomes the statement made by the Chief Minister. For some time now, the Australian Labor Party has been pursuing the question of employment and the problems related to unemployment. It is somewhat of a shame, I believe, that over the 12 or 14 months that we have been pursuing this particular matter, it has taken until now for the Chief Minister at last to say something. Although the opposition welcomes the statement, it may well be that it is too little, too late.

Perhaps I might just go through briefly the history of the opposition's record on unemployment because I want to draw a small conclusion from it. In the first sittings of this Second Assembly, on 22 September 1977, the opposition raised a matter of public importance on the question of unemployment. On 22 November 1977, we first called for government action on the unemployment problem in connection with the first Northern Territory budget. On 9 March 1978, we raised publicly the special youth employment training program. On 12 May, as a result of the announcement of the April unemployment figures of 4,267, we urged the government to look at the matter of selective job creation schemes, not just for the purpose of job creation but also for the purpose of establishing the assets that the Chief Minister spoke about in his statement. On 15 May this year, the ALP called for payroll tax cuts to give incentives for employers to encourage more job opportunities. It was part of our 1977 election platform and was raised specifically on the matter of employing apprentices. On 10 February 1978, we called for the Home Building Society to reduce its interest rates to stimulate the Northern Territory economy. In March and June of this year, the ALP again made comments about the depressed state of the Northern Territory economy and urged the Northern Territory government to take action. In the budget debate this year, we outlined a series of initiatives which we felt would create a better work-climate and create more jobs for the benefit of the Northern Territory. Over that period of time, we have suggested payroll tax cuts for employers in relation to employment of apprentices and to encourage employers to come to the Northern Territory, increased home loans, special youth employment programs, interest rate reductions and, recently, attendance at the national conference on employment and occupation called by the Victorian Premier, Mr Hamer.

When the opposition spoke about unemployment, it presented the view that one person unemployed constitutes an unemployment problem and requires action. In the Northern Territory, we have unemployment ranging around the 4,500 mark and something must be done. When the ALP talks about unemployment and tries to encourage the government to do something, the Chief Minister responds by

accusing us of political grandstanding. Mind you, when he makes a statement 14 months after we first raised the problem, he says it is timely. We welcome the announcement that the Treasurer and the Minister for Industrial Development will introduce payroll tax concessions and also new apprentice training schemes. We welcome it because we have been suggesting it for some time now. Even though the government will not admit to it, it appears that it does listen to the constructive comments the Australian Labor Party opposition makes.

In going through the statement made by the Chief Minister, it is intriguing to notice how initiatives of private enterprise remarkably become initiatives of his government. However, in the statement there are a number of worthwhile initiatives which this government will take and we welcome them and applaud them.

The government has indicated that it will establish a council for youth. Certainly there is a very significant problem of youth unemployment. In Australia generally, 1 in 5 people unemployed are under the age of 25 and clearly that position will be similar here in the Northern Territory. The unemployment of our young people will be the greatest social problem which Australia will face in the next couple of years and it is time that the Northern Territory government sees this as a problem. However, simply to establish a council of youth without a charter, without telling us exactly what it is going to do and to simply say it will be representative, whatever that might mean, is not sufficient. It is a step in the right direction and I would like to hear more from ministers. Perhaps the Minister for Community Development, from whose department I feel sure that particular proposal emanated, might be able to inform the Assembly what the charter of the council of youth will be.

The Chief Minister spoke of another initiative which his government will take in relation to Aboriginals. I believe the Chief Minister severely understated the problem of Aboriginal unemployment. On 10 April this year, I asked question 372 relating to employment of Aboriginals on settlements and missions. I would ask honourable members to look at the answer given to me. We can pick out a number of instances to show how severely that figure of 1649 unemployed is understated. For example, at Borroloola, a community of 380 adults, there are 42 people employed. At Bulman, 112 adults, one person employed; at Minjilang, 283 adults, 49 employed; at Galiwinku, 605 adults, 204 employed; at Hermannsburg, 700 adults, 77 employed. That gives a clear indication that the figure given by the Chief Minister of 1649 Aboriginal people unemployed is simply understated. The problem of Aboriginal unemployment on settlements and missions has never been fully appreciated by members opposite who tend to gloss over those sort of figures. It is a significant problem in the complete structure of the Northern Territory economy.

Another of the initiatives which the Chief Minister spoke about related to government intervention. It was somewhat of a backhanded statement because he implored us that government intervention is not to be looked at simply as welfare measures and handouts. When governments rightly assist farmers, it is never seen as welfare measures or handouts. Farmers who are in that sort of desperate plight require it and governments of the ilk of the government opposite certainly never refer to those as handouts or welfare measures. When they refer to job creation projects and talk about providing money to employ young people and unemployed people, all of a sudden they become welfare measures and handouts.

Governments have a responsibility to take action themselves to alleviate unemployment problems. As the Chief Minister himself said in his statement, governments can achieve something in their capital works program. You will recall, Mr Speaker, the discussions we had about over-expenditure by the Northern Territory government in the 1977-78 year. We had obfuscation by the Treasurer but the member for Casuarina helped us out by simply reading the Auditor-

General's report which showed that there was an overspending and a great overspending at that. I took the Northern Territory government to task in that it overspent administratively and underspent in the civil works program. The Treasurer was delighted to announce to this House that, in fact, there had been an underspending overall. The simple fact was that they had underspent much more in relation to civil works programs and they had overspent on salaries. I would have hoped that the government would have learnt its lesson. It accepts, as the Chief Minister says, that civil works programs create jobs, create assets - a great thing for the Northern Territory.

In a document tabled this morning by the Treasurer in relation to the supply period, we have another indication that this government never learns. It says things but it does something else. In relation to item 32 (3) - we do not know what the item relates to in the Supply Act - there is an item for capital expenditure of $1.1m to be spent on capital works. The document tells us that we underspent by $1.1m in capital works for item 32 (3) whatever that happens to be. What did we spend it on? Salaries and allowances $84,000; administrative expenses $1,016,000. This government cannot be taken seriously. In relation to item 34 (3), water and sewerage, there was a saving of $370,000 and the item is marked capital. In relation to item 34(1), water and sewerage salaries and allowances, that $370,000 was spent. This government talks about expenditure and capital works programs. We take them to task constructively for underspending in capital works programs because capital works programs mean jobs. What do they do in the supply period for 1978? They continue to underspend on capital works programs and spend it all on administrative and salaries expenses.

When will this government listen to its own rhetoric? I know that people are accused of taking their own rhetoric seriously. If the government is going to talk about spending money to build assets, let it do it. If it wants to take the credit for saying it, let it take the credit also for ensuring that it is in fact put into effect. It seems that this government is very fond of saying things yet very short on actually putting them into practice. It is true that building assets give the Northern Territory very great benefit not only in the construction of those assets which will be of assistance to the Northern Territory for years to come but also in relieving the unemployment problem.

Those are the initiatives which the government talks about taking. It will not be involved in welfare measures and handouts. It appears from the document tabled this morning that there will be very little expenditure on capital works anyway. It then talks about the efforts taken by private enterprise. I too wish to congratulate Peko Wallsend for having the courage to develop their smelter at Tennant Creek. When that project was shut down three and a half years ago, the cost was something like $23m. The increased expenditure related not just to the smelter but to allied works as well. This will be a great shot in the arm to Tennant Creek and Peko are to be commended for it.

I would like also to remark on another private enterprise initiative relating to the alumina smelter. A great deal of nonsense has been said about it. I am sorry that the Chief Minister is not here at the moment. He has contributed to the nonsense in the press regarding the alumina smelter. It is true that I lit upon a document, the Far Eastern Economic Review, which indicated that the alumina smelter for the Nabalco project has been scotched in so far as siting in the Northern Territory is concerned. It was described as uneconomic. I made no comment on that. I simply exhorted the Northern Territory government to coordinate and to speed up its two investigations into the supply of energy needs for the Northern Territory to ensure that, if possible, we could supply an alumina smelter here in the Northern Territory. I pointed out, as the Minister for Mines and Energy pointed out this morning, the great problem was a continuous cheap energy supply. Of course, I was accused by the Chief Minister, in typical fashion, of spreading gloom and doom

and speaking off the top of my head. He said that it was not true that the alumina smelter had been found uneconomic. That is fair enough. The Far Eastern Review might be wrong; I might be wrong. What about the Department of Northern Territory? From its review of the Northern Territory economy 1976-77, compiled by officers who are now employed by this government in June 1978, I quote the following comment:

> *In Nabalco studies of the possibility of establishing aluminium smelting facilities in the Northern Territory, the project proved to be uneconomic due to the high cost of electricity generation.*

The company is obliged to keep the study continuously updated because of the ordinance and the agreement under which the mining project was established. The fact is that the alumina smelter is uneconomic. I do not just say it; the department's own advisers say it. When I first found out that Nabalco had decided that the Northern Territory was not a possible site and was looking elsewhere, I exhorted the Northern Territory government to speed up its investigations and to try to show Nabalco that we have those sites if we do in fact have them. The Chief Minister says that I am spreading gloom and despondency. Perhaps he had better change his advisers in the Northern Territory Public Service because they are the ones who also happen to agree with me.

I am interested also in the initiatives being taken by the Northern Territory government in relation to marketing in the area of primary industry. When I heard the Chief Minister make his statement about actively seeking international markets, I thought, "My God, what has he done?" He has read my address in opening the 1977 Legislative Assembly election campaign because that is precisely what I was saying at that time. In fact, I recall the Majority Leader at the time, Dr Letts, telling me what a stupid thing I was saying in relation to the gentleman from the Balkan area. The Northern Territory executive at that time sat back and hopefully waited for the gentleman to talk to them. Of course, he did not. I am delighted that the Northern Territory government sees itself actively pursuing overseas markets, especially those to our north.

I also appreciate the comments he made in relation to preferential treatment for local businesses. I too commend his remarks in relation to looking towards local business before we look elsewhere. I do also agree that one just cannot give an open cheque. As I understand it, the Northern Territory government has given a 5% or 10% tolerance in relation to contract tenders and I applaud them for that initiative.

The opposition applauds the government for at last having made such a statement, recognising the problems and trying to do something about them. I would like to refer again to Aboriginal employment. I refer to the question of Aboriginal employment not just in the mining area as I believe that other speakers on the opposition will talk about that but in relation to the government's own works. It is a most depressing thing to see projects taking place in Aboriginal communities and to see not one Aboriginal being employed on those projects. Some arrangements have to be entered into to ensure that, when companies do undertake very significant programs and projects in Aboriginal communities, local Aboriginal people are employed in them. It is a most tragic thing to see a dozen people engaged on roofs and other building construction activity and to know that not one of them comes from the local community.

I have indicated that the opposition welcomes the statement made by the Chief Minister. It may well be too little too late but, nonetheless, we are delighted that at last the Chief Minister and the government opposite recognise that an unemployment figure of one is a very great social problem and that an unemployment figure of 4,500 - and that is probably understated - is very much more tragic indeed. It does need government action and government intervention not just to create more jobs, but to somehow alleviate the social

problems which arise from unemployment. The opposition welcomes the statement.

Mr TUXWORTH (Minister for Mines and Energy): Mr Speaker, I rise to commend the statement and to expand on several points. I would also like to touch on a few points raised by the opposition which are worthy of further comment.

The most tragic aspect of the unemployment figures is the number of young people involved. The Chief Minister made reference to the fact that we have 800 school leavers coming into the workforce. I believe that we are caught up in a Catch 22 situation. Only a matter of 4 or 5 years ago, between 1970 and 1974, governments in this country were stretched to the limit to try to provide education facilities, teachers and classrooms for these people. We are now going through the final stages of this agony. Having educated young people, we now have to place them in the workforce. The numbers that are coming on the market are just so great that the community is having an enormous problem absorbing them and digesting them. It is not an easy problem because it is compounded by the fact that many employers - I speak from the experience of meetings with employers in one or two communities - are reluctant to take young people from school. At one meeting, 21 employers turned up and they felt that it was not in their interests to employ anybody under the age of 26 because people under this age did not seem to have the basic educational skills that they required in the professions that they were in. This has not helped the situation; in fact, it has only aggravated it. Employers are reluctant to take on the young people.

In my own community, we have a program to try to overcome this. We have 30 young people who could leave school and have committed themselves to leaving school and the rest are in a state of limbo as to what to do and will probably do another year at school. We have set up a meeting between employers and the young people involved to try to come to an understanding of both sides of the fence and to reach an agreement on how we can absorb these young people into the market. The employers want the young people but they do not want them on the conditions that they appear to want to come. From what I have understood so far, we have a great deal of misunderstanding on both sides of the fence.

This exercise is pretty easy in a small community but in a community such as Darwin or Alice Springs where you are talking of hundreds of employers and hundreds of school leavers trying to get a consensus and bit of verbal intercourse between the two parties is not an easy exercise. However, it does highlight the point that we, as a community, not just as vested interest groups of one sort or another, have to address ourselves totally to the problem because it is not going to go away - the sooner we get on with it, the more likelihood of success we are going to have. It is demoralising for any young person to have to start life not knowing what he wants to do; that is bad enough but that is a personal decision. It is made worse by the fact that often when a young person does know what he wants to do, there is no opening for one reason or another. For any young person to be confronted with that possibility, he certainly has his confidence knocked around. Human beings run on confidence, Mr Speaker; when you are hot you are hot, and when you are down, it is very hard to get up. I believe we should make every effort as a community to try to see that young people are placed in an employment that they would want to be in as soon as possible after they leave school because, the longer they are unemployed, the harder the problem becomes to rectify.

The Chief Minister made reference to a number of unemployed Aboriginals under the age of 21 and I believe he said there were 1,166 young people involved and that many of these people had no choice but to resort to collecting unemployment benefits which, in many cases, is regarded as a handout. There are a couple of aspects of this that I would like to touch on. The first one is that we seem to have these numbers concentrated in perhaps 40 or 50 places

throughout the Northern Territory that we call settlements, missions or whatever where the unemployment opportunities are pretty limited and the prospects of creating employment opportunities are even more limited because of the nature of the communities. I do not accept - and neither do many of these communities - that the unemployment benefit is a handout. In fact, some communities have taken the bull by the horns themselves and have asked and in fact obtained the consent of the federal Minister for Social Security in having benefits of any sort coming to a community paid in a lump sum to the council which in turn provides employment opportunities that it considers are important to its community and to the people involved. I think that is a pretty commendable start and the sooner it gets going right through the Northern Territory the better.

Coming back to the unemployed young people and unemployed Aboriginals in general, I am concerned - and I speak here as a member for a pretty vast electorate that has several serious pockets of unemployment amongst Aboriginal people - I am concerned that in many of these communities there are no employment opportunities and there will not be any employment opportunities. However, the community of Borroloola which I have often spoken about before in this House has a potential employment opportunity if the MacArthur River mine opens. In the meantime, I have taken up with the federal Minister for Education the problem of what we are going to do with the teenagers who will continue to come out for a few years and have no prospect of employment of any nature in that community. The jobs that are there are currently filled and there are no potential employment opportunities. What are we going to do? I do not think it is acceptable that we just say we will continue to send them a cheque. That is degrading; it is short term and it is not going to do the Northern Territory as a total community the slightest bit of good in the long term.

I would very much like to see an approach by both the federal and our government on how to overcome this problem because I believe we have to rethink our whole strategy on providing job opportunities for people. How money can turn up a job opportunity in a place where the conditions are so barren that it is just barely sufficient to sustain human life, without sustaining any other sort of life, I do not know. I would be pleased to hear from members of this House, Mr Speaker, if they have a suggestion on how, in the long term, we can provide useful and interesting job opportunities for the young people in very isolated communities where the whole exercise at the moment is purely one of existence.

Mrs Lawrie: Well, what is your solution?

Mr Collins: You have been talking for 15 minutes about the problem.

Mr TUXWORTH: The honourable Member for Nightcliff has asked what is my solution. I have a solution, but I do not think it is particularly acceptable to the communities that are involved because I look at it as an outsider. If I was living in that community and there was no job opportunity there, I would leave. I do not think it is acceptable that the people there would want to leave. In fact, I am sure that many of them do not want to leave. It is not acceptable for me or a government or anyone else to say to a person, "You will leave or we won't give you a benefit". I do not have a community solution and, in fact, I believe the solution has to come from the communities. It is not going to come from the communities by themselves because they are going to need the help and support of government, both federal and state, to achieve that end.

Mr Speaker, in many places we do have opportunity - and I refer here to the mining of uranium - I appreciate . . .

Mrs Lawrie: We thought you would.

Mr TUXWORTH: I have not disappointed the honourable members on the other side, Mr Speaker, but I do refer to the mining of uranium and the fact that it is going to happen. The point to be decided is "when". As honourable members are aware, one company has the green light and is going through its early stages of contract arrangements and would hope to get under way next year. The employment opportunity that will come to the region - and I refer here to Darwin as much as I do to the Aboriginal communities that border the uranium development - are not insignificant. It is quite easy to play down the prospects of employment and pretend they are minimal and they will not benefit the community because you are not interested in uranium or because you do not want to believe it. I come from a community that has benefitted from mining over many years and I have no doubt in my mind as to the value of mining to a community in terms of employment.

The Ranger project has the potential to employ up to 800 men in its construction phase and possibly more than that during its production phase.

Mr Collins: Less than that.

Mr SPEAKER: Order! The honourable member will have a chance later on to make his observations.

Mr TUXWORTH: Mr Speaker, the point I am making - and the honourable member I know, does not want to believe it - is that for the direct employment of a person in a mine or any large project, there is a very substantial spin-off or multiplier effect. This is not going to be any different in the Northern Territory than it is anywhere else. If people doubt it, they can look at the projects in Western Australia and Queensland that have been going for some time and in fact have proved and produced the multiplier effect in the community. The Western Australians believe that for every person they have employed in a project, be it iron ore or alumina or whatever, there is a five-to-one multiplier effect in their workforce. That is very easy to dismiss. It is rather hard to prove and there is no doubt that the honourable members on the other side who are opposed to this sort of project development are going to say, "prove it". I cannot prove it in definitive terms. I would appreciate it if anybody can prove that it is not correct.

Honourable members may not be aware that during the development phase of the iron ore mining in Western Australia some ten years ago, the Western Australian population in that region increased by 125,000 people and the population of Perth during the same period went from 600,000 to a million. The Western Australian authorities are of the opinion that a great deal of the improvement and growth and benefit that came to Perth during those years was generated from the production and the setting up of the iron ore province. Again, it is a very hard thing to prove, but in terms of statistics and property development, it is something that is not unlikely at all. Being somebody who comes from a mining community, and having experienced this development, I believe it.

Both the honourable Chief Minister and the Leader of the Opposition made reference to apprenticeships and I would like to come back to apprenticeships because I believe they are important, not just to the industries themselves but to the people who are concerned and working in them. When the smelter goes ahead in Tennant Creek, it will mean an increase in the workforce of 350 people over a period of 2 years and at the end of the 2 years, once it moves into a production phase, that will reduce to about 260 people. If we do not have any additional generation of work in the smelter area, the companies will take on 5 apprentices this year. When we do have the additional generation of work on the smelter project, the number of apprentices that could be employed on these projects and given continued employment during their operational phase could get as high as 25 to 30, which is not important in national or Northern Territory terms but in community terms it is a very important figure and it

plays a very important role in the community.

One difficulty we have is with the introduction of young Aboriginal people into the present apprenticeship scheme and I am sure other people who have been involved in this are as aware of the problems as I am. Industry is particularly interested to have young people in apprenticeship schemes and journeyman schemes and whatever, but not the way our apprenticeship scheme is at the moment. It is based on state guidelines which are not unreasonable but it is inflexible to the extent that it does not allow for the disadvantages that young Aboriginals may have in coming into an apprenticeship scheme. The companies have told me that they are happy to take on young Aboriginals on an extended training program. If it takes them 10 years to achieve their final degree of apprenticeship that they are looking for, what does it matter? Why do they have to do it in 3 or 4 or 5 years? The simple answer is they have to do it in 3 or 4 or 5 years because that is what the apprenticeship provisions are at this stage and the sooner we amend them to allow people to take longer the better because we will attract young people, both Aboriginals and Europeans, into this area where we badly need young people to be involved at this stage and will attract them in numbers that we have never been able to attract them before. They will play a great part in the workforce.

Another development which was raised earlier was the mention by the Chief Minister of the barytes exercise near Katherine. The barytes market is one that comes and goes. It is rather like wolfram, tin and steelite; you have to ride it when the market is up and when it is down, you just have to accept the fact that there is not a lot in it. The truth is that while oil drilling continues at its present level - and it looks as though it will do so for many years - there is a great future for the barytes exporters of the Northern Territory. We are very lucky. It is only exported from several other places in Australia and it is not a common element throughout the world. We do have an opportunity to do well in it.

The people who have gone into it are small operators. They have done a great deal of entrepreneurial work to get it set up. It is a small and humble operation by many mining scales but I believe it is going to prove a very substantial employment base for a lot of people in the Territory. At this stage, the company has contracts for 25,000 tons before Christmas. They have 21 people on the workforce; they have 13 trucks going virtually around the clock; they are going to employ people on the loaders and the stackers at the wharf during the period of loading. The company hopes, as a result of its efforts, to be able to get its contract export licence up to 200,000 tons a year and to maintain that for several years. More power to the company because what it will do when it achieves this is create more jobs and, if it creates jobs in the same ratio as the tonnage, we can only benefit by it.

Again, I do not believe the bauxite and the refinery which has been touched on by the honourable Leader of the Opposition is an exercise that we can debate in a great deal of detail. I would not be prepared to accept the statement of the Department of the Northern Territory on the exercise. When the company comes out and says it is not economic, for various reasons, that would be sufficient for me.

We have a new development in the Northern Territory which we believe to be one of the first in Australia. A very keen group of prospectors in Central Australia has established a deposit of the mineral corundum from which rubies are cut, and it is highly likely that we have a ruby industry on our hands. Unfortunately, it is not easy to get information on this metal in Australia because it has not been found here before. Most of the information is coming from overseas. In the event of the deposit not being a commercial one in terms of gem production, it does have a very great value to the Northern Territory as a tourist attraction. People in gem clubs and people interested in

in minerals will travel from one end of this country to the other to get samples of gems. Unfortunately, the ruby gem has not been available in Australia before and I believe that, if nothing else comes of this deposit, a great boom to the tourist industry of Central Australia will come as a result of this find.

I would also like to touch on the introduction of a meatworks in Tennant Creek. I have to confess that I do not know a terrible lot about the meat industry and it seems to me that the people in it are very interesting people, for want of a better expression. I welcome the prospect of having a meat industry in Tennant Creek for several reasons. For the last 25 years, we have been exporting our Barkly Tablelands turnoff to Queensland. There is no joy in that for the Northern Territory. It has been a case of necessity rather than anything else because of the freight differentials and, in some cases, it has been convenient because it was an in-house operation for companies that had meatworks as well as stations. There are many people on the tablelands who would benefit greatly from having a meatworks in Tennant Creek. I believe there is a great deal to be gained from having an operator who is independent of both Katherine and Alice Springs run the works to create competition between the various meatworks and keep prices at the maximum level.

The other side effect that comes from it, of course, is that to kill 400 head a day, which is the proposal for the meatworks, there would be an employment opportunity for about 125 people. They would not all come from Tennant Creek because they are a specialist group of people. But there would be the spin-off in employment, in housing and all the services that need to be provided to these people when they come.

The honourable Leader of the Opposition said he felt the statement made by the Chief Minister this morning was too little, too late. I would like to refute that because the avenues open to the Northern Territory government were not there before last July and the things that we plan to do to create the employment opportunities are initiatives of government in supporting people like the barytes miners and the meat workers and the entrepeneurs who want to invest, spend money, create jobs and continue with employment in that line. There is an argument that government should be involved in spending the taxpayers' money on creating jobs - cutting the grass on street, planting trees etc. I think that is a very short-term function for the government to be involved in and I think that the government could well direct its efforts to getting the private sector of the community to invest and create employment, because that is where the productivity will come from. Nationally, I think 70% of employment is created by private enterprise and the balance is held by government. That may not be the fact in the Northern Territory; I would not comment on the reliability of that, but I believe that, if we wish to become a sound economic unit in the Northern Territory, we have to get to a stage where the majority of our personnel are employed in private enterprise where productivity occurs. Our job is to create an investment atmosphere in every industry to encourage business to move in as soon as it can.

The honourable Leader of the Opposition referred to farmers' assistance as "assistance" and was upset that the dole was referred to as a "hand-out" and something that should be despised. I would like to put into context the difference between the two exercises. When government provides assistance for an industry - be it the farmers, the shoemaking industry or whatever - the exercise is to try to create productivity and maintain a level of involvement by employees. We have seen very recently where the federal government weighed in heavily to keep the Mt Lyell mining operation going in Tasmania. In business terms, it did not have a great deal of justification for getting involved in that particular exercise but the alternative was to spend a similar amount of money on unemployment benefits to keep the displaced people alive. As far as I can see it, the government's role in the Northern Territory is to keep industry moving, keep people involved in supporting industry, and being productive and contributing to the community at all levels.

Mr Speaker, I commend the statement by the Chief Minister.

Ms D'ROZARIO (Sanderson): Mr Speaker, I would like to add my congratulations to those of other members to the Chief Minister for having delivered the statement that he did this morning. I think the title should have been a speech on unemployment rather than employment but that depends upon how you look at these things.

I quite agree with the Chief Minister that this statement was timely. It was extremely timely, coming as it does on the eve of another influx of school leavers onto the labour market which is already stretched to the limit, it seems, in the Northern Territory. However, upon reflecting on the Chief Minister's remarks, I can find very few of the programs that he outlined which would have an immediate impact on reducing unemployment in the Northern Territory. Most of the programs which he did outline this morning will have a very significant effect in the long term. However, I am extremely pessimistic that there could be anything done within the next 4 weeks which is the time we are looking at, when we will have another 800 unemployed workers on the Northern Territory list of unemployed.

For example, the Chief Minister spoke about the establishment of new industries as an expected result of the setting up of the Department of Industrial Development and the Territory Development Corporation. I am sure the opposition regards these two organisations with much optimism and they look forward to some of the results of the negotiations that these organisations will be handling. However, I believe the gestation period for investment projects of the type that we hope to attract and the type that the Territory Development Corporation is currently looking at is very long indeed. It is a fairly lengthy period even in times when business confidence is high and the conditions for investment are much better than we have at the moment. We can expect that it would be some time at least before we see the results of this program to establish new industries.

I want to stress here that we are talking about new industries, not the expansion of existing industries, in the Northern Territory and this can be an extremely lengthy process, taking into account the times that individual firms spend on conducting their feasibility studies and then the period of establishing and obtaining a workforce and then gathering the impetus from the process. Similarly, the exploration for minerals and subsequent mining activity which was referred to by the honourable Chief Minister this morning will not, I believe, be fruitful in the immediate short term. These are longterm programs and my concern still is for the unemployed youth and especially the school leavers who are about to enter the market in about 4 weeks time.

I was interested to hear from the Chief Minister the reference to the McArthur River deposits and I must say here that I believe the exploitation of those deposits is a very long-term plan. I understood there to be very severe and difficult metallurgical problems associated with those deposits. Anything the Northern Territory is likely to gain from that particular activity would be quite a long way into the future.

I know it is difficult to come up with a solution which will assist in the immediate short run. However, there are a number of community organisations and groups within the city who are addressing themselves to this very problem and I would like to take some time here to outline some of the activities of these groups. These groups are very well aware of the problems which are caused by unemployment among our youth. I have spoken to some people who are working in this field. I believe them to be sincere people who are looking genuinely for solutions to the problems of youth unemployment and I think it would behove this government and indeed the opposition to support these groups because that is the only solution we have in the very short term.

I had discussions with a person who is a youth worker from a very well established organisation in this town. He spoke about funds for community youth support schemes and also, on a less organised and formal basis, schemes to help perhaps in an ad hoc way those young people who have been unemployed for more than a year already, to assist these people to obtain jobs even if it is on an intermittent or temporary basis. Some of these people have developed fairly good programs for the consumption of leisure time among youth and the philosophy here is simply that they must teach the young to use their leisure time wisely as the young must get used to the idea that they will have a great deal of time on their hands. I believe this to be a commendable objective and I urge the government, and particularly the Minister for Community Development, to give support to groups without our community that are working among our unemployed youth in this manner. The Chief Minister said that his government has a special responsibility towards these young people and I would hope to hear from the Minister for Community Development some concrete proposals to assist some of the established groups that are working in the Northern Territory at the moment.

Mr Speaker, the Chief Minister mentioned that there was a growing dependence on welfare measures and government handouts. I just want to say here that I believe most of the recipients of these measures do not enjoy being in the position that they are and that we should be careful not to set up a division in the community between the recipients of welfare payments and the rest. I believe it would be most destructive to increase the division that already exists between the jobless and those that are employed. I appreciate that governments do tend to count the costs of these welfare adjustments but we must look at them as adjustments. In some cases, it is the only solution to temporary unemployment and we must now think in terms of prolonged unemployment for some of the recipients of these payments. Whilst we are used to counting the costs of these welfare adjustments, we must also stop some time and count the costs associated with juvenile crime, vandalism, the waste of skills and the waste of resources that occurs in situations where hwe have high unemployment. Whilst we must not encourage an over-dependence on welfare measures, we must certainly regard them as a valid measure for adjustment in times of high unemployment.

The Chief Minister mentioned that the free enterprise system was a good one because its promotion and growth was synomymous with greater employment opportunities. I believe that might have been true some years ago but it certainly is not now and the indications are that we must adjust to that concept itself. It is a fact that in the advanced economies such as ours, the ratio of capital to labour is changing very rapidly indeed so that economic advancement does not necessarily mean high employment, and that is another reason why some further adjustment measures to cope with high unemployment rates ought to be devised.

Most of the programs that have been outlined this morning are quite commendable and we can expect that they will lead in the long-term to an improvement in the unemployment situation that we presently have. However, I have yet to hear - and I must confess that I am unable to provide myself - a solution to the immediate short-term unemployment problem that we have. I believe the youth council that the Chief Minister is to set up is certainly a step in the right direction in finding out how we will in the long-term cope with problems associated with our youth. However, I would urge him to announce the quidelines for the operation of this council quite soon and also the appointees to it because I think it would be quite a long time before we can get any meaningful guidelines which would permit us to operate in some way to bring down unemployment among youth.

I commend the statement of the Chief Minister. My only regret is that it was not made earlier, particularly that it was not made about a year ago when the opposition sought to have this very same matter debated.

Mr PERRON (Treasurer): Unemployment is certainly a national problem in this country but we cannot ignore it in any way at a local level. Every government, employer and union has a responsibility in this field and we must all do what we can to tackle the difficult problems that are involved in the unemployment situation. No doubt the initiatives and projects highlighted by the Chief Minister in his statement this morning will have a significant impact in the Territory as many more jobs will be created from the whole variety of initiatives he presented. I believe that the unemployment figures in the Northern Territory will probably continue to fluctuate at or near the national figures. That does not mean that our efforts in the Territory will not have an impact. It means that, as more jobs are created in the Territory, more people will flow across our borders to seek work. I believe that is true of any state. It is not particularly important that our figures reflect the national figures. Unemployment is serious and we must all tackle it throughout Australia continuously. What is important in the Territory is that our actual workforce figures continue to grow and expand. That will be the real judge of how we are succeeding in the Territory in creating employment. It will be a clear demonstration that opportunities are being created to provide a healthy growth economy for the Northern Territory.

A major area within my own portfolio that the Chief Minister touched upon was this government's proposal to establish hotel-casino complexes in Darwin and Alice Springs. It has been claimed by some that these proposals would have only a marginal effect as far as employment is concerned. I do not believe that to be so. The proposals for Darwin and Alice Springs will eventually create probably up to 200 jobs directly and more indirectly. The casino at Wrest Point in Tasmania has over 500 employees and, in the past 5 years, has paid out over $19m in salaries. I point out that the operators of the casinos in the Northern Territory will be seeking local people. They will have to be trained in the very specialised field that they are involved in, particularly gaming. Persons selected and trained in the Territory will have to have impeccable backgrounds to be chosen for the particular industry and will find themselves part of an international group of people whose credentials are recognised as being some of the best references possible.

In addition to the employees of the hotel-casino complexes themselves, the indirect opportunity for business expansion to cater for such an industry and the tourist boost that it will give to the Territory cannot be accurately assessed but it is regarded as being substantial. In addition to the casino operators' own personnel which they will employ directly, we will have a number of government inspectors which we do not have at the present time. Again, these people will be highly trained and will have the job of checking, auditing and monitoring not only the gaming operations themselves to ensure accuracy and fair play but the machines, tables and other equipment. The proposed gaming commission for which legislation is before this House to establish will have its own in-house continuous training programs for government inspectors. All these new jobs are a result of this government's initiative, despite the opposition's continuous negative attitude on these types of subjects.

I have long held the view that the most iniquitous and stifling form of revenue raised by all state governments in this country is payroll tax. As a disincentive to employment, the tax which penalises employers for putting on more staff would surely have to take the prize. It is a tragedy that all state governments in Australia have become locked in to imposing payroll tax. They raise such an enormous portion of their state budgets from this tax that I doubt that it will ever be dropped altogether. We in the Territory have not yet become so dependent on payroll tax as others have in the states and we have an opportunity now to carefully study the effects on our annual budget of varying the method of payroll tax imposition in order to reduce this obnoxious burden on employers. As Treasurer, I will be submitting to Cabinet various proposals during forthcoming budget sessions aimed at payroll tax reform to assist development and employment in the Northern Territory. Such proposals

will have an impact on the financial capacity of the government and will bear on Grants Commission's assessments of our revenue-raising capacity. Any new initiatives will therefore have to be closely evaluated before a final decision is made. Such a valuation is being conducted and an announcement is expected to be made in the next Northern Territory budget session.

The Chief Minister outlined in his statement a number of initiatives and the government's stance on this matter is quite clear. But let us look at what the opposition seems to be putting forward on this matter for which they are claiming so much kudos. They want to defer the casino issue, probably not have it at all. They would rather cancel the uranium exercise rather than go ahead with it. It is interesting to note that the Leader of the Opposition this morning commended the courage of those people in Tennant Creek who are prepared to invest in the future of the new smelter, to upgrade the smelter and recommission it in Tennant Creek - a tremendous capital investment, playing off against the market and hoping that the market will remain so that they can reap the benefit of their investment. He very conveniently, of course, did not commend the courage of those persons prepared to put their money into uranium mining ...

Mr Isaacs: It's an immoral industry, that's why.

Mr PERRON: ... in the face of the Labor Party's policy to shut the mines down whenever they come to power irrespective of any other consideration.

Mr Robertson : And he talks about government credibility.

Mr PERRON: The Leader of the Opposition referred to and tried to claim a great deal of kudos for their budget proposals that were put forward in this House earlier this year - their so-called series of initiatives to stimulate employment. Let us just have a very quick look at those to see what they were because the Leader of the Opposition, for obvious reasons, did not go into any detail because they were all dealt with and disposed of very neatly at the time.

The first of their initiatives was to raise the housing loan from $20,000 to $30,000 and, as I pointed out at the time, a large amount of that money would certainly go to home purchase rather than home building and this would have defeated some of the intention. The other great initiative was the creation of a state government insurance office at unspecified benefit and unspecified cost but no doubt it would create some employment. Another great initiative in their budget proposals was to stimulate the taking on of apprentices through tax concessions, paying no attention at all to the fact that before employers are going to take on more people, tax concessions or not, they have to have some work to do, and none of their proposals at all seem to give very much boost or confidence to anyone. However, they felt they were going to solve the unemployment problem by making it cheaper for those persons who are paying payroll tax to take on apprentices.

One of the final schemes, Mr Speaker - the most brilliant one and perhaps the one that would have employed the most people; I don't know, because its details were certainly quite unspecified - was a scheme to engage in solar research: this marvellous taking on of the world's technologists and showing them how it is done here in the Northern Territory within our own budgetary limitations, again at unspecified cost.

The schemes would conservatively have cost about $2m. Where was the money for these marvellous initiatives to come from? There was no suggestion at that time of any cuts in the Northern Territory's budget. There was no suggestion of any tax increases at all. Where was it to come from? That's the question. Perhaps a Labor government in the Northern Territory, if we ever have one - and let's hope we don't - would do it the same way the federal Labor government did it when it came to power, when the federal deficit jumped from $293m to $2,501m

in a single year. If that is the type of budgeting they are proposing for the Territory, if that is what they think is going to solve the Northern Territory's unemployment problem, they have another think coming. The results of this type of irresponsible action, Mr Speaker, are the very reasons why we stand here today debating the results of the devastation that was caused to this country through a federal Labor administration and the printing press mentality about budgeting.

The Leader of the Opposition made one of his regular attacks on this government's moves to vary budget appropriations from time to time in a perfectly normal manner. He seems to have some sort of hang up about budget variations and, every time one is tabled in this House, he flies into a great dither about irresponsible management. He conveniently overlooked, of course, the fact that the supply appropriation which was the figure he was looking at this morning is a normal extension of the previous year's allocations to allow government to operate until such time as a budget is passed in the House. It is an ordinary move of governments all over this country to vary appropriations from time to time. It is part of flexible budgeting, and these will continue. The Leader of the Opposition will either have a coronary about the whole affair or get used to the fact that this is how government works. I dread the thought of the Labor Party itself being in power, trying desperately to avoid altogether any variations in its budget and its members finding themselves in the situation where they have either massive over-expenditure or under-expenditure because they did not have the brains to vary their budget to make it suit the facts of life.

In any discussion on unemployment, we could all do well to reflect on the situation in which we find ourselves whereby an employer is compelled to pay penalty rates to staff for so-called anti-social hours whilst others walk the streets unemployed. I wonder how many thousands of additional jobs would be created in this country overnight if people were prepared to work any eight hours in a day, any five days in a week for a single time reward. There would certainly be thousands of new jobs, without any question at all, and there would be more than enough people prepared to work those so-called anti-social hours for an ordinary full weeks pay. Who is to say that working from midnight to 8 a.m., for example, is more inconvenient or more trying than the traditional 8 to 5? Who is to say that working 8 hours on a Saturday or a Sunday and having 2 days off in the middle of the week is an obnoxious concept? As a matter of fact, one can think of many advantages of having such flexible working systems and working hours over the system we have at the moment. Times change, Mr Speaker, and I contend that the antisocial hours concept, the Monday to Friday mentality, is far behind us now but conservative thinking no doubt in various sectors of the community, and particularly of course in the trade union area, will fight a grim struggle before the light dawns in their tiny minds that maybe the basic concepts so strongly held onto need to be questioned.

I have had no time for research into statistics on this matter for this debate today but mere contemplation of the issues produces staggering images of wholesale price reductions in rural, manufacturing and transport industry areas which could improve Australia's world trading position to the tune possibly of billions of dollars, not to mention the direct benefits to this country internally. Some may think, and no doubt some in this House think, that it is just pipe dreaming to think of such concepts but, unless other solutions produce dramatic results on an Australia-wide basis in the next few years, we may well see a clamour in the streets, not for a redistribution of wealth so much but for a redistribution of jobs.

I reiterate my earlier remarks that I believe the attempts we make in the Territory - and we must make them and we are making them - to create more employment wherever we possibly can will still result in the Territory reflecting figures that relate to other states in Australia solely because of the

very fluid nature of the unemployed themselves. This government is prepared to grasp the nettle wherever we have the opportunity and to create as many possibilities as we can, as outlined by the Chief Minister's statement.

Mrs LAWRIE (Nightcliff): At last a member of the government frontbench has put forward a couple of propositions to solve unemployment. Whether or not they are acceptable will be the subject of other debates but the Treasurer did mention two specific issues.

One was an inquiry into the payroll tax which I also believe to be iniquitous. The other was the reconstruction of working hours and I will return to that at a future date but it would be only fair to say that I broadly agree with the remarks he has made. We cannot continue in this country to look at an arbitrary division of working hours and decide that some hours should attract a loading which makes them completely unprofitable whilst industry and workers as a whole might benefit from a better distribution of labour and with less of an emphasis on penalty loadings which, in some cases, are purely historical, in danger of becoming hysterical and in need of thorough investigation.

The Chief Minister tabled a paper which interestingly is headed "A Speech by the Chief Minister on Employment". If one looks at the paper in that light, it has more relevance than some of the remarks which have been particularly addressed to youth unemployment. It is perfectly logical for the House to turn its attention specifically to unemployment amongst the younger members of our community but, if one is to restrict this paper to youth unemployment, then it is less relevant than its heading would make it appear. It would seem that I have raised 3 children to be croupiers or uranium miners and, although that may be the case, it was not the intention.

I will turn my attention particularly to the speech by the Chief Minister. In the early stages, he mentioned, properly and relevantly, the young people entering the workforce in the Territory, 600 of whom it is estimated will be unable to find employment. One would take that to mean employment in the Territory. Unhappily, in looking through the speech and in listening to the comments of other frontbench members, one still does not have much confidence that the efforts taken by the present government will indeed find positions for these 600 young people. If the other side of the House was in power, they would face the same almost impossible task. The mining industry is not about to employ school leavers in the immediate future and neither is the casino.

The casino will be the subject of further debate in this Assembly and I do not wish to prejudice that or pre-empt it. If we consider the Treasurer's strong statements in support of the casino, I find that at least one of my children will be able to find the employment she seeks - she wants to be a welfare officer. If we are going to have casinos, we are going to need more welfare officers. That will be taken up in another debate to take place in this House very soon.

I do not wish to denigrate the Chief Minister's remarks overall. On page 3 of the copy which the Chief Minister kindly provided in advance of this debate - and I appreciate that - he talked about uranium mining. Which government minister is going to rise and say that the government has had discussions with the mining companies to ensure that, wherever possible, the people who will be gaining employment from any increase in the mining industry will be young Territorians. Firstly, I would like to be assured that they will be Territorians. The Treasurer made a very interesting comment when he said, "a measure of our success will be in the workforce figures, in their growth and expansion". I agree wholeheartedly but whence come the workers? Are they Territorian workers? Are they Australian workers?

I acknowledge that unemployment is a problem right around Australia but I would hope that this Assembly government is applying pressure to industry, and

the mining industry in particular if we are to talk about the great gift that the uranium industry is to be to the Assembly, to get what guarantees it can that, where possible, the employees who will be taken up by this expansion will be Territorians. I do not have the great faith in any industry which leads me to believe that there will be a dramatic increase in employment of school leavers. Industry exists to make a profit and, by and large, the young person straight out of school is not the greatest key in the profit-making machine. However, we all know that if apprenticeship schemes, whether they be in trades or professions, start to falter, it bodes ill for the country. I think that the present government and the opposition must appreciate that. The people engaged in the industry of succouring and advising these people certainly appreciate it. The honourable member for Sanderson spoke of discussions she had had with people in this field. The advising of the young has to be the one great industry taking place at the moment.

I ask the Chief Minister and his colleagues to advise the House of the discussions that they have had with industry leaders and the incentives they are trying to offer to ensure that, when any industry in the Territory expands, it takes its workforce from Territorians where practicable. There are specialists who will be brought in to augment the workforce but those specialist technicians, tradesmen and professional people were once apprentices and students at tertiary education establishments. If we do not continue post-secondary training, we are not going to have the expertise to fill this gap in 15 or 20 years time. That has to exercise our minds now. I ask the Chief Minister or one of his ministers to advise us what particular incentives again are given to industry in the further training of these school leavers which in the short term is productive.

One Cabinet member spoke of the setting up of an abattoirs. If one established an abattoirs tomorrow in Tennant Creek, the people who were most likely to be employed immediately would be people with special skills - skinners and boners. Where in the Territory are young people learning those skills? I am tired of the attention that western European society pays to tertiary education for the professions. This is proving to be rather unproductive. Where is similar attention being paid to trade and industry? It is grossly unfair to say to those people in the private workforce that they should bear the entire burden for training our technicians and skilled tradesmen for the future. Governments are recognising that industry wants immediate returns for its capital investments. I believe I am being constructive and not destructive. Let us hear the incentives that this government and the federal government which controls the purse strings of this country will give to ensure that the trades are being properly catered for by training people after they leave secondary school.

The Chief Minister and one of his frontbenchers spoke about the intention of Peko Wallsend to recommission its copper smelter. That has my unqualified approval. It will assist the unemployment problem in Tennant Creek but will it assist it to thebenefit of those unemployed people presently living in Tennant Creek? One would hope so. One would hope that Peko are not going to take the easy method and fly in people who are unemployed in other mining areas around Australia. I want to know what part the youngsters of Tennant Creek will have in 5 years or 10 years time if that smelter is recommissioned to bring a measure of further productivity to that area.

The Chief Minister spoke about Nabalco. He said that $27m is being spent by Nabalco to further refine its treatment of bauxite and, at the present time, it is employing a workforce of 250 men. Nabalco does not have a good record in the Territory when it comes to the employment of locals either in its construction phase or at any other time. My only hope is that other mining companies will benefit from what I believe are the mistakes made by Nabalco in importing a southern workforce and will turn their attention to expanding the workforce in a manner which is beneficial not only to them but to the Territory by the

employment of locals.

There was talk of the alumina plant. It sounds to me like a phantom alumina plant. If sufficient cheap power can be made available, there may be a chance of this being established. We are physically at a disadvantage, and that is not the fault of the present government or the ALP government, because we do not have hydro-electric power readily avilable. I would assume and expect that the present Country Liberal Party government of the Territory will do all it can to assist in the establishment of this further business at Nhulunbuy but we are not holding our breath or hanging by our fingernails because cheap power obviously is not readily available in the Territory. I am not looking to that to alter significantly the appalling figures of unemployment.

The Chief Minister mentioned the major mining operations at Gove, Groote and Tennant Creek. Groote Eylandt are still getting their supplies direct. The shipping links are not coming through Darwin and neither are there links overland through the Territory. Gemco is looking for the least possible expenditure and the greatest immediate return. However, unlike Nabalco, Gemco has made efforts - and this is first hand - to employ some locals. Mr Speaker, can one member of the government frontbench advise this House what is being done with an expected expansion in the mining industry to ensure that the growth comes from Territorians and that training will be had for young Territorians?

He mentioned the silver, lead and zinc deposits at McArthur River and the honourable member for Sanderson also turned her attention to this. I sat through the Borroloola land claim hearing and I heard a company representative say that they did not think they were viable and that they were likely not to start. When a company representative gives sworn evidence at that level and says that they may not start, let us not hang by our fingernails waiting for that particular section of the industry to provide the employment we so earnestly seek for our young people.

The Chief Minister said that, being only a few hundred miles from the teeming millions of South-east Asia, populations which in many instances have rapidly improving living standards, the Territory is obviously turning its eyes northwards to the potentially vast markets of the region. He spoke about primary industry production and beef cattle. Unfortunately, when countries raise their living standards, they tend to put their money into manufactured items. We do not have a good electronics industry in Australia. We do not have in the Northern Territory a canning and processing industry which can adequately supply this expanding market. I would hope that the present government is turning its attention to this secondary industry potential of the Territory because that is a development that we want to see here. The people in South-east Asia who are becoming more affluent will be buying secondary products. Certainly, I support any initiative to assist in the export of primary produce, but it is our manufacturing industries, which do not exist by and large, that I had hoped to hear about this morning. I may well hear something yet from a Cabinet member.

The statement went on to talk about tourism. I am going to bore this House senseless over the next few sessions talking about tourism and what we are not offering. A casino is not the be-all and end-all of tourism.

Mr Perron: No one said it was.

Mrs LAWRIE: I am glad no one said it was. If we are going to talk about youth employment, there is vast potential in the tourist industry. However, a tourist industry is so multi-faceted. It is not only providing the wherewithall to get here - and we have very interesting comments about the structure of the

internal air fares - it is not only the provision of accommodation, and we do not have a wide enough variety of accommodation in the Top End yet, it is most importantly the attitude adopted and the assistance given by the local people to tourists. It is here that a potential exists for youth employment.

In Mexico City, which has a population of 14 million, one can be approached by a person wearing an official badge who is multi-lingual and who asks you in 27 different languages which one you speak. He says to you, "I am here to assist you. What do you want to see?" It might be a government farm project, a gold factory or any kind of thing. He then directs the tourist to the appropriate public transport which will take him to his desired destination quickly, efficiently and cheaply. It grabbed my imagination that there were accredited people with nothing more to do than to assist tourists and to assist them very well and very pleasantly. We are not at that stage yet but we are going to be at that stage if this grand dream of the expansion of the tourist industry becomes a reality, of needing to put the best face forward to the people who are coming to Darwin or Tennant Creek or Alice Springs looking for something different. If they were not looking for something different, they would not have left Melbourne or Perth or Kuala Lumpur or whence they came. I would hope that those engaged in the tourist industry, and more importantly perhaps the minister responsible, will pay some attention to my remarks and see if even in an ancillary capacity young people can be employed, if and when the tourist industry takes off.

The Chief Minister looked at the airline agreement within Australia and the costs of domestic airfares. So he should. In london, they are offering fares, London to Houston, and one week's accommodation for £59 sterling. Who would come to Darwin for a thousand bucks when you can go to Houston for £59.?

Mr Robertson: Has Houston got a casino?

Mrs LAWRIE: Mr Speaker, I am going to make more remarks about the domestic airfares in the context of the casino debate in particular, but I do think that this government is to be commended for any effort it makes in trying to lower, not only domestic but international airfares which have to be the greatest bar to tourism that the Northern Territory faces. The establishment or the non-establishment of the casino pales into insignificance when one compares the comparative costs of getting to this place.

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

Mrs LAWRIE: That's a pity because I have more to say.

Mr ISAACS (Opposition Leader): Mr Speaker, I move that an extension of time be granted to the honourable member.

Motion agreed to.

Mrs LAWRIE: Mr Speaker, I shall hurry up my remarks now. I want to make a couple of comments on the remarks of the Minister for Mines and Energy. He was talking about unemployment as it affects Aboriginal communities. It is undeniable that they have a great problem, if one is to consider unemployment simplisticly, and he said that his solution would not suit them. His solution seemed to be to shift them from the point of high unemployment. But where? Most centres in the Territory are facing a high unemployment problem. His solution seemed to me to have people in transit. That is not good enough. If we had a section of the Territory crying out for personnel, it would then have relevance to take them from point A and put them in point B, but not simply to say, "there is no prospect of employment there; they should move". They have to have somewhere to move to which can offer employment and, at the moment, I do not see that in the Territory.

To return to mining - if we are going to actively and particularly look for employment for Aboriginal people, are the mining companies who are about to develop in certain areas having great pressure put upon them to employ just these very people? Are the education people having pressure put upon them to give these same people the specialist skills that are needed because that is what we should be discussing. The honourable Minister for Mines and Energy said there is a multiplier effect of 5 to 1 with the establishment of a mining industry and he then said, "Prove there isn't". I could stand here and say my mother had purple hair and rode a broomstick, prove she didn't. That was not good enough from a minister who has the direct responsibility for mining and resources in the Territory. I want to see any mining company have the greatest possible pressure from this government and incentive to employ these people in the Territory who are presently unemployed.

To look at other employment prospects for Aboriginal people and for Territorians as a whole, a lot more could be done to exploit the potential they have displayed in manual arts. There is a textile industry on Bathurst Island which is of unique beauty and if anyone screen printed textiles of that quality anywhere else in the world, people would clammer for them. That is the type of industry that has to be encouraged. Call it a cottage industry if you will, but it is of unique beauty in the Territory. The same people are producing pottery of some excellence. Do we pay sufficient attention to Aboriginal music, drama, dance or to the tactile skills which those people possess to a degree beyond most Europeans? That needs encouragement; that is a money spinner; that will give them self-confidence and pride in their unique ability; that will be of great assistance to the tourist industry. Which minister will mention assistance along those particular lines? It could be the Minister for Community Development because it would fall perhaps broadly within his portfolio.

If we are to talk about the expansion of the tourist industry through casinos, are we going to offer apprenticeships in the catering industry as an adjunct to this? If so, which government minister is responsible and which government minister will assure us that the hotel industry is to be told by this government that it is expected to have courses in hotel management and that it is expected to take on apprentice chefs? I am still waiting to hear it. That is the kind of incentive that any government in the Northern Territory can provide to foster skills and opportunities for employment for our youngsters.

I am not going to go on much longer. I believe I have criticised some of the areas of the Chief Minister's speech which I think deserve criticism: the fact that he did not - and neither did any of the subsequent speakers - pay adequate attention to what can be done within industry to get them to employ and to train our young people. It is simply not good enough to simplisticly say the establishment of a mine will mean 2,500 more jobs. What jobs, what skills and whence come the workers? It is the answers to these questions that I want supplied by the frontbench and, if they are about to, good luck.

Mr STEELE (Transport and Works): I congratulate the honourable member for Nightcliff on her remarks. She is very acute with her perceptions. I do not doubt for one moment that what she says is going to have some penetrating effect on the ministers in the frontbench. Certainly, from my side, I have looked at industry purely from an industry point of view and never thought about the educational needs to train young people. No doubt the minister to follow will say something about that.

I did take exception to the Leader of the Opposition's remarks about subsidies because they are a fact of life and if he had accepted the invitation to attend the North Australian Seminar in Alice Springs the other day, he would have found out that he was subsidising the Canberra bus service to the tune of a dollar a year which is not a lot of money but it is a fairly fat cat society down there and they get many subsidies that Northern Territory people

would not even enter into.

It is true that years ago Australia was described as the country that rode on the sheep's back and while the importance of wool in our rural sector and in the overall economy has declined, it points to a basic economic fact of life: Australia's prosperity depends on her export industries. There is now an increasing sense of urgency and awareness that export industries must be encouraged and that a preoccupation with social engineering in the cities of the south-east of Australia does little for employment both there and in Australia as a whole.

I have made numerous representations to the federal government on the need to encourage primary industries, particularly the cattle industry. I have sought their cooperation in the encouragement of the tourist industry. The Territory figures this year reflect an upward movement of 18% on visitors and tourism has never been better in that sense. I accept the point that facilities are still far behind and a lot of places need further development to create some sort of an attraction. The Commonwealth government has belatedly recognised the need to encourage export industries through the Export Incentive Grants Scheme. Only a few weeks ago, it was announced that tourism, a major employer of labour in the Territory, would be included.

The federal government recognised the need to assist our cattle industry. They provided carry-on assistance, lifted the Labor imposed export charge and encouraged disease control measures. Through disease control assistance such as mustering assistance, compensation for diseased stock, the cash grant for veterinary measures, cattle producers were able to keep going. It maintained employment for stockmen who otherwise would have swollen the ranks of the unemployed. For our part, we provided assistance for disease control and for transportation of stock. It is not just the producer who benefits from these measures; it is the stockmen, the drivers of transports and the shopkeepers in small country towns who benefit. However, these are stop-gap measures. In the long term, increased returns must come through developing new markets and increasing competition, efficiency and cattle processing.

The government is currently considering 2 applications for a new abattoir at Tennant Creek and,if my remarks this morning about Tancreds buying out Brunette Downs were any guide, we are fiercely in favour of Northern Territory industry. There are plans to upgrade Meneling and Point Stuart abattoirs to export standard. This will enable more Territory cattle to be killed in the Territory and provide increased competition between processors. We have seen an end to the problems that occurred at Katherine this year and next season there will be increased employment opportunity for local people. We have started to investigate the need for marketing bodies and marketing legislation for primary products. We will be specifically considering the possibility of establishing a marketing authority similar to those operating in Queensland and New South Wales.

In the past, our rural sector's dependence on one industry has led to periodic downturns due to severe fluctuation in the world demand for beef. In an effort to increase the stability of the rural sector's employment, we are encouraging a broadening of the base of the Territory's agriculture. Last Saturday in Katherine, I outlined a report from the cropping development committee, chaired by Mr Bruce Morrow and sponsored by our government. The Morrow Report proposes a cropping program in the Katherine area. The idea is to have experienced Territory farmers develop crops on a small scale using, in the first year, common facilities and operating through existing cooperatives and, in the light of experience, graduate to full-scale production. Similarly, there are a number of horticulturists developing farms on leases made available through the government. They are looking to send their produce interstate and to overseas markets as well as supplying the domestic community.

The government has great hopes for the future of our fishing industry. Currently, we are considering 18 fishing applications. We will be supporting those proposals that will bring the greatest benefits to the Territory. We will be particularly interested in the employment aspect of these proposals. We are encouraging further development of the prawning industry and inshore fishing industry. The opposition is more concerned with closing rivers and waters adjacent to much of the coast to commercial fishermen. That is no contribution to increasing employment. We have agreed to provide facilities for the commercial fishermen's association for a fish market. This will provide the public with access to a wider range of fish and encourage increased production in the fishing industry.

Through the Department of Transport and Works, the government's capital expenditure will be $53m - money paid to the private sector; money paid to provide jobs in the building and construction industry. The amount spent on the construction and maintenance of roads in 1977-78 was $26m. The amount budgeted for 1978-79 is $32m. It is estimated that the expenditure of an additional $75,000 per year generates a job for more than one man so that the increase in 1978-79 of $6m would result in approximately 80 additional jobs.

To ensure as much of that work as possible goes to local firms, a preference of up to 5% to local tenderers for government contracts and a further 5% for locally manufactured goods will apply. Wherever possible, we will let government contracts in Aboriginal areas to their local communities. In this way we can provide opportunities for employment and the learning of new skills. And that is currently taking place. My departments and associated authorites are themselves significant employers of the local workforce. In our recruitment, we seek to provide opportunities for young Territorians wherever possible. The Fire Brigade will be taking on 6 cadets this financial year. The Department of Transport and Works plans taking on 29 apprentices and 15 trainees. The Northern Territory Electricity Commission is employing 3 trainee technicians, 56 apprentices and will provide training for 15 Aboriginal linesmen. NTEC will take on a further 35 apprentices and train 150 plant attendants as operators on Aboriginal reserves.

As another initiative to broaden the scope of industrial training, the government is reviewing the Apprentices Act. Following a successful seminar in October at which all sections of the community were represented, a small working party of employers, trade school representatives, unions and the government is at work to provide a better legislative background for industrial training in the Territory. I am hopeful that, as a result of these investigations, we will be in a position to introduce legislation in the new year. The new legislation will recognise the changing needs of young people and employers for training in a modern society and the particular problems of the Northern Territory.

The government will provide assistance to individual businesses to encourage specific kinds of developments. This is one of the reasons we created the Northern Territory Development Corporation. The corporation has now been operating nearly 5 months and has made a number of loans. In fact, at 5 meetings after looking at 57 applications, 14 loans have been approved to approximately $750,000 and most of that money is now circulating in the community and providing work for people. As an example of assistance to employment, the corporation recently approved a loan of $42,000 to a local firm to help establish a galvanising plant. The plant itself will employ only a few people. However, other firms producing nails, weld mesh and tubes, for example, will no longer have to import their requirements from the south. They will be able to fabricate and produce their galvanised metal requirements here in the Territory.

Another way the Territory Development Corporation can help build our future is through identifying opportunities. Recently, the corporation commissioned a feasibility study into a small ship repair facility. The study showed there

was a tremendous opportunity and now a local company is doing a detailed study. A repair facility promises a new industry here in Darwin, with less time for vessels travelling to and from their bases, reduced need for local boats to go elsewhere for refits, more local business and more jobs. I was told about 18 months ago that represents about $1m, probably more like $1.5m in today's terms.

I would also like to comment in passing on uranium, not for what it offers directly as an industry but because of the work and opportunities it will create for local businesses here in Darwin. Local businesses will still have to fight to win their share of the action. It will not fall into their laps but, given an equal chance, they can gain a fair share of the contracts and economic benefits.

The Northern Territory is not helped by irresponsible and unfounded comments by federal Labor spokesmen about companies leaving the Territory and about a depressed local construction industry. We know there is a downturn in the local construction industry. In this regard, the government has asked its departments to review their priorities for construction and we may be presenting some changes to our final plans in the next couple of months. I am very worried about Mr Uren's efforts to destroy confidence in the Territory's future. The opposition has been silent on this question and I do not believe they have a policy on employment for the children of the Territory. The same attitude is apparent in the opposition's comments on the development of casinos. In the meantime, there are 600 young people looking for jobs. I know it will be very difficult to place all of them. The opposition, of course, rather than just shed crocodile tears about unemployment, should support the positive initiatives of the government. This would be some small consolation for their failure to offer a single, original, constructive suggestion for developing new industries in the Territory.

Mrs O'NEIL (Fannie Bay): Mr Speaker, we are taking ourselves very seriously today and, of course, unemployment is a very serious problem. It seems to me, with nearly 30 items on the notice paper, perhaps we had better look to our employment as legislators and finish this debate fairly quickly.

Having said that, I will be brief in the few comments I have to make on this most important topic. I am pleased to see the government accepts the need to look to the problem of employment in the Northern Territory, both short term and long term, particularly for school leavers. The disappointment in the Chief Minister's statement is that, while there is much reference to long-term employment and initiative particularly by private enterprise - though not so much by the government - in the short term, there is very little that it offers to those 800 school leavers, 600 of whom we are told will have difficulty finding jobs.

The Minister for Mines and Energy asked us for suggestions. I have a few. They are not major things but they are worth looking at because we have to look at solutions and not just talk about the problem. I support the government's scheme to give preferential treatment to local established businesses tendering for government contracts. I would suggest to the government that it might like to think of a similar preferential scheme for businesses which employ reasonable numbers of apprentices. It is an unfortunate fact that there are many big organisations in the Northern Territory employing numbers of tradesmen, and this is particularly so in the construction industry, who do not seem to carry their fair share of employing future tradesmen. That is one small suggestion.

Another suggestion I would like to offer to the Treasurer, who was talking about the redistribution of labour, is that the Northern Territory Public Service might light to look at schemes like job-sharing or might like to make part-time permanency available to public servants. There are many people in the 1970s who are happy to work for shorter hours and to share their jobs with

others. This would mean that there would be more work to go around and more people could earn enough to keep them happy and to keep them fed and clothed.

These are the sort of things the government should be looking at, not just relying on the mining industry and the cattle industry to pull itself up by the bootstraps as we all hope it will. The government must also take initiatives. But there was not much in this statement, I am afraid, to give consolation to the 600 unemployed school leavers and their parents. In the debate today, the Treasurer said that maybe in the next budget he might look at a payroll tax scheme and, of course, the opposition has been supporting a change in the payroll tax system since the last budget. Does he really have to leave it until the next budget? Do those 600 kids have to wait around for the next 10 months and then hope that perhaps they can benefit from such a scheme? Why can't we do something now? Why didn't we do something in the last budget in the way of some payroll tax incentive for employment or change in the payroll tax system?

I hope the government takes these suggestions constructively and I hope that all of us will try, in whatever way we can, to improve the employment situation in the Northern Territory now and in the future. I do not think it is good enough either, as the Chief Minister has done, to blame his predecessors in administration in the Northern Territory. It is unseemly to say things have been terrible in the past because people have not done their jobs. There are many people in the Northern Territory, both public servants, administrators and in private industry, who have worked very hard and have contributed a great deal to the development of all sorts of industries in the Northern Territory. We should not say that they have not done it. We should not pretend that the Northern Territory started on 1 July. It has had booms and busts in the past. It will have them in the future. We hope we are facing a boom time and we shouldn't criticise those in the past who had to ride out the busts.

Mr DONDAS (Casuarina): Mr Speaker, many of us have our own ideas as to why the unemployment situation is as it is today and we also have our own theories as to what will rectify the problem. Whatever the situation, at least we must try to solve this problem ourselves. The Chief Minister and other ministers have covered each industry and its potential and the possible employment that industry can provide. However, most speakers before me have neglected to mention the unwillingness of some people to work - the people who are happy to go along with the charity system. I must admit that the economic climate of the day forces some people, especially families, to seek such assistance that may be available from the government.

The Chief Minister and other members have expressed concern that a large number of school leavers will face unemployment prospects at the end of the school year. This is not a new problem. We have been faced with that problem. This is not to be considered as an excuse. We must make every attempt where possible to assist the newcomers into the workforce.

Many years ago, the banking industry in Darwin imported all its staff from the southern capitals. In the last 12 to 18 months, they have changed their policy in this area and are starting to recruit locally. On odd occasions, their careers officers go out to the various high schools. Unfortunately, the amount of interest shown by the school leavers for a banking career is very disappointing. I believe that, down south, most of the young kids who are leaving school look upon banking as a good career. Apparently, the school leavers up here think somewhat differently. With the number of transfers that are occurring within the banking industry, there are quite a lot of vacancies. On several occasions, I have been able to place a good type of student for employment within a bank. I am told by bank officials that the interest in banking careers shown by young children of the Northern Territory is absolutely disgusting. Nevertheless, we have to find jobs for them and I do not know what other work we are going to find. Perhaps they will go out and dig some ditches.

I give another example of the unwillingness of youth to seek employment. A large firm of accountants sought to interview some children who might be leaving school. The headmasters gave them some names and they contacted the various high school students and asked them to come in for an interview. In one particular instance, a young lad was given a position with this firm of accountants to do a bookkeeping course for a start and then move on to an accountancy course. He was told that, in the early stages of his office duties, he would have to do the banking and collect the mail. He told them to forget about the job because it did not suit him. When I was a young lad working in an office, we had to do everything whether we liked it or not. We wanted a job and we did it for the sake of getting on in life. There are job opportunities here for school leavers and I am prepared to make my time available to find jobs for school leavers who want work and who have difficulties in finding positions.

We have heard mention of the number of unemployed. I would like to know how those unemployed figures are made up. How many of those people are Northern Territory residents, and I mean Northern Territory residents for more than 12 months? I think that we would be very surprised to see the basis of the unemployment figures when it is broken up between residents and transient tourists collecting their unemployment benefits here because of the climatic conditions and other things that Darwin has to offer.

We have heard of possible developments that could ease the unemployment situation. How can development take place if members of this Assembly obstruct constructive policies? Surely they have an electoral obligation or responsibility to do everything in their power to create employment. Apparently this is not so. We have seen this obstruction of the uranium industry. We have also seen obstruction of the agricultural industry. We have also seen it in relation to the tourist industry and I refer to the opposition to the casinos by opposition members. All the industries that I have mentioned could be labour intensive industries. We will not know until we have tried them. The opposition must have a lop-sided crystal ball that can only forecast disasters and gloom. We had an oil rig that sailed away with its many jobs and money that could have been spent in this town because of obstruction. I cannot fathom the reason why the opposition wants to obstruct practical and feasible industries that could be labour intensive.

In conclusion, it is important that we, as a government, take the initiative to maintain confidence within the community. This can only be done if we put forward sound proposals which will increase productivity and in the short term create employment. A key factor lies within the population growth and nobody else has mentioned the population growth today. If we are to eventually become selfsufficient in our manufacturing and other industries, then it is important that population increases are maintained. This can only happen if there are jobs for people to come to and jobs for the young ones to go to. Perhaps the creation of a council of youth may provide a solution fo the problems facing young people entering into the workforce. I hope it will and other members here have indicated their hope that it will. If any scheme is offered that will reduce unemployment or create employment, it should be tried and not condemned.

Mr COLLINS (Arnhem): During his speech, the Treasurer said the Territory's employment situation was fluid. If he means by this that it is up the creek, then he is perfectly correct. I wish again to add my commendation to the Chief Minister for bringing this matter to the attention of the Assembly. I also commend the Majority Party for allowing this debate to continue for the bulk of today's sittings. It is a commendable thing that the Chief Minister has made this statement and that we have all been given the opportunity to speak on it.

I cannot extend that commendation to the speeches that were made by members of the frontbench opposite and, in particular, the honourable Minister for Mines and Energy. He seems to be rather compounding some of the opportunities he has had for constructive debate in this House by throwing away yet another

opportunity. As Hansard will show, there was nothing constructive in his contribution at all. The honourable member for Mines and Energy took in excess of 15 minutes merely to say that we should do something about employing young people. He offered absolutely no solutions at all, not even minor ones. He merely went on at length to describe what a difficult situation it is and how it should be upon us all to provide employment for young people.

He talked about the problems of employment in Aboriginal communities, and they are very serious problems indeed. He said a number of strange things during that speech, one of which has been referred to by a number of speakers already.

He said his solution to unemployment in Aboriginal communities would probably not be acceptable to the residents of those communities because it would involve taking them somewhere else. As the honourable minister would well know, that particular problem of no employment opportunities is one shared by an enormous number of small communities all over Australia.

The year before last, on a trip down south, I became stuck in a tiny Queensland town called Richmond. I was there for 4 days because the road was cut. Queensland roads are not very good. While I was in that town for 4 days, I had very little to do - there was one milk bar and one pub in the town and the milk bar was the focus of attention for most of the young people in the town. It was not unusual to have upwards of 40 of these young people sitting around all day doing nothing at all. Over the 4 days, I had long talks with them. I found out that most of them were desperate for jobs. I would take exception to some of the remarks made by the honourable member for Casuarina. Obviously, they have some element of truth in them but I do believe that the majority of young people actively do want employment. Most of these young people in the town were depressed; they were worried about their financial situation. They had lost confidence because of the numerous times they tried for employment. Every one of them, without exception, had travelled to the nearest large town, Townsville, to try for employment and had found none. The town itself where they were living had no opportunities for employment whatever. All of them had gone away from home seeking employment. There were very few of them who wanted to take the drastic step at the age of 16 or 17 years of removing themselves thousands of miles away from their family without any funds to look for employment.

I do not think that one of the few positive things that the minister had to say - that people should be removed from their homes and taken somewhere else - is a very feasible one. The problem exists in small communities all over this country. He also went on to say that, as regards the pockets of Aboriginal unemployment in his own electorate, he did not feel that he should offer any solutions to those communities because he felt like an outsider. I feel very sorry that the honourable member feels that he is an outsider in his own electorate. I feel perfectly at home in mine and I am not frightened to put forward a few constructive ideas for alleviating the situation, or beginning to, in Aboriginal communities.

Reference was made earlier to cottage-type industries in that extremely constructive contribution to this debate that was made by the honourable member for Nightcliff. One of the things that Aboriginal communities are going to have to work towards immediately is to becoming as self-sufficient as they can. Community councils, and certainly they have an enormous workload of serious problems to come to terms with, are going to have to look at establishing viable market gardens in the short term at least for the needs of their own community. They are going to have to look at utilising the enormous fishing potential of the sea around their coastline. There are numerous small scale initiatives that I do not want to spend any more time on here. Aboriginal communities can at least take the first steps towards becoming as self-sufficient as they can.

Mr Robertson: Tell us now.

Mr COLLINS: There are limits of time and I have too much to say. I would be quite happy to talk to the honourable minister afterwards. They are just a few things that they can do.

The honourable Minister for Mines and Energy threw out a number of facts and figures on the benefits that mining was to bring to employment and the flow-on from it. As has again been pointed out in this House, he provided absolutely no substantiation of those figures at all. In fact, he challenged other people to prove that they were not correct. I commend the honourable minister for one particular feature that he did bring in which was that there should be more flexibility brought into apprenticeship legislation for the Northern Territory. I commend that, but there was one thing about the minister's entire contribution that really disappointed me. Just recently an agreement has been signed, the Ranger agreement, which is going to get off the ground the largest mining development that has ever occurred in the Territory and one of the largest mining developments to have occurred in the country. I was staggered by the scant attention that that entire development was given by the honourable Minister for Mines and Energy in his speech. The minister has shown us in the past that he has weird and wonderful ways of making ministerial statements to us and letting us know what his policies are.

I remember a splendid opportunity in a debate traditionally set aside for such purposes, the address in reply, that he threw away completely in 10 minutes of abuse of the Labor Party without a single word said about any of his portfolios. Of course, he has done it again this morning. I waited in vain for some kind of constructive comment on the negotiations that the Minister for Mines and Energy has had with the Ranger partners as to exactly what they are going to do about employing Territorians in their mine. I think - I may be wrong and I hope to be proved to be wrong - that probably no such negotiations have taken place. I have no doubt that the Minister for Mines and Energy has probably spoken to these people on numerous occasions but I wonder if he has gone in depth into the one thing that has been consistently pushed down our throats - the benefits that uranium mining will have for us and the employment of Territorians and, in particular, young Territorians and Aboriginal locals. We heard nothing of that in the minister's speech this morning.

Mr Speaker, I also wish to commend the honourable Minister for Industrial Development who did in fact confine almost the entirety of his speech to enlarging upon the points in his portfolio that had been touched on by the Chief Minister. I would hope that in future speeches to this House perhaps the Minister for Mines and Energy can do us the same courtesy. Forty minutes was wasted this morning by that gentleman for no purpose whatever.

I commend the Chief Minister for his initiatives in establishing a council of youth to talk about the problems of employing youth. I would also look forward to hearing from the Minister for Community Development a few more details about how this council is to be set up and the kind of charter it will have.

I will give some attention to the subject of uranium mining. I believe, Mr Speaker, that I should give at least a little more credit and a little more time than the honourable Minister for Mines and Energy did, who spent only a couple of sentences on it. A great deal of euphoria has been entered into about the employment opportunities that are to be generated by Ranger and I would be the last person to deny that uranium mining offers employment. It certainly does. I have gone on record in this House - in one of the speeches obviously members opposite would prefer to forget - in the debate in reply saying that, if uranium mining did take place, it could provide benefits to Aboriginal people, providing it was done in a proper and responsible manner. Members do not have to go very far back in Hansard to find that speech. I did, in fact,

speak at length on the way in which the BHP Company on Groote Eylandt does carry out its operations in a very commendable manner, in providing employment and coming to terms with the Aboriginal community that owns the land on which the mine is situated.

One cannot look at the long-term benefits to the Territory as far as employment is concerned without having a look at the whole economic situation. Indeed it should be a situation that is of great interest to the frontbench opposite. Let us look first at the current situation regarding the potential markets to which the Territory is to send its uranium and see how solid they are. Japan has certainly been put forward as one of the most likely prospects for Australia's uranium. Official government forecasts from Japan of 60,000 megawatts of electricity to be generated by nuclear energy by 1985 have already, within 2 years, been scaled down to 30,000 megawatts and the latest information that is available - information which I got only as late as yesterday - is that the current estimate is 22,000 megawatts. The facts are that, on the original figures that I gave the House, Japan would not have been a buyer of Australia's uranium until the mid 1980s. It now appears that Japan will not be buying significant amounts of the Territory's uranium until the late 1990s.

This country has just had a visit from the president of Germany, President Scheel, who stated in Australia that Germany would certainly not be in the market for the Territory's uranium until the late 1980s. We have signed an agreement with Finland. Of course, all members will know that the demands of Finland on the Territory's uranium would be insignificant. The Philippines also is one which has been quoted at length by the Prime Minister. Leaving the political situation of the country aside, the Philippines has one reactor not yet built - again insignificant. France, of course, is tied very firmly into African uranium and has just recently announced the same kind of drastic cutbacks in its marketing as other countries. Iran is one that we have heard a lot of publicity about. Leaving the marketing situation completely out of it, I would say it would be an extremely irresponsible government that would seriously consider sending Australia's uranium to a country that is so politically unstable. Austria, as everyone knows, recently held a referendum and that referendum successfully closed down a $400m reactor which is now sitting in mothballs with people wondering what they are going to do with it.

The facts are that the situation internationally is one of scaling down of uranium contracts, rapidly and continually revising estimates of many countries' needs for uranium and the cancelling of enormous numbers of orders for new reactors. The situation, according to the uranium industry itself, is a very poor one. Many industry sources have commented just in the last 6 months how shaky the situation appears to be at the moment, not only because of the scaling down of the demand for uranium but because of the ever-increasing discoveries of uranium elsewhere in the world.

As far as employment in uranium mining is concerned, it does deserve a bit of a look. Statements have been made - and they vary wildly - as to the Territory's employment benefits from uranium. Again, I am not knocking the employment that will come out of uranium mining; I am simply saying that there has to be a statement made to scale down these heights of euphoria that people are reaching. I have heard 800 jobs mentioned here today. I have also heard CLP sources talk about 1500 jobs, leading to 2500 permanently employed in the long term with up to 10,000 through ancilliary activities.

Let us look at the facts. The honourable Minister for Mines and Energy was throwing a great number of statistics about this morning that he himself said he could not substantiate. Let us have a look at the facts. In the Fox report, on page 376, it says: "It seems unlikely that the uranium industry will make a very important contribution to total employment in a national context". Let us face it, the employment problems we have here in the Territory are certainly because of many local conditions, but they are also tied into a

national and an international situation which I will touch on in a minute.

The report goes on to say: "The production of 10,000 tonnes of uranium per year in the Northern Territory, about the maximum possible from the present proposed mines, would increase employment opportunities, including those associated with local services, to approximately 1,000, being 2½% of the present labour force in the Territory". Again, in the Fox Report, on page 245: "Employment opportunities are estimated at about 600 people per year during the construction stage and about 250 in the operating stage which would be small compared with the total size of the Australian workforce". Those are the facts about the kind of employment opportunities that will be directly available because of the Ranger mine. They conflict quite substantially with statements made by other people.

One of the factors which is certainly going to be a problem the Territory will have to look to is one that has come to my attention in the past few weeks. I have had a number of letters from people in Newcastle. Newcastle is an industrial city which has a very serious unemployment problem, certainly as great as that faced by the Territory. These letters were from young, single, unemployed men who have stated to me their intentions of coming to the Territory to look for work in uranium mining. This is something which I know will happen; I am sure all members opposite will accept that it will happen. Employment, particularly among young school leavers, single men, nationally is a very serious problem. There will be large numbers of these young people coming to the Territory looking for work once Ranger gets off the ground. They are then going to become a Territory unemployment statistic. It is just not on to look into people's bona fides, to look at how long they have been in the Territory or whether they can call themselves Territorians or not. If they are unemployed and if they are in the Territory, they are part of the Territory's unemployment problem and it is foolish of the government to say, on the one hand, that we accept that we have a tiny population and we want to encourage the maximum flow of people into the Territory if, on the other hand, we are going to disown these very people and say that they are not Territorians. It is ridiculous. As I have said before, Ranger says it will employ 600 men over 3 years. This will go down to a force of 250 on the mining operation itself and, according to the Fox figures, will generate a total flow-on of possibly 2,000 jobs.

There is also a problem attached to mining in the long term and it is a problem that worries me considerably because it is tied into the same problem this country faces with our advanced technology. This is a problem which has come to the attention of all of us just recently. It is a problem that governments will have to look into. It may be all very well for ministers of the crown to say that it is improper for governments to plan beyond their elected term of office. I personally do not believe so. I think that governments have to be capable of looking beyond the end of their noses. There is a problem with Australia's increasing reliance on mineral exports and you do not have to be an economic expert to work it out. The problem is this: if we continue to rely totally on our mineral wealth, exporting our mineral wealth has a direct bearing on our inflation rate and on Australia's balance of trade. It is very obvious that the more of our minerals we export, the greater demands will be placed on the federal government, no matter what political colour it is, to take increased imports from overseas. These imports, of course, will be substantially of manufactured goods.

It is a cold hard fact internationally that for every dollar that is spent in the mining industry generally to create one job, the same dollar would create 25 jobs in the manufacturing sector. The honourable member for Casuarina said the government should encourage labour intensive industries, and they certainly should. Mining, of course, is a capital intensive not a labour intensive industry. A shining example of that is our great monolith Utah which has set a record for company profits in Australia of $160m, $130m of which was

repatriated back to the United States. For that enormous sum of money, it employs a total of 2,700 people as compared, for example, to 60,000 employed by BHP. There is a long-term permanent effect on Australia's employment rate from increased dependence on mineral exports. It places an onerous burden on our balance of trade that is reflected in demands to import manufactured goods from overseas countries in return. We cannot have it both ways. This in turn cuts down our reliance on manufacturing industry which creates long-term unemployment.

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

Mr ISAACS (Opposition Leader): Mr Speaker, I move that the member for Arnhem be granted an extension of time.

Motion agreed to.

Mr COLLINS: To finish quickly, I will have to skip over most of the points I was going to make. It is necessary for the Territory to look not just in the short term but in the long term at employment opportunities. One of the areas that has to be expanded is our primary industry, our beef and our agricultural industry. I already know that a small number, an insignificant number, of Territory market gardeners ship their exports overseas. I know of one outstanding example in Katherine where this happens. This is something that can be co-ordinated.

I know that Aboriginal communities could gain enormous benefits from utilising the fishing reserves around their communities and I would make one small suggestion to the government in this respect. I recently returned from a visit to Goulburn Island. It was the first time, unfortunately, that I had managed to visit that community for some months. Whilst I was over there, I was taken down to the fishing factory and there was an enormous amount of very high quality produce for sale, a great deal of which I bought on the spot, brought back to Darwin and resold yesterday to a number of my friends. This was purely to gauge the acceptability; I am quite aware that I do not have a hawker's licence. It was a very insignificant sale. The produce concerned was fish, crabs and oysters, and I wanted to see what kind of acceptability all of this produce had here in Darwin. I have had requests for more from everywhere that the stuff was delivered. The quality of the produce was extremely high and the people at Goulburn Island, just one place, are very anxious to sell it. I know there are a number of Aboriginal liaison officer positions available in the Chief Minister's Department. I would suggest to the Chief Minister that perhaps one of those Aboriginal people could look into co-ordinating in some way the activities involved in fishing in these communities to find an outlet for this stuff in Darwin.

Tourism should also be an area that we concentrate on strongly and, of course, with the establishment of the Kakadu National Park, the ball is really at our feet in that respect. That could become very easily an international resource that people from all over the world will flock to see, certainly a lot more readily than they will come here to gamble. I commend the Chief Minister again for his efforts relating to this 2 airline policy that is crippling the Territory. There is no doubt we will never get a tourist industry really off the ground until we do something about the disproportionate cost of air fares into this community. I do not believe that people will pay a $1000 to come from overseas to gamble in a casino in Darwin.

In this respect, the Treasurer related the figures available to the Wrest Point casino in Hobart. I do not know why he did that because those figures really are not relevant to the Territory. As the honourable Minister would know, in excess of 70% of the income generated from that casino comes from Tasmanians. We do not have anywhere near the proportion of population who would not have to pay a fortune to get here with the airfares the way they are. I commend all efforts of the government to try to rectify that situation.

We can in fact investigate the possibilities of establishing a manufacturing industry in the Northern Territory. I commend the comments of the Minister for Mines and Energy which he made recently concerning the amount of money which will be spent on solar research in the Northern Territory. He said, and I agree, we do not have the resources to spend a fortune on research into solar development but we can and should utilise all of the available solar research to find out if it has a practical applicability to the Northern Territory. I commend him for those remarks and I think that the possibility should be looked at of a manufacturing industry in the Northern Territory for, say, the production of solar hot water systems.

I have touched already on market gardening. The member for Nightcliff has spoken of the desirability of encouraging craft industries to utilise the skills of Aboriginal people in their communities and I would also support that. The textiles and pottery that come from Bathurst Island are of extremely high quality and industries such as those should be encouraged.

I would also like to see public money spent on a railway from Darwin to Adelaide. I think that has to be a continuing aim of whichever government is in power in the Northern Territory. The spending of government money is necessary to alleviate the employment situation and spending it on a railway would be spending it on something that is going to be of long-term benefit and is an absolute necessity for the Northern Territory in the long term. I hope that the government will continue to pursue it.

To conclude, we in the Territory have to start changing our attitudes towards employment. This is a topic which has been touched on by a number of members. We have to be more flexible. We need to start changing our attitude towards providing huge companies with vast profits and we need to look towards what is in the Territory's long-term interest.

Mr VALE (Stuart): I would like to add my support to the statement of the Chief Minister on the problems of and potential for employment in the Northern Territory, particularly for young people who are about to leave school. The problem of locating jobs is not isolated to a particular community group or an area of the Territory. Certainly, the federal government has attempted to create job opportunities for young people but, at best, these opportunities have been on a short-term basis. What we need to create in the Territory is permanent employment for all people seeking jobs. Unfortunately, the actions of the federal government have in many instances delayed and frustrated many projects proposed by both private industry and government departments. Not the least of these is the development of the Ayers Rock village, sealing of the south road - and the South Australian government must take portion of this blame - and the sealing of the many tourist roads within Central Australia. This government's intentions have been made quite clear concerning a number of these roads. In fact, the first tender has been let to John Hollands to commence the construction and the sealing of the Ayers Rock road. During the actual construction stage of Ayers Rock village and the sealing of these roads, many and varied jobs will be available. More importantly, permanent positions will occur when increased tourist numbers commence utilising these facilities.

Many years ago when Alice Springs was serviced by a regular and reliable rail service from Adelaide, the Alice was a major road/railhead servicing the whole of the Northern Territory plus large areas of Queensland and Western Australia. The constant disruptions to this line caused the redirection of many supply orders and these are now being obtained from the states of Queensland and New South Wales. Given the completion of construction of the Tarcoola to Alice Springs standard gauge line, Alice will again re-establish as a major road-rail transport head and this will obviously provide and create many more employment vacancies in Central Australia within the road transport industry and associated service industries.

Communities such as Yuendumu have the ability to develop their mining and pastoral industries and create many job opportunities. This development, however, has been hampered by the stop-go policies of federal government. It is high time the federal government backed off and allowed enterprises such as these to proceed rather than tying up in red tape and paper warfare the communities' genuine desire to develop. Early next year, $0.75m worth of extensions to the school at Yuendumu will provide some employment for local residents. At the request of the Yuendumu Council, I have had discussions with the Master Builders Association in Central Australia concerning this employment.

In the Alice Springs township, over $1.5m worth of private development is being planned. This construction, most of which is directly associated with the tourist industry, includes the expansion of 2 of the town's leading motels. This particular expansion gives the lie to some of those opposing the international motel restaurant casino facility on the basis that Alice is over-provided for in terms of motel accommodation. Both during the construction period and afterwards, this expansion will provide much needed and permanent employment.

The oil and natural gas exploration industry which has stagnated since 1973, now shows real hope of being reactivated and it is in this area, together with tourism, that I believe that most employment will be offered for school leavers and young people. Construction of an oil refinery, pipeline and fuel gathering system will provide, over a 2-year period, employment far in excess of 300 people directly and additional employment in the provision of back-up and service industries. Many of these jobs can and will be filled by local residents with only the specialist fields requiring outside expertise. On completion, the refinery will provide permanent employment for approximately 100 people and the revenue to the companies from product sales will allow them to move in geological, geophysical drilling teams in a search for more reserves in Central Australia. Again, most of those employed in the permanent stages of the refinery will be locals.

Central Australia has the potential to provide many jobs in a wide selection of industries and, given that the federal government will back off these areas of control, we could then move forward into 1979 and 1980 with increased job opportunities, stability and prosperity.

Mr ROBERTSON (Community Development): This has been a very useful debate throughout. I am surprised that, on this occasion, a number of constructive suggestions have come from the opposition. I will not recap on the initiatives of this government in creating employment for the Northern Territory because that has been adequately covered by this side of the House. There are some points I would like to pick up. These were made by members of the opposition and the honourable member for Nightcliff - unfortunately I do not often get a chance to give her a bouquet even if it is only a partial one on this occasion.

The honourable member for Arnhem expressed concern that Aboriginal people should be involved in mining in general and, in particular, in respect of uranium mining at the Ranger project. It is not necessary to suggest to this government or to any other government or to any mining company in the Northern Territory that it is necessary to force mining companies into using Aboriginal labour. The Gemco exercise has been a classic example of cooperation between a mining company and the local people. However, he was using the particular example of the Ranger project and whether or not the mining company has been spoken to by government in relation to the involvement of Aboriginal people in that particular uranium prospect. The first thing that comes to my mind is that the same gentleman has been going all over Arnhem Land ...

Mr Collins: All over my electorate.

Mr ROBERTSON: ... all over his electorate, even if he has not been to

Goulburn Island recently and that surprised me ...

Mr Collins: Last week.

Mr ROBERTSON: ... all over his electorate dissuading Aboriginal people from entering into the Ranger agreement.

Mr Collins: That is rubbish.

Mr ROBERTSON: He has been telling people throughout his electorate of the terrible evils of uranium mining, associating himself with cartoon drawings - I have no proof of this but I have no doubt in my mind that he has associated himself with cartoon drawings, with the compliments of a certain group - depicting all sorts of evils of uranium mining yet, at the same time, he can stand up and advocate employment for people whom he would have us believe are going to drop dead within 5 minutes of getting a pick in their hands. It seems a remarkably inconsistent piece of mischief to me.

He also wanted to know what had been done by way of negotiations between government and the Aboriginal people in respect of their participation in the work in the province. I would have thought that, of all people, he would be the one most familiar with the Ranger agreement and with the explanatory notes provided to the Aboriginal people pursuant to that agreement.

I would like to quote from the agreement just to get the message across to the honourable gentleman. It is there for him to read and not for him to ask questions of this side of the House. I certainly thought he would have been aware of it. The explanatory note says:

> *The government will make sure the companies will employ as many local Aboriginals as they can so long as the Aboriginals can do the work properly. An operator training scheme for training Aboriginals to drive vehicles, bulldozers, graders, frontend loaders and other motor cars will be run by the company so that Aboriginals will have a chance to work on the mining business. If there is good reason for having more training schemes operating, then the government will make sure the company run the proper training schemes after they have had discussions with the Northern Land Council. There will also be discussions with the Northern Land Council, with companies and the unions to make sure that the conditions under which Aboriginals work on the mining operation will be the best for the Aboriginal people. If Aboriginals want to start business for themselves by providing goods and services to the mining company, then the government will help these Aboriginal people in any way that the government thinks it can. There will be no provision as to how much help the government will give. The government will also make sure that the companies will give every chance to Aboriginals to do contract work for the companies like upgrading and maintenance, gardening and garbage disposal, bus services, office cleaning and laundry services and storekeeping and a lot of other jobs that the Aboriginal people will be able to do. If the Aboriginal people are unable to do some of the jobs they might be able to do by way of contract, the companies will provide training facilities if there are enough people who want to learn how to do these jobs.*

I think we have the answer, Mr Speaker. There is no need to take the big stick to the mining companies. It is quite clear from the agreement and from the explanatory notes to the agreement that the companies are already fully agreeable to involve Aboriginal employment to the maximum extent in those areas. It now remains a matter for the Aboriginal people to sift out the information they have been given by our friends opposite and by certain other mischief makers as to whether or not they want to participate in the work on the mines themselves. Certainly, a very concerted effort is being made to dissuade them from that course of action based on totally false arguments as to safety in uranium mining. Incidentally, I would love to take the honourable member for Arnhem up on his offer to make available to this side of the House numerous examples of jobs which would be made available and projects which

could be undertaken in Aboriginal communities in his electorate. He has named 2 which we are already aware of. I dare say that we would also be aware of most of the others he could name. In all seriousness, I would be most interested to hear what he has to say as he is certainly a man who has widely travelled in his electorate and should have the knowledge of what can be done over there.

The honourable member for Fannie Bay raised the question of job-sharing and part-time permanency. She suggests part-time permanency for officers of the public service. I suppose she would be aware of the South Australian system, brought in under the Education Act, of what they call tandem teaching. I understand from information given to me by South Australians that surprisingly few South Australian unemployed teachers have availed themselves of this particular offer. Of course, there must be a position available before you can do it. You must have an unemployed teacher of whom there are plenty, a teacher who wants to do study or some other activity in order to agree to go on to part-time teaching. That, of course, would apply in the public service unless you were going to create a whole host of new positions. You would have to find someone initially who would be prepared to vacate a position for half a day or half a week or else create new positions. Like the rest of Australia - and it is interesting to note how other ministers accept at ministerial conferences the Commonwealth guidelines on the public service - the Northern Territory is somewhat constrained as to how many public service positions we can create.

The honourable member for Nightcliff, who is in the House, dealt at length with ...

Mrs Lawrie: Why?

Mr ROBERTSON: ... the social problems. It is rather a change; she usually vacates the House immediately she has spoken and does not return until question time the following day.

Mrs Lawrie: What a lot of rot!

Mr ROBERTSON: She dealt at length with the social issues of unemployment and it is an area in which I fully agree with her. I am quite sure that the speech she has made here, apart from some of the rather flippant references to her children either having to become uranium miners or croupiers, which has of course no bearing on the reality on those 2 industries ...

Mr Collins: They are both a gamble.

Mr ROBERTSON: The spin-off jobs are far greater than the actual direct jobs in those 2 industries. I do not really think she meant that. She did mention that, if you are going to have casinos, then you will have demand for welfare services. Mr Speaker, demand for welfare services is not created by people who spend their money; it is created by people who do not have a job to get any money in the first place. What we are trying to do is to lower the incidence of the requirement for welfare services by creating jobs. In no way is there any support in fact for the contention that the establishment of casinos raises the demand for welfare services. In fact, our studies would indicate - and they are rather in depth and they will certainly be brought out in a speech on another matter later in this sittings - that quite the contrary is the case.

It was mentioned by the honourable member for Nightcliff and by the honourable member for Sanderson that they believed that money spent by government in short-term relief employment for youth is not a waste of public money at all. I would be inclined to an extent to take some issue with my colleague the Minister for Health on this particular matter. I do not really

believe that he was indicating that it was wasteful. He was saying it is not a long-term solution. What I would say, as minister responsible for welfare, is that unemployment in youth has a deleterious effect on those people. In fact, it leaves a scar which can last for life. Someone who has gone from school and spent 4 years on the dole would then have to be paid a 20-year-old's wage under awards and may end up permanently unemployed. That person may also be permanently scarred from the tremendous boredom and frustration, the feeling of not being useful, not being wanted for that period of years. It is for this reason that I believe all governments of any political colour should devote the maximum resources and effort available to create job opportunities for young people leaving school even if they are of a short-term nature. I think it is somewhat negative thinking to say, "Oh well, at the end of a particular program, this person will be out of a job". The fact of the matter is that that person has at least had a brief experience in the workplace; he has not been taken straight from school and dumped.

We have heard a proposal from the opposition today to provide subsidies to employers to recruit and train young people in perhaps apprenticeships but I think we are talking more about non-apprenticeship training. There are 2 issues to that. The first one is that we are well aware of what some unscrupulous companies now do under the federal scheme of subsidisation to industry. For the period of the Commonwealth or the state government subsidy, they employ the young person because they are getting value for less than the full wage component. The moment it dries up at the end of that period they dismiss that person on some pretext and take on another one. It is just not so simple to hand on subsidies to businesses for the purpose of short-term employment. What it does do, though, is provide an opportunity for the young person to have experience in the workplace itself and, provided the system can be controlled, it is something I would be more than prepared to examine further in conjunction with my Cabinet colleagues.

We have also heard wide play made, and quite properly, of the necessity for careers orientation training or for post-secondary training. I outlined in the House this morning, the present initiatives of this government and, in fact, the present initiative of the federal government in that area and the intention of this government to keep those matters going.

There is one issue I would like to take up with the Leader of the Opposition. He said that we are taking credit for the initiatives of private enterprise and that, if there is an expansion, it will have nothing to do with the initiatives of this government but result from private enterprise. The plain fact of the matter is that no private company will ever invest in any country governed by any government anywhere in the world unless it is satisfied that the policies of that particular government are such that they can live with them. How must the uranium miners feel with the statement of Mr Uren in another place that a federal Labor government would completely repudiate any agreement, any contract entered into between nation and nation, between government and government? Surely that must create in Australia one of the worst investment environments existing anywhere in the world. It really is a distressing policy statement to have enunciated. I would hope that it is not the policy of the Australian Labor Party although I suspect it might well be. The point I am making is that for these companies to be going into the business of greater investment in the Northern Territory, to be going into a significant increase in their search for minerals with the additional 70 exploration licences issued by my colleague after all of those years of having been frozen is an indication that companies around Australia and internationally have confidence in this government. It is for that reason that they are now seeking to make investments here.

The other issue raised by the Leader of the Opposition really amused me. He belittles this side of the House by making a statement at this time after he claims he has been asking for action from this government for the

last 14 months. I don't know what 1 July this year was all about but, to the best of my knowledge, there was no government in the Northern Territory until 1 July. The fact of the matter is that the very things which are essential for a government to have within its control, to create development and to create confidence, are the very things that were not transferred to this government before 1 July this year. It was absolutely useless our trying to implement programs in respect of land when we did not have land. It was useless our trying to issue further or additional licences for exploration under the Mining Ordinance until we had control of mining. It is useless our being blamed, if you like, for failure to produce training programs until such time as we are responsible for training. The point made by the Leader of the Opposition falls entirely flat.

This government, like any government in Australia, has a very difficult task ahead of it. I think the statement of the honourable Chief Minister indicates that this government is prepared to get on with the job.

PERSONAL EXPLANATION

Mrs LAWRIE (Nightcliff): The honourable Manager of Government Business said it was my normal practice to disappear after making a speech and not reappear until question time the following morning. This is an obvious untruth as I speak in many debates and could not be capable of doing both those things. It may be that I would like to disappear at times, Mr Speaker, but it is my unfortunate duty to sit and listen to members of the government.

Mr SPEAKER: Order! The honourable member has made her personal explanation.

Mr EVERINGHAM (Chief Minister): In rising to conclude the debate, I would like to thank all honourable members who participated. I accept the constructive suggestions that they have made and the spirit in which the suggestions were intended. I would like to assure all honourable members that it is one of the overwhelming concerns of this government - and I have said it before - that there be provided job training, vocational training for young people and especially Aboriginal young people in the Northern Territory. I would have thought that I made it clear that we were looking at improving job training facilities when I indicated that we would very shortly be bringing down new apprenticeship legislation.

I was one of those people who grew up in the generation around the time that President Kennedy was assassinated and I had a very great regard for that late and, I think, great president of the United States. I am afraid that the muck that has been slung at him since his assassination from time to time has not changed my conviction and I wonder how the world would have been had he not been assassinated - I wonder how it would have been today. We will not know that, but one of the things that I propose to put to the council of youth when it is formed and one of the areas where young people in the Northern Territory could be helping one another is that many young European Australians could well be working in Aboriginal communities in the Northern Territory, helping to train their less fortunate Aboriginal brethren. I will then see what sort of guts, what sort of determination the young people of the Northern Territory have to pull themselves up by their bootstraps.

Motion agreed to.

FINANCIAL ADMINISTRATION AND AUDIT BILL
(Serial 142)

Continued from 14 September 1978.

Mr ISAACS (Opposition Leader): The purpose of this particular piece of legislation is simply to correct a drafting oversight. Unfortunately, that kind of explanation is being given for more and more pieces of legislation and more and more amendments are coming before this Assembly. It is time now to register my disappointment and my protest at this sort of thing which is happening too often, in my view, in the Assembly. I do not seek to criticise the legislative draftsmen who are acting as well as can be expected under very great pressure. I do believe these sorts of drafting amendments, which are becoming all too frequent, should somehow be overcome. I believe this government will be subject to the same sort of criticism which the Whitlam government was subjected to - and I think rightly - in putting forward far too much legislation without sufficient care. I do not believe it is correct or proper that huge sheafs of amendments should have been delivered to us today - and I presume this will happen to most of the other pieces of legislation which are going to come before us. I do not think it is proper that that sort of procedure should continue, especially when you consider the nature of the amendments. They are not matters of policy; they are matters simply of drafting technique. It is just not good enough that our time should be wasted by having to constantly change our thinking in relation to these sorts of legislative changes.

The bill before us is very simple. It simply seeks to correct a drafting oversight. Without question the bill itself has the support of the opposition but I do commend to the Chief Minister and all his ministers the fact that this Assembly's time should not be taken up with the sort of amendment schedules which we now have relating simply to drafting errors. I would much rather have less legislation and wait longer even though perhaps certain promises might have been made about the introduction of legislation. I would much rather wait longer knowing that a proper system has been gone through to ensure that, when bills reach this Assembly, they have been checked and rechecked for those sorts of drafting oversights.

Mr EVERINGHAM (Chief Minister): Mr Speaker, it is an unusual complaint from an opposition that they would rather have less legislation to deal with. However, I will see what I can do to accommodate them on that and we may find that we will have to have fewer sittings of the Legislative Assembly with less legislation to deal with. It is certainly the government's intention to endeavour to update the laws and provide laws where they are needed and are not presently in operation in the Northern Territory. I would certainly refute the suggestion of the Leader of the Opposition that the drafting people are being careless. Bills are presented to the Assembly and time is given between the second-reading speech and the second-reading debate for any necessary corrections. In many cases, amendments that are presented are the result of consultation with interested groups, indeed with members of the opposition. This sittings, for instance, we will be dealing with the Police Administration Bill which will have quite a monstrous sheaf of amendments. Certainly, some of these are drafting errors but the bills are checked before they are presented in the first place and certainly as many errors as possible are picked up. I cannot accept the criticism of the draftsmen levelled by the honourable Leader of the Opposition.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

TABLED PAPER

Determination of Members' Remuneration

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker, I table the determination made by the Acting Administrator under section 4 of the Legislative Assembly (Remuneration Allowances and Entitlements) Act on 18 October 1978 and seek leave to make a short statement about it.

Leave granted.

Mr EVERINGHAM: Honourable members will recall that the Legislative Assembly (Remuneration Allowances and Entitlements) Act was passed firstly to enable payment to be made to members in respect of their services as members and secondly to provide future determinations of remuneration, allowances and entitlements of members. The tabled determination provides for payment for members since 1 July and members are now receiving payment pursuant to that determination. I wish to advise the Assembly that the Administrator has now exercised his powers under section 5 of the act and has requested the Remuneration Tribunal to inquire into and determine the remuneration, allowances and entitlements to be paid to members. Honourable members will recall that, if the tribunal agrees to the request it shall, as soon as practicable, inquire into and make such a determination and shall thereafter at intervals of not more than one year make similar inquiry and determinations. Such action will continue until the Administrator rescinds the request. The copy of each determination made by the tribunal pursuant to the Administrator's request shall be tabled in this Assembly as soon as possible.

TERRITORY PARKS AND WILDLIFE CONSERVATION BILL
(Serial 143)

Continued from 14 September 1978

Mr COLLINS (Arnhem): Mr Speaker, the opposition supports this bill. The bill merely provides for the repeal of section 116 of the principal ordinance. This section, which is unique in Territory law, gives a special provision in relation to prosecutions under the ordinance and provides that the consent of both the defendant and the prosecutor is required for the matter to be dealt with by a court of summary jurisdiction. This matter is already adequately catered for under the Justices Ordinance.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

CRIMINAL LAW AND PROCEDURE BILL
(Serial 144)

Continued from 14 September 1978

Mr ISAACS (Opposition Leader): There was a necessity to introduce this piece of legislation to overcome the anachronistic presumption that a wife who commits a crime in the presence of her husband was coerced. That is clearly absurd. I understand that there will be an amendment introduced also to this particular piece of legislation in relation to the prerogative of mercy. I have not seen it circulated so I presume that we will not proceed with that.

There are two acts which require amendment, not only this particular act but also the Criminal Law Consolidation Act. As I say, I have not seen the amendment schedule circulated so I cannot comment on the particular action which the Chief Minister is going to take. Nonetheless, this particular piece

of legislation is necessary. A recent case in the Northern Territory has obviously prompted this particular action by the government. We support the bill.

Mrs PADGHAM-PURICH: In speaking in support of the bill, I would like to preface my remarks by some general observations on sex.

Mrs Lawrie: Now do you know why I disappear?

Mrs PADGHAM-PURICH: Firstly, women through the difference of one chromosome in their genetic make-up are very different to men. In any heterosexual mating of vertebrates, it is the male who determines the sex of the offspring. There are 23 pairs of chromosomes in the nuclei of cells in both male and female bodies. The chromosome concerned with the actual sexual characteristics displayed as the particular sex of a human being is the XY in males and the XX in females. It is the disposition of the Y chromosome, either its presence or absence, that determines the masculine or feminine gender respectively.

I will now pass on to the bible. In the Book of Genesis, when the serpent tempted Eve regarding taking fruit from the tree of knowledge of good and evil, we are left in no doubt that it was a male serpent who tempted the poor, weak woman, Eve, but it was her own weaker mate Adam who would not take any blame when the Lord taxed him with eating the apple. He blamed the wiles of his wife for reducing his willpower so much that he ate the apple offered to him. He probably planned eating the apple all along and, for all we know, may have been in cahoots with the male serpent.

In the Book of Genesis, chapter 2 verses 21 to 24, and I was using the Douay version, we are told that Eve was made out of one of Adam's ribs and so was part of him, so Adam was instructed by the Lord to look after this part of him, namely Eve. This means take responsibility for her. The drift of my argument so far is that males in our society have been calling the tune both as regards snakes, apples and sex from the beginning of time. It is only right that they should have shouldered the responsibilities for the actions of the females that they have caused to be born. Whilst realising that it was a male person who introduced this legislation after it was drawn up by male draftsmen for consideration by a mostly male Legislative Assembly, I will readily concede that, as a responsible female, I must shoulder my responsibilities and take full punishment for any illegal act I do and not saddle my husband with the debt he would have to pay to society for my acts.

I have also thought that perhaps there is another way of looking at this proposed legislation. It is a clever way for the married males in our community to slough off responsibility for their wives' wrongful acts, having regard for the chap who lives in a de facto relationship not being pinned down for things his partner might do.

In conclusion, I would like to quote the words of Emily Pankhurst or words attributed to her: "Even if we married women now have to answer for our acts, we will put our faith in God. She will protect us".

Mr ROBERTSON (Community Development): Any male speaking on this bill had better tread carefully or be prepared to rate a mention in the women's column of one of our national papers. However, I will throw caution to the winds for a moment.

Mr Everingham: You might get a centre-fold in "Cleo".

Mr ROBERTSON: Mr Deputy Speaker, we are aware that full recognition of the cause of liberation of the female requires simultaneously male liberation. In my view, the act as it stands unfairly discriminates against the male

partner. I am sure that many male members of this Assembly can recall committing acts, though not criminal, under the coercion of their respective female partners. In my view, the act as it stands unfairly disciminates in favour of the female and against the poor, down-trodden, coerced male of our society. Clearly, the act contains a gross anomaly and I believe it is proper, in the interests of male liberation, that it be corrected. The act may have allowed a wife a useful defence but, more importantly, it implied that a married woman had no mind of her own. I think all members will agree that wives have been known to think for themselves. I am sure that the amendments, if not all of my views, will receive the enthusiastic support of the honourable members for Fannie Bay, Sanderson, Nightcliff and Tiwi who have proven that they can think for themselves.

Mrs LAWRIE: Mr Deputy Speaker, I am not going to enter into that debate. I just point out that I support the legislation because we are repealing a section that said it was a presumption of law that an offence committed by a wife in the presence of her husband was committed under marital coercion. There is still available to any persons the right to a defence if they can prove actual coercion. We are removing the presumption and that has my full support.

Mr EVERINGHAM (Attorney-General): This has been an interesting debate in more ways than one. I have circulated just now an amendment which I thought had been circulated at the last sittings. I am quite happy to stand over the committee stages of this bill until a later time. The amendment is a simple one which relates principally to the prerogative of mercy. I would be quite happy to stand this over to a later hour if that is the wish of honourable members.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

STATEMENT

Misuse of CAAC Funds

Mr ROBERTSON (Community Development): Under normal circumstances, I would not move that a statement such as this be noted. However, this statement is so obviously at fault that I think it deserves some comment.

From memory, what is in the statement? Firstly, it reconfirms that there was no abuse of CAAC funds or government funds in the ALP's campaign in the MacDonnell electorate as alleged by the member for Stuart; secondly, he had previously said that all funds used in that campaign were paid by sources independent of the CAAC; thirdly, that on checking this was not in fact the case and that, in fact, CAAC funds had been used and, in fact, had been appropriated for political purposes; and fourthly, that since discovering this misappropriation some 15 months after the act, he had quite properly paid these funds back into the account of CAAC. What does all this mean, Mr Deputy Speaker? Well let's look at it. If he believed in the truth of his original statement, why did he find it necessary to check it? Why recheck something of which someone is so absolutely confident, so absolutely dogmatic in fact as to the veracity of the statement as to make a categorical denial of that statement in this House. Why recheck it indeed? One would be forgiven for doubting that he, in fact, checked it at all. Perhaps the matter was brought to his attention by someone else in the congress who was no longer prepared to let the matter rest. Perhaps it was the knowledge that a further audit was pending. Indeed, so much reliance is placed upon the first audit as exonerating the ALP from these misdeeds and we are now told that, despite that all-important, all-thorough audit, the audit did not show up what has already been admitted to be a misappropriation of funds.

What we in this House know now, from the statement of the honourable member, is that we have a refutation, a denial in fact, of one categorical statement and we have been given in its place two other categorical statements. One of those statements is a reaffirmation that no abuse of public funds occurred. If what we have heard this morning in the statement does not constitute an abuse of public funds as already admitted, then I would suggest that we will have to buy a new dictionary.

The final point which comes out of the statement is this: if it were not for the persistence of the honourable member for Stuart, this matter would never have seen the light of day. The original categorical denial would have remained with us and the public as the final word available to us. For his diligence and concern, the honourable member for Stuart was derided and abused by a person who has now found it necessary to admit that a categorical statement given in this parliament was not accurate.

Motion agreed to.

ADJOURNMENT

Mr ROBERTSON (Manager of Government Business): Mr Deputy Speaker, I move that the Assembly do now adjourn.

Mr STEELE (Industrial Development): I wish to reply to a couple of questions asked of me this morning. The first one was from the honourable member for Victoria River in respect of comprehensive insurance for taxis. The answer is no. Taxis are not required to take out compulsory comprehensive insurance and, as far as I am aware, never have been so required. There was a requirement some years ago for public vehicles, including taxis, to be covered to the extent of at least $2000 by a third party property insurance policy. The minimum figure was removed in 1973 leaving the extent of the policy open. Following substantial changes in the insurance industry after the cyclone, public vehicle operators found they could not obtain such policies as were required without paying premiums of considerable magnitude. Representations were then made in this regard with the result that in 1976 the requirements for the property cover was removed from the Motor Vehicles Act. I would remind the honourable member that ordinary third party insurance is compulsory and covers the passengers for personal injury.

One other question I can reply to this afternoon was from the Leader of the Opposition. He asked what has happened to the money allocated for the purchase of ADP equipment in this year's budget, whether the equipment has been purchased yet and, if so, what has been purchased. The reply furnished to me is that an appropriation of $350,000 has been provided in the 1978-79 budget for ADP equipment comprising support equipment, that is a standby generator, upgraded air conditioning, ancillary equipment and test equipment. To date, tenders have been called for $70,000 worth of support equipment and the decisions regarding the purchase of the remaining equipment will be made in the near future.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, in the adjournment debate this afternoon I would like to say something about the Howard Springs School about which I asked a question this morning and also one in June this year. The Howard Springs School presents quite a story or I should say quite a saga. This school was planned at least before 1974 and is a very good example of bad planning, confusion and, of late, near chaos. That the teachers of the Howard Springs School and the parents who help at the school have continued to work so hard for the betterment of the situation is to their great credit. I cannot speak highly enough of their work to surmount the difficulties with such persistence and cheerfulness and to such good effect.

I will now give a brief history of the Howard Springs School. In 1975,

before the school was opened, the Darwin rural landholders drew to the attention of the then Director of Education, Dr Headley Beare, several unsatisfactory points in the plan. There was no through-road through the grounds for the buses to use. The children had to wait at the front fence for buses because there was no shelter and the buses could not go through. This was in all weather. There was no bus lay-by; they just waited on the road which was not good from the road safety angle. The road round the grounds goes into the back of the school and it finishes at the stage end of the assembly area, not the canteen end. All the heavy boxes etc have to be handed across the assembly area. The children's sick bay was not put next to the nursing sister's room but next to the principal's room. The principal's residence was on the side of the ground next to the block of land intended for an oval. At that time, it was said that nothing could be done as the planners of schools cannot replan. It seems to have been an irreversible process.

When the school opened on 11 February 1977, there was an intake of 269 children. On the last day of February in 1977, it went up to 280 and it is now 383. This is for a school that was planned for 180 children. It does have 4 demountables at the moment. The Darwin rural landholders pointed out way back in 1975 that the accommodation would not be sufficient when the school was opened. They expressed a pretty accurate estimate of the number of children to be expected at the school. This group did not have any statisticians in their employ or any other highly-paid planning staff but they did use intelligent guesswork based on knowledge of the area, the people and the rate at which the area would be settled.

At this point, I would like to stress how important it is in any large, worthwhile government project that the local people be consulted at all stages of the planning and their knowledge and advice considered. When stage 2 of the Howard Springs School is completed, it will be possible to have an intake of about 500 children. Getting back to the original plan of the school, I have since found out that there was a mistake in photocopying the plans of the school at some stage. They were put into some photocopying machine back to front and they came out in reverse. This explains why the road can't go through the grounds; it could not go anywhere; it ended at the assembly area. The road was on the wrong end of the block.

Recently, when heavy rain started, the level of the concrete in front of the school was found to be not as it should be and the water drained towards the front doors and not towards the garden. The down pipes have been designed to run the water from the roof onto the concrete creating a very slippery growth of slimy mould and fungus. Because the buses can't run into and through the grounds, the children wait at the front fence and have to wade through deep puddles to get into the school buses although the teachers have now provided a duck board. There being no turn around in Whitewood road, the buses have to turn around on the private block opposite. It is very fortunate that the owner has not fenced it off yet due no doubt to his consideration of the particular issue at the moment.

Lately, it was found in the planning of stage 2 of the Howard Springs School that there were no teacher toilets. This could have necessitated a 205 yard dash by the teachers back to the original toilets. This would not have been any good on their off days. This is a highly undignified position for professional people to be put in, although we may have seen the Howard Springs teachers as unchallenged leaders in any inter-school athletics. Happy to say, this situation will be remedied to the satisfaction of the teachers and the problem of the buses having to pick up the children at the front fence has been remedied by the sum of $15,000 being allocated to provide a turn-around or a lay-by in the school grounds.

I would just like to finish by passing a few remarks about an item in

the paper yesterday. It is headed "Funds for Vegetable-Fruit Study". Some months ago, I asked a question on notice of the honourable Minister for Industrial Development regarding the sources of finance that could be available to the Primary Industries Branch for research and development. It was said in answer that the Rural Credit Development Fund would have money available. I am very pleased to see that $48,154 has been made available for a two-year study on fruit and vegetable growing in the Top End, more so as there has been an up-surge of interest with our trade missions looking to the north for new markets.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 a.m.

TABLED PAPER

Ombudsman Report

Mr EVERINGHAM (Chief Minister): Mr Speaker, I table the first report of the Northern Territory ombudsman.

Honourable members will be aware that Mr Harry Giese took office as the first Northern Territory ombudsman on 1 July this year and that offices were opened for business in both Darwin and Alice Springs on Monday 3 July. The success of the office is clearly demonstrated by the number of persons who have sought assistance and advice. Members will note that some 276 cases involving 321 complaints have been registered by the ombudsman in the 4 months that the office has been in existence.

I draw honourable members' attention to the appendices of the report which list in detail the scope and numbers of complaints that have been recorded by the ombudsman and what action has resulted. It is clear that an almost total spectrum of problems experienced by members of the community are covered and obviously the community is making use of the provision with an independent body which is able to investigate and assess those matters raised with it. Honourable members should be aware that pamphlets explaining the role of the ombudsman are being prepared in a number of languages and I am sure that, as the office of the ombudsman becomes better known, it will play an even more important role in the community.

Finally, in tabling this report, I wish to place on record the appreciation of the government and all honourable members of this House of Mr Giese's efforts in establishing the first Territory ombudsman's office.

Member: Hear, hear!

Mr EVERINGHAM (by leave): I move that the report be noted.

Debate adjourned.

STATEMENT

NT and Australian Loan Council

Mr EVERINGHAM (by leave): Mr Speaker, I rise to make this statement designed to remove doubts about the Territory government's capacity to borrow money for vital public purposes. The doubts which I speak of have been generated in the community by statements attributed to the honourable Leader of the Opposition. These culminated in his press release of 7 November last when he stated that the Territory was locked out of the new overseas borrowing agreement for three years and that this situation was brought about by my failure to attend the Loan Council meeting.

I wish to make it quite clear that the honourable Leader of the Opposition's statement is wrong. The Australian Loan Council, through which governmental borrowings are regulated in Australia, comprises the Commonwealth Treasurer and the 6 state premiers. Although the Loan Council meets straight after the Premiers Conference each year in June, those respective meetings are quite separate and distinct. The Territory is not, and cannot be, a member of the Loan Council until it achieves statehood. The Loan Council is constituted under an agreement signed by the states and embodied in the federal Financial Agreement Act made pursuant to section 105A of the Commonwealth Constitution. Until statehood, the Territory's requirements

for loan funds will be met from the share of the loan field allocated by the Loan Council to the Commonwealth. We are guaranteed by the Commonwealth state-like treatment in this share. I would refer hourable members to paragraph 50 of the memorandum of understanding between the Territory and the Commonwealth government. This says: "Since the Northern Territory will not be a state, the Northern Territory government will not be a member of the Loan Council and will not have access to Loan Council programs in the same way as the states do. The Commonwealth will, however, provide general purpose capital funds to the Territory on the same terms and conditions as apply to the state government Loan Council programs".

I will be negotiating the basic level of loan money which we will receive for 1978-79 under these arrangements shortly. In each subsequent year, that amount will vary with the percentage change in loan allocations for the states. Because of our indirect interest in the general workings and recommendations of the Loan Council, the premiers were happy for me to attend their last regular June meeting as an observer. I expect such status to continue.

The November Loan Council meeting which the Leader of the Opposition's statement referred to was a special meeting to consider 12 huge projects within the emerging guidelines for direct overseas borrowing by states for infrastructure needs. The proposals had been under consideration for over 2 years, having been first raised during the Premiers Conference in February 1976 and were at an advanced stage of documentation. Should the Territory identify and justify an infrastructure project in the tens or hundreds of millions of dollars and seek funds to finance it, because our only access to the Loan Council is via the Commonwealth, we would seek a special Commonwealth grant or advance. We look to this possibility in settling the terms of the memorandum of understanding. I quote from paragraph 52: "It should be noted, however, that the level of general purpose capital assistance made by agreement be supplemented from time to time by temporary or permanent additions to the program to allow for growth and development in the Territory. Such additions would be analogous to additions made from time to time to the Loan Council programs of certain states".

There are certainly precedents for the Commonwealth borrowing overseas specifically for lending to an authority or to a state to finance a special project. Examples are a World Bank loan secured on behalf of the Snowy Mountains Hydro-electric Authority and overseas borrowings for lending to Queensland for financing the rehabilitation of the Townsville Mount Isa railway line in the early 1960s. In view of our special position and the avenue which we already have in the circumstance where a major need arises, the question of my observing the meeting considering the well-settled individual state projects was largely irrelevant. Nevertheless, I contacted the Commonwealth Treasurer a fortnight before the meeting and sought his views as to my attendance. He confirmed that there could be no worthwhile purpose in such attendance given the special nature of the meeting. I accept that, as would any other member of this House who has taken the trouble to become familiar with the financial arrangements which must attach to our transitional constitutional status.

I repeat that we will have a guaranteed annual loan allocation through the Commonwealth to service our on-going capital works program. I repeat that we have the right to seek supplements for significant projects as these are developed. The 1981 moratorium on new projects for overseas borrowings by the states seized upon by the Leader of the Opposition has absolutely no relevance to the Territory. False assertions recklessly made destroy business confidence. Where, I might ask, are the prudent and constructive policies of a loyal opposition? I put it to you, Mr Speaker, that there are none. My role in life seems to be re-erecting the fences of confidence wantonly destroyed by them.

Do you want me to move that it be noted?

Mr ISAACS: I seek leave to move a motion on the same subject.

Leave not granted.

Mr ISAACS: I move that Standing Orders be suspended to enable me to make a statement on precisely the same subject made by the Chief Minister.

Leave not granted.

Mr ISAACS: Is there a debate on the subject, Mr Speaker?

Mr SPEAKER: There is no debate on the subject.

Mr ISAACS: A point of order, Mr Speaker! There must be a debate on the subject of suspension of Standing Orders. It is a motion properly put before the Assembly and surely there should be a debate on it.

Mr SPEAKER: The motion has been put and it was negatived.

Would the honourable the Leader of the Opposition like to move a motion of dissent.

Mr ISAACS: No, I am not going to move dissent.

MATTER OF PUBLIC IMPORTANCE

Health policy of the Northern Territory government

Mrs O'NEIL (Fannie Bay): Mr Speaker, responsibility for the health function is to be transferred on 1 January 1979, a mere 6 weeks away. The functions of the Health Department and the areas of responsibility it covers are most important to the quality of life and standard of life of all the people of the Northern Territory. I am not being facetious or funny when I say it is vital to the people of the Northern Territory. The Department of Health is a very important department. It will have a budget for the next half year alone of $43m. It has a staff of 830. It will be one of the largest departments of the Northern Territory government. It has a staff larger than most other departments except very large ones like the Education Department which will be transferred on 1 July 1979. In all this time, since the transfer of powers were first discussed, there has been no statement from the Country Liberal Party, the former Territory executive, now the Northern Territory government, about what it is going to do with health, about what it believes should happen in the field of health, about what health policies it would instruct the Department of Health to pursue.

There has been a resounding silence from the government. This compares most strikingly with that other area which is yet to be transferred, the area of education. We heard the responsible minister say this morning that he will be tabling a report on policies which will be pursued and for which he established a committee to investigate. There is much interest in the community. There will be discussion on that report and we will all know what policies will be pursued and what will happen before the 1 July 1979 with regard to education policy. With regard to health, there has been nothing and it is now virtually too late. There are exactly 6 weeks before it is transferred.

The government has not lacked opportunities in which to state its health policies. At the last election in August last year, it had a policy. It announced a week before the election that there would be a Northern Territory health commission. We know now, not because the government told us but

because I announced it in this Assembly, that the government changed its mind. A brief statement was issued in Canberra by the federal Minister for Health on 21 April saying that the health commission which was the only known policy of this government in regard to health would not now be established.

There have been other occasions which the responsible minister has let slip by without making a statement about health. In the Administrator's speech at the opening of this second session of the Second Assembly of the Northern Territory, there were a grand total of 4 sentences about health and the only suggestion of a policy was that there would be greater administrative autonomy for hospitals, and that is a good thing. It is not exactly a total health policy is it? The minister - and it was the obvious opportunity which any minister has to expand on the policies of his department - did not say a word in the address in reply on the health policies of his government.

Subsequently, we had the budget speech. We saw in the budget speech just what the minister's priorities are. He spoke briefly on health. It is reported in Hansard of 19 September. He gave twice as much time to his other area, the area of mines and energy. It is always perfectly clear that that is the area that has the great concern for the minister. He obviously does not care terribly much about health. Every time he has an opportunity to speak, he speaks about mines and energy. He should speak about mines and energy but he also should be speaking about health. He is clearly rejecting any opportunity he has to do so. He has not bothered to communicate with the people of the Northern Territory at all about what is going to happen in the Department of Health and it contrasts very poorly indeed with other areas such as the area of education.

Only yesterday, we had another example. The minister chose to make a statement about administrative arrangements to take effect after 1 January with regard to health. He made it in reply to a "Dorothy Dixer". He did not give this Assembly the courtesy of a ministerial statement about administrative arrangements to apply in the area of health. Yesterday, the minister spoke for 40 minutes about employment. He spoke about employment problems and possibilities for Aborigines and he did not bother to mention the employment of Aborigines as Aboriginal health workers. That is a most exciting and innovative area and the Department of Health itself is to be congratulated for the work it has done in that area.

Recently, the first national Aboriginal Health Workers Conference was held in Darwin. I went to the opening of that conference and there were very many people there. The minister did not bother to attend. He was absent. The conference was opened by the Director of Health. If the minister wants to leave these things to the Director of Health, perhaps we had better return to the situation when we had the Director of Health sitting in this Assembly telling about the health policies. This government says it is very proud of the fact that it is now taking responsibility. There is no evidence of that in the area of health at all.

What are the policies of the government with regard to Aboriginal health workers? What are the policies about community health centres and community health generally? What about environmental health? Let us look at community health. I have consistently asked the minister over a period of time whether, as many people think will happen, this government will decide to charge patients attending community health clinics. This is something in which there is a great deal of interest. Obviously, it will be a policy decision of the government whether it is to continue to provide those services free or whether it will charge for them. I have asked on numerous occasions.

On 8 November, I received a letter from the minister in response to a

question I had asked in September. It says that the Department of Health had advised - not the minister, even though it is a policy matter - that the question of whether outpatients and community health clinic patients should pay a service fee has not yet been given direct consideration. The matter is, however, open to review. Clearly, the minister has not given the Health Department any instructions on the matter. Presumably, the government has not given it any thought. It is absolutely disgraceful. The Australian Labor Party has a clear policy in regard to health services. Its policy is seen as part of the total welfare and recreation policy of the Australian Labor party in the Northern Territory. We believe that all people have a right of access to emergency medical care, social welfare and preventative medical services. As far as possible, we should not be limited by financial and geographical factors. We further state that we will establish a Northern Territory health commission to provide and administer health services in such a way as to encourage community participation and the regionalisation of services. Community health care will be promoted by using community health centres for primary medical care and this will reduce the pressure on hospital casualty and outpatient departments. Also, domiciliary support services will be expanded and there are sound financial reasons for this sort of policy.

This is the sort of policy which all forward-looking thinkers in the health area are encouraging and the reason is, quite frankly, because it is cheaper. It is much easier to get into the area of preventative health care. It is much easier if you can to limit the excessive use of expensive hospitals. This government apparently does not care. They have not said a thing. There are so many areas that could be discussed. We could talk all day about health policies. This government has not taken one opportunity - the Administrator's speech, the budget speech, any sitting day - to tell us what it thinks about health policy and what should happen in the Northern Territory. We know the sort of areas that the minister does think about when he occasionally turns his mind to this area. He recently issued an edict that hospital laundries should not do laundry work for people outside of the Health Department. He is so out of touch with that department for which he will be directly responsible on 1 January that he did not even realise that that meant that the hospital at the Old Timer's Home would not be able to get its laundry done. The home is in the electorate of MacDonnell. The Old Timer's Home hospital takes all the geriatric patients for the Department of Health because the Health Department hospital in Alice Springs does not have a geriatric ward, yet the minister was going to stop the Health Department laundry doing the laundry for the Old Timer's Home hospital. He does not apparently care.

He does not know what is happening in this department. He is leaving it all to the department administrators and to the director. It is absolutely disgraceful that, in 6 weeks time, this government will take over responsibility for health. The people in the Northern Territory have no idea what, if anything, this government thinks about health. what it is going to do about health and I feel the minister should be condemned for that situation.

Mr TUXWORTH (Health): Mr Speaker, in replying to the personal attack on myself rather than the denigration of the government's lack of policy, I would like to bring a couple of points to the attention of members of the Assembly concerning the matter raised by the honourable the member for Fannie Bay. The honourable the member for Fannie Bay has condemned the government for failure to announce health policies and to seek the views of the Northern Territory people concerning these policies. For the information of the honourable member for Fannie Bay and for anybody else who has not been aware of it, the Country Liberal Party does have a health policy that it announced in its last election platform. It was advertised and promoted quite openly; it was available for discussion and scrutiny right throughout

the community and by the honourable members of the opposition. Further to that, it was voted on and it was voted on in pretty overwhelming terms. Here we are and there they are; so much for their health policy, Mr Speaker.

I would like to take this opportunity to advise the honourable member for Fannie Bay of the contents of the health policy just in case she is in any doubt. The health policy ranks as section 3 in the party platform. I will read it as it comes so that the honourable members are in no doubt as to its contents:

Our party accepts that health is a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity, but believes in the active promotion of health measures to obtain these objectives. Our party recognises the importance of prevention and betterment, as well as cure. Health care extends beyond the relationship of patient and doctor, and to the active involvement of each citizen and the community. Our party believes that no person should be denied adequate health care and that it is the responsibility of government to facilitate the provision of health services to all citizens.

Our party supports the delivery of health care through a Northern Territory health authority, to wit, a Department of Health. We also support the preservation of the maximum possible freedom of choice by a patient of all health services provided by doctors, dentists and recognised para-medical staff in hospitals, clinics and centres both public and private. We further support the recognition and continued maintenance of the role of private, community and subsidised hospitals, in providing a wide range of health services.

We further support continued education of the community against known health risks, together with active measures to promote better health standards. We also support the stimulation of research in all branches of medicine, dental care and public health. We are also committed to the encouragement and provision, where necessary, of support services to enable elderly people to live within the environment of their choice for as long as possible and consistent with their state of health. We are also committed to the encouragement of the role being played by private citizens in the development of hospitals, including recognition of the need for efficiently conducted private hospitals providing additional and ancillary services.

We also support the extension of benefits of medical, dental, psychiatric and related knowledge to all groups in the community including the family, the aged and the under-privileged. We also support protection of public health including measures designed to guard against unhealthy conditions of life and action against proven health hazards. We also support the maximum effort to reduce loss of life and injury arising from road traffic and industrial accidents.

We support stringent controls on drug use and abuse. We support facilities for treatment of alcoholics and drug dependants. We support the development of the child to live harmoniously in a changing environment. We support the expansion of child-minding and pre-school educational facilities with emphasis on both health and educational requirements. We support the recognition of the responsibility of government to promote family health and stability. We support the extension of family planning clinics and contraceptive counselling practice as an essential feature of medical service.

We support continued development and modernisation of properly equipped public hospitals catering for the needs of citizens in both

metropolitan and country areas. We also support the direction of government action to the vital role of preventative medicine for the protection of the individual, recognising that prevention is better than cure and we are also in support of the fluoridation of water supplies throughout the Northern Territory.

Mr Speaker, I would agree that they are the broad parameters of our health policy. It is a policy that has been voted on and I do not believe there is any doubt as to support by the people of the Northern Territory for our policy.

I would like to go on to the issue of consultation that has been raised by the honourable member for Fannie Bay. I would have to refute in their entirety any remarks she has made in this context. I would also put it, Mr Speaker, that my colleagues on the frontbench and indeed those in the backbench have had a great deal of consultation with the community in many parts of the Territory about health care. I have consulted with every hospital board in the Norther Territory and 2 or 3 times with some of them and with one of them about 6 times, about the future of community involvement in hospital boards in the Northern Territory and the road we should take in developing these boards. I have consulted with over 20 Aboriginal communities, and I have at least another 20 to go, concerning health matters in Aboriginal communities and I am particularly referring here to standards of nutrition and environmental conditions. In all of these consultations, it has been a case of urging the support and cooperation of the people involved because nutrition and environmental standards have to come from the grass-roots level.

The honourable member for Fannie Bay, in her effort to suggest that there has been no consultation, has failed to recall that we broke with precedent and tradition in this House earlier this year to table the Liquor and the Mental Health Bills in draft form so that additional consultation could be had with the community about these issues. They are health issues and I was seeking as much community input as I could on these particular exercises.

So far as drug treatment and rehabilitation is concerned, we have not only consulted with all people in the field but I have gone to a great deal of effort to see the installations that are being run by people operating voluntarily in the field and people who seek government support. This government also took the step of committing $17,500 from money which it does not get for another 6 weeks to the Banyan House project in an effort to get the federal government to commit itself to the project. We committed ourselves because we believe it is a worthy project.

My consultation in the community may not be as well advertised as the honourable member would like and perhaps that is unfortunate, but I would like to take up a couple of points that she raised. The honourable member said that, to her knowledge, there are 830 people in the Health Department. According to my information there are 2,400 approximately on the rolls and there will be that number at the change-over on 1 January.

The honourable member made a comparison of the consultation that has gone on in the field of education compared with the consultation that has gone on in the field of health. I would put it to you that we have approximately 60 health facilities in the Northern Territory which provide a service on a needs basis to people who come there when they need care or advice. The education operation would probably have a 100 or 200 schools and as many staff as the Health Department. We have an involvement of some 8,000 children and their parents. To say that there is the same level of public awareness in health as there is in education is not quite correct and I believe it is an unfair comparison. However, I do believe that the public is vitally interested

in the issue of health and I have always made myself available to consult with the community.

The honourable member for Fannie Bay was pretty quick to say that - and on whose authority I do not know - I do not care about health and that my only interest is in mining. I can assure the honourable member that I spend a lot more time on health matters for which I have no responsibility at the moment than I do on mining which is a fully transferred responsibility. As for talking in the address in reply debate about the respective portfolios, to my knowledge, the honourable member spent her time complaining about a connecter road in Fannie Bay.

The honourable member also talked about the role of health workers in the Northern Territory. This project in the Northern Territory has been sponsored by the Department of Health on a very informal basis so far as the federal government is concerned. It has 2 operations at the moment, one in Alice Springs and one at Gove. They are setting up another one in Darwin and I would hope the day is not too far away when the additional centres in Tennant Creek and Katherine are established. I would like to make the point that we are not only committed to supporting and expanding this service with the cooperation of the federal government, we believe it is one of the only ways that the Aboriginal communities will start to appreciate the value of the health system that we know and accept. It will take time and there are no easy answers. The start has been made and we will continue the efforts that have been put into it already and I do not have any doubts in my mind about the intention of the government in this particular exercise.

In closing, I would just like to refute the entirety of the honourable member's suggestions about the government's policy and about our consultation. I would like to put it to the honourable member that if she has nothing better to do with her time than to trump up rubbish like this, then that is fine but the people on this side of the House have plenty to do with their time and we can well do without the exercise.

JABIRU TOWN DEVELOPMENT BILL
(Serial 227)

Bill presented and read a first time.

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

This bill seeks to establish a new statutory authority to be known as the Jabiru Town Development Authority. It will provide the legislative framework within which the new town in the Alligator Rivers area can be developed. Of course, that development means more money being spent in the Northern Territory and more jobs for Northern Territorians.

As honourable members are well aware, earlier proposals for a national park in the Alligator Rivers region followed by the discovery of considerable uranium ore bodies in the region led to plans some years ago for a regional town to be built to service all interests in the area. The first step in implementing the plans was the construction of the Arnhem Highway. The proposals were considered among other matters by the Ranger Uranium Environmental Inquiry, shortly called the Fox Inquiry, under its terms of reference and modificiations affecting the town were suggested amongst the recommendations of the inquiry. Following the report by the inquiry, the Commonwealth in August 1977 made its decision for the region which was published as "Uranium - Australia's Decision".

The town would be located at the same site as previously proposed and, together with its surrounding area, would be excluded from Aboriginal land

grants. This, in fact, has occurred. However, the town area will become part of the area of land to be declared as the Kakadu National Park. Since most of the park will be leased from Aboriginal land, it has been necessary for the Director of National Parks and Wildlife and the Northern Land Council to reach agreement on management of the park. This agreement has now been ratified and no doubt the proclamation of the park can be expected shortly. The town size is to be limited to cater for those people required to service the mining industry and related activities only and no visitor accommodation would be provided except for those on business.

Having come to these decisions the question then arose of the best arrangements for building the town. It was agreed that the town be financed, developed and operated by a corporate body comprising the Northern Territory government and the mining companies. After some consideration, we decided that the corporate body should be a statutory authority established for the purpose under Northern Territory legislation. Thus, this bill provides the mechanism by which the town can be built by cooperative effort between government and private companies.

Following the signing of the Ranger uranium agreement by the Northern Land Council and the Commonwealth government on 3 November, it is expected that the Comonwealth government will authorise the Ranger joint venturers to commence mining operations in the near future. The joint venturers will require initial housing and facilities for their staff, commencing during the latter half of 1980. It is therefore urgent that this Jabiru Town Development Authority be established for the purpose of constructing the town facilities including streets, electrical supply, water and sewerage reticulation, housing, shopping and community facilities, recreation areas and facilities for health, education and law.

Because the town will be in the national park, the town plan will become incorporated in the plan of management for the park. The Director of National Parks and Wildlife has initiated the preparation of such a town plan in consultation with the government and the companies. He is empowered to allow construction to commence before the lengthy procedures of approval for the plan of management for the park are necessarily completed.

It is proposed that the Jabiru Town Development Authority will be a body corporate having a common seal and be capable of acquiring and disposing real, leasehold and person property and of suing and being sued. The authority will have a chairman and up to 6 other members. The chairman is to be a member of the Northern Territory Public Service who could be expected to be experienced in town site planning and development. The other members will be representatives of the government and participating bodies. A participating body will be a company with a major interest in the area, such as a mining title which requires a significant amount of housing in the town. In the initial stages at least, it is expected that the government and the companies will have equal representation. The first participating body will be the Ranger joint venturers. By having a flexible provision for members, the bill allows later admission of other companies with established interests in the area as they meet the criteria required for participating bodies. Such companies would be expected to meet their share of the total economic cost. The normal provisions are made for the conduct of meetings of the authority and for disclosure of interest.

The functions and powers of the authority shall be to develop and maintain the town of Jabiru, to control and manage the town, to carry out local government functions and to protect the environment in accordance with the requirements of the park plan of management. The authority will receive head leases from the Director of National Parks and Wildlife of the land required for the town, for head works, for utilities and for easements.

The authority is empowered to manage and operate the town by carrying out normal local government functions. This is not intended as a long-term arrangement but is necessary during the interim period between the time when people commence living in the town and local government type operations are required and when construction of the town is substantially completed. As the authority nears the end of its primary task which is construction of the town, its role will be reviewed. Members will appreciate that the timing of this is dependent on the timing of mining developments. Although the town is to be limited in scope, there will be a need for service industries from the private sector. The bill provides power for the authority to encourage such private businesses.

Moneys of the authority shall consist of moneys appropriated by the Commonwealth parliament, moneys appropriated by the Northern Territory Legislative Assembly, moneys paid to it by participating bodies and such other moneys as the authority receives in the exercise of its powers and in the performance of its functions. Such moneys shall be applied only in the lawful discharge and other legal obligations of the authority. It is expected that the initial source of money will be loan funds. The costs of the authority will be recouped by premiums on subleases of land and by rates and charges. The authority will be prescribed for the purposes of the Financial Administration and Audit Act although provisions for tendering will be more flexible than those laid down in Treasury regulations.

The authority will be empowered to recruit staff and hire consultants to carry out its functions. The authority will make every endeavour to fully utilise those existing services of the Northern Territory Public Service, such as engineering, architectural and planning services, to assist it in its endeavours or, where practical, the authority shall endeavour to engage local consultants, suppliers and contractors to construct the town facilities or to provide goods and services as the case may be. The authority may make bylaws in relation to the exercise of its powers. I would expect the authority in its planning to fully consult other parties with an interest in the town, such as mining companies, with hopes of receiving approval to mine, the National Parks and Wildlife Service, the Territory Parks and Wildlife Commission and the Northern Land Council. Although not specifically set out in the bill, the authority will have the power to establish advisory committees of this nature. An elected advisory committee of town citizens is another possibility.

We in the Territory have been waiting for some years for uranium development to commence and the benefits to flow. Matters relating to uranium remained with the Commonwealth when self-government was achieved on 1 July last and the Commonwealth now seems to be on the verge of allowing mining to proceed. As part of those developments, it is necessary to build this town to house the people involved. I hope that this town to be built by the authority established in this bill will become a place of pride to Territorians and a permanent feature in the Territory. Because of the need to establish the authority to enable the early and orderly development of Jabiru, I intend to seek the suspension of Standing Orders to enable this bill to pass through all stages at this sittings. I commend the bill to honourable members.

Debate adjourned.

APPROPRIATION APPLICATION BILL
(Serial 198)

Bill presented and read a first time.

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

The appropriation Bill (No. 1) 1978-79 now before this Assembly includes

an appropriation of $33,163,000 under division 62 to cover the salaries, administrative and operational expenses of the Northern Territory Department of Health, the functions of which are due to transfer to the control of the Northern Territory government on 1 January 1979.

The purpose of the Appropriation Application Bill is to ensure that funds appropriated in relation to the health function do not become available for expenditure prior to the formal act of transfer. Notwithstanding action by the Commonwealth in appropriating to the Northern Territory government funds for the health function prior to the date of the actual transfer, the Comonwealth has advised that the inclusion of these funds in the Assembly's Appropriation Bill (No. 1) 1978-79 could place the Commonwealth in a position where it may be precluded, by virtue of section 32 (3) of the Northern Territory (Self-Government) Act, from recommending assent by the Administrator to the Appropriation Act (No. 1) prior to the actual transfer of the health function. The Northern Territory government does not fully share this view but it does not wish to delay passage of the Appropriation Bill (No. 1) whilst arguing the merits or otherwise of the Commonwealth's viewpoint. The appropriation Application Bill will remedy the situation and remove any grounds for objection by the Commonwealth.

As funds under the Supply Act 1978 are rapidly being depleted, there is a clear need to finalise our appropriations for 1978-79 and receive assent to the act as quickly as possible. In order that the Appropriation Bill be approved by this Assembly at the same time as the Appropriation Bill (No. 1), I will be seeking the suspension of Standing Orders to allow the Appropriation Application Bill to pass through all stages at this sittings. I commend the bill.

Debate adjourned.

LEGISLATIVE ASSEMBLY (REMUNERATION, ALLOWANCES AND ENTITLEMENTS) BILL
(Serial 226)

Bill presented and read a first time.

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

As honourable members will recall, I earlier tabled a determination made by the Administrator with the advice of the Executive Council which provided for remuneration, allowances and entitlements to members of the Legislative Assembly at the level determined by the Remuneration Tribunal in its determination at 1 July. I also advised the Assembly that by later action the determination of such emoluments has been referred to the Remunderation Tribunal.

The pattern of the last determination of the Remuneration Tribunal followed that of earlier determinations. While giving recognition to some executive responsibility in those holding executive positions, it did not make determination in respect of the whole range of matters which may lie within the responsibilities which flow from the accession of self-government on 1 July this year. In particular, the determination did not take into account overseas travel which may be required of a member of the Legislative Assembly as part of his services as a member. Properly, the government of a self-governing Territory may wish or need to send members of the Assembly to investigate matters of particular concern, to negotiate or to put the Territory view in overseas countries.

Honourable members will recall the recent announcement that a Northern Territory trade delegation comprising Assembly members is proposed shortly to visit certain South-east Asian countries to assist in the development of

trade between those countries and the Northern Territory. The government considers this to be a most important proposal with considerable potential benefit to the Territory. However, section 21 (2) (e) of the Northern Territory (self-government) Act precludes the acceptance of any benefit by a member of the Assembly in respect of his service as a member otherwise than in accordance with an enactment. As the only current benefits payable are those under the recent determination and that does not take note of the need for overseas travel, under present law, there is no way of paying the members travelling in that delegation and representing the Territory costs incurred in such travel.

The bill I have introduced is a simple bill designed to meet circumstances such as those I have just mentioned. It provides merely that, where there is no determination or a determination does not cover a particular aspect, the minister may make an interim determination to cover the aspect and that interim determination will be effective until a formal determination is made to cover that aspect. Obviously, this is a power that should be rarely used but also is a power that needs to be available to meet unforeseen circumstances which the determination has not taken into account. In the particular circumstances, the power is necessary to enable payment to be made in respect of the cost of travel of the trade delegation from this Assembly. Because of the immediate need, I advise that I intend to seek the suspension of Standing Orders to enable the bill to pass through all stages at this sitting. I commend the bill.

Debate adjourned.

HOSPITALS AND MEDICAL SERVICES BILL
(Serial 195)

Bill presented and read a first time.

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

At present, the term "privately insured patient" is defined in the Hospitals and Medical Services Act by reference to the Commonwealth Health Insurance Act. On 1 November this year, substantial amendments were made to the Commonwealth act including changes in terminology used to describe persons with private hospital and medical insurance. The new term used to describe a person with private hospital insurance is "hospital insured person". It is now necessary to adopt that term in the Hospitals and Medical Services Act. That is the sole purpose of this bill. However, there are some related matters which I feel should be drawn to the attention of honourable members.

Prior to 1 January 1979, some amendments will need to be made to the hospital charges prescribed under the provisions of the principal act to comply with the terms of the Commonwealth Northern Territory hospital cost - sharing agreement that will come into effect on that date. In essence, those amendments will make privately insured hospital in-patients liable for charges of accommodation and support services whether or not they elect to be treated by a private doctor. At present, no charges are payable by such patients who elect to be treated by hospital doctors even though they would be entitled to claim on their insurance funds in respect of those charges. This is unacceptable to both the Commonwealth and Northern Territory governments who will be jointly responsible for meeting the cost of providing those services. The necessary amendments to the regulations cannot be processed before the bill now before us comes into force and, for that reason, I give notice that I will be seeking a suspension of Standing Orders to enable the bill to pass all stages of these sittings.

Debate adjourned.

TRANSFER OF POWERS (LAW) BILL
(Serial 212)

Bill presented and read a first time.

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

The purpose of the bill is to anticipate the grant by the Commonwealth government of full legislative and executive power to the Northern Territory government in respect of legal practitioners in the Northern Territory. It is hoped that this grant will have effect on and from 1 January 1978. The bill is an anticipation of the grant of full powers and makes no changes of a policy nature to the present law in the Territory with respect to legal practitioners. The bill is a procedural one and I commend it to honourable members.

Debate adjourned.

TRANSFER OF POWERS (HEALTH) BILL
(Serial 212)

Bill presented and read a first time.

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

This bill consists of a number of machinery amendments to various acts all of which are necessary to effectively transfer responsibility for health services in the Northern Territory to the Northern Territory government. The bill provides for those amendments to come into effect on 1 January 1979 the agreed date for that transfer of responsibility. Essentially, the amendments incorporated in the bill can be grouped into 3 categories.

The first group transfers executive powers presently vested in the Commonwealth Minister for Health or the Administrator to the Northern Territory Minister for Health. This is the whole purpose of this exercise and I feel I need make no further comment than that. The second group transfer various statutory powers presently vested in Commonwealth public servants to Northern Territory officials. Most of those powers are held at present by the Director of Health although different terms are used in the various pieces of legislation - for example, Chief Medical Officer, Chief Health Officer, Chief Quarantine Officer and Director of Health. The most commonly used term is Chief Medical Officer and, for convenience, it has been decided to retain that term and adopt it as a standard term throughout the legislation. The amendments provide for the Chief Medical Officer to be appointed by the minister under the Public Health Act and that appointment will flow by definition to each of the other pieces of legislation in which the term "Chief Medical Officer" is used. It should be noted that this not only provides the simplest possible administrative method of appointment but also enables the appointment of a chief medical officer who is not the departmental head of the Department of Health should this become necessary or desirable in the future.

The third group of amendments consists mainly of replacing references to the Commonwealth with references to the Territory. It also includes amendments to the regulation-making powers of the Administrator in some acts to bring them into line with the Northern Territory (Self-government) Act.

This legislation is intended to come into effect on 1 January 1979. It will therefore be necessary for me to seek the suspension of Standing Orders to enable the bill to pass all stages at these sittings.

Debate adjourned.

HOUSING BILL
(Serial 178)

Bill presented and read a first time.

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

The purpose of this bill is to amend the Housing Act. The object of the amendment is to change the name of the Housing Commission to the Northern Territory Housing Commission and to make the Northern Territory Housing Commission liable for the payment of basic water charges on all its rental properties, including flats, and for payment of excess water charges on all its flats. The Housing Act as it now stands provides that there shall be a commission to be known as the Housing Commission. The relevant amendments will formalise what is already widely accepted as the name of the commission. It will also bring the commission's name more into line with similar authorities in the states, the official names of which invariably include the name of the state in which they operate. It is perhaps the more appropriate name for the Housing Commission particularly in the light of our achievement of self-government a few months ago.

Turning to the amendments relating to liability for water charges, it is a generally accepted fact that the landlord is liable for various basic rates and like charges levied on rental properties. The commission already pays garbage rates, sewerage charges etc on its rental properties and the amendment makes it liable for water charges as well. These amendments also bring the commission more into line with similar authorities in the states most of which, as owners, accept the liability for payment of basic water charges on their rental properties. Excess water charges vary from household to household and they are only determinable historically. However, the commission considers again, like its counterparts in the states, that it should accept responsibility for payment of excess water charges levied on flats. These are not separately metered and it is accepted that the onus for the maintenance of the environs of such complexes is on the commission as owner. Excess water charges on separately metered premises, that is houses, remain the responsibility of the individual householder. Morever, it is a much better administrative arrangement for the water supply authority to bulk bill the commission for basic water charges rather than bill each occupant individually. Apart from the question of convenience, the water supply authority is assured of prompt payment.

The commission will include the additional cost incurred in paying water charges in its rent review which is scheduled for submission to Cabinet early in the new year. The present basic water charge of $75 per annum could increase general public house rentals by about $1.50 per week. A component aimed at recovering basic water charges will also be included in the rent which the commission intends charging the Northern Territory government for Northern Territory public service staff houses. The fact that house tenants will not be required to make annual lump sum payments of $75 in respect of basic water charges to the water supply authority will offset their having to pay slightly higher weekly rentals to the commission.

Debate adjourned.

MOTOR VEHICLES BILL
(Serial 206)

Bill presented and read a first time.

Mr STEELE (Industrial Development): I move that the bill be now read a second time.

Before proceeding with my comments on this bill, I would like to advise honourable members that I will be applying to have this bill dealt with at this sittings. This bill replaces Serial 148 which was introduced at the last sittings of this Assembly to amend the Motor Vehicles Act in respect of certain of the act's provisions relative to hire cars. Following the introduction of that bill, I received representations from a number of taxi industry representatives both in Darwin and in Alice Springs. Honourable members will know from their reading of industry initiated press comments that the bill itself received both bouquets and brickbats. In talking with interested groups in Darwin and Alice Springs, it soon became evident that certain of the original bill's provisions could be construed as to severely and adversely affect persons who could rightfully be described as pioneers in the industry in both main centres. It was never the intention of the government that this should happen and, in consequence, this replacement bill has been prepared with a view to protecting the interests of those persons who have helped to establish the taxi industry in the Territory and in an attempt to produce stability and uniformity within the industry.

When it became obvious that certain amendments to the original bill would be necessary, I had 2 options open to me in regard to the way in which I could present those amendments to this Assembly. I could have re-presented them as an amendment schedule to the original or have a completely new bill drafted to replace the original. I opted for the second course of action. I did this because of the shear volume of necessary amendments. To present them as a schedule would have been very time-consuming, uninteresting and repetitive as far as this Assembly is concerned. I therefore had a new bill prepared.

Returning to the bill itself - and in offering this comment, I will be referring from time to time to the provisions contained in the original - clauses 1, 2 and 3 are normal introductory clauses. Clause 4 is a savings clause which is intended to protect the immediate interests of present licensees in that, for them, the provisions of this bill do not apply until the licence is renewed, leased or transferred in accordance with the act.

Clause 5 replaces existing sections 26 and 27 of the principal act. In my second-reading speech to the former bill, I referred to reasons for the inclusion of the definition of "owner" in that bill. I said that it would have the effect of relating the owner to the licence to ply for hire. The present act relates the licence to the vehicle - a situation we are trying to overcome. This bill does not use the term "owner" and so has excluded that definition. It has rather used the term "person" and relates the licence to a person. This achieves very much the same result as the previous bill and has removed any cause for possible concern over the definition of "owner". The industry has displayed some concern. They have indicated their acceptance of this new proposal. In essence, the main amendments to sections 26 and 27 relate to the person licence link.

One other amendment to section 26 has been made at the request of the industry and that is the wording of the sign required under section 26(5). The amendment proposes that the sign read "Licensed to carry so many passengers" instead of "Licensed to carry so many persons". The reason that the industry submitted for this change was that people entering a taxi tend to exclude the driver from the number shown on the current sign and regard

it, for example, as 6 persons plus the driver instead of 6 including the driver. They believe the word "passengers" fixes this. The savings clause, clause 4, will cover the existing wording on present signs until licensees can effect the change.

Clause 6 makes a number of small but important amendments. Firstly 6 (a) (i) omits the definition "hire car" which is redundant now that the licence is to be related to a person rather than to a vehicle. Clause 6 (a) (ii) corrects what is seen to be an anomaly in the present act as section 27 (a) deals exclusively with grants of licences and not transfers. Transfers are dealt with in 27 (b) so that the reference to transfers in the definition of "hire car licence" in 27 (a) would be completely unnecessary.

Clause 6 (b) introduces a new definition namely that of "taxi industry". This has been included so that persons who are genuinely engaged in managerial or administrative functions within the industry can in fact acquire and retain a hire car licence. A strict owner driver situation could have prevented these persons from ever owning a licence. It would also have forced other persons from the industry, persons who have spent many years establishing their businesses and who have retired from a driving life to one of a managerial nature within their own organisation. Such persons should not be affected adversely as industry involvement will suffice as a licence acquisition or retention qualification. People who aspire to the grant of a licence will have to satisfy the Registrar of Motor Vehicles as to the extent of their actual involvement.

Clause 7 makes a similar amendment in respect of transferred licences. Clause 7(b) omits subsection 9(a) which also becomes redundant because of the new person licence application mentioned earlier. Clause 8 deals with leasing of licences and the issue of licences to corporate bodies. In the previous bill, the leasing provisions produced considerable comment. Whilst this bill retains the lease concept, it has removed several of the more stringent conditions originally proposed. The removal of these and the inclusion of a provision in subsection (6) of a proposed section 27 (c) to allow for the continuation of leasing arrangements entered into prior to the commencement of this act are the main changes to the first proposal.

Proposed section 27D deals with corporate licences and has been amended from the original by providing engagement in the industry when there is a person who is a company director eligible for licence. It also gives the registrar the power in subsection (2) (c) to decide if a person should be exempted from the requirement to possess either a hire car licence and be actively engaged in the industry.

Clause 9 is similar to the corresponding amendment in the previous bill except that the term "owner" has been dropped and the word "person" used instead. I spoke of the reasons for the change earlier. Clause 10 is similar to the previous bill except that the person concept is further pursued. Also, the wording of the sign to be displayed in buses has been altered to refer to passengers instead of persons. I discussed this previously in relation to hire cars.

The proposed amendments to section 102 in clause 11 are largely the same as those in the first bill. There has been a change in the format of the drafting and the inclusion of a provision relative to the previously introduced requirements for active engagement in the industry within 3 months of the grant or transfer of the licence. I believe that such a power should be given to the registrar in the event of a failure of a person to originally satisfy the registrar of his intentions under section 27A or 27B to meet those obligations. Other amendments proposed in clause 11 have been aired previously in this House.

Debate adjourned.

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES BILL
(Serial 221)

Bill presented and read a first time.

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

The purpose of this bill is to amend the act which we passed at the last sittings allowing for registration of the surname of a child in various names according to ethnic custom to make the regulation-making processes in that act consistent with normal processes. The regulations should be made by the Executive Council rather than by the minister concerned. As the bill makes no amendments to the principles which the House unanimously endorsed at the last sittings, I commend it to all honourable members.

Debate adjourned.

MINING BILL
(Serial 177)

Bill presented and read a first time.

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

The purpose of this bill is to amend the Mining Act to include in the act a provision for the minister to delegate all or any of his powers and functions under the act with the exception of the power of delegation. The powers previously exercised by the Administrator under the Mining Act were transferred to the minister from July 1 of this year by virtue of the Transfer of Powers Act. However, whereas the Administrator was previously empowered by the Northern Territory (Administration) Act to delegate all or any of his powers, there is no similar provision existing whereby I as the responsible minister can take similar action. Under the provisions of the Interpretation Act, certain general delegations can be made by ministers pursuant to section 46(7) of that act and there is no power for any minister of the Northern Territory to delegate any of his powers in respect of the grant or forfeiture of a right or title to land. Since oil exploration and mining titles under the Mining Act involve a right to land, the present situation has made it necessary for the minister to personally handle every grant and renewal of mining exploration titles since 1 July. I consider it is essential for the proper administration of the Mining Act that I have the power to delegate day-to-day functions to departmental officers. I commend the bill to honourable members.

Debate adjourned.

STATUTE LAW REVISION BILL
(Serial 217)

Bill presented and read a first time.

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

This bill reflects the continuing review of the laws of the Northern Territory and a tidying up of the legislative provisions effecting the transfer of executive powers from the Commonwealth to the Territory. The bill makes no substantive change to any law. It corrects minor errors in

references, spellings or statements and completes the transfer of powers in some areas where the transfer was only partially effected. It also removes all references to the Commonwealth in legislation which has been transferred. I do not propose to enlarge on the provisions of the bill but I will give some examples of the purpose of the bill and I am certain that honourable members will be able to follow them through.

References were found in acts to Administrator in Council and Executive Member. Honourable members will be aware that, pursuant to the Northern Territory (Self-government) Act and the Interpretation Act, the correct terms are "Administrator" and "Minister". The bill corrects such statements and examples are in the amendments to the Bush Fires Control, Construction Safety, Fences, Forestry, Local Government, Petroleum Prospecting and Mining Acts. In other cases, the power is transferred from the Administrator in Council or the Administrator to the responsible minister as in the Child Welfare, Coroners and Crown Lands Acts. References to the Commonwealth are removed and, where necessary, replaced with references to the Territory in the Church Lands Leases, Fences, Forestry and Trustee Acts. Minor references and other errors are corrected in the Consumer Protection, Darwin Community College, Fisheries and Medical Practitioners Registration Acts.

Clause 34 of the bill provides a normal savings provision for actions taken under the provisions of the concerned act before the commencement of this act to ensure their continuing effectiveness. I repeat that there are no substantive changes being made by this bill. It is obvious, however, that the changes proposed are important to ensure the legality and effectiveness of our legislation. For that reason, I advise that I will be seeking the suspension of Standing Orders to enable the bill to pass through all stages at this sittings.

Debate adjourned.

EXPLOSIVES BILL
(Serial 220)

Bill presented and read a first time.

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

This bill contains amendments to the Explosives Act to ensure that fireworks and gunpowder are included in the definition of "explosives". There have been several instances over the last 18 months of explosive devices made with large amounts of gunpowder being used in a dangerous manner at ethnic celebrations. The way we are going, it will not be long before some innocent person is killed or maimed by one of these devices. The amendments proposed in this bill will make illegal the manufacturer of home-made fireworks and explosive devices using gunpowder. A licence to manufacturer may be granted under certain circumstances and the filling of cartridges for firearms where the cartridges are not for sale is allowed so that the home reloader will not be disadvantaged by this amendment.

The safety of the carriage of explosives on public roads is ensured by insisting that all vehicles carrying explosives will be licensed by the explosives inspector. However, exemptions are allowed for prescribed amounts of fireworks and gunpowder. The powers of the police have been extended to include the storage and use of explosives. This has been included in the case of bomb outrage and because of the size of the Territory in relation to the number of inspectors. Similarly, members of the fire brigade can act under this act in relation to the unsafe storage of fireworks and gunpowder, particularly when they are stored in retail premises. The final provision in this bill enables regulations to be made for public safety of fireworks.

Debate adjourned.

COMPANIES (TRUSTEES AND PERSONAL REPRESENTATIVES) BILL
(Serial 163)

Bill presented and read a first time.

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

The purpose of this bill is to replace several private acts of the state of South Australia still in force in the Northern Territory which give the exclusive rights to certain public trustee companies of that state to operate as trustee companies in the Northern Territory and to make available to any person or groups of persons who have the appropriate backing the right to act as trustee companies in the Northern Territory. The bill is designed so that it can be introduced in separate stages. It is intended that the South Australian companies shall not lose their exclusive rights until a person or group of persons can satisfy the Northern Territory government that they are in a position to operate as a trustee company in the Northern Territory. The second part of the bill is designed to overcome the problem whereby persons who quite often act as executives in estates leave the Territory. Part three of the bill allows private companies to be nominated as executors in wills, thus overcoming the problem of chasing executors who have departed from the Territory in some cases years before the death of the testator. I commend the bill to all honourable members.

Debate adjourned.

ADMINISTRATION AND PROBATE BILL
(Serial 214)

Bill presented and read a first time.

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

This bill is complementary to the one that I just introduced. It makes provision for administration bonds to be required of trustee companies. A trustee company is required to give a bond unless it holds a certificate from the Administrator that it has complied with section 35 of the Companies (Trustees and Personal Representatives) Act. That section is designed to allow companies with substantial backing to be exempted from giving bonds. I commend the bills to honourable members.

Debate adjourned.

SUSPENSION OF STANDING ORDERS

Mr TUXWORTH (by leave): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent two bills associated with food being presented and read a first time together and one motion being put in regard to respectively the second reading, the committee stages and report stages and the third readings of the bills together and the consideration of the bills separately in the committee as a whole.

Motion agreed to.

THE FOOD AND DRUGS BILL
(Serial 197)

THE FOOD STANDARDS BILL 1978
(Serial 196)

Bills presented and read a first time.

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

It is a matter of concern that, at present, food sold within the Northern Territory is not required to comply with any particular standards. This is in contrast to the situation in the various states where comprehensive food standards are prescribed under their respective laws. Generally, these standards conform to the recommendations of the National Health and Medical Research Council although, in some cases, the National Health and Medical Research Council standards have been modified to suit local conditions prevailing. The effect of a lack of any enforceable food standards in the Northern Territory is that food may be sold here which is unacceptable elsewhere in Australia. The purpose of these bills is to rectify the situation. The primary bill is the Foods Standard Bill while the Food and Drugs Bill is a consequential measure to remove any conflict between the existing Food and Drugs Act and the provisions incorporated in the Food and Drugs Bill.

Honourable members may ask why it is necessary to introduce a separate, new food standards bill when there is already in existence an act dealing with the sale of food. The reason is simply that the Food and Drugs Act would require a considerable number of amendments to incorporate the various measures included in the Food Standards Bill and the relevant bill would be far more complex than the bill now before us.

I would also like to disclose that it is proposed in the relatively near future to replace the Food and Drugs Act with new legislation probably in the form of 2 separate acts, one dealing with food hygiene and the other with the manufacture and sale of therapeutic goods. Honourable members will therefore appreciate that the inclusion of measures relating to food standards in the present Food and Drugs Act would further complicate the preparation of the new legislation.

Turning now to the actual contents of the bills, I direct honourable members' attention firstly to the Food Standards Bill. The crux of the bill is obtained in clauses 4 and 5 while the remainder of the bill provides the machinery to give effect to those clauses. A great deal of our imported food is manufactured in other states and clause 4 provides that any food imported into the Northern Territory from a state or any other territory is to be required to comply with any standards which may apply in the state or territory of origin. As I have indicated earlier, the states have generally adopted the standards recommended by the National Health and Medical Research Council and the immediate effect of this clause would therefore be to apply those standards to a large proportion of the foods imported into the Territory from the states.

Clause 5 provides the minister with the power to order a specified food standard to apply in the Territory and enables the minister to prohibit the manufacture or sale of a specified food. The immediate intention is to apply standards under the provisions of this clause to those foods which are produced locally, such standards being in accordance with the recommendations of the National Health and Medical Research Council. The combined effect of this action, together with the application of clause 4, to foods imported from interstate would be that by far the greater proportion of food stuffs

sold in the Territory would be required to comply with the standards recommended by the National Health and Medical Research Council. Should any problems arise in the future with food imported from overseas or from a state where adequate standards are not applied to that particular food, the provisions of clause 5 will enable the minister to take effective remedial action by ordering that a specified standard apply to that food. In extreme cases, the minister could exercise his power under this clause to prohibit the manufacture or sale of a particular food. However, it is envisaged that this power would rarely, if ever, be used.

As indicated earlier, the remainder of the Food Standards Bill is of a machinery nature and I do not think it is necessary to direct honourable members' attention to any particular clauses other than those already mentioned.

The Food and Drugs Bill is a simple bill which amends 2 sections of the principal act. Clause 4 amends section 15 of the act by deleting the power of the Administrator in Council or minister as this will shortly be amended by the Transfer of Powers (Health) Bill to prohibit the sale of a specified food. A similar power is provided to the minister in the Foods Standard Bill and this amendment is therefore required to remove any conflict between the two pieces of legislation.

Clause 5 repeals section 20(3) of the principal act. Retention of that subsection could create some difficulty after the introduction of standards under the Food Standards Bill, as it would appear that, provided the food complied with those standards, it could not be considered adulterated within the meaning of section 6 of the Foods and Drugs Act even if, for example, it became contaminated.

I believe these bills will rectify a serious deficiency in the Territory's consumer protection laws and health laws and will ensure that food sold within the Territory complies with the same standards as are applied elsewhere in Australia. I commend the bills to honourable members.

Debate adjourned.

STATEMENT

Participation of Senator Robertson in Street March

Mr EVERINGHAM (Chief Minister) (by leave): I seek to correct a statement I made in this House on 12 September regarding the participation of Senator Robertson in the unruly meeting which preceded the contemptible demonstration against the Governor-General which occurred at the opening of this session of the Assembly. It seems that Senator Robertson would like to dissociate himself to some extent from the actions of his friends and party colleagues and has assured me that he did not address the meeting held in Bennett Park. Therefore, I would like to correct the statement I made to the effect that Senator Robertson addressed that meeting.

VETERINARY SURGEONS BILL
(Serial 181)

Bill presented and read a first time.

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

The Veterinary Surgeons Ordinance provides for the creation of a

veterinary surgeons board and establishes the conditions and qualifications necessary to obtain registration to practise veterinary medicine in the Territory. In all respects, the board operates much as a medical registration board. All Australian states and territories have legislation requiring the registration of persons wishing to practise veterinary medicine. However, the registration requirements, particularly those relating to recognition of foreign qualifications, have not been uniform. At a meeting in June 1977 of state and territory veterinary boards under the auspices of the committee on overseas professional qualifications, it was agreed to introduce uniform requirements throughout Australia. The NT board has endorsed that agreement and has recommended to the government that the changes detailed in this bill be adopted. I commend the bill.

Debate adjourned.

PETROLEUM (PROSPECTING AND MINING) BILL
(Serial 179)

Bill presented and read a first time.

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

The purpose of this bill is to overcome an unfortunate error which has occurred in transferring executive responsibility under the Petroleum (Prospecting and Mining) Act to the appropriate Northern Territory minister by virtue of amendments contained in the Transfer of Powers Act. Previously, by virtue of section 14(2) of the act, the Administrator had the discretionary power to grant oil exploration permits or a production lease in excess of 10,000 or 1,000 square miles respectively. The amendments to these sections under the Transfer of Powers Act removed the discretionary power and left the minister with the power to grant only a permit to a maximum of 10,000 square miles and, in the case of a lease, 1,000 square miles. The amendments proposed in this bill will reinstate the previous discretionary provisions. I commend the bill to honourable members.

Debate adjourned.

CASINO DEVELOPMENT BILL
(Serial 151)

Continued from 20 September 1978

Ms D'ROZARIO (Sanderson): Mr Speaker, I wish to move an amendment to the motion that currently stands before the House. I move that all words after "that" be omitted and the following words be inserted in their stead: "whilst not denying the bill a second reading, this Assembly is of the opinion that no casino licence should be issued unless an expression of approval is first obtained by the conduct of a referendum amongst the citizens of the town in respect of which it is proposed to issue the licence".

Mr Speaker, I would like to clear up just one small matter before speaking to this particular point and that is a statement which I believe the Treasurer made yesterday that somehow the opposition had rejected the idea of casinos in the Northern Territory and that we were opposed to this motion.

I believe the Leader of the Opposition has made one statement in respect of this matter which was a consequence of representation from some citizens in the Alice Springs district. Further, Mr Speaker, I am the spokesman on this matter for the opposition and apart from a few short comments that I made in the address in reply debate which were not reported in the press, I have made no statement to the press on this matter at all. So I cannot see

how it can be said that the opposition has expressed a rejection of the idea of having casinos in the Northern Territory.

I put the amendment that I have just read before the House because I believe it is not a question of whether or not we approve of casinos per se but whether we should allow them to be established in places where there is a great deal of opposition to the granting of casino licences. The reason the opposition is asking for a referendum is because there has been expressed to us and in the press a great deal of opposition, particularly in respect of the proposal to establish a casino in or near Alice Springs. We have had no such reaction to the notion of a casino in Darwin and my intuitive feeling is that perhaps the people of Darwin would welcome such a development. However, this contrasts very strongly with the events which have taken place over the last few weeks in Alice Springs where I gather the people of Alice Springs were able to muster some 300 to 400 people at a public meeting to discuss this issue.

I notice the Treasurer smiling there ...

Mr Perron: Were you there?

Ms D'ROZARIO: ... probably because of the estimate but I am taking the high and low range of the reported estimates and I believe the attendance to have been somewhere between 300 and 400. I hope I have been fair about that, honourable Treasurer.

I believe the people in Alice Springs have thought a great deal about this proposal and have expressed their sincere feelings about it. I think these concerns should not go unheeded. Alice Springs is a small isolated town, as we are often told by the members that represent that place, and it would be an unfair imposition on them to impose what they perceive to be the cause of further social stress without first asking them whether in fact they wish this source of stress to be imposed upon them. I do not say that I perceive a casino to be a source of social stress. That is not the point; the point is that a large number of people in Alice Springs perceive that to be so and I believe their views should not be dismissed out of hand.

Intuitively, I feel that Darwin people have not reacted in the same way as Alice Springs people have, simply because of the difference in the size of those two settlement. I can well imagine that a development proposal for a casino in Darwin would have not quite the same effect as that same proposal transplanted in Alice Springs. We can expect the effects in Alice Springs to be amplified by reason of the small size of the town and for the effects of that development to be felt more widely over a larger range of the population. This, of course, would not be so in Darwin. I feel the people of Alice Springs have organised themselves, fairly cohesively I believe, in opposition to this proposal. They are asking for a referendum and I believe that request should not be treated with the contempt that has so far been given to it and that request ought to be acceded to.

I would like to say a few words of commendation to the honourable Treasurer. I think he has been most diligent in replying to every single criticism that has been made of the casino proposals. I do not say that we have always agreed with his replies but nevertheless he has taken the trouble to reply to those very numerous criticisms. I think it would be a pity indeed if he would not go that small step further by taking a referendum of the citizens of Alice Springs. It would be, in view of his past diligence, a small step indeed to comply with the request of the citizens of Alice Springs.

Of course, Mr Speaker, our amendment goes further. We ask for a referendum to be taken in any town in respect of which it is proposed to issue a casino licence and so far I have said that it is an intuitive feeling

of mine that Darwin people would welcome that proposal. However, I do not know that, Mr Speaker; I cannot be certain of it and the only way to be certain of it would be to ask them.

The Treasurer has put forward a number of reasons why casinos would be desirable in the Northern Territory. And these reasons have been put forward as perceived benefits of these developments and indeed, there is some truth in each of the points that has been put forward as a benefit of these developments. I would like to go through a few of them just to see whether perhaps we cannot achieve the same thing without necessarily developing casinos at Darwin and Alice Springs.

The honourable Treasurer has said that the decision to develop casinos is based on a desire to give the tourist industry an impetus in the Northern Territory. I believe there might well be some increase in tourism as a result of the development of casinos. However, I am extremely doubtful as to the mechanism of casinos being used solely as an impetus to tourism. I do not think that a gambling-led tourist impetus would necessarily be successful. I think there are other ways of promoting tourism - for example, the development of regional parks, the promotion of our unique natural scenery, wildlife and recreational fishing activities and the promotion of our Northern Territory heritage. Whilst there has been quite a deal said about these ways and means of developing tourism, these methods have now been set aside in favour of promoting casinos.

Yesterday, we were extremely grateful to receive the final report of the House of Representatives Select Committee on Tourism on our desks. No minister tabled or spoke about this report but nevertheless I at least was very grateful to get a copy of it. This report dealt at length with an inquiry that had been conducted on this matter. I was surprised to find that there is absolutely no reference, even under the chapter headed "Man-made Attractions", to casinos. I do not think it occurred to this select committee that gambling could stimulate tourism. This committee certainly put forward a number of recommendations on many other matters but this aspect of casinos was not even mentioned.

I believe that, if we relied totally on a gambling-led impetus, we would have some factors in the Northern Territory which would militate against our achieving an increase in tourism. One such factor is the cost of domestic airfares. I commend the Chief Minister for the representations he has already made on this aspect and the opposition fully gives its support to any action which would reduce the cost of domestic air travel. What the government is saying is that, if we develop casinos in the Northern Territory, this would given an automatic impetus to tourism. What I am saying is that that need not necessarily be so because there are other factors that need consideration. The House of Representatives Select Committee on Tourism set great store on the level of domestic airfares as a mechanism for increasing tourism.

The Treasurer also said that he thought that tourism would be increased as a result of increased visitation from certain overseas countries. The regions that he mentioned were the South-east Asian region, Japan and the United States. Here again, I do not intend to categorically deny the truth of the Treasurer's statement. It is, of course, a speculative one and I cannot prove or disprove it one way or the other and I suggest that neither can he. However, this report of October 1978 to which I have just made some reference does say some interesting things about overseas visitors to Australia. The report says:

> *The tourist industry must cater to the Australian tourist who constitutes the bulk of the market, both actual and potential ... The international visitor is looking for something different, something*

that he cannot find at home.

As the honourable Treasurer has informed us in the press, there are several casinos in the United States. I do not think that visitors from the United States would come to the Northern Territory just because there were casinos here. They could just go to a bordering state if that were the case. Similarly, I do not think that visitors from South-east Asia would come simply to play casino games. They can play casino games in the Philippines and in Malaysia if they wish. It is only a very short hop from Japan to Macau if one just wanted the attraction of a casino. Whilst I do not say that there would be no increase in overseas visitors as a result of these casinos, I do not think they would be critical in determining whether there is or is not an increase in overseas visitation to the Northern Territory.

There is also in this report an interesting table provided by Qantas which shows that in 1973 - regrettably, there are no figures later than that - only 4% of all international visitors visited Darwin, only 3% visited Alice Springs and only 2% visited Ayers Rock. Those are very low percentages indeed. Given the fact that people are not going to travel across Australia just to play a casino game and given that our internal air fare structure is very high, I do not see how we can bring these people here without also offering them something else - unique regional parks or unique wildlife or unique natural and beautiful scenery. We have all of these things in the Northern Territory and we are very proud to have them.

Another reason why it will not necessarily result in increased tourism is that many of the visitors, even domestic visitors, who visit the Northern Territory are in fact budget conscious tourists. These people are not looking for expensive international standard accommodation. I believe the demand is more for clean, low-cost accommodation. These people would not be able to afford the very high-class and very high-cost accommodation which is proposed to be attached to the premises in respect of which a casino licence will be issued. Further to that, we already have in both Alice Springs and Darwin a glut of high-cost accommodation. If this was to be added to - and a condition of the licence being given is that the licensee has to erect an international class hotel - there would be further competition in a market which is already over-supplied with this type of accommodation. Perhaps it is intended that some existing hotel premises will be granted a licence and indeed this has been suggested. In that case, I cannot see how we can then say that there will be an impetus to the construction industry as a result of the government's proposal to build a casino.

I think any person would concede that some visitors will indeed be attracted to places where there are casinos and casino games available. I do not think the majority would be; I think the majority of travelling tourists go to places for more than one purpose. However, in a small isolated town such as Alice Springs tourists will come and they will go and they may or may not indulge in the casino games and they may or may not stay at the expensive accommodation that will be attached to the casino. They will move on and maybe they might visit Alice Springs in subsequent years. However, the residents of that place will have to live permanently with the impact of the casino that is built there. I ask the Treasurer whether it would be fair to permit the residents to suffer what they perceive to be very extensive disbenefits just for the gratification of a few tourists who might or might not indulge in blackjack and roulette.

There is plenty of evidence to suggest that tourism is more responsive to the level of personal disposable income than it is to specific attractions such as casinos. It is also more responsive to personal disposable income than it is to any other man-made structure or natural element that people go and see. These are things that tourists take in as part of a holiday, as part of an experience of travelling. It is not the sole reason, I think,

that people would go to a place.

I believe that, as the people of Alice Springs and perhaps the people of Darwin think the benefits that have been alleged for these developments might not come about, it behoves the government to go out and ask them. As I say, in all likelihood, the people of Darwin would return a resounding yes to the question of whether a casino licence ought to be issued in Darwin.

It has also been said that the development of casinos in the Northern Territory will generate hundreds of jobs and that, of course, is true; I would not deny that for a minute. However, it is a question of to whom these jobs will go. Casino operation is an extremely specialised service skill; it is a very specialised occupation. We have very little experience of it in Australia; there is only once licensed casino in Australia, and so we can expect that there would be not many people, even in Australia, who would be skilled in this occupation. It seems almost certain that the Northern Territory would have to import labour from other places in order to get the casino operation going.

This is all the more true when we have regard to the Treasurer's statement that the operation of the casino must be beyond reproach. I think we can only guarantee that if we have people who know what they are doing and who are skilled in this particular type of operation. We cannot just bring somebody who has been in an associated hotel industry and expect him to discharge the very skilled functions which would be required in a casino. So whilst we all agree that there would indeed be generated several hundred jobs, they might not necessarily alleviate the problems of unemployment that we have in the Territory at the moment.

It has also been said that the development of casinos will generate a growth in associated industries; I think the retail service sector was mentioned and the accommodation industry and so on. I think there is some truth in that; that could well be so. But on the other hand, particularly given the excess supply in the accommodation industry in Darwin and Alice Springs, it might just serve to take up the slack in the existing accommodation and retail service sector. To that extent we must welcome the fact that the slack will be taken up but, of course, what this will do is simply make existing investments more profitable or reduce their losses. It will not necessarily lead to any new investment. It might in the long term but it certainly will not with the glut of accommodation in the hotel sector that we have at the moment.

Further to that, the demand for these services provided by associated sectors will be a derived demand: that is, they will be related to the demand for that particular attraction, namely the casino. As I have already said, I do not think that visitors come to a place simply for the benefit of playing casino games. They come for a number of reasons and we would have to isolate exactly how much of this was due to the establishment of the casino. If the demand for playing casino games is actually low, then there would be no significant growth in other sectors. We might take up the slack here and there in sectors which have bad seasons but there might not necessarily be any new investment.

There are other ways of stimulating growth even in these associated sectors and I believe the Northern Territory Cabinet agrees with me. The Honourable Cabinet Member for Resources and Health, as he then was, made some submissions to the committee. He did not believe at that time that casinos were the key to the development of tourism in the Northern Territory. In fact, this is what he said. I quote from page 29 of the report:

> *Mr I. Tuxworth, the Cabinet Member for Resources and Health in the Northern Territory, claimed that, while the Stuart Highway is of*

national significance, it remains little more than a dirt road and is a major deterrent to capital investment in the Northern Territory. The sealing of the Stuart Highway was regarded by Mr Tuxworth as the key to the whole development of tourism in the Northern Territory.

Mr Speaker, if the honourable member believed that in fact it was casinos which were going to be the key to the development of tourism, why did he not say that to this committee? In fact, he saw a completely different key to the development. I think the people in Alice Springs would be delighted if Mr Tuxworth would go down there and tell them that, because not only would the sealing of the Stuart Highway increase the tourist potential of the Northern Territory but in itself it would generate growth in associated industries which we all so much hope for. For one thing, as the Minister for Mines and Energy said, it may stimulate capital investment, capital investment of any sort in the Northern Territory, not just in tourism or in related industries but in any sector of the economy. I think that that would be a very well thought-out and serious effect of the sealing of the Stuart Highway. I merely repeat that the minister did not then place before that committee the notion that casinos would be the mechanism by which tourism would gain an impetus.

I return to the point that there is much other potential for increase in tourism in the Northern Territory which has not yet been exploited or promoted. Whilst a great deal has been said in this House and elsewhere about this matter, it ought to be given greater effect than just words. The Northern Territory Department of Transport and Industry also made a submission to that committee. They said, and I quote from page 14: "To the extent that Australians should know their country and heritage, they should be aware of it at first hand". It was claimed that there is a growing appreciation by Australians of the pioneering significance of the outback and a growing keenness to get out and see their own country.

The committee concluded that tourism is important as a vehicle to foster and develop the community's knowledge of Australia and the Australian heritage. In this very recent report, we find a number of aims that tourism is expected to achieve and a number of desirable effects that we all hope it will achieve but there is no mention at all of whether or not casinos can fulfil any of these aims. If it is just a question of tourism and employment and growth, there are other ways and other mechanisms of achieving these aims and the Cabinet ought to give regard to those. I do not say that casinos ought not to be developed in the Northern Territory. I merely say that, before we build them, we should ask the people in whose midst we are to place them. I am also saying that the development of casinos ought to be considered within a wider concept of the operation of tourism and what we hope to achieve by the development of tourism.

Mr DONDAS (Casuarina): Mr Speaker, once again it seems that the opposition is having half a shilling each way. They have said they oppose the setting up of casinos and 30 seconds ago they said they are not opposed to it. I do not really know where they stand on the matter.

We are asked to have a referendum. Surely this government's proposal should not be tested one year after an election. That is what the opposition is asking. In August 1977, we went to the polls and in November 1978 they are asking for a referendum on an issue. This is not going to cost the Territory government anything. Hopefully, it will not cost the Territory people anything to get another facility in the Northern Territory which may give the tourists something to do. Just because the tourists arrive does not mean they will be led with a ring in their noses to the casino tables.

Let me explain some of the experience I have had with casinos. I lived in Hong Kong for 6½ years. Many tourists went to Macau. A great number did. They used Hong Kong as a shopping paradise. After they had seen the sights

of Hong Kong, they had nothing else to do for 2 or 3 days so they hopped on a hydrofoil which took them to Macau in an hour and a quarter. They had a look at the tables. In all the time that I was in Hong Kong, I never heard that tourists had gone there and lost all their money or became bankrupt on the tables. They went there to have a look and they may have contributed something to the industry.

Members talk about opposition from the electorates but I can quite honestly say that, apart from a letter from the Uniting Church, I have received no opposition from any person in my electorate to the setting up of a casino in Darwin.

The casino proposal is not new. In fact, Mr Petrick advocated the setting up of casinos in the Northern Territory in 1960. He was a former member of the Legislative Council and he was saying in those days: "Let us set up a casino. Let us get some revenue and we might be able to provide a few more health facilities". That situation does not hold today. We do not need money from casinos for our health system because we are fortunate enough to have the federal government to look after us. At the same time, the money that we do get from casinos or any other industry could be put to a proper use for the benefit of the people of the Northern Territory.

I attended a seminar in November 1974 at the Travelodge. It was organised by the Darwin Regional Tourist Promotion Association and the Institute of Cultural Affairs. It was arranged for all people interested in the tourist industry and other related industries in the Northern Territory. There were people there from Katherine, Tennant Creek and Alice Springs. The two things that came out of that seminar were firstly the operation of casinos in both Territory centres and a proposal for a free port. They were the two. We used to talk about a free port 5 years ago but unfortunately that particular thought has gone to the back of everybody's mind because it cannot become a reality, not in the circumstances and the location in which we are placed. But a casino can be a reality, and it can be a reality 18 years after Mr Petrick first spoke about it in this Legislative Council.

The honourable member for Sanderson said there was an excess of accommodation in this town. Well, I would not like to say that she was telling an untruth but at the same time, when we had this opening of parliament just 2 months ago, you could not find a hotel room in this place. In fact, our visitors who came from the south, the speakers and their clerks, had to share rooms because there was no available accommodation. That particular situation has existed since about April this year and , moving around the traps as I do, known to frequent a few bars and speak to a few people in the hotel business, to gauge whether they are going all right and whether they are making a quid, they tell me that their occupancy has been higher this year than any other year. And yet we are told by the member for Sanderson that there is an excess of accommodation and if a casino comes into operation, then any profits it is going to make will more or less write off their losses. I cannot believe that for one minute, Mr Speaker.

The legislation before us represents the machinery to allow the Treasurer to negotiate to enter into an arrangement with a company or a person to construct and operate a casino. That is what we are primarily discussing today - not the pros and cons of whether a casino is going to be visited by tourists or whether it is going to be thumped to death by the locals. The power for the Treasurer to negotiate a contract with a body to operate a casino, that is what we are discussing today.

As I said, Mr Petrick had the first honour in this Legislative Council of bringing the casino into the forefront and to the notice of Darwin and Northern Territory people. He wanted better hospitals. Well, we want better facilities for our tourists. We want them not only to go out to Fogg Dam and see our beautiful birdlife or out to Kakadu or the other places that we

have here. They have to be able to make up their own minds whether they want to go there but at least we can offer them the facilities. In fact, yesterday the member for Nightcliff made mention that the Australian people and the Australian industry was far behind what was being offered overseas in regard to tourism. She said that only yesterday. I have been saying that for 14 years, that Australians are way behind any other country in regard to tourism, and it is only in the last few years that the Australian government and the Australian people are beginning to realise what the potential of tourism is. On many occasions I have said that the tourist industry in Hong Kong is second to the textile industry and the textile industry there is far bigger than you can imagine.

We have been criticised by the opposition because we want to legalise casinos, because it is going to create social disorder. Well, how do we explain then that they went through all the rigmarole, all the fuss, all the bother of the different hearings they had, all the select committees they had in Tasmania and then eventually Tasmania got Wrest Point. Yet not one month ago an announcement was made ...

Mr Collins: Through a referendum.

Mr DONDAS: Well, they had a referendum, yes, and one month ago they turned around and said they are going to give Tasmania a second casino licence. We have heard from the social workers in the Tasmanian area that there were no social problems because of the gambling casino that was set up at Wrest Point. Consequently, they must believe that, because now they are issuing another licence. The right of the individual is important. However, to say that people have to be protected against themselves in a mature society is an invasion of their privacy.

Mr Collins: It is the basis of half our law.

Mr DONDAS: Legalised casinos are merely another form of gambling. I do not know whether honourable members have had the opportunity, like me once again , to get through the traps but when you take into consideration the amount of gambling that is done in this town on a daily basis, on an hourly basis, seven days a week - I can get you in to a poker game where you can lose your shirt or you could win yourself a million bucks. You can gamble. You can get off ...

Mr Collins: That is very commendable, very commendable.

Mr DONDAS: Well, it is true. The honourable member over there says it is very commendable but it is true. Can you tell me that it is not true?

Mr Collins: No. It's true.

Mr DONDAS: Well, there you are. So what are we worrying about the social implications when we can get stuck into it and maybe build a casino. We say the legalised casino is another form of entertainment. I believe it is and I believe that people - not only ourselves and people in Darwin but also tourists - are looking for other things to do in their leisure time. Leisure time, that is the key. If you want to go and spend 2 hours in the casino, let the facility be there.

It is the nature of people to gamble. I do not know how many members of this Assembly did have a bet on the Melbourne Cup. I do not know how many members of the Assembly did not buy a raffle ticket in a sweep and I do not know how many members of this Assembly have never bought a raffle ticket.

Mrs Lawrie: That's a double negative.

Mr DONDAS: The honourable member for Nightcliff says it is a double negative but, nevertheless, it is still gambling. It is still having a go. $1 or $1000 - the element is there.

Mr Speaker, given proper controls and supervision, legalised gambling can function in an environment such as ours. We have the makings of being able to build a casino; we have the makings of being able to provide a good service in a casino, and we have the makings of being able to promote our casino operation in the gateway of Australia.

Australia is not the only place, Mr Speaker, to have a casino. They have them in Europe; we have them in the Caribbean - and the honourable member for Nightcliff has just come back from the Caribbean.

Mrs Lawrie: Sadly.

Mr DONDAS: In the Caribbean, they are absolutely fantastic. We have them in the Middle East; we have them in Asia, and I have already said that we have them in Macau. But let me tell you about the one that people go to when they are in Kuala Lumpur in Malaysia.

Ms D'Rozario: Yes, that's a good one.

Mr DONDAS: You have to get there by bus or cab. It is about 60 miles out of Kuala Lumpur and you go up a mountain which goes up about 7,000 feet in about 1 hour and 20 minutes. You take your life into your own hands. But the tourist buses are full. They are full. It is an hour and 20 minutes up and an hour and 20 minutes back, and all you can see over the side is a very, very long drop. But the tourists - they have the shopping; they have the sight-seeing; they have the elephants; they have the whole of Malaysia right there, but they still want to go and have a little flutter, Mr Speaker. You go up at night; you cannot see any of the beautiful scenery because you go up at night.

So here we go again; tourists are not going to go to our casino; they are not going to come here - we have heard. But the fact is that legalised casinos should - and I say "should" because I have not got a crystal ball; if I did have one it would not be lopsided - the fact is that if it is good, it might make a few bob. So why should we knock it back. I said this yesterday in the employment debate: why should we not have a go in everything that might create employment and might make a few dollars?

Mr Collins: That's wide brush.

Mr DONDAS: Mr Speaker, to continue with my argument that the licensing of casinos will not create social disorder, I would also like to quote from the 1970 report of the Western Australian Royal Commission into gambling - that's better than any referendum I have heard of. The report of the Western Australian Royal Commission into gambling found:

> *It appeared to us that the stories of the drugs and the prostitution said to be associated with casinos in Nevada and with gambling generally in the United States would not necessarily be repeated in Western Australia. Conditions relating to law enforcement and social lives in the United States are very different to those in Australia. Certainly, as far as we can ascertain, many laws are far more liberal and do not appear to generate the organised crime and other social evils which are said to have resulted in gambling in the United States. We do not think a properly established, effectively controlled casino in Western Australia would bring any significant increase in crime or drug taking or prostitution in its train. The Tasmanian experience is that it has not done so there and there is no reason for thinking that it would be very*

different for Western Australia.

The commission recommended a casino in Western Australia and, in fact, the recommendation was for one up in the north-west of Western Australia, at Exmouth.

On 22 November 1976, the Legislative Assembly of the Australian Capital Territory referred a proposal relating to a proposed casino in the Australian Capital Territory to its Standing Committee on Tourism and Recreation, comprising a chairman and 4 members. The committee received submissions and made inquiries on 2 May 1977. It published a 13-page report recommending the introduction of a casino into the territory which stated, in relation to Wrest Point casino of Hobart - and the members met with senior policemen, social welfare groups, the Minister for Tourism, the president of the Chamber of Commerce in Hobart, restaurant owners, taxi drivers and various other people:

> *No evidence was adduced to support the misgivings expressed by community groups before the casino began its operation about increases in crime and prostitution. Representatives of welfare groups stated that there had been no increase in the number of people seeking welfare assistance since the casino opened.*

So we have spoken about the Tasmanian experience - as we call it - a referendum, the setting up of the first casino and we have spoken about the Tasmanian Labor government giving a licence for another casino there. Tasmania is very similar to the Northern Territory as regards population.

Members interjecting.

Mr DONDAS: Not that many more there than here.

Mr Collins: Maybe a couple of hundred thousand.

Mr DONDAS: Nevertheless, there are a lot more members going to follow me, Mr Speaker ...

Mr Collins: Nothing could follow your act.

Mr DONDAS: ... and I am quite sure the Treasurer will pick up some of the points that were made by the honourable member for Sanderson in relation to the amount of money and the number of tourists that could possibly come here.

Mr PERKINS (MacDonnell): Mr Speaker, I am really amazed by the rhetoric which has come from the honourable member for Casuarina. I hope the Treasurer will be able to convince us about the government's stand on casinos because I remain unconvinced by the matters covered by the member for Casuarina. He was referring to Hong Kong and to other places. He was in Hong Kong for 6½ years and was able to participate in the activities of a casino there. Hong Kong has really nothing to do with Darwin and Alice Springs and the situation which exists in the Territory. His reference to what happened over there in so far as casinos are concerned is irrelevant to the situation in Alice Springs. It is a totally different situation and you have to apply different considerations.

I was amazed also at the way in which he treated the subject - it is a serious matter - and the way in which he was able to get things out of perspective. It is important to get back to the amendment moved by the honourable member for Sanderson. I endorse all of her remarks. Our belief is that there should be a referendum of the citizens of any town in which it is proposed to issue a casino licence. This ought to happen before any licence is

issued. Her arguments were well prepared and well put. I was convinced in particular by her arguments in relation to Alice Springs. I applaud the manner in which the member for Sanderson was able to take up points on behalf of the people who have expressed opposition in the Alice Springs area.

We need to get into perspective what the opposition is trying to say. We are arguing that a casino licence should not be issued in Alice Springs, Darwin or any other Territory centre unless it is approved by the citizens by a referendum at those particular centres. We are not the only group which is calling for a referendum on casinos. Honourable members would be aware that there are also church groups and individuals in the community who have expressed their concern. I do not think you would be able to accuse this government of being a consultative or a representative government, particularly in regard to this matter of casinos.

I was reminded of the speech of His Honour when he told us that one of the basic arrangements of the political structure in this country is that the people have a right to be consulted by the government about the decisions which affect them and this principle ought to be adopted in full by all governments. It is about time this government implemented that particular principle effectively. Where is the evidence that they have consulted with Territorians on a wide basis before deciding to set up casinos? I have seen no real evidence, and those people in Alice Springs who have expressed concern about this have not seen any evidence either. If they had, they would not be expressing their concern in relation to the whole question of casinos.

Unfortunately, the government has not embarked on an adequate and proper process of consultation in respect of the need to have casinos, particularly in relation to Alice Springs. This is confirmed by the reaction in Alice Springs which has been particularly strong against the government's proposal. I hope the Northern Territory government would take into account the opposition which has been expressed down there and the concern of those people. I think the whole attitude of the government on casinos is appalling. The Legislative Assembly in the ACT decided against a casino for Canberra. Before opening the casino in Hobart, the Tasmanian government conducted a referendum. With consideration being given to a second casino in Tasmania, that government has also asked for a national survey into the social effects of gambling. There is not enough known in Australia at large about the socially undesirable effects of casinos. There should be much more known about this because people are concerned about it.

The people of the Northern Territory deserve to be consulted properly and to be given the opportunity to express their wishes. Unfortunately, Alice Springs has not been given that opportunity; yet the government wants to proceed with indecent haste to set up casinos. This is in contrast to the record of the Tasmanian government and the ACT Legislative Assembly.

As I have indicated, the main opposition has come from Alice Springs. I would like to canvas a few of the views and the protests which I have received. I heard the honourable member for Casuarina say that he had only received one letter on this particular matter. I would assume that that was a protest letter from the Uniting Church. I received 25 letters of protest and, in addition to those, I received other letters from the Uniting Church in the northern and southern parts of the Territory. That is an indication that people are concerned. Not all these people are my constituents. They are people from the town of Alice Springs itself and they represent a wide range of interests in Alice Springs. They are not people who want to oppose for the sake of opposing; they are not people who are trying to be counter-productive; they are people who are genuinely concerned. They are concerned about the fact that their government, which is supposed to consult with them and to represent them, has adopted an appalling attitude of going ahead to set up casinos without giving people an opportunity to make a decision themselves.

They are the people who have to put with the problems that would arise from a casino in Alice Springs. They are the people that will have to live with it.

This is the point that was raised by the honourable member for Sanderson. It is all very well for members of the government who happen to live up in the northern half of the Territory and who are not that familiar with the situation in Alice Springs to say that we ought to have a casino there. You must consider that there are a significant number of people in the town itself who are concerned about this whole problem of casinos. It is a matter which is reaching contentious proportions down there. It is an issue which could easily divide the community. Unfortunately, the government would be responsible for that division if it went ahead to set up the casino without allowing the people to have a right to say in a referendum whether they want a casino.

In the letters which I have received, a number of points have been raised. I do not think there is any need for me to go into detail because many points have been canvassed in the media and in this Legislative Assembly. The major concern in the protest letters is the matter of consultation. These people believe the government is endeavouring to force casinos on them without consultation. I do not think I can emphasise enough how important that point is. Secondly, they are concerned about the implications of the attitude that money for the Northern Territory happens to be more important than the people. That is what they feel, Mr Speaker. Thirdly, the government's proposal appears to base its program for tourism on gambling rather than on the whole unique environment of the Centre. Lastly, these people are genuinely concerned about the possible undesirable effects of a casino in social terms.

On that last point, I would like to say that there is not enough known about the social effects of casinos. We ought to know a lot more about them before we have casinos. In addition to that, I would like to say that the Northern Territory government has its priorities out of order on this particular matter. In Alice Springs, there are greater priorities such as the alleviation of the housing shortage, the race relations problem and other problems associated with bad living conditions of the community down there. I would have thought that the government would be interested in getting its priorities right and concentrating its attention on overcoming these other problems.

In addition to the protest letters which I have received in the Alice Springs area, these issues have been canvassed in the media and also in the Assembly. They have also been canvassed at public meetings in Alice Springs. There was a public meeting on casinos in Alice Springs on 9 October when about 60 people attended. These people represented a wide range of interests in the community. They went along to this meeting to express their concern. I also went along to that same meeting. Unfortunately, I was the only member of this Assembly there. I noticed, and the rest of the meeting also noticed, that none of the other MLAs from the Alice Springs area was at this meeting. That is really quite unfortuante because there were people there who are concerned about this whole issue of casinos. They would have liked the opportunity to express their concern. It is unfortunate that the other MLAs from the central region were not down there because I am sure the people who attended this meeting would have liked the opportunity to ask them questions and also to express their concern about this whole question of casinos. And it is unfortunate, too, because at that particular meeting issues were raised which I would like to canvass in just a minute, which I am sure would have been of interest to those other MLAs from the central region because, after all, I would imagine that their constituents would also have been in attendance at that meeting.

At that meeting on 9 October there was discussion on the question of

unemployment, particularly the problems of youth in the town. They were discussing the question of how a casino in Alice Springs, for instance, would be able to provide employment opportunities for the youth in the town, and not only just the youth but also the Aboriginal people in the area. It was an issue that was discussed at the meeting and they were concerned that with all the talk about the hundreds of jobs which will be provided with the casinos - and I do not dispute the fact that there will be employment with the casinos, but what the people at the meeting were disputing was whether a casino in Alice Springs would be able to provide employment opportunities for youth in the town and also for Aboriginal people. I think the firm conclusion was that there would not be much opportunity in this kind of development for those kinds of people.

At the same meeting they had a letter from the students and teachers at the Alice Springs High School indicating their opposition to and their concern about casinos. They were saying they were going to be looking for jobs at the end of this year and they could not see the prospect of jobs in things like, for example, casino development.

The other interesting point that came out of that meeting is that at the moment the Northern Territory government refers to the casino at Wrest Point and says there are no problems there, that they already have a casino there and they have been able to handle the casino, and that the community of Alice Springs ought not to be unduly concerned. However, the point that did come out is that - and it is the very point I want to hammer home - the situation in Tasmania is not the same as that in Alice Springs. The environment is different. The population is different and there is a different social situation in Alice Springs as compared with the situation at Wrest Point. This is one of the main points, as I have indicated, that the people of Alice Springs are concerned about: that is, the social consequences. They do not think the Northern Territory government ought to be getting into the business of casinos in that area until they have had an opportunity to make their views known and until there has been some inquiry and a lot more knowledge has been made available on the social consequences.

There was a second meeting in Alice Springs, Mr Speaker, held a month later on 9 November. That meeting was in the form of a public forum at the Alice Springs High School and the honourable Treasurer and the honourable Minister for Education were speakers on the panel who were in favour of casinos. Mrs Howie and Mr Koerner were on the panel to speak against casinos. Despite what the Treasurer says, I was there myself and I would say there were in excess of 300 people at that public forum, and I would also say that most of the people there were anti-casino and were concerned about the way in which the Northern Territory government is going about this whole business of setting up casinos. At that meeting you only needed to have a look at the situation and to hear people talk, and hear the applause when the anti-casino people spoke, to get an idea. Unfortunately, the two people who spoke against the casino were interrupted a lot by those people who were pro-casino and who, I think, were out to disrupt and frustrate the meeting.

It was interesting that 3 attempts were made on the floor of that meeting to have a count of hands of those people in attendance, as to whether they were for or against casinos, but the idea was knocked on the head, and I think one of the people who knocked it on the head was the honourable Treasurer himself. This is quite unfortunate because, after that meeting, he indicated in a statement - or at least he implied - that he thought the meeting was in favour of casinos and that it was a good basis for his government to go ahead and set up the casinos. Unfortunately, I think the reading of the situation by the honourable Treasurer was quite wrong, because you only need to ask the people who were there and those people on the forum and they would tell you the meeting was quite anti-casino. After the people

on the forum spoke they had a question time and nearly twice as many questions came from the anti-casino people than from the pro-casino people.

I do not think the Northern Territory government can go on ignoring the interests of these people in the community and in particular in the area of Alice Springs. I think the honourable thing to do, the decent thing to do would be to let them have a say on this particular matter by putting it to the vote in a referendum in order that we might be able to get a decision out of that community as to whether they want a casino or not. I would regard that as a democratic process. It would be most unfortunate if the government continued to ride over the wishes of people in a roughshod manner which is what I think is happening on the casino issue. I think it ought to be more concerned about what the people in that area want.

I would urge the government, and in particular the Treasurer, to take into account this amendment and give support to the concept of having a referendum in the Alice Springs area. I would think that would be in the interests of the people of Alice Springs themselves and I think it would also indicate to us that the government is prepared to carry out the words of His Honour the Administrator when he said that the government has a responsibility to ensure that the people are consulted about the decisions that affect them. I believe this is most important, Mr Speaker. Unfortunately, that particular statement in the speech of His Honour remains at this stage only empty rhetoric. If this government is an honourable one and wants to consult with the people of the Territory and try to take into account the needs and wishes of all sections, then it has to be serious about the business of having adequate and proper consultation.

Mr BALLANTYNE (Nhulunbuy): I would like to speak in favour of the casino development. I have been sitting here now for nearly three quarters of an hour listening to members of the opposition speaking on their ideas of opposing casinos, but I have not really heard anything concrete in their argument.

I think the member for Sanderson was working on probabilities - on the "mights" and the "may-nots" and the "could-bes" but, on the other hand it would be a very good thing. So really, we do not know just what they mean when they say they oppose it and they want to have a referendum. The honourable member for Sanderson was saying that she could not speak for the people in Darwin but she could say the people in Alice Springs wanted a referendum. Yet in her own electorate, or in electorates of Darwin, she felt they do want casino developments. So really, I just cannot follow that type of logic. In one statement she said there were around 300 or 400 people at a meeting. The member for Alice Springs said that at that meeting there were about 300, so perhaps he was nearer the figure than she was.

The honourable member from MacDonnell said he was unconvinced by the arguments put up by the honourable member for Casuarina. Well, I think he put up more positive action in this debate than anyone I have heard from the opposition. At least he has had some experience and he knows the feeling of the Territory towards tourism which is the main crux of the idea of putting in casinos. Certainly, we are not going to have people coming from all over the world. We will cover certain parts of the world; there are tourists coming through now from most parts of the world. I think it will also attract people of Australia itself; we will have people from all states. It is an attraction. It is not going to be the only attraction; the idea is to combine these things and have a composite number of things that people can come to. They can look at the nightlife as well as the other attractions during the daytime. With the development of national parks, our own Ayers Roch and other places in the Top End, there are plenty of places here that we can develop for tourism and these are an attraction.

A lot of people go to Tasmania, I believe. I have spoken to people from my own electorate who have been there on a visit. They went along to the casino. They did not gamble. There are floorshows there; there is other entertainment that you can look at. Just the mere fact of looking at the casino and seeing how it operates is just as good perhaps as participating. I do not know; I am not a gambler myself. But some people like watching; some people like participating, and that is the same as a lot of sport.

I am very unconvinced by the opposition's argument. Everything that has been put up for development of the Territory they have knocked. Since 1 July they have knocked self-government; they have knocked every development we have put up. I only hope they can change their minds in the next few months. I am sure they have already started to show indications that they are changing their minds. They are deviously putting up these arguments but, really, they do not believe them themselves. I am quite positive in saying that; they do not believe the arguments they are putting up themselves, because everything they say is only innuendoes, something that might happen. Even the honourable member for Sanderson said she saw the casino in Kuala Lumpur and she said, "That is a good one, that one", so it proves that she has been there and gambled as well.

Mrs Lawrie: It was the member for Arnhem who said that.

Mr BALLANTYNE: The Casino Development Bill before us is purely the mechanism for bringing about the lawful negotiation of the agreement with respect to erecting and licensing casinos. That is the main crux behind it: for casinos to be allowed to be developed within 30 miles of Darwin and Alice Springs. Clause 4 gives the details of the provisions of any such agreement and I believe it gives the powers to the minister, in this case the Treasurer, wide powers of authority relating to this licensing, and provides for the type of games and equipment allowed to be installed on the licensed premises. I am sure the standard will be very, very high. We have had a perfect case of casino development in Tasmania which has proved to be an attraction and the standard of the games that are run there, I believe, is very high, world standard in fact. It is above reproach. I believe the minister has been given wide scope to set those standards.

The bill allows the minister, in clause 4 (f), to make such other terms and conditions as he determines. I am sure the criteria for these will also be of a high standard. This also relates to the licensing fees and the tax in respect of the operators. Those are matters which will be agreed to by the people who are interested in setting up this complex. It provides for the duration of licences, the terms and conditions of the agreement, the payment of fees, taxes and all other contingencies pursuant to that agreement.

I believe that casino development in the Northern Territory will be of great assistance to the economy. The opposition says that it will not help with jobs. But there would be wide scope for jobs for a wide variety of age groups. I am sure there will be room for the young, the old or the not-so-old to participate in this industry. It will raise the standard of accommodation and help in the provision of accommodation generally in Darwin and Alice Springs. There is some quite high standard accommodation here already and once the word-of-mouth advertising gets around, more people will visit the Territory.

In a small way, the Gove Peninsula is entering into the tourism field. We have a little brochure out now. We cannot cope with too many people because we have not got the accommodation. This is a way of introducing tourism into the whole of the Territory. You do not just go straight to the casino; you stop off on the way. People from the south will come up to Alice Springs and then probably come to the Top End. We can have people from South-

east Asian countries, America, Japan and all the other places we have spoken about. There is even a Japanese contingent coming through Nhulunbuy in 1980. They have already been there to negotiate the bringing of a number of tourists through there.

Those are the sorts of things that will assist the economy. It will help to create a number of jobs. It will not solve the problem but it will assist. I would like to see the Minister for Transport and Works look at the airfare structure - and not so much on the Apex system - to make it easier for Australian people to travel more in Australia so that we can boost tourism. The states have a lot to offer. Tasmania has tourism. People do not only go to the casino; they go to see the beauty spots. All the states have tourism. We have to work together. We could have package deals to assist visitors from the states and our overseas travellers. I have spoken on the airline fares in Australia. I think there is room for package deals from overseas. In time, the airfares will be down to such a cost the people from overseas will be able to travel down through Australia. "The gateway to Australia" is quite a good phrase, quite a catchy one.

Mr Collins: Quite an old one.

Mr BALLANTYNE: With all the gloom that has been coming from the opposition and their negative attitude, I am sure the people must be getting sick of it. But under the leadership of our executive, and particularly our Chief Minister, the people can see for the first time where they are going. The development of casinos is one step further in the development of this great Territory of ours. It is one of the many initiatives we have taken over the last few months.

Mrs LAWRIE (Nightcliff): Mr Speaker, there appears to be 2 points coming out of this rather tortuous argument this afternoon, one is that a casino is the be-all and end-all of all our problems; it will cure cancer, warts and all the social ills of the Territory, and we are all going to be very rich. That assumption has come about because of some of the statements made to the press by those promoting the concept of casinos. The other thrust of the argument has been that the opposition is totally in opposition to the establishment of casinos.

To take the latter point first, nothing which the ALP spokesman on casinos said led me to believe that the official Australian Labor Party view was anti the establishment of casinos.

Mr Perron: Defer and delay.

Mrs LAWRIE: Unhappily for those members on the government side of the House who adopt such a simplistic view it would seem that the ALP's view is that, if casinos are to be established in centres throughout the Territory, let us as an Assembly make every effort to ensure that the people in whose area they are to be established approve of such establishment. I will now give my viewpoint, because I am not a member of the ALP. I have not been privy to any of their discussions on this point but I have been following the debate through the pages of the press with a rare and mounting excitement. I am a gambler. I have visited casinos both within Australia and without Australia. Some of the points made by the honourable member for Casuarina were quite incorrect when he was speaking of the acceptance of casinos in the Caribbean.

My personal preference is to favour the establishment of a casino but I am not the resident guru of the Northern Territory, nor is the Treasurer and nor is the ALP opposition. I must say that, in the context of the amendment, I cannot see why those government members who are so sure that the establishment of a casino in the various centres will be so beneficial are opposed to

a referendum.

Mr Perron: We did not have one on nude beaches.

Mrs LAWRIE: The establishment of a casino in Darwin would probably be welcomed but there appears to be very great opposition to the establishment of a casino in Alice Springs.

There was an interjection about free beaches. There was not the same opposition voiced when that particular issue came up. In fact, members of both political parties favoured the establishment of free beach areas.

I must pay due attention to the fact that so far the opposition has not expressed a desire to kill the concept of casinos. Had they put that point of view, I would have been putting a contrary one. They have said, and I agree, that where a community seems to be expressing a strong desire to have a say in whether or not a casino should be established, that community should be given the right to indicate to this Assembly its viewpoint. The only way in which that can be done at present is by referendum. It is not good enough for the member for Casuarina to say we had an election a year ago. We all know we had an election a year ago but not all specifics were either mentioned or voted upon at the time of that election, nor could they possibly be.

The honourable Treasurer has decided that it is beneficial overall for the Territory to have organised gambling and that point of view was apparently supported by the honourable member for Casuarina. I hold the viewpoint that, if we are to have gambling in the Northern Territory, which exists at the moment, the government might as well exert such controls as are possible and might as well get such benefit as is possible. That does not mean to say that a government can say to a small community: "We are going to impose a formalised system, whether you like it or not". That is where the big conflict is between the attitude of people in Darwin and Alice Springs or so it would appear.

When the honourable member for MacDonnell was speaking - and his was the best speech we have heard so far - people were asking how many of those letters were from his electorate. When we take the oath of office in this House, we agree to legislate for the good order of the Territory - not for the good order of the people of individual electorates. I remember attending a public meeting on another subject where the honourable member for Tiwi and other members of her family were present. I was appalled at a suggestion emanating from that source that, because I represented Nightcliff, I should display no interest in what the citizens of Tiwi thought about an issue that affected them dramatically. I have news for the honourable member for Tiwi and the other member who dares to interject in this fashion. I took an oath to represent the people of the Territory to the best of my ability. I will pay due regard to what is said by members from other parts of the Northern Territory but it does not start and end with Darwin or even Nightcliff. I am prepared to admit that there are intelligent people in other parts of the Territory. Let us have an end to this senseless suggestion which does seem to come from members of the goverment that, unless one receives an approach from one's constituents, any approach from any other member of the Northern Territory has to be disregarded. That is a lot of rot and they know it.

The other point which seems to have been bruited abroad is that the establishment of casinos in Darwin and Alice Springs will be of great benefit and of little disadvantage to the people. In that context, we have heard a lot about the tourist industry. Significantly, senior ministers of the government of the Territory have admitted that they all have to make great efforts to do something about the internal airfare structures operating in this country. I mentioned this in a different debate yesterday. I said then that

whether we ought to establish casinos or not in the context of a viable tourist industry pales into insignificance when we look at the restrictions placed upon citizens, whether they be Australians or otherwise, in coming to the Territory as tourists. It costs a hell of a lot.

A casino is set up primarily for the purpose of gambling. Gamblers will not spend money going to a far-off casino if they have one closer to hand. The gambling people in the southern states will go to the nearest casino which is Wrest Point at the moment. I believe there are to be others established in Victoria and New South Wales. A gambler wants his money to gamble; he does not want to spend it travelling. So let us disregard the total gamblers.

There is another class of people and the honourable member for Sanderson took great care to say that these people will probably be attracted in some numbers. I refer to the tourist who wants the additional attraction of gambling. They are the people who concern the Treasurer, myself and the opposition. We all appear to be in agreement that there are a number of people who will be attracted. There may be disagreement on the number but, until the airfares are reduced, the number is not likely to be significant, Mr Speaker. However, there will be a number of people who will come into the Territory, perhaps to Darwin, if and when casinos are established.

Given that the numbers are not likely to be as large as we would wish, we then have to ask whether that number outweighs any social disadvantage which may occur. Surely government members will acknowledge that there will be disadvantages. We are trying to weigh advantage and disadvantage to see which is the greater. In that context, it is far too simplistic and ridiculous to translate the Tasmanian experience to Alice Springs or to Darwin. I do not lump Darwin and Alice Springs as one group of people. They are 2 very diverse groups. Even within the Territory, one could not create an analogy between Alice Springs and Darwin and what could happen with the establishment of a casino or legalised brothels or anything else. It is up to the particular community. Tasmania is a small island of upper and middle class affluent people which has been able in some respects to accommodate the casino. It has a history of organised state gambling. They were the people who originally started the Tatts lotteries which then went to Melbourne. No such history of organised gambling exists in the Territory.

The member for Sanderson quoted from the final report of the House of Representatives Select Committee on Tourism. She quoted one part of the report and I am going to refer to another. In paragraph 71, discussing the domestic market, TAA stated that there is not one tourist market but rather a whole series of sub-markets: the overseas visitor market, the indigenous market, the destination point market and the tour market. There is a high-price, high-standard-accommodation market and the more modestly-priced market, a market directed towards the family, and a market for individuals on small travelling grants. It went on to discuss these in some detail. One would hope that the Treasurer would not adopt the across-the-board approach which has been adopted by so many of his colleagues and infer that the casinos per se are going to increase the tourist market. It would seem to be a concerted oponion right across the industry and of those whose livelihood depends upon the tourist industry that it is multi-faceted. It is foolish then to pluck one part of the tourist industry and say that, by increasing this, the entire market will expand.

Mrs O'NEIL (Fannie Bay): A point of order, Mr Speaker. You made a previous ruling that members should not read newspapers in this Assembly.

Mr SPEAKER: I did make that ruling and I was just trying to catch the guilty member's eye. The honourable member will not read newspapers in the Chamber.

Mr ROBERTSON (Gillen): I would like that clarified. What if the newspaper article happens to be directly relevant to the content of the debate. I am not saying that this is the case but we could be looking at a newspaper item for the purpose of the debate. It makes it a bit awkward, Sir.

Mr SPEAKER: It is an arbitrary ruling. I would hope that honourable members felt the sense of my ruling.

Mrs LAWRIE: The honourable member for Casuarina said that, from my visit to the Caribbean, I would be aware of the acceptance of casinos within the Caribbean. In Barbados, there was an announcement a few months ago that the government had intended to establish a casino. Barbados is an island which is totally geared towards tourism. They only have 2 industries - sugar and tourism - and tourism at the moment is the ascendant one. There was such an outcry in Barbados that the Prime Minister resiled from that stance and set up a government committee to inquire into the establishment of a casino. He has retreated from his previous statement that the government would establish one. He did that because of opposition from a West Indian island that relies for the greater part of its gross national product on tourism. Let us not cite examples of proposed or established casinos in other parts of the world as the be-all and end-all of the argument.

I said at the outset that my personal view was to favour the establishment of casinos. Not the least of my reasons is that gambling exists in the Northern Territory, and in Darwin in particular, in a highly concentrated form. I would prefer such things to have a degree of government supervision and regulation. I am aware that, even within Darwin, there is a degree of opposition to the establishment of a casino. I will not play down the social impact such an establishment will have in Darwin. It will have certain disadvantages and the Minister for Community Development in the Northern Territory, if casinos are established, may be asking for extra funds from the Treasurer who is establishing the same casino. However, I fully support the view that, where a casino is to be established in a Territory centre, particularly one with a small population, particularly one which has voiced some vehement opposition to the proposal, those people should be given the opportunity, by way of a referendum, to express their point of view to this Assembly before such establishment takes place. I am talking particularly of Alice Springs.

Mr HARRIS (Port Darwin): Mr Speaker, I rise to speak against the amendment and to speak in favour of the bill. I do not believe that enough support has been shown to warrant a referendum. I do realise that there has been a movement in Alice Springs but, in Darwin, I have only had one complaint. As far as Alice Springs is concerned, I think that the numbers are too insignificant to warrant a referendum.

There are 2 issues in this particular debate. First of all, there is the moral issue which we have been talking about to some extent today. We also have the impact that the casino development will have on the various centres where they are to be established. We have already discussed at some length the impact on tourism. I would like to touch a little further on the effects in other areas within the various centres.

The Territory government has for some time been looking at the development of a casino in Darwin and Alice Springs. I believe, as does the government, that the development of the Territory needs a shot in the arm. There was a wait-and-see attitude by the people of the Territory; they were frightened to move ahead. Fortunately, the business sector in Darwin is actually moving to some extent. I mention the developments taking place in Smith Street. We have just completed an arcade. There are 3 other proposals to go ahead this coming year. The confidence that the people need for this type of development does not just come from the situation as it is today

because, believe you me, business is way down. They need some sort of confidence put in by big industries and major developments. They look very closely at the developments which are coming into the Territory. One of those developments which has actually had a bearing on some of these other developments is that of the mining industry. Of course, now we have the casinos. These companies are big companies. They carry out feasibility studies; they look at all aspects of it, and the smaller businessman does definitely get a boost from them. They are guided in a lot of respects by the development of these big companies. It might surprise you but the confidence you can get, by having a major development announced in an area, is quite significant.

From the word go, I feel the Northern Territory will draw definite benefit from the building of a casino. First of all, we have the construction stages which a casino has to go through. This will require many positions to be filled. There will be many workers required on the site. There will be the companies which are to supply the materials. There will be companies which are to do the sub-contracting work on the building itself. This alone will take quite a period of time and it will relieve the ranks of the unemployed and give them an opportunity to become involved in this construction work. After the reconstruction boom after the cyclone, we had a slump and this type of development will give a definite injection into the building industry.

There are those who say that casinos in Darwin and Alice Springs will not actually be successful. To that, as I have already mentioned, I would say that if a company is prepared to spend millions of dollars in a development, they make sure they will get some return on that investment. Whilst looking at the feasibility study of the whole project, they also look at the developing industries and one of these developing industries is that of tourism.

A casino complex, like any other complex, will require servicing. Of course, the company that builds a casino is confident of success and it follows on that that the small business people, the companies that are to supply the services to that casino will also have some confidence in the work that they are going to carry out. There are services such as catering, laundry, gardening, the maintenance aspects - all of these in relation to a development such as a casino will definitely bring a major boost to the economy.

The users of a casino complex are not only those who wish to gamble. It has been brought out by the member for Nhulunbuy that this is the case. I believe the hotel-casino complex which will be built up to international standards will have facilities for the holding of conferences - conferences which will be vital, particularly in the situation we have where uranium mining is on the go. Environmentalists from all over the world can come to study and have seminars on this particular subject and people genuinely interested in the uranium movement itself can come and have discussions.

There was talk in some sections of our community that the government itself was going ahead with the introduction of casinos solely for the purpose of raising revenue. I know the government does want to raise revenue from this and, of course, they will gladly take this. However, the government's decision was mainly to boost the Territory economy. I believe they wanted to give a boost to employment in the Territory and they are looking at a total package deal as far as tourism is concerned - not just gambling. There are tourists who do require that little bit extra when they come to a place and I believe that having a casino here will encourage some people, who would bypass Darwin, to stop off.

We have already agreed that there is a definite problem in relation to illegal gambling in Darwin and I, for one, know this is a fact. Thousands

of dollars do actually change hands at the turn of a card and the introduction of casinos to the Territory will help to take this illegal gambling out of the houses and into one area.

I want to touch briefly on the tourist industry because there are people who argue that a casino will not have any effect on it. How they arrive at this, I just cannot understand because we have great prospects for tourism in the Northern Territory and the casino can only add to the total package of the tourist industry. The casino development will build up confidence in the community. Job opportunities will be created. I know it will not solve the whole problem but for a period during construction and after construction, there will be positions to be filled.

I believe that, provided strict controls are imposed on the people operating the casinos, people will adapt to the casino development. I support the bill, and oppose the amendment basically for these reasons. I do believe the holding of a referendum is not the answer to solving a problem such as this.

Mr DOOLAN (Victoria River): This debate has gone on a long time and I will be very brief. I personally do not have any particularly strong feelings on casinos but, from documents I have received and press statements I have read, and a letter to the editor which was in yesterday's Northern Territory News which refuted the Treasurer's claims of considerable support for casinos in Alice Springs, I am sure there is a fairly strong anti-casino feeling in the Northern Territory. Why not test the feeling with a referendum? This government has to go down as a no-referendum government. We had no referendum on responsible self-government and it appears very much as though we will not have a referendum on casinos.

Whilst I have stated that I do not have any particularly strong feelings on casinos, I do have very strong feelings on democratic government and I was under the impression that we were living in one. I can think of a couple of definitions for democracy. One is freedom of speech, freedom of thought and freedom to worship and freedom of action in so far as it is compatible with the requirements of society. Without a referendum, I cannot see how we can test whether the establishment of casinos in the Northern Territory is compatible with the requirements of our society. Another definition I can recall is rule by the majority of the people. For the same reason I say that, without a referendum, we do not know what the majority of the people want. I do not know why this government continues to refuse referendums. I am sure they have their reasons but my own personal opinion is that they are so blinded by dollar signs that they forget the people.

Mr OLIVER (Alice Springs): I rise to speak for the motion, Mr Speaker, and against the amendment. It is important in these days that the Territory broadens its economic base and increases both its employment and investment opportunities. For years Territorians have been living in an aura of stagnation and it is only now that the Territory is starting to move forward. The establishment of these 2 casinos is a vital part in that forward move. One of our main industries is tourism. If I speak of the Central Australian area, it is the unique scenery that attracts tourists to Central Australia. I would not have you believe that the casino in Alice Springs will surplant the attractions of unique environment of the Alice Springs area. It will be an addition to the attractions in that area.

Although I expect that the casinos will enhance the economy of the Territory, I consider the main thrust of the casinos will come from increased tourism, bringing with it the benefits of additional facilities to cope with the increased flow of tourists. We did hear from the honourable member from Sanderson that there is a glut of first-class accommodation in Alice Springs. I do refute this. Two major motels there already have a building program to

increase the number of beds and this is in spite of the proposition of possibly a 100-bed hotel-casino going up. These people have every confidence in the increased flow of tourism that will come from these casinos.

Secondly, there would be the increased traffic flow to the transport services. Here I speak mainly of the local tourist service industries such as the public hire cars and the tourist buses around the area. You can rest assured that the people who are going to come to Alice Springs most certainly will not come purely and solely for the casino; they will come to enjoy the Centre as people have come before. The casino will give the added attraction of some nightlife.

There will be an added economic stimulus to the whole of the retail sector in Alice Springs and indeed even to those wholesale areas that we do have. Again, I would refer to a remark of the honourable member for Sanderson. She said something to the effect that there is a slack in business in Alice Springs and that the increased tourist influx brought about by the casino will only take up that slack. I refute that. There is possibly a slight slack everywhere in the retail community and I feel that, even without the casino, this will take up particularly as the economy of the Territory gets better and, therefore, the additional influx of tourists can only increase the retail business in Alice Springs. Also I would not agree with the honourable member who said that it will only affect the existing businesses because even now there is ample room for more in the ordinary tourist season.

Finally, and most importantly, the thrust of casino development will be the creation of several hundred employment opportunities as a result of both the casinos and increased business activities throughout the community. Much play has been made by honourable members opposite that this will not be so, that the employees of the casinos will be skilled employees and therefore brought in from interstate or overseas. It has been said in this House in the last couple of days - I think it was in relation to Magellan Petroleum - that certainly there will be a large workforce there, but the basic workforce will be a skilled workforce. The same has been said of Ranger uranium - there will be a large workforce there but again the basic workforce will be a skilled one. I think we can say much the same with a casino. There will be a large workforce there, but again there will be a basic skilled workforce and there is no reason whatsoever that local people cannot be trained to achieve skills equal to the imported employees.

The casinos will virtually be adjuncts to complexes of hotels, restaurants, conference rooms etc, all built to an international standard. They will not be the shoddy back-street gambling dens that many people seem to imagine. These casinos will operate only under the strictest and most stringent conditions which will be laid down by the Territory government and will be supported by the Legislative Assembly. It will be up to each and every one of us to see just exactly how the casinos are to be controlled and the provisions contained in clause 4 of the bill before us indicate something of the strict controls that will be written into any agreement with a company.

The honourable member for Sanderson, supported by the honourable member for MacDonnell, said there are other things perhaps that we could be concentrating on to attract tourists - things like sealing the Stuart Highway south or creating parks and gardens. I would like to point out that the establishment of the casino is a private enterprise and the operation of all these other things would come from public funds. I do not see any relation there whatsoever.

The honourable member for MacDonnell said he had received some 25 letters of objection from people within and outside his constituency. Up to a few days before I came to Darwin to attend this Assembly, I had received 30

letters of objection. Amongst those 30 letters, there were 2 letters written by people who cared enough to sit down to a table with pen and paper and write me a letter expressing their concern and objections to a casino. These are obviously the letters that the honourable member for MacDonnell got because he quoted word for word from what I have here. These are roneoed letters. It means nothing for a person to have one of these thrust under his nose. He is in a hurry, has a quick look, signs it and away it goes without really expressing any intense feelings against the establishment of casinos.

The day before I left to come to Darwin, I received from an unnamed place an envelope containing another 40 letters of objection. Again, they were this type of letter - about 6 of them had addresses out-of-state and with all due respect to the honourable member for Barkly, there were 4 there with addresses in Tennant Creek. There were about a dozen or 15 not even addressed to me. People were not considerate enough or did not care enough about the situation even to put my name and address on the top. Quite a few had a signature but no address. I would say that possibly 4 or 5 were from children judging by the type of handwriting. Despite the fact that I have received some 30 letters - I do not know how many of the others I received are really genuine - the honourable member for MacDonnell has received 25. That is 55 out of an electoral population of perhaps 4600 or something like that. That gives you a very small number of objections around the countryside.

To talk in terms of having a referendum based on a minor figure like that is just not on. The honourable member for Victoria River said this should be a democratic government and a democratic government means going to the people. I wonder if he means that we have to go to the people for every decision we make? Every decision that we make affects the people. Are we going to have a constant run of referendums just to satisfy the whims of the people? I was brought up in the belief that a referendum was held for the alteration to a constitution and not for minor things such as setting up a casino or something like that. As has been well expressed by the ministers, the answer to the idea of a referendum is that, if the people oppose it, their redress lies in the ballot box. I say that with all confidence for by the time the ballot box comes round, it will not be worrying me very much because if I have not convinced those few people in my electorate, there will be something wrong with me.

The honourable member for MacDonnell spoke of a protest meeting held on 9 October by the concerned citizens against casinos. Unfortunately, I was not able to attend that meeting but I did send along to the meeting my views on the subject of casinos and also a copy of the letter that I wrote personally to every person who raised an objection with me. I could not say much about that meeting but I attended the forum meeting a week later. I agree with the honourable member of MacDonnell. There were about 300 people; I did not take any great count of it.

Mr Isaacs: Who do you think were in the majority?

Mr OLIVER: I will come to that. I thought the speakers were reasonable but whatever was said on that platform did not change anybody's mind anyway. As far as I was concerned, it was just a wasted night. People went there completely fixed in their own minds what was going to happen.

In reply to the honourable Leader of the Opposition, I think quite frankly and quite honestly that those for the casino were slightly in front. I would not say there was a great margin; they were slightly in front.

Mr Speaker, I have just about covered all that I wanted to say but I do come back, finally, to say that I do not agree that the number of antagonists towards casinos is sufficient to justify a referendum and I firmly believe this

government was elected to govern and we should govern as we think fit and proper.

Mrs O'NEIL (Fannie Bay): Mr Speaker, trying to stop people gambling is about as hard as trying to stop the tides coming in or as hard as trying to stop them smoking cannabis. It is an impossible thing to do by law and I do not think we should try. I do think we should, as legislators, listen to what the people have to say, particularly on things that they feel very strongly about. The things they frequently feel very strongly about are what we generally call moral issues. I found it very disappointing in listening to the government speakers today and earlier on reading the frequent press releases of the Treasurer on this matter to see the disdain and the superficial attitude they take to people's genuine concerns about the moral questions related to gambling. I think it is most improper that they should so discount such very genuine concerns.

Members of the government have been very freely quoting examples in Tasmania. The Treasurer himself, in a letter sent to many people, quoted one or two social workers in Tasmania who said they could not prove the social effects that they thought had occurred. Of course, the Treasurer has been very selective in what he has quoted. He has taken out what has suited him and what has suited him, of course, were those sort of arguments. The Treasurer is also aware that the Tasmanian state government in April this year set up an inter-departmental committee to investigate this situation. The report of that committee said - and I think the Treasurer is aware of it and I think this demonstrates that those people who are concerned about the moral aspects of gambling and the establishment of casinos should be listened to:

> *The committee has been given no substantial evidence of serious social, moral or economic consequences of gambling in Tasmania but that does not mean that such consequences do not exist. It means that the community knows much less than it should.*

It then went on to ask for more evidence and that is a very reasonable thing to do. Of course, there were various social workers and others quoted. The committee of the Australian Association of Social Workers, Tasmanian Branch, said:

> *We suggest there is very little known about the problems resulting from gambling in this state. One reason for this may be that gambling is not often an isolated phenomenom but rather one of a number of factors in marital breakdown and family stress. Contact with such agencies as the City Mission confirms that they have the same problem in attempting to consider it in isolation.*

The Catholic Family Welfare organisation in Tasmania, Centacare, observes the same thing:

> *As a family welfare agency, Centacare has no valid statistical data to offer the inquiry about the direct effect of gambling on family life. Many cases can be cited where excessive gambling has been a factor in family breakdown.*

These opinions must all be listened to and they are very valid. It is most distressing to see the government has absolutely refused to take these sort of things into account and I do hope the honourable Minister for Community Development, whose responsibility it is, will at last deal with it. It has been absolutely amazing to see members, particularly members from Alice Springs, completely disregard this very valid argument.

As I said, I do not think you can stop gambling. I do not know that we

should try, but when a significant number of members of the community are as concerned as they obviously are about such ill-effects, we should listen to them. Even if it slows things down for 6 months, Mr Treasurer, we should listen to them. That is a reasonable thing to do. Traditionally, it is on moral issues that we listen most to the people and these are the areas we should be much more careful about when we are dealing with legislation.

The superficiality of some of the government's arguments has been very distressing. The member for Casuarina thinks we should perhaps import a mountain and a few elephants and all will be well. I was rather surprised by his position when you consider, as the honourable member for Alice Springs did consider, that this is going to be a private enterprise operation and the enterprise is going to go to big companies such as the people who run the Tasmanian casino. What is going to happen, I would predict, in Darwin is that a lot of small people will go out of business. Maybe the members think this is a good thing. I suggest that a lot of coffee shops and other such organisations where gambling takes place here will go out of existence. Maybe that will be a good thing; maybe it will not be. Maybe it will not have the support of the people who prefer to do their gambling in such establishments and maybe it is a good thing if the government manages to get some of the revenue from gambling that it obviously does not get from such establishments at the moment.

When you look at the situation of government revenue from gambling, I would like to commend to government members the idea that some of the revenue should be used to establish an agency to monitor the social effects of casinos and to take mitigating action where it is required. This is the Labor Party policy; it is not unreasonable. I would suggest that the Minister for Community Development consider this aspect very carefully. It is not good enough to say there will be no social ill-effects, that some people will not gamble excessively, that maybe we will not have to bring into action the new Absconding Debtors Ordinance to stop people skipping the Northern Territory when they have spent too much money at casinos.

I would urge the government to consider this problem much more seriously - not to treat it lightly and pretend there are only 25 or 50 people who object to casinos. Those sorts of figures are irrelevant. We know they are irrelevant. How many people bother to write those letters? They are the very concerned people or the very active people or maybe they are the very literate people. It does not mean that there are not many people who are opposed to it. An attendance at a public meeting of 300 or more is a remarkable thing in a town of several thousand and that demonstrates in itself how concerned people are about this issue.

Mr Robertson: Aren't you making the assumption that they were all against it?

Mrs O'NEIL: I am not at all. I am saying they are concerned. I am saying there is a great deal of concern. They are particularly concerned about the moral effects, one way or the other, and the government should listen to this. I particularly urge the Minister for Community Development to cast his mind to the possible social ill-effects that may result and to ensure that, if this development does go ahead, his department is prepared and ready to do something about it.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, by nature, I am not a gambler and the few times in my life when I have gambled, when I have been tempted, I have always gambled on a sure thing. I always gamble on the favourite in the race and I never risk my money on risky mining shares like the Poseidon shares of some years ago. I can control my gambling. Many people cannot. To my way of thinking and having regard to the fact that people could not be forbidden to gamble because they always will, the answer is to have government-

controlled gambling accessible to the public.

I am speaking to the bill before the House and I am speaking against the amendment. If people are always asking the government for help in the form of subsidies, grants, social welfare payments, then the government must enter our lives more and more to make sure that public money is spent the way it is intended. As a corollary to this, if on the one hand certain sections in the community are always expressing concern over the evils of gambling and, as they see it, the attendant evils, the obvious thing is to oversee it by government intervention. There are government circumscribed conditions at present on horse racing, art unions, raffles and bingo, and this bill is planned for the control of gambling in a casino environment. I might add here, as everybody seems to be talking about their electorates in one way or another, I have not had anybody, not even the 2 honourable members opposite, contact me in my electorate in opposition to this building of casinos in the Territory.

Mr Collins: Because we are not.

Mrs PADGHAM-PURICH: The vocal minority of people in the Northern Territory who are trying to whip up antagonism to this bill just cannot stomach the fact that the majority party now in government was put there by the majority of people in the Northern Territory. We, as a majority party, are looking to all ways to develop the Northern Territory according to the wishes of the majority of the people in the Northern Territory. This casino development is just one of these things. I did not hear any of the antagonists of this bill speak up against the legislation regarding bingo. Looking at things pessimistically, just as much money can be lost in unsuccessful, compulsive gambling with bingo as with casinos; just as much unhappiness could occur in homes through too much bingo being played as too much time spent in casinos. Take horse racing: people can lose a lot of money with unsuccessful, compulsive gambling there but nobody has said that we should do away with the sport of kings. Instead, horse racing is regulated by the government and the industry itself. Art unions and raffles can again take away a lot of money from our pockets unless they are controlled and regulated. This has been happening for years.

We have read about the 1977 parliamentary inquiry in New South Wales conducted by Mr Lusher QC. It said that legalised gambling is merely another form of gambling. It is accepted in virtually all civilised communities that people will gamble anyway so it is better if it is government controlled. Some people regard the CWA as a very conservative organisation. Some members of this organisation in Tasmania were against the introduction of a casino at Wrest Point. However, after a short time, any fears they may have had were dissipated when the bad results did not occur in the social welfare field as forecasted. In fact, there was a general feeling of optimism generated as more of their primary products were sold and used by patrons of the casino.

Because casinos are built, art union tickets are offered for sale and horse-racing tracks are built, it does not mean that people have to gamble. There is no compulsion at all to accept the views of people who favour and support gambling. This applies anywhere in Australia and will certainly apply here in the Northern Territory when casinos are built. I support the bill and I am against the amendment.

Mr VALE (Stuart): Mr Speaker, I rise to speak in support of the legislation and against the amendment. I am aware that, in the Stuart electorate, there is some opposition to the establishment of a casino. To date, I have received approximately 40 letters from residents of Stuart concerning this opposition. This represents 1.3% of the 2296 voters and I fully appreciate the contents of these letters and recognise the concern expressed by those citizens. This concern ranges from fear that a casino will encourage crime,

drugs and prostitution to changing the unique character of the town. Given the strict controls outlined by the Treasurer earlier, I believe that these fears relating to crime, drugs and prostitution will not occur. For example, in New South Wales with illegal gambling, uncontrolled crime, organised crime, drugs and prostitution are rampant or rife. In Tasmania, where gambling is controlled, there are few or none of these problems.

Given stringent design rules, I believe the hotel will be more in harmony with the community and the environment than some of the existing badly-designed buildings in Central Australia. Certainly, a casino in Alice Springs will not mar the natural beauty of Ayers Rock, Palm Valley and the many other natural tourist attractions many miles from Alice Springs itself, and the provision of additional motel/hotel facilities is much needed and overdue in Alice Springs. Despite the claim by some of those opposed to the hotel-casino facility that hotels are going broke, 2 of Alice Springs' leading motels have both recently announced expansion plans. The recent northern Australian development seminar in Alice Springs confirms that adequate numbers of first class motel/hotel rooms are not available and nor are convention facilities. In fact, this seminar was held during what is probably regarded as the slow part of the tourist season and we were still hard pressed to get adequate motel accommodation for delegates.

I am not a gambler and nor are many other residents of Central Australia. However, this facility will provide international-style restaurants with international-standard floorshows and it will be this entertainment that Alice Springs residents can utilise and enjoy. There is no law being introduced to compel any resident to gamble. The recent public debate in Alice Springs produced a number of claims and counter claims and I was disappointed that those speakers against the casino were not allowed to be heard in silence during the debate as were the speakers in favour of the casino. Estimates of the crowd range from 300 to 350. Assuming a figure of say 400 - and that would be high because those opposed to the casino have indicated 350 - if all of them voted against the casino, this would represent 3.8% of the voting population of the 4 Central Australian electorates.

I have said publicly on a number of occasions that if I were to receive sufficient representation from my electorate opposing casinos, I would have no hesitation in rethinking my present stand and approaching the Treasurer for a possible rethinking of his. I am certain that whoever is licensed to establish this hotel will employ local people. It would be absurd and bad economics for any company, local, national or international, to import people when locals can just as adequately perform the same duties.

Letters that I received accused me, amongst other things, of lack of consultation. I was a little bit disappointed or hurt by the comments that were contained in those roneoed letters. I advertise frequently in the newspapers as to my office location, my postal address, my home telephone number and my office telephone number. I never fail to consult with people if they seek meetings with me or they want me to visit them. It would be virtually impossible to door knock the electorate every time some type of legislation was introduced.

The member for MacDonnell made reference to a meeting on 9 October in Alice Springs organised by the Citizens Against Casinos. I would say that Dr Reid the organiser of that group is, at best, rude on 2 counts. I received a letter from him on 17 October in which he requested my written comments so that they could advertise concerning my attitude to casinos. He demanded my answer by 30 October and said that, if I would like to attend their next meeting, to let him know. I was overseas and replied to that letter on 30 October. I offered to supply the legislation that the Treasurer had introduced. To date, that letter has not been replied to. Further, I would think that, if the honourable member for MacDonnell attended that meeting and some

concern was expressed that I was not there, then the honourable member for MacDonnell as a supposedly well-informed member of this Assembly, could have informed the meeting that I was representing this parliament at a Commonwealth parliamentary seminar in Canberra and other places.

Mr Isaacs: Would you do the same thing?

Mr VALE: Certainly, if I had have been there and he was away representing the Assembly.

The honourable member for Sanderson said, amongst other things, Australia did not attract international tourists. That is certain because, without casinos and other establishments, natural or man-made beauties, there is no way that we are going to attract an adequate flow of tourists into Central Australia or the Top End.

The honourable member for MacDonnell also accused this government of putting money before people. Unfortunately, the Australian Labor Party will never learn that it is a fact of life that, whether you are a church, a government or a football group, you need money to look after people be they your players, your congregation or your constituents.

I would consider that this government has adequately publicised its intentions from way back in 1977 concerning the proposals for the establishment of casinos in Alice Springs and in Darwin. Unless I get more representation from people opposing the casinos, I am in support of the legislation as it exists.

Mr COLLINS (Arnhem): Mr Deputy Speaker, I would like to thank the honourable member for Stuart for an excellent speech. He was, in fact, the only one of the many speakers opposite who gave any credibility whatsoever to the fact that there has been substantial opposition to the establishment of casinos at least in Alice Springs.

I do not want to labour the point but, obviously, the message has not got through. The opposition in this Assembly is not against the establishment of casinos and has never said it is. The opposition would allow for a referendum on the subject and we believe one is necessary. Casinos are a radical innovation for the Northern Territory. I heard casinos described earlier in this debate by the honourable member for Alice Springs as a little thing that we do not need to go to the people over. I disagree. Considering the obvious fact that only one exists in the entire country, it is certainly a radical innovation for this small population in the Northern Territory.

As well as allowing for a referendum, we would also be careful to present both sides of the argument to the public before the referendum. This government certainly has not done that. The honourable Treasurer asserts that they advocated casinos prior to the Neilson inquiry. That is true but casinos certainly were not part of their election campaign.

The claim that there has been ample opportunity for public debate: when and where? There has been one shining example of so-called, free public debate when a forum was arranged in Alice Springs and not by the government. That forum had objections from the honourable Treasurer on the organiser's choice of a pro-casino speaker. The honourable Treasurer objected to their choice and demanded that, if he spoke at the forum, he would have to have his mate, Jim Robertson, with him. He insisted on this and rejected the speaker put forward by the convenor who was in fact the Chamber of Commerce President, Mr John Fuss. Obviously, the CLP did not want any fuss at the forum. So much for free public debate; public debate, certainly, but on their conditions.

The Treasurer has issued press releases about that forum quoting that

less than half were anti. He did issue this press release in the Northern Territory News of 10 November. I am quoting from the newspaper: "Territory Treasurer, Mr Marshall Perron, has made it quite clear that there will be no referendum on the controversial proposal to establish hotel-casinos in Darwin and Alice Springs". It went on to say"'Support for the government proposals came through loud and clear', Mr Perron said. I would say he had the edge during the forum with more than half those attending favouring an immediate go-ahead for the Alice Springs project and, even if there were a 150 people against the government's initiative, I hardly think that this is sufficient to justify a referendum". I'll have a number of points to make on that and also in reference to a number of points that have been raised earlier in the debate.

The proposition that elected governments always do the right thing is nonsense. The proposition that, once a government is elected for 3 years by a majority of the people, everything that government is going to do is in accord with the wishes of those people is nonsense. It is interesting to look at what comment has appeared in the press. In the Centralian Advocate the score so far of letters from people who have been motivated to write on the subject is that 11 letters have been written to the paper against the casino and 2 in favour of it.

The Treasurer has also said that the Territory will have 2 casinos only, not 196 like Nevada. The relevance of that comment, like so many of the comments of the Treasurer, escapes me completely. What kind of a statement is it? What does it mean? Is he in fact saying that 196 casinos in Nevada is a bad thing? Certainly by inference he is saying that. On a per capita basis of theUS population - and I have to do this because there have been percentages thrown round in the Chamber already this aftenoon - 1 casino in Alice Springs would be the equivalent of 396 casinos in Nevada. The point I am making is a very simple one. It is nonsense to quote figures from around the world or even from Tasmania as to the impact of casinos on a population. The fact is that the Alice Springs population is quite uniquely different from all of those other places. It is a small community and the impact of a casino on that small community would be substantially greater.

The Treasurer also claimed that legislation on this casino would not be rammed through the Legislative Assembly, yet this is exactly what is happening. How many bills, in fact, are being rammed through this Legislative Assembly? We have had 20 today already. The government may have spent hundreds of man hours checking the bona fides of companies but how many man hours have been spent on checking on the social implications for the Alice Springs community?

I also have no particularly strong views on casinos myself. I have not given them enough thought. One thing that I have been convinced of is that there is a substantial body of opinion in Alice Springs against the proposal. The government is pursuing the proposition again that they know a great deal more about what is good for Alice Springs than the people themselves. The honourable the Treasurer has quoted in fact from a report of the Standing Committee on Tourism and Recreation that none of the welfare personnel contacted have been able to prove cases of hardship caused by the casino in Tasmania. However, there has been a strong statement from the Australian Association of Social Workers based in Tasmania giving a very substantial reason as to why this kind of statistic was not available. I am quoting from their letter:

> *We suggest that very little was known about the problems resulting from gambling in this state. One reason for this may be that gambling is not often an isolated phenomenon, but rather one of a number of factors in marital breakdowns and family stress. Contact with such agencies as the City Mission confirms that they have the same problems*

in attempting to consider it in isolation.

A letter was written by the premier of Tasmania to the Prime Minister, Mr Fraser, on behalf of the Tasmanian Committee on Gambling requesting a national survey on gambling and its effects using the expertise of the Australian Bureau of Statistics. I am quoting from that letter:

> *There is a glaring gap in information about the effects of gambling. The committee has been given no substantial evidence of serious social, moral or economic consequences of gambling in Tasmania, but this does not mean that such consequences do not exist. It means that the community knows much less than it should.*

I do not apologise for repeating these things. It does seem to be necessary to say things 3 or 4 or even half a dozen times before they get through to the other isde. As far as the economic benefits are concerned, Labor is not disputing that there is going to be an inflow of money into the Territory; it is not disputing that there are going to be more tourists coming into the Territory; it is not disputing that there are going to be some gains in employment in the Territory - there is no doubt about that. However, what I am saying is that the government of the Territory has raised the expectations of the Territory's population in a totally unreal way in exactly the same manner that it did with the establishment of uranium mining in the Northern Territory. I am not saying that this is not going to happen: I am saying that the claims that are being made by the government are certainly exaggerated.

There is one thing that has not been touched on and that I would like to know about. Perhaps members opposite would tell me if they find out. There is not the slightest doubt from evidence that has been produced from Tasmania that such an industry needs a great deal of regulation and supervision both from the government itself and from the police force. It is a fact that a great many internationally known criminals have attempted to get into the Wrest Point casino and have been successfully barred from it. It is necessary to take into consideration that such a casino will attract this type of person. A figure of $10m has been quoted by the Treasurer as to the amount of revenue that has come from the Tasmanian profits so far. I would like to know how much, over that same period, the regulation and the policing of that casino have cost the Tasmanian government.

There is no doubt also that a casino would boost tourism but the claims that have been made by the Treasurer, particularly, have been grossly exaggerated. He says that there has been an increase of 25% in tourism for Tasmania which - and reference to his speech will show this - he attributes almost solely to the establishment of the Wrest Point casino. He quotes the figures from 1973-74 after the establishment of the casino. What I would like to know, for interest's sake, and what he could have provided us with easily, is the increase in tourism over the 2 or 3 years prior to the establishment of the casino so that we could have at least got some kind of balance as to what real effect the casino has had on the tourist industry in Tasmania. There is no doubt that tourism generally in Australia, including the Northern Territory, is in a boom period. It is increasing substantially every year but the Treasurer did not provide us with that information. I have seen figures that show that, within the last 7 years, the number of tourists visiting Ayers Rock, for example, has increased by 50%. I would have been interested in the increase in tourism in Tasmania in the few years prior to the establishment of the casino and not just afterwards, which was the only information provided to us by the honourable Treasurer.

We must also remember - and the point has been made again and again in this Assembly - that the impact that a casino is going to have on the Territory's economy will be mitigated to a large extent by the cost of air

travel. Tasmania's casino is serviced and used by a great many Tasmanians and also by a much larger number of mainland Australians. It does not cost a lot of money to get there from New South Wales, Victoria and South Australia. It costs a considerable amount of money to get from those same places to Darwin, as all of us know only too well. A much more substantial contribution to the Territory's tourism would be made by the government if they succeeded in getting those airfares lowered rather than establishing casinos here.

Again, as was the case with uranium mining, much has been made of the employment opportunities that will be generated by the establishment of the casino. It is interesting, and I am referring specifically to Alice Springs, having a look at the unemployment statistics. According to the Commonwealth Employment Service there are approximately 300 people unemployed in Alice Springs at the moment, 101 of those people are under the age of 21 and 82 of them are Aboriginal people. I would suggest that that makes a figure of something like 200 out of those 300 that would be totally unaffected by the establishment of a casino. The other thing is that most of the casino staff would need to be specialists and highly trained people, and they would necessarily, at least for the first one or two years as was the case in Tasmania, have to bring in people from interstate or overseas.

There is another effect that I am sure the casino is likely to have. I am sure the accommodation that will be provided as an adjunct to the casino will be of very high standard and of very high price. Again, as has been said before, I know that many of the tourists who come to the Northern Territory are not looking for this type of accommodation. They are looking for much cheaper accommodation so that they can spend the maximum amount of money that they have on seeing the Territory, not living in a motel precisely similar to the one they could live in in Sydney or anywhere else. There will be an impact also in that a great deal of the spare cash around in Alice Springs which would normally be spent on business in Alice Springs will be absorbed by the casino operators and not in the small businesses around Alice Springs.

As far as the economic argument generally is concerned, there is no doubt that the casino will have some impact. I say again that the government, and in particular the Treasurer, has grossly exaggerated the effects - and raised falsely the expectations of Territorians - that this will have on the Territory's economy.

In conclusion, I would like to say that, as far as I am concerned, there does appear to be no real opposition to the establishment of a casino at this stage in Darwin but there does appear to be - and I am disgusted at the way in which members opposite have treated it - a considerable degree of opposition that should be listened to in Alice Springs. Only one member opposite had the courtesty to give that opposition any substance whatever.

Obviously, the Treasurer has confused the method of democracy - that in a democracy the majority wins - with the definition of democracy. He is obviously unaware of what democracy means. It means: of the people, for the people and by the people.

Mr Perron: It means you are the opposition.

Mr COLLINS: For the people, Mr Speaker; not just the majority, not just the greedy and not just the ones who say, "We know what's right for you". It means that in a democracy all the people have a right to be heard and not just at the ballot box. They do have a right to be heard on individual issues. It means, Mr Speaker, democracy all the time, not just before an election. One of the hopes that I held out for the Assembly and for this government was that, because of the unique position we are in in the Territory in having a tiny population, we have a unique opportunity of being closer to our constituents

than any other parliament in Australia. It does appear, at least as far as the people of Alice Springs are concerned, that we have replaced an absentee government in Canberra with an absentee government in Darwin.

Mr ROBERTSON (Community Development): Mr Speaker, in rising to speak for the bill and against the amendment, let me say at the outset that democracy certainly does not mean the abdication of responsibility. It is not true to say this government has not taken note of the people's views in this issue, nor is it true to say that we have not sought those views. This matter of casinos for the Northern Territory goes back many months. There have been myriads of press releases. There have been talk-back radio programs by a number of members on this side of the House so that people can give their views. There have been public forums. Members on this side of the House who reside in and represent that area have talked to its citizens.

Most certainly this side of the House - and this has been admitted by the first speaker for the opposition - has replied in detail to every person who has lodged a letter of objection with members on this side of the House. Many of these notices of objection have only recently come in but I, and no doubt the members for Stuart and Alice Springs will make sure over the next few months that we speak - I shall certainly be intending to - to each one of those who is in our electorates. Most certainly we have the highest regard for the will of the people.

Let us have a look at the facts of the matter though. Do we hold up a government program on the basis of its requiring a referendum based upon, in my electorate, a total of about 30 unsolicited pro formas of objection sent to me and another 30 as a result of the forms being placed at the entrance to a church. I have not been able to cross reference how many of those had already sent in objections. I do know that a number of them are children and that is fine. I make no protest at the fact that they are not of voting age, particularly as kids are people whom we hope will grow up in our town and, on an issue like this, I fully respect their right to fill out a form as well.

On this side of the House, we are quite satisfied that there is far from sufficient objection to the government's proposal to even entertain the enormous expenditure which would be involved in the holding of a referendum on this issue. Of course, one would have to ask what type of referendum would one hold in any event. Where would you draw your boundaries? Would the people entitled to vote be those who vote in the municipal elections and not those just outside of the boundary for a municipal election? After all, the people in the honourable member for MacDonnell's area, running out along Emily Gap Road, would be equally affected by positive or negative aspects of a casino. Would they get a vote in such a referendum? What is the nature of the questions you ask? Is there to be a limit to the number of gambling facilities available? Is it to be open? Is it to be on a club-style basis? Are we to allow poker machines? If not, what other types of machines or table games are we not to have? What area is the casino to occupy, what percentage of the building? What other facilities will be necessary? How do you explain the totally complex issues in a for-and-against argument which would be required, if such an exercise was to be undertaken?

Let us look at a couple of other things. The member for Arnhem says that the Australian Labor Party would conduct such a referendum. I have been wondering what type of questions they would put to the people in order to get anything like an answer which would be workable and meaningful to a government. In any event, if you add up all of the written objections in Alice Springs, in writing, there would be something over 100. We had about 150 people at the public meeting and, as I said in that public meeting, I was very pleased to see people take the trouble to come along to express their views. There was also a very large component of people on the other side of the fence and I will not enter into the argument of adding up numbers. What I will

say is that an independent observer there, the senior news editor of the Centralian Advocate, who had no reason to be biased, said that he believed the numbers were about equal. I will let that matter rest there.

The honourable member for Arnhem, normally one of the most logical members on the opposite side of the House, has come up with this incredible proposition that we as a government should allow someone else to select our team to put forward a purely government argument. That seems rather interesting to me. It would be like going to the managing director of Pancontinental with the idea that he call a forum on uranium mining in the Northern Territory and say that he had the right to nominate one person who would speak for ALP policy on their own forum, on their own panel. It is so utterly devoid of logic as to be dismissed instantly.

Mr Collins: I can't see the logic in that one.

Mr ROBERTSON: If I need to repeat myself for his benefit, he has suggested to this House that the government should not have its own choice as to who will put forward its policy. I say that, if the Labor Party wants to put forward a policy on uranium, then the Labor Party should have the right to pick the people who put that policy forward. Surely, it is logical. You would not ask Pancontinental to do it for them or the Uranium Miners Forum. It is the most extraordinary suggestion I have ever heard from the honourable member opposite.

He mentions also that, in the "Centralian Advocate", the number of letters are 11 to 2 against casinos. That is recognised. I have not added them up but I am the last person to question his arithmetic. What really does that mean? It means that the vast majority of people in the Alice Springs region - and it is a vast majority; the honourable member for Alice Springs, the honourable member for Stuart, in the Stuart residential area of Alice Springs, and myself would have among the highest majorities, preferences allowed for, of any electorates in Australia - the great majority of those people put us into government and they are quite prepared to let us get on with the business of government. They do not write useless letters to us. This vast majority of people who have elected this government into this office here do not have to reconfirm their confidence in us every time we hear the constant bleatings from the other side for referendums or public inquiries or plebiscites. Every time there is a doubt in their minds as to the benefit or direction in which a policy heads, they suddenly call for a referendum. If we are to be described, as the honourable member for Victoria River said, as a government of no referendums, I would say, as a very remote possible alternative government, they would have to be a government which has absolutely no intention of governing whatsoever.

The other thing that absolutely amazes me is the argument from the other side concerning the conclusion of the committee of inquiry in Tasmania that there was no evidence to substantiate the view that social and economic hardship resulted from gambling. The opposition proceed to say that this is because insufficient is known about it. Here we have a widely publicised inquiry into the social and economic effects of gambling in the city of Hobart. Surely, it is completely logical that if people were adversely affected or made destitute by gambling, the agencies which service people in those positions would be aware of those circumstances. The government departments and government-funded voluntary agencies would also be aware of those problems. If that is to be accepted, why is it that these people did not come forward? The plain answer is that there is no evidence whatsoever to suggest that there was any significant hardship caused by the operation of a casino in Tasmania. Certainly, that government has the responsibility for the delivery of welfare services within its own area and yet it is quite happy in the light of all the evidence and its own officers' research within the departments of welfare to proceed with the second casino in Hobart's

sister city of Launceston.

We have also heard arguments that this side of the House seems to be hanging its hat solely on the operation of casinos to boost the tourist industry. This is a complete mischief and distortion. The fact of the matter is no person on this side of the House has ever suggested that casinos were the answer. We have never suggested that the majority of people would come to Alice Springs or Darwin solely for the purpose of going into casinos. Many would, and that has been admitted by the other side. The honourable member for Sanderson was perfectly correct when she said that people do not go on tours only for one purpose. She is absolutely right. The majority of tourists do not, but the people that we are asking to come to Alice Springs at the moment come there for one purpose. We are accepting her argument that the majority of tourists who are available to travel in the Northern Territory would be more inclined to do so if there was more than one purpose available for them as an end result of their trip. At the moment, they only have one - our magnificent scenery, the grandeur of the country itself. What we are doing is adding to that. We are not substituting. We are not putting casinos over the top of it. It is merely a little optional extra.

We have also heard the argument that, because of the remoteness of Alice Springs and Darwin from major population centres, tourists will not travel for the purpose of casinos. Information is that the Wrest Point casino in Hobart is receiving pre-signed package tours from Singapore, Hong Kong and Japan. Those places are a long way further from Hobart than the southern cities are from us. The opposition argument is not valid.

What we have had confirmed to us today is that the Australian Labor Party has no objection to casinos as such at all. This was very firmly indicated to this House by the honourable member for Arnhem by way of interjection even before he got on his feet. He said, quite clearly, "We do not have any objection to casinos in the Northern Territory".

The honourable member for Nightcliff, the only independent in this House, has stood up and said for her own part ...

Mrs Lawrie: That's my personal view.

Mr ROBERTSON: Yes, as a personal view, she is in favour of casinos. We have the total of probably 150 people altogether, out of the entire population of the Northern Territory, saying they are not in favour. It must be assumed, therefore, that the vast majority of the people are in favour of casinos as an aid towards the development of this Northern Territory. Therefore, I urge this government to get on with the job of assisting the growth of the economy of this Northern Territory, to stop all this humbug and to forthwith defeat the amendment proposed by the opposition which is nothing but political grandstanding.

Mr ISAACS (Opposition Leader): Mr Speaker, there are a number of ways of assisting development of the Northern Territory. One of the programs we could undertake would be to legalise brothels and thereby certainly ensure the employment of a hundred or so males and females. Certainly, I am sure it would have a number of spin-off effects as well. We could also take some vast acres that we have here, and I am sure that the Minister for Industrial Development would be pleased with the proposal I am going to put to him, and have large heroin poppy plantations. I am sure that would employ many people and have a number of extraordinary spin-off effects. It would certainly ensure that we employed a few more prison officers. We could do a number of things to boost the revenue of the Northern Territory. We could allow children under the age of 18 to drink which would certainly create a bit more employment as well because we would have to put on a few more barmaids and bar attendants. Think of the revenue that the Northern Territory would gain

if we allowed people under the age of 18 to drive and to own a motor vehicle, think of the marvellous money that would come into the Northern Territory exchequer.

The point is that the government seems to believe that, simply because they can point to areas where employment will be gained, it must be good. I personally reject that approach as a most immoral approach. I do not believe that you can simply say we are going to create employment opportunities and therefore it is good. This government does not show any respect for the question of morality. It simply ploughs full steam ahead and anybody who dares to cry out for a halt is accused of being a knocker, a whinger or a mocker.

There have been a number of points made during this debate and a number of significant facts raised. Much of it has been agreed upon. The significant point which the Australian Labor Party has been making ever since I first raised it in February or March this year on a trip to Alice Springs was that because a casino, apart from the ancillary matter of having a hotel complex along with it, has an impact, the people in whose midst the casino is going to be placed should be consulted. There are a number of ways of doing it. One way you do not do it is to do what the government has done and that is to say that they will build it and then listen to the people whinge.

I believe that an inappropriate way of consulting people is to say, "We are doing it; cop that!" It gets very arrogant about people who dare to say, "Just hang on a second! We have to live here; we have to put up with it". We have been saying this since February of this year. It was confirmed as ALP policy in that conference we had in Alice Springs in July of this year that we would not oppose the establishment of casinos but we would ensure that, before a casino was established in a town, the people of the town would be given the opportunity of expressing their views about it. We would listen to them and, unless that community agreed, we would not proceed. It seems to me a perfectly reasonable and sensible approach given the significant impact that a casino would have. The conclusion you draw from the difference in response from Darwin and Alice Springs is simply there. Darwin, a community of something like 50,000 people, by and large has accepted the impact of a casino. Let there be no doubt about the situation in Alice Springs.

We have some people who attend meetings and, at the end of those meetings, put out press releases. I am one of them and the Treasurer is one of them. Might I say in relation to the matter of the Treasurer being so diligent in responding to the comments and remarks made against casinos, that the Treasurer would have to be the least diligent of ministers in replying to correspondence. I recall a letter that I wrote to him in relation to a certain caravan park in the Tiwi electorate some 6 or 8 weeks ago. I have not heard a peep out of the Treasurer. I wrote another letter about a block in my electorate. I have had to remind him on about 3 occasions and I finally spoke to his private secretary last Friday. I have still had no response. He must be one of the least diligent of the ministers in replying. However, in relation to casinos, whenever a word comes up, he knocks it down. Perhaps it is because he sees dollar signs in it for the Northern Territory. It may well have something to do with the fact that he has a very energetic ex-Tasmanian as his press secretary. Let there be no doubt about it; he certainly is diligent about knocking them down. He is not so factual, though, in his responses.

As a result of the November meeting, as opposed to the October meeting which seemed to cause the member for statistics some confusion - the November meeting was attended by in excess of 300 people - the Treasurer issued a two and a half page press release. It was a very informative press release and perhaps I could read part of it into the record. I quote from that press release dated 10 November 1978:

The government has made it clear that there will be no referendum on the proposal to build international hotel casinos in the Territory. At the public forum in Alice Springs last night, the Treasurer and minister for gaming, Mr Marshall Perron, described the anti-casino group as a minority who disregarded the economic benefits which would follow from the project.

That just simply is not so. The economic effects were recognised in the various papers distributed by those people. They felt that the social impact of the casinos outweighed the economic benefits. I continue from the press release:

Mr Perron said the public meeting had reinforced his view. The forum attracted more than 300 people. It was addressed by Mr Perron, the Education and Community Development Minister, Mr Robertson, and Mrs Jan Howie and Mr John Koerner representing the anti-casino, group. Mr Perron said the support for the government's proposal came through loud and clear. "I would say we had the edge during the forum with more than half those attending favouring an immediate go ahead on the Alice Springs project," he said. "Even if there were 150 people against the government's initiative, I hardly think that is a sufficient number to justify a referendum", he added.

As mentioned by the member for Arnhem, that press release was taken up by the Northern Territory News and the Centralian Advocate and given great prominence. The press release was quoted accurately and it certainly drew some response from various people. Me Koerner himself wrote a letter to the Northern Territory News saying that Mr Perron was perhaps slightly wrong.

I received a letter yesterday from the Uniting Church in Australia saying: "Dear Mr Isaacs please find enclosed for your information a copy of a letter sent to the Chief Minister on the subject of the establishment of a casino in Alice Springs". I can only assume that, by sending me a copy, the gentleman, Mr Hassel, the parish council secretary of the Uniting Church in Australia Northern Synod was requesting that the contents of that letter be made public. It was dated 17 November 1978 and addressed to the Chief Minister and Attorney-General. I will read 2 paragraphs from it.

The government has decreed its opposition to a referendum on the grounds that, if it is always going to seek opinion by referendum, it will never govern. We affirm that this is one single issue for which a referendum is being called and not the mark of a political way of life. Let the government test the mind of a divided community and we accept the decision whatever the outcome.

We challenge Mr Perron's claim, as reported on ABC radio news, that the public forum reinforced his view that there was no need for a referendum because less than half those present opposed the casino. He has unashamedly and dishonestly misrepresented what was clearly a large majority for a referendum. Mr Perron has placed his own integrity under question and put himself in a position where he is obliged to approve a referendum. Alice Springs people have demonstrated beyond doubt their concern. Let the government discover accurately what they want.

That is from a gentleman whom I have certainly never met and who describes himself as a parish council secretary of the Uniting Church in Australia. I don't have any doubt about the integrity of the church. Obviously, that gentleman represents an organisation which was extremely upset - to judge from the tone of those paragraphs - at the remarks made by the Treasurer in trying to justify an approach after that meeting.

One of the other arguments which has not received a great deal of

prominence in this particular debate is the question of the amount of revenue which the Northern Territory government itself can make. If you look at the question of a casino on the basis of the Tasmanian casino and you accept the advice of the Treasurer, you are talking about $2,500 per month for two casinos - $60,000 a year. That would certainly go a long way to assisting the Northern Territory and that is not taking into account the question of the 25% or whatever the royalty payment is to be. There is going to be a very considerable contribution to the Northern Territory exchequer from the establishment of casinos. However, there does seem to be some debate as to how much of that money will be contributed by the residents of Alice Springs and Darwin as opposed to tourists. Of course, there has not been a great deal of substance to the argument one way or the other. I was present on one occasion at a forum at Alice Springs which I shared with the Minister for Community Development. In one of his unusual outbursts, he said that it was quite untrue to say that the local population would be the ones who would contribute most to the casinos. Based on the limited reading that I have had, my view is that the bulk of the income of casinos is provided by the residents.

We have heard a number of speakers from the government: the Treasurer, in presenting the bill; the Minister for Community Development, a most senior minister; and, how can I forget them, 6 very important speakers from the backbench of the government including, and I am glad to see he is back again, the member for statistics. Not one of them addressed himself to this very important question. I said in February this year that the establishment of a casino was simply another form of taxation. This government recognised that everybody is in great need of funds and, come what may, they wanted to get money. They know that the federal government has a certain policy about finance and, despite all the very nice words which are said, they knew in their heart of hearts that they can't really depend on the "feds".

When I first raised the matter that a casino was another form of taxation, the Treasurer, then the Executive Member for Finance, very indignantly put out a press release saying that it was all untrue. He put out a press release saying once again that the Leader of the Opposition was telling untruths. In fact, it was a very significant press release because he did indicate that the Northern Territory government was not looking to casinos at all to bring in money. He has now recognised that that is not so. He has recognised that there is a considerable amount of money to come in from casinos. However, it did raise the question of how much contribution the local people would make. It is very difficult to get hard figures on this. I am disappointed that nobody from the other side has been able to look at that particular question. We do know that one report considered by the ACT Legislative Assembly stated on page 75:

> *We were somewhat surprised to learn the patrons of the casino include a very large proportion of Tasmanians. It was said and believed that between 70% and 80% of the people in the casino at any one time were from Hobart.*

I don't know if that is true, but it is a statement in a reputable report. The fact is that those seem to be very significant figures. Somebody may argue that they were just bystanders, and that the Hobart people have more brains. That is just a fanciful proposition. My guess is that it is quite likely that a very significant proportion of the contributions to casinos come from the local inhabitants. It is another form of taxation, a fairly subtle form. What I would like to see or hear is some evidence on the local contribubtion towards casinos. Enough has been said on the matter of Alice Springs and Darwin. I think it is true that the Darwin community is much more amenable and receptive to the notion of a casino. It seems to be most unfortunate that the Northern Territory government has taken upon itself to ride over the views of a very significant number of people in Alice Springs, a very significant cross-section of that community. It is a small community of 14,000 people

and the casino will have an impact. The people there have given voice to a very substantial amount of concern.

It is ludicrous for the government to say, "We have listened to them. What's next?" Obviously the government has made up its own mind and has predetermined its approach to casinos. It would not matter how many people were at that meeting, it would not matter how many letters were in the newspaper and it would not matter how many letters were sent to local members. They would find some reason to say that they were not genuine. There is the most incredible story from the member for Alice Springs saying, "They are all on roneoed forms. People didn't take the bother to write their own name". For heaven's sake, they are letters, protests. You just can't dismiss them with the shake of a hand as the member for Alice Springs did. It probably would not matter what was done in opposition to the casinos; these people opposite have made their arrangements with the owners of various casinos and they are hellbent on ensuring that they are established in both Alice Springs and Darwin.

I do believe that a referendum in Alice Springs would settle the issue. The gentleman from the Uniting Church made it clear that a referendum would settle it once and for all. I believe that the churches have been somewhat reticent about coming forward. They feel that they ought not to embroil themselves in this political argument. It is true that some of the churches have come out strongly but it is also true that, as a group, the churches have tried to keep themselves out of this question. It is a great shame that the Northern Territory government feels that it is so right in everything it does that it just can look at the people of Alice Springs, at the people who oppose it and simply say "tough".

Mr PERRON: Firstly, I will touch quickly on the last point the Leader of the Opposition made - that it is a terrible shame that, no matter what happens in the Northern Territory and no matter how many people oppose our moves, we are going ahead. That is clearly an absurd and naive statement because no government that ever wanted to retain power could ever take the attitude that it is going ahead on a particular subject irrespective of what anyone in the Northern Territory thinks. Perhaps that is the way that they run the ALP but it is not the way we run the CLP.

It is claimed by many people, and it has been reiterated here today several times, that the Northern Territory government is forcing casinos on people without consultation. Firstly, I would like to make a point that nobody is forcing anything on anybody. No person who opposes casinos need ever go in one or near one. Since April last year, there has been a great deal of to and froing about casinos, particularly over the past few months since the legislation was introduced. It has gathered quite a lot of momentum during the period that this bill has been before the House. I would like to make it quite clear that this government has never stifled debate even though that charge has been made many times. As a matter of fact, we have encouraged it and we have willingly participated in a forum, in talk-back radio and in correspondence in detail with every single person who took the time to write to myself or my colleagues on the subject. There has been no stifling and no ignoring of views whatsoever.

The call for a referendum is rejected. This government could hardly get on with very much at all if every major issue opposed by a minority group had to go to a referendum. We would be at the polls every single week. The referendum call ignores the concept that a member of parliament is not just a delegate for his electorate but has the authority to exercise his own judgment and determine issues for good government in the parliament. He does this bearing in mind the mood of his electorate and his constituents on every issue. The ballot box remains the ultimate sanction and it will be so in this case as well.

One of the other charges was that the Northern Territory government places money before people. Quite clearly, no government could hope to survive with such a policy, and this government does not either. The Northern Territory government does not propose the advent of casinos in the Territory just to raise revenue. The tax received from casinos in the Territory will be a very small part of the Northern Territory government's future budget which will obviously be well over $400m next year with health and education transferring to the Northern Territory. We are talking about a tiny portion. I advocate that, even if no tax was raised from casinos in addition to the government costs of policing and regulating casinos, the economic stimulus and benefits to the Territory would still remain regardless and there would still be every case for the proposed casinos in the Territory.

Another charge was that tourism based on gambling would be detrimental to Central Australia. Tourism will never be solely based on gambling in Central Australia. It will be an added attraction. People will still come by the thousands to see Central Australia's unique natural features. They may, while they are there, visit a casino and gamble or just watch, or attend a convention or a floor show or any of the bars and facilities that the casino will have. The important aspect is those people will come to Alice Springs because not only does it have those unique natural attractions but it also has something else - a casino.

Tourism is a very competitive field where governments of countries and states compete savagely with each other. When people go into tourist bureaux or private tourist organisations to decide where they should go on their leave, that is when we need to grab them. They look through the list of things that is going to attract them to one place or another. Certainly, I believe that very few, if any, people will go to a place like Alice Springs, or indeed Darwin, solely for a casino and no other reason. They will go because it is part of the list of attractions. It is the number of people that a casino tips one way or another in making their decision that is particularly important in promoting casinos as developers of the economy.

The undesirable social effects like drink, drugs, crime and prositution was one of the big scare-mongering points. Mr Speaker, opponents made a great play of these issues, mostly without substantiation. The real situation is that, whilst terrible welfare problems were predicted in Tasmania at the time Wrest Point opened, they cannot be demonstrated today and we have heard several speakers mention that the IDC could not get evidence together but, despite that, felt they had to do something else because the situation could not be that good. There had to be something wrong, and perhaps there is.

Northern Territory people are generally sensible gamblers. They gamble at the moment an estimated $40m per year on a whole range of legal activities and goodness knows how much on the illegal gambling activities. We should give credit to Northern Territorians for being able to manage their lives and I am not saying here that there are no such persons as compulsive gamblers or welfare cases. It is interesting to note that a Gallup poll earlier this year in all states of Australia and the ACT brought forward a finding that 87% of Australians had gambled in one form or another in the previous 3 months of being questioned. That was about 2,600 people in a poll of all ages. It was a most interesting and enlightening set of figures as to just how well accepted gambling is in the Australian community.

The proposal that a casino will lead to more drink problems, I doubt has a great deal of relevance. We are really talking about another outlet or 2 or 3 if you count individual bars and, seeing you can buy alcohol at every corner store, restaurant, supermarket and whatever these days, I do not think that another couple of outlets will make a big difference.

Drugs - I do not see the relationship between drug peddling or drug taking and casino gambling any more than with other forms of gambling or crime generally.

Crime - the stringency of government controls, as has been demonstrated in Tasmania, has kept that operation beyond reproach and I believe we can do the same in the Northern Territory and we certainly propose to. The controls - I will not bother to run through them - are very detailed and complex and information on them will be released to those persons who are interested.

Prostitution - I do not see any relationship whatsoever between casinos in Alice Springs and Darwin and an increase of prostitution. I just think it is a read herring that has been flung out to try to help some people decide against casinos.

Opponents have not substantiated their case. They have certainly put a long and detailed case forward, but it is not substantiated and I believe that, apart from those people who genuinely oppose gambling on religious or moral grounds - and I respect their views; I have written to all of them saying that I respect their views on those grounds - other people are no doubt motivated on this issue politically. I believe the opposition's motives are to delay or destroy, procrastinate and to do whatever it can to avoid letting this government achieve anything during its term. They are desperately trying to get themselves into a position so that they can go to the polls next election and say, "Look at these people! What did they promise you and what have they delivered?" They will do everything in their power to try to prevent us achieving economic development for the Northern Territory.

To touch on what a few members have said, the member for Sanderson felt we should encourage tourism in other ways, not necessarily by casinos. I certainly agree that we should encourage tourism in as many ways as we can. Casinos are not going to cost the Northern Territory government a fortune. We are not putting our capital into the organisation. Why can't we take initiatives in other fields for developing tourism and still let casinos go ahead? One is not exclusive of the other.

She went on about persons overseas not visiting the Northern Territory if it had a casino because they have casinos closer to them. As I mentioned earlier, no one claimed that a casino was a sole attraction that would bring hordes of tourists. That has never been claimed. She mentioned that, unfortunately, only 2% of overseas tourists appear to go to Ayers Rock on figures that have been recorded. It would be interesting to know what that 2% figure would be had we had a casino in Alice Springs for the last 5 years. We will never know, of course, but in future we will be able to take perhaps more accurate statistics because it is the collection of attractions that brings tourists, not just the attractions individually.

The claim, again by the member for Sanderson, that tourism was more responsive to disposable income than any other factor, I found a very odd sort of an assumption. Certainly, disposable income would bear on the numbers of people who travel and the people who can afford to take holidays and where, but surely the thing that would most influence tourism would be promotion. To demonstrate that, we may recall the major campaigns that have been put on in this country and elsewhere, that have had direct and demonstrable effects. For example, I cite the "See Alice While She is Hot" program put on by the Northern Territory Tourist Board which was a very successful campaign in bringing hundreds of people to the Northern Territory. It was not the result of any dramatic increase in disposable income in this country.

The member for MacDonnell waffled on at some length about lack of consultation. We process a lot of legislation in this House but the member for MacDonnell does not seem to think that he is in any way capable of

ascertaining his electorate's views or indeed the views of people of the Northern Territory unless he has a referendum. I just wonder where he gets his views from for all the issues we have discussed and debated and he has voted on to date. We have had no referendum yet. Somehow, on some things, he can make up his mind; on this one, he cannot.

He inferred that a casino might not provide employment to young people and Aboriginals in Alice Springs. Is it an argument that we should abandon the proposal because it will employ some other people? Some no doubt will have to come from interstate. Let us look at the fact that the casino is part of the facilities of a major hotel complex, and a hotel complex is known to be a major employer of young people, particularly women. There will be opportunities for people in Alice Springs, perhaps not directly in the casino for all of them. Again, all the people who will run the hotel-casino complex will not be croupiers. Certainly, the companies will attempt to recruit suitable people for training in the highly skilled areas of gaming but that does not rule out the other aspects of the hotel and all the related support industries that have to support such a major venture - laundries, maintenance, cleaning, washing cars, waiting on tables, making beds, driving trucks and whatever. We seemed to have the opposition presenting the view at one stage that, because there were not a whole bunch of unemployed croupiers on the Northern Territory unemployment list, we should abandon the whole proposal. That is a load of drivel.

The member for MacDonnell also was very adamant that most people in Alice Springs want a referendum. That is his report as he sees it from his electorate. He did admit that he only got some 14 direct representations and they were not all from his electorate. Most MLAs, if they are worth anything, know the mood of an electorate; if they want to stay there, they will have to pick it up anyway. He feels that his electorate of two and a half thousand people want a referendum. He cannot judge whether they want casinos or not, so he wants a referendum. There are other members in this House from Alice Springs representing by far a larger number of people in Alice Springs than the member for MacDonnell and they are quite happy that they can gauge their electorates very accurately; they can gauge the mood; they do not need a referendum to find out the feelings of the people. The honourable member for MacDonnell says that we should have one anyway because those people in his electorate, he believes, want a referendum. He must be in some doubt that they would support a casino.

The member for Nightcliff says, "Why not have a referendum anyway? What is all the fuss? Just have it". A referendum would cost a lot of money and would cost time. It would have to be legislated for. A whole series of documents would have to be put together on the subject, cases for and against, deciding who should vote. The cost in time and money and the sheer delay of the initiative is simply not warranted. It is hardly an attitude to be taken because the numbers of those people opposing casinos are really very small. If you are going to accept a referendum on this question, you will accept it on a very large number of issues where a very vocal small group of people - which may number even a thousand in the Northern Territory - may get very well organised on any issue. There is no sanity in that at all.

The member for Nightcliff says that we are in fact legislating here for people in the whole of the Northern Territory and we should not be too parochial about our individual electorates. Perhaps she is right. Obviously, in accepting that principle, you would have to accept that any referendum on this issue would have to go to all the people of the Northern Territory because it is all the people in the Northern Territory who will be affected by the benefits or the disadvantages of casinos.

It is quite obvious that we are talking about laws for the Northern Territory. Casinos will affect the economy generally. People outside Darwin

and Alice Springs should have every right to vote on whether or not we have them. By the same token, if they do produce terrible social effects, it will not only be people in Darwin and Alice Springs affected. People in the rest of the Territory will be affected. They all come to town at some time or another, and they may be affected. They have a right to vote in it and, if the whole of the Northern Territory did vote in a referendum on this issue, it is quite clear that Darwin would carry the referendum for the whole of the Northern Territory. It is as simple as that. You cannot accept one principle and ignore the other: that we are here in the interests of the people of the Northern Territory, and then turn around and say, "Wel'll have so-and-so street and so-and-so suburb vote on this particular issue". There is legislation in this House that affects the whole of the Northern Territory and every member in the Northern Territory.

The inference that the member for Nightcliff put forward that the people need a referendum to be able to express opposition is simply not true. Every person who wrote a letter to us, who signed a petition or who signed a roneoed form registered their full vote against the casino or for having a referendum. They do not need a referendum to express their views and their views have been taken into consideration. Because their views have not been acceded to, the opposition says we are tromping all over the people of the Northern Territory. Mr Speaker, it is very clear that the anti-case is really very small.

The member for Victoria River also admitted that he did not know what the majority in his electorate wanted on this question of casinos. He was not sure whether they were for it or against it and it is a bit disappointing for an MLA to admit that.

Mr Doolan: Come off it.

Mr Collins: There are one or two other things about ...

Mr SPEAKER: Order! I do not mind interjections but a continual flow of commentary is not parliamentary and I will not allow it.

Mr PERRON: The member for Victoria River, who indicated that he was not really sure and supported the referendum question, presented no argument whatsoever that his own electorate was up in arms about the question and had innundated him with calls or letters. He has just made this judgment. I suspect he has probably had no representation whatsoever on the matter other than perhaps the general circulars from the Uniting Church and perhaps one or two others that have gone to all and sundry.

The member for Fannie Bay went on about the IDC in Tasmania that just could not quite make up its mind whether or not there was anything dangerous about having a casino there, despite the fact that it has been there for 5 years. She suggested that we should not really do very much until such time as all this information is collated on a national basis. It is a shame that the ALP in Tasmania did not take much notice of that view. It was their IDC and it was they who went forward for a second casino in Tasmania without a referendum on the second one despite, I understand, a petition with 10,000 signatures from Launceston opposing it.

The arguments put up by the member of Arnhem were such that it does not matter what happens anywhere in the entire world, it will not be like Alice Springs. It would not matter if we had this Australia-wide study into the effects of gambling as recommended by the IDC in Tasmania. It would not matter what happened anywhere. He is saying it cannot be compared to Alice Springs; we are so different. With that attitude, you could never possibly take a new initiative in a place at all. You could not gauge the effect of a casino in Alice Springs because you could not relate it anywhere else and

you could not have a casino until you gauged the effect. This sort of attitude that he has taken on the issue is an absurdity and certainly contrary to that of the member for Fannie Bay.

He also made the point that whilst a fair bit of money is no doubt paid to the Tasmanian government in revenue from Wrest Point, not much has been said about costs. They have government inspectors, highly skilled people, training programs for the inspectors, testing equipment, a gaming commission and whatever. It would cost a lot of money. No doubt the tax revenue is more than the money that it costs otherwise the Tasmania government may not be as happy with it as they are. Is that a bad thing? If it takes 75% or 90% of the tax revenue to regulate the premises, is it a bad thing that inspectors have shirts on their backs, rooms over their heads and fires in the winter? He seemed to infer that there was something sneaky about all this money that the Tasmanian government was getting because it has to pay a bit out. It pays the lot out, in one form or another.

He claimed, as many others did, that we will not listen to opponents. We have listened to opponents; we have listened to them patiently. We have flown to Alice Springs on the subject; we have talked to them on radio, on telephones; we have spent hours on correspondence to them. We have listened to them. He is confusing listening with concessions. He is concerned because we have not conceded their point, that we have not listened to them. That is a load of rot too.

The Leader of the Opposition waffled on about a whole range of stuff but said that the ALP does not oppose casinos but adopts this typical attitude of negative, do nothing, go nowhere, cowardly policy that we are getting used to about thumbs down on everything. Let's have a referendum, or let's go to the electorate but whatever you do, don't do anything rash. Don't do anything at all.

He went on to speak of the meeting in Alice Springs and was greatly concerned that I sought that a person who had been nominated on the panel to present to government's views be replaced by Mr Robertson, my colleague minister. That was explained by my colleague, the Minister for Education, but I would like to follow up on the concern that was mentioned by a number of people over how I had supposedly misrepresented the feelings of that particular meeting. Certainly, everyone there would have their own feelings as to what the mood of the meeting was and how many people were for or against what. The point is that the local press down there did say that the whole thing was quite a big yawn, no new evidence being presented on either side, and the forum seemed to be evenly divided. I certainly did not speak to him on the subject at all to try to present my views that it was more than evenly divided; it was slightly our way as far as numbers were concerned. However, that does not matter. It would not matter if they were all anti-casino people. The task before us was to assess the extent of the feelings in Alice Springs against casinos and we have assessed it. It is not sufficient to warrant the holding of a referendum. The Leader of the Opposition did not say anything else new; he just mouthed the same old stuff that the rest of the opposition were putting forward over and over again.

To finish off, there have been two parliamentary inquiries and one royal commission in this country - and one referendum if we want to talk about the Tasmanian situation - all recommending the establishment of casinos. Neilsen, the gentleman who inquired into the subject for us in the Northern Territory - admittedly, we did not take all his views - said on page 27 of his report: "I see no cause to recommend against the establishment of a casino of the kind referred to, particularly because experience in Tasmania has established that, with firm controls on the part of government, no social ills of consequence have arisen from the operation of the casino in that state". In the light of the evidence before us, we have been elected to

govern, we have listened to the opponents, let us get on with the job.

The Assembly divided:

Ayes 7	Noes 12
Mr Collins	Mr Ballantyne
Mr Doolan	Mr Dondas
Ms D'Rozario	Mr Everingham
Mr Isaacs	Mr Harris
Mrs Lawrie	Mr MacFarlane
Mrs O'Neil	Mr Oliver
Mr Perkins	Mrs Padgham-Purich
	Mr Perron
	Mr Robertson
	Mr Steele
	Mr Tuxworth
	Mr Vale

Amendment negatived.

Motion agreed to; bill read a second time.

In committee:

Clause 1 agreed to.

Clause 2:

Mr PERRON: Mr Chairman, I move amendment 18.1.

This amendment omits the definition of "gross profit". It was envisaged when drawing up the bill originally to include a clause proposing a specific type of tax but, on reflection, it has been decided to delete this provision so that the type and level of taxation that is negotiated with the particular developers for casinos will not be restricted in any way by the legislation. However, the agreement that is entered into with developers will have to be tabled and ratified in this Assembly.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3:

Mr PERRON: I move amendment 18.2.

This eliminates the word "erection" and substitutes the word "establishment" to less severely restrict the area of negotiation with various entrepreneurs about the types of development that we are looking at.

Ms D'ROZARIO: Mr Chairman, I would just like to say that I consider this amendment quite clearly points to the fact that it is very likely that a casino licence will be issued in respect of an establishment that already exists. There are 2 other amendments which also point to that. I would just like to say that, if indeed it is the case that an existing hotel be given a casino licence, this severely damages the government's argument that the establishment of casinos will give some impetus to the construction industry.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4:

Mr PERRON: I move amendment 18.3.

This omits the word "until" and inserts the word "unless". The amendment is fairly self-explanatory if members care to read section 4A of the legislation.

Amendment agreed to.

Ms D'ROZARIO: I move amendment 16.2.

It is proposed to insert a new paragraph as a condition of the agreement into which the proposed licensee will enter. The provision is consistent with the amendments we have previously debated this afternoon that no licence will be issued unless an expression of approval is first obtained by the conduct of a referendum in the town in which it is proposed to issue the licence.

Mr PERRON: The government opposes the amendment. Quite obviously, we have had extended debate on this particular matter of holding a referendum on the question and we invite defeat of the amendment.

Amendment negatived.

Mr PERRON: I move amendment 18.4.

This replaces the present clause that is in the legislation with a clause that has been circulated in the amendment which says that an agreement entered into under this act shall contain:

> *A provision that the premises will not be licensed unless they are accompanied by or incorporate substantial hotel development and other amenities to international standards to the satisfaction of the Minister.*

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5:

Mr PERRON: I move amendment 18.5.

This omits the word "erection" and substitutes the word "establishment" in clause 5.

Amendment agreed to.

Mr PERRON: I move amendment 18.6.

This replaces paragraph (b) in clause 5 to put an "a" in the middle of the sentence.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6:

Mr PERRON: I move amendment 18.7.

This omits the subsection numbering of "(1)".

Amendment agreed to.

Mr PERRON: I move amendment 18.8.

With any agreement of this type that is envisaged to be drawn up under this legislation, it is essential that the minister has legislative power to either suspend, cancel or terminate a licence if certain conditions are not met. This provision is possibly the strongest element the government has over the company to ensure that its operations are faultless.

Amendment agreed to.

Clause 6, as amended, agreed to.

Title agreed to.

Bill passed the remaining stages without debate.

LOTTERY AND GAMING BILL
(Serial 154)

Continued from 20 September 1978

Ms D'ROZARIO (Sanderson): Mr Speaker, the opposition welcomes this bill to set up an entirely new racing and gaming commission. We particularly welcome the departure of the control of lotteries and gaming from the police Licensing Branch. It should go without saying that an industry from which the government intends to extract a fair bit of revenue must be administered in an efficient way and I believe that the mechanism to which the Treasurer has resorted is a good one. Of course, I am referring to the setting up of the new racing and gaming commission.

We are particularly impressed by the provisions relating to the powers and functions of the commission which are wide-ranging and permit it to investigate and report on a number of matters. Similarly, we are very impressed by the provisions that persons with a financial interest in any aspect of racing and gaming be barred from sitting on the commission or continuing as members of the commission. I believe the Cabinet has acted with a great deal of integrity in that matter. Members might recall that Mr Neilson stressed the need to separate the interests of people engaged in the industry, such as owners of racing animals, trainers and bookmakers, from having executive responsibility in that area as well.

I would like to take up a few remarks that were made by the Treasurer in his second-reading speech, and I do this simply to indicate the concern that has arisen in some section of the gaming industry as a result of a recent incident. The honourable Treasurer made reference to the commission being able to exert adequate control and thereby to act in the best interests of the community and I applaud those sentiments. I applaud them wholeheartedly, Mr Speaker.

However, it was with some dismay that I read last week of an incident relating to events at the greyhound track. I am referring to a successful appeal by an extremely prominent and well-known trainer of a greyhound and I want it to be quite clear at the outset that I do not for a moment cast any aspersion upon that particular person - I am merely referring to the sort of controls that we would like to see in this industry. The incident referred to the only successful appeal by a person who had been suspended by the Darwin Greyhound Association in the last 3 years. However, it is the circumstances which were reported which caused me some concern.

Briefly, it was found that one of the greyhounds had been tampered with

and, upon the taking of a swab and a sample, the sample was returned positive to a substance named pentabarbatone. At the appeal which I believe was conducted by an independent inquiry board, although I do not know who were the persons who sat upon this board, the presence of the substance was not disputed. However, the person suspended, the trainer of the animal, was cleared of this matter and he was cleared on the grounds that there were unique circumstances surrounding the watering and kennelling of the animal after the race. What this means is that, whilst the presence of the substance and the fact that the dog was tampered with is not disputed, it is quite clear that somebody administered this substance to the animal and, of course, I do not for a moment suggest that it was the trainer. The point remains that there are stewards at this track and a chief stewart whose duty, I understand, is to make sure that these things do not occur.

There are some conclusions that can be drawn from this incident. The first is that the chief steward is not quite in control of what goes on. For example, he did not quite see or supervise the kennelling and watering of this animal, and it was later claimed that perhaps the animal could have been tampered with after the race, although I find it difficult to see why anyone would want to do that. The second conclusion that can be drawn is that perhaps people know that these incidents occur but are not disposed to do much about them. I do not know whether this dog won or was placed in this particular race and I am not interested in that point at all. What I am saying is that if we are proposing to act in the best interests of the community, then we should also act in the best interests of the punters. Hundreds of people go down of a Friday night to the Darwin greyhound track and hundreds of dollars are transacted in placing bets. I believe these people are not being given a fair go. These people cannot be assured that in fact they are placing their money on acceptable risks and not these unacceptable instances of sedatives being administered to dogs.

I quite agree with the honourable Treasurer. The government is concerned to see that there is no taint attached to the commission and I hope the commission will pay more attention to this sort of incident in the future. I, too, am concerned that no smell of corruption and crime should attach to our racing and gaming industries in the Northern Territory and I think the government is obliged to see that that does not happen. After all, they are going to extract revenue from this industry and it is not a pleasant thought to contemplate the government making money out of an industry that has a taint of corruption.

I believe that a commissioner designate has already been appointed to head this commission. I understand him to be a man of wide experience and I hope he will have made some preliminary investigation into the incident that I have just outlined. We look forward with great interest to the setting up of this commission and we hope it will achieve all that we intend it to achieve. We also hope, Mr Speaker, that in this Territory, unlike some of the other states, our racing and gaming industry will be above reproach.

Mr STEELE (Transport and Works): Mr Speaker, the legislation before the House is a reflection of this government's responsible attitude towards lottery and gaming in the Northern Territory. People who have lived here many years will recall the terms "cockatoo" and "keeping nick" and the fact that gaming was in the hands of the police as distinct from a commission. It is apparent to all of us that a commission is the only way to handle lotteries and gaming. Illegal gaming does still take place in many parts of Australia. For example, in New South Wales, I have been in 2 illegal gaming houses - just to try them out, not because I really wanted to lose any money - and those places are tainted with the suggestion of corruption. There are always reports that the police are corrupted in that state because of the illegal gambling operations. I am surprised that the honourable member for Arnhem did not journey into one while he was in Kings Cross on his last foray into

Sydney. He was too busy watching the paddy wagons and no doubt he was a bit worried about that.

Certainly, illegal gambling is tainted with corruption and it appears to be corrupted whether it is or whether it is not. Like Caesar's wife, the commission must appear to be above suspicion and, in the capable hands of Mr Barry Davis, who is here today, the commission will be above suspicion. Not only that, it will be well managed as well. The bill itself is an essential part of government policy and I commend it.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 4 agreed to.

Clause 5:

Mr PERRON: I move amendment 5.1.

This amendment changes the particular provision which talks about the chairman being a member. The intention of this and a couple of other amendments is that the chairman is not described in various parts of the act as a member.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6:

Mr PERRON: I move amendment 5.2.

This amendment alters the situation whereby we were proposing in the original bill that the Administrator would appoint a person to be chairman and he would also appoint 2 other persons to be members. As the situation now is, the chairman of the gaming commission is a public servant and subsection (2) of section 7B needs to be altered.

Amendment agreed to.

Mr PERRON: I move amendment 5.3.

This omits proposed section 7C which spoke of an executive officer in the commission. Whilst the commission will certainly have an executive officer on its staff to service the commission itself, we are not going to recognise him in legislation as was originally proposed.

Ms D'ROZARIO: Mr Chairman, I want to say very briefly that I fully support this amendment. It was a matter of some concern to this party to see that there was an executive officer to be appointed by the legislation - not because we object to there being an executive officer but simply to the powers that this executive officer could hold in some circumstances by reason of following clauses of this bill. I do not want to speak at length about the other clauses but, in the absence of the chairman, the executive officer was entitled to act as chairman and also to vote, even if there was only one other member present. We welcome the removal of this particular clause and also the subsequent ones which are related to this particular amendment.

Amendment agreed to.

Mr PERRON: I move amendment 5.4.

This takes out the section pertaining to the term of appointment for the chairman, as the chairman will now be a public servant.

Amendment agreed to.

Mr PERRON: I move amendment 5.5.

This removes the limitation that slipped into the original bill for age limitation on members of the commission. We would not like to see that there.

Ms D'ROZARIO: Mr Chairman, I am puzzled about the explanation just given. I thought it would be related to the fact that the chairman was now a public servant and that the Public Service Act contains the age limitation. However, I wonder if you could just clarify for me whether in fact other members would be able to hold office beyond the age of 65. I imagined it to be just as a result of the chairman now being a public servant. Does the government intend that other members hold office beyond 65?

Mr PERRON: Yes, the government does intend that members of the commission, as distinct from the chairman, will be able to hold office beyond the age of 65.

Amendment agreed to.

Mr PERRON: I move amendment 5.6.

This again is a result of the chairman being a public servant. His salary will not need to be determined by the Administrator.

Amendment agreed to.

Mr PERRON: I move amendment 5.7.

This removes the words from subsection (2) of 7E of the principal ordinance - "other than the chairman" - because the chairman is no longer considered to be an ordinary member of the board and he is not paid fees and allowances as determined by the Administrator.

Amendment agreed to.

Mr PERRON: I move amendment 5.8.

This replaces section 7H (1) of the bill and has to do with eliminating from the ordinance reference to the executive member of the commission.

Amendment agreed to.

Mr PERRON: I move amendment 5.9.

This again relates to the fact that we have not chosen to refer to an executive member in the legislation.

Amendment agreed to.

Mr PERRON: I move amendment 5.10.

This is consequential on the previous amendment as it referred to the previous section just omitted.

Amendment agreed to.

Mr PERRON: I move amendment 5.11.

This again is a result of deleting all references to an executive officer.

Amendment agreed to.

Mr PERRON: I move amendment 5.12.

This is a result of not recognising the executive officer as an alternative chairman.

Ms D'ROZARIO: Mr Chairman, I can see that what we have done here is to eliminate the de facto deputy chairman by making no further reference to the executive officer but I wonder whether the minister can tell me whether there is any provision to appoint from the members a deputy chairman to preside at meetings in the absence of the chairman. We do not seem to have a provision for this.

Mr PERRON: In the absence of the formal chairman, who is a public servant, it is envisaged that another public servant, possibly the 21C as it were in the gaming commission will be appointed in his stead as acting chairman of the gaming commission. It will at all times have 3 members.

Ms D'ROZARIO: Can I ask how this appointment will be made. Will it be notified by gazettal? The reason I ask this is because I think it should be clear to all sectors of the gaming industry, as well as to the public, that there is at all times a person occupying the position of chairman and I can well imagine the situation where the chairman might be absent for short periods of time. Is it the intention of the minister to just pop someone in his place to conduct meetings? I do not think this is good enough from the point of view of public information and the public scrutiny of the interests of the chairman and the members of the commission that we have already legislated for.

Mr PERRON: Mr Chairman, the appointment of persons to act in the position of chairman will be through the Executive Council and, as such, will be gazetted.

Amendment agreed to.

Mr PERRON: I move amendment 5.13.

This again deletes reference to the executive officer.

Amendment agreed to.

Mr PERRON: I move amendment 5.14.

This replaces paragraph (e) of proposed section 7H (4). The new section deals with the situation where there is a chairman and only 1 of the other 2 members deliberating and there is an equality of votes. The chairman shall defer consideration of the unresolved question until the earliest practicable date when the commission of 3 members may meet to consider the question and get a true vote recorded.

Amendment agreed to.

Mr PERRON: I move amendment 5.15.

This deletes reference to the executive officer yet retains the section that states that the commission shall keep a record of its proceedings.

Amendment agreed to.

Mr PERRON: I move amendment 5.16.

This removes references to an executive officer.

Amendment agreed to.

Mr PERRON: I move amendment 5.17.

Amendment agreed to.

Mr PERRON: I move amendment 5.18.

This merely corrects a spelling error in the bill.

Amendment agreed to.

Mr PERRON: I move amendment 5.19.

This omits certain words from section 7H (1) to add others.

Amendment agreed to.

Mr PERRON: I move amendment 5.20.

Amendment agreed to.

Clause 6, as amended, agreed to.

Remainder of bill taken as a whole and agreed to.

Bill passed remaining stage without debate.

CRIMINAL LAW AND PROCEDURE BILL
(Serial 144)

Continued from 21 November 1978.

In committee:

Clauses 1 and 2 agreed to.

Clause 3 negatived.

New clause 3:

Mr EVERINGHAM: I move amendment 15.2.

This re-inserts the old clause 3 with the addition of a section 56 which provides for the prerogative of mercy. I foreshadowed this in my second-reading speech at the last sittings.

New clause 3 agreed to.

Title agreed to.

Bill passed remaining stages without debate.

ABSCONDING DEBTORS BILL
(Serial 149)

Continued from 20 September 1978.

Mr ISAACS (Opposition Leader): Mr Speaker, we are aware that the Chief Minister has reminded us in his second-reading speech that there is already legislation covering this particular matter but we support the Law Review Committee's belief that there ought to be a consolidated piece of legislation. There are two problems which we had with the Absconding Debtors Bill and one of them has already been covered by the amendment circulated. The Chief Minister remarked that a debt of less than $500 would not be recoverable under this bill unless that debt was by way of wages. Reading through the bill, I found nothing in it to support that remark. I notice now that, in the amendments, there is a provision which prescribes amounts below which debts will not be recoverable under this ordinance. That overcomes that particular problem.

The only other problem relates to clause 17 (f). This reads: "subject to this Part, the magistrate or judge before whom a debtor is brought under section 12 (2) (b) or 15 (2) may make such order as he thinks fit including an order (f) that the debtor be committed to prison - (i) in such a manner; (ii) for such period; or (iii) under such conditions that the court considers just". I have every confidence in the courts but my own view is that it is such a wide discretion that we ought not to be giving it to the courts. I would like to hear the Chief Minister on that matter. I think the courts should not necessarily be given so wide a discretion that they have to try to work out in their minds what we as legislators had in ours. If we are to give the courts certain directions, then we as legislators ought to be telling them the parameters within which they should work. I ask the Chief Minister to look at that matter in particular.

The principle behind the bill is a worthy one and we support it.

Mrs LAWRIE (Nightcliff): Mr Speaker, I rise to support this legislation. One point that worries me has been mentioned by the Leader of the Opposition. I have one other comment to make. The provisions of this bill have aroused some comments in the general community. For some reason - perhaps there are a lot of absconding debtors at the moment - people are aware that this legislation is before the House and I have had no adverse comments. The fact that the community is aware of the provision leads me to bring one thing to the attention of the Attorney-General. It places a fair onus on justices who may be called upon to exercise the powers given to them under this bill whereas, in the past, they may not have had to exercise that power. We have had quite a few amendments to the Justices Ordinance and other legislation, all of which have altered or added to the powers presently under the jurisdiction of justices under the Justices Ordinance.

I rise to suggest to the Attorney-General that he may suggest to the Chief Magistrate and/or the Chief Judge that the provisions of this legislation be made known to justices appointed within the Northern Territory who by and large are not privy to the proceedings of this House as are the honourable members for Tiwi, myself, the honourable member for Barkly and perhaps other members who are justices of the peace. I have been rung by justices of the peace on occasion asking about the provisions of legislation because they have heard nothing. I am really bringing an administrative matter to the notice of the Attorney-General.

A previous Chief Magistrate, before leaving the Territory on retirement, had decided to write a justices handbook because the one which is presently in use is sadly out of context. Such a handbook has yet to appear to assist justices, some of whom do not have the advantage of those of us who sit in this House of knowing the legislation and its import to justices. I ask the honourable Attorney-General if he will take up that suggestion and take whatever moves he things fit to try to get some of this information through to the justices who are going to be asked to act.

Mr EVERINGHAM: If I might take the points starting at the end, I do not think it is appropriate at the present time that a handbook be issued to justices because a review of the criminal law is going on. I hope that, perhaps late next year or early in 1980, it will be possible to prepare and issue such a handbook. I personally believe that courses and seminars should be held for justices of the peace at regular intervals. Once the Department of Law gets over the hump of the work that it is putting through at the moment, which is really a colossal amount, I confidently expect that they will devote their time to servicing justices of the peace in this way. We recognise that the office of justice of the peace is an important one in the Northern Territory. Unlike the 3 eastern states of Australia where every corner chemist and grocer is a justice of the peace, we do not appoint people to be justices unless they are prepared to acknowledge the fact that they want to discharge the responsibilities of a justice of the peace on the bench. It is not just a title given away in the Northern Territory so that people can witness documents. They are provided with information at the time of their appointment and I understand that the magistrates do pass on information to them from time to time. I know that there is a lot of room for improvement and I hope that this is one of the tasks that we can address ourselves to later next year.

The other point raised by the honourable member for Nightcliff concerned a justice issuing the warrant. In Katherine and Tennant Creek, there are no resident magistrates. I do not believe people in these towns should not be able to obtain some sort of relief. I will certainly make a direction that the legislation be sent to justices. I will try to establish a system whereby they are put on a mailing list and receive all legislation that goes through the House. This is only reasonable since they are expected to administer the law in some small degree. I thank the honourable member for Nightcliff for that suggestion.

The Leader of the Opposition directed my attention to clause 17 (f) that the debtor be committed to prison. At present, there is such a power and it has not been abused by members of the magisterial bench to the best of my knowledge. I have never heard any complaints about it and it is really only a power that is exercised when the person will not comply with the order of the court. It is virtually imprisonment for contempt of the court's order, not imprisonment for debt. I do not believe it is necessary to fetter the court's discretion in this regard but, if instances were to arise, and they have not in the last 20 or 30 years whilst the legislation has been operative in the lower courts, then I would certainly look at putting some limitation there. I do not really think it is necessary. The courts are not fettered in respect of penalties for contempt in any other area. For the time being, I would prefer to keep the situation under review. If problems foreseen by the Leader of the Opposition do arise, then we can look at doing something about them pretty quickly.

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 8.1.

The purpose of the amendment is to ensure that the magistrate or judge must be satisfied on reasonable grounds of all criteria set out in the clause.

Amendment agreed to.

Mr EVERINGHAM: I move amendments 8.2 and 8.3 together.

Clause 4, as amended, agreed to.

Clause 5 negatived.

Clause 6:

Mr EVERINGHAM: Mr Chairman, I move amendment 8.5.

This reflects our desire that a warrant for arrest, being a serious matter, should be issued only by a magistrate or a judge in the case of civil debt.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clause 7:

Mr EVERINGHAM: I move amendment 8.6.

Mrs LAWRIE: I am not disputing the amendment but I thought, in his second-reading speech, the honourable Chief Minister pointed to the fact that there is not a magistrate or judge in the smaller centres of the Territory. Could he advise how people in those centres are to apply for a warrant.

Mr EVERINGHAM: Yes, I certainly seem to have tricked myself up on that one. Looking at clause 8 "a justice who issues a warrant under this part shall within 24 hours after the warrant has been issued". I believe that clause 8 will also have to be amended to read "a magistrate or a judge". I certainly have made an error there, Mr Chairman.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8:

Mr EVERINGHAM: If I might move an unscheduled amendment to clause 8 to replace, in the first line, the term "justice" with "magistrate or judge".

Mrs LAWRIE: Mr Chairman, I have no objection to the formal amendment to clause 8 because it is consequential upon the amendments to clauses 6 and 7. I think the honourable Chief Minister missed my question. What I was asking was, in removing the jurisdiction from a justice to a magistrate or judge, with which I still do not quarrel, how are the people in the smaller centres to apply for a warrant? I am referring to Tennant Creek and Katherine.

Mr EVERINGHAM: Mr Chairman, I certainly went off the rails there. It was originally my intention that people should be able to apply for warrants to justices and this would have permitted that to occur in Katherine, Tennant Creek and Nhulunbuy for that matter. The position is now that these people will only be able to obtain a warrant from magistrates when magistrates are visiting those towns. They will, of course, be able to instruct solicitors in Darwin or Alice Springs and thus obtain the warrant in those towns at all times.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clauses 9, 10 and 11 agreed to.

Clause 12:

Mr EVERINGHAM: I move amendment 8.7.

This amendment is designed to relax the stringent 24-hour rule proposed in the bill in cases where it is impossible - for example, because of isolation - to physically bring a person arrested before a judge within a day.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clauses 13 and 14 agreed to.

Clause 15:

Mr EVERINGHAM: I move amendments 8.8, 8.9 and 8.10.

The purpose of these amendments is, firstly, to make it clear that the judge is not limited in the orders which he may make after receiving an application under section 14 and, secondly, to allow magistrates to make orders along the same lines as those which a judge can make.

Mrs LAWRIE: I only wish to ask about the omission of "after reasonable inquiry". Is it not normal in this legislation or is it redundant?

Mr EVERINGHAM: It is not possible in all circumstances to make reasonable inquiries and the onus is here thrown on the judge or magistrate. The judge or magistrate has to work on the affidavits that are placed before him and it was suggested to the government by the Law Review Commission that the words "after reasonable inquiry" would be inappropriate in this particular clause. The judge or magistrate , of course, still has to be satisfied. The extent of his inquiries are now more at his discretion.

Amendments agreed to.

Clause 15, as amended, agreed to.

Clauses 16, 17 and 18 agreed to.

Clause 19:

Mr EVERINGHAM: I move amendments 8.11 and 8.12.

The first is a formal drafting amendment and the other amendments are sought for the same reason as the amendment in relation to bringing apprehended persons before the court.

Amendments agreed to.

Clause 19, as amended, agreed to.

Clauses 20, 21 and 22 agreed to.

Clause 23:

Mr EVERINGHAM: I move amendment 8.13.

This allows fresh application to be made within 6 months of the previous

application if further information can be produced by the applicant in support of his application. It is designed to stop frivolous applications.

Amendment agreed to.

Clause 23, as amended, agreed to.

Clauses 24 to 30 taken together and agreed to.

New clause 31:

Mr EVERINGHAM: I move amendment 8.14.

This adds a new clause after 30 to permit the Administrator in Council to make regulations and prescribe forms.

New clause 31 agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

ADJOURNMENT

Mr ROBERTSON (Manager of Government Business): Mr Speaker, I move that the Assembly do now adjourn.

Yesterday, I was asked a question by the honourable member for Sanderson in relation to the cost of the restoration of Lyons Cottage. I would like to take this opportunity to give that information. The estimate for the restoration of the building itself on contract is $63,287 - quite a lot of money, more than I really thought it would be. Fencing and landscaping, if that were to be done fully, would be $6000; modification to the front steps - why that is not in the restoration program I will never know - is $600, bringing a total of $69,887. The installation of air conditioning would be $1000 and the provision of male-female toilets and a modern tea-kitchen $5-6000. I would assume that, if it was going to be made available for letting to such an organisation as the Institute of Architects, then those additional expenditures would be necessary. I wonder if there might not be some method of amortisation to have that work done. It would be perhaps appropriate in the interests of the taxpayer.

There is one other matter which I will not get any pleasure in mentioning to this House. I have here an extract from the Northern Territory News of Monday 13 November which was quite some time ago. It was given to me by my staff and, at the time, I really did not take much notice of it; I just looked at it and said, "Ah yes, it is in relation to Amity House that the chairman of the foundation, Dean Clyde Wood, is anxious to have funded". It was only this afternoon that I really read it thoroughly and, quite frankly, I am greatly disappointed in what the chairman of that organisation had to say to the press. I am considerably hurt as a result of what he had to say to the press and I would have thought that a person in that position would not do what he has done to the government in such a conscious and cold-blooded manner. I shall be sending him a copy, incidentally, of Hansard. He states for a start that Amity House, which is the Darwin district alcohol and drug dependence foundation opened in February this year, has not received a single dime from the government. Of course, that is quite untrue. In fact, last year before the Northern Territory was a government, I personally handed over a cheque for $7,500 from the Department of Community Development. A further cheque has been made available this financial year and has been paid for a further $7,500. The "not a dime" that the gentleman refers to is in fact $15,000 worth of the taxpayers' money.

The chairman went on to say that the government has not lifted a finger to support the work of the foundation. Amity House itself has taken the responsibility for setting up programs for alcohol in industry. The very purpose of the $15,000 funding by my department was, in fact, to employ a person for the express task of investigating and helping with alcohol in industry. That was what the person was employed for in the first place.

A further point "politicians are making promises like they were going out of fashion" - he wants an undertaking in writing from the Northern Territory government that we will be funding it. The fact of the matter is, in respect of both of those grants, he had an undertaking in writing over my own signature. Further, and I will quote: "Dean Wood claimed 17 government instigated reports have been prepared and tabled on alcohol problems in the Northern Territory but not one had been acted upon". What in heavens' name has the Minister for Health been doing for the last months? Not only did he circulate a bill before tabling it in this place for presentation, he has now presented it as a bill for an act. It is based upon recommendations in reports. Mr Deputy Speaker, that particular allegation is also not true.

Mr COLLINS (Arnhem): Mr Deputy Speaker, the story I am about to relate is connected with the events leading up to the signing of the Ranger agreement. It is not a very happy story; it is a sad story. It is sad principally because the Ranger agreement could have been signed and Aboriginal people could have been dealt with fairly and honestly at the same time. The first was certainly accomplished and the second demonstrably was not. When the Ranger agreement was tabled in the Federal House, Mr Viner said: "In the course of time, the real story will become known and the distortions both deliberate and out of ignorance will be put to rest". That story is about to be told.

To strengthen the comments that I have previously made in this House, I say again that my participation in much of this entire sad story had nothing to do with uranium whatsoever. It was certainly not to oppose uranium; it was to oppose as strongly as I could the way in which the government and the office of the Northern Land Council went about obtaining Aboriginal consent to that agreement. It is essential for this story to be told because it is one that closely affects the Territory and its entire population, both black and white, and the future of relationships between non-Aboriginal and Aboriginal Territorians. It is essential, for the same reason, that the story be placed in the Territory's public record. The amount of material available is overwhelming. To put the story in its correct perspective, it should go back at least a year but, because of the limits of time, it must be restricted to the events that occurred from 1 September this year.

Aboriginal people are culturally parochial people - a feature of their culture which is readily exploited by non-Aboriginals. However, they are becoming increasingly aware that the need to consider themselves as a black community in the Northern Territory living basically the same life-style, having the same aspirations and facing the same threats to their continued existence as an identifiably distinct group. Over the past 12 months, coastal Aboriginal communities right across the Northern Territory have been suffering under continual pressure from commercial fishermen exploiting waters around their communities, both legally and illegally. The fear that this pressure created, combined with a growing awareness of the need to stand together on important issues, resulted in the calling together of 42 delegates representing 19 Aboriginal communities at Galiwinku on 1 September to meet for an entire week to discuss common community problems.

During the course of this successful conference - commended in fact by the Chief Minister himself - the NLC was freely discussed by many of the delegates present. The office of the council was being criticised for being structured along the usual bureaucratic lines and being, as many members

expressed it, merely an extension of the Department of Aboriginal Affairs - in other words, an agency of the government. Fears were expressed that the Northern Land Council had been set up by the government merely to absorb and neutralise Aboriginal opposition to government policies.

A motion was passed at this conference calling on the Northern Land Council to defer the signing of the Ranger agreement until Aboriginal people were given control of coastal water around their communities. There was a great deal of discussion about the possible reaction of the Northern Land Council office to such a proposal. It was dispiriting for me to listen to Aboriginal people talking about needing to force the Northern Land Council into accepting their point of view.

The Galiwinku Council decided to send this resolution by special envoy to the Northern Land Council meeting called to consider the ratification of the Ranger agreement. Shortly before the land council was to meet to consider the ratification of the Ranger agreement, the government on 4 September announced its decision to allow Pancontinentatl to go ahead with its road extension to the Arnhem Highway. Aboriginal people have continually expressed their total opposition, through the land council and outside of the land council, to the Pancontinental mining project. This decision by the government in the face of the Ranger ratification meeting angered many Aboriginal people who considered it to be a direct provocation by the government.

On the following day, September 5, the chairman of the Northern Land Council, Galarrwuy Yunupingu, said that the Northern Land Council would not sign the Ranger agreement unless the Commonwealth government withdrew permission for Pancontinental to go ahead with the roadworks. He stated that the government's go ahead was given without the approval of the traditional Aboriginal landowners who opposed the building of the road. He said that the Northern Land Council supported this stand and stated: "The government should play their politics fairly and honestly before mining development takes place".

During the following week, telegrams were sent out to the Northern Land Council delegates advising of a land council meeting that was to begin on 12 September. The telegrams were sent in the normal manner - that is, at short notice and containing the date of the meeting and no information at all about what was on the agenda. This meeting notification procedure has been a source of continual complaint from Aboriginal people. Non-Aboriginal community workers have often expressed astonishment to me that an Aboriginal organisation taking the monumental decisions that it does should not advise its delegates a minimum of one week in advance at least by writing with a written agenda of the items to be discussed so that delegates would have some scant opportunity at least of discussing the matters with their communities before they attend land council meetings. This has never been done and is not being done now.

On Thursday 7 September, the day before Yunupingu was to meet senior government ministers to discuss the Ranger agreement, he gave a press conference. Among other things, he said that the Ranger agreement would not be signed until the government told the Northern Land Council that the Pancontinental mining venture would not proceed; that the government was unnecessarily pressuring the Northern Land Council to sign the agreement; that the agreement itself was only "a recommendation"; that because the recommendation was written in English, it would have to be translated into Aboriginal languages; that once this translation work was finished the NLC, at that stage, would be prepared to begin what he termed, "real negotiations"; that none of this real negotiation would be finished before the wet season; and that the Ranger agreement was "a rotten agreement". He went on to say that the agreement was so bad that Mr Anthony should take it with him next time he went to the

toilet. That was quoted in the Australian Financial Review.

The following day, on 8 September, a meeting was held in Darwin. That meeting was attended by the Prime Minister, Mr Fraser, the Deputy Prime Minister, Mr Anthony, the Minister for Aboriginal Affairs, Mr Viner, the Chairman of the Northern Land Council, Mr Yunupingu and Mr Harry Wilson, an executive member of the council. At the conclusion of the meeting, Mr Anthony and Mr Yunupingu issued a joint statement which said that Mr Yunupingu would recommend ratification of the Ranger agreement to the next meeting of the Northern Land Council and that Mr Anthony would ensure that the highway extension would not go ahead without Aboriginal agreement before the government had given permission for the Pancontinental mine to proceed. This, in itself, was a meaningless promise.

Mr Yunupingu described the settlement as "very successful" and said, "The Northern Land Council is feeling much more comfortable". Mr Yunupingu had refused to attend the meeting if Anthony had been present and unless he could take the Northern Land Council's legal officer, Mr Stuart McGill, with him. Anthony was at the meeting and McGill was kept out of the meeting at the minister's insistence. A joint statement that the Ranger agreement would be ratified on the condition that the Pancontinental Arnhem Highway extension would not proceed was issued.

A scant three days later at the Red Lillie meeting that was to ratify the Ranger agreement, Mr Yunupingu opened his speech to his delegates with the following words: "I would like to recommend to the Northern Land Council the possibility of road construction, a continuation of the Arnhem Highway to the 13 km limit as a combined effort by Pancontinental and Queensland Mines". That must have been a very interesting closed-door meeting indeed. This abrupt about-face provoked criticisms of the chairman from the delegates at the Red Lillie meeting and, in particular, from the deputy chairman, Mr Gerry Blitner who wanted to know why the chairman of the Northern Land Council was making so many conflicting statements. The chairman's answer was enlightening. He said, and this is a verbatim quote: "This council is mucking around with the dirtiest job there is. Politics is not a pure job. If you want to be dirty, you'd better not be a Christian bloke to play around with politics. You'd better be the dirtiest man on the face of the earth - and that is very true, politics is dirty; it's trickery. You think of anything. Anything under the sun, anything that you can try to win that other person, to actually sit down and talk to him. Bluff him, anything - tell him jokes, any stories, threaten him with anything to make him win so that he will sensibly come and sit down with you - and all that thing there written on those books Stuart gave to you. I am being quoted what I said to the newspaper under pressure because I wanted to win. Anthony and Fraser called a meeting with me so that I can actually put my point of view where they are, personally to talk to them. If I would have ignored it, I would have made all that I have said serious and that is what I said is forgotten by myself. That is not true; I am talking like a professional politician. Politicians are in that position; they talk one thing, and do the other thing the next day and I am just one person who is able to do that. And if Gerry is criticising me on that, he can go ahead and criticise me but he is not going to put me out".

Gerry Blitner replied and spoke of the criticism that had been expressed about the Land Council by Aboriginals at the Galiwunku meeting. He said: "No, I talked at Elcho Island about this same thing. White man's got that lying look, and an Aboriginal must not have it. That old one talked there, but he was talking about Toby Gangali. That is true, what he says. He condemns himself because he can't talk English. Nobody of us can talk so plain". He is referring to Yunupingu when he says that. "The old man explained himself from civilisation being his own place. I don't think it is right for any Aboriginal to go out and do something like that. He must stay an Aboriginal because of ceremony. Look at those hills. They tell you what to do; you can't tell lies about them. You can't, because you will be judged

not by sitting here. When you go back, somebody might be sick. You look as if you had been wrong, you start scratching, you know". Of course, people who have had anything to do with Aboriginals will know perfectly well what Gerry was talking about. "But don't anybody here, I warn you, don't play politics with blackfella business".

At this point, the manager of the Northern Land Council Alex Bishaw interjects, "I don't think that's right, Gerry." Yunupingu replies: "You still want to play. White man don't say that. You as a black man have to put yourself in a white man's position. Of course, I can pay respect to all - all Aboriginal things that there is. I can play my politics in Aboriginal way if I have to, and I've shown that all along. What can you do? What can you do when a white man not respecting the position of an Aboriginal? I mean you've got to put yourself in the position of a white man and play dirty politics". A sad statement indeed. Gerry replies: "You've got to take more special care in future because you're handling other people's business - people that have got big concerns".

This rapid and sad deterioration in Galarrwuy Yunupingu's previously unsullied character of honesty and integrity can be pinpointed exactly. It began from the day that he had his closed-door meeting with 3 of certainly the most powerful men in Australia: the Prime Minister, the Deputy Prime Minister and the Minister for Aboriginal Affairs. The Australian Financial Review in its editorial on Monday 16 October was headed "Casualty of white fella politics". That editorial said: "Uranium politics has claimed its first victim, Mr Galarrwuy Yunupingu, Chairman of the Northern Land Council". The paper was referring to similar things that I have already been describing.

By merely referring to the public record alone, subsequent events proved just how accurate that analysis was. On that same Friday, September 8, I received requests from two Aboriginal communities, Milingimbi and Goulburn Island, to attend special meetings of their community councils together with the Northern Land Council's solicitor, Mr Stuart McGill. These requests, although made on the same day and for the same reasons, we subsequently found were totally independent. On the following Saturday, September 9 - they do see some people at weekends - Stuart McGill and myself attended a full meeting of the Milingimbi Council which lasted the entire morning and 47 people were present at that meeting. We also attended a meeting of the Warrawi Council on Gouldburn Island which lasted for most of the afternoon. Both councils expressed the same fears. The Northern Land Council were pushing too hard and moving too fast on the question of the Ranger agreement. Both councils, again independently, requested both Stuart McGill and myself to take messages back to the land council asking for greater community participation at the forthcoming meeting and for the meeting to be extended into the following week as they did not consider that 3 days were sufficient to conclude such important business. Both councils also expressed their anger with the land council office and the short notice that had been given for the meeting, with the fact that both communities were completely in the dark as to what was to be discussed and with the fact that neither community had the slightest knowledge of the Ranger agreement and what it involved, and still don't.

I was successful on Sunday in locating Mr Yunupingu. I put the complaints and the requests of both councils to him. These complaints in fact directly followed a number of previous complaints brought directly to his notice by me from Aboriginal people concerning the continuing failure of the land council office to sufficiently inform Aboriginal communities as to what was happening. I told Mr Yunupingu that the Goulburn Island Council would be getting in touch with me that night and required an answer. I undertook to pass on to them verbatim any message he wanted to give me. He said that I should pass on the following message: that, because of the complexity of the issues involved, there would definitely be no ratification of the Ranger agreement in the 3 days allowed for by the council office; that the meeting would certainly be extended

into the following week; and that he was very agreeable that both communities could send as many extra representatives as observers to the second week of the meeting as they wished. That message was duly passed on.

Mr Yunupingu also asked me to come to the Northern Land Council office the following day for a meeting with him to discuss the proceedings in detail of the 2 council meetings I had attended the day before. I kept this appointment on the following afternoon and had a meeting with Mr Yunupingu and the manager of the Northern Land Council, Mr Alex Bishaw. I explained at length the complaints that had been made to me by the 2 councils and the requests they had made. This discussion was an extremely amicable one. This was hardly surprising as it was not the first occasion that I had brought directly to the attention of the manager of the council, Mr Bishaw, and the chairman, Mr Yunupingu, complaints from people in my electorate concerning the operation of the office and suggestions as to how these problems could be rectified. In fact, I had been bringing these complaints to the attention of both those gentlemen for 6 months.

During the course of these discussions, Mr Bishaw said to Mr Yunupingu: "Let's get one thing straight. I was talking to people in Canberra last week, senior public servants, men that are actually in the Cabinet room when the government makes its decisions. They have told me that, if the Northern Land Council does not sign the Ranger agreement this week, the government will not negotiate further. The government will not arbitrate; they will simply legislate and change the Land Rights Act".

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

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 a.m.

TABLED PAPER

Education Advisory Group Report

Mr ROBERTSON (Community Development): Mr Speaker, as previously requested by the honourable member for Arnhem, I table the report of the Education Advisory Group.

SUSPENSION OF STANDING ORDERS

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the 3 bills associated with Intestate Aboriginal matters, firstly, 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.

ADMINISTRATION AND PROBATE BILL
(Serial 205)

INTESTATE ABORIGINALS (DISTRIBUTION OF ESTATES) BILL
(Serial 193)

FAMILY PROVISION BILL
(Serial 194)

Bills presented and read a first time.

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

These bills represent a further stage in the government's efforts to give recognition to the particular cultural and community heritage of Aborigines in the Northern Territory. They consist of amendments to the Family Provision Act and the Administration and Probate Act and the consequent repeal of the Intestate Aboriginals (Distribution of Estates) Act.

The amendments to the Administration and Probate Act proposed in these bills are amendments in line with previous measures about tribal marriages which this government has introduced into this House. They are designed to make sure that Aboriginal marriages are recognised as fully as white marriages for the purposes of distribution of a person's property after his death. This is an extremely significant measure. Now that the agreement in relation to Ranger has been signed, it can be expected that Aboriginal people in the Northern Territory will come to command a greater share of the world's wealth than they have up to now been able to command. My government does not wish to see the cultural and traditional community relationships of Aboriginal life destroyed because of the effect of incompatible laws relating to the distribution of such property on death which do not recognise such relationships as proper.

The significant changes which are brought about by these bills can briefly be set out as follows: firstly, the old ordinance, the Intestate Aboriginals (Distribution of Estates) Ordinance, is repealed and provisions in relation to distribution on intestacy in respect of Aboriginals are inserted in the Administration and Probate Act where they properly belong. Secondly,

the Administration and Probate Act is to be amended by providing the tribal marriages are, for the purposes of the Administration and Probate Act, to be recognised as marriages. I might draw to honourable members' attention, although I am sure it is unnecessary, that the Marriage Act itself is a federal act and a federal responsibility and the Northern Territory government can only legislate around the field of marriage.

This will mean that a person who is tribally married but not otherwise legally married can apply to become the administrator of the estate of a deceased Aboriginal. I should point out that there is no difference in will-making capacity between Aborigines and any other person and that this bill is only designed to correct difficulties which may arise when Aborigines die intestate. As the act stands at the moment, the sixth schedule governs, in a fairly inflexible fashion, the distribution of the assets of an intestate person. This distribution may be totally at odds with the traditional method of distributing a deceased Aboriginal's possessions. The purpose of this act is to enable, in the case of intestate Aboriginals, people who would be able to share in the estate of a deceased Aboriginal in accordance with tribal custom to approach the court and get an order for distribution of the estate in accordance with tribal custom. The court will have a discretion to make a traditional distribution if it is just in all the circumstances. In addition, there are consequential amendments to be made and administrators of intestate estates are given the usual protections.

The last aspect of these bills is amendments to the Family Provision Act. Members will be aware that this act lets the court, in special circumstances, upset the distribution of an estate under a will or on intestacy if the court finds that adequate provision has not been made for the deceased's family. Once again, the act as it currently stands takes no account of tribal relationships and the amendments to be made to the Family Provision Act are designed to ensure that a traditional marriage entitles a person to seek an order under the Family Provision Act just as much as any other marriage. I commend these bills to the House.

Debate adjourned.

SPEAKER'S RULING

Newspapers in Chamber

Mr SPEAKER: Honourable members, I wish to clarify for members my attitude towards the bringing of newspapers into the Chamber. I do not attempt to prohibit newspapers being brought into the Chamber, but I do object to the reading of newspapers in the Chamber in a manner which might tend to give the impression that the Chamber is the reading room of a club and not the House of the Parliament. Newspapers have a place in parliamentary business. They are often referred to in debate and, indeed, for the purposes of certain standing orders, they have to be produced in the Chamber. It is left to members' sense of decorum how they conduct themselves in the Chamber and what use they make of material which they bring into this place. I have the responsibility to intervene if I find that sense of decorum lacking to the extent that a member's behaviour becomes unparliamentary. Therefore, the ruling I made yesterday with respect to the honourable Minister for Community Development wrong and I apologise to him for any embarrassment caused.

CRIMINAL LAW (CONDITIONAL RELEASE OF OFFENDERS) BILL
(Serial 218)

Bill presented and read a first time.

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

The purpose of this bill is to provide for the issue of warrants and summonses for persons who fail to comply with orders of the court made under this act. Members will recall that the principal act established several types of orders which the court could make when conditionally releasing offenders. These are dealt with in parts III, IV and V of the principal act and they deal with conditional release, attendance orders and community service orders respectively.

The purpose of this bill is to overcome several problems which the government anticipates could arise with persons who are at liberty pursuant to orders made under those various provisions of the principal act at present. If a member of the police force is aware that a person who is at liberty under a conditional order is about to fail to comply with the condition of his release or is about to abscond, then that police officer has no option but to arrest the person. This bill will provide that the police officer may apply for the issue of a summons against the person to require him to appear before the court which made the order to which he is subject.

Perhaps of more interest to members are the other provisions of the bill which cover the situation where a person at liberty subject to an order made under the principal act leaves the Northern Territory. At present, there is no procedure under the act whereby an application can be made for a warrant to issue against that person and proceedings be commenced to have him extradited back to the Territory to answer for the breach of the conditional order under which he is at liberty. This bill will close that loophole and allow for a member of the police force to apply for a warrant to issue in respect of such a person. The bill is part of the government's program to update the treatment of offenders and, accordingly, I commend it to the House.

Debate adjourned.

SITTINGS OF THE ASSEMBLY

Mr ROBERTSON (Manager of Government Business): Mr Speaker, I move that during the present session of the Assembly, notwithstanding any previous resolution of the Assembly, Mr Speaker may, at his discretion, appoint a time for holding a sitting of the Assembly which time shall be notified to each member by letter or telegram.

Very vriefly in addressing the motion, the reason quite simply is that these are sessional orders of the Assembly and, of course, expire at any time when prorogation occurs. It is merely to reinstate a standard provision which has applied in this place for many years and in other parliaments in Australia.

Mr ISAACS (Opposition Leader): The Manager of Government Business has quite correctly reinstated a motion that the Assembly passed unanimously at the last session but I wish to resurrect a statement I made in relation to that debate. We did implore the Manager of Government Business to give us a timetable which he very kindly and courteously did on that occasion for the sittings of 1978. I would again request that the government give us a timetable for 1979 for the sittings of the Assembly, given the comments which I am sure we have all heard regarding the volume of work. It is certainly important that the Assembly sit and give proper consideration to that legislation but we should also give consideration to the fact that we have electoral business to do as well. The two go hand in hand and we do require a timetable for the sittings of the Assembly.

Mr EVERINGHAM (Chief Minister): I understand that a timetable is being worked out at the present time. I am not sure that it has already been discussed with you. It may have been; it is certainly in its embryo stages and we will publish a timetable once again for parliamentary sittings for 1979 by

your leave. I can see the opposition having no problems in that regard.

Motion agreed to.

APPROPRIATION BILL
(Serial 150)

Continued from 20 September 1978

Bill passed remaining stages without debate.

APPROPRIATION APPLICATION BILL
(Serial 198)

Continued from 22 November 1978

Mr ISAACS (Opposition Leader): Mr Speaker, the opposition supports this measure. Certainly, we must otherwise we will not have a Health Department funded from 1 January. Certainly, the piece of legislation is required given the nature of the Appropriation Bill itself. I think it is again worthwhile to make the remark I made in relation to a bill on Wednesday and which the Chief Minister seems to have taken completely the wrong way but that is up to him. The fact is that this bill would not be required had sufficient thought been given to the presentation of the Appropriation Bill itself. If sufficient thought had been given to the Appropriation Bill, those people concerned with drawing up that piece of legislation would have realised that the appropriation could not be commenced for the Health Department until 1 January next year and that we were appropriating moneys for at least part of 1978. Therefore, it is quite apparent to anybody that the Health Department appropriations could have been used if the Appropriation Bill had gone through without this particular conjunct bill going through with it. Certainly, the opposition supports it, but surely it must give the government grounds for thinking again about the procedure it adopts in relation to the drafting of legislation. I am not criticising the draftsmen; I am suggesting that sufficient thought and adequate process should be gone through to ensure that the bills which the Assembly considers do not have the sorts of technical problems which we are so frequently confronted with. As I say, the opposition certainly supports this piece of legislation. It is required to ensure that we get our Health Department funded from 1 January.

Mr PERRON (Treasurer): Mr Speaker, just to touch on the point raised by the Leader of the Opposition, I do not think that this particular bill falls within the category he referred to the other day of matters perhaps being overlooked or picked up after legislation is introduced into the House. As I indicated in the second-reading speech, this is still in fact the subject of a disagreement between officers of the Commonwealth and the Northern Territory. We are not convinced that the bill is, in fact, entirely necessary. However, we do it rather than continue a wrangle which would hold up assent to the appropriations, which are needed fairly urgently, not just for the Department of Health but for all the Northern Territory government functions which have to continue despite the fact that the supply period funds are running very low at the present time. To avoid any possible delay in assent to the Appropriation Bill, it was agreed that we should put this matter through the House to remove any possibility of doubt. I just point that out as it is not, in fact, a result of any oversight, rather one of disagreement.

Mr ROBERTSON (Manager of Government Business): Mr Speaker, I move the suspension of Standing Orders to allow this bill to pass through all stages at this sittings.

Motion agreed to.

Motion agreed to, bill read a second time.

Bill passed the remaining stages without debate.

LEGISLATIVE ASSEMBLY (REMUNERATION, ALLOWANCES AND ENTITLEMENTS) BILL
(Serial 226)

Continued from 22 November 1978

Mr ISAACS (Opposition Leader): Mr Speaker, I thank the Chief Minister for informing me as early as he could in relation to this particular piece of legislation. It does seem to be a commonsense approach to the particular problem of Assembly members all of a sudden finding themselves without a seat simply because they have acted in accordance with what they thought were the best interests of the Assembly. The Assembly may well have sent them off on some business of the Assembly and that sort of situation where you might lose your seat in trying to do the right thing is something which we ought to avoid. We did go through an exercise at the beginning of the financial year where people were acting on behalf of members of the Assembly - I might say without the permission of members of the Assembly - in trying to save our seats. It was very kind of them to try to do so but next time they act on our behalf and in our best interests, perhaps those people might ask our advice first.

The only comment I would make in relation to this particular bill is that it does provide for interim determinations and I would hope that, as soon as possible, the appropriate legislation is amended to take regard of that interim order so that it does come before the scrutiny of the Legislative Assembly. The opposition supports the legislation.

Mr ROBERTSON (Manager of Government Business): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the passage of this bill through all stages at this sittings.

Motion agreed to.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

SUSPENSION OF STANDING ORDERS

Mr ROBERTSON (by leave): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the passage through all stages at this sittings the following bills: Hospital and Medical Services Bill (Serial 195); Transfer of Powers (Law) Bill (Serial 122); Transfer of Powers (Health) Bill (Serial 212); Motor Vehicles Bill (Serial 206); and the Statute Law Revision Bill (Serial 217).

Motion agreed to.

POISONS BILL
(Serial 152)

Continued from 14 September 1978

Mrs O'NEIL (Fannie Bay): The Opposition supports this bill. Its purpose is to enable preparations containing 1% or less of dextromethorpan to be sold over the counter by pharmacists. At the moment, preparations containing this substance are available only on prescription and the change is in accordance with the National Health and Medical Research Council recommendations.

It is interesting to note what mixtures will be affected by the passage of this bill and which cough mixtures indeed contain the anti-tussive

dextromethorpan. They are popular medicines such as Polaramine, Benetuss, Benyphed etc. It is interesting to note what other chemicals are contained in these cough mixtures. They have, in addition to dextromethorpan, sizeable quantities of alcohol. Polaramine is 7% alcohol. Benetuss has 3% alcohol and it has 10 milligrams of chloroform in a 5 millilitre dose. It is not surprising that they work but it might be questionable whether it is the dextromethorpan which is doing the trick.

It is fairly well known that a good way of solving a chronic cough is to use a sedative. It seems to me that perhaps what we are doing when we give our kids 5 mls of Benetuss is not solving their cough with the dextromethorpan but solving it with the alcohol or the chloroform. We might just as well give them a glass of sherry. Some people might say that it is a terrible thing to suggest that we should give alcohol to small children but are we doing them any great favour by giving them something which contains not only alcohol, chloroform and dextromethorpan but an anti-histamine, a ephedrine-like substance, ammonium chloride, and various other things as well.

While we should not prevent the use or sale of cough mixtures or anything else that people might find very effective, we should always give great thought to the need to educate the community in the correct and responsible use of drugs. We should keep a close eye on the activities of drug companies and indeed of the medical profession and its tendency to over-prescribe such substances. We support the passage of this bill but we should bear in mind exactly what we are doing.

Debate adjourned.

CRIMINAL LAW CONSOLIDATION BILL
(Serial 160)

Continued from 14 September 1978

Mr ISAACS (Opposition Leader): This piece of legislation would have to be the shortest piece of legislation this Assembly has ever considered. It follows on from the amendments to the Criminal Law and Procedure Act yesterday. It removes section 385A which gives the prerogative of mercy to the Governor-General. The opposition supports the legislation as indeed we supported the main legislation yesterday.

Mr OLIVER: I agree that this is possibly one of the shortest bills to come before this Assembly but it is a further step towards complete self-government. It is quite fitting that the prerogative of mercy be vested in the Administrator and not the Governor-General.

Motion agreed to; bill read a second time.

See Minutes for formal amendment.

Bill passed remaining stages without debate.

CRIMINAL LAW (OFFENCES AT SEA) BILL
(Serial 161)

Continued from 20 September 1978

Mr ISAACS (Opposition Leader): Mr Speaker, the opposition welcomes the bill although I am somewhat concerned that a raft of amendments has been circulated by the Attorney-General. It is true that we are now part of the Standing Committee of Attorneys-General and that committee is taking under its wing the very vexed problem of legislation relating to similar matters throughout the states and the federal jurisdictions. It is a most important

standing committee and I am very pleased that the Northern Territory Attorney-General sees that committee as a most important one. I understand that he has views about other standing committees of federal and state ministers but I am sure that he sees this one as most important.

The Chief Minister said in his second-reading speech: "The Northern Territory should be treated in so far as is constitutionally possible in the same manner as the states". I commend the Chief Minister for the way he has been able to ensure that the Northern Territory has been given the standing which it has in this very important standing committee of Attorneys-General.

The bill is an important bill in relation to offences at sea and the application of Territory law. I look forward to further bills being introduced into this Assembly in relation to other matters emanating from that very important standing committee. The opposition supports the bill.

Mrs LAWRIE (Nightcliff): Mr Speaker, I rise to express support for the bill. I hope that the committee stages will be taken later because, despite the amendments circulated, there are other amendments still needed. Even under the definitions, there is a small formal amendment needed. Under the definition of "ships", we see that the term means "a vessel or boat of any description and includes any floating structure and any hovercraft or any other similar crafts". I advise the committee that there is no such English word as "crafts". The Oxford English Dictionary says that the plural of craft is the same as the singular. That would be a fairly simple amendment.

If we look at "coastal sea", it is my understanding that the territorial sea runs from low water mark. If that is correct, what is the meaning of the expression "the sea on the landward side of the territorial sea adjacent to the Territory that is not within the limits of the Territory."? I understand that the territorial jurisdiction of the Northern Territory extends to low water mark. This makes that expression meaningless. I ask if the sponsor of the bill can clarify that.

Clause 7 will also need tidying up in its terminology. It is very difficult to understand. This bill is drafted in a very complex way which may or may not have been necessary. It certainly is difficult to read. I shall be turning my attention more particularly in committee to clause 7.

Clause 9(3) states that "any court in the Territory that exercises jurisdiction in a summary way, the justices constituting the court and all persons acting in aid of the court, shall have and may exercise subject to this act, all or any of their jurisdiction ..." I understand that a court may consist of a magistrate under the Magistrates Act who is not necessarily a justice. They usually are but need not necessarily be so. If I am correct, it may mean a necessary amendment to clause 9 (3). I would also ask the honourable sponsor of the bill if he could explain section 9 (1) which I have found very difficult to understand.

Clause 10 also needs an amendment. In the third last line, there appears the word "each". I believe that word should in fact be "either".

Clause 13 is the section of the bill which has excited my attention the most. I am surprised that the Leader of the Opposition did not pay more attention to this particular section as I believe that it needs drastic amendment. The clause will permit the amendment of law in the Territory by regulation. This is something which this House has never permitted and I believe it should not permit it now. Clause 13 (1) gives the Administrator the regulation-making power for the purposes of this act and that is a perfectly normal and logical provision. However, we see that the regulation-making power we are giving here is far in excess of that permitted in other acts: "Without limiting the generality of subsection (1), the regulations

may provide that such provisions or classes of provisions of the criminal laws in force in the Territory as are specified in the regulations (a) do not apply by virtue of this act; (b) do not apply by virtue of this act to acts or omissions, or classes of acts or omissions, specified in the regulations; or (c) do not apply by virtue of this act in circumstances specified in the regulations". I think (c) may be okay but the others are not. "Where regulations such as are referred to in subsection (2) are in force this act shall be construed to apply to provisions of the criminal laws in force in the Territory subject to and in accordance with the regulations".

I know it sounds a little difficult to understand but we are giving a regulation-making power, the power to alter the laws of the Territory. I would ask the honourable sponsor of the bill if he would defer consideration of the bill in committee until an amendment to that particular amendment may be considered. I do not believe that it has ever been the practice in this House to allow laws to be altered by regulation and it should not be permitted now. I am aware that we have a committee which looks at the regulations but never has a law been able to be amended by regulation. Regulations are always subservient to the prime legislation. It is my earnest desire that that practice will continue.

Mr EVERINGHAM (Chief Minister): I have listened with interest to the remarks of the Honourable Member for Nightcliff. I wish she had turned her attention to this legislation some time ago and perhaps given me some notice of her objections to it. However, I have become accustomed to the fact that this just does not happen when you are dealing with the honouable member for Nightcliff. She always saves her ammunition for the House and asks for things to be adjourned when they could have been cleared up.

The honourable Leader of the Opposition said that he understands that I have certain views in relation to Northern Territory attendance at various ministerial conferences. I certainly believe that the Northern Territory should be represented at any council meeting where there can be any possible benefit to the Northern Territory. I have made my views known to my ministers and to departmental heads. However, I am always happy to see the Northern Territory represented where there is some benefit to be obtained. I think the Western Australia government has a somewhat similar attitude. Even a minister from Brisbane or Hobart can leave his capital city at 7 o'clock in the morning to attend these ministerial conferences which are generally in Sydney, Melbourne or Canberra whereas a Northern Territory minister and his officials invariably have to leave the day before the conference. They virtually waste a day in travelling time. Later of course, they have to make their way back to the Northern Territory. For these reasons, we should examine each particular council or conference on its merits for the time being. There is no doubt that the Northern Territory has access to all of these ministerial conferences. In fact, we have hosted some of them including the Standing Committee of Attorneys-General and an ATAC meeting. We should look at each conference in turn and see what benefit there is in it for the Northern Territory.

The honourable member for Nightcliff asked that the committee stages of this bill be deferred. I think we will try to make our way through as far as we can. She raised an error in grammar in the definition of "ship" and we can easily cure that.

The honourable member wanted to know the meaning of clause 9 (1). As I see it, the meaning of 9 (1) is that persons such as policemen who, upon the commission in the Territory of an offence against any provision in the criminal laws in force in the Territory, may exercise powers and authorities conferred on them by law, shall have and may exercise all or any of those powers and authorities upon the commission of that act or omission to which that provision of those criminal laws applies by virtue of this act - that is

on the sea - as if the act or omission had been committed in the Territory itself.

I go back to the definition of "coastal sea" and I must confess that I am certainly not a great one on the law relating to the sea. It seems to me that High Court justices at times have trouble understanding it too. I am seeking clarification of this and do not really want to commit myself but it seems to me that sea on the landward side of the territorial sea - with the territorial sea extending from the low water mark - is water that comes beyond the low water mark at high tide. In the Northern Territory, the tide rises and falls dramatically and leaves large flats. This was one of the considerations in the Aboriginal land claim in respect of islands near Borroloola. You have to cover the situation where the tide comes in. You can float a battle ship there at high tide but you cannot float a bathtub there at low tide. I think that is the situation. I am afraid that I am applying a common sense approach to it rather than a lawyer's approach ...

Mr Collins: There is a difference.

Mr EVERINGHAM: I agree that there is a difference. I do not think you have seen me being tender to the legal profession since I have been in this job.

The honourable member objected to clause 9 (3). All magistrates are justices and it is inherent to their office that they have to be a justice. That certainly does not concern me.

We pass on to clause 10 where the honourable member wants "either" instead of "each". It seems to me that that is a very nice point being raised by a bush lawyer. We will see what is best there.

With regard to clause 13, we are told that the law will be changed by regulation. The honourable member is perfectly happy with clause 13(1) and so am I. Let us read clause 13(2) so that we see what it means. "Without limiting the generality of subsection (1), the regulations may provide that such provisions or classes of provisions of the criminal laws in force in the Territory as are specified in the regulations ..." That is certain parts of the criminal laws. Quite frankly, I have no idea which parts of the criminal law are likely to be specified in the regulations. I would think that all of them should be. What we are suggesting here in these regulations is that such provisions or classes of provisions as are specified in the regulations "(a) do not apply by virtue of this act; (b) do not apply by virtue of this act to acts or omissions, or classes of acts or omissions, specified in the regulations; (c) do not apply by virtue of this act in circumstances specified in the regulations". Each one of those points is a negative point. We are hardly extending a jurisdiction; we are limiting it. In any event, the fact of the matter is that all regulations are tabled in this House and are subject to disallowance by this House. I cannot see how the law is being altered. Its effect may be limited but the law itself, as I read it, is not being altered. I really do not know why you would want to limit the application of the criminal law to the territorial sea. I cannot remember all the talk that went on at the standing committee conference - and they had many meetings on this legislation before I got the right to go there. As I see it, we are not doing anything reprehensible or inimical to the interests of the Northern Territory or this Assembly by agreeing to section 13.

I would propose that after the bill has secured its second reading - if ineed it does - we move to take committee stages later this morning so that I can assert positively in relation to that definition.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr EVERINGHAM: I move amendment 6.1.

This deletes the words "condition of being" and is a consequential amendment to bring the Northern Territory legislation into line with the uniform bill. I would think that honourable members could see that "circumstance", "condition of being", or "state of affairs" are 3 attempts to describe a particular thing and it seems to me that perhaps "condition of being" is getting a bit too artistic.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 6.2.

This inserts after the definition of "omission" on page 3, between "omission" and "ship", the definition of "proceedings" to include "committal proceedings". This is a fairly formal amendment.

Amendment agreed to.

Mr EVERINGHAM: There are 2 points, if I might raise them. "Coastal sea" subparagraph (b) page 2 - I said it covered the situation of, say, high tide. I am informed that it covers the position also with bays and inlets in that the territorial sea apparently extends outwards from the two arms of a bay and inside the bay is not legally territorial sea. We call that "coastal sea" and, come to think of it, I remember examining certain base lines in respect of coastal sea that the Solicitor-General for the Commonwealth sent us some months ago. This definition is designed to catch people in the coastal sea as well as the territorial sea.

Mr CHAIRMAN: Honourable members, the formal amendments will be taken care of during the printing of the bill.

Clause 3, as amended, agreed to.

Clauses 4 to 7 agreed to.

Clause 8:

Mr EVERINGHAM: I move amendment 6.3.

This omits from clause 8 the words "of the Territory" after the words "Attorney-General". This is a fairly formal amendment.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 6.4.

This amendment is necessary as the subclause relates to a consent to a preliminary examination at committal proceedings and not to the examination of witnesses of the trial on indictment.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 6.5.

This is a formal amendment to ensure consistency in the drafting. I

think you can see that the only variation is changing "has been" to "is".

Amendment agreed to.

Clause 8, as amended, agreed to.

Clause 9:

Mrs LAWRIE: I draw the attention of the sponsor of the bill to the remarks I made in the second reading and I believe I am correct: that the magistrate is not necessarily a justice in his appointment under the Magistrates Act. I draw his attention to this with the best possible motives, as we do not wish to see legislation brought in to amend what could have been amended in committee. The honourable sponsor of the bill, in reply to my comments, said he believed they were normally justices. I would like to be assured that it is a fact and not a belief. I am seeking the postponement of this clause till the honourable sponsor can reply to my reservation about the passage of this clause in its present form.

Progress reported.

INTERPRETATION BILL
(Serial 165)

Continued from 14 September 1978

Mr ISAACS (Opposition Leader): Mr Speaker, in speaking to these amendments to the Interpretation Act, I rise again in relation to problems which have arisen as a result of the transfer of powers, and to that extent I believe my comments are well directed.

The matter in relation to the Administrator-in-Council is appropriately dealt with, as we now refer to the Administrator as the Administrator acting with the advice of the council unless the other intention is plain. In relation to ministers and the application of certain acts under the administerative arrangements order, I believe that under the Commonwealth provisions relating to Commonwealth ministers that precisely the same situation does occur: where acts are not made the responsibility of a certain minister under the provisions of an administrative arrangements order, then any minister who takes action under the particular act is given authority to do so. Therefore the amendment referred to in clause 4 of the bill is appropriate. It seems that a member of the public is going to see actions taken by a minister that he cannot put his finger to and it might be taken by a minister who has no relation whatever to the particular act. However, when you take the Commonwealth provisions into consideration the facts are that the provision is warranted and for that reason, the opposition is supporting clause 4 in this particular case.

The amendments in clause 5 certainly widen powers. Instead of just referring to a power, it refers to powers or functions, and that certainly seems to be required.

The opposition does support the amendments to the Interpretation Act. They seem to be required in the light of the transfer of powers which has taken place and we support the bill.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

CRIMINAL LAW (OFFENCES AT SEA) BILL
(Serial 161)

Continued from page 449

In committee:

Clause 9:

Mr EVERINGHAM: I have two bits of law here for the edification of the committee. I refer the committee firstly to section 18(1) of the Magistrates Ordinance and secondly to the definition of "justice" in the Justices Ordinance, which satisfy me sufficiently to assure the committee that a magistrate will be able to deal effectually with matters although the term "justice" is used only in this section.

Clause 9 agreed to.

Clause 10:

Mr EVERINGHAM: I move amendment 6.6.

This is a formal amendment of a procedural nature.

Amendment agreed to.

Mrs LAWRIE: I draw to the attention of the sponsor of the bill that it was clause 10 in which I sought the substitution of the word "either" for the one printed which is "each". I believe the honourable sponsor was going to address his attention to that.

Mr EVERINGHAM: Going back to clause 10, if members want amendments, they normally move them themselves although I try to be as cooperative as possible. The word "each", as far as I am concerned, will remain in the bill because a person can be convicted under Territory or Commonwealth laws and there is the double jeopardy provision at the end of the clause.

Clause 10, as amended, agreed to.

Clause 11:

Mr EVERINGHAM: I move amendment 6.7.

This omits the words "by virtue of this Act" and so on.

Amendment agreed to.

Clause 11, as amended, agreed to.

Clause 12:

Mr EVERINGHAM: I move amendment 6.8.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clause 13:

Mrs LAWRIE: I record my strongest objection to the passage of clause 13 as printed. We see the honourable sponsor of the bill says that he has no objection to the regulations assuming the powers they are to assume with the

passage of this clause and, as he has the majority and as the official opposition has voiced no objection, I realise I am a minority of one. It would not be the first time I have been right although the other 18 have not directed their attention to an error.

I rise to particularly record my objection because I do not have the numbers even to call a division and I think it is worthy of a division. If we look at subsection (3):

> *Where regulations such as are referred to in subsection (2) are in force this Act shall be construed to apply the provisions of the criminal laws in force in the Territory subject to and in accordance with the regulations.*

The regulations will take supremacy over the laws of the Territory if we change them. I am aware that we have the Subordinate Legislation and Tabled Papers Committee. Nevertheless, we are setting for the first time a most undesirable precedent and I accordingly record my opposition to clause 13 of the bill as printed. Of course, there is a need for a regulation-making power but not in this form.

Mr EVERINGHAM: I do not think I need go over my explanation for that clause once again but suffice to say that the legislation, I am assured and understand, will be uniform throughout Australia. It would appear that every other state parliament and the Commonwealth parliament is prepared to accept legislation in this form. I do not agree with or concede what the honourable member for Nightcliff says at all.

Clause 13 agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

STATUS OF CHILDREN BILL
(Serial 170)

Continued from 20 September 1978

Mr ISAACS (Opposition Leader): Mr Speaker, some people might describe this bill as a bastard of a bill but I would not do that - and I use the term in its parliamentary sense. The purpose of the status of children legislation is, as the Chief Minister said in his second-reading speech, to abolish any discrimination against or references to illegitimate children in the laws of the Northern Territory. I only wish that the Status of Children Bill did just that. Of course, it does not. What it does do is remove the word "illegitimate" but replaces it with a 3 or 4 line definition instead of a single word. Instead of talking about a person as illegitimate, you refer to the schedule and you can describe him in a whole heap of different ways. That is a nicety but it certainly does not change the discrimination against the illegitimate; it simply uses another word. If that was the purpose of the exercise, perhaps a word such as "exnuptial" might have been used rather than "illegitimate".

I want to raise a number of matters in relation to discrimination against illegitimates and how far this piece of legislation goes compared with similar legislation in the states. First of all, what I would very much like to do is to read into the Hansard a definition of the word "bastard" which occurs in Morton's "Law Lexicon or Dictionary of Jurisprudence", the enlarged edition 1896:

> *A bastard, according to Blackstone, is one that is not only begotten but born out of lawful marriage. The civil and canon laws did*

not allow a child to remain a bastard if the parents afterwards intermarried. A bastard has neither duty towards his natural parents nor claims upon them, save as regulated by the 7 and 8 Victorian and C101 as amended and altered, nor any claims of succession to their goods nor any right to any name save such as he acquires, but a bastard may not marry any person whom he could not have married if his parents had been married before his birth and is punishable for incest if he carnally knows any such, and although he or she cannot obtain the consent of any parent when wishing to marry during minority, yet is he or she bound to obtain the consent of a guardian as upon the death of parents.

You can see that illegitimate, from that law lexicon of 1876, has no rights at all and certainly that has been the case in Territory law and in law in Australasia for many years until recently amended in New Zealand. That amendment has been taken up in the various states of Australia. It is appropriate that the Northern Territory introduce legislation to deal with this problem of ensuring that children born out of wedlock are given the same rights and entitlements as children born in wedlock. It seems to me a shame that this particular piece of legislation does not quite do that.

The opposition fully supports the principle enunciated in the Chief Minister's second-reading speech, but let me turn to some of the clauses in the bill which I believe should be taken up by the Chief Minister. Clause 4 (1) is the key to the whole bill. I will read it:

For all purposes of the law of the Northern Territory the relationship between every person and his father and mother shall be determined irrespective of whether the father and mother are or have been married to each other and all other relationships shall be determined accordingly.

That particular clause is mirrored in most of the other legislation but the problem with it is the last few words; "all other relationships shall be determined accordingly". What sort of relationships we are talking about? I refer the Chief Minister to the fact that in South Australia, they refer to relationships of consanguinity or affinity and in the New South Wales Legislation they make a similar provision. I will quote the equivalent clause in the New South Wales act. It is section 6 of the Children (Equality of Status) Act and it reads as follows:

Subject to sections 7 and 8, whenever the relationship of a child with his father and mother or with either of them falls to be determined by or under the law of New South Wales, whether in proceedings before a court or otherwise, that relationship shall be determined irrespective of whether the father and mother of the child are or have ever been married to each other and all other relationships of or to that child, whether of consanguinity or affinity, shall be determined accordingly.

As I say, South Australian legislation has a similar wording.

I suggest to the Chief Minister that perhaps he might ask his people to have a look at that because the courts are going to be faced with a matter of interpretation. Although the purpose of the bill is perfectly plain, we ought to assist them that much further on that question of relationships. I might say that "relationships" itself does not have a definition in this particular bill.

Clause 4(2) states:

The rule of construction whereby in any instrument, in the absence of expression of any intention to the contrary, words of relationship signify only legitimate relationships, is abolished.

That is most important in relation to wills because unless the will specifically refers to an illegitimate child in some way or other, either by name or by specific reference to it, then the illegitimate child has no right to inheritance as all legitimate children do have. Clause 4(2) is most important in this particular bill.

Clause 6, in my opinion, in some way downgrades that. Again, I would ask the Chief Minister to look at the particular New South Wales provision in this regard. Clause 6(1) says:

> *All instruments executed before the commencement of this act shall be governed by the enactments, rules of construction and laws which would have applied to them if this Act had not been passed.*

What that means is that, although after the commencement of this act, illegitimate children will then have the same rights and obligations as legitimate children, any deeds executed prior to the commencement of this act in relation to illegitimate children will not apply to them. It means that, although we are going to recognise them as having the same rights, the law will not in regard to the interpretation of wills. I believe we ought to do as the New South Wales government did and ensure that that particular clause ensures that illegitimate children have the same entitlement as legitimate children from the commencement of this act in regard to deeds - and certainly wills - executed prior to this act. It still remains open to the testator that, if he wishes to disregard or exclude that particular child from the proceeds or benefit of that will, then he can make another will.

If we are serious about ensuring the rights of illegitimate children, then we ought to recognise it at law. We can do so; there is precedent for it. I understand that, while there was a great deal of discussion in New South Wales about this particular piece of legislation, there was very little, if any, objection to it. When the New South Wales government was pursuing this matter of the status of children in 1976, they received 100 submissions in relation to the retrospective operation of that particular clause. Only 2 submissions came out against the proposal and, since it has been in operation, there has been no adverse comment. I repeat that it is open to a person who makes a will that, if he wishes to exclude an illegitimate child, he can do so simply by adding a codicil to the will to exclude the illegitimate child. If we are to protect the interests and rights of children, be they illegitimate or legitimate, then we should go the whole way with it and ensure that where a will is made prior to the commencement of this particular act, illegitimate children will still be given the entitlements that legitimate children are given.

There is one other matter that I would like to comment on in relation to court hearings. Clause 17 of the bill before the Assembly says:

> *If the court orders, the hearing of an application made under this Act shall be in closed court.*

I believe the matter of proof of paternity should be dealt with in a closed court unless the court otherwise determines. That is, it should be around the other way. South Australian legislation, for example, does provide this. I believe that is sensible; it is a private matter. If, however, for some reason the court is prevailed upon that it should be a public matter, then let it so decide. I do believe the principle ought to be reversed: the hearing of an application under this act should be in closed court unless the court otherwise orders.

As I said at the beginning, it is true that the Status of Children Bill is part of an Australia-wide recognition of the rights of illegitimates and the schedule to the particular bill seeks to remove the various references to

illegitimates. However, it does not remove the various discriminations against them. There are a number of areas, of course, where there is discrimination against illegitimates in one form or another - in the matter of adoption, in the matter of family provision and the matter of custody. What I would suggest to the Chief Minister, in pursuing the line which he obviously is keen to pursue - that is, to remove those various discriminations - that he might ask his law review committee to look at those 3 particular provisions in order to remove the discriminations which exist. I do not say it to him lightly because I know what a shambles that particular part of the law is in. I do draw his attention to it, because judging by his second-reading speech, he is obviously quite keen to remove not just the description of "illegitimate" but also the discriminations which arise out of a person's illegitimacy.

Mr OLIVER (Alice Springs): Mr Speaker, I rise to speak quite briefly in support of the bill. To my mind, this is one of the most important bills and possibly one of the most humanitarian bills we have had before the House. It puts all children upon the one legal footing. It removes the terms and inferences to legitimacy, and illegitimacy in the Northern Territory law. The bill is designed for the improved and common status of children yet it provides protection and consideration for the parents. I do not intend going into the bill in detail, Mr Speaker. I would just like to lend my support to it.

Mrs O'NEIL (Fannie Bay): I was particularly interested to look at the provisions for the use of blood tests in determining paternity or maternity which are contained in this bill. They are quite lengthy; they go on for several pages of the bill which suggest that the people who drew up the bill gave a great deal of thought to the necessity of doing these things. I made a few inquiries and looked at the situation elsewhere and also the situation that exists in the Northern Territory.

One of the things that intrigued me was that there is provision to determine who will be the person taking the sample of blood. This is in clause 13(10). There is no description of who will be doing the testing and that, obviously, is a much more important task. I am interested to note that in the British Family Law Reform Act which has similar provisions for the determination of paternity and maternity, they do go into a description of the tester and the sampler and, while I would not suggest that our law in the Northern Territory needsto be as complex as theirs, it does point to what appears to me to be an area that is lacking in this particular piece of legislation. Perhaps it can be done by regulation but I do think that the person who is doing the testing is a most important person and the qualifications of and directions to those persons should be prescribed in some way. These sort of provisions are not used terribly often. I understand the Darwin Health Laboratory has done precisely 10 tests of this nature since 1973. Of course, in the early days, the number of blood group systems which they could test were fairly limited. Recently, they have increased their acquisition of anti-sera and they can now do a range of tests which increases the probability of proving non-paternity, or non-maternity, to about 55% or 60%.

We should be very much aware of that when we pass this bill. We are not in London or even in Melbourne where they have such a range of tests that will give an exclusion rate of about 90%. This is one of the problems, of course, that we face when we take provisions from other legislation and apply them here. We will have at the most a chance of proving non-paternity or non-maternity of 55% or so. I simply wanted to make those remarks about the provisions of blood tests because I do think people should not put too much weight on them and feel they are going to be the be-all and end-all in decisions of this nature.

I would also like to support the remarks of the Leader of the Opposition,

particularly with regard to the backdating of the provisions with respect to wills. I could imagine, although I am not a lawyer - not even a bush lawyer from Nightcliff - that there could be some problems in this interpretation when you consider that wills can have codiciles which are made at different dates from the date of the will, and the problems of interpretation could then be even more complicated. I certainly think that justice would suggest that backdating the provisions with respect to wills would be a good thing so that with regard to wills that are already in existence illegitimate children are still given their proper rights. I would also recommend to the honourable Chief Minister that these provisions be expanded to cover the discriminatory provisions which still exist in such areas as custody.

Mr DOOLAN (Victoria River): Mr Speaker, I will make some brief remarks. Whilst not disagreeing with what my colleagues have said, I suggest that there are amendments needed. As the Chief Minister pointed out in his second-reading speech, the bill is of particular interest in the Northern Territory which has a 13.5% higher rate of ex-nuptial births than the rest of Australia. It goes without saying that it is quite unfair to regard children born out of wedlock as being of lesser status than those born to married parents. I do recall reading once in a similar type of legislation in the United States where an objector to such a piece of legislation made the remark that it would encourage bad girls to have babies. He was very succinctly shut up by the remark that bad girls did not have babies. I think that is pretty right.

I am interested to see the definition of "marriage" includes a relationship between an Aboriginal man and woman that is recognised as traditional marriage by the society or group to which they belong. I feel sure that we will all agree that, with some further amendments, it is a very forward-looking attempt at legislation and it is to be commended. It is a subject in which I have long been interested. Not so long ago, the Majority Leader and I were at Gove and I was approached by Mr John Flynn whom the honourable member for Casuarina so unjustly accused of absconding with the Tracy Village funds until, at your request, he corrected Flynn to Quinn. He asked if I recalled about 10 years ago when the pair of us got our heads together and worked quite a lot of unpaid overtime to try to do something about streamlining the Intestate Aboriginal(Distribution of Estates) Ordinance. We put up a magnificient submission which we sent to the then Acting Director of Social Welfare and we waited with baited breath to see what would happen. After some weeks, it was returned with pencil comments to the effect that we had sent it to the wrong person. We gave up hope of changing the system.

I would like to commend the work done by Mr Len Muller whose document was submitted in conjunction with the introduction of this bill. Len did a fantastic job. Without the work he did in the Aboriginal population and records section, half of this legislation would not be available. He had nothing to work on except the old register of wards which was referred to as the "stud book". This book was horribly inaccurate. One Aboriginal name was down as Mefellercrook. It appeared the gentleman taking the census had spoken to an Aboriginal man who was apparently deaf. When he was asked his name, he must have thought he was being asked how he was going. He said "Me feller crook". That is the kind of stuff that Len Muller had to work on. Len was almost obsessed with the idea of doing something about injustice which was occurring to Aboriginal children through the distribution of estates of intestate Aboriginals, to the extent that he wrote a letter to a national publication, which got a full page write up, and jeopardised his position with the department. Without some of the background work he did in conjunction with Mr Graham Nicholson and the honourable member for Nightcliff, much of this would not have been possible.

The opposition commends this bill with some amendments. I would endorse what the Opposition Leader and the member for Fannie Bay said but I think it

is a very forward-looking bill.

Mr COLLINS (Arnhem): Mr Speaker, I am going to speak briefly on this bill. I applaud its introduction; the opposition certainly supports it. I do believe the opposition has behaved in a totally constructive and helpful way this morning in speaking to this bill and I hope that government will take up many of the suggestions that have been made. I join with the Leader of the Opposition in commending the Chief Minister for his moves in this direction. I congratulate the Chief Minister on the excellent second-reading speech he delivered when introducing this bill. In fact, I too applaud the Chief Minister's obvious sincerity in bringing in this legislation. From reading the Chief Minister's second-reading speech, his sincerity is so obvious that one can only conclude that this legislation to remove all discriminations against bastards in the Northern Territory is a subject very close to his heart.

Mr ROBERTSON(Community Development): Mr Speaker, I too would like to be associated with the second reading of this bill. It is perhaps inappropriate to talk about it being timely to correct an injustice which has been existing for many hundreds of years in the British legal system. However, I think it is timely. Next year is the International Year of the Child which will revolve around the United Nations declaration of the rights of the child. Included in those rights is a reference to the child's right to a name, to parents and to a nationality. I would like to support the bill with quite a considerable amount of pleasure being the minister responsible for youth and responsible for the program of the International Year of the Child as far as the Northern Territory government is concerned.

I have a couple of purely personal observations on suggestions that have come from the opposition with the very best of intentions. I would take some issue with the Leader of the Opposition that the law should be changed to automatically entitle a child who was previously illegitimate to a share in a will made before the commencement of this act. A person may have been fully conscious of the existing law that an illegitimate child would not be eligible to participate in the will unless specially named. He may have made his will consciously in that belief. The same person may also have consciously excluded other children of the marriage from the will and, on legal advice, not named an illegitimate child for exclusion because it was not necessary under the law. That person could have died last week or he could die next week and the complete intent of his will would be negated. As I say, this is purely a personal feeling.

While the Leader of the Opposition quite validly says that a codicil could be annexed to the will or a new will drawn to overcome the difficulties if his proposal were accepted, quite equally a new will can be drawn if the testator now wishes to fully include any child who was born out of wedlock. I think it is six of one and half a dozen of the other and we should not upset the status quo in respect of wills already made, particularly those made in full consciousness of the law and, more particularly, those of people who have already died or people who may die in the very near future before they can take corrective action by way of codicil or a new will.

The Opposition Leader raised the question whether a court should be closed unless the court otherwise orders. Certainly that does appear in the Family Law Act and in matters of maintenance. I think it is rather like splitting airs because it is almost invariable, in these days of legal aid, that parties to these sort of actions are represented in court. The solicitors are fully aware of the provisions of the law and would make application to the magistrate on the instructions of their client to request that the court be closed if that was their wish. It is really six of one and half a dozen of the other because justice would be done in any event.

The honourable member for Fannie Bay expressed a concern that the legislation seeks to quite clearly define who is able to take a blood test but not who is to do the testing. The matter is probably adequately covered by clause 14(3) which makes provisions for the calling of the person who did the test for cross-examination. If the person who took the test does not satisfy the court that he was qualified to take those tests, then of course his evidence would be downgraded or would be given less weight accordingly. She is quite right in that we should never take blood tests as being proof positive of the positive. It can be proof positive of the negative. You can prove that the person was not the father but a test does not prove that the person was the father.

With those few observations on the concerns expressed by the opposition, I would like to be associated with the second reading of this bill.

Mrs LAWRIE: Mr Speaker, I am rising to support this legislation which seeks to legally recognise the fact that when a child is born it has parents, both a mother and a father. These days, we do not expect a virgin birth although the honourable member for Tiwi might have a different outlook even on that.

The Chief Minister has spoken of the difficulties of getting around the federal Marriage Act and giving recognitiion to children born of Aboriginal parents who have contracted a marriage under Aboriginal tribal law which still is not recognised by the Marriage Act of Australia. We have seen him turn his attention to various pieces of legislation which have received the support of the House to try to ensure that, in so far as it is humanly possible, the children of such tribal marriages shall not be disadvantaged. Here we have another piece of legislation strengthening and supporting that proposition.

Like the honourable member for Victoria River, I would like to pay particular tribute to Len Muller. To my knowledge, since 1971 when I was first elected, he has actively pursued a policy of pushing people into trying to assist Aboriginal children who have been grossly disadvantaged by the laws which applied in the Northern Territory. It is difficult when the Marriage Act itself is a federal act. We have no jurisdiction over that.

The Leader of the Opposition raised a valid point when he said that we are substituting a group of words for one word. At the moment, because of the complexities of the various laws we are seeking to amend, there is no other course of action available. I would ask the Chief Minister if he can advise this House after the meeting of state Attorneys-General as to what steps other states have taken, not only New South Wales and South Australia, so that we can achieve a measure of uniformity throughout this country by amending the various state acts to bring them into line with one another. In that context, I draw the attention of the House to clause 4(4) of the Status of Children Bill: "This section shall apply in respect of every person whether born in the Northern Territory or not, and whether or not his father or mother has ever been domiciled in the Northern Territory". That particular provision is fairly important. One would hope that other states would have similar provisions which would mean that this law would then become broadly uniform throughout Australia.

Mr EVERINGHAM (Chief Minister): I am pleased that this piece of legislation has received universal support. I accept various criticisms that have been raised and the spirit in which they are intended. I will attempt to explain the reasoning behind some of the clauses that have caused honourable members concern.

The Leader of the Opposition raised the matter of relationships in clause 4(1). This is the basic clause of the bill. It provides that "for all purposes of the law of the Northern Territory the relationships between every

person and his mother and father shall be determined irrespective of whether the father and mother are or have been married to each other and all other legal relationships shall be determined accordingly". In other words, it does not really matter who Flo Reid is. That is the way that it will be construed and that is the relationship that we are looking at. It means the legal relationship between the child and others.

We pass on to clause 6(1) regarding the disposition of property. It does seem to be rather unfair to legislate to affect wills or trusts that may have already gone into execution. If these instruments have not yet gone into execution, then it is possible for the persons who made the instruments to amend them if they wish to do so. It would seem to be unfair to catch all in a situation where the people who made the instruments are deceased and we are arbitrarily setting aside their wishes. I understand that in NSW, a hundred submissions have been received relating to a catch-all clause there. However, as the Leader of the Opposition said, only 2 were against. I can understand why 98 were for it; the 98, I would imagine would have been interested parties who stood to gain by such a clause.

My colleague, the Minister for Community Development, has answered the problem raised by the honourable member for Fannie Bay in respect of blood tests.

The Leader of the Opposition raised the question of the closed court. I am quite agreeable to that amendment. I will arrange for such an amendment to be prepared.

Those were the major points raised. I am extremely grateful for the pretty compliment paid to me by the honourable member for Arnhem. He paid this compliment with the sincerity that he pays to all his business.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

POISONS BILL
(Serial 152)

Continued from page 444

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, fcllowing on from what the honourable member for Fannie Bay said this morning about cough mixtures, I have something to say in support of what she said. There is a brand of cough mixture on the market called Benadryl which is a variety of expectorant. The drug we are dealing with in the Poisons Bill is dextromethorpan which is included in about 25% of all cough mixtures down south. It is not unusually combined with a hydro-bromide to give a prompt and prolonged relief from unproductive coughing. It has a sedative action. It is not restricted in southern states and can be bought over the counter in any chemist shop in the relevant cough mixture.

The National Health and Medical Research Council has recommended a uniform poisons standard be adopted by the states in which this dextromethorpan will be sold in cough mixtures. All states have agreed that this standard is advisable. The National Health and Medical Research Council has put this standard out, and most states have legislated to adopt it in varying degrees. In the present standards in the states and in the National Health and Medical Research Council standard, this dextromethorpan is available over the counter without a prescription. All we are doing now is including the dextromethorpan into our legislation ahead of the NHMRC regulations and before the whole standard is considered. It is only being released for sale in strengths under 1%; over 1% a prescription is still necessary.

Mr BALLANTYNE (Nhulunbuy): I would just like to speak briefly on the bill before the House. As has been explained by the honourable Minister for Health in his second-reading speech, the purpose of the bill is to remove the substance known as dextromethorpan from Part III of the first schedule of the Poisons Ordinance and include it in Part II of the schedule. Part III of the Poisons Ordinance provides for all poisons listed in that schedule to be obtained by prescription only. The recommendation from the National Health and Medical Research Council is that mixtures containing 1% or less of the substance dextromethorpan, which is a derivative of opium, should be sold over the counter without prescription.

I believe there are a number of substances sold by prescription which fall into the category of those less harmful drugs, chemicals and compounds sold over the counter. I was pleased to hear the Minister for Health say he was implementing a complete review of the present legislation on poisons so that he may produce up-to-date legislation which is suitable for the Territory. Hopefully, this will solve the problem particularly for the pharmacists who have quite a lot of problems regarding prescriptions for small amounts of less harmful drugs.

I am told there is some variation too in the state legislation. Some are more liberal in their other ideas. New South Wales, I believe, is regarded as the state that has the best model for this type of legislation. I commend the minister for his work and hope that, in time, he will bring about the best model of legislation that will suit the Territory and the less harmful drugs in the schedule which does not require prescription. I support the bill.

Mrs LAWRIE (Nightcliff): Mr Speaker, I rise to support the bill. At last, we see a bill introduced which is relaxing in a very small degree the law prohibiting the use of a drug. We find that the legislation will enable the use of a drug in beneficial quantities and that has my particular support because so often in debates on any drugs legislation, the community and the legislators who represent them seem to be throwing out the baby with the bath water and taking the attitude that, if it is a "drug", it is necessarily not beneficial. Of course, that is an attitude which has to be resisted particularly when one has regard to the fact that the minister will have responsibility for health. I applaud his decision to see that, when a drug can be used in a quantity which has been shown to be purely beneficial, it shall be freely available to the public and it shall not create a race of maddened drug addicts. I am pleased to see the minister has taken this attitude and I support the bill in its entirety.

Mr Speaker, in that context, might I say that there is so much hypocrisy with drug debates - I have spoken of this earlier in other debates - that I would hope that the honourable minister, although he has a very heavy portfolio having regard to the fact that he is also responsible for energy resources, will pay some attention to the drug laws presently operating in the Territory to see whether they are operating for the benefit of the people of the Territory or whether in fact they need further amendment. I do believe that, in an earlier debate, the honourable minister undertook to do this. Perhaps I could bring to his attention the fact that the laws vary so much from country to country. What is seen to be reasonable in one country is totally unreasonable in another, and the debates unfortunately pay very little regard to the scientific and medical effects. Quite often they become hysterical.

I am not an advocate of the over-use of drugs or in fact the use of drugs per se but, in giving evidence to the royal commission of inquiry into marihuana in particular, I did point out that it is so easy for legislators, in mentioning the word "drug", to attempt a prohibition of their use when use in certain quantities can only be shown to be beneficial and with no other

effect. In that context, the bill has my unqualified support and I hope we shall see similar legislation introduced in the very near future regarding other drugs.

Mr TUXWORTH (Health): Mr Speaker, I thank the honourable members for their support and I take on board the comments of the honourable member for Nightcliff. I can assure her that, at any time we can amend legislation to make drugs available to the public that have a medicinal or a therapeutic value to people, then we will be only too pleased to do it.

Motion agreed to; bill read a second time.

See minutes for formal amendment to clause 3.

Bill passed remaining stages without debate.

EXPLOSIVES BILL
(Serial 155)

Continued from 14 September 1978

Mr COLLINS (Arnhem): Mr Speaker, clause 2(1) of the bill which amends section 6 of the principal act does not change any of the provisions of the principal act at all but merely ensures that the current provisions of the act which relate to the Ports Act and the Fire Brigades Act still continue. In essence, it merely changes references in the principal act from ordinances to acts and deletes reference to the Mines Registration Act.

The substance of the bill is in the following clause 2(2) which adds a new section to the principal act following section 6. Although clause 6A(2) of the principal act currently exempts the provisions of the act from affecting any regularity provisions in the Mines Regulation Act, the amendment provided for in this bill will simplify the situation by allowing only one set of regulations to apply to the safe handling and use of explosives in mines instead of two.

Clause 48(1)(a) of the Mines Regulation Act already gives mining inspectors oversight of the storage and use of explosives in mines. These powers are tied into the extensive regulations on the storage and use of explosives in mines contained in Part III of the regulations attached to the Mines Regulation Act.

I was pleased to see that the minister in his second-reading speech stated that, in order to ensure that the standards of safety applied to the use of explosives in the Territory will be uniform, inspectors of mines will closely cooperate with inspectors of explosives. He stated categorically in his speech: "Inspectors of mines will specifically take the advice of inspectors of explosives before approving the siting or construction of surface explosive magazines and also in testing possibly defective explosives". The minister also foreshadowed further amendments to tighten up this cooperation when the current Mines Regulation Act is superseded by the new Mines Safety Control Act.

There are a number of questions I would like to direct to the minister at this point: what present facilities are there available in the Territory for training people and giving people formal qualifications in the use of explosives? Are there, in fact, any people in the Northern Territory registered as mines inspectors or explosive inspectors who are not formally qualified? If this situation is in fact the case, will steps be taken to remedy the situation and will the government consider the necessity of legislating for it? From my reading of the principal acts and the amendments, I can find no necessity for either explosive inspectors or mines inspectors to be so

qualified. Perhaps the minister could answer those questions.

The bulk of the provisions contained in the current Mines Regulation Act have been in existence basically unchanged for 16 years and I look forward to seeing his new piece of legislation that the minister has foreshadowed. The opposition supports the bill.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, the Mines Safety Control Act that was recently passed by this House makes adequate provision for all safety control in mines and mine areas. All mining operations will be very effectively supervised by a team of mines inspectors who have skills not only in mining engineering but also in explosives. It is therefore only appropriate that these people should continue to maintain their control over the whole of the mining operations rather than have outside explosives inspectors moving in to duplicate their work on just one particular phase.

Traditionally, the mines inspectors have played a unique role in the mining industry and are held in high esteem by the industry. The success of the mining industry in the Northern Territory today is due in no small part to their past work and cooperation and consultation with the industry. I understand that consultations are going on now with the mining industry for a continual upgrading of legislation to enable it to move with the times, especially in view of the enormous upsurge of interest in mining everywhere in the Northern Territory.

Mr BALLANTYNE (Nhulunbuy): I would just like to speak briefly on this bill. I think the minister covered the changes to the act quite concisely in his speech. The bill will cut out duplication of work and also put it into its right category. There is no doubt that people working amonst explosives probably have the most expertise but there are many explosives used in mining and mining inspectors have quite a great knowledge of explosives and the storage safety. The Mines Safety Control Act with its powers for inspectors covers a wide range of areas not only for mining but also for equipment associated with mining. The construction of a mine involves quite a number of trades and each of them has its own standards. That is what we are mainly looking at: we want to maintain a standard. When the mine inspectors take over this job, I am sure that they will be adequately trained. I am sure that the prospectors and miners will help them in every way that they can. We will have standards and that is the important thing in the whole of the mining field today. Those standards will be kept for a wide range of mining in the Territory.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I thank honourable members for their support of this piece of legislation.

The honourable member for Arnhem asked what provisions are there for people handling explosives to become qualified in the Northern Territory. The answer is that people can become qualified shotfirers by sitting for theory and practical examinations conducted by the Department of Mines and Energy. If they pass those examinations, they are issued with a shotfirer's certificate issued under the Explosives Act.

He also asked how many unqualified inspectors there are in the Northern Territory. There are no unqualified inspectors in the Northern Territory. The inspectors who are currently in charge of inspecting explosives are engineers with a forte in this particular field.

The new Mines Safety Control Ordinance is having its regulations drafted at the moment and should be ready for the New Year. The standards that are likely to be set for shotfirers, examiners and inspectors under the new ordinance by the controlling inspectorate of mines will probably be much higher than they are today. It had been brought to my attention by the

industry that they expect higher standards to be set than those already in existence and they are looking for these standards to be introduced.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

TRAFFIC BILL
(Serial 164)

Continued from 20 September 1978

Ms D'ROZARIO (Sanderson): Mr Speaker, the opposition wholeheartedly supports this bill. The question of the issuing of driving licences does cause a great deal of discussion in this community. It ought to be understood that, when licences are suspended by the courts, that is done for good reasons. One of the reasons why people have their licences suspended is because they have excessive levels of alcohol in their blood while purporting to be in control of a motor vehicle. The issue that we are considering in this bill is the granting of special licences to people who have had their licences suspended but who make an application to the courts for a licence to drive a motor vehicle because it is considered to be of critical importance to their occupation.

Some time ago, a former magistrate made a remark from the bench that the question of the issue of special licences was just a joke in the Northern Territory. He said that he would not be able to deal with this matter unless the Legislative Assembly had the guts to either abandon the whole question of special licences or at least bring in some minimum time when they could not be granted. The Assembly has not gone quite as far as that former chief magistrate would have liked. Nevertheless, this bill, which tightens and places more stringent control on the granting of these special licences, is very welcome as far as the opposition is concerned.

Even when people were driving on a special licence, they continued to commit offences such as driving whilst disqualified or even repeating the same offence that caused them to lose the licence in the first place. These instances have been far too frequent. In the interests of the safety of the public on the roads, the provisions that the honourable minister has put forward are to be applauded by this opposition and, I hope, by the public at large.

We are pleased to see that there has been a minimum period of 2 months from the date when the licence was suspended within which the person cannot apply for a special licence. If we were to take regard of the former chief magistrate's remarks, that period could easily be extended to 3 or 6 months. However, it has been left open to the discretion of the court to specify longer periods if it so wishes. Perhaps we can see whether in fact a period of 2 months is long enough before we suggest that perhaps that period ought to be lengthened. It was most unfortunate that this particular provision for a minimum period was removed from legislation previously and it does tend to give the driving public, particularly those who apply for special licences, the impression that the legislature has been in doubt as to the validity of this period of suspension.

The opposition is very pleased to see the introduction of this measure and we hope that it can go some way to alleviating the very high road toll that we have experienced this year. I believe that there have already been some 63 fatalities and this is taking us into a record year for road deaths. By and large, the other provisions which appear in this bill relating to the class of licence for which a person may apply and the grounds upon which he may apply for it are simply tightening up those areas of doubt which have

been brought to the attention of this legislature by the court. We welcome and support the bill.

Mrs LAWRIE (Nightcliff): I rise to indicate my unqualified support for this legislation which unfortunately seems to be overdue. I am aware of the history of the amendments to the Traffic Ordinance which allowed the position to develop where people could, with apparent impunity, lose their licence one day and reapply for a special licence the next. I took particular note of the comments which were reiterated in this House by the sponsor of the bill - comments originally made by a gentleman who was later to become Mr Justice Williams. He said: "If a solicitor steals, he is not only punished for larceny but he is also disqualified temporarily or permanently from practising as a solicitor. Why should not a similar principle be applied to protect society from the menace of professional drivers who commit a traffic offence?"

I completely applaud that sentiment. We have seen people whose employment is dependent upon their holding a current driver's licence crying hardship and saying that they would suffer unduly above and beyong the average person if their period of disqualification stood. Surely if one's livelihood depends upon a certain attitude and standard, one should be all the more diligent to apply that standard. I have no sympathy for professional drivers who have received a disqualification and then say that they deserve special consideration.

I am in favour of the tightening up of gun laws. It is equally lethal to be in charge of a motor vehicle when one is physically incapable of employing all the faculties one would normally bring to bear when in charge of that vehicle. They are very lethal weapons. The honourable member for Sanderson spoke of the appalling road toll. It is not only the deaths. Anyone who has visited paraplegics or quadraplegics and has seen the devastation which can occur because of people being unfit to drive a motor vehicle yet regarding it as a god-given right to hold a motor vehicle licence would approve of this bill and commend the honourable sponsor for its introduction.

The honourable member for Sanderson also said that she hoped that the public at large would agree with this. I do not believe they will. Unfortunately, they still believe that, on achieving the age of 18 years, one should almost automatically be granted a licence to drive a motor vehicle. There has been mention in previous sessions of the need to introduce legislation which would expect a higher standard of control having regard to the capacity of the engine of the motor vehicle. I would also support that measure. The time has come when society has to look very carefully at the way in which manufacturers are appealing to the public to buy higher and higher capacity engines. We should be looking at provision of different licences for different engine capacities somewhat along the lines of what aviation licences require.

I also take particular notice that, under the regulations, the court may not order the registrar to issue a special licence to an applicant who is the holder of a special licence or issue a licence to drive a motor vehicle of a class that he was not licensed to drive immediately before he was disqualified. It is quite obvious that, in the drafting of this legislation, a great deal of attention has been paid to recent court histories. In curtailing the issue of special licences, this legislature is giving an indication to the court of our feeling of extreme concern about a very pressing social problem, not to mention the high cost involved for the community because of people who have wrecked others' lives. This bill has my total and unqualified support.

Mr HARRIS (Port Darwin): I rise to speak in support of this bill. I have previously indicated my concern about the special licence provisions. I agree with the member for Nightcliff that it is a ridiculous situation to be found guilty of driving under the influence one day and get your licence back again the next day. The original introduction of the provisions for

a special licence was obviously designed to cater for the person who did drive for a living. Unfortunately, this was abused. I appreciate the difference between a person who does drive for a living as against the person who does not - one is inconvenienced whereas the other actually loses his opportunity to earn a living. I do not really support that concept because I believe that, if a person is driving a public vehicle and has responsibility for the lives of people, he should definitely think twice before indulging in drinking liquor.

In this bill, a person who drives a motor omnibus or a taxi is unable to apply for a licence for a period of 2 months. This should give them the message that we do not totally appreciate giving them a licence in any way. It is important that, when a person is found to be driving under the influence during his working hours, then this person will not be able to obtain a special licence. It has also been proven necessary that there should be a period of time for the registrar to gain the necessary evidence so that, when it does come into court, he is able to present a reasonable case. The laws introduced into the Northern Territory are not made to be abused and this legislation corrects the situation where there has been abuse. I support the bill.

Mr COLLINS (Arnhem): Mr Speaker, the opposition spokesman on this matter has already indicated that the opposition as a whole supports the bill but I do wish to rise briefly this afternoon to give it my personal support.

I am very much concerned with the problem of drink-driving in the Northern Territory. I have been concerned for many years at the abuse of the provisions for special licences in the legislation. On many occasions as a member of the St John Ambulance Brigade in Darwin, I can remember being addressed by members of the traffic branch of the police force in Darwin. They stressed their constant frustration at the way in which these provisions were being abused by putting drink-drivers back on the road. Alcohol is certainly the most abused drug in the Northern Territory as it is around Australia, and western society generally.

One of the things that really disturbs me about living in the Northern Territory - and I have no doubt that the attitudes are reflected elsewhere in this country - are the attitudes of people towards driving when they are drunk. I am quite sure that many other members of this House have had the same experience that I have had on too many occasions of arguing the point with somebody who has had too much to drink and trying to persuade him that he was not really in a fit state to have control of a motor vehicle. I have found that it is generally impossible to persuade such people, short of getting a punch in the nose. In fact, I did collect one of those on one occasion - or rather a black eye.

On that particular occasion, I had a raging argument with a friend of mine who wanted to get in a car in order to get more booze for a party that had gone dry. I lost the argument; I ended up flat on my back with a cut eye. He drove off to the Berrimah Hotel to get his booze, was picked up at the Berrimah crossroads for a defective tail light, lost his licence for 18 months and was fined $350. A good job too! It should have been twice as much. As far as I am concerned, people who drive motor vehicles while they are under the influence of alcohol are criminals. Because of the misery they have caused countless families, some of whom I know personally, they should be put up against the wall and shot.

This is a subject that does affect me deeply and the reason for it is clear. For many years, I was a serving officer of the St John Ambulance Brigade in this town. I spent upwards of 200 hours a month on duty at that ambulance station, more hours than I spent on my job. I lost count of the number of road accidents I attended in an ambulance in the Territory. It is

a pretty awful way to die - probably the worst way that I can think of. I lost count of the number of road accidents I went to; I hated every one of them. I got a sinking feeling in the pit of my stomach every time a call came over that it was an MVA we had to go to. In every one of those cases I was involved with, either one or other of the drivers concerned had been drinking.

I had an experience some years ago with a head-on collision in front of Blackwood Hodge on the Stuart Highway that I will never forget as long as I live. The collision was between 2 motor vehicles on that completely straight stretch of road. Both drivers had been drinking, one in town and the other at the Berrimah Hotel. Travelling in opposite directions, they met each other head-on in the middle of a perfectly straight stretch of road. Four people were killed in that accident and five were seriously injured. As a result of that enormous number of deaths and severely injured people, there was an incredible burden on the casualty section of the hospital at 1 o'clock in the morning when the accident occurred. As a result of that, I was detailed to ward 13 of the hospital because there was no one available at the hospital at that hour of the morning to do it. I had the charming job of doubling up bodies on the trays in the morgue to make room for the 4 people who had lost their lives in that accident. It was an experience that it took me weeks to get over and I will never forget it.

That accident was caused as a result of drinking. The people who were killed were all under the age of 25, one of them was 17 years of age. One of them literally had every bone in her body broken. She was like a rag doll when we picked her up. It was not a very pleasant experience. I feel very strongly on the subject of drink-driving and I do not apologise for it. People will not be convinced in the Northern Territory, even if there is sufficient clinical evidence to sink a ship to prove it, that people who have a blood alcohol level in their body of over 0.08 are not able to control a motor vehicle in the same manner as a sober person. That happens to be a fact. Their vision is impaired; their judgment is impaired. They should not be driving.

I hope that this piece of legislation is only the first of an increasingly tough stand by the government and I concede that it takes a courageous government to bring in legislation like this because, as the honourable member for Nightcliff has already pointed out, it probably will not receive universal acceptance in the community at large. People resent this kind of legislation. The honourable member for Casuarina in his speech yesterday referred to what a terrible thing it was to be introducing legislation to protect people against themselves. As I said at the time, half our body of law is concerned with this. This is certainly a piece of legislation to protect people against themselves that I heartedly support.

If the honourable minister and the House generally will allow me to digress just very briefly, I would like to pay tribute during this debate to the volunteer members of the St John Ambulance Brigade. They have 2 bases, one now in the city area and one at Casuarina. They man ambulances from 6 o'clock at night until 6 o'clock the following morning, 7 days a week, 52 weeks a year. In all the years that I have been associated with it - and that goes back a long way - the St John Ambulance Brigade has never failed to keep its ambulances on the road. That involves, as you can probably work out, countless thousands of voluntary manhours of service a year here in Darwin. I think the work of the St John Ambulance Brigade does represent one of the most selfless examples of community service available in Darwin. I hope the introduction of this bill, which I trust is the start of many like it, will make the work of those volunteers a lot more pleasant than it is.

Mr BALLANTYNE (Nhulunbuy): I would just like to endorse the remarks by the honourable member for Arnhem on the work of St John Ambulance, not only here in the Territory but in other states. I am sure his experiences will

hit home to those people who have not been in that position. One only has to go to any hospital where people come in maimed or seriously injured by accidents to see the type of injuries these people suffer through road accidents. It is not always attributable to alcohol - mechanical faults, lack of knowledge of the road laws, unsafe roads and inadequate lighting all play their part.

I believe the Minister for Transport and Works gave a good explanation for the reasons for these amendments to the principal act and I concur with those changes which are basically related to the suspension of driving licences for those people disqualified for driving under the influence. In the past, when a person has been disqualified, he could walk out of the court and next day walk into the registrar's office to apply for a licence. It seems quite ludicrous; even if it had been within a week, it would still be too short. It must throw a big burden on the taxpayer, particularly for the court cases held over for a period. The numbers that we have seen listed by the honourable minister in the second-reading speech show that the number of people who are getting special licences after being disqualified by a magistrate is on the increase every year.

I was particularly interested in the comments made by past members of the Legislative Council and more recently in the summing up by the Chief Stipendiary Magistrate, Mr Kirkman, who is probably the man who brought about this amendment. Hardship is very hard to determine sometimes. It is very difficult to know which way to go. I believe those people who are disqualified may suffer hardship under this new clause but what about those people who cannot apply for a licence? Those people suffer hardship too, and perhaps in a more hurtful way because for the person who lives outside Darwin and has to travel every day to work, there is no public transport. He may not have a next-door neighbour who is a good samaritan and says, "I will drive you to work and drive you home again each night". He may have someone sick in the family who has to be taken to Darwin for some assistance or health care. However, I do not think there is quite the hardship that he should get any dispensation to allow him to renew his licence.

I welcome the new changes. I think that the minimum of 2 months is a fairly stiff penalty for those who are using a vehicle very day for their livelihood. Some have not always used a vehicle every hour of the day, but most of them said they would need it in the course of their employment. They ought to think next time before they are picked up by the police. Another thing is that, in most of these cases, they do not lose their licences for a minor offence. It is only for a very severe offence that people have their licences suspended. I think that that is the most important point. The law is there. I do not think it is always the unfortunate ones who are committed to a point where they have to lose their licence. I think the people who lose their licences are the ones that have severely broken the law.

I do not think there is anything further I can say. I reiterate what I said about St John Ambulance and, for that matter, anyone who works in that field and sees the cases of accidents coming in every day of the week. Our death toll in the Territory is absolutely appalling and I just shudder sometimes to think where it is going to end. I hope that bringing in this new provision into the act will at least bring some sense to those people who must drive for a living. They should take heed that, if they get caught, they will have to suffer the penalty.

Mr TUXWORTH (Mines and Energy): I support the proposal. However, I would like to say that I feel the 2 months might be a bit light. I say that because I believe that, over a number of years now, the concept of the special licence has been abused. I will tell a little story that happened in the court of a small town in the Northern Territory. A gentleman came up before two JPs charged with DUI and he was a very well known and respected identity

in the community. He nodded to the charge that he was guilty of driving under the influence and he duly had to pay a fine and his licence was suspended. He was standing in the court with his head down, looking very solemn and the justice said to him, "Is there anything you want to say for yourself?" The old identity looked up and said, "Yes, Your Honour, since we are all here, can I apply for my special licence now?" It did bring home to me just how the community was starting to lose any respect at all for the concept of the special licence. In fact, I think it has reached a stage where it is an open abuse.

There is one other point I would like to raise. We have discussed it before in the former Assembly when we debated the report on alcohol and drug abuse. The figures relating to alcohol consumption and road accidents were again trotted out in that particular discussion. One of the points that was raised then, and I believe ought to be raised now and considered in the future by this House is: do we consider the removal of the licence to be a penalty because the person has been naughty or is it a penalty to remove a menace from behind the wheel of a car? I believe that one of the first things we have to do to solve the drink-drive problem is to address ourselves to that question. If we believe that the person is a menace behind the wheel of a car because he is irresponsible and drives when he is drunk, then perhaps his licence should go for life. It is not his life that we are worried about; it is the people that he just might do away other than himself. If we are looking at the concept of punishing the man by taking away his licence rather than a fine, I believe we may in the future have to address ourselves to much longer suspensions of licences.

Mr STEELE (Transport and Works): Mr Speaker, it seems that there is overwhelming support for this particular legislation. In fact, when it came to representations from the public at large after the introduction of this bill, only 2 representations were made to me and both were from legal people. One fellow was concerned for the loss of possible income and the other one was a magistrate who thought I might have been taking some work away from him as well. I was not realy worried about those two. They are both intelligent men and I think they know what the government is about.

Certainly, a general tightening up in driving and traffic laws is warranted and this bill represents only a small section of the government's program in this regard. For the 7 months till the end of July, there were 534 injuries and, to 20 November, there were 62 deaths. I think the honourable member for Sanderson mentioned 63 deaths. The increased activity of the Road Safety Council with educational and publicity programs is an important part of the government's thrust in this area.

The honourable member for Nightcliff brought up the point whether people should consider obtaining a licence as a divine right and I tend to support what she says. I never considered it was a divine right. When I was a youngster, to get a licence was a very important part of my education. I thought it was very important that I should secure a licence. It was not a divine right at all.

The other comment she raised concerned graduated licences based on the engine capacity of the motor car. That could be an area for government scrutiny. The idea too could be applied to the capacities of motor cycles.

The government is going to get tough. I can assure the public that we have every intention of getting tough because, as well as the alarming death, injury and accident rate on the road, there is the cost of having traffic inspectors or police to control traffic. There is the cost of third party insurance which is the highest in Australia and is quite frightening. The government is prepared to get very tough and take quite a few legislative actions. Next week, I will make a statement on what our government may do

in the area of tightening up its laws. I hope that that statement will be widely circulated and that plenty of comment will be offered to us from the community.

We are concerned about people who are killed riding in the backs of trucks and utilities. I understand that some 16% or 18% of the awards are attributed to injuries and deaths following accidents where people are riding on the backs of vehicles. The on-the-spot fines are commencing in a small way. We have new reflectorised number plates. We are looking at a submission on defect notices to be issued to unsafe vehicles to keep them off the road until approved safe. Surveys are being undertaken in the rural areas of the Northern Territory because it seems there are small pockets of unregistered and unsafe vehicles in the rural areas. A proposal is being developed to license car dealers and ensure that all interstate vehicles still have safety tests.

It is not easy to do all these things. The legislation is very complex. I think the attitudes reflected here today give the government some sort of indication that they should proceed in haste in certain areas. Discussion is continuing with the police with a view to amending breathalyser legislation. The Chief Minister has endorsed a suggestion made by the Leader of the Opposition in respect of random tests. It may be that all of these suggestions will not be taken up but, certainly, the majority of them will be there in one form or another when they come back before this House. I certainly commend this bill to the honourable members.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

TRAFFIC BILL
(Serial 168)

Continued from 20 September 1978

Ms D'ROZARIO (Sanderson): Mr Speaker, this is a very brief bill and along with its companion bill, the Motor Vehicles Bill (No. 7) 1978, it merely removes powered cycles from the definition of "motor vehicles" and puts them in the same category as ordinary bicycles. We support this bill. It is a very minor matter which is being dealt with here. The output of the powered cycles is very small indeed, to a maximum of 200 watts. The small benefit that might arise from this section is that perhaps it could encourage in our community the increased use of bicycles if these power cycles do not have to be registered. It is a small incentive but any such small incentive will be very welcome.

An associated question that has been raised in other parts of Australia, having regard to the increased use of the bicycle, is whether in fact bicycle users ought also to have to undergo some tests and be licensed. This discussion is still taking place in those communities which have managed to get as far as putting tracks in. We have not got to that stage yet but perhaps the day might come when the bicycle is more in use and people riding bicycles ought also to be subjected, if not to registration which I do not suggest for a moment, at least to a test of the road rules. It has been suggested but it is not a very practical suggestion because there is no lower age limit on persons riding bicycles.

On the other hand, I think our school system ought to be used in order to give children under driving age some education in the sensible use of roads and in road safety. My own feeling is that this aspect is not stressed as much as I would like to see it stressed in our schools. I commend to the minister the suggestion that some regular instruction take place in our schools on road safety matters and road use. When we look at the sort of people that do ride

bicycles, we are talking about very young children. In many cases, the under 14s are the largest users of bicycles and these people are also most vulnerable to injury on the road. Motorists are, despite their own protestations, very inconsiderate of bicyclists and a bit of education on the part of the motorist would also be most welcome.

By removing power cycles from the definition of "motor vehicles", we could in the long run see an increased use of bicycles and I hope that, as a result of that increased use, general road use and the general sense and knowledge of road safety will be improved. We support this bill.

Mrs LAWRIE (Nightcliff): I rise to indicate support of this bill, particularly because it is what we need. It is not insignificant that a powered cycle, as long as the power is limited, does not need to be registered under the Motor Vehicles Ordinance. The bill has my support.

Commenting perhaps on some of the points raised by the honourable member for Sanderson, I have presented a petition for the construction of bicycle tracks and I shall continue to press for their construction. I believe I have the goodwill of the minister responsible who would also like to see, where possible, bicycle tracks established which would allow those people who prefer to ride bikes a measure of safety and would also assist motorists who are wary of cyclists, particularly when they are young children.

The honourable member for Sanderson spoke of the probability of one day licensing people who ride bicycles. May I say that, at least for some time, I believe that to be not feasible at all, and not necessary. There is a very good test for riding a bicycle; if you cannot ride it, you fall off.

Mr OLIVER (Alice Springs): Mr Deputy Speaker, this bill is quite a simple one but it does bring reality and sense to a particular situation. The low powered cycles referred to are most certainly not dangerous high speed vehicles. Even with a slight head wind, the pedals have to be resorted to to achieve any equilibrium. The top speed of these power cycles would not be much more than a sedate pedalling speed. I doubt that we need ever be concerned about the possibility of someone surreptitiously hotting up such a motor to achieve dangerous high speeds on the highways. These small engines are so fussy that any alterations to their characteristics would probably make them inoperable.

This amendment will not exclude those machines and riders from observing the rules of the road. Whether you ride a roller skate or drive a truck, the traffic rules must still be obeyed. Harking back to what the honourable members for Sanderson and Nightcliff said about cycle training tracks, there is one proposed at Alice Springs. A lot of work has been done to get it under way. I am behind that completely and we hope eventually to get it going. I do really endorse those remarks.

What the bill does achieve is the removal of these machines from being subject to the expense and inconvenience of being registered and insured and the riders from being licensed. Mr Deputy Speaker, I support the bill.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

MOTOR VEHICLES BILL
(Serial 169)

Continued from 20 September 1978

Ms D'ROZARIO (Sanderson): Mr Deputy Speaker, this is a companion bill

to the one we have just disposed of. I do not know why the honourable minister did not take the 2 bills together but, as it happens, I am very pleased that he did not because it now gives me the opportunity to clarify something that the honourable member for Nightcliff said.

When I referred in the bill that we have just disposed of and commented on the subjecting of bicycle riders to a test, I was not referring to a test of riding skill. I was referring to a test of knowledge of road use and road rules. I certainly did not mean to give the impression that, if a person fell off a bicycle, that would be the test of his not being able to ride. For the upcoming festive season, many parents will be presenting their delighted children with bicycles. We have noted that accidents from children falling off bicycles and trying them out on the roads tend to increase after the Christmas period. Some parents do take the attitude that, if a child can ride a bicycle, that is quite sufficient. That would be just the same as saying that, if a person could manipulate the controls of a car, he was able to drive. I certainly did not mean to give that impression to the honourable member for Nightcliff or to the rest of this House. As I mentioned, this bill simply duplicates the provisions that we have just passed and we support it for the same reasons that we supported the Traffic Bill.

Mrs LAWRIE (Nightcliff): The honourable member for Sanderson is misled if she feels that the upsurge of traffic accidents when children are given bicycles can be attributed to the lack of skill or lack of knowledge of road rules. At least in the Nightcliff area - and I am referring to the Nightcliff Primary School in particular - the children have a more adequate knowledge of the road rules than many of the car drivers. If one combines the state of the roads, which is sometimes unfortunate, and the lack of courtesy by road drivers, I think that is where the blame lies and not with the young people riding bicycles who, by and large, have a better knowledge of road procedures than the adults.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

ADJOURNMENT DEBATE

Mr ROBERTSON (Manager of Government Business): I move that the Assembly be now adjourned.

I would like to advise the House that, as a result of having to finish so early today and having regard to the fact that next Thursday will be a general business day and also because we have a Speaker's luncheon next Wednesday evening which will prevent us from going late then, it may well be necessary for us to sit very late on Tuesday. It will be a cut lunch day for all concerned and, if we get out of here by midnight, I think we will be doing fairly well.

Mrs O'NEIL (Fannie Bay): I thought it might be appropriate to bring to th attention of the Assembly that a person who contributed to a substantial degree to the judicial system in the Northern Territory died recently in Queensland. I refer to the death of Mr Haynes Leader who was a magistrate in the Northern Territory for something like 10 years. After serving in the Australian Army in World War II, he worked in the Supreme Court in South Australia. He came to the Northern Territory as the Master of the Supreme Court, Registrar of Titles and Companies and subsequently became Stipendiary Magistrate after Magistrate Dodds left. He was the only magistrate working in this city of Darwin for approximately 10 years. While everybody would not have agreed with all his judgments, he was widely respected for his tolerance and moderation and certainly for the gentlemanly way in which he treated the defendants and everyone with whom he came in contract. He was a member of a number of social clubs

such as the Darwin Bowls Club and he was a very fine member of our community. He is survived by his wife Marjory and his 3 children. I would like to extend to them my sympathy and I am sure there are many people in the Northern Territory who would also like to have recorded on the public record the fact that we are grateful for the efforts that he made on behalf of the Northern Territory in his role as magistrate here.

Mr STEELE (Ludmilla): I rise this afternoon to reply to a question asked of me this morning by the honourable member for Sanderson. It deals with the powers of the Northern Territory Electricity Commission to cut off power supplies. The reply that I have is that, where supply was provided by the Commonwealth government prior to 1 July 1978, power to disconnect was transferred to the Electricity Commission under section 40 of the Electricity Commission Act. Where supply was provided by the Electricity Commission and connection took place after 1 July, the disconnection will be covered under bylaw number 9 of the Electricity bylaws which reads: "The commissioner may cause the supply of electricity to any consumer to be cut off at any premises occupied by that consumer if the consumer fails to pay any monies due for electricity supplied or for apparatus hired from the commission or for any other charges payable under the act or these bylaws, and the commission may discontinue the supply of electricity so long as the cause remains or is not remedied or such monies or charges are not paid".

Mr DOOLAN (Victoria River): I would like to speak in this adjournment debate on a subject which I feel is so serious that it might very well be considered as a matter of public importance. I refer to the very great concern felt by a large section of the general public in relation to the extent of Aboriginal land claims in the Northern Territory. Frankly, I can think of no single subject on which Territorians are so ill-informed. I have listened to leaseholders in the Territory who have spoken to me in all sincerity and have expressed the greatest concern and even fear that they are in imminent danger of losing their leases and perhaps their livelihoods because of Aboriginal land claims. Recently, in Katherine, the Leader of the Opposition and myself spoke with a tourist operator who was almost in a state of despair because of the fear that, in the very near future, Aboriginal land claims would close off natural scenic areas to the general public and ruin not only her business but also the enjoyment which both locals and visitors derived from visiting this particular place.

I am not being facetious when I say that people in Darwin have approached me and told me that they have either disposed of fishing boats or they intend to do so because they honestly and sincerely believe that, in the near future, all reasonable fishing places in the Darwin harbour will be closed off because of land claims. This is rubbish. I am not certain whether there is anything sinister behind the dissemination of all this incorrect information which is frightening and alarming people unnecessarily. I would like to believe that the panic is being caused simply through ignorance or stupidity or both. I do know that one person in Katherine is causing a good deal of concern in that township with his amazing disclosures and secret documents which purport to prove that local Aboriginals are going to gobble up all the worthwhile areas around the place but most thinking people in Katherine do not take much notice of this gentleman anyway.

Race relations in the Territory are deteriorating. In all the years that I have been closely associated with Aboriginal people, I cannot recall any period when harmonious relationships between black and white were at a lower ebb. I am concerned and I am sure that other members of the House are concerned to see this kind of thing happening. I believe that, if something concrete, definite and immediate is not done to halt this rift between races, it will spread and widen. It is already showing ominous signs of doing so.

I do appreciate that the Chief Minister has spoken at meetings and given

press releases in an effort to clarify the situation to the general public with regard to Aboriginal land claims and I commend him for his actions. I appreciate also that Mr Ian Viner has been publishing articles in the press in an effort to try to make people understand just what land claims entail. It seems that many people either cannot or will not be convinced that the Northern Territory is not on the verge of becoming a black state and this kind of idea is also fostered by the Premier of Queensland. However, I do believe that a concentrated effort should be made to educate the public and explain that most of their fears are groundless. There are several ways in which I suggest this could be done.

Firstly, it could be explained that the greatest part of most existing Aboriginal reserves is worthless country that European settlers are not interested in. For instance, the Lake MacKay, Petermann and Haasts Bluff areas in the south west corner of the Territory are mostly desert. It is history that the Daly River reserve was looked at as a pastoral lease by people like the Burns family and the Liddy Brothers and considered worthless country before it was ever declared an Aboriginal reserve. The same can be said of the Arnhem Land reserve. The Arafura Station in the early days was started on the Goyder River and other stations were started at the bottom end of the Arnhem Land Reserve. It was found to be sour country of poor quality and that was a long time before Arnhem Land was declared a reserve in 1931. There is an oft heard saying amongst disgruntled pastoralists and farmers that their leases were so poor that they should be given back to the blacks. This in fact is precisely what is happening in the case of most reserves. In most cases, pastoralists and prospectors have given these areas a fairly thorough going over before deciding they were useless although, admittedly, they are huge in area and occupy a large extent of the Territory and look very formidable on the map.

I believe that the Aboriginal liaison section with the undoubted expertise of people like Creed Lovegrove and Mr Jim Gallagher as well as the journalistic section of the Chief Minister's Department should be making an all-out effort to educate the public regarding the true facts about land rights. An explanatory booklet could be produced explaining how and why reserves came into existence, and noting the fact that they are mostly useless tracts of land either desert or areas which in many cases pastoralists have selected but later abandoned.

I feel also that a map could be drawn up showing the exact extent of Aboriginal land claims which at present are being processed or are proposed for the future. This could point out facts, for instance, of the original extent of the Borroloola land claim and the actual fairly miserable little portion which they got as a result. I have approached the manager of the Northern Land Council to have something publicised and try to educate the public on what is claimed and what is not claimed. Nothing has been done. I know also that the Department of Aboriginal Affairs has made some attempt to produce booklets and explanatory information which evidently has met with little success. I am concerned that continued efforts must be made by every possible means to educate and enlighten the public before the already alarming rift widens and causes further racial disharmony due mainly to misunderstanding of the real facts of the Aboriginal land claim.

Mr MacFARLANE (Elsey): Mr Deputy Speaker, I did not intend to talk on racial violence today but some time next week. However, I do feel the honourable member for Victoria River is right. I have never seen relationships at a lower ebb between the blacks and whites than they are at the present time. On Thursday of the week before last, 2 responsible white people, one was the manager of Mataranka Station and the other a young New South Welshmen who has been up here for about 5 or 6 years, saw a vehicle containing 10 Aboriginals pull up outside the hotel. They went out and attacked them. You could not say it was a cowardly attack and the Mataranka policeman stopped it straight

away. The Aboriginals drove down to the Roper Store a quarter of a mile away and these 2 people followed them and attacked them again. There one of them said, "We got into as many as we could catch". They did not come out of it unscathed. One fellow had a black eye and the other fellow had a split lip. There is no question of cowardice in this. Two responsible young men attacked 10 Aboriginals. They were locked up that night and next morning released on $30 bail. They did not appear in court because they were under the misapprehension that they would forfeit their bail and that would be final. They were fined $312 each. To me, that seemed a pretty fierce fine. There was no question of 10 people attacking 2 people.

The reason for this was given to me in long conversation with one person particularly. He is quite a respectful, well-bred, well-educated, young chap. He even called me mister. He said, "Mr MacFarlane, I have got to work 7 days a week, 24 hours a day with these hands. It is hot and you can't get money for cattle. It will not rain. I am in a broken down bus and I see these fellows drive up, 10 of them, in a flash new Toyota and they are bludgers". I did not know who they were and I still do not. The fact of the matter is that this is happening. It has nothing to do with you and it has nothing to do with me, but this is something brought on this Territory, and particularly on outback people, by the know-all fellows who know nothing in Canberra. I have been saying for 10 years at least in this place that indolence breeds hatred. That is what is happening.

I think the penalty was severe because, whatever the reason for this attack, it was not a cowardly attack. They were not charged with anything but disorderly behaviour. Certainly, they called the policeman a Hun bastard but they were not charged with that either. Two nights later, one of my Aboriginals was at the Mataranka Homestead tourist resort and he was set on by a group of Aboriginals from Roper River who had driven down specially to Mataranka for a bit of a weekend out. He had his ear bitten or knocked off, one eye completely closed and bruises on his body. The police were not even called. Two attacked 1 there and 2 attacked 10 in the other case. It seems quite ludicrous to have this kind of treatment. This fellow from Borroloola, the chap who was working for me, said, "I am not going back in there. Those fellas are crocodiles".

That is one instance of racial hatred and you find this all over. What I am worried about is that these people - I understand they are Roper River people - may do what they did 2 years ago when 70 of them came into Mataranka and took over the place. They came with iron bars and they fought around the place for 2 or 3 hours. Reinforcements came from Katherine and luckily they forced the Aboriginals back onto their truck. As soon as they did, they could not get at them but some bright specimen hopped in and drove them up to the police station. They had them all there in the one place but then they could not identify them. What happens now? After this trouble, we will get some more trouble and it could be innocent people who get belted up. I am very worried and I have been for a long time. A lot of the worry, apart from land claims, is the way that Aboriginals are protected from the law.

I will give you one further case. This is quite personal. My son and his fiance were driving to Mataranka from Elsey Station in a semi-trailer. They were doing about 50 mph. It was just about dark and they could see a Toyota coming towards them. It weaved pretty well so my son pulled off the road; he did not decrease pace very much but just gave them the full bitumen. The Toyota nearly passed him but zigged at the last minute when he should have zagged, ran into the hind wheels of the prime mover, skidded right down the tray of the semi-trailer and threw his cargo of 25 Aboriginals onto the bitumen. I think 7 are still in hospital. My son did not have a current driver's licence. He had not been disqualified; he just had not renewed it. He was fined $60. The driver of the other vehicle who had a blood alcohol count of 0.2 was fined $80. It is not unusual.

In Katherine on Guy Fawkes night, there was a full scale brawl between black and white. I contacted the police because I sensed racial overtones. There were people from Hooker Creek who had come to town and a group of young Katherine people. There was a nasty incident. The police assured me that it was not racial; it was just that 2 groups of young people clashed.

These are 3 incidents that I know about. I did not come here 30 years ago to be murdered by anyone. I came here to have a peaceful life. I am afraid I must have had the pioneering spirit then and I have a bit of it still. But what is this all about? I have been friends with Aboriginals all my Northern Territory life. I have worked with them and for them. I like them, not all of them; I don't like all whites either. We have never had any reason to have any trouble with Aboriginals but it could be me and my family who go next. Where is all this going to end? Who started all this? I am sure it is not the outback people. It might have been Hooker people but I don't think so. The member for Victoria River talks about slave labour over there. I think that the kids enjoyed having something to do. I know one of my kids had a job with Bill Tapp for a year. He did not get paid and he worked like a man. I think it did him good; it certainly did not do him any harm. I am not saying that Bill Tapp is a slave labour or a child labour exponent.

Something has to be done. I believe that Katherine is a better town than Alice Springs. These people in the bush come to town especially to get on the grog - black and white, ringers, Aboriginals - they are the ones who are going to cause a lot of the trouble. A lot of the trouble is going to be caused by the unemployed about the town. I do not know about Darwin. I am not talking about Darwin; I am talking about my country. So there you are.

Aboriginal land claims, of course, have created a lot of bitterness. People cannot get 20 square miles of country leased. One of the chaps involved in this fracas in Mataranka has been after 20 square miles of country. That is all; he does not want it here or there, just 20 miles of country because he is a responsible bloke of about 28. He has a wife and kids; he has an Appaloosa stallion and a good few mares. All he wants is 20 square miles of country on which he can run a few horses. He cannot get it, but he hears about Aboriginal land claims. I have not questioned him about his actual motive but I suppose the land claims have a lot to do with it.

Referring to the situation in Katherine with the land claims recently, I took the trouble to clarify the situation with the Chief Minister on Friday and he sent me a telegram to the organiser of the meeting of farmers explaining exactly and precisely that leased land in the Northern Territory belongs to the Northern Territory government and cannot - I say again "cannot" - be claimed by Aboriginals. There are conditions in leases whereby the Northern Territory government can resume pastoral leases, agricultural leases, special purpose leases, but they have got to acquire it. There is no suggestion that this government is going to change any of the rules which exist at the present time with regard to pastoral leases or agricultural leases.

Like the honourable member for Victoria River, I think this government would do a lot of good if it made clear, beyond dispute, exactly what a land claim is. I know I had great trouble getting a copy of Aboriginal land claims off the Northern Land Council from Justice Toohey. I got it evenutally; it was hard work. I think this government should clarify the position for the good of everyone. I hope they will but I say, like the honourable member for Victoria River, you people in Darwin may not know it but there is going to be hell to pay down the track.

Mrs PADGHAM-PURICH (Tiwi): I am going to speak today on rather an unpleasant subject but I feel it has to be aired because something has to be

done about it. It cannot go on any longer. I am expressing concern today about the practice I have myself observed to be going on around Darwin and other so-called civilised areas. Several other people in my electorate have also drawn my attention to it. Although seemingly conservative in some ways, nevertheless I claim to be non-conservative in that I am not conservative just for the sake of not rocking the boat, but because I consider it best in my ambit of social intercourse to consider other people. Today I am referring to the discusting practice of some humans leaving their bodily wastes in public places to the extreme discomfort of other people. People talk about the adverse effect on health and aesthetics of dogs defecating and urinating in public. There have been moves from certain sections of the public to make it compulsory for dog owners and/or handlers to dispose of their dog's solid waste deposited in public places. I think this is a good move and I would support it but, if it is compulsory for dogs, how much more so for humans.

I support and implement the idea of using natural farm animal fertiliser in my garden but that is my garden. I do not condone and, in fact, condemn some actions of humans in public gardens. Some modern young parents accept no responsibility either for their children's actions - and I will disregard the Manicapis Fountain in Brussels because it is not relevant in Darwin either historically or climatically. The reason for these complaints by people in my electorate may be because there are not enough public conveniences around the city and the outskirts. This may be so.

Ms D'Rozario: What is this, your budget speech?

Mrs PADGHAM-PURICH: I would like to see more consideration extended to members in the community by members in the community.

Mrs LAWRIE (Nightcliff): Mr Deputy Speaker, as the House is well aware, I had leave of this Assembly to attend a parliamentary conference in Jamaica. Unfortunately, the papers pertaining to that conference have not yet arrived from Jamaica; I think they are coming by camel - a camel, we hope, which can swim through the Caribbean. If in fact they arrive, I shall be able to give a more definitive description of the proceedings of the conference to the House next week. However, I do want to make a couple of general remarks initially about my visit to Jamaica.

I was a guest of the Jamaican government and it was very interesting to be a European guest in a black country and to see the courtesy extended to all the Europeans by people of non-European stock, a courtesy which all too often we fail to extend towards those not of European origin. The Jamaican government took great pains to ensure the safety of its guests and suggested that we did not frequent certain areas of Kingston where poverty was extreme because there may be certain attitudes expressed towards those who were so clearly affluent which might have tended to frighten some of the delegates. It is unfortunate that some of the delegates took that to mean that they should not mix with any of the locals or anyone who looked like the locals. We had the unfortunate spectre of Europeans appearing to stay together for mutual comfort and support when, in fact, it was not necessary and was not needed.

The delegates from the West Indies and from Africa to that conference were unfailingly courteous and expressed an interest in this country which I at least attempted to appreciate and to answer. The attitude of the black delegates towards Australians and Australia was almost unanimously that we had a gross ignorance of their country, their customs and the problems they faced. I am afraid it did become apparent that, if world events were not happening in South-east Asia, Australia, by and large, neither knew or cared. Perhaps it would be beneficial if more Australians could travel through Africa in particular and through areas such as the West Indies because the greater proportion of Australia's foreign policy statements seem to centre on happenings in South-east Asia because, of course, Indonesia, Malaysia, Singapore,

the Philippines are close neighbours. When questions arose during the conference of policies expressed towards South Africa and countries within the African continent, Australians did not have a lot to offer and perhaps some of the offerings would have been better left unsaid.

Mr Collins: Especially the first one.

Mrs LAWRIE: Yes, especially the first one. It was a most unfortunate incident when a government delegate put the view that there was nothing wrong with apartheid in South Africa, that the black people of South Africa in fact supported apartheid and that it was the best thing that could have happened. I must say that the government members of the Australian delegation were at pains to disassociate themselves from those sentiments and took great care to point out the present attitude of the Australian government which was the opposite of that expressed by this particular delegate. Nevertheless, it made things very difficult indeed for the Australians representing their country at that conference in Jamaica when the first Australian to speak expressed these views which are peculiarly his own and not the views of the Australian government, nor the opposition, nor to my knowledge and belief 98% of the Australian people.

Notwithstanding that unfortunate incident, questions were asked of me, time and time again, regarding Australia's attitude towards Africa. I was asked, "But aren't you racist? After all, you do not accept black immigrants. You have attempted to exterminate in the past your Aboriginal population". The one thing I had going for me - and no other delegate at the conference had it - was the Aboriginal Land Rights Act and its passage. The federal people could claim some credit but I was able to promise some of the delegates that I would forward them copies of the act, together with the Hansards, both of the federal House and here. I was able to say that, at last in 1977-78, we were giving a measure of recognition to the claims of the original inhabitants of this country, claims which they had expressed for many years and which were at last being shown through legislation approved, I believe, by a majority of the Australian people, passed in the federal House and with complementary legislation being debated in the Northern Territory. It went some way towards alleviating the fears of black delegates that Australians cared nothing for anyone with black skin. It went somewhere towards giving what I hope is the lie to the thoughts that Australians care only for Europeans and worry only about South-east Asia and do not give a damn for the rest of the world.

I think that the present foreign minister and his immediate predecessors have been making reasonable, rational statements regarding events which occur in the northern hemisphere but it is still apparent, if one travels out of the southern hemisphere and away from this particular sphere of influence, that there is this feeling amongst people in Europe and Africa that we are ignorant and we do not care. Perhaps we should be looking at the actions of our high commissions in these countries who are the representatives of the Australian government and the Australian people. Judging from the doubts and fears expressed to me and to other members of the Australian delegation at that conference, they cannot be fulfilling the role which one would expect. Why is it that we have this gross ignorance and fear of people in other areas of the world?

The Australian person should not and is not expected to exercise his or her mind on all foreign affairs policies but I do believe that, with our preoccupation with affairs in Indonesia, Malaysia and Singapore, we are neglecting to advise other people around the world that we also have an interest, both indirect and direct, in their wellbeing. The world is very small. In Brazil, I had some businessmen ask me, "Don't you have beef in the Northern Territory?" I assured them, "Oh yes, we do indeed have beef, a lot of it". He said, "We want to import beef. We are interested in hearing more about the beef industry of the Northern Territory. We have not been able to get any

information".

Although we have trade commissions in South America and some representation there, it is probably insufficient and it is probably a fact that they are not making enough effort or taking the initiative to get out and sell our products in an area where perhaps one would not normally expect those products to be accepted. South America is a very large place and it turns out that the Brazilians are more interested in hearing about Australian beef than they are in hearing about Argentinian beef. That is partly because the Brazilians and the Argentinians historically have no reason to like each other. Much of it has to do with trade balances.

In this, the first of the remarks which I shall make on my recent visit, may I draw to the attention of the House my sincere feelings that more has to be done in Africa, in South America and in the West Indies to advise those people of our interest and our concern and, most importantly, of our good will. At present, that is not being done at a national level.

Mr COLLINS (Arnhem): Mr Deputy Speaker, Mr Yunupingu was visibly disconcerted by the statement - and I refer confused members to yesterday's Hansard - and said to me in front of Mr Bishaw, "Do you think that such a thing is possible?" I explained that it certainly was possible for the government to amend its legislation and that there were many acts of parliament which bore little resemblance to their original form and I quoted Medibank as an example. I went on to say that I did not consider, however, that it was a politically viable option for the government to do this so soon after having granted title to Aboriginal people over their land.

Mr Yunupingu was obviously not convinced by this argument and asked me to attend a meeting at his house that night to discuss the matter. He also invited Alex Bishaw, Stuart McGill, Mr Bud Kruger an American solicitor, and a number of other people. The meeting lasted many hours. During the course of the meeting, Mr Yunupingu contacted Stephen Zorn in New York by telephone and the strain of the responsibility he was discharging was showing clearly. When I left that night, he had been convinced by the information given to him by Alex Bishaw that the government would simply legislate the council out of effective existence and that they had no option whatever other than to sign the agreement. Bishaw later publicly confirmed that he had made this statement because he had been given this information by senior public servants in Canberra and believed it to be true. Although it was later categorically denied in the federal parliament by the Prime Minister, Mr Fraser, it appeared to be confirmed by the Minister for Aboriginal Affairs, Mr Viner, in statements that he made in Darwin that the problems connected with the signing of the Ranger agreement placed the future of land rights legislation in jeopardy. This statement was seen by many, including the press, as a not-so-veiled threat that the Land Rights Act would be circumvented by amending legislation.

On the following day, I received a number of telegrams from Aboriginal communities in my electorate asking would I try to get the meeting extended so they could send a larger number of representatives to the meeting. The messages were passed on to the Northern Land Council.

The next chapter in this story for me came in the early hours of Friday morning. At about 1.30, I was woken by a number of Aboriginal people who had driven directly from the Red Lillie meeting to my house. They were upset and angry at the way in which the meeting at Red Lillie had been conducted and spent the rest of the night telling me in detail how the resolution to ratify the Ranger agreement had been brought about. It was not a very nice story. The point they brought up again and again was that both the manager of the council, Alex Bishaw, and the chairman of the council Galarrwuy Yunupingu had stated that, if the Ranger agreement was not ratified during the course of that meeting, the government would pass a new law to destroy the land council

and, in consequence, land rights. The detail of the numerous stories they recounted to me and the misinformation that had been given to them about the agreement itself and the restrictions that had been put on people being allowed to speak and vote were all substantiated when the tapes of the Red Lillie meeting were produced. I was informed that they intended to take these stories back to their communities and I was told in no uncertain terms that they wanted me to do something to correct the way in which that meeting had been conducted. At 5 o'clock they left.

Over the next 2 hours, I gave the matter some very careful thought. I considered carefully the possible repercussions on everyone concerned, including myself, should the matter proceed. I knew closely the people who had talked to me. As a result, I accepted that what they had told me was probably the plain unvarnished truth and deserved to be investigated. In any case, it would have been impossible for me to sweep my midnight visitors and their stories under the carpet whilst purporting to represent their interests in the Legislative Assembly. At seven o'clock I rang Galarrwuy Yunupingu directly at his home. I told him who my visitors had been, I related in detail the stories they had told me concerning the conduct of the meeting and I explained to him that I had been instructed by them to do something about it.

The reason that my first action was to ring him directly was because I was probably hoping that, after telling him what I had to tell him, he could pull a rabbit out of the hat. Unfortunately, he could not. I received no denial from him; the stories were true. He told me in effect that the question of the information that had been given to the lands council delegates on the Ranger Agreement being correct or the meeting itself being conducted correctly was an academic one. He said that the council, for pure survival, had no option but to sign the Ranger Agreement. It was, as I remember, an exhausted and defeated statement of how he felt. He said that he realised the bind that I was in and said that he understood that if communities in my electorate became angry enough to want to take action that I had no option but to do my job.

From that point, events moved very quickly. The Prime Minister announced that the Chairman of the Northern Land Council had notified him that the council had approved the Ranger agreement. Aboriginal people across Arnhem Land began to fly into Darwin to protest at the way this had been done. That night they held a meeting where more detail of the Red Lillie meeting was revealed. It was at this meeting that the tapes of the Red Lillie meeting were produced and the Aboriginal representatives made a decision at that meeting that these tapes should be made public to support their claims of coercion and misinformation. The tapes did exactly that.

On 17 September, the same people held a press conference at the Telford Hotel where they said the decision to sign had not been a free decision but that they had been pushed into it. On 18 September, Dean MacLaughlin, a field officer on the staff of the Northern Land Council and a man that I have known personally for many years to be of the highest integrity and a deeply religious man in fact, resigned from the land council. He told the press that information given to the main office of the land council in Darwin by field officers was being manipulated rather than implemented, that Aboriginal people were telling the field officers what they wanted but that information was not being acted on by the council, and that he was appalled at the pressure and the strong arm tactics that had been used at the Ranger meeting at Red Lillie.

On that same day, acting on instructions I received from community representatives from my electorate, I held a press conference where I produced the tapes of the Northern Land Council meeting. There were 19 double-sided cassettes of the meeting and it would be impossible to discuss in detail the whole story of the disgraceful manner in which that meeting was conducted. Some of the information revealed by the tapes was that, during his address to

the land council, the Manager of the NLC, Mr Alex Bishaw, had misrepresented the statements to the Northern Land Council chief negotiator, Mr Stephen Zorn, and had stated that if the council decided to go to arbitation or delay signing the agreement - 2 courses of action that would have been highly proper for the council to have adopted under the legislation - that this "could be seen as evidence that this council does not know what it is doing and has not carefully thought about the advice it has taken". The logic of that statement escapes me.

He then went on to say that this would be a wonderful opportunity for people of ill-will to Aboriginals to persuade the government to change the land council system. He repeated to the council the same threat to be delivered to the chairman of the council in my presence on that Monday afternoon meeting - that senior government officials, men who were actually in the Cabinet room when the Cabinet made its decision, had told him that Cabinet would take away the bargaining powers of the Northern Land Council by amending the Land Rights Act rather than negotiating or going to an arbitrator. He stated to the council at that meeting that the President of the ACTU, Mr Bob Hawke, had said that the government would "nail the land council's ears to the wall" if they did not sign the agreement. Mr Hawke was later to angrily describe this statement as a outright lie. Mr Bishaw subsequently publicly apologised for it. Unfortunately, the damage had been done.

The NLC manager then culminated all of these lies with a whopper. He said that the agreement had to be signed and his exact words were: "the land council has no option". It is an arguable point certainly whether the options that were clearly open to the land council under the legislation were wise or advantageous options. But options there were and for the NLC senior permanent adviser to have categorically stated to the council that they had no option was the culmination of a contemptible and disgraceful manipulation of the council that had been given to them under the guise of advice.

During his address to the council at the closed meeting where there were no non-Aboriginal people present, the chairman of the Land Council, Galarrwuy Yunupingu, told the council that the government would legislate to change the Land Rights Act if the NLC did not agree to sign the Ranger Agreement. His exact words were that Mr Fraser had said to him: "I am supposed to be the No. 1 man in Australia today who has the power to control any legislation there is and I can block it; I can break it up". He went on to say that the Pancontinental mine would go regardless of the NLC's decision on the Ranger agreement. He told the meeting the Prime Minister's words were: "Shut up and sit down. We are going to dig that hole anyway. We are going to make that hole anyway". That particular excerpt of the Red Lillie tapes was played on the ABC News. He said that if the agreement was not signed Aboriginal people would lose both the NLC and the outstation movement.

In an account of this part of the meeting that Leo Finlay gave to the Age on 18 September, Galarrwuy quoted Fraser as saying: "Look, Yunupingu, if this agreement is not signed you will lose the Northern Land Council. I will take it off you and you will also lose the Aboriginal outstations movement. You won't have anything". Galarrwuy Yunupingu has since denied that these threats about the NLC, Pancontinental and outstations were made. A denial was also made by the then Acting Prime Minister, Mr Anthony, in parliament on 19 September. The facts are, though, that these threats were given as fact to the Northern Land Council meeting at Red Lillie.

Other little gems occurred at the meeting. Of the 28 delegates out of the 42 total membership that should have been there, one was a proxy from Galiwinku who had been sent to the meeting as an official proxy by his community to replace the normal land council member who had to go to Adelaide for a meeting. He was not allowed to vote. The resolution from the Galiwinku community meeting that had been taken to the Red Lillie meeting by special envoy was not

even placed on the agenda for discussion. The chairman refused to have the matter discussed, saying that the Aboriginal Affairs Minister, Mr Viner, had advised him that this resolution was not relevant and should not be discussed at the Ranger meeting. During the course of the Monday afternoon meeting that I previously had with Galarrwuy and the manager of the Land Council, Mr Bishaw, Galarrwuy himself had shown me the 2 foot long telex he had received from Viner on this subject and I read it.

During the closed meeting at Red Lillie in response to a question from an Aboriginal as to whether the holes would be filled up, one of the basic demands of the traditional Aboriginal land owners, the chairman said: "Yes. That is my understanding without going into technical details and that is the word of Mr Steven Zorn. The government said yes, we will fill in the holes". Mr Steven Zorn, in a simplified version of the agreement he later prepared, made it abundantly clear that this was not the case. The Aboriginal dissidents, as they later came to be called, made a decision to go to court, to seek an injunction to prevent the Northern Land Council from signing the Ranger agreement. The plaintiffs in the case were Mr Dick Malwagu, an executive member of the Northern Land Council and chairman of the Minjilang Council and John Marali, one of the Northern Land Council's delegates from Goulburn Island and chairman of the Warrawi council at Goulburn Island. The defendant in the case was the Northern Land Council. On 19 September, Mr Justice Gallop granted an interim injunction. The evidence which was produced in the affidavits lodged in that case is of some interest.

In respect of the resolution not discussed at Red Lillie, it had been passed at the Galiwinku conference at which he had been present, Mr John Marali said: "I was very unhappy about this as I knew that all of the 19 communities that had attended the Galiwinku conference had supported this resolution and that we would be going against their wishes if we supported the Ranger agreement at this stage". The affidavits went on further to say that Galarrwuy Yunupingu was criticised by many members, including the deputy Chairman, Gerry Blitner, for acting without consultation with Aboriginal communities. But Leo Finlay had said that he needed more time to consider the matter and discuss it with his community. But Yunupingu had refused to allow further time and Leo had left the meeting before the vote was taken.

There was no discussion at all about the extent of protection measures that had been promised to protect the land and the waterways. Marali said: "I believe from discussions with other Aboriginals that the traditional owners of the land subject to the Ranger agreement were told by the Northern Land Council's chairman at a meeting at Murgenella in July 1978 that the mining pits which would form part of the mine would be refilled level with the ground at the completion of mining under the proposed agreement and that the Northern Land Council would insist that this form part of any agreement made with the Commonwealth or the developer".

Further in the affidavit Marali stated that delegates from Oenpelli, representing the communities of traditional land owners most directly affected by the mining, were not allowed to address the meeting or to discuss the question with delegates who had requested such a discussion. He said: "Mr Yunupingu refused to allow us to have them address the council, saying that he would look after this himself". Part of Dick Malwagu's affidavit said: "At no stage was the agreement read out nor any translation prepared". Anyone who wants to listen to the tapes, I've got them, that's fact. There was no discussion about the Ranger agreement at the meeting that ratified it. It was never read out, none of it. It is abundantly clear from listening to the tapes and speaking to the Aboriginal people who were at the meeting that the details of the Ranger agreement itself were barely discussed.

All the damning evidence that is available from that meeting leads you to the inescapable conclusion that the Land Council's secretariat considered the

council itself to be nothing but a mindless rubber stamp and treated its members accordingly. It is clear in retrospect that, in their overwhelming desire to comply with the government's and the other mining company's desire to get the agreement signed, they overstepped the mark and they did not anticipate in any way the Aboriginal reaction that followed.

The granting of the injunction required the Northern Land Council to demonstrate that the Ranger agreement was reached in accordance with section 233 of the Land Rights Act. This section of the act, Mr Deputy Speaker, requires the Council to have (1) the consent of all the traditional land owners in the matter concerned; (2) ensure that these people had fully understood the content of the agreement and its terms; and (3) ensure that any communities in the area had fully understood the agreement and its terms. This section of the current federal legislation was not and has not been complied with.

On 19 September Stuart McGill, the Northern Land Council's legal officer, was summarily dismissed. A letter of dismissal was handed to him just before he completed work that day informing him that he was dismissed. I have read the letter and it says exactly that - that the dismissal would take effect immediately and that he should leave his keys with the manager, Mr Alex Bishaw, before leaving that afternoon. Alex Bishaw subsequently issued a press release denying that McGill had been dismissed. He said that it was a mutual parting of the ways. However, the chairman in a press release issued the same day, said: "He was dismissed for leaking information" - an allegation that was completely unsubstantiated then or now.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 a.m.

MESSAGE OF CONDOLENCE

Death of Sir Alan Turner

Mr SPEAKER: Honourable members, it is with regret I announce the death in Canberra on Sunday 26 November 1978 of Sir Alan Turner, former Clerk of the House of Representatives in the Commonwealth parliament who assisted the Clerk at the first sittings of the Legislative Council for the Northern Territory. Sir Alan's services for and cooperation with this legislature over the years are remembered with deep appreciation. On your behalf, I have sent a message of condolence to his widow.

TABLED PAPER

Funds for Aboriginal Community Services

Mr PERRON (Treasurer): Mr Speaker, I table a paper in pursuance of section 15 of the Financial Administration and Audit Act. On 5 October 1978, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, pursuant to section 15 of the Financial Administration and Audit Act, signed an agreement to the effect that he was satisfied that moneys were available in the consolidated fund to meet an increase of $1,915,000 in the supply allocation under advance to the Treasurer. In accordance with the requirements of section 15 of the Financial Administration and Audit Act, I table a statement setting out the circumstances behind the increase approved by the Administrator on October 1978.

The federal government agreed to provide to the Northern Territory the sum of a little over $1.9m to our consolidated revenue fund in the Territory to provide funds for the provision of essential services in Aboriginal communities. Members may recall that the function of essential services in Aboriginal communities was not proposed to be transferred to this government on 1 July this year until the Chief Minister gave the federal government a hard time quite close to self-government day and it was agreed very late in June that that function was to be transferred to the Northern Territory government. However,at the time, funds had not been allowed for in the supply legislation that had been passed through this House and so additional funding had to be provided. The federal government provided those funds into our consolidated revenue fund and we sought to increase the Treasurer's advance with that money so that it could be passed on to the relevant agency to carry out the work. The funding of essential services in Aboriginal communities has been recognised in the appropriation legislation that has been passed through this House quite recently.

I reiterate, as I have before in this House, that these are again demonstrations of the flexible budgeting procedures that we have under the financial adminstration and audit legislation and, at the same time as having a flexible budgeting system, we also had provisions that the House be kept fully informed on these matters.

STATEMENT

Coastal Surveillance

Mr EVERINGHAM (Chief Minister) (by leave): On 14 September 1978, I made a statement in relation to the subject of coastal surveillance. In that statement, I referred particularly to the quarantine risks that come with unauthorised landings on our coastline. I welcome the announcement that had been made by the Commonwealth Minister for Transport that surveillance would be upgraded and called for a still further increase in the level of

surveillance. On that occasion, I called for greater involvement in surveillance by the Aboriginal people and promised every cooperation with Commonwealth agencies engaged in the task.

Since that date, 2 significant matters have occurred in relation to coastal surveillance. The first of these was the visit to Darwin on 4 October 1978 of the Commonwealth Joint Committee on Defence and Foreign Affairs, the parliamentary committee which was investigating coastal surveillance. I met the members of the committee and my department gave evidence at the hearing. This evidence stressed the need for additional surveillance, for a land-based surveillance force, for Aboriginal involvement in surveillance activities and for improved communications in remote coastal areas.

On 3 November 1978, I attended a meeting in Sydney of Commonwealth and state ministers responsible for coastal surveillance. I seek leave to table a copy of the submission I made to that meeting.

Leave granted.

Mr EVERINGHAM: There was a cordial exchange of views between ministers and we were able to make satisfactory arrangements regarding the machinery that will operate to ensure quick response to surveillance incidents. This will involve mainly our police force and our fisheries officers, and the Northern Territory is happy to cooperate in this way. We have good communication links between the Australian Coastal Surveillance Centre and our police force and I expect that all incidents will be responded to promptly.

I again took the opportunity to stress the need for greater surveillance measures in remote areas and of the very valuable contribution to surveillance that can be made by Aboriginal people. Mr Nixon, the Commonwealth Minister for Transport, and myself agreed that officials of our departments will meet again soon in Darwin to determine the best way of incorporating skilful Aboriginal bushmen in surveillance activities. I have suggested that the officials look at the practicability of recruiting Aboriginal surveillance officers as police aids so that the training, communications and logistic resources of the police force will be available to support this activity. The primary reason for introducing an Aboriginal surveillance force is, of course, to provide better surveillance. However, it is significant that, at this meeting of the Assembly devoted to the issue of employment, I am able to tell you that the government is endeavouring to open up another avenue of employment for Aboriginals.

I am still a little unsure that the surveillance being provided is adequate. I acknowledge that the daily aerial search of the coastline which is being introduced will improve surveillance and I am hopeful that, as a result of the discussions between Mr Nixon and myself, we will soon see further improvements in surveillance in our remote coastal areas. The government is keeping this issue under close scrutiny. We will be alert for any indication that surveillance is still inadequate or that the increased efforts are being allowed to slacken off. I hope that people in remote areas who see or hear anything unusual along the coastline will quickly report the matter. Police and other officials of the Territory government will quickly pass on information that they receive and free telephone and telegraph facilities are available to everyone for direct reporting of incidents to the Australian Coastal Surveillance Centre in Canberra. I have said before that we need more than our bare eyes to guard our coastline. We will all use our eyes, I hope, and the government will also use its voice and its influence to ensure that the coastal surveillance is improved to an adequate level and is maintained at that level.

Mr COLLINS (Arnhem): I just rise briefly to state that the opposition is as concerned as the government of the Northern Territory with the question

of coastal surveillance. I welcome the introduction of this paper. It brings once again to the attention of all members of this House the very urgent and serious needs of an improved coastal surveillance system. I welcome the initiatives that are being taken in this respect.

I am pleased to see that we are now having very positive statements made about employing Aboriginal people. There have been quite a number of statements made recently by politicians and others about Aboriginal involvement being put on a voluntary basis and I am pleased to see that it is quite likely that Aboriginals will be employed in some capacity and they will actually be paid for doing it.

I say again that the opposition welcomes the paper. We applaud the decision of the government to have an aerial coastal surveillance. I believe that having regular patrols from the air of our whole coastline will materially assist our coastal surveillance. I concur with the remarks of the Chief Minister that more does need to be done and I conclude by saying that the opposition shares the concern of the government in this urgent and important area.

Motion agreed to.

STATEMENT

Australian Aboriginal Affairs Conference

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker, I attended the Australian Aboriginal Affairs Council conference of ministers in Brisbane on 20 October 1978 and wish to report to the Assembly the important matters that were discussed at that conference.

I presented to the conference the Northern Territory's progress report on initiatives for Aboriginal advancement and self-management, together with a paper on vocational training for Aboriginals and the creation of employment for Aboriginal school leavers. I seek leave to table both these papers.

Leave granted.

Mr EVERINGHAM: I believe the progress report indicates the commitment my government has made in the field of Aboriginal advancement in the Northern Territory and the practical manner in which it has been prepared to respond to the wishes of the many Aboriginal communities throughout the Territory.

In presenting the paper on vocational training, I indicated my grave concern at the high level of unemployment that exists in many of the Aboriginal communities, particularly where school leavers are concerned. I emphasised strongly that any success of the policy of self-management and self-reliance must depend on the opportunity for Aboriginals to gain the necessary skills to enable self-management to become a reality. I also stressed the grave social risk that young Aboriginals face if they are not given the opportunity to capitalise on their education attainment by moving into satisfying vocations. It is not only important that they have a full understanding and appreciation of their own rich culture but that they have a high regard of their own value to society as a whole.

The Commonwealth Minister for Aboriginal Affairs presented a paper on the coordination of government programs and policies on Aboriginal affairs in which he spelt out 5 principles which are important to the relationship between the Commonwealth, the states and the Northern Territory. These principles are, firstly, that the Department of Aboriginal Affairs does not deliver government services. That is the function of Commonwealth or state authorities. The second principle is that the Department of Aboriginal

Affairs has the responsibility of ensuring that the Commonwealth policies are put into effect through coordinated practical action by functional authorities in individual communities, supplemented as necessary by direct grants in aid to Aboriginal organisations. Third is the principle that the Department of Aboriginal Affairs has a special interest in and responsibility for relating action by functional authority to Aboriginal needs. In carrying out this responsibility, it should stimulate, initiate and monitor as well as coordinate. Next is the recognition that the Department of Aboriginal Affairs and government interaction with communities has an impact on community plans and progress and that the process should be one in which the community worker is able to give advice and in which the NAC member also fully participates. Lastly is the principle that individual states and the Northern Territory may have their own systems for coordinating state-like services. The role of the Department of Aboriginal Affairs is seen as that of coordinator of total inputs, as part of the Commonwealth policy planning and financing responsibility based on Commonwealth legislation and the subject of agreements with states and the Northern Territory.

I stress that these principles which were supported by all state ministers were put forward by the Commonwealth. I believe this was one of the most positive statements to come out of the conference as it clarifies the respective roles of the Commonwealth, the states and the Northern Territory in the area of Aboriginal Affairs. In acknowledging these principles, I believe the Northern Territory government has the way open to undertake those functions and responsibilities which are normally those of a state and, in this direction, I am moving to negotiate the transfer of all those functions which will involve the delivery of all services for the advancement of Aboriginals.

I also emphasised the need for continued and improved consultation between the Commonwealth and the Northern Territory governments in Aboriginal affairs policies and the importance of cooperation between us in this regard.

I supported the state ministers in their quest for a more realistic approach to be taken to Commonwealth funding to avoid the on-off nature of some programs that has been experienced in recent years. We must be assured that Aboriginal projects and programs once started are given every chance to be completed successfully.

I agreed also with the state ministers that meetings of the Aboriginal Affairs Council should be held twice yearly. This will enable ministers to contribute during the budget formulation period as well as give consideration to programs after the budget has been brought down. I see these meetings as being important for the Northern Territory as the opportunity is given to ministers and officers to gain an appreciation of what is taking place in the advancement of Aborigines on a national front.

TABLED PAPER

Report of Darwin Community College for 1973

Mr ROBERTSON (Minister for Community Development): I table the Report of the Darwin Community College for 1973. I seek leave to make a brief explanatory comment.

Leave granted.

Mr ROBERTSON: This is the first annual report of the Darwin Community College since its inception in 1972. The difficulty has been in obtaining an agreement with officers of the Commonwealth - the Auditor-General's Department, Treasury and later on with Finance - as to the correct form these accounts should take. For that to have gone on since 1973, it would have

to be described as one of the most miserable episodes of bureaucratic madness that I have ever heard of in all of my life. Five years to table a report required by a law of the Northern Territory is a miserable performance all round and no wonder we want self-government.

I understand from the Darwin Community College that, now they have resolved this difficulty with the Commonwealth reports for the other years should be made available to this legislature in the near future. I can take no personal responsibility for what has happened but I do apologise to the House for these matters which are obviously beyond our control and the control of the Darwin Community College as long as it remains a vassal of the Commonwealth.

STATEMENT

Hotel Casinos in the Northern Territory

Mr PERRON (Treasurer): Mr Speaker, during the last 38 hours or so, meetings have been held with members of both the Darwin and Alice Springs city councils in their respective towns on proposals which in total will inject new investment of some $15m over the next 3 years into the Territory. I refer to the proposed development of international hotels in both centres with ancillary gaming facilities. Almost 11 months have elapsed since advertisements were lodged seeking an expression of interest from companies for the development of these projects. Since self-government, there has been intense efforts at officer, ministerial and Cabinet level to settle on submissions and a company or companies with which we would seek to negotiate agreements to bring these projects to fruition. In that time, no effort has been spared in explaining the government's policy or intentions to the community. In line with that and at the conclusion of conferences with both councils, the community has been informed of the government's decision through the media. Nevertheless there is still a substantial story, not all of which is public knowledge. I consider that this Assembly should be informed of further details.

The operation of hotel casinos in this Territory must and will be beyond reproach. To satisfy that attitude from the initial stage of assessment of applicants that task was removed from the political arena. The government appointed a committee of senior public servants to deal with this aspect. A panel of three comprising representatives of Treasury, the Crown Law Department and Lottery and Gaming Unit was formally established in late July this year. At that stage, there were 9 final applicants out of an original list of 17. Apart from a number of concerns who joined forces, the balance of the 17 were mainly expressing an interest but did not follow up with specific proposals. Four overseas interests were included in that list of nine. The criteria for selecting the applicant fell into 5 main categories: firstly, the bona fides of the company or group and of the principals; siting the proposal and/or siting requirements; development proposals themselves; casino operational proposals; and the financial ability to undertake the development proposed.

With respect to the bona fides of the companies and associated directors, extensive investigations were undertaken through the police - state, Commonwealth and Interpol. As a result of these investigations, certain undesirable elements were isolated and excluded from the final list. This indication as to the stringency of the measures applied by the government should be noted by honourable members. Nevertheless, at no stage in the past have I divulged the identity of the applicants nor is it my intention in the future to name those companies which were unsuccessful. Applicants were progressively removed from the short list for reasons ranging from questions on financial support from one overseas concern to comparisons between other submissions on the criteria I have already mentioned. Two other corporations withdrew for their own private reasons.

On the question of siting, serious consideration was given to the following aspects: proximity to schools, churches, residential areas and other hotels and organisations; public convenience in gaining access to the sites; and road access so as to minimise traffic hazards, congestion and noise levels created by increased traffic.

The development proposals were also considered in the light of the complexes being of international standard and major tourist drawcards and the capacity of the applicant to engage in professional tourism marketing. The extent of accommodation proposed took into account the existing availability of facilities in each city. One submission involving 500 rooms was considered unrealistic in light of both its future viability and the adverse impact it would have on existing establishments.

Apart from the casino, developers had to indicate the extent of additional facilities to be provided such as cabaret, convention rooms, swimming pools, shopping complexes, saunas and restaurants, dining rooms and lounge bars. Applicants also had to demonstrate experience in hotel management. With respect to casino operations, applicants had to agree to operate under the strict control procedures that will be instituted and will be the subject of later legislation to be introduced into this House.

As a result of the panel's searching criteria and certain other elements, the final list was reduced to 3. At this point, the panel submitted a report to Cabinet making a series of recommendations in a descending order of priority. All 3 proposals were sound and attractive developments but the submission by Federal Hotels of totally new developments in both cities with adequate provision for expansion in the future became the logical choice. The government has satisfied itself as to the background of this Australian company. It has noted Federal Hotel's record in Tasmania where it operates Australia's only legal casino through a subsidiary and considers that Federal Hotels has the expertise and backing to establish, operate and market the 2 complexes planned for Darwin and Alice Springs.

These exciting developments will add to the stature of the Territory as a tourist destination by providing additional facilities for visitors. They will complement our existing tourist assets and provide new man-made attractions to add to the unique natural wonders of the Territory. The position as it stands now is that the government has chosen Federal Pacific Hotels as the company with which it will negotiate agreements for the development and operation of hotel/casinos in Darwin and Alice Springs. No firm date can yet be put on when agreements are likely to be finalised but I would hope to be in a position of having completed negotiations early in the New Year. Instructions have been issued to officers in this regard. The agreements themselves will, of course, be subject to ratification by this Assembly.

The developments proposed involve the expenditure of an estimated $9.5m on the new complex in Darwin and $5.1m in Alice Springs. Preliminary estimates are that Alice Springs would open for business about December 1980 and Darwin about 12 months later. In Darwin, however, an interim development is proposed utilising the Don Hotel in Cavanagh Street and involving conversion and upgrading amounting to about half a million dollars. This project would not be licensed by the government until there is a demonstrated activity on the multi-million dollar Darwin development and, as soon as that opens, the Don Hotel would no longer be licensed for gaming activities. The Don concept will involve a cabaret for from 100 to 120 diners, a grill room for 100 diners, a main casino area, some 11 gaming tables and a two-up lounge and upgraded bars throughout the facilities. By extension, the major development will provide the same basic facilities but with a larger gaming area in Darwin. The 2 new complexes will also provide additional accommodation, conference bases and add to the number of holiday restaurants and nightlife facilities in both cities.

I have said before that the government will not allow hotel casino development in the Territory until and unless we are 100% satisfied. We are now satisfied that we have chosen the right developer, that the projects will add a new dimension to Territory life, that our tourist industry will benefit and that there will be no upsurge in undesirable social effects. Rather the effects on the community will be for the better and lead to the creation of a new stimulus for local economies. The story so far has been a long one but this is just the starting point. We have a developer, we have agreements to be negotiated and we have control legislation to prepare for the consideration of honourable members. It is the start of a story which it has been my pleasure to announce over the past couple of days.

Ms D'ROZARIO (Sanderson): Mr Speaker, I seek leave to move a motion.

Leave not granted.

SUSPENSION OF STANDING ORDERS

Mr ISAACS (Opposition Leader): Mr Speaker, I move that so much of Standing Orders be suspended as to enable the member for Sanderson to make a statement on the same subject.

Before you shut me up and say that I cannot speak, let me speak to the motion.

Mr SPEAKER: I take exception to the honourable Leader of the Opposition's remark.

Mr ISAACS: I may have chosen my words badly, Mr Speaker, but on the last occasion when I tried to move a suspension of Standing Orders not only was I refused leave to move a motion but, when I stood up to speak, I was promptly told to sit down. I accepted the ruling but I have moved the motion and I wish to speak to that motion.

A dispute arose between myself and the Chief Minister in relation to speaking to statements being made by ministers. We did agree that, where the opposition advised the government of its intention to speak to statements, the government would seek leave to move that the statement be noted, as happened in the matter of coastal surveillance. This morning, after the Chief Minister was advised that the opposition did wish to speak on a matter, he moved a motion that the statement be noted. In relation to casinos, the opposition did precisely the same thing. I sent a note round to the Treasurer advising him that the member for Sanderson wished to speak on the matter of casinos. I even included in the note that the Treasurer who made the statement should move that the statement be noted. I gave that to the attendant and I am certain that the attendant gave it to the minister. I do not want to make a great fuss about it, Mr Speaker. It is our intention to speak on it. I am simply endeavouring to follow the agreement which the Chief Minister and I had on the last occasion that this sort of situation arose. I moved that Standing Orders be suspended to enable that. If the Minister for Lands and Housing has somehow misinterpreted or misunderstood, I am not seeking to be critical of him, but I do indicate to the Assembly that I followed strictly the agreement which the Chief Minister and I had. It is a most important statement made on the matter of casino development and it is our intention to speak. I advised the Minister for Lands and Housing of our intention to do so. If he did not take up the agreement between the Chief Minister and myself, so be it. I now wish to give the member for Sanderson the opportunity to speak to the motion.

Mr PERRON (Treasurer): Mr Speaker, in response to the Leader of the Opposition's suggestion that I was somehow informed that the opposition wished to debate this particular statement under the arrangements which he outlined,

whilst I was out of Darwin for most of yesterday, the statement was delivered to the opposition yesterday about lunch time. I have been in my office certainly since before 8 o'clock this morning and there has been no information delivered to me whatsoever that the opposition wished to note the statement. Under the arrangements, the government proposed that the statement not be noted.

PERSONAL EXPLANATION

Mr ISAACS (Opposition Leader): Mr Speaker, I wish to make a personal explanation. In relation to the last comment made by the Treasurer, I wrote out a note this morning, while we were all sitting here and asked the attendant to take it around to the minister. I am not saying that we did not notify him yesterday. We did receive the document yesterday in accordance with the agreement. I indicate that there is no imputation on the Treasurer. I sent a note round to him this morning. He has been informed of our request to speak to the motion.

SUSPENSION OF STANDING ORDERS

Mr ROBERTSON (Manager of Government Business): Mr Speaker, while we are considering this matter, I would like to clear the air. It is not a matter of being bloody-minded but, if the Leader of the Opposition thinks it is sufficient for him to handwrite on the morning of the sittings, a note saying he wishes a paper to be noted, it defeats the entire purpose of the government requesting that this information be made available to it. The purpose of asking for an indication from the opposition if it wishes to canvass the matter of a statement further is so that the government may plan it today. It is useless our having our parliamentary wing meeting in the morning, during which time we plan the day of government business, to have the Leader of the Opposition dump a request on us that morning when the House sits. It is absolutely pointless. The whole purpose of this is so that we know the day before what the opposition wants. When we know that, we can plan government business for the day accordingly. It is quite pointless his expecting us to respond to a handwritten note, written out at his desk, after the Assembly sits.

Mr COLLINS (Arnhem): Mr Speaker, those are fine sentiments indeed. I concur with all of them. I would draw members' attention to the fact that this morning we were presented with a statement from the Chief Minister on coastal surveillance. I would dearly have loved even 30 minutes opportunity to have a look at that so I could have spoken to it.

The honourable Manager of Government Business refers to things being dumped on people. I think that this side of the House certainly, Mr Speaker, suffers badly from things being dumped on them. We had a coastal surveillance statement dumped on us this morning. I thought it was a considerable statement and, as members will agree, it was read at machine-gun pace by the Chief Minister and I was unable to follow it. I would have dearly loved an opportunity to have read that statement so I could have made a meaningful statement on it in reply. That was dumped on us. I think the honourable Manager of Government Business ought to look to his own business first before he accuses us of dumping things on people.

Mrs O'NEIL (Fannie Bay): I would like to support the words of the member for Arnhem. Not only did we have the coastal surveillance statement dumped on us, as he so eloquently put it, but we also had a most important statement on vocational training for Aboriginals and the creation of employment for Aboriginal school leavers. I certainly had not seen that until it was due to be delivered. I do not think any of my colleagues did. I can recall writing to the Manager of Government Business in an attempt to clear up this question of ministerial statements not very long ago and he agreed in his reply that it would be a very valuable thing if ministers did make statements

available, as the Treasurer did in relation to the casino development, the day before so that proper debate could proceed in this House for the benefit of members and of the people whom they represent.

Mr ROBERTSON (Manager of Government Business): In view of the obvious misunderstanding, if the honourable Leader of the Opposition would like to withdraw his motion for suspension of Standing Orders and seek leave again to note the statement, leave would be granted.

Mr ISAACS (Opposition Leader): I seek leave to withdraw my motion for the suspension of Standing Orders.

Leave granted.

MOTION

Hotel Casinos in the Northern Territory Statement

Ms D'ROZARIO (Sanderson) (by leave): I move that the statement be noted.

I certainly do not intend to hold up the business of this Assembly for too long and the debate on the Standing Orders motion was certainly more lengthy than I intend to speak to this one.

I simply wanted to thank the Treasurer for giving us the information that he has this morning on this very important matter of casino development in the Northern Territory. I also want to say, on behalf of the opposition, that we welcome the entry of Federal Pacific Hotels into Territory development. This company, as members would know, is the only company which currently has experience of Australian management of casinos, and we certainly welcome their entry into the Northern Territory.

I would like to express some disappointment on behalf of members of the opposition with the manner in which the site for the Darwin casino was announced. The honourable Treasurer will recall that last week I asked him a question without notice on just this subject, seeking to elicit from him the site of the Darwin casino. The honourable Treasurer, for reasons that I did appreciate then, declined to give this information saying that negotiations were still proceeding and that an announcement would be made in due course. I do not argue that the announcement was made; I simply argue with the manner in which it was made. We learned of the site for the Darwin casino from the front page of yesterday's Northern Territory News. I believe that on Sunday night aldermen and the mayor of the Corporation of the City of Darwin were briefed on this subject of the site for the Darwin casino. We would have appreciated if the Treasurer had invited members of the Assembly to that same briefing. We all appreciate the need for confidentiality in this business of deciding who will be granted the licence but I feel it was a bit of an offence that aldermen of the Corporation of the City of Darwin were informed of the site before members of the Assembly were.

Since this business of casinos was first mooted, there have been rumours from time to time which have since proved correct about the involvement of companies and suggested sites and, in the spirit of retaining the confidentiality of these negotiations, the opposition - and particularly myself who has been approached on at least 2 occasions - has been very careful to give no indication at all about the type of rumour that we have heard or to speculate on the site or on who might be involved in this development. The opposition has done this in the same spirit as the government, wanting this matter to remain confidential. I would have appreciated it if we, the members of the Assembly, had been given the same opportunity as aldermen of the Darwin City Corporation to be informed of the site of the Darwin casino.

In conclusion, I would like to thank the honourable Treasurer for having today informed us at question time of the site for the Alice Springs casino.

Mr PERRON (Treasurer): Just to touch on a couple of points which the honourable member for Sanderson made in speaking to the noting of the statement made earlier, the government had undertaken formerly in writing to consult with the corporations in both Darwin and Alice Springs on the question of siting a casino in their respective municipalities after the corporations had approached us for some involvement in the negotiations with developers and that request was declined. However, we undertook to consult and get their views on the respective sites as we saw the decision as to whether or not to allow such developments as being within the realm of the Northern Territory government.

On the subject of having honourable members opposite informed in some detail on the proposal, it is unfortunate that the timing of the announcement which we tried very hard to get within a 24-hour period in Darwin and Alice Springs - to be fair particularly to the Alice Springs people and release information down there in detail with company officials being there to explain their proposals - necessitated an extremely tight time-schedule to get those people plus government officers moved across the Territory so that justice was done in consulting with the corporations in some detail and making public announcements on the matter and also fitting that in with this Assembly's sittings this week.

I can apologise to the honourable member for Sanderson for not being able to arrange a meeting for members with the principals of the company to explain these details. The only possibility to have squeezed it in would have been at midnight or so on Sunday night and I think that would have been pretty unfair to the officers concerned. However, as I mentioned earlier today, I have the architectural sketches of the proposals on display today in the committee room for honourable members and would be pleased to arrange, if the opposition so wish, that government officers address honourable members on the details of the proposal. The government officers are certainly very familiar with the proposals; the only thing we cannot provide is officials from the company itself who have now returned direct from Alice Springs to their respective homes.

Motion agreed to.

PERSONAL EXPLANATION

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker, earlier in this Assembly this morning, certain honourable members - I think the honourable member for Arnhem was one and the honourable member for Fannie Bay and, certainly, the Leader of the Opposition - expressed to me privately the view that the statements I made this morning in this House have been dumped on them without notice.

Mr Speaker, I have checked that out and it was certainly my understanding that they had received the Aboriginal Affairs statement as early as Wednesday of last week. An official of my department whose word I accept assures me that the Aboriginal Affairs statements, in a packet of 6, were delivered to the Leader of the Opposition at the Assembly on Wednesday of last week. I am assured that the coastal surveillance ones, although I thought they had been delivered yesterday, were delivered here at 8 o'clock this morning.

PERSONAL EXPLANATION

Mr ISAACS (Opposition Leader) (by leave): Mr Speaker, I do not know what transpires between the minister, his advisers and the Legislative

Assembly but may I simply put on the record the matter of the receipt of those documents. The Aboriginal Affairs statement and the 2 attachments were placed on my desk this morning - well, I cannot say when they were placed on my desk; I found them on my desk this morning and promptly circulated them. The same is true in relation to the coastal surveillance statement; it was also on my desk this morning and I promptly and personally hand delivered it. The casino document which the Chief Minister did not mention was given to me yesterday and circulated to members of the opposition yesterday.

DISTINGUISHED VISITOR

Mr SPEAKER: Honourable members, I draw your attention to the presence in the gallery of Mr T.M. McRae, MLA, who represents the electorate of Playford in the South Australian parliament. On your behalf, I extend to the distinguished visitor a warm welcome.

FREEHOLD TITLES BILL
(Serial 211)

Bill presented and read a first time.

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

This bill seeks to amend the Freehold Titles Act in line with the government's announced policy to implement land reform measures in the Northern Territory. At the core of this legislation is a proposal to allow freehold title on commercial and industrial land. Honourable members will be aware that freehold title is presently restricted to residential land and is granted only after development conditions have been met.

Until now, the best the private sector could hope for was a business lease and in my mind that has been a stigma associated with Territory land for too many years. Leases have long been considered a second-rate security for mortgage purposes and the present prevailing situation is quite out of step with interstate established practice. New investors coming to the Territory must have wondered about this. Before committing themselves to a development project, they have first had to become acquainted with a land tenure system completely alien to them. Our economic thrust as a government is to encourage forms of development, to broaden our economic base and that, of course, includes manufacturing enterprises. The progressive implementation of that policy requires us to identify and remove as many hurdles as possible, as quickly as possible, to those who may wish to stake their future with the Territory.

This bill now before the House represents a proposal to dismantle one of those hurdles. The availability of freehold title on commercial and industrial land will place Territory business on a similar footing with their other Australian counterparts as far as land ownership is concerned. Owners of commercial and industrial land leases will be placed in the same position as buyers of residential crown land with the passage and assent of this legislation. Development conditions will still be maintained but, once covenants are met, as in the residential situation, conversion from leasehold to freehold title will be possible to the private sector on application and the payment of an administrative fee. This move will allow commercial property owners to strata title their developments, thus opening the door to smaller businessmen to own the property which is their place of business.

The existing system, like much in Territory law, is a hangover from the past. The bill is another step in this government's progressive role to rid our community of the archaic laws and systems which we inherited with self-government and to give the Territory a legislative framework in keeping with today's world. I commend the bill.

Debate adjourned.

STAMP DUTY BILL
(Serial 215)

Bill presented and read a first time.

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

Item 1 of the first schedule of the Stamp Duty Act sets a rate of stamp duty of 5 cents on all cheques at the time they are drawn or made. This procedure, of course, is inconvenient to most people and they pay the duty to their banker as he hands them a book containing a given number of cheque forms. To make sure that those customers who avail themselves of this facility do not have to pay duty twice, item 1 of the second schedule exempts forms issued in this way from the standing duty payable when a cheque is written. Under section 24 of the Taxation Administration Act, bankers are required to remit as a monthly tax the duty payable in respect of cheque forms issued or used. Section 26 empowers the banker to recover the amount paid from his customers. It could be argued that the effect of general exemption of the banker-supplied cheque forms from duty when drawn or made is that no duty is payable on them and therefore none payable by the banker to the commissioner. A series of steps is required to remove all doubt in such a situation and these are included in this bill and that which is to amend the Taxation Administration Act.

Firstly, a new charging system is required which will clearly impose a stamp duty at the existing rates on cheque forms at the point of supply. Clause 3 does this.

Secondly, the exemption of those same forms now standing as item 1 of the second schedule must be omitted for its effect would otherwise be to negate the new charging item introduced by clause 3.

Thirdly, to ensure that all duty already collected by bankers from customers is remitted to the Commissioner of Taxes, clause 5 makes it clear that the clarification of liability now achieved relates to the whole of the life of the act so far and is not some new initiative.

I certainly want to avoid a situation where any banker might refuse to pass on to the Commissioner of Taxes duty already paid to him by his customers acting in good faith and in compliance with the law. I stress that no change is made by this bill to rates of duty nor to procedures which we are all familiar with in our relationships with banks.

I would also mention at this time that it has been brought to my notice since this bill was printed that brokers who wish to hold on to duties paid to them on transfers of marketable securities could do so by arguing a case with the same reasoning as that which could be used by bankers. Consequently, I foreshadow a committee stage amendment which will expand this bill to avoid misinterpretation. I commend the bill to the House.

Debate adjourned.

TAXATION ADMINISTRATION BILL
(Serial 216)

Bill presented and read a first time.

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

The steps taken in amending the Stamp Duty Act to ensure that cheques

supplied by authorised bankers are dutiable leave a situation where customers may be faced with a second liability to duty when each form is used. The purpose of the amendment to the Taxation Administration Act which is included in this bill is to make it absolutely clear that the customer will never be faced with double duty. The banker includes the duty with his monthly return under section 24 of the principal act and recovers it from the customer under section 26 whilst, at the same time, the customer will be protected from double duty under the new section 24A. I commend the bill to the House.

Debate adjourned.

HOSPITALS AND MEDICAL SERVICES BILL
(Serial 195)

Continued from 22 November 1978.

Mrs O'NEIL (Fannie Bay): Mr Deputy Speaker, this bill changes a definition in the principal act in accordance with changes in the federal Health Insurance Act. It follows on the change in the health insurance system introduced by the Fraser government on 1 November of this year. Those changes were designed for 2 purposes: firstly, ideologically to abolish Medibank Standard - and, incidentally, breaking Fraser's 1975 election promise to maintain Medibank - and, secondly, to reduce the consumer price index.

The abolition of bulk billing for all except pensioner medical card holders and those determined by doctors to be socially disadvantaged occurred despite the fact that a statistical survey compiled by the Health Insurance Commission showed that bulk bill patients used 5.2% less medical services than non-bulk bill patients. Thus the claims that abolition of bulk billing should reduce the over-provision of services and fraud which was made by the federal Minister for Health, Mr Hunt, in the federal parliament was clearly false. The change was, of course, accompanied by a reduction of the Commonwealth benefit to 40%.

The second aim of the federal government's change was part of its attack on wage indexation by reducing the levy which was included in the CPI with the 1.5% tax increase in the budget which is, of course, not part of CPI. However, it seems these changes were not welcomed by any member of the community. I have not come across any who have welcomed them. The federal president of AMA, in calling the new plan "another incomprehensible about-face in health care policy" said:

> *The scheme will cause uncertainty, confusion and worry to millions of families. For the providers of health care and their patients, it will be the fourth major upheaval in three years. The government will not even guarantee that the new scheme will last beyond June 30 next year. The government allowed no public discussion of the new scheme before it was announced. Such discussion would have at least allowed solutions to some of the problems to have been worked out in advance.*

Be that as it may, Mr Deputy Speaker, the changes did occur on 1 November and the change in our Hospitals and Medical Services Act is consequential upon them and necessary.

The second aspect covered by the minister in his second-reading speech was the proposal to amend the appropriate regulations so that charges may be levied for hospital accommodation and support services on privately insured patients even if they elect to be treated by hospital doctors rather than private doctors. This has the support of the opposition. However, I would ask the minister to advise whether the change will also apply to patients being treated under the workmen's compensation arrangement. I understand that, in the past, insurance companies carrying workers compensation insurance have not

been charged for treatment such as physiotherapy provided to the injured workman at Northern Territory hospitals. I believe that practice should cease and those insurance companies should bear the cost, as the minister has indicated that privately insured people will bear the cost. I would ask the minister to ensure that that change also takes place. The opposition supports the bill.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

TRANSFER OF POWERS (LAW) BILL
(Serial 222)

Continued from 22 November 1978.

Mr ISAACS (Opposition Leader): The opposition welcomes the Transfer of Powers (Law) Bill as part of the progressive transfer of powers from the Australian government to the Northern Territory government. This particular piece of legislation transfers the Legal Practitioners Act to the control of the Attorney-General of the Northern Territory. It brings the local legal fraternity under the jurisdiction of the Northern Territory government, a matter which certainly is to be applauded. Indeed, one could only ask what must have gone through the federal Attorney-General's mind to have not wished to have transferred this over on 1 January this year. Why, in heaven's name, it was not, I am sure could only be something which could be determined by people who understand the machinations of that gentleman's mind. I am quite sure the Northern Territory government would have sought to have the legal fraternity transferred over to them at the time the Department of Law was transferred.

There is one matter I would like to raise in relation to the legislation and also to point out to the Chief Minister an error which will have to be corrected in the committee stage. The matter of transfer of the Department of Law raises the question of the transfer of the Supreme Court. I know the matter of the transfer of the Supreme Court from federal jurisdiction to Territory jurisdiction is one of very great concern and very great moment. Can I say that the opposition believes the Supreme Court and its various functions ought to be transferred to the Northern Territory government. Indeed, it is a rather strange government when it can appoint Her Majesty's counsel, as provided by this piece of legislation, but has no control or jurisdiction over the Supreme Court. I believe the Law Society of the Northern Territory also has publicly made comments in relation to the transfer of the Supreme Court and the opposition would support its transfer at the earliest opportunity.

This does raise a question in relation to judges of the Supreme Court because currently they hold a commission as federal court judges. It is my understanding that there is possibly a constitutional barrier or perhaps a legal barrier to their being both Supreme Court judges of the Northern Territory, if that court is transferred to the Northern Territory government, and retaining their federal court commission. If that is the complication, then my own view would be that the federal court commission would have to be relinquished. It is a matter which is of great moment, certainly of great concern, and I would support any action taken by the Northern Territory government to have the Supreme Court function transferred over to it.

In relation to the one amendment, if the Chief Minister would have a look at clause 8 of the bill, he will notice that section 25(1) of the Legal Practitioners Act has been amended by inserting a new subparagraph (iia) which ensures that the part of the service of a person with the Department of Law would be taken into account as part of the two-year qualification to be granted under the restricted right to practise. If you look at clause 8 (b),

you will notice that instead of referring to subparagraph (iia), it refers to subparagraph (iiia). I presume that means (iia) but we will have to take that up at committee stage.

Mr EVERINGHAM (Chief Minister): Mr Deputy Speaker, in reply I certainly take note of the remarks of the honourable Leader of the Opposition in relation to the transfer of the Northern Territory Supreme Court. The problems are just as enunciated by him, namely, the fact that the judges of the Northern Territory Supreme Court also hold commissions as judges of the Federal Court and there are problems as to whether they shall continue to hold such commissions or have to renounce them. The matter is a delicate one and it is for that reason that I have not raised it thus far in this Chamber or indeed publicly. I do believe that, in principle, the Chief Judge is in favour of a Supreme Court of the Northern Territory being established by an act of this parliament. Indeed, the Solicitor-General and myself have worked quite a way forward in this regard and a draft bill to establish a supreme court has now been sent to the Attorney-General in Canberra for his consideration. I believe that, in principle, he too favours this course of action although there does appear to be some resistance to it from certain people in the department down there for reasons that I certainly cannot ascertain. We are working in this direction and I think the Chief Judge also has a copy of the draft bill. It certainly is very much a draft bill at this stage but we will work towards this end as we recognise that the three arms of the government should really be together and not separated. I do appreciate the support that the Leader of the Opposition has given to this project and I certainly hope it is attained within the reasonable future.

Motion agreed to; bill read a second time.

See minutes for formal amendment to clause 8.

Bill passed the remaining stage without debate.

SUSPENSION OF STANDING ORDERS

Mr ROBERTSON (Manager of Government Business) (by leave): Mr Deputy Speaker, I move that so much of Standing Orders be suspended as would prevent the passage through all stages at this sitting of the following legislation: the Stamp Duty Bill (Serial 215); the Taxation Administration Bill 1978 (Serial 216); the Jabiru Town Development Bill 1978 (Serial 227).

Mr ISAACS (Opposition Leader): I would like to explain the reason that the opposition did not support the suspension of Standing Orders for those 3 pieces of legislation. In relation to the Stamp Duty and Taxation Administration Bills, it is quite clear to me on a cursory reading of the bills and also in relation to the second-reading speech of the Treasurer, that prompt action is required to clear up the matters which he raised and I am quite certain, had those two matters been put, the opposition would have supported it. However, in relation to Jabiru Town Development Bill, quite a separate matter arises. This is a most significant piece of legislation. Relating as it does to the uranium province, it raises questions in regard to the management plan of the Kakadu National Park and a whole range of other issues which it seems to the opposition are very important indeed and require a great deal of consideration. However, this government seeks to introduce that piece of legislation last week and have it debated this week without, in our view, giving sufficient time for proper consideration to be given to it. For that reason, we oppose the suspension of Standing Orders for those 3 particular pieces of legislation. If the Stamp Duty and Taxation Administration Bills had been put separately, we most certainly would have supported the motion put by the minister.

Mr COLLINS (by leave): Mr Deputy Speaker, I would like to say that the

opposition opposes the passage of the Jabiru Town Development Bill through the house in such a short time. It is a substantial piece of legislation. The opposition opposes the passage of this bill and the suspension of Standing Orders for a number of reasons. One of the principal ones is that, when the Chief Minister introduced this bill last week, he said that the Director of the National Parks and Wildlife Commission has initiated the preparation of a town plan in consultation with the government. What the Chief Minister did not bother telling us was that the preparation of this plan has reached a very advanced stage indeed. This is only one part of it. It is quite a comprehensive and complete plan which is in 2 parts. I only managed to get a copy of this yesterday. It should quite properly have been tabled in this House along with the introduction of this legislation to which it refers. No one on this side of the House has had a chance to consider it. It has considerable import for the Northern Territory and I think that for the government even to seek to move the passage of this bill through the House in one sittings is a disgrace.

Mrs LAWRIE (Nightcliff): Mr Speaker, I rise to support the remarks made by the opposition. I do not support a suspension of Standing Orders for urgent passage of this bill. No case has been made out for any hardship if the legislation does not go through at this sittings. It is quite clear that there will be no physical hold up to any development. I consistently oppose the practice of introducing legislation and putting it through in one sittings when it is not absolutely necessary. The only times when it has been necessary has been when we have been tidying up legislation that we have pushed through at an earlier sittings and have since found it to be deficient. The honourable members of the government might say that the House as a whole neglected or failed in its duty in not paying sufficient attention to the legislation. The point is that has been occurring with unseemly frequency. I do not wish to see legislation introduced at the next session to tidy up aspects of this bill.

It is a most important bill and I draw the attention of the House to the remarks of the honourable sponsor when he said: "Since most of the park will be leased from Aboriginal land, it will be necessary for the Director of National Parks and Wildlife and the Northern Land Council to reach agreement on management of the park. This agreement has now been ratified and no doubt the proclamation of the park can be expected shortly". I have been in touch with Canberra trying to find out if the park has been proclaimed. I have spoken to ministerial advisers and people closely concerned and they say that, as far as they know, it has not been and they are not too sure when it will be. Things are not quite as happy in the camp as the honourable Chief Minister would lead the House to believe. I can place no blame at his door for the fact that the park has not been proclaimed. It is a federal matter but I would like to hear a little more solid evidence as to when proclamation of the park will actually be achieved and I do not believe it is proper or necessary to push through this legislation at this sittings. I oppose the suspension of Standing Orders for that reason.

Mr EVERINGHAM (Chief Minister): Mr Deputy Speaker, we have listened to the knockers at it again. They are always anxious and ready to hold up anything that will inject money or generate jobs in the Northern Territory community. The purpose of this bill is to provide an authority to enable the construction of a substantial town. Already 7 years have past whilst we have talked about whether that town will be built and here we are still being asked to wait another few months. We know that the wet season is almost upon us and we know that during the wet season planning can go forward for the construction phase and materials and logistics supports built up. This is what we as a government, together with the Commonwealth government, want to see happen during the wet season. To say that this piece of legislation is a radical, dramatic or in any way extraordinary piece of legislation is entirely without foundation. The honourable members opposite would be against the use or invention of penicillin if we were having too many fatalities in

this Territory. That is how positive they are. We want to see something done in this Territory; we want to get the Territory on the move. They want to hold it back; they want to keep throwing out anchors. That will not be the case here, Mr Deputy Speaker.

Mrs O'NEIL: Mr Deputy Speaker, the ...

Mr ROBERTSON: I move that the question be now put.

Motion agreed to.

The Assembly divided:

Ayes 11	Noes 7
Mr Ballantyne	Mr Collins
Mr Dondas	Mr Doolan
Mr Everingham	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	

TRANSFER OF POWERS (HEALTH) BILL
(Serial 212)

Continued from 22 November 1978

Mrs O'NEIL (Fannie Bay): Mr Speaker, this bill is related to the transfer of powers on 1 January 1979. It is a machinery piece of legislation covering all the other acts and ordinances that are normally administered by the Department of Health. It is supported by the opposition as being a necessary piece of legislation to be passed prior to the transfer of health functions on 1 January. It is unfortunate, of course, that we have only had it in front of us for less than a week. I certainly cannot guarantee that it is absolutely comprehensive and there are no errors therein. In fact, judging by our experience with other similar pieces of legislation relating to the transfer of powers, it is fairly possible that there will in fact be and that next year we will be passing more urgent bills to amend it.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

JABIRU TOWN DEVELOPMENT BILL
(Serial 227)

Continued from 22 November 1978

Mr COLLINS (Arnhem): Mr Speaker, the tabling of this bill in the House heralds the development of what is going to be a unique town. The word is used in its precise sense. It will be unique. It will, in fact, be the only town in Australia that is inside the boundaries of a national park. Because of this, there will be a great deal of restraint placed on the citizens of that town. The technical details of the planning of the town will be dealt with later on by another speaker from this side of the House; I will restrict myself to general comments.

We have already said what we think about the passage of this bill through this House in such a short space of time. It is another reflection on the priorities that governments place on their legislation, both federal and Territory. I recall 3 weeks ago, after the signing of the Ranger agreement, the day after that signature was obtained, the federal Minister for the Environment, Mr Groom, made a statement that the Kakadu National Park would be declared before the end of that week. Of course, none of us held our breath which was a good thing because we would be rather blue in the face by now if we had. The park declaration has still not taken place. The honourable member for Nightcliff is not the only person who has been making inquiries in Canberra - fruitless inquiries. The latest information I have is that, possibly in 3 weeks time, we may see the declaration of the national park. All of this is totally contrary to the recommendations of Mr Justice Fox who said the park should be declared before the mining began and before the construction of the town. As we now know, none of that is going to happen. We have legislation before us now to construct the town; the national park still has not been declared.

Certainly, as member for Arnhem in this House, a great concern of mine is the Aboriginal people at Oenpelli. Their greatest fears revolve around the town. They fear the town and the impact of that large permanent European community just outside their borders more than they fear the mine itself. In the second report of Mr Justice Fox on page 217, he says:

> *In the Ranger environmental impact statement, page 7, it is asserted that"the potential for disturbance of the natural environment will be greater from the activities of an increased population than from the proposed mining activity which is more readily subject to control". It is indeed the effect of the evidence that an increased population is likely to have a seriously detrimental effect unless closely controlled, and, as the passage quoted suggests, control is likely to be more difficult in that case than with mining operations. If place is to be found in this region for mining activities and for a national park and if at the same time the welfare and the wellbeing of the Aboriginal people are to be properly respected, constraints are inevitable.*

Constraints are inevitable, Mr Speaker, and the constraints that will be placed on the residents of Jabiru are certainly going to be greater than constraints placed on people in other communities, both from the point of view of the impact of that town on Aboriginal people in the area and the impact of the town on the national park that surrounds it - the phantom national park, as the honourable member for Nightcliff so rightly said.

When the honourable Chief Minister spoke on the tabling of this bill last week, he said that the first step in implementing the plans was the construction of the Arnhem Highway. I would confidently anticipate that there will be more employment needed in the short term for the reconstruction of the Arnhem Highway because I have seen some very interesting reports lately. More and more are coming to light and one which I saw just recently says that it will be necessary, once the processing starts, for a 30-ton truck carrying reagents to travel along the Arnhem Highway every 10 minutes. To produce 1000 lbs of uranium oxide, it will be necessary to supply 30 tons of reagents. Certainly, a great deal of reconstruction on the Arnhem Highway will be necessary.

There is one section of the bill that interests me - part III which details the functions and powers of the authority. I am certainly in favour of setting up the authority. I think it is a desirable way to go about the business of constructing the town and looking after it. However, clause 16(1) says: "The authority has power to do all things necessary or convenient to be done for or in connection with or incidental to the performance of its

functions and the exercise of its powers". It goes on to detail some of these things. It says in clause 2(b) "determine the use of land". Without boring the Assembly or wasting too much time with a detailed account of my question, this does appear to conflict with the federal legislation. I have not had the opportunity to go into it in the detail that would be necessary. Of course, I am no lawyer - thank God - but perhaps my learned friend on the other side of the House could answer this query when he replies in closing the debate.

The particular section that concerns me is section 8C of the National Parks and Wildlife Conservation Amendment Act 1978 which also relates to the construction of Jabiru and goes into great detail about how it is to be done. It says: "Where the plan of management relating to a park or reserve, the whole or part of which is within the region, so provides, townships may be established and developed within the park or reserve or that part of the park or reserve as the case may be and the succeeding provisions of this section apply accordingly". It goes on to list in detail those provisions. Section 15(4) says: "A township shall not be established or developed and no building work shall be carried out in the township except in accordance with (a) the provisions of the plan of management of the national park and (b) the town plan prepared and approved in the manner provided by the regulations". Without going into it in detail, I do think there is some doubt as to whether this part of the federal act does in fact conflict with the part III of the Northern Territory bill. I would be interested in hearing the Chief Minister's comments on this. Perhaps we will have to wait until we have a constitutional challenge on it to determine whether that is correct or not.

One particular part of this legislation that does worry me is the draft plan of management. It states that "other land in the town area will not be leased for a town development but will be managed by the director as an integral part of the park". This particular part of the plan of management does refer directly to the legislation I have just quoted. There does appear to be some conflict.

The Chief Minister also said in his second-reading speech that the Director of the National Parks and Wildlife Commission has initiated the preparation of such a town plan in consultation with the government and the companies. As I have mentioned earlier today, the facts are that the preparation of these documents is certainly far advanced. Perhaps they are supposed to be confidential but every man and his dog in Darwin seems to have a copy; I have one. It is a complex and very interesting document. It contains many things that I look forward to see being put into effect. It is in 2 parts: one deals with the actual plan of the town itself, costing and so on and the other with the environmental impact of the town.

Parts of it are of great interest. On page 8, it talks about visual amenities and residential sections of Jabiru. It says: "The inability to see completely to the end of the road prevents monotony". Of course, there has been a great deal of inability to see to the end of the road over this entire matter. Talking about housing and accommodation, it says on page 19: "The solutions adopted often take the form of direct confrontations with the environment such as whole house refrigerated airconditioning". This is quite an interesting section which details the problems that arise with design and construction of the housing in the town. There are basically 2 things you can do. You can either be completely in conflict with the environment and use artifical means, for example, air-conditioning is the one it quotes. On the other hand, you can try to be in concert with the environment. It does say: "Other aspects to be considered are the means by which energy conservation can be maximised by the use of insulation, tinted glass windows and solar panels on the roof for water heating. It is difficult to recognise and anticipate all the practical, social and psychological needs of a future population of a town which has yet to be built. This difficulty is often compounded by the fact that the needs of the community form only part of a

much wider scene which also involves the development and construction phase and in most cases decisions must be taken in accordance with a stringent time schedule". It is clear there, Mr Speaker, where the priorities will be. The needs of the community, judging from the report itself, are going to run a very poor second to the time schedule of getting the town completed.

In previous debate in this House, I commended the honourable Minister for Mines and Energy for statements he had made concerning budget allocations for the utilisation of solar research. As honourable members would be aware, the developments that have occurred in solar energy research are far advanced, particularly in the area of design and construction. These architectural innovations that have come to light over the last 10 years or so are not some pie-in-the-sky, greenie ideal; they are in fact proven methods, particularly in the area of both heating and cooling houses, that can be adopted to save a great deal of energy and to blend in with the environment. I hope a great deal of consideration will be given by the town planners in this respect. If this does not happen, I feel an ideal opportunity to implement the initiatives already stated by the honourable Minister for Mines and Energy will be lost. As members will remember, he said he could not see the need for the Northern Territory government going into an expensive research program, but certainly the opportunity was here in the Territory for the practical implementation of solar energy research. Jabiru obviously would be an ideal opportunity for these initiatives to be put into practice and one would hope that this opportunity will not be wasted.

There is some hope in the plan that this may be the case. On page 21 it talks at length about the question of airconditioning and it says, "It is recommended that airconditioning be installed in one room of the house, preferably the family room, and that ducting be incorporated so that conditioning may be used in a bedroom in the evening". The plan is opting against whole-house airconditioning which is expensive and extremely energy consuming. We will not have to worry about that, of course, when we have our first nuclear reactor in Darwin. The way this government is going I would say that will be about the middle of next year.

The extent of the airconditioning of houses that is desirable is not resolved. It has been argued that full airconditioning is a basic human commodity and should be provided. In contrast with this, it has been reported that full airconditioning encourages the women to stay indoors and this increases their isolation and their heat reaction when they do go out. It then goes on to recommend that perhaps the ambient temperature that airconditioning is set at should be increased from 20 degrees to 24. These are all important considerations. Members would be aware, and certainly I am sure the Minister for Mines and Energy would be aware, of the quite often serious psychological problems that people in closed mining communities have. Everything should be done at this stage to prevent these problems occurring.

There are many commendable parts of the report. Provision for bicycle paths within the town - I would like to see that happen. It talks about desirability of using buses to transport miners to work and encouraging people not to use their own private transportation to reduce traffic pollution and so on. I go along with all of that as well.

It does have an interesting feature when you look at the way the town itself is to be laid out. Provision has been made, believe it or not, for the Aboriginal people. Their part of the town and land has been set aside specifically. It does say there will not be any electricity or water there but it will be connected if they want it. Looking at the actual plan, I am intrigued by the location of the Aboriginal community. There are 2 areas set aside with, as the report says,"a buffer zone" between them and the town and - surprise, surprise - the Aboriginal accommodation area is directly opposite the Jabiru police station.

In relation to this aspect, I have been talking in the House on another matter concerning the Ranger NLC negotiations. The English language version of the Ranger agreement was dropped off at Croker Island. Despite the fact that it was an almost completely incomprehensible document, despite the fact that people there only had 3 days to work on it, they did in fact propose 18 changes of a social and environmental nature. One of the things they were most upset about was the location of the Aboriginal living area in Jabiru. One would hope that this is not so inflexible that it cannot be changed. Aboriginal people certainly do not particularly want to be sitting across the road from the Jabiru police station although the town planners obviously consider that to be a desirable thing.

Mr Robertson: Give us some reasons why it isn't.

Mr COLLINS: In answer to the interjection, the prime one is that the Aboriginal people concerned do not like it. That will do me, quite apart from the obvious reasons.

There is another interesting aspect. Despite the fact that the location of the Aboriginal community is detailed in the plans, I searched in vain for any mention of it in the body of the report itself. It has a section dealing with "at risk" groups. It talks about the problems I have just touched on: "Certain groups within the community will be at higher than normal risk to develop psychiatric and physical ill health." Hear, hear! These groups have been identified and studied. It then goes on to detail who they are - young children, women, teenagers and single adults. Nowhere in this at risk group is there any mention of Aboriginals despite the fact that they will be part of the town. That significant omission really intrigues me. Certainly, the Aboriginal people socially will be the greater "at risk" group in Jabiru.

Again in the following section, it talks about "alleviation of problem areas". It says: "Perhaps the most difficult problem to be faced is the prevention of development of dependency relationships by fostering self-help or other forms of free enterprise independence". It goes on to discuss the social problems that people will have in the new town of Jabiru. Nowhere do Aboriginals get a mention.

It sums up: "Given such broad humane policies, it follows the job of establishing, running and developing a town requires a good deal of knowledge of the sociological makeup and attitudes of the people who will be residents". Again, that came at the conclusion of a section that did not even mention Aboriginals. Also in the costing component of this report, I again searched in vain for any costing in regard to the Aboriginal living areas. There is none I looked under housing and accommodation; it does not receive a mention there. I looked further through the entire costing and I could not find a mention of it anywhere. It talks about housing and accommodation, details the costing of the housing, the visitor motels, the hotel accommodation etc - a total of $60,735,000. There is a section here entitled "other town components". I thought they might have slipped it in there but they have not. It talks about the school, the fire station, the works depot, the church and landscaping. There is no mention at all of Aboriginals. Section D of this does include a church which will cost $450,000. Perhaps after they build their $450,000 church and fill it up with Christians, they can take up a collection for the Aboriginals.

I must say this advanced design study final report by A.A. Heath and Partners Pty Ltd does contain many pleasing aspects. It does contain room for the planners of the town to have some degree of initiative and to introduce building innovations out there that could set a guideline for building in the Northern Territory. I hope they take advantage of this opportunity. I hope the honourable Minister for Mines and Energy will pursue his own stated initiative by encouraging them to do so.

I would like to conclude with a few more details of the problems that will occur as a result of the town being in a national park. One of the constraints that is going to be placed on people is the fact that there will be severe restrictions on the keeping of pets. Dogs only will be allowed. There will be no cats whatever allowed. People will not be allowed to keep fish etc. I think these are all highly desirable things. Obviously, you do not want feral cats in a national park and certainly, from preliminary work that has been done by CSIRO and the Northern Territory authorities in the area, one of the reasons given for the high degree of birdlife out there, particularly small birds, is the fact that there are no feral cats in the area. These are all desirable things but they will place a great deal of restraint on the residents of Jabiru that are not placed on the residents of a normal community. They are going to be quite unique. There are not any other people in Australia living in a town inside a national park. There have been a number of viewpoints on this. People have said there is no place for towns in national parks, that the town should be excised from the national park - that, certainly, is not the view of the opposition. I feel that, by putting a ring around the town, you are not going to lessen the real impact that it is going to have on the national park. I think that having it inside the national park and at least having the town subservient to the national park plan of management is a desirable thing and the opposition supports that. The Fox report says on page 218, "No doubt residents in the region would wish to keep pets. But the evidence is clear that domestic dogs and cats must, without exception, be excluded from the region because of the destruction that they would cause to native wildlife, particularly if they go wild". Of course, there has already been a concession in that dogs will now be allowed as the single exception in Jabiru.

It goes on to say, "Of equal concern is the possible social impact upon the Aboriginal people themselves. The common problems which have arisen in the past have been the selling of excessive amounts of alcohol to Aboriginal people and the casual sexual association of white men with Aboriginal women". The Fox report goes on to recommend that the town should indeed be within the boundaries of the national park - something that has been adopted.

The Fox report talks about the regional centre suggested by the consultants to cater for 10,000 people. In this respect, the report says, "However, our present information is that a town of 10,000 people would be quite disastrous for the area and for Aboriginal relations. We think it would be desirable to restrict its size as much as that can be reasonably done". Again, I am pleased to see that that recommendation has been complied with; the town will be limited to 3,500 people.

There is another recommendation that Fox makes that I would like to see implemented. He says, "In order to assist the park management and to minimise adverse consequences from the town development, we suggest that adults becoming residents of the town be asked as a condition of residence to abide by the park plan of management". I think that is a desirable recommendation and should be implemented.

The opposition had one objection in relation to this bill, and one objection only, and that is the way in which, on too many occasions of late, the Westminster parliamentary system seems to be being abused in this House by the government with the atrocious number of bills that are being pushed through by suspension of Standing Orders. I am of the very firm view that the good and proper Standing Order that says that legislation should lay on the table for at least a month for proper discussion was put there for a very good reason. I think the suspension of Standing Orders, which means that the Assembly has no rules or regulations to go by while that is in effect, is a serious matter that should be considered more seriously by the government.

The opposition has no objection to the actual bill itself, merely the

speed with which it is being pushed through the House. One would have liked to have seen the opposite side of the coin complied with first - little things such as the reconstitution of the Assembly's Sessional Committee on the Environment so that the Territory could have a watch-dog on the development of the park. This has not been done; the committee went into limbo at the last session and has not been resurrected since. One would have hoped to have seen things like the Kakadu National Park being declared. As I say again, it is all a question of government priorities and they have certainly shown where their priorities are.

I hope that Jabiru will be an attractive town. I hope the government, and in particular the Minister for Mines and Energy, will take a close interest in its development to ensure that all the modern initiatives and innovations that are available today will be implemented. I believe the residents of the town are going to have serious problems in the restrictions that will be placed on them from 2 aspects. First, they will be living in an area which has a resident population of Aboriginal people who have been there for many thousands of years. As honourable members will know - I have mentioned it before in the House - one of the oldest archaeological Aboriginal sites in Australia is located at Oenpelli. They will have the further restraint, and probably a greater restraint, in that they will have to respect the fact that they are living within a national park. This will no doubt inhibit their recreational desires.

To conclude, I will read again from the Fox report: "The arrival of large numbers of white people in the region will potentially be very damaging to the welfare and the interests of the Aboriginal people there. All the expert evidence on this matter was to the effect that, despite sometimes sincere and dedicated efforts on the part of all concerned to avoid such results, the rapid development of a European community within or adjacent to an Aboriginal traditional society has in the past always caused a breakdown of the traditional culture and the generation of intense social and psychological stresses within the Aboriginals. There is no evidence which convincingly demonstrates that the result in this region will be different although the recognition of Aboriginal land rights is the uniquely favourable factor in this regard".

One would hope that these problems will not be insurmountable. One would hope that the government will consider that there are other factors than employment and financial reward. One doubts that this will be the case. The government's present course of action was detailed very simply by the honourable member for Casuarina the other day during the casino debate where he said that, as far as he was concerned, the government should have a go at anything which had a quid in it. I think that that attitude will have to be tempered. I hope that, in the development of Jabiru, it will be.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, I would like to start by saying the promptness with which this bill has been introduced after the signing of the Ranger Agreement shows the importance that this government places on the early start to uranium mining because the proposed town of Jabiru will be the town to house the people working in the mining industry concerned with the extraction of uranium. The establishment of the town of Jabiru can be considered highly desirable from the point of view of decentralisation of community and urban loci. It will show that yet another town can be established and run in the Northern Territory for the progress of the Northern Territory. Its governing will be composed of a public servant or servants and participating bodies comprising representatives from the mining companies intimately concerned in the area. An interesting point is that, by clause 8(1), a member can appoint a deputy. This is desirable in that a particular mining company can avail itself of continued and continuing representation at all times. Clause 9 (1) and (2) covers the angle of a mining company terminating its representatives' employment while still being able to have its member on the authority and also having the sole power to get rid of its representative.

The amendment to clause 13 includes in the quorum of a meeting of the authority a chairman and one of the principal representatives. I think this would give better balance to any quorum. In clause 14(2), it says that the member is the principal representative. This amendment makes it still necessary to disclose interest. It gives the representative more say on the authority and representative interests.

Part III sets out comprehensive details on the actual running of the town. In clause 22(1), (2), (3) and (4), the procedure for adopting a town plan and all that that implies gives the authority power to determine its own laws without being completely overruled by the planners. By clause 25(1), (2), (3) and (4), the authority has power to make arrangements for the public use of public land, the latter having been declared by the authority.

All in all, this bill is a forward-looking bill for the development of the Territory. The ground rules of management are laid down but are still open enough to provide good working manoeuvreability.

Ms D'ROZARIO (Sanderson): Mr Speaker, I would like to contribute briefly to this debate. Given that we are to have a town in the uranium province, it is the view of the opposition that the mechanism used to get the town functional is a very good one. I am referring here to the setting up of a town development authority. Honourable members will know that this is a method which is used commonly in the development of mining towns and it has proved effective in the past. If there is to be accelerated development in that area, then I see the authority as a very good way of going about this.

I am particularly interested in the functions and powers that we are about to bestow upon this authority by the passage of this bill. Perhaps I could refer to clause 15 which spells out the functions of the authority. It is clear that the authority is to be charged with the function of setting up this town from scratch and also in continuing the administration and management of this town subsequently. With respect to the establishment of the town, there are a few things from the environmental point of view to which I think the authority should give mature consideration.

I want to stress some environmental aspects because, as the honourable member for Arnhem has already mentioned, this situation is quite unique in Australia and, I believe, in most of the world. We are placing a town within a national park and the plan of management that we eventually will adopt for the national park has a very critical bearing upon the management of this town. Many people would say that the co-existence of a town and a national park within the same boundaries is quite incompatible. We should heed these fears because it has been shown in the past that proximity of urban settlements to national parks very often detracts from those qualities which we are trying to maintain within the national park. When this bill was presented we did not get any indication at all of the sorts of considerations that would be given in the plan of management. I believe that to be critical and I regret that I am not yet informed as to what form the management plan will take. For that reason, I stress the environmental aspects of the proposed development of this town.

We are starting from scratch. In my opinion, the authority ought to give great consideration to certain factors and, amongst these, I would offer certain suggestions. They should include the siting and operation of a solid waste disposal unit. Honourable members who are aware of the proposed site of this township will understand that the physical surface of this site is extremely fragile. It is dissected by a number of water courses and it is quite critical to prevent the pollution of these water courses.

I would also like the authority to give consideration to the development and management of the lake which I understand is to be a part of the town plan.

Particular regard should be given to the risks of mosquito breeding and eutrophication of the lake from several possible sources. It is quite necessary to impose restraints upon contractors during the construction stage of the town in order to mitigate the erosion hazard. It has been stated in the work that has been done by consultants that the soils of the region are only moderately resistant to erosion and that disturbance of them in any significant degree could present problems. I think that construction firms will have to also live with some restraints which perhaps they are not used to yet.

The sequence of construction of this town - and I believe that that will be a further function of the authority - would have to take place with a view to minimising surface disturbance, soil erosion and pollution of water courses. Once the town is established and operational, the town development authority will have quite a significant role in environmental management. This role has been expressly provided for in subclauses (e) and (f) of clause 15 which give the authority the function of carrying out the management plan under the parks act and also of protecting the environment in so far as it is affected by the construction and operation of the town of Jabiru.

There are a few items which I would like to speak about concerning this particular role of the authority. The first of these has already been briefly traversed by the honourable member for Arnhem. I refer to the imposition on town residents. It is quite clear that the people who take up residence in the town would have imposed upon them restrictions which are not common in other urban settlements. It is, of course, a unique situation which calls for unique controls. Again, I stress that I would have liked to see what details of management were proposed for this particular town in the context of the total national park management. I stress again that these details are absolutely critical for protecting those qualities which we are seeking to preserve in the national park. However, there is the advantage that the physical impact of the town will be restricted. But that can only happen, of course, if the management plan is effective.

The honourable member for Arnhem has mentioned some of the restrictions that residents would have to live with and perhaps I could just mention a few more. He has already mentioned the restriction on domestic pets. The report that has already been presented to the government has made a small concession in this repect by allowing the keeping of dogs, although not cats or fish or other types of animals. I am in agreement with the method proposed of posting bonds which are then returnable upon the death or removal of the animal and the restriction of the movement of animals beyond the town lease boundary, except for the purpose of removal beyond the boundary of the national park.

There will, of course, be controls on entry into the national park by the residents, the same as there would be on anybody else entering the national park. Residents may well be inclined to believe that living as they do within the boundaries of the national park that entry to the rest of the national park should be unrestricted. But, of course, we cannot countenance such a proposal.

There will also be a restriction on those avid gardeners who might want to take up residence in Jabiru on the introduction of exotic plants into the region. I understand these plants will not be allowed except on the express approval of the Director of the National Parks and Wildlife Service. Types of grass and lawn that are to be grown will also have to be approved before they are sown. Some would consider these to be restrictions above and beyond what is required but, given that this town will be in a national park, I wholeheartedly agree with their imposition.

Further, there will be restrictions - and I hope we will all support them - on the use of off-road vehicles in specified areas in the national park and

beyond the town lease area. There will be restrictions upon burning and the lighting of fires which is another thing we can wholeheartedly support and, of course, there will be controlled access or lack of access to sites of Aboriginal significance.

Many people would regard these to be completely unnecessary and unjustified restrictions on normal urban life. I am afraid that the community in Jabiru will have to live with them and I urge the government to start giving publicity to this matter now so that those that might take up residence in Jabiru will be better educated as to what their role in this scheme will be. Those are the restrictions that we hope to place upon the residents of Jabiru. I hope the authority will do something to educate residents as to the manner in which they are expected to live within this town.

We all know, if we have read the Ranger report, what is to be the likely site of this town and I would like to say a few words about the potential hazard from soil erosion that might occur on this particular site. As I mentioned briefly before, the soils in this area have only got a moderate resistance to erosion under normal natural conditions - that is, rain water runoff and fire and so on. However, what we are looking at here is an intensity of development over a relatively short time and it would be critical to program this development so as to minimise the damage to the surface area with which we are dealing. It will also be necessary, when construction is complete, to revegetate areas so as to reduce the potential hazard from soil erosion. There will also be increased vehicular traffic associated both with the construction and with the subsequent residence in this town and that too deserves special consideration in the sorts of engineering techniques which will be used to mitigate the erosion hazard. We are looking to the authority to prescribe things like the contouring of earth drains, the specification of vegetation to be planted after physical disturbance of the land has taken place in order to minimise the potential for soil erosion.

Mr Speaker, a very significant aspect of the development of this town - and a subject dear to the heart, I am sure, of the honourable member for Tiwi - is the disposal of effluent. The disposal of effluent is one factor which absolutely limits the growth of this town. It has been suggested that in the dry season there could be some land disposal methods - that is, the effluent to be used to irrigate certain open spaces such as the area around the town airstrip and the large recreation area. It is estimated that perhaps 1.2m litres per day will be the result of 3,500 people residing in Jabiru and on data available on the evaporation rate, we would require a land area of between 26 and 38 hectares to dispose of this on land. It is also significant that, if we double the rate of growth and plan for say, 7,000 people, we would require more than double the area of land to dispose of that effluent by land treatment.

However, that is a dry season alternative that is available to us. The situation is not so clearcut when we come to look at the wet season disposal. I mentioned that this is the one factor which absolutely limits growth because there can be no growth beyond about 6,300 if we are to safely dispose of effluent and this is simply because there are no streams within the catchment of the town which would provide a flow sufficient to give a safe dilution rate of the effluent by world standards. We require a dilution rate of 1 in 100 and a stream flow of 20 cubic metres per second is required. I might say here that great care has been taken to minimise the effects on other water courses but I am afraid that the Magella Creek bed would have to be sacrificed for both mining activity and also the discharge of effluent as far as wet season disposal is concerned. Apparently, there is no hope of saving the Magella Creek. However, it will be a major management decision on the part of the authority on when the discharge ought to be stopped and started. This is simply because in the Territory we tend to have dry wets from time to time and, when we have a dry wet, we will not be able to get the rate of dilution

that I mentioned earlier and that could lead to excessive pollution entering the East Alligator River via the Magella Creek.

This will be a very significant management decision which will have to be taken by the town development authority and it could only be based upon the measurement of stream flows. However, the powers of the authority given to it by virtue of clause 16 in this bill will permit the authority to undertake this type of investigation and I would suggest very strongly that this be a continuing activity of that authority and that it monitor stream flows as well as a number of other environmental aspects. I merely mention these few environmental hazards or aspects because I, for one, would like to see the qualities of the Kakadu National Park maintained as far as we possibly can, given the impact of mining and the fact that we must have this town to accommodate the miners.

I would like to say that I am pleased to see that, in the plan and also in Chief Minister's second-reading speech, there will be provision for the encouragement of service industries by the private sector. I consider this to be a most important provision because all too often when mining towns are started we tend to make them completely dependent on that activity so that, if anything goes wrong, such as when uranium's future drops or when the market collapses, then we have to find some other place to house the population because the town starts winding down. I am pleased to see there will be some backup service industries and I wish the Jabiru Town Development Authority very well in its very difficult task. This will be the first new town built in the Northern Territory for quite a while. There are ...

Mr Robertson: 1972 - that's not quite a while.

Ms D'ROZARIO: That is a long time in the Northern Territory, I am afraid. Since 1972, in answer to the interjection from the honourable Minister for Community Development, there has been quite a bit of research done into the building of remote settlements by the Commonwealth Experimental Building Station and we hope to see many innovations in construction, engineering and also environmental management as a result of this authority being set up.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I rise to support the bill and touch on a few points that I think are particularly relevant to raise a couple of queries with the sponsor.

Given the fact that we are putting a park around the town or a town in a park, whichever way you want, the proposal in the legislation to establish a local authority for Jabiru is a very sound one. It gives us the best of 2 worlds in trying to give to the local people as much local autonomy as possible without getting away from the concept of having a town that is different and unique, as the honourable members have suggested, but also one that is not a town controlled by the mining companies.

I had particular difficulty in finding anything satisfactory about the closed mining town concept as we have seen it develop in the north of Australia in the last 10 or 12 years. It is not just in the Northern Territory; it is a problem also found in Queensland and Western Australia. We have 2 of these towns in the Northern Territory but I think the point that detracts most from these towns is the fact that they are closed towns and they are very much company orientated and, in fact, in some ways it is not to the benefit of anybody in the community. I would like to see an opportunity in this particular town, if it is possible, for competition amongst businesses if nothing else. I believe the concept we have in other towns of having one paper shop and one supermarket and one whatever is unhealthy.

Mrs Lawrie: Not even one motel.

Mr TUXWORTH: The honourable member for Nightcliff raises the issue of a motel. In one town, we have one motel, which is unhealthy and, in another town, we do not even have that. I believe it detracts from the community as a whole. I would ask the honourable sponsor if he could clarify whether we could have competition amongst the small businesses in the community.

The honourable member for Arnhem raised the point of social problems that occur when you have a large single working force and the problems that flow on to the local Aboriginal community from this. One of the lessons we have learned in the Tennant Creek area, which is a town that started primarily from a single workforce many years ago, is that stability comes to the community eventually with the introdution of the family unit. I would be very much in favour of seeing the whole of the Jabiru complex, if possible, a married quarters town - not that I want to discriminate against single people but I think that, in a situation like this, there is a great deal to be gained from having a married workforce in the town.

I would also like to compliment one clause of this bill, 21(2)(d), which enables the Jabiru Town Development Authority to provide assistance for the individual to purchase land and build a home. It is something that does not exist in other mining communities. It is something which is overdue in a couple of them and it would be very much a plus if the authority acted on this in the very early days and got people to feel that they were a permanent part of the town and not just itinerants there for a quick quid, as a stopgap before they move on to something else.

The honourable member for Arnhem threw out a few figures very loosely in the early part of his talk saying that we would be looking at 180 tons of reagents wheeled down the highway every hour. He referred to it as every ten minutes and I have carried it on to the hourly rate. I would like to point out to the honourable member that that comes, on three 8-hour shifts, to 4320 tons of reagent per day. I reckon that has to be the greatest lot of baloney that has been trotted out for a long time.

Mr Collins: So much for the people who wrote the report.

Mr TUXWORTH: If anybody suggests that a mine turning out 3000 tons of uranium a year is going to consume 4320 tons of reagents a day, he just has not got his feet on the ground.

The honourable member also made reference to the application of solar energy in this particular enterprise. I would like to say that I would be very pleased to see the Jabiru Town Development Authority take up the concept of solar energy at every opportunity. There are 2 things that may preclude this. One is the time span that the companies are now operating on to get into business and this is not of my making and not of anyone else's making. I believe the time needed to implement the solar energy concept into a town of this size would be quite large and the timeframe that the companies are now operating on would preclude it. There is one other aspect so far as the consumption of local power in a mining town is concerned. The mining operations at Jabiru would, on an average, consume 25 to 35 megawatts of power. The amount of power that a town of 3,500 people is going to consume will be in the vicinity of 2 to 2.5 or 3 megawatts which would be about 10% of the total power that will be consumed in the region.

We had an incident a few years ago in Tennant Creek when the exercise of providing power to the town was put into proportion with the power supplied by the mine. This came about during the fuel shortages we had because the roads were closed and it became obvious that the town powerhouse did not generate as much power for the town as the mining companies needed to generate compressed air that they leaked underground. Their waste factor in compressed air underground was greater than the total amount of power consumed by the domestic part of the population. If we apply that exercise to the Jabiru

town, it could well be that the amount of power consumed by the town, compared with the overall operation, would be minimal in the application of solar power under these circumstances and the great cost that is going to be involved in applying solar power in the initial stages could well outweigh any advantages.

Raising the issue of airconditioning also brings to mind a point I would like to make about equality of conditions. We already have a situation where airconditioning is provided for some employees in Gove but other employees do not get it. We have a similar situation at Groote where the standards are different for public servants and for mining company people. My feeling is that whatever the going standard is in the town for accommodation and services, it should be the same for everyone. I would hope the Jabiru Town Development Authority can see its way clear to do this.

I also would concur with the point raised by the honourable member for Arnhem relating to commuting to work in buses. My experience is that, where companies put on comfortable airconditioned buses, they will get the passengers and where they buy cheap terrible buses that are uncomforatable to ride in, people will take their cars and go to work in comfort. I think there is a lesson in that for us.

Reference was also made to the social restrictions that are applied in these communities concerning cats, dogs, fish etc. Wherever we go in this country, we have social restrictions of one kind or another placed on the community. It is a matter of both the company and the government advertising what the restrictions are and making sure that the people who go there are well aware of them so that there is no misunderstanding.

To pursue the issue of satisfactory accommodation in the town, I have felt that we are overdue to have in the area accommodation for camping people and for people looking for bed accommodation. Whatever criteria government or town people are using for accommodation in the town in the park, the fact is that there are people in there already. They have no facilities, they are camping hell west and crooked and they are doing the environment very little good. The sooner there is some order put into it, the better. I would hope the town authority can see its way clear to handle that problem.

Mrs LAWRIE (Nightcliff): The previous speaker said that he considers this an excellent piece of legislation and the sooner it goes through the better. The legislation is very simple really; all it is doing is establishing an authority for the establishment of a town. The problem is the lack of detail: so much is left to regulations, to decisions by this authority and, more importantly, to a plan of management when and if the national park is declared. In earlier debate today, I spoke of my dissatisfaction with the fact that Kakadu National Park has not been declared under the federal act. Until it is, until we see a proper plan of management, much of the debate here today is of necessity empty rhetoric. I am not going to prolong the debate to add to that emptiness which unfortunately has been left.

Section 15 (e) says that the functions of the authority are: "to carry out such functions as are referred to it by or under a lease or plan of management under the Parks Act". That is the federal act. If we look at the speech of the honourable sponsor of the bill in the restricted Hansard of Wednesday 22 November, he said: "However, the town area will become part of the area of land to be declared as the Kakadu National Park. Since most of the park will be leased from Aboriginal land, it has been necessary for the Director of National Parks and Wildlife and the Northern Land Council to reach agreement on management of the park. This agreement has now been ratified and no doubt the proclamation of the park can be expected shortly". I pause deliberately. It would appear that we have a measure of agreement between the Director of National Parks and Wildlife and the Northern Land Council.

We see on page 13, a further reference: "Following the signing of the Ranger uranium agreement by the Northern Land Council and the Commonwealth government on 3 November, it is expected that the Commonwealth government will authorise the Ranger joint ventures to commence mining operations in the near future". That is all clearly understood but, until such time as that park is gazetted and the plan of management becomes available, much of the restrictions which are to be placed upon the management of this town remain as yet undecided. I think that that is a great pity.

The honourable sponsor admitted, and I quote again: "Because the town will be in the national park, the town plan will become incorporated in the plan of management for the park. The Director of National Parks and Wildlife has initiated the preparation of such a town plan in consultation with the government and the companies. He is empowered to allow construction to commence before the lengthy procedures of approval for the plan management for the park are necessarily completed". I would have been happier had the honourable sponsor of the bill devoted more of his time to assuring the Assembly concerning the pressures he is bringing to bear upon the Australian government to ensure proclamation of the park. I want to hear from him of his concern that the plan of management shall be drawn up in conjunction with the actual town plan, a bill for which we have before us.

There is a great deal of difference between the establishment of Nhulunbuy, a mining town, and the establishment of Jabiru which is also a mining town. Both are within the borders of the Northern Territory but when Nhulunbuy was established, we did not have a Northern Territory government. We had legislation coming before what was then the Legislative Council which had many official members. The difference is extreme and significant because it comes down to money.

Who is going to pay for many of the services to be provided? In that context, I paid a great deal of attention to the honourable sponsor's speech. We see provisions under Part IV Miscellaneous that monies of the authority are to be "monies appropriated for the purpose of the Commonwealth parliament". That is great. "Monies appropriated for the purpose by the Northern Territory Legislative Assembly". That is also predictable. "Monies paid to it by participating bodies and such other monies as the authority receives in the exercise of its powers and the performance of its functions. The Treasurer of the Commonwealth or the Northern Territory, as the case may be, may give directions as to the amounts in which, and the times at which, monies referred to in subsections 1 (a) and (b) are payable to the authority". I would want to know if broad agreement has been reached between this government, the Treasurer in particular, and the Treasurer of the Australian government. It would seem to me to be a little unrealistic to ask the Northern Territory taxpayer to pay for some of the necessary functions adjacent to that town. Reading the Fox report, people who have any interest in this money matter will realise that, in the matter of health alone, particular measures will need to be adopted in Jabiru, in its establishment and its orderly running, which are not at present adopted in any other part of the Territory.

Department of Health evidence on the Jabiru township was illuminating and at times frightening. They spoke of the particular problem of malaria and encephalitis and in fact painted the proposed Jabiru township a rather unhealthy place in which to live. If anyone doubts me, I invite them to read the evicence given to the Fox Royal Commission. It is quite evident that particular attention will need to be paid to health problems in that area. Who will finance the level of health services above and beyond that which is the norm throughout the rest of the Territory? Is it to be the Australian government, meaning the taxpayer at large. Is it to be the company? I would expect that they would pay extra. Or is it to be simply left to the Northern Territory taxpayer? Details of this perhaps may not be forthcoming until such time as the Treasurer brings down a bill to authorise such monies. I would

hope that this particular point would exercise the minds of all members of the Northern Territory government. If the Northern Territory taxpayer is to finance this operation, the extra burden will be considerable and it has not as yet been mentioned.

Other honourable members have spoken of the need to keep out exotic pets so that we do not have any increase in the feral cat population in the area. The honourable members for Arnhem and Sanderson pointed out, and the point was reiterated by the Cabinet member for Resource Development, that this will place a restriction on the people residing in that area which is not placed on other Northern Territory citizens. I pay notice to that point because I am fully aware of the fragility of the national park area. I am fully aware of the need for the preservation of small animals and birds. It will only take a couple of people to defy the company and to act with a seige mentality and say "I will have my cat", for a great amount of destruction to occur.

I have visited Nhulunbuy many times and I have visited also the Gemco operation at Groote Eylandt. The difference in lifestyle and expectations of the people is considerable. Of the two, I find the Groote Eylandt operation immensely preferable. Many mistakes were made with the establishment of Nhulunbuy and one would hope that, in the establishment of Jabiru, we have learnt from those Nhulunbuy disasters. For example, in Nhulunbuy, the design of the house gave an indication of the status within the company of the person occupying the house - a recipe for social disaster. The houses were designed to maximise the necessity for airconditioning and to minimise the surrounding, beautiful tropical atmosphere. That also has generated social problems that no one can deny.

Gemco adopted a completely different approach. The houses were designed as tropical homes with cross-ventilation minimising the necessity for mechanical intervention. The houses themselves were sited in a township which took great care to minimise the destruction of the flora and fauna of the area. The great attraction of the Gemco establishment has been the preservation of the trees, the preservation of the bird life which is an adjunct to that, and the fact that the houses have been deliberately designed to blend with the natural contours of that town. The whole project has been an exercise in excellent town planning having regard to the fact that we are providing homes for people who live in a tropical area. If they cannot stand the tropics, might I respectfully suggest that they look for employment in a different part of Australia.

The honourable Minister for Mines and energy paid particular reference to strictures placed upon people. He said that, if they did not like a particular thing, they should not attempt it. Of course, that echoes the words of Mr Jettner who said, when Chairman of the Country Liberal Party: "If you don't like uranium mining, you can leave the Territory". That pronouncement caused some outcry. In an adaptation of that philosophy, I think it is reasonable for the people having responsibility in this area to say to others, "If you cannot abide the restrictions which, of necessity, are to be placed upon you because you will be living within the confines of the national park, do not come".

To talk of Ranger, it is quite obvious that principals of that company will do all they can to minimise the impact that their operation will have on the environment. Mining companies in the past have not had a history of concern for the environment but we are now talking of the establishment of a town in the 1980s, not the 1920s or even the 1950s. I believe the company, not only by coercion but also by its own free will, is demonstrating a degree of responsibility which is probably a watershed in the history of mining companies in Australia. Notwithstanding the present good will of the company and its senior officers, it is very necessary for this Assembly and the Minister

to pay particular attention to the way in which the company operates. In the bill we see that the minister is responsible for appointing the members of this authority and the chairman has to report to him. There is no provision in the present legislation for an annual report of the Jabiru Town Authority to be presented to the Assembly. Might I respectfully submit to the sponsor that that is well worthy of consideration and an amendment could be introduced to allow that. It would be senseless for me to draft it if he indicates in his reply that such a concept would not be tolerated, at least at present, by his cabinet. I think it would be desirable and, as we are all acting in the best interests of the establishment of this town, I can see no reason why the company itself, why the parties to the agreement, why the Australian government or why the members of the authority could object to having an annual report tabled and debated in this Assembly.

I have little to offer to the debate on this legislation. I can only say in conclusion that I regard the legislation only as the bones of the animal; the flesh and blood are largely to be provided by the plan of management for the Kakadu National Park and the sooner that park is gazetted and such a plan displayed, the better the legislation governing the township will be.

Mr EVERINGHAM (Chief Minister): It has been an interesting debate and I thank all honourable members for their contributions. This indeed will be a very novel experiment for Australia, a town inside a national park, but, as we have been saying all year in the Northern Territory, it is just another historical occasion. The park will be declared, I am assured, before the construction phase of the town commences and certainly before the mining commences. As we know, mining will not commence until 1980 or even later. The statement on this by the honourable member for Arnhem is plainly a misstatement designed to make the sort of inflammatory reading or listening that we usually get from him on Broadband where they take what he says for gospel. I am assured by officials that the gazettal of the park is within a few weeks of happening.

As to section 16(2)(b), where the honourable member for Arnhem sees a possibility of conflict with federal law, in the case of conflict, federal law will prevail. I believe the problem exists only in his mind and I refer him to section 4(4)(a) in any event.

The town plan is being prepared by the Director of the Australian National Parks and Wildlife Service who in my experience does not like sharing his authority with other people such as the Territory Parks and Wildlife Service. I understand the Northern Territory government was permitted only the barest of representations in relation to the preparation of the town plan. The matters raised by the honourable member for Arnhem, such as energy conservation,are really the responsibility of the Director of the Australian National Parks and Wildlife Service. The Northern Land Council in its wisdom decided to lease the Kakadu area to the Australian National Parks and Wildlife Service and not to the Territory Parks and Wildlife Commission and honourable members may remember that earlier this year there was considerable dispute about that and, at that time, I certainly did not hear any voice from the direction of the honourable member for Arnhem supporting me in my claim that the park would be best administered by the Territory Parks and Wildlife Commission.

The conditions of living in the town were certainly explained to the Aboriginal people, to the members of the Northern Land Council, and some of them form part of the Ranger agreement. For instance, there are conditions relating to taking alcohol into the park and the town. In one part of this agreement, the Director of the Australian National Parks and Wildlife Service covenants to try to teach non-Aboriginal people to understand and respect Aboriginal traditions, languages and culture. After consultation with the

Northern Land Council, he will get the paid help of Aboriginals to teach outsiders living in the park about the Aboriginal people, the park itself and the animals and trees in the park. There are many more similar provisions.

Indeed, I would have thought the honourable member for Arnhem would have been familiar with this document. At the very back of it, I notice there is something dated 5 July 1978. Admittedly, it is marked confidential but, like the town plan that the honourable member for Arnhem seems to have possession of, it does not seem to be as confidential as all that. The Director of the Australian National Parks and Wildlife Service somehow seems to have let a copy slip into my hands and that is most uncharacteristic. The document is labelled Kakadu National Park Management Plan.

Mrs Lawrie: I will have to have a look at this.

Mr EVERINGHAM: You can pick it up afterwards. It is apparently well on the way, Mr Speaker, because it was annexed to the lease of the park between the Northern Land Council and the Australian National Parks and Wildlife Service.

Turning to the remarks of the honourable member for Sanderson, I would not suggest that she was talking excreta but certainly we will take any steps that are necessary to make provision for further effluent treatment should it become necessary. Certainly, there was plenty of verbal diarrhoea.

Turning to my colleague, the Minister for Mines and Energy, who wants to see competition within the town, I will be quite happy just to see the town on the way to being built and will worry about there being competition between banks and so on later.

The honourable member for Nightcliff was asking about the plan of management and I think I have disclosed that one seems to exist. I certainly cannot vouch for its authenticity but it is a very long document and I do not think anyone would have gone to the trouble of drawing up one of that length simply to mislead me. Here again, I ask where was the member for Nightcliff if she is worried about the management plan. There is very little that the Northern Territory government can do in relation to the plan of management. Where was she when we were fighting for Territory control of Kakadu and Uluru National Parks? As to the financial arrangements that concern the honourable member for Nightcliff, I thought that seeing how she criticised so trenchantly the financial arrangements entered into between the Commonwealth and the Northern Territory governments, she would have had some passing acquaintance with that agreement which has a section on reimbursement of the Territory government in relation to the expenses of setting up the uranium mining infrastructure. It could certainly, I think, be described as a broad agreement. Regarding the reporting that the honourable member for Nightcliff wanted, the authority is under section 28. I think it is a prescribed authority and, as such, is required to report. I hope the honourable member is satisfied.

Mr Speaker, I do see this as an historic development for the Territory. Certainly, the Northern Territory has not seen too many new towns built for quite some time. There was Nhulunbuy and there was Alyangula on Groote Eylandt but they seem to build a lot more new towns in Queensland and Western Australia than they do in the Northern Territory. I hope this is the first of many.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr EVERINGHAM: I move amendment 26.1.

This is to make sure the chairman and the deputy chairman have the chairman's and members' powers when required.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 26.2.

This is to make sure the deputy members have members' powers when required.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clauses 4 to 6 agreed to.

Clause 7:

Mr EVERINGHAM: I move amendment 26.3.

Clause 7 states "or in the opinion of the Minister are likely to become". The amendment removes what is a rather dangerous speculation having to be made by a minister of the crown.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 26.4.

This is to restrict the appointment of persons as participating bodies to persons who actually have a financial commitment to the project.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8:

Mr EVERINGHAM: I invite defeat of clause 8, Mr Chairman.

Clause 8 negatived.

New clause 8:

Mr EVERINGHAM: I move amendment 26.5.

This is to make provision for the statutory appointment of a deputy chairman to the authority.

New clause 8 agreed to.

Clauses 9 to 11 agreed to.

Clause 12:

Mr EVERINGHAM: I move amendment 26.6.

This will make the fixing of meetings more practical, especially where

interstate members could be involved.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clause 13:

Mr EVERINGHAM: I move amendment 26.7.

This is to ensure that principal representatives must be at each meeting.

Amendment agreed to.

Clause 13, as amended, agreed to.

Clause 14:

Mr EVERINGHAM: I move amendment 26.8.

It would be unworkable for principal representatives to be debarred from voting under these circumstances because it can be expected that a large amount of the authority's business will be with or relate to the mining companies.

Amendment agreed to.

Clause 14, as amended, agreed to.

Clauses 15 to 20 agreed to.

Clause 21:

Mr EVERINGHAM: I move amendment 26.9.

This is a drafting error.

Amendment agreed to.

Clause 21, as amended, agreed to.

Clause 22 agreed to.

Clause 23:

Mr EVERINGHAM: I move amendment 26.10.

This is to make it explicit that both interest and capital components can be recovered through rates and charges.

Amendment agreed to.

Clause 23, as amended, agreed to.

Clauses 24 and 25 agreed to.

Clause 26 negatived.

New clause 26:

Mr EVERINGHAM: I move amendment 26.11.

New clause 26 is inserted to meet the express wishes of the Commonwealth of Australia.

New clause 26 agreed to.

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

In Assembly:

Bill reported; report adopted.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that the bill be recommitted for reconsideration of clause 14.

Motion agreed to.

In committee:

Clause 14 - recommitted:

Mr EVERINGHAM: I seek the leave of the committee to move an amendment that has not been circulated. It is a pretty formal one, to change the figure (3) at the end of section 14(3) to the figure (2).

Amendment agreed to.

Clause 14, as amended, agreed to.

Bill passed the remaining stage without debate.

MOTOR VEHICLES BILL
(Serial 206)

Continued from 22 November 1978

Mr ISAACS (Opposition Leader): Mr Speaker, this particular piece of legislation relates to the taxi industry and is a result of much heartbreak and concern within that industry. It is somewhat of a shame that the previous bill, which will not be proceeded with, was introduced in the manner it was. Mind you, it reversed the position in relation to the advice being sought by the various parties in the industry. As I remarked to the Minister for Transport and Works in one of our many meetings in airports, it was a rather strange thing that the opposition having been not so much the spokesman but the recipient of advice from a certain group of people in the taxi industry and the government being the recipient of advice from another group, upon the minister introducing the legislation at the last sittings, the people who were advising me turned to the minister and the people who were advising the minister turned to me.

Nonetheless, it seems that, as a result of the various discussions which have been held, the minister and his officers have been able to strike a balance between the various and competing interests in the taxi industry and have come up with a piece of legislation which does cope with the various problems in that industry. I am not so certain that the answers found are in every case the correct answers nor do I believe they will necessarily lead to the sort of industry which we desire but, having gone through the exercise of proper consultation where everybody now seems satisfied with the proposed legislation, it would be wrong to upset that balance and that consensus. For that reason, the opposition supports legislation and trusts that some regulation will come into the industry whereby the industry can cope properly

with its own problems. I would hope that, if further problems do arise, then the same sort of consultation which existed on this occasion will again take place.

It does bring out the point, though, that where government seeks to remedy a situation, it is most advisable for the government to first consult the parties. There can be no doubt that the previous legislation which came into the House was a tragedy. It completely and utterly upset one section of industry in such a way that it seemed almost calculated. I do not say the minister set out to do it but it certainly did turn out that way. I am very pleased that the minister and his officers have consulted with the people and they have come up with this practical compromise. The opposition supports the legislation.

Mr HARRIS (Port Darwin): Mr Speaker, I rise to speak in support of this bill. I would like to say that I also commend the government's attitude in relation to this bill because they have been able to look at the problems associated with the taxi industry and have called on the taxi industry itself to have input into the legislation.

When we were first looking at this legislation, it was obvious that we were trying to provide a better service for the people of the Northern Territory - a service where the taxis would be on the road for longer hours, where people would be able to obtain clean and proper facilities inside the taxis. It was also obvious that the legislation as originally drafted was unable to achieve these particular objectives. It was again obvious that, if we were to obtain a high quality service for the public, we had to have a different approach to the whole taxi industry. That change of approach is outlined in the legislation before us and will definitely be more favourable, not only to the people involved in the taxi industry but also to the public whom that industry serves.

The only concern I would like to impress on the minister responsible for the passage of this bill is in relation to the identification of private hire cars. I think it is vital that we should have some identification for these particular vehicles. It would appear to be a simple matter of altering the hire car plate to indicate that it is, in fact, a private hire car. There is confusion in people being collected from the streets by the operators of these vehicles.

I commend the government for their attitude in seeking input from people who are directly involved in the industry and I support the bill.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

STATUTE LAW REVISION BILL
(Serial 217)

Continued from 22 November 1978

Mr ISAACS (Opposition Leader): The opposition supports this bill. It is an obvious requirement that legislation be systematically proceeded through by people to pick up errors and drafting mistakes. This is just the second such piece of legislation that has been introduced this year.

There are some strange amendments. For example, in relation to substituting "Administrator in Council" with "Administrator", I would have thought that it would not have required legislation to make that amendment. I would have thought that it was already covered by the Interpretation Act but, nonetheless, the government obviously believes it is necessary. The

problem with it is that it adds just one more bit of paper to the pieces of legislation.

Obviously, the person who has prepared this document has done some very painstaking work. I notice, for example, in relation to the Northern Territory Disasters Act, we have a word "approved" which is somehow or other spelt "aproved" now being replaced by the spelling "approved" which I would have thought is a most important amendment. I do not seek to belittle the effort. Quite obviously, this kind of operation must be systematically practised to eliminate those sorts of mistakes which are now being commented upon by many members of the Assembly as occurring all too frequently in legislation. It is quite apparent too, that matters which should have been picked up in the transfer of powers legislation and other legislation to do with the self-government exercise on 1 July are now being picked up. The opposition supports this piece of legislation.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

SOIL CONSERVATION AND LAND UTILISATION BILLS

CONTROL OF WATERS BILL
(Serial 156)

SOIL CONSERVATION AND LAND UTILISATION BILL
(Serial 157)

Continued from 20 September 1978

Mr COLLINS (Arnhem): These 2 bills were introduced into the House to achieve the same end. As the Chief Minister said in his second-reading speech, the majority of the controls that are to be exercised over the mining of uranium in the Northern Territory will be exercised by the federal government under the Atomic Energy Act. However, Mr Justice Fox recommended that the day-to-day monitoring of water pollution and soil conservation measures should be a job for the Northern Territory government. In order to provide the necessary controls, it was necessary to update the existing legislation. Therefore, we have these bills before us.

The Chief Minister said in his second-reading speech: "The purpose is to provide for the additional environmental controls necessary to ensure the establishment of uranium mining in the Northern Territory has no adverse effect on the Territory environment". I say, "Hear, hear" to that. He went on to say: "These 2 bills have been introduced as a result of an agreement between the Commonwealth and the Northern Territory governments relating to the oversight of operations at the Ranger project and eventually other uranium mining projects throughout the Territory". The reason I repeat this is that I want to make it clear to everybody that these are important bills. They do not appear to be of any great substance but they are important bills. The reason for their introduction is to oversee the possible pollution - I will amend that and say the definite pollution - that is going to occur from the uranium operation at Ranger or in other places.

The minister went on to say: "Mining of uranium in the Northern Territory will be controlled principally by the Atomic Energy Act, more particularly by conditions laid down under a permit to mine given under section 41 of that act. However, decisions have been made with the approval of both governments that so far as possible the control of the incidence of mining and of matters associated with the mining of uranium will be governed by Northern Territory legislation and will be under the direction of Northern Territory officers and, therefore, will be the responsibility of the Northern Territory". I do

apologise to the Chief Minister for quoting so extensively from his second-reading speech but quoting from the Chief Minister's second-reading speech is probably as close as we are going to get for some time to access to the Northern Territory's draftsmen and advisers.

As far as the bills themselves are concerned, the amendment that applies to the Soil Conservation Bill is a relatively simple one. It refers to the fact that the principal act at the moment contains no reference whatever to the surface of the ground. It merely relates to trees and rocks on the surface.

Clause 4 of the bill amends the principal act merely by inserting a section which says that surfaces of an area of land were disturbed. It goes on to further amend the act by placing in it the same provision that the surface of the ground is covered, as well as what is upon it, which is currently not provided for under Territory legislation. It provides a power that an order can be issued prohibiting touching the area at all which again is not at present in Territory legislation. It can also provide the power, if the responsible authority does not consider a total prohibition is desirable, to provide an order that a person has to comply with certain restrictions in interfering with that area of land. It further goes on to say that restrictions can be placed in controlling stock.

The legislation that is required to change the Control of Waters Act is far more extensive. The opposition has no objection to most of it. Might I say again that the introduction of this legislation is of vital importance to the future of the Northern Territory. It effectively places in the hands of the Territory government control over water pollution and this is without any doubt where the most significant pollution problems are going to arise in respect of mining uranium in the Northern Territory.

The Fox report, on page 137, says, "It is clear that if development proceeds according to the Ranger proposal, contaminant losses to the Magella system will continue for a very long time after mining ceases. The major sources of contaminants would be the tailings dam and the waste rock dump. The areas most at risk from water-borne contaminants would be the same after mining as during operations".

Of course, I am sure that all members will realise the significance of that, despite the fact that honourable members opposite and other people keep on reiterating that you cannot use Rum Jungle as a comparison. As far as I am concerned, there seems to be no logical reason why you cannot. I remember that Territory residents protested loud and long 10 years ago at the contamination of the Finniss River. There is plenty of documented evidence of their protests and their protests, of course, went unheard. One would hope that, with the gaining of self-government for the Northern Territory and having our own fully elected Legislative Assembly that this situation would not occur again because the Territory government itself would be prepared to act as a watchdog as far as environmental issues are concerned. As I said earlier today, it seems that that is very low on their list of priorities and it should be of great interest to Territorians to note that. Sentiments have been expressed by more than one member opposite and I do not detract from the fact that they were personal observations but those people are certainly part of the government - that financial considerations were of prime importance and environmental considerations were going to come second best. If there was a quid in it, we should do it.

As far as the bill itself is concerned, it brings in an entirely new concept of a controller of water resources. I accept the argument that, with the great increase in business that the water resources section is going to have, the current legislation which provides for all the day-to-day responsibility to be vested with the minister is not a practicable one. The

creation of this office is a very necessary thing and the opposition supports it.

The bill also provides for gazetting areas to be known as drainage control areas where the provisions of this act will apply. It goes on to specify the kinds of conditions that are going to be applied and the penalty for failure to comply with them - a fine of $10,000 - and again, as the honourable Chief Minister so properly pointed out in his second-reading speech, the main imposition that can be applied is contained in clause 16N of the bill which says:

> *Where a person contravenes or fails to comply with a notice under section 16M and damage is caused which compliance with the notice would have avoided, he is liable (a) to pay to the Territory the cost to the Territory of remedying all damage so done and of reinstating the environment so far as possible to the condition in which it would have been if the notice had been complied with; and (b) to pay to a person other than the Territory damages for any loss so occasioned to that person.*

Of course, the damage that is potential in the uranium area is enormous and the costs of repairing such damage would be astronomical. $300,000 has so far been spent on the restoration of the mining area itself at Rum Jungle and it has not even scratched the surface. I am pleased to hear that another $300,000 is likely to be spent but, certainly, the costs of fully restoring that area would run into many millions of dollars. One would hope that eventually that would be forthcoming.

In the Chief Minister's second-reading speech, he refers to the damage at Rum Jungle and says, "Indeed, although mining and operations for the recovery of uranium have ceased at Rum Jungle for many years, the Finness River is still recovering from the effects of that pollution". That is a statement that a great many experts would take exception to. The river itself does not seem to be in any stage of recovery whatever and it is unlikely that unless expensive restoration work proceeds that is going to limit the amount of discharge which still flows into the Finness every wet season, that damage is going to continue to occur forever. Certainly, there has been no recovery that I can see.

The minister went on to say, "I commend the study of this bill to all honourable members. I am sure they will agree that it is so designed that effective control over the release of contaminated waters from uranium operations is possible at all times and in all circumstances". With the greatest respect, I do not believe that that statement is correct. The particular section of the bill that I am referring to is proposed section 10A (4) in clause 6. The opposition proposes to amend this. To make sense of it, it is necessary to go back to the previous section. Proposed section 10A(1) says: "A person shall not throw, release or discharge into any watercourses or lake a substance which is prescribed as a prohibited substance". This bill sets up the machinery whereby the schedules are prescribed and prohibited substances can be drawn up. I will quote the rest of the proposed section:

> *(2) Subject to subsection (3), a person shall not throw, release or discharge into a watercourse or lake a substance containing a concentration of a substance which is prescribed as a restricted substance in excess of the concentration prescribed in respect of that restricted substance.*
>
> *(3) The minister may by notice published in the Gazette apply a regulation made by reference to subsection (2) to a watercourse or lake during a period specified in the notice and the regulation*

applies only to the extent so specified.

(4) The minister may, by notice published in the Gazette, exempt a person from compliance with a regulation made by reference to subsection (2) if he is satisfied that -

(a) the person was at the time of the publication of the gazette of the notice under subsection (3) which applied to the regulation to or in respect of that person, carrying out an industrial or mining activity; and

(b) failure to so exempt that person would cause undue hardship to that person.

I am quite prepared to be enlightened as to the import of this particular section. It appears to me that it gives power to the minister, by simple gazettal, to completely exempt anybody he likes from the entire provisions of this ordinance. The minister's statement that effective control will be exercised over contaminated water from uranium mining operations at all times and in all circumstances does not seem to be borne out by this particular section because it may effectively exempt people from all the provisions of the ordinance by simple gazettal.

For the future of the Northern Territory, I do not believe that is good enough. I am not levelling criticism against this current government or any other government but, unfortunately, historically, in the question of environmental conditions and social conditions versus economic development, governments have tended to mislead the people who vote for them. some of the most glaring examples of this in recent years have been made public in the United States. It has been proven that serious mistakes had been made with insecticides and food additives for cattle and this resulted in the loss and deformation of thousands of animals. These circumstaces were successively and successfully, for a long period of time, deliberately covered up by the government of the particular state in which these problems occurred. The experience in Minamata in Japan is another example. People suffered dreadful health problems as a result of mercury poisoning. The Japanese government clearly showed it was prepared to go to extreme lengths to cover up the problem until public pressure and public outcry forced all the facts to the surface. At the time of Rum Jungle, our voice was not quite strong enough. Protestations were simply dismissed with the explanation that it would be financially impractical to do anything about it.

What I am saying is that, historically, the people in this country, as in any other country, cannot rely on bland assurances from governments of whatever political complexion that things are going to be all right. They have to be able to be satisfied that stringent controls can be applied and will be applied. The history of the French nuclear tests on Tahiti has a number of quite frightening parallels to the Northern Territory. That small community had its own small parliament of 30 members and was dominated and controlled by a government that was remote from it by thousands of miles and, in relation to the tests, really did not care about the handful of people who lived there. The story of the assurances and white papers issued by the government assuring the people of Tahiti that no harm would come to them by the 42 hydrogen bomb tests that were conducted in the atmosphere and the political subterfuge that was carried on, to the extent of jailing in France one of the most out spoken critics who was a deputy to the French parliament from Polynesia, putting him in gaol for 8 years and then banishing him from his own home for a further 15 - and this occurred between 1960 and 1970 - does not give anyone too much reassurance about the bland promises of governments.

In this case, you must remember the federal government is a mining company. It has a 72% financial investment for only a 50% financial return, which seems rather disproportionate, but nevertheless it is a mining company. Because of its direct involvement in the uranium mine financially, it must be considered in precisely the same light as you would treat any other mining company. Again, referring to the behaviour of mining companies in respect to promises and problems with pollution, members of the House no doubt will be aware that a few weeks ago, an atomic energy plant was closed down in the United States. That electricity plant was owned, to a substantial extent, by Getty Oil which honourable members would know has a substantial financial interest in mining the Territory's uranium. This particular American company was involved in an earlier problem. They constructed a reprocessing plant which produced millions of litres of high level waste. It has to close down because of the problem but it left all that waste as a legacy to the taxpayers.

It is of great interest to note that, in the last few weeks, precisely the same thing has happened in respect of a nuclear power station. The power station in West Valley in the state of New York has been closed down because of continuing technical problems, radiation leaks and break down of machinery. It has become uneconomic to further operate it and it has shut down. It has left a legacy of a great amount of high level toxic nuclear waste. It turned around and said, "We cannot afford to run it and we cannot afford to clean it up either. The taxpayers can wear it". As far as Getty Oil are concerned, their nuclear power station and the problems it left behind are now to be taken care of by the state of New York. Perhaps it is improper to be talking about this because it is sub-judice at the moment. The state of New York has taken the owners of that nuclear power station to court, and are going to have to fight a bitter court battle to decide who is to look after what has been conservatively estimated as a $100m problem of disposing of the waste of that power station. Now that happened a very short time ago. The company has completely discharged itself from all responsibility.

I say again that it is not enough for anybody, if he wants to look around, to be convinced by bland assurances. We heard mention of assurances only just a few minutes ago in a speech from the Chief Minister, that everything will be all right. I question the powers of exemption from the provisions of this bill that is contained in proposed section 10A(4), that by merely gazetting a notice people can be completely exempted from the provisions. The opposition will attempt to amend that particular section of the legislation. I do look forward to having the Chief Minister's response to that particular question.

Mr TUXWORTH (Minister for Mines and Energy): Mr Speaker, I am just rising to support the bill. I would like to say that the whole strategy of this legislation is to enable the monitoring authorities to do something in the Alligator Rivers area that they are not able to do under the existing law. It is something that flows on from the recommendations of Mr Justice Fox regarding the monitoring procedures. We are merely complying with the requests as they have been outlined in that report.

I would just like to come back to a couple of points raised by the honourable the member for Arnhem concerning the Finnis River. I accept that the Finniss River was polluted by a solution of copper sulphate, not by uranium mining. So far as I am concerned, the contamination of the Finniss River was not a direct result of uranium mining but the direct result of a lack of environmental control, the very environmental control that we are about to set right in this particular exercise.

Mr Collins: There is a lot of logic in that.

Mr TUXWORTH: In the years when that pollution took place, the words "environmental control" had not even been introduced in the debates around this country. When the mine first started, you were flat out getting a pass to get in there, let alone finding out what was going on in the Rum Jungle area. As to whether anybody in Australia cared about what happened to the environment of the Northern Territory, I can assure you that very few people in the Territory cared, let alone anybody down south. That situation has changed and that is what we are about today. The introduction of this legislation is to ensure that we do not have a repeat performance.

The member made the reference to the release of contaminants into Magella Creek. My understanding is, perhaps I am wrong, that the people involved in these examinations and analyses of the water flow contaminants satisfied Justice Fox that release could take place in that area during the wet and that the contaminants would be held during the dry. Given that, I fail to see the honourable member's concern.

The honourable member also seems to be disturbed by the fact that the federal government is now a mining company in that it has a 72% capital equity in something that will give a 50% profit return. I would just refresh the honourable member's memory of the fact that it was not this government or the present federal government that entered into that arrangement. It was the Labor government and that agreement is just being honoured.

Mr Collins: That is irrelevant. It was a bad deal.

Ms D'ROZARIO (Sanderson): I really only wanted to talk about one point on both these bills. The matter has already been referred to by the honourable member for Arnhem. I simply want to take up this question of proposed section 10 in the Control of Waters Bill. I make it clear that I am not so concerned this time with biological contaminants but more with chemical contaminants.

This section clearly does point out, and the honourable Minister for Mines and Energy has just confirmed, that the provisions are to enable monitoring of the water courses which will not be able to be undertaken under the present law. Without wishing to refer to the early debate, I believe that this section does confirm this very point that the monitoring of stream flow and the level of contamination is an extremely important function that must be legislated for in this Assembly if we are to live with uranium mining. Incidentally, these 2 bills will also have other effects. That is to say, they are not confined to the uranium province but can, in fact, be applied right through the Territory.

Proposed section 10 is a very strange section indeed. It purports to be concerned with the standard of water and purports to protect the quality of the stream flow and the level of contaminants because it enjoins a person from releasing or discharging into a watercourse, lake or aquifer prescribed substances which are prohibited by regulation. It then goes on to allow the Minister a power to exempt certain persons from compliance with that regulation. I can accept that there will be unusual circumstances in which this might be desirable but what I cannot accept is the right of people to be exempted simply by reason that, at the time of gazettal of the regulation, they were conducting a mining or industrial activity. I thought that those were the sources of pollution that we were trying to reduce.

Of course, it is true to say that the sources of pollution from human activity are numerous. We can point to things like human effluent, discharge of agricultural chemicals and certainly industry is a well-known source of water pollution as is mining. Here we are exempting people engaged in those

activities from the provisions of this particular section. Not only that, if the person can show undue hardship, then he is also exempt. I must ask what is undue hardship in the context of this section. Is it that it would cost too much? Would it cost the mining companies too much? Is it a personal hardship? What we are really doing is allowing an escape hatch for the significant pollutor, the miner and the industrialist, and restricting the application of this section to domestic pollutors or agricultural pollutors. I do not think that this goes down very well in view of what the honourable Chief Minister said in his second-reading speech. What he gave us to believe then was that these 2 bills were being put through this House for the express purpose of protection of the environment as a consequence of uranium mining. The honourable Minister for Mines and Energy certainly did not dispute that; in fact, he confirmed that.

The Chief Minister said something in a fit of pique about something I had said in an earlier debate. It is a fact, Mr Speaker, and I am afraid the Chief Minister showed extreme ignorance of this matter. In order to deal with effluent, you cannot just increase the scale of your treatment plant. What you are really implying is that you will be treating more affluent and more waste. The point is that you will have a larger volume of final effluent. What I mean to say here is that the stream flow is critical to the discharge of final effluent. There are established world health standards of what is safe. Even the Chief Minister, with his direct line to God cannot raise his eyes to the heavens and have the heavens rain on the scorched earth thereby filling up the water courses and giving us the required levels of dilution.

This particular section is one that I have a great deal of interest in and I am very sorry to see the inclusion of subsection (4) because it provides an escape hatch for people engaged in mining and industry and throws the whole burden of compliance on domestic agricultural and other pollutors.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, the Control of Waters Ordinance was first passed by the Legislative Council in 1956. There was little concern about pollution and control of pollution evidenced either in official circles or by the general public. The main concern of the legislation then was to ensure that all natural waters belonged to the crown and, once having established this concept, to provide for a fair and equitable distribution of these waters. With the present day awareness of the dangers and disadvantages of pollution, particularly to water ways, we find that the Control of Waters Ordinance is quite deficient in its powers to prevent water pollution. The introduction of this bill to amend the Control of Waters Act will overcome this deficiency.

Once again, we see powers going to persons in the government service. I hope that this person, and I am talking about the position of controller, will exercise his power with prudence and care because there could be many pressures brought to bear on this officeholder to declare all sorts of drainage control areas in response perhaps to calls from the ever present, unproductive, vocal minority. It will be necessary for this controller to weigh up each situation with the greatest of care to make sure that development and progress in the Northern Territory are considered equally along with non-development and non-production.

The Soil Conservation and Land Utilisation Bill has some interesting additions to the main act. Proposed section (1A) (a) in clause 4 is in general agreement with terms in pastoral leases that prohibit wholesale destruction of timber cover. This would not be the case in clearing for crop production on any leases. Regarding proposed section (1A)(b) and (c) in clause 4, I would hope there would be close cooperation between the Soil Conservation Commissioner, agricultural interests, both private and through the Primary Industires Branch, and the mining industry, both private

and through their representative group the Chamber of Mines. Regarding proposed section (1A) (b) on the question of reducing the number of stock where overgrazing has resulted from overstocking, I think that the Soil Conservation Commissioner, in consultation with the relevant Primary Industry Branch officers and the landholder, must not only look at the resultant erosion but at the eking out of favoured species with a consequent upsurge in growth of undesirable species or the introduction of weed species as a result of no natural combatants in the vegetative cycle. All in all, these 2 subclauses would meet with the approval of all practical conservationists, thinking mining and agricultural interests and indeed anyone who seeks to keep the Northern Territory productive as well as in trust for the future.

Mr EVERINGHAM (Chief Minister): I have listened to the contributions to the debate by the honourable members for Arnhem, Sanderson and Tiwi and my heart has been moved by the impassioned eloquence of their pleas. I indicate, Mr Speaker, that the government will accept the amendment proposed by the honourable member for Arnhem and so ably and tediously pushed by the honourable member for Sanderson and, if I could have only intervened ....

Ms D'ROZARIO: At least it worked.

Mr EVERINGHAM: .... at the beginning of the honourable member for Arnhem's speech, I would have, but I am sure he would have felt frustrated that he had not got all that dirty water off his chest.

Mr Collins: We'll give you 10 points for that.

Motion agreed to; bills read a second time.

CONTROL OF WATERS BILL
(Serial 156)

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr EVERINGHAM: I move amendment 25.1.

This inserts a definition of "aquifer" in section 3, which is the definition section. The term "aquifer" is used in the bill but had not been defined.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4 agreed to.

Clause 5:

Mr EVERINGHAM: I invite the defeat of clause 5 as it presently stands.

Clause 5 negatived.

New clause 5:

Mr EVERINGHAM: I move amendment 25.3.

This inserts a new clause 5 which incorporates the amendment about

acquifers.

New clause 5 agreed to.

Clause 6:

Mr EVERINGHAM: I move amendment 25.4.

This is moved for the same reason as the previous 2 amendments about aquifers.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 25.5.

It was never intended that concentrations be prescribed by legislation. The substances themselves that are to be prescribed and the limiting concentrations will be set by notices particular for each circumstance. It is not desirable to have them in regulations as the figures will be subject to change from time to time and may indeed differ for different streams. This and my next amendment should be considered together.

Amendment agreed to.

Mr COLLINS: I move amendment 28.1.

This amendment is self-explanatory.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 25.6.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clauses 7 and 8 agreed to.

Clause 9:

Mr EVERINGHAM: I move amendment 25.7. This deletes the word "underground". It is redundant since the term "aquifer" has this meaning, I understand.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 25.8.

Failure to comply with the notice may give rise to a continuing problem where unacceptable discharges are involved. In some cases, it would be economical for a company to pay a high single fine and continue to contravene the order. A daily penalty gives an incentive to comply.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 25.9.

This substitutes the words "Drainage Control Areas" for "Water Control Areas", as printed here in the side note.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 25.10.

For consistency, the principle of liability for damage should apply in the case of notices issued under section 10A, as well as those issued under section 16M.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 10:

Mr EVERINGHAM: I move amendment 25.11.

The present maximum penalty of $100 for offences other than those covered by section 16M(3) is quite inadequate today.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clauses 11 and 12 agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

SOIL CONSERVATION AND LAND UTILIZATION BILL
(Serial 157)

Bill passed the remaining stages without debate.

POLICE ADMINISTRATION BILL
(Serial 159)

Continued from 20 September 1978

Mr ISAACS (Opposition Leader): Mr Speaker, the opposition welcomes the measures by the government to split the Police Offences Act into a Police Administration Act regulating the police and also the duties and powers of police and introducing a second bill relating to police offences. This is a much needed measure and the opposition welcomes this particular measure very warmly.

Might I say at the outset, though, it seems to me that the Police Administration Bill has many of the measures recommended in the various reports of the Law Reform Commission of Mr Justice Kirby in relation to police powers. However, it seems that the Police Administration Bill increases the powers of the police in accordance with the recommendations of Mr Justice Kirby but omits the commensurate duties which Mr Justice Kirby himself imposed. Perhaps I might specifically mention one matter which relates to that.

The 2 pieces of draft legislation which the Law Reform Commission proposed were the Criminal Investigation Bill and the Commonwealth Police Bill. Both pieces of legislation are put forward by Mr Justice Kirby's commission. It is true that Mr Justice Kirby took a very commonsense approach to police powers and in many cases extended them. The over-riding feature of the Law Reform Commission's report into police was the matter of identification of police and the fact that the citizen, although subject to wider police powers, would also have wider rights in relation to police.

One of the issues stressed by Mr Justice Kirby was the matter of police identification.

It is most unfortunate, Mr Speaker, that the Northern Territory police are not identifiable by the public. I believe they ought to be, whether by number - which I think is unsuitable - or by a name tag on the uniform of the police officer, which I believe to be far more appropriate, as occurs with the Commonwealth police. I believe the matter of identification of police is most important, especially when, in this Police Administration Bill, we are increasing and widening the powers of the police. I think it is most unfortunate that this government has not taken a strong stand in relation to identification. It is the only police force in Australia, to my knowledge, where police are not identified, either by number or by name tag. I believe they ought to be identified and I believe the most appropriate way is by name tag.

There is a funny story, Mr Speaker, which I will not give in detail because you will throw me out for using offensive language, but it is surprising the number of police officers who give their name in a certain way when requested. The Commissioner of Police has said that, if somebody wants to know the name of a policeman, all he has to do is ask him. I am sure honourable members' imaginations are vivid enough and wild enough to know that a lot of the police seem to have the very same surnames, and it isn't Smith. It is most important, in relation to the matter of increasing police powers as this bill will do, to ensure that there is identification of police. I believe our police force ought to be no different that police forces elsewhere. They ought to be identified and they ought to be recognized in that way; they should have either name tags or numbers. I personally favour the wearing of name tags. People can get confused with numbers; they do not always get so confused with seeing a name.

Having said that, Mr Speaker, and having welcomed the splitting into two of the Police and Police Offences Act, let me look at a number of the provisions in this Police Administration Bill. I would like to thank the Chief Minister for allowing me the opportunity of having discussions with him, officers of his department and the Police Commissioner himself in relation to the bill. I noticed in the amendment schedule circulated that the Chief Minister has decided that, when I put arguments to him in relation to certain sections, there were all sorts of good reasons why those arguments were not valid. Of course, when that much more intelligent body, the Law Review Committee puts precisely the same arguments to him, he accepts them. I do not quibble about that but I merely make the point. I do thank the Chief Minister for the invitation in that regard. If the Chief Minister is wondering about it, he had better have a look at amendments 106 to 108. That's just one example.

When we discussed that, one of the first issues which came up was the matter of the retirement of the Police Commissioner. It seemed to me quite extraordinary that the Police Commissioner could have his term extended to the age of 65 years while that extension was not available to other members of the police force. I am glad to see in the amendment schedule that that particular anomaly is going to be withdrawn.

I noticed in clause 14(2) of the bill, in relation to control and management of the police force:

> *The Commissioner shall exercise and perform all the powers and functions of this office in accordance with the directions in writing, if any, given to him by the Minister.*

I believe it is important that there be proper oversight and

scrutiny of the police force. Obviously, one has to draw the line - it is a very fine line - between political interference and proper oversight. I believe it would do well if the Chief Minister were briefed on a regular basis by the Police Commissioner on the matters which the police are engaged in. I would suggest perhaps a monthly briefing session.

On the matter of political control of the police - and it is a very touchy subject - I was intrigued to read the October edition of the Northern Territory Police News, the magazine of the Northern Territory Police Association, because I believe it shows a most unhealthy situation in relation to the Chief Minister's relationship with the Northern Territory police force. On page 25 of that October issue, there are a number of very nice photographs and the caption is as follows: "Chief Minister, Mr Paul Everingham, congratulates members of the NT police force for their work during the recent opening of the Legislative Assembly". There are pictures showing - and I quote - "Members enjoying a few beers from a keg donated by Chief Minister, Mr Everingham, at the Darwin RSL Club. The keg was a gift of thanks from Mr Everingham for the excellent job done by our members at the recent opening of the NT Legislative Assembly". Mr Speaker, I believe that that is an unwarranted intrusion by the Chief Minister into that matter. If he wishes to congratulate the police force for doing their job - and I believe that everybody on both sides of the Assembly would say that they did perform their job well at the opening of the Legislative Assembly - I believe the way the Chief Minister congratulated them is most inappropriate.

In the discussions I had with the Chief Minister, we spent a great deal of time in relation to part 11A, conditions of service of members of police force. It is a matter about which I have spoken on many occasions - the whole system of police arbitral tribunals here in the Northern Territory. I believe the amendments which have been circulated today by the Chief Minister will overcome the very serious problems in part 11A, although I think some problems will still remain and I want to address myself to those.

I would like members to look at the amendment schedule which has been circulated by the Chief Minister in relation to proposed clause 34D:

> *Subject to this Act, the proceedings to be adopted at the hearings of the Tribunal shall be determined by the Tribunal.*

I believe that will allow - and hopefully the tribunal will be constituted by members of the Conciliation and Arbitration Commission - conciliation proceedings to take place first before turning to arbitration. Too often the government in the past has taken a hard line in relation to police associations. There was no avenue open to them as is open to employees in the private sector and indeed to employees in the public sector, to have a conciliation conference with a conciliation commissioner as the chairman of the conference. I believe that, if a member of the Conciliation and Arbitration Commission is the tribunal, the first course of action that that person would adopt would be in fact to invite a compulsory conference. I am very pleased now that the bill has been amended to allow that very practical thing to take place.

I am pleased also that 34J(5) and (6) will now be deleted. We had a ludicrous situation where a tribunal set up by the Legislative Assembly could make a decision in relation to conditions of service of police and this Legislative Assembly could take the view that it was not a good determination and over-rule it. That was an absurd and preposterous proposition. In fact, it does not exist in the private sector. It has existed in the Australian government area. It has been exercised on very few occasions. The last time was in 1973; the time before that, I believe, was in 1928.

I am very pleased that, following the representation I have made in that regard, the Chief Minister has agreed to delete subclauses (5) and (6) from clause 34J.

However, we still have 34K and I believe, if the Chief Minister cares to listen to the argument in relation to the inappropriateness of 34K, it may well be that we will see the exclusion of that clause as well. 34K(1) reads:

> *Any determination made by the Tribunal in pursuance of this Act shall be binding on the Crown, the Commissioner and the members of the police force to whom it is expressed to relate.*

There can be no argument about that. It is a perfectly necessary clause, but subclause (2) says:

> *A person shall not -*
>
> *(a) fail or omit to abide by any determination; or*
> *(b) do or procure any person to do any thing in contravention to the provision of the determination.*

Quite frankly, Mr Speaker, every person who is not a member of the police force is going to contravene (2) (a). It seems to me an absurdity really beyond measure. We are obviously talking about persons bound. Quite clearly, an administrative officer in the government would be acting under instruction. It seems to me that what we ought to be saying, if this particular subclause has any effect, is that the parties to the determination shall not fail or omit to abide by the determination. If that is what is intended, can you just imagine it? The crown fails to abide by the determination, is fined upwards of $500 and it pays to itself that amount of money. It just strikes me as being a complete absurdity. I believe that 34K(1) is necessary, but I really cannot see the common sense at all in 34K(2).

It seems to me that, in relation to part IIA which relates to police arbitral tribunals, the amendments circulated by the Chief Minister do overcome the serious reservations I have had. They make the tribunal a much more sensible and practical proposition. It certainly means that it can behave as any ordinary industrial tribunal does. I have always been interested in the operation of the various tribunals in the Northern Territory in relation to firemen, police and prison officers. I would hope that, when we see the way a member of the Conciliation and Arbitration Commission handles the disputes which arise in the police force, hopefully we would then look to implementing that very same system in relation to prison officers and firemen as well.

Mr Speaker, I would like to turn now to the Police Promotion Board. The criticism I have in relation to this particular aspect of the bill relates also to the Police Appeals Board. I refer honourable members to clause 39(1)(c)(ii) but, before I do that, perhaps it is important to understand how the Police Promotion Board is to be constituted. There is a chairman, a person nominated by the commissioner and a person nominated by the appropriate police association. The chairman, of course, is a stipendiary magistrate.

In all these matters, appeals and promotions, it is the right of the associations to determine whom they wish to represent their members, but 39(1)(c)(ii) - and I believe it also applies to 70(1)(c)(ii) - takes that right away. Clause 39(1)(c)(ii) reads:

An appointment to the Board shall terminate upon ... (c) in the case of a person appointed under section 36(3) -

That is, by the relevant police association -

(ii) his transfer to a station so distant from the place where the Board ordinarily sits that his continuing act would, in the opinion of the Commissioner, interfere with the efficient working of the Police Force;

What it means is that the police association chooses its own representative and that person becomes the relevant member, as the bill describes it, in relation to police appeals. If that person is transferred, for whatever good reasons, to Finke or Docker River or one other of these completely isolated places and the Commissioner determines that, because that person is so far away, to bring him back for an appeal or promotion matter would so disrupt the workings of the force, then the association is going to have to choose somebody else. In other words, the right of choice is taken away from the association and given to the commissioner who in fact is responsible for the placement of the officer in the first place.

I am not suggesting for a moment that the Police Commissioner is going to do this deliberately or maliciously or vindictively, but I can assure you that members of the force may well believe that the commissioner has so acted, if such a situation should arise. I believe that associations are sensible in relation to the choosing of people but they also seek to have the best person, whoever is the best person in their eyes, available to do that job. Again I say to the Chief Minister that clauses 39(1)(c)(ii) and 70(1)(c)(ii) should be deleted so that the associations have full rights in choosing their own representatives.

I would like to turn my attention now to the matter of police powers. As I said at the outset, it seems to me that police powers are being widened, certainly in accordance with the Law Reform Committee but are being widened without the commensurate duties on them. I would refer honourable members to clause 98(2) in relation to reputed thieves. Now 98(2) says:

Where a member of the Police Force has entered into or upon any land pursuant to subsection (1), he may order any person who is a reputed thief or who is disorderly or indecent or is soliciting for the purposes of prostitution to leave that land.

And then it defines in subclause (4) what a reputed thief is:

For the purposes of subsection (2), a reputed thief is a person who has, on at least 2 occasions in the period of 5 years immediately preceding the occasion of the exercise of the powers given to the member by this section, been convicted of an offence described in Part IV of the Criminal Law Consolidation Act or any similar offence in any other part of Australia.

For example, let us take the case of a person who forges and utters cheques - an offence under part IV of the Criminal Law Consolidation Act. A person found guilty of both those felonies, of course, is guilty of 2 offences. That person then, I believe, becomes subject to clause 98(2). It seems to be an unwarranted area of harassment. I believe it is unnecessary. I believe it ought to be deleted or, if it is the belief of the Chief Minister that the police ought to have such powers, then 98(4) should be tightened up so that the conditions under which the definition of a reputed thief is made much more stringent. In fact, I believe that definition of a reputed thief is far broader than the definition attributable in common law.

Mr Speaker, clauses 106 to 108 relate to civilian arrest and it seems to the opposition that such powers could be very much abused. When I spoke to the Chief Minister, I asked him on how many occasions had those particular types of powers been used in the Northern Territory. It seems that they are used on very rare occasions. It seems also that those powers of a civilian could be very easily abused and clauses 106 to 108 used by a person to justify assault and other matters which we would rather do without. I am pleased, therefore, to see that in the amendments circulated by the Chief Minister clauses 106 to 108 are to be deleted.

In relation to clause 109, again I would ask the Chief Minister to reconsider his position in regard to the matter of people being informed of their arrest and the grounds or the reasons for their arrest, and being notified of the offence which they have committed at the time or as soon as practicable thereafter. I believe the amendments circulated in relation to clause 109(1) are suitable and are completely in accord with discussions which the Chief Minister and I had, to say that a member of the police force, to arrest a person for an offence, shall inform the person at the time of the arrest or as soon as practicable thereafter of the offence for which he is arrested.

Subclause (2):

> *A member who arrests a person for an offence shall be taken to have complied with subsection (1) if he informs the person of the substance of the offence for which he is arrested, and it is not necessary for him to do so in language of a precise or technical nature.*

Again, the opposition has no objection to that.

However, subclause (3), it seems to us, negates all the good of subclause (1) because subclause (3) says:

> *Subsection (1) does not apply to or in relation to the arrest of a person:*
>
> *(a) if that person ought, by reason of the circumstances by which he is arrested, to know the substance of the offence for which hs was arrested; or*
>
> *(b) if the person arrested makes it impracticable by reasons of his actions for the member effecting the arrest to inform him of the offence for which he is arrested.*

Let me develop this argument a bit. I am quite sure that, if a police officer arrests a person with a gun in his hand or a gun very close to a bank teller's head, there is no need really to tell the offending person what the crime is that he is committing and no harm done either. It seems to me that, by leaving that particular subparagraph out, we are not losing a great deal at all.

The main problem seems to be (3)(b). I am quite certain that there are occasions where it is quite impracticable to inform a person at the time of the arrest of the offence being committed. I am quite sure that if there was a melee in a public place and the police took action to tackle the ringleaders of the fight and remove them from the scene, it would be quite silly for the police officer, as he tackled one of the offenders, to say, "I arrest you for such and such an offence". That is why we inserted that particular set of words in subclause (1). What (3)(b) allows is a situation where the police may make an arrest, put the person in the wagon and then perhaps make up a story or an offence which they might be able to make stick. I believe that, in relation to subclause (1), the police are protected and the offender is protected, especially with the inclusion of the

words circulated in the Chief Minister's schedule of amendments. I believe that 109(3)(a) and (b) do away with all the good that is done by that particular amendment.

Clause 116: "A member of the police force shall, when requested, disclose to the person making the request the names of persons which to his knowledge are currently being held in custody under section 110". The intention is probably good but quite obviously could be misused by mischievous people and certainly by our good friends the media. I am not saying that they will necessarily use it but, quite obviously, the person who wishes to make mischief could pop down to the watch house every morning, ask for the names of the people in there and jump to all sorts of silly conclusions. There are good grounds for people to make inquiries as to who is being held in custody. Sometimes those requests are made by relatives seeking a particular person or they are made by legal aid solicitors asking if there are any people whom they might be representing. In these circumstances, there should be means available for those people to be supplied with the information. New section 117A in the schedule circulated by the Chief Minister does accommodate that particular section. Clause 116 will be defeated.

It is appropriate at this time to make a remark about clause 118, release and bail, which mentions the general orders of the police force. If police are to be acting under general orders, then it is important that the public know what those instructions are. If you turn to clause 149, you find that the matter of general orders and the Police Gazette are secret documents and that the general public are not to have access to them. There is not much point in referring to general orders in a public document when you cannot get to the substance of those general orders. I am pleased therefore that clause 118 is being amended to spell out what the police have to do in relation to bail.

It is important also that this legislation should spell out the guidelines for police interrogation as well. There is a famous case in the Northern Territory in which the Chief Judge of the Northern Territory, Judge Forster, laid down correct guidelines to be followed in relation to police interrogation. Those guidelines were endorsed by other members of the bench in the Northern Territory, the late Judge Ward and Mr Justice Muirhead. It would be an excellent contribution to progressive law in the Northern Territory if those guidelines were inserted in this Police Administration Bill. It is important that the public know the extent to which they can be interrogated and the extent to which their rights give them protection. The guidelines, as laid down by Judge Forster, have been widely circulated, not just in the Northern Territory but in Australia as a whole. They apply not just to interrogation of Aboriginals but to interrogation of all people. They are commonsense, practical, guide rules but they are simply that. They are simply rules or guidelines which have no force at law even though they have been enunciated by Judge Forster and have had the approval of the other members of the Northern Territory bench.

It would be most worthwhile if a new division was inserted to accurately reflect the decision of Judge Forster in that particular case. It would be worthwhile if I took the trouble to read into the record the 9 guidelines which Judge Forster laid down in that particular case. The guidelines are as follows:

1. *An interpreter should be present to ensure complete and mutual understanding.*

2. *Where practicable, a prisoner's friend should be present during interrogation. The prisoner's friend should be someone in whom*

the prisoner will have confidence and by whom he will feel supported.

3. *Care should be taken in administering the caution and, after the interrogating police officer has explained the caution in simple terms, he should ask the prisoner to tell him phrase by phrase what is meant by the caution.*

4. *Care should be taken in formulating questions so that, so far as possible, the answer which is wanted or expected is not suggested in any way.*

5. *Even when an apparently frank and free confession has been obtained, police should continue to investigate the matter in an endeavour to obtain proof of the commission of the offence from other sources.*

6. *The prisoner being interrogated at meal times should be offered a meal and, where facilities so permit, should always be offered tea or coffee. If there are no facilities, he should always be offered a drink of water. Further, the prisoner should always be asked if he wishes to use the lavatory.*

7. *No interrogation should take place while the prisoner is disabled by illness, drunkenness or tiredness. Further, interrogation should not continue for an unreasonably long time.*

8. *If sought reasonable steps should be taken to obtain legal assistance for the prisoner.*

9. *If it is necessary to remove the prisoner's clothing for forensic examination, steps must be taken to supply substitute clothing.*

Those are very sensible and practical guidelines laid down by the Chief Judge. I believe it would be ...

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

Mrs O'NEIL (Fannie Bay): I move an extension of time be given to the Leader of the Opposition.

Motion agreed to.

Mr ISAACS: It is most important that those guidelines should have the effect of law.

I move then to division 7, forensic examination. I applaud the way in which the forensic section has been able to send one of its senior officers overseas to find out the latest techniques in scientific and technical analysis. However, if the public was aware of the provisions of this division, they would object most violently. I most certainly do. I refer members to clause 128 which relates to medical examination of a person's person. Let me quote one section of it:

(4) A registered medical practitioner or a registered dentist may examine the person of a person and take a specimen from a person in the circumstances described in subsections (1) or (3), as the case may be, and for this purpose may call upon a member of the police force, who may use such reasonable force as may be necessary for the purpose of conducting the examination or taking the specimen.

There is no question as to whether or not it is an inhumane approach. He is able to use as much force as necessary to make sure the medical examination takes place. I believe that is a hideous clause. I know that the public is unaware of the existence of that clause because, if they knew about it, they would be up in arms against it.

It is interesting to compare this particular section in the Police Administration Bill with that proposed by the Kirby report. For honourable members who are interested, it is clause 46(11) of the Criminal Investigation Bill. It reads:

> *Nothing in this section shall be taken (a) to prevent a medical practitioner from examining a person in lawful custody at the request of that person or for the purpose of treating him for an illness or injury; or (b) to affect the power of a court to exclude evidence obtained through force or inhuman treatment.*

That most important section has been, amazingly, left out of this particular bill. I object strenuously and I will be objecting to it when we debate it in the committee stages. It is a hideous clause.

I am sure the Minister for Mines and Energy will give us the benefit of his great wisdom on the matter and tell us about the horrific way people secrete drugs and other containers. There is no doubt that people go to extraordinary lengths to secrete drugs on their bodies. If you wish to take action against those people, you either do it through the Customs Act or the Drugs Act. There is no mention of drugs in this bill which relates to police powers. It gives them the power to search people in relation to every offence and to use whatever force they think reasonable to effect a medical examination. As I say, Mr Speaker, I think that is a hideous clause.

If a person does not consent as required, then the policeman could go to a magistrate. If the policeman can show that he has reasonable grounds for the belief that the examination will assist him in proving the offence then the magistrate would approve the medical examination and presumably approve reasonable force to effect that medical examination. There is no right of a hearing. The person who is to be subjected to the medical examination does not get a right to put his or her case to the magistrate. There is no right of appeal. I would ask the government to take account of the other provisions in the Criminal Investigation Bill which are not mentioned in this particular bill. If the government is concerned about people going to devious lengths to bring in drugs, that should be specifically mentioned in the various bits of legislation which specifically regulate those offences. The government must surely realise that clause 128 applies to all offences.

I have one final matter in relation to clause 146(1) which states: "All actions and prosecutions against any person for anything done in pursuance of this act should be commenced two months after the act complained of was committed and not otherwise". I believe that that term should be extended to 6 months. I understand that that is the same period of time as that for taking proceedings under the Justices Act. There have been cases where a person wishes to take action against a policeman. He then has to identify the policeman. Most policemen when asked their names all seem to have the same surname, and not a very good one at that. He has to identify the policeman. On a number of occasions, a policeman decides to take leave. If he took 3 months leave, then the time would be expired. I believe that that 2 months ought to be extended to 6 months.

The only other matter which I would like to comment on is clause 147, in relation to vacarious liability of the crown. The opposition applauds

this clause. It is the policy of the Australian Labor Party in relation to liability of the crown. We believe it is an excellent new provision and we applaud it wholeheartedly.

As I said at the outset, the division of the Police and Police Offences act into 2 acts is a worthwhile exercise and the opposition does support the bills even though we will be seeking to make certain changes to this particular bill at the committee stage.

Mr HARRIS (Port Darwin): Mr Deputy Speaker, one of the most important groups of people in our society, and I think everyone would agree with this, is our police force. It is important that the police force, through the officers association and also the police association, has been given the opportunity to have input into this piece of legislation. Far too often, members of various groups or organisations are not given this opportunity and I commend the government for allowing this input. I hope that they will continue with this policy of involving the people whom the legislation affects.

The bill itself, because it provides members of the police force with wide-ranging powers such as those laid in clause (6), will receive comment from all sections of the community. I would like to deal with that a little later on. Members of the police force should be well satisfied with this bill. For years, they have been aiming at greater autonomy which they felt would cause the police force to operate more efficiently. The members are given protection, as far as promotion is concerned, not only by making sure no one is able to jump ahead of a member who is qualified for promotion but also by having provision under part III for appeals to the Police Promotions Board.

I was interested in the comments made by the Leader of the Opposition when referring to the fact that the police association's nominee could be changed. I could see nothing wrong with that. Actually, clause 40, which relates to the filling of vacancies, says a vacancy in the membership of the board shall be filled in the manner prescribed in section 36. I would presume that the association would be able to appoint a member to that board again. The same thing would apply in the case of clause 70(1)(c)(ii) where filling of vacancies is outlined.

The only area which could cause debate in part III is clause 45 which deals with the conduct of hearings of the Police Promotions Board. I can understand why hearings of a disciplinary nature should be held in public. This has to be. Where a person is objecting against a promotion, one member against another, I cannot see why he should have to appear before a public hearing. I know that there is provision made under clause 45(2)(a) for the board to order that a hearing be held in private but I do feel consideration should be given to amending the legislation to enable appeals against promotion to be held in private.

The 2 other points which I would like to raise before moving on to the police powers both relate to retirement. Clause 22(1) states that a member who has attained the age of 55 may retire from the police force and clause 24 outlines the provision whereby a commissioner is able to terminate or to retire a member on various grounds. It could be that the member who is being retired by the commissioner on medical grounds is still able to participate in the police force itself. As I read the legislation, the member would have to revert back to the public service and be a public servant for the remainder of his days. A reasonably young person at the age of 55 would have no means of additional income because of the restrictions placed on him under clause 57. I feel that very few would be able to take up the option of retirement because financial circumstances would not permit it. Moving to clause 24, where the commissioner does actually retire

someone, I do believe that people who enter the police force should have the opportunity of choosing it as a career. It is only right that, if they start as a member of the police force, they should be allowed to retire as police officers.

In a bill of this nature, the most contentious point will always be the powers given to the police force. I have always had the belief and I will continue to hold that belief that, provided you stay within the bounds of law, you have nothing to fear.

Mr Collins: Rubbish!

Mr HARRIS: Rubbish, the man says. It is necessary that a police force is able to give to the majority of people protection and a means of attaining a freedom which few people have. It would be lovely for a man or a woman to be able to go for a walk in the streets of a city at night without fear of being bashed or raped. It would also be lovely to be able to send your children to a park without fear of their being molested.

Mr Speaker, the freedom kick goes goo far and I quite frankly believe this has in fact disappeared. The freedom that a lot of people think they would like has disappeared. I do not believe the way of getting that freedom back is by taking powers from a police force. There are people in our society who are sick; we all agree with that. There are people in our society who need help and there are people in our society who need protection. It is not difficult to understand the thoughts behind members of this House who have shown their concern in relation to search and entry and they have said that police officers have walked into a building to conduct a search for no reason whasoever. I myself have mentioned that there has been abuse by the police force. It is indeed unfortunate that we need these provisions detailed under part VI of this bill.

In a small town, everyone who lives in that town is an open book and everyone has a name. As that town grows and becomes a city, no longer do we have that situation. It is said that we have to face reality and we must aim at assisting our police force by giving them powers to enable them to protect the majority of people. I can remember years ago in Darwin a situation where a youth broke into a place called Burnette's which was on the corner of Knuckey and Mitchell Streets. It was a very dark night and he went to the door, picked the lock, got inside and took his shoes off. He then proceeded to take a few items off the counter and move over to the till. On his way back, he bumped into a comic stand. He switched on the lights and started to read a comic. Needless to say, he was collected very quickly by the police force. Oh, that crime was so easy solved today! I support the bill.

Mr PERKINS (MacDonnell): In rising in the debate this afternoon, I will be brief. I just want to make a few remarks about a couple of aspects of the Police Administration Bill. However, before I do that, I just wanted to commend the honourable Leader of the Opposition for his excellent and well prepared remarks in relation to this bill. I believe he gave an excellent and detailed account of our concern on this particular bill.

As I mentioned, I just want to refer to a couple of aspects of the bill which concern me and in particular to clause 19 which refers to police aides. I think the House was also informed by the honourable sponsor of the bill that this particular clause is to encourage Aboriginals into the force and I suppose that could well be true also of the migrants in our community. However, I am a little concerned about this particular clause because I think that Aboriginal people ought to be employed under the normal channels of the police force and the same would also be true of migrants.

We should not have a situation where we try to encourage employment of Aboriginal people into the police force of a second-class nature. The police aides' functions are specified individually and hence their particular functions would not be public knowledge. I would ask the honourable sponsor of the bill to consider that. I know there have been Aboriginal people in the community and, in particular, men of Aboriginal descent who have wanted to join the police force by the normal channels and who have in fact made application for those positions. If Aboriginal people want to participate in the police force of the Northern Territory, I think they should be encouraged in the proper manner to become police constables and rise to other ranks.

The second aspect I am concerned about relates to the question of assault and in particular to clause 137 which provides for imprisonment for a member who assaults a highranking officer in the force. If you look at that, you will find that no penalty is provided if a member assaults a subordinate. I think the honourable sponsor of the bill ought to reconsider that particular section. He ought to provide for the situation where a subordinate in the police force is assaulted by a highranking officer or a superior. That particular situation ought to be included as well and there ought to be a penalty for that if it occurs in the force. I think it is a situation which works in both ways.

In the final instance, I would just like to amplify the point made by the honourable Leader of the Opposition in relation to the police having some identification. I think the fact that the police in the Northern Territory do not have identify tags of one kind or another has been a cause for some concern over the years. I find it amazing that members of the police force in the states are identified, and also Commonwealth police are identified, and yet the police in the Northern Territory are not identified. This can mean a lot of trouble, particularly in situations where there have been encounters between police officers and other members of the community and there have been difficulties because those particular people have not been able to identify police. I would like to endorse the comments of the honourable Opposition Leader in relation to that particular matter as I believe the police in the Northern Territory ought to be identified. Other than that, I would like to reaffirm what has been said by the Opposition Leader. He has indicated that the opposition welcomes the bill.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, I would like to speak to the Police Administration Bill. I would like to take up a point with the honourable deputy leader of the opposition who spoke about police aides. I think that the honourable member for MacDonnell should remember that black trackers have been working for the police for many years and are known throughout the whole world for the work they have done. They have had ample opportunity to show their talents to other people; they have been taken to other states. I remember they have done a tremendous job in Victoria. With regard to Aboriginal people joining the force, we would all encourage this and I think this is part of our educational program and has been for many years to encourage young Aboriginals to get the necessary qualifications. There are certain standards that are required and I am sure they could meet those criteria given the right encouragement. There is no doubt that the idea of having police aides does not pick out any particular ethnic group. Any person who may feel he has some way of helping the police will not be knocked back because he is of any particular ethnic group.

I believe that this is the first time in the history of the Northern Territory that the police administration has been set up as a separate entity from that of the Northern Territory Public Service and I welcome this. It is a great innovation. The Chief Minister said these new provisions are innovative and he has asked everybody for constructive criticism. I believe

through consultation, the Leader of the Opposition may have offered something, whether it was his ideas or not. That was the whole idea of asking members and people generally to give their consideration to the bill because it is the first time that provisions have been so complex. The point is that everyone can give his ideas. The members get assistance from the local police force or from constituents who may be interested. I am sure that we would welcome everyone's criticism.

Part II, division 2, provides for the Administrator to appoint a commissioner. We now have a new commissioner in the Territory, a very experienced policeman. I would like to say that the previous commissioner did a tremendous amount of work over the years. I am sure that he may have put many of his ideas into this bill. I would like to give him my personal thanks. I am sure that the new commissioner has added a lot to it considering the experience he has had in the past and his overseas experience.

The criteria set for the commissioner with regard to remuneration and retirement is the normal type of thing under this type of administration. I am very pleased to see that an amendment will be made to clause 10 relating to retirement. I do not think you should fix the period at 55 years when a person probably may be reaching the peak of his career and, with his experience and expertise, could make a wonderful contribution in the latter years. I commend the Chief Minister for his amendment. If he has any particular expertise, I think that it is a great shame that a person has to retire at 55. He has the option of doing so and that is happening in the public service and other areas. If a person does want to retire at that age, well and good. Someone who has had a long experience in the police force should be able to retire at a healthy age of 60 years.

I mentioned aides before and this is something that could be used a little more. We do not really know what sort of aides we need. Who they are, what sort of aides, where we get them from - these things could perhaps be amplified a bit. I think probably the Commissioner can use his own discretion there.

There is a provision for those members of the police force who perhaps want to enter the field of politics or take up another position. If he fails to gain a position, there is a provision there for him to be re-appointed to the position having the same salary range as that when he resigned. This provision will help many people. In the past, many people have lost their jobs when they went into public life. If they were not successful, they had to look for another job. This is something that has to be looked at very seriously in all fields to protect those people who do wish to enter into some form of public life.

There are provisions in division 4 for special officers to be appointed. They are persons with some expertise which could be used in the field. I believe the new Commissioner is looking at all sorts of new ideas and innovations. He could second people to the force to help in the setting up of various sections. The Leader of the Opposition mentioned forensic work. That is something we could probably expand more in the Territory. In time, we will build up a bigger department there. It has probably been running on a shoestring in the last few years but, hopefully, they will set up a better, more efficient department and get expertise from down south. I am sure that there are people available who could be seconded as special constables to the Territory to help us in our new administration.

I am quite happy with the Police Arbitration Tribunal appointed by the minister. This is something that should have been made known for some time now. I agree with a judge from the arbitration commission being appointed to the tribunal. There are quite a few problems in the arbitration tribunal and, unless you have someone who has experience in the field of

conciliation and arbitration, it is very difficult.

I hope the Police Promotion Board has merit. The honourable member for Port Darwin said that he did not like the idea of public hearings but another clause does state quite clearly that, in cases of a private nature, they can have a hearing behind closed doors. I do not think anyone would really worry if they had to have an open hearing. I do not know if anyone would want to listen half the time to some of these hearings.

That is about all I would like to say on the administration side. The new type of warrant which can be issued by telephone, as mentioned in the Kirby report, broadens the scope and does give the police more power to search and enter. I believe that this is something that we probably may find a few faults with. Like everything else, it has to be tried. It will result in the lifting of morale in the police force. One of the biggest problems with the police force is perhaps the lack of morale through bad administration. I hope that, with the proper organisation which is laid down clearly, the police in the Territory will have a job which they can be satisfied with. I welcome the bill.

Mrs LAWRIE (Nightcliff): Mr Speaker, I welcome the splitting into two of the administration of the police force and summary offences and I believe it has been welcomed by the members of the official opposition. In dealing with the Police Administration Bill, I would like to apologise to the honourable sponsor if I perhaps make comment which has been covered in part by the amendments. I have had a look through them but I have not had the time to look at them in detail. If I am traversing an area which is already covered in his amendments, I apologise in advance.

Other members have spoken of the desirability of having members of the Northern Territory Police Force readily identifiable either by number or by name. I am glad to hear such support for this proposal because when Mr Justice Kirby was sitting in Darwin and taking evidence from interested members of the public, I was one of the few to actually give evidence on oath stressing that particular point. His Honour was somewhat surprised, in listening to my evidence, to find that members of the Northern Territory Police were no longer readily identifiable in such a manner. He asked how long this had been in operation and I was not in a position on sworn evidence to give him the precise date. He did make particular note of it and in the report which was subsequently brought down turned his attention to that aspect.

His conclusion was that the police should be identifiable. He came out in favour of its being by name and not only by number. He made mention of one particular aspect which was that to be a member of the police force in uniform should be regarded as an honour and it is absolutely no disgrace at all to be so identified. I support his remarks in their entirety. I am at a loss to understand why members of the police force are still not identified by name when so many other people in close contact with the public and serving the public are so identified. Even airline staff are readily identifiable. I have been asking questions of the minister on this subject both in this Assembly and during the life of the previous Assembly when we had other persons responsible for the administration of the police force. I support all the remarks of the opposition in calling for the ready identification of members of this Northern Territory police force who need feel no shame in being so identified and to echo the words of Mr Justice Kirby: "It cannot be regarded as an unwarranted intrustion into their privacy". Those are the words of the judge. If anybody feels affronted, I refer him to that particular law reform committee report.

The honourable member for MacDonnell raised the question of the police

aides. I was somewhat disturbed at this because we see that the commissioner and any member authorised by the commissioner may in writing appoint persons to be aides and revoke any such appointment. We also see that those persons so appointed in section 19(3)(a) shall -

> *... subject to the terms and conditions specified in the instrument of his appointment, have the same powers, privileges, duties and obligations as a constable appointed under this Act.*

I believe most strongly in the proper training of people to be police constables and have urged in the past and shall continue to urge proper expenditure of public money to ensure that the people appointed as police are trained in a manner befitting their high public office, and it is a high public office. They have grave duties and responsibilities above and beyond those of the normal citizen. I am very wary of a provision to appoint a person to a police force having the same powers, privileges, rights, obligations and responsibilities who has not received that training. Further on in the bill, of course, we see the provision where one can appoint special constables. That provision relates to those who are police officers in other parts of Australia or Commonwealth police officers who have at least had some formal training.

Like the honourable member for MacDonnell, I do not accept an argument which suggest that this particular provision of police aides may well overcome the difficulties which we presently experience in not having persons of one particular ethnic group in the police force. I have always advocated a deliberate attempt to recruit into the police force members who faithfully reflect the constitution of the public. In the same context, I put forward legislation to ensure that women would be represented on juries, not simply because they were women but because 50% of the citizens of this Territory are women and trial by ones' peers must of necessity take cognizance of that fact. In supporting the idea of various ethnic groups being in the police force, I cannot tolerate a suggestion that they will be simply police aides and that their appointment can be revoked from time to time. I would rather commend to the minister responsible the idea that they must be formally qualified and trained constables.

We also see the clause to which I think the honourable the Leader of the Opposition referred - clause 14(2):

> *The Commissioner shall exercise and perform all the powers and functions of his office in accordance with the directions in writing, if any, given to him by the Minister.*

I take no great exception to that, and I refer to the sad incident in South Australia where a person who was otherwise an excellent police commissioner, commissioner Salisbury, a man of vast experience, saw fit to mislead his minister and, through him, the house, and a royal commission of inquiry eventually established that as fact. We saw someone who had another exemplary record removed from the office of police commissioner. I believe in civilian control of the police force and the proper way it can be exercised is through the minister.

Section 56 of the legislation is probably of some interest to the honourable Chief Minister as it seems unlikely that, in the future, he can express his appreciation of the excellent service given by our members in the way in which he did a little while ago. Section 56 says:

> *A member shall not, either directly or indirectly, solicit or accept a gift or other reward from any person concerning the performance of his duties.*

Mr Collins: Hear, hear!

Mrs LAWRIE: Mr Speaker, I would hope that that would not include letters of appreciation, some of which I have written because the police operating in my area, from Casuarina Police Station, quite often behave in an exemplary and commendable manner on which occasions I always write and thank the sergeant on duty at the time of the excellent conduct of his officers.

We have in this legislation provisions relating to police suspension when they are charged with an offence against police discipline - clause 91. This receives my particular attention because, in the past, members of the police force suspended from duty have suffered a great deal, and so have their families, when their normal salary has not been paid whilst they have been suspended and whilst it has taken an inordinately long time to hear charges pending against them. I welcome the provisons of this legislation where a member of the police force so suspended shall be paid whilst suspended. In fact, we see that there is a time limit under division 3 of part IV - disciplinary powers of a commissioner - where a member of the police force may be suspended:

> *The Commissioner may cause to be served personally on that member a written notice -*
>
> *(a) stating briefly the particulars of the disciplinary offence;*
> *(b) stating that the member may, within 14 days of the service of the notice deliver to the Commissioner a written statement in connexion with the alleged disciplinary offence;*

and remember, Mr Speaker, it is an allegation not proven and, most importantly:

> *(d) informing the member of the time, but not less than 14 days thereafter, at which the Commissioner will hear and determine the matter.*

I advise the sponsor of the bill that that is certainly a most welcome innovation and one which has my total support. Too often in the past, the policemen and their families have suffered greatly because there has not been a time limit and because they have not been paid whilst under suspension.

There is a small amendment necessary on page 68 of the legislation; it may be necessary in other parts but I certainly noticed it here. Under division 8 of part VI - closure of public places - we see that "the Commissioner of Police may direct, either verbally or in writing, that the place or any part thereof be closed". That should read "orally".

Mr Speaker, the other area of the legislation which I think deserves comment is that area dealing with bail. In clause 118, we see what happens once a person is taken into lawful custody and how he can go about securing bail. I am a trifle disappointed that the honourable sponsor of the bill did not take this opportunity to incorporate some of the recommendations which have been made around Australia regarding the provision of bail. If, however, in his reply he would indicate that this is receiving his attention, but it should be the subject of a separate bill, that also will receive my commendation.

In 1978, it is generally believed by criminologists and by many people who have turned their attention to this particular matter, that bail should be automatic and should only be refused given special sets of circumstances

which include that the person arrested, if granted bail, was believed on reasonable grounds to be a danger to society or that he is likely to attempt to intimidate a material witness or on a couple of other grounds. It is not completely correct to say that they are the only reasons for which bail is refused at present by the police. There are other grounds and I would welcome a statement from the Chief Minister as to whether or not he favours what appears to be modern-day thinking which is that bail is automatically available and will only be refused on specified grounds. That would be a fairly radical departure in the Northern Territory and perhaps is deserving of separate legislation.

I noticed that there are some amendments again to the bail clauses. I have also noticed that there is an attempt in this legislation to ensure that, when people are arrested they are made aware, as soon as is practicable, of the charges which are to be preferred against them. The previous Police Commissioner, Mr McLaren, did turn his attention to that need in the interests of justice generally, and took certain steps which were administratively difficult to try to ensure that people always knew the precise charges so that, when they came to court, they would not think they were facing one charge and find, in fact, they were facing 6 or 7.

In so far as this legislation attempts to remedy a defect, it has my support. I do not feel I can take the time of the Assembly any further in the second reading when a great deal of detailed attention needs to be paid to this bill in committee. Broadly, it has my support. I ask the honourable sponsor of the bill in all humility to turn his attention to the points raised by members on both sides of the House. One would hope that this would come up for debate in committee tomorrow to give him time to reply in detail to the second-reading speeches which have been forthcoming.

Mr COLLINS (Arnhem): I wish to speak briefly to this bill, Mr Speaker, principally for the reason that I intend to speak to clauses during the committee stages and I want to touch briefly on the things that particularly concerned me during the second-reading speech.

I want to repeat again the opposition's call for amendments to the bill in regard to identification of police. It has been said a number of times in the House today but I do not think it can bear too much saying. The Northern Territory police force is the only police force in Australia whose members are not identified. I know that unkind people have suggested that the reason Northern Territory police do not wear numbers is because they cannot count, but I do not believe that is correct. There is no just cause for policemen not being identified. The only ground that I have ever heard put forward is that it is an invasion of a person's privacy to be so identified. I do not see that that is a tenable argument at all. Policemen are not private people; they are extremely public people in the performance of their duty and I believe there is really no justifiable grounds whatsoever for not having them identified, particularly considering that the police forces of all states in the Commonwealth are. Honourable members will be well aware that the Commonwealth police stationed in the Territory are identified. They are not only identified by number; they have a tag which is worn on the front of their uniform which contains a photograph and name as well as a number.

There are particular sections of the legislation that concern me, and I have attempted to cut out all reference in my speech notes to amendments which I have gone through and I apologise if I have missed any; I will not talk about things that have already been amended if I can avoid it. Clause 39(1)(c)(ii) of the bill is an extremely unreasonable provision for the simple reason that the police association appointee to the promotions board should have no strings attached whatever. The commission has, as has been properly pointed out before, the power to transfer a police officer

without giving any reason for it and it would be possible - again, I stress I am not saying it would happen - for the Police Commissioner, if he so wished, to remove a person that he did not want in that particular position by the simple process of transferring him. I do not think that that should remain in the legislation. The same criticism, of course, applies to clause 70(1)(c)(ii).

I would like to commend the Chief Minister for clause 93 which says that a member of the police force will continue to be paid if he is unfortunate enough to be suspended. I applaud that provision; I think it is a very just one and I commend him for it.

Clause 98(1) contains a definition of a reputed thief. The Leader of the Opposition has pointed out the case of a person forging cheques. A person who forged a cheque and then presented it or uttered it would in fact be technically responsible for committing not one but two offences. It would then mean that, if a person was foolish enough to commit just one offence of this type, he would be labelled by the legislation as a reputed thief for the following 5 years. I do not think that that is a particularly liberal piece of legislation.

Clause 109 is to be amended so as to read:

> *A member of the Police Force who arrests a person for an offence shall inform the person, at the time of arrest or as soon as practicable thereafter ...*

That is a fairly wide clause and, in my view, completely removes the need for subsection (3) (a) and (b), which in fact have the effect of negating the amendment, and I think they should be deleted. These points have been touched on by some members but they are points of the bill that particularly concern me.

I think there should be provision in this bill for identification of police officers and a suitable place to insert those provisions would be in division 5 of the bill by making a new section; section 17A would be an appropriate place to put it in.

There also needs to be a complete new section put in the bill after division 5 - again, this has been touched on by the Leader of the Opposition - putting the judges' rules on interrogation into law. They are an excellent set of rules. They have been commended all over this country where they have been distributed widely. They are a commonsense, definitive set of rules for interrogating not just Aboriginals but, as the Leader of the Opposition said, all people. Again, they do not have the force of law and I would commend their inclusion in the legislation.

Clause 118(2) refers to police officers complying with general orders - I see no reason whatever for this. It is a term that means absolutely nothing to the public. General orders are confidential documents and I see no reason why the particular terms of the general orders applying to this section cannot be included in the legislation.

One of the particular sections of the bill that horrified me, and I make no apology for mentioning it a second time, is clause 128(4) referring to body examinations of a suspected person by a medical practitioner, where a medical practitioner may call for the assistance of a member of the police force "who may use such reasonable force as may be necessary". This is an absolutely abhorrent provision in the legislation. The reason is simple. I do concede that there are clear cases for doing this in the case of drug offences. As has been pointed out already, this bill has no

applicability to drug offences whatever; drug offences are specifically provided for under specific legislation and I do believe that such provisions already exist in the Customs Act and the Drugs Act. There is absolutely no justification whatever for including these as part of general police powers and I refer honourable members to the wording of the bill itself. Clause 128(1) says that the officer can do this in relation to the offence or to any other offence. I do not think that it needs much imagination for any honourable member to imagine the kind of circumstances under which a medical examination, carried out under force, would occur. I think it is an horrendous provision in the legislation which should be completely deleted.

I would like some guidance from the sponsor of the bill on clause 145. It is merely a question I have to ask him and perhaps it is my interpretation of the bill. It refers, for example, to telephone warrants. Clause 145(1) says:

> *Where any action is brought against a member of the police force for any act done by that member in accordance with the terms of a warrant issued by a justice or magistrate, such member shall not be responsible for -*
>
> *(a) any irregularity in the issue of such a warrant; or*
>
> *(b) want of jurisdiction in the justice or magistrate who issued the warrant in respect of which the action is brought.*

The question I have to ask is this. Certainly, that particular section is totally supportable in the case of a policeman acting under a warrant for which he himself did not supply the sworn evidence, but let us take the situation where a police officer, for reasons of his own - and again, I am not suggesting that it is going to happen every second day - wants to enter a premises. He may want to go in there to find out if his wife is inside or for any particular personal reason. He picks up the telephone, swears as is required for him to do over the phone and produces an affidavit later and swears to it. If he swears a false declaration under this particular section to obtain the warrant, the way I read it he cannot be held responsible for it. I think that should apply in the case of a police officer who is acting under warrant for which he was not responsible for swearing the evidence, but I do not think it should apply to the officer who actually swears out the evidence to obtain the warrant.

Clause 146 is a section of the bill with which I have had some personal experience. It reads:

> *All actions and prosecutions against any person for anything done in pursuance with this Act shall be commenced within two months after the act complained of was committed and not otherwise.*

I do not think that is a reasonable period of time. Six months is provided in the Justice Ordinance and I think it would be reasonable to ask for this to comply with the Justices Ordinance. The reason is that there is difficulty - and there is case history after case history on this one - in identifying a police officer when a complaint is laid. It sometimes takes up to 2 months to do it. It is quite possible - and I know certainly of one case where it was done - where a complaint was brought against a police officer and the police officer subsequently took 3 months leave. As a result of this, no action was possible because the action could not commence within 2 months. Again, it is not something that is going to happen every second day but I see no reason why, particularly because it exists in other legislation, it cannot be extended to 6 months.

I have deleted all references to sections of the bill that have already been amended and I will speak further to these proposed amendments during the committee stages of the bill.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I have listened carefully to the criticisms of honourable members and I appreciate, or think I appreciate, the various points of view expressed by them. Could I say, firstly, that this bill now represents very largely a general agreement between the government, the Police Commissioner, the two police associations and the Law Review Committee - the latter especially in relation to police powers.

I noted the remarks of the honourable Leader of the Opposition where he said that the bill was increasing and widening the powers of the police; in fact, very largely, it merely sets out in some detail the powers of the police. In fact, in one statute or another or at common law, the police would certainly have most of the powers that are, what one might say, codified in this piece of legislation.

Turning then, to the matter of police identification which has been raised by a number of honourable members opposite, this matter has been considered by the Law Review Committee and their conclusion was that it should not be necessary for police to wear identification.

The Leader of the Opposition and some other honourable members raised the matter of the membership of the association member on the Police Appeals Board and clause 39(1)(c)(ii) where it is possible for the Commissioner to transfer a member of the board, thereby disqualifying him from acting as the police association's representative. The association itself agrees with this provision. I might say that the police is a disciplined force and it seems to me that transfers from time to time within the police service are one of the exigencies of such a service. I certainly do not lightly see any police commissioner who wants to retain the support and uphold the morale of his men acting in the way contemplated by honourable members opposite. In view of the fact that the association and the commissioner are both agreed on this particular part, I can see no point in changing it.

We go on to the matter of the reputed thief. Both the police association and the Law Review Committee wanted some objective definition of what a reputed thief is. Certainly, there is a body of common law as to what may describe a person as a reputed thief but that could involve, for instance, the police in giving hearsay evidence and I believe it is certainly to the advantage of the police officers that this objective definition is provided.

The Leader of the Opposition, in his next major proposition, turned to the concept of embodying in law the judges' rules as he called them. This was also raised I think by the honourable member for Arnhem. The judges' rules were made by Lord McNaughton in the nineteenth century in England and the subsequent amplification of them, especially in relation to police interrogation of Aboriginal people, was made by His Honour Mr Justice Foster in the Northern Territory a couple of years ago. I certainly endorse the rules promulgated by His Honour which are an amplification of the English judges' rules, not a substitution for them. These English judges' rules have been accepted in Australian courts for many years and, of course, now the Northern Territory amplification of them is accepted here as well. I would point out that the English have not yet found it necessary to legislate to set out the rules that were promulgated by Lord McNaughton in the nineteenth century and the reason for this is, I suspect, that flexibility is required. If it is in the form of legislation, then the

judge cannot ignore it. In every particular case, different circumstances arise and the judge needs to be able to apply the rules with some flexibility. I certainly would give consideration to embodying the rules in legislation if I thought it would bring a benefit. In fact, I will cause some examination of this to be carried out. I certainly would not like to see it done here today hastily. I believe that an examination would lead to the same conclusion that I am putting forward here at the moment. I will certainly consider the matter with my advisers and I will bring to the attention of the Assembly at some future date their conclusions.

We then turn to clause 128 at which the Leader of the Opposition, the member for Arnhem and the honourable member for Nightcliff are appalled. I point out to them that these medical examinations can only occur to a person in lawful custody. That is obviously after their arrest, after they have had the opportunity for bail, and after they have had an opportunity to obtain legal representation. The examination can only occur if the person consents otherwise the polie officer has to apply to a magistrate to get an order. The final part states: "Nothing in this section shall be taken to affect the power of a court to exclude evidence obtained through force or any inhumane treatment". Obviously, the police officer carrying out these examinations through the medium either of a medical practitioner or of a dentist, who may be that person's own medical practitioner or dentist, is not going to get anything into court that he had used excessive force or any inhumane treatment to obtain. I would suggest that the legislation embodies protection for the person in lawful custody because he merely has to refuse his consent and the police officer then has to apply to a magistrate. The magistrate is not going to lightly give his consent to such a procedure without examining the pros and cons.

I heard the honourable member for Port Darwin refer generally to the subject of police retirement through illness. The present Police Commissioner and the Public Service Commissioner have given undertakings to the association that, wherever possible, policemen who suffer illness or injuries that render them less than 100% fit will be redeployed within the police force. The other day a policeman was appointed as a transport officer at the police station in Alice Springs and he has only one arm; that just would not have happened a few months ago. If it is impossible to redeploy a policeman within the force - and it is only a small force of 600 men, not 12,000 as in other places - then an attempt will be made to employ him in the public service at a salary level as similar as possible to that which he was enjoying as a policeman and also in work that is congenial to him. If these criteria cannot be met, and the Public Service Commissioner has written to the police association giving these undertakings, then the police officer will be retired on a pension as medically unfit. I might mention that the superannuation and pension rights of the policemen cause some of the trouble. Because of the small size of the force, they have to be members of the Commonwealth superannuation fund which is not designed for police circumstances. In other states, there are special police superannuation funds.

The honourable member for MacDonnell regarded the police aide as some sort of second-class policeman. They are just that - police aides. What I know the police commissioner is aiming at is to recruit as many Aboriginal policemen as possible. There are, however, certain standards to be met as was pointed out by some other member. We will be making every attempt to recruit Aboriginals into the force as policemen. Nevertheless, to give other Aboriginal people and others the opportunity to serve if they cannot meet certain scholastic criteria, there is still available the option of a police aide. The fact that the man has not reached a certain scholastic standard or certain degree of physical fitness does not mean that he cannot be trained to be a police aide. I have no worries as to the attitude of the Police Commissioner in relation to the matter of training

the police. He regards the present training course in the Northern Territory as too short and I agree with him in this. As soon as manpower permits, we will be moving to extend and enlarge the length and scope of the course. I do not regard people who will become police aides as second-class policemen at all. It is an attempt to give people who cannot meet certain standards the opportunity to nonetheless serve and to fulfil a useful role perhaps in an auxiliary fashion where a fulltime policeman may not even be needed.

The honourable member for Nightcliff spoke about the criteria for allowing bail. The honourable member was referring to the criteria in 1978 but they seem to be the same criteria as I heard when I was being lectured about it back in 1960 - the likelihood of the person turning up for his trial. Except in the case of murder, if the person was likely to turn up for his trial, then he should be granted bail on whatever security or sureties that the court deemed to be just. Of course, there are other circumstances such as the likelihood of the person accused intimidating witnesses or jurors which could disqualify someone from obtaining bail or could cause his bail to be revoked. Certainly, bail is generally considered readily on the basis that there is a reasonable likelihood that the person will answer the charge.

The honourable member for Arnhem referred to clause 145(1)(a) where he fears that a policeman will escape the consequences of giving false evidence in support of the obtaining of a warrant. I would suggest that the irregularity referred to in clause 145(1)(a) would be a technical irregularity. I do not think that anyone who gives false information to obtain a warrant will escape the clutches of the law by reason of that section.

Finally, clause 146 was referred to by a couple of honourable members. I consider that 2 months is a reasonable time within which to commence an action. I see no reason why police should have these actions having over their heads any longer than is reasonably necessary. If anyone is determined to institute proceedings against them, let us get the proceedings started and finished with.

The honourable Leader of the Opposition suggested, at the outset of his contribution to the debate, that I had altered my views in respect of a number of matters on which he had made submissions to me in accordance with requests from the Law Review Committee. On 17 November, I wrote to the Leader of the Opposition on the basis of the submissions that he made to me for amendments. The police powers are contained between clauses 94 and 132 of the bill and the only clauses that are referred to in the letter are clauses 98 and 109. Those are the only 2 on which submissions were received. Certainly, I did not keep notes of that meeting and, indeed, I did not draft that letter. I would refute the suggestion made by the Leader of the Opposition that I have changed any views expressed to him as a result of later representations by the Law Review Committee. The fact of the matter is that, by and large, the Leader of the Opposition did not make any representations to me about police powers at all and he certainly did not make any representation at all - and I specifically say this - in relation to section 128.

PERSONAL EXPLANATION

Mr ISAACS (Leader of the Opposition): Mr Speaker, I seek leave to make a personal explanation.

Mr SPEAKER: Does the honourable member claim to be misrepresented?

Mr ISAACS: Yes, I do. It is a matter of record. The simple fact is that I did make representations to the Minister in relation to 106 to 108.

I did request that they be changed. The discussions at that time proved to be fruitless. I am very pleased that the Chief Minister now has agreed to delete them.

Motion agreed to; bill read a second time.

In committee:

Mr EVERINGHAM: Mr Chairman, because of the length of this bill, the government requested the parliamentary draftsman to prepare a proof copy of the bill as it would look if all the amendments that the government proposes to move in committee are accepted. The purpose of this action is to make it easier for members to follow the amendments as we move through them in the committee stage and also so that honourable members would see how the amendments would be reflected in a final bill. The document currently circulated and headed "Proof" is not a formal bill but it is simply made available for honourable members for their convenience. I might mention in respect of that document that some of the numbering will have changed because of the amendments which will be sought to be moved in committee. This may be a little confusing. Nevertheless, it may be that some honourable members will find the exercise worthwhile and, if they do not want to use the proof, they do not have to.

Clauses 1 to 8 agreed to.

Clause 9:

Mr EVERINGHAM: I move amendment 23.1.

The purpose of the 2 amendments to this clause is to make clear the position of the senior ranks of the police force who, by virtue of subclause (2) of this clause, are not employed for the purposes of the Public Service Act. The new subclause (3) ensures that the Administrator, in determining the terms and conditions and remuneration and allowances of the senior members of the force, ensures that the conditions of service of those persons are not less than members of the police force whose conditions are determined by the arbitral tribunal. Honourable members will appreciate that, in a disciplined force, it is not conducive to good management to have senior personnel enjoying terms and conditions of service inferior to those of subordinate offices. The new subclause (4) provides in essence that, where a senior officer is removed from office, he is to be paid compensation determined by the Administrator. The formula whereby the amount of compensation in a particular case will be determined is currently the subject of discussions between myself, officers of my department and the Commissioner of Police.

Mr ISAACS: I think the Chief Minister has covered the question I was going to ask in relation to the matter of compensation. I presume that the matter of compensation will not be determined as individual cases but will be a matter of principle. What I am saying is that the compensation will be worked out as a matter of principle and those will be the conditions under which compensation will be paid to commissioners hereafter.

Mr EVERINGHAM: I would concur with the last statement made by the Leader of the Opposition as I understood it.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 10:

Mr EVERINGHAM: I move amendment 23.2.

The new amendments to this clause seek to clarify the retirement provisions as they relate to senior police officers. The new subclause (2) lowers the retiring age of senior officers to 60 years. This is in line with the retiring age of police officers in other states. The new subclause (3) seeks to put beyond doubt the ability of a senior officer to retire on the basis of ill-health and the new subclause (4) merely provides a mechanism for determining when a retirement under subclause (3) is effective.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clauses 11 to 16 agreed to.

Clause 17 negatived.

New clause 17:

Mr EVERINGHAM: I move amendment 23.4.

The new clause 17 deals with the lateral appointment of persons to the police force. This clause and the provisions contained therein have been the subject of much detailed discussion with the police associations and the police commissioner. In order to protect the interests of members of the force, the clause provides that the commissioner shall not make a lateral appointment unless the position to which the appointment is being made has been prescribed by regulation as a position to which a person who is not a member of the force may be appointed. The commissioner is then required to give at least 14 days notice in the Police Gazette, setting out the qualifications required for the position, together with a statement that if in the commissioner's opinion, upon receiving applications, no member of the police force has the qualifications, skill and efficiency suitable for the position then the commissioner shall appoint a person from outside the force.

Honourable members will note that an appeal lies to the Police Promotions Board from a decision of the commissioner, that there is nobody within the force with suitable skills and efficiency for the prescribed position. The government feels that the clause provides ample safeguards for the interest of the members of the force whilst at the same time allowing the force to expand in specialised areas such as psychiatry, forensic medicine, police aviation and other areas which may develop.

New clause 17 agreed to.

Clause 18:

Mr ISAACS: Mr Chairman, I notice a typographical error in 18(4) - "a member of the police force who is appointed to be a special constable". In my view that "special constable" should be capital "S" and capital "C" to comply with the definition and to be uniform with later sections in relation to special constables.

Mr EVERINGHAM: Mr Chairman, this would be a formal amendment which, I am sure could be attended to.

Clause 18 agreed to.

Mrs LAWRIE: I was only going to raise a point of clarification on that clause. In division 4, relating to special constables, we see that the commissioner may at any time appoint or authorise the appointment of a member of the police force of a state of the Commonwealth or of a territory of the Commonwealth as a special constable. I do not believe that, in fact, covers the position of a police cadet, who in this previous clause is to be appointed as a special constable. I think there might be a deficiency in the legislation as to the powers to appoint a police cadet as a special constable.

Mr EVERINGHAM: I am afraid the honourable member for Nightcliff's comment is not very clear to me. Are you referring to clause 18?

Mrs LAWRIE: Yes. I might just say I am not opposing the particular provision that a police cadet may be appointed as a special constable. The section dealing with special constables appears on page 12 of the printed bill in division 4. I must assume that the earlier one has to be covered under 30. I just wanted to make sure that, in fact, there is provision later in the bill to comply with what we are passing in clause 18. I am not trying to oppose it.

Mr EVERINGHAM: Mr Chairman, clause 18(4) provides:

> *Where a member of the Police Force who is a Police Cadet is appointed to be a special constable under this Part ...*

which implies an authority to appoint him, so it would not really concern me that police cadets are not specifically mentioned in section 29 as people who may be appointed as special constables.

Mrs O'NEIL: I think that has been covered in clause 30: "The commissioner may, at any time, appoint a person not being a person referred to in section 29". Surely, that would cover the police cadets.

Clause 18, as amended, agreed to.

Clause 19:

Mrs LAWRIE: Mr Chairman, I rise to ask the sponsor of the bill if it is the intention that police aides be uniformed, bearing in mind the fact that they may be given all the duties, powers, privileges and obligations of a member of the police force, and normally members of the police force are in uniform.

Mr EVERINGHAM: Mr Chairman, it is certainly my understanding that they will be uniformed and I could not imagine it being otherwise.

Clause 19 agreed to.

Clause 20:

Mr EVERINGHAM: Mr Chairman, I move amendment 23.5.

I might take this opportunity to preface my remarks on clause 20 by saying that it involves a formal amendment to ensure that a person who breaches the provisions of the section can be fined or imprisoned or a combination of both. There are numerous such amendments in the bill. They arise primarily because the bill was drafted on the basis that an amendment would be made to the Interpretation Act which would cover the question. However, that amendment has not yet been made and, accordingly,

these formal amendments are necessary in all penalty provisions throughout the bill.

Amendment agreed to.

Clause 20, as amended, agreed to.

Clause 21 agreed to.

Clause 22:

Mr EVERINGHAM: Mr Chairman, I move amendment 23.6.

This is a formal amendment to take account of the decision reflected in the amendments to section 10, to lower the retiring age of senior officers to 60 years.

Amendment agreed to.

Clause 22, as amended, agreed to.

Clauses 23 to 27 agreed to.

Clause 28:

Mr ISAACS: Mr Chairman, clause 28(1) is a matter which has puzzled me for some time and I raised it with the Chief Minister at the time we had that meeting. Clause 28(1) reads:

> *Subject to subsections (2) and (3), every person, on taking and subscribing the oath or making the affirmation as provided in section 26, shall be deemed to have thereby entered into a written agreement with, and shall thereby be bound to serve the Crown as a member of the Police Force or in any other capacity if so instructed in accordance with this Act or the regulations, at the current rate of pay, until lawfully discharged.*

I believe that where it talks about "deemed to have thereby entered into a written agreement" is just gobbledegook. I do not quite understand what that is all about. I would imagine that, if you make an oath or affirmation to serve the crown, that is the end of it. I do not know what else you have to do, and I am not quite sure what is meant by "serving the Crown as a member of the Police Force or in any other capacity". What other capacity are you likely to be serving in? Clause 28(1) just seems to go on with a lot of irrelevant nonsense. I just ask the Chief Minister to comment on that.

Mr EVERINGHAM: Mr Chairman, all I can say is that it also says "if so instructed in accordance with this Act or the regulations". I would think those would be the extremities of the directions that could be given. Certainly, I cannot think of any particularly compelling legal reason why there would need to be this presumption of a written agreement once the police officer has sworn the oath. Police are sometimes called on to serve in peculiar circumstances where they carry out jobs that, for instance, people in other categories of work would draw the line - difficult and dangerous types of work - and I imagine that it is to cover their superiors in the event of having to give rather strong directions.

Mr ISAACS: That answer somewhat worries me. I expect the police force to act as police officers. That is certainly what this Police Administration Bill is all about.

Mr Everingham: They certainly ...

Mr ISAACS: If I can just complete what I am saying, members are being asked to act as a member of the police force or in any other capacity. What other capacity could a policeman act in, if he is not in the capacity of a policeman? That seems to be the difficulty.

Mr EVERINGHAM: Mr Chairman, perhaps we could take this clause later. I move that clause 28 be later taken.

Clause 28 postponed.

Clause 29:

Mr EVERINGHAM: Mr Chairman, I move amendment 23.7.

This again is a formal amendment to cover a drafting or grammatical error. Members will note that the term "police force" occurs in subclause 29(1) as a proper noun when in fact it should not be so.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.8.

This is to remove any doubt that a special constable could claim to be entitled to the benefits of a member of the police force. Those persons who are to be appointed under subclause (1) would already be receiving remuneration from the police force to which they belong. The purpose of the clause is to prevent any claim for double remuneration whilst serving as a special constable.

Mrs LAWRIE: Mr Chairman, I agree with this insertion but would ask if a similar provision ought not to be provided in clause 30 which allows the provision of appointment as special constables of persons who are not necessarily members of other police forces because there is more to being a policeman than receiving rates of pay. I can readily understand how, under clause 23(8), one could say "a person appointed in pursuance of subsection (1) shall not be a member of the police force but shall comply with the provisions of part IV of this Act" etc.

I wonder if a similar provision ought not to be provided in clause 30.

Mr EVERINGHAM: Mr Chairman, I would have thought that would have been covered by the words at the end of clause 30 (1) "on such terms and conditions as the Commissioner thinks fit".

Mrs LAWRIE: Those words also appear at the end of clause 29(1)(c) "to be a special constable on such terms and conditions as the Commissioner thinks fit". I am wondering if perhaps the honourable sponsor thinks that additional attention ought to be paid to clause 30.

Mr ISAACS: Mr Chairman, I would like to refresh the minister's memory. The reason for the inclusion of the new subclause (2) is to remove special constables from the force. I think that meets the member for Nightcliff's objection. The point was to say that special constables are not members of the police force but receive the same remuneration.

Clause 29, as amended, agreed to.

Clause 30:

Mrs LAWRIE: Mr Chairman, in pursuance of this point, and I am not

trying to be bloody-minded, I am simply drawing the committee's attention to that because it does seem that there may be a need for a consequent amendment to bring it into line broadly with the principles just announced by the sponsor and which apply to clause 29.

Mr EVERINGHAM: Quite frankly, Mr Chairman, I would rather not be bloody-minded. If we had such an amendment to clause 30, I do not think it would do any harm.

Clause 30 postponed.

Clause 31:

Mr ISAACS: Mr Chairman, I am quite sure that clause 31 really refers to the fact that the commissioner may, at any time, revoke an appointment made under this division. I am quite sure we are not intending the commissioner to be able to revoke his own appointment or the appointment of a deputy or an assistant commissioned by the administrator. I would move that "Part" be deleted and "Division" be inserted.

Mr EVERINGHAM: Mr Chairman, I will accept that amendment.

Mr CHAIRMAN: The Chair accepts that as a formal amendment.

Clause 31 agreed to.

Clauses 32 to 34 agreed to.

Clause 34A agreed to.

Clause 34B negatived.

New clause 34B:

Mr EVERINGHAM: Mr Chairman, I move amendment 23.10.

This inserts a new clause 34B. This amendment and several others in this part of the bill reflect an agreement reached with the Leader of the Opposition and members of the police associations and also with the president of the Australian Conciliation and Arbitration Commission for the appointment of a member of the commission to constitute the Police Arbitral Tribunal.

New clause 34B agreed to.

Clause 34C negatived.

New clause 34C:

Mr EVERINGHAM: I move amendment 23.12.

This inserts a new clause 34C. This is to cater for the situation where there may have been, through an oversight, a failure to make an appointment under clause 34B.

Mr ISAACS: Mr Chairman, I am not particularly happy with this provision. We have already asked the president of the Australian Conciliation and Arbitration Commission to provide a person and I presume that person will hold office until that person becomes unavailable and the president will appoint somebody else. My worry is that provision is given there for the minister to appoint any other person to constitute the tribunal. One of

the great failings of the tribunal to date has been that it has been chaired by a person who has no industrial expertise at all. I am not saying that as any reflection on the various judges who have held the chairmanship of the tribunal. On many occasions when I have made representations on behalf of various associations, the chairman himself indicated that he did not wish to have the position because he did not have an understanding of industrial relations. The problem is that the minister will be appointing any other person. It may be that he will choose the judge or a magistrate. They are the sorts of people that spring to mind, but then again, he may not. There are no qualifications specified and I shudder to think of the sort of people who tout themselves as industrial relations experts who might be appointed by one government or another. I would like to see in clause 34C an attempt made to come to grips with the requirements that the person so appointed be a person who has some knowledge and experience in the settlement of industrial disputes.

Mr EVERINGHAM: Mr Chairman, it is unlikely that the situation will arise where section 34C has to be invoked in the first place but, if it does, surely the minister will appoint someone qualified for the job. I think that ministers of the crown should surely be trusted to exercise sufficient responsibility to do that.

New clause 34C agreed to.

Clause 34D negatived.

New clause 34D:

Mr EVERINGHAM: Mr Chairman, I move amendment 23.14.

This amendment reflects a change in the tribunal so that it can determine its own procedures.

New clause 34D agreed to.

Clauses 34E and 34F negatived.

Clauses 34G and 34H agreed to.

Clause 34I:

Mr EVERINGHAM: I move amendment 23.17.

This is consequent upon the agreement reached with the president of the Conciliation and Arbitration Commission.

Mr ISAACS: I find that rather strange because I am quite certain that the president of the Conciliation and Arbitration Commission would not have agreed to have one of his members receive a remuneration for the job done. The Conciliation and Arbitration Act specifically proscribes that. I am quite certain that the reason for that particular clause is to delete the word "member" which could relate to a member of the police force and insert the word "person". I am quite certain that it applies to people appointed under clause 34C, certainly not to members of the Conciliation and Arbitration Commission.

Mr EVERINGHAM: Mr Chairman, I would not argue with the Leader of the Opposition about that. I would not expect the commissioners to receive fees but it may well be that they are paid expenses and allowances. Certainly, another person will be paid fees, expenses and allowances.

Amendment agreed to.

Clause 34J:

Mr EVERINGHAM: I move amendment 23.18.

This omits subclauses (5) and (6) of clause 34J. This recognises the attitude that the tribunal's deliberations should not be subject to disallowance by this House. They are, after all, deliberations of a responsible body whose decisions are arrived at after full arbitral processes.

Mr ISAACS: Mr Chairman, the opposition welcomes the attitude of the government in relation to subclauses (5) and (6). Perhaps I could just read into the record the times at which the Australian parliament has acted in this way because there is a similar provision there: in 1926, in relation to child endowment; in 1928, in relation to a Canberra allowance; in 1932, when the arbitrator refused to uphold a public service regulation which prescribed that unmarried male adults engaged on junior work be paid at the age of 20 rate; and, the last one, which is a famous one in January 1973, when the Labor government sought to grant four weeks' annual leave to members of staff associations. What I would like the Chief Minister to do now, having accepted that principle in relation to police, is to look at the matter in relation to prison officers and firemen and to seek to delete those provisions which currently exist in the ordinances for those arbitral tribunals which regulate wages and conditions for those people.

Amendment agreed to.

Clause 34J, as amended, agreed to.

Clause 34K:

Mr EVERINGHAM: I move amendment 23.19.

This is a drafting amendment of the type I mentioned before.

Amendment agreed to.

Clause 34K, as amended, agreed to.

Clauses 34L and 34M agreed to.

Clause 34N:

Mr EVERINGHAM: I move amendment 23.20.

This inserts the words "or affirmation" after the words "an oath".

Mrs LAWRIE: Mr Chairman, I question the necessity for this amendment. Under the Oaths Ordinance, the definition of "an oath" includes "affirmation" and "declaration" and I do not know why we are amending specific pieces of legislation when it is covered under the Oaths Ordinance. I do not believe that that is good practice. I have the definition here if the honourable sponsor wishes to see it.

Mr EVERINGHAM: Mr Chairman, the honourable member for Nightcliff has caught me there. What she says sounds perfectly correct to me but I do not really see that what we are doing by way of amendment will do any harm either.

Mrs LAWRIE: May I just say that in other capacities when people present to swear to something, and I ask if they wish to take an oath or make an affirmation, I find that the fact that an oath includes an affirmation, lends weight to the affirmation. It is not a small point; it is one

of great principle because one has to be very careful when taking an affirmation that the person so affirming understands quite clearly that it has the same status and the same meaning as an oath. Therefore, to put in a particular piece of legislation "oath" means "affirmation" when it is already covered under the Oaths Ordinance seems to me in some small way to denigrate that.

Mr EVERINGHAM: I will drop the proposed amendment.

Amendment negatived.

Clause 34N agreed to.

Clause 34P:

Mr EVERINGHAM: I move amendment 23.21.

This is one of those drafting amendments again.

Amendment agreed to.

Clause 34P, as amended, agreed to.

Clause 34Q:

Mr EVERINGHAM: I move amendment 23.22.

This is another drafting amendment.

Amendment agreed to.

Clause 34Q, as amended, agreed to.

Clause 34R:

Mr EVERINGHAM: I move amendment 23.23.

This is again a drafting amendment.

Amendment agreed to.

Clause 34R, as amended, agreed to.

Clause 34S to 34 U agreed to.

Clause 34V:

Mr EVERINGHAM: I move amendment 23.24.

This is in line with the amendment to clause 34J already considered by the committee.

Amendment agreed to.

Clause 34V, as amended, agreed to.

Clause 34W:

Mr EVERINGHAM: I move amendment 23.25.

This is again a drafting amendment.

Amendment agreed to.

Clause 34W, as amended, agreed to.

Clauses 34X to 34Z agreed to.

Clause 34AA agreed to.

Clause 35 negatived.

New clause 35:

Mr EVERINGHAM: I move amendment 23.27.

This inserts a new clause 35 which is a redraft to clear up what may possibly be an interpretative problem.

New clause 35 agreed to.

Clauses 36 to 38 agreed to.

Clause 39:

Mr ISAACS: Mr Chairman, I believe that the matter of 39(1)(c)(ii) is not only unfair to the association but unfair to the Police Commissioner as well. It may be that the appointee of the police association had to be moved for a very good reason to a quite remote part of the Territory by the Police Commissioner. It may be that, for very good reasons also, the Police Commissioner feels that it would interfere with the efficient working of the force to bring him back from that remote area to sit on the Appeal Board or the Promotion Board. It may well be that people will take that the wrong way; it could well be something which the Police Commissioner himself might come to grief about. I believe also that it is unfair to the police association. I am not impressed by the argument, quite frankly.

The Chief Minister said, "The Police association agrees with it, the Police Commissioner agrees with it, so what's the problem?" It clearly derogates from the power of the police association. If there appears to be no problems so far as the Chief Minister is concerned, then I believe the deletion of that clause will not change things one iota but its being there does. In my view, it can adversely affect both the commissioner and the association. If the police association has a representative who happens to be stationed at one of these outlying places and it would be very difficult to get that person back, then it is most likely that the association, being comprised of reasonable people, would change its representative. It does seem to be a section which really can create more problems than it is worth. I do believe that the particular clause ought to be deleted.

Mr EVERINGHAM: I don't think there is much point in my stating my argument. The associations and the commissioner are both satisfied with the clause as it stands.

Clause 39 agreed to.

Clause 40 to 42 agreed to.

Clause 43:

Mr EVERINGHAM: I move amendment 23.28

This removes the right of appeal for the failure of the commissioner to temporarily fill a vacancy and it has the support in principle of both the commissioner and the associations. It is a move to do away with what is commonly referred to in the police force as "musical chairs" and is designed to allow the commissioner more flexibility in the utilisation of police resources.

Amendment agreed to.

Clause 43, as amended, agreed to.

Clauses 44 to 46 taken together and agreed to.

Clause 47:

Mr EVERINGHAM: I move amendment 23.29.

This is a drafting amendment to bring the generic groups of legal representatives, be they barristers or solicitors, into line with the terms of the Legal Practitioners Act.

Amendment agreed to.

Clause 47, as amended, agreed to.

Clause 48 agreed to.

Clause 49:

Mr EVERINGHAM: I move amendment 23.30.

The reasons are the same as for the last amendment.

Amendment agreed to.

Clause 49, as amended, agreed to.

Clauses 50 to 53 agreed to.

Clause 54 negatived.

New clause 54:

Mr EVERINGHAM: I move amendment 23.32.

This inserts a new clause 54. It has been amended because the government felt it may have been too restrictive to the administration of the police force in that it may have created a doubt as to whether a senior member could direct a junior member when there is some doubt concerning the formal chain of command. Honourable members will realise that this could create difficulties in emergency or special situations. Accordingly, we saw fit to have the clause recast to attempt to remove any such doubt.

New clause 54 agreed to.

Clauses 55 to 60 agreed to.

Clause 61:

Mr EVERINGHAM: I invite defeat of clause 61.

The government, after consideration, has decided to delete this clause because the commissioner already has the power to issue orders concerning the use of firearms and, additionally, I might mention that members of the police force are bound by the relevant laws relating to firearms.

Clause 61 negatived.

Clauses 62 and 63 agreed to.

Clause 64:

Mr EVERINGHAM: I invite defeat of clause 64, Mr Chairman.

Mr CHAIRMAN: The question is that clause 64 stand as printed.

Question agreed to.

Mr EVERINGHAM: I move amendment 23.35.

This clause has been totally recast, along with clause 65, to take account of representations made to the government by the Police Commissioner and the police associations. Basically, the clause provides that, where the commissioner determines that, if a member is found guilty of an offence with which he is charged and the member would be subject to minor punishment such as a reprimand or a fine not exceeding $100, then the commissioner may conduct the hearing himself and arrive at a determination as to whether the member had committed the offence. Where the commissioner forms the view that, if the member is found guilty of an offence, the penalty would be more severe - that is, a reduction in rate of pay, suspension or dismissal from the force or reduction in rank - then the commissioner shall not hear the matter at all but shall refer the matter directly to the Police Appeal Board for hearing. The commissioner's hearing is to be an administrative hearing which, in a disciplined force, is a necessary power for the commissioner. However, I would hasten to add that a decision of the commissioner is appealable to the Police Appeal Board so that the rights of the members of the force who are subject to a minor disciplinary hearing by the commissioner are totally protected.

Mrs LAWRIE: This has my support. It is a far better clause than clause 64 as printed. Unfortunately, when you put the question as to inviting defeat of clause 64, I am afraid that the ayes carried the day. Clause 64 is printed as it stands.

Mr EVERINGHAM: We will have to further consider clause 64 on recommital.

Clause 65 negatived.

New clause 65:

Mr EVERINGHAM: I move 23.37.

This clause will operate with the new clause 64 to establish types of penalties that may be imposed by the member of the force. As honourable members will recall from the discussion of clause 64, this clause sets the

perimeters of both the commissioner's hearing and the hearing de novo by the Police Appeal Board.

New clause 65 agreed to.

Clause 66 negatived.

New clause 66:

Mr EVERINGHAM: I move amendment 23.39.

This is a drafting amendment to remove any interpretative doubts concerning the use of the term "member" in this part.

New clause 66 agreed to.

Clauses 67 to 79 agreed to.

Clause 80:

Mr EVERINGHAM: I move amendment 23.40.

This is a formal amendment to adopt into the legislation the term "legal practitioner".

Amendment agreed to.

Clause 80, as amended, agreed to.

Clause 81 agreed to.

Clause 82:

Mr EVERINGHAM: I move amendment 23.41.

Amendment agreed to.

Clause 82, as amended, agreed to.

Clause 83:

Mr EVERINGHAM: I move amendment 23.42.

This is a drafting amendment.

Amendment agreed to.

Clause 83, as amended, agreed to.

Clauses 84 to 88 agreed to.

Clause 89 negatived.

Clause 90:

Mr EVERINGHAM: I move amendment 23.44.

The purpose of this amendment is to correct a drafting error.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.45.

This takes account of the change of function of the board and the commissioner under the disciplinary proceedings referred to earlier.

Amendment agreed to.

Clause 90, as amended, agreed to.

Clause 91 agreed to.

Clause 92:

Mr EVERINGHAM: I move amendment 23.46.

This is necessary to take account of the changed functions of the commissioner and the board.

Amendment agreed to.

Clause 92, as amended, agreed to.

Clause 93:

Mr EVERINGHAM: I move amendment 23.47.

Amendment agreed to.

Clause 93, as amended, agreed to.

Clause 94:

Mr EVERINGHAM: I move amendment 23.48.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.49.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.50.

This amendment is designed to cater for the situation in more isolated areas of the Territory where it would not be practicable to enter particulars of a charge in a police station charge book immediately.

Mrs LAWRIE: Mr Chairman, I have no quarrel with the substitution of this for the printed subclause (9) but I do draw to the attention of the honourable sponsor that the previous Police Commissioner, Mr McLaren, declared that people charged will be given a copy of the charge. This caused some annoyance to justices at the time but I ask him if it is the intention to ensure that people charged will receive a copy of the charge laid against them at the earliest practicable time.

Mr EVERINGHAM: That is an administrative procedure. I imagine that, if it is already happening, then it would continue to happen. There would seem to be no reason to change it.

Mr ISAACS: I wonder if the chief Minister can advise me whether or not hovercraft are included in the definition of "aircraft". I did suggest to him that hovercraft be included in the definition of "ship". It certainly would not be included as a ship given the meaning of "ship" here. I

doubt very much if it could come into a definition of "aircraft".

Mr EVERINGHAM: I understand that a hovercraft is covered by the definition of "aircraft" which is defined as including any machine that can derive support in an atmosphere from the reactions of the air.

Amendment agreed to.

Clause 94, as amended, agreed to.

Clause 95:

Mr EVERINGHAM: I move that clause 95 be amended by inserting a new subclause (b) after subclause (5).

Amendment agreed to.

Clause 95, as amended, agreed to.

Clause 96 agreed to.

Clause 97:

Mr EVERINGHAM: I move amendment 23.52.

This is a re-draft of the original clause 97(1) and is designed to remedy what the Law Review Committee saw as a problem of emphasis in the original draft.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.53.

This amendment is to remove an overlapping between this subclause and the powers of search granted in subclause (1).

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.54.

This subclause is also designed to remove an overlapping.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.55.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.56.

Amendment agreed to.

Clause 97, as amended, agreed to.

Clause 98:

Mr EVERINGHAM: I move amendment 23.57.

This removes a drafting error.

Amendment agreed to.

Clause 98, as amended, agreed to.

Clause 99:

Mr EVERINGHAM: I invite defeat of clause 99.

The Law Review Committee recommended the removal of this clause on the basis that all the powers contained therein are already available to members under other provisions of the part. The government agreed with the committee's recommendation and accordingly we invite defeat of the clause.

Clause 99 negatived.

Clause 100:

Mr EVERINGHAM: I move amendment 23.59.

This allows for new subclauses to allow for the withdrawal of a warrant before its execution.

Amendment agreed to.

Clause 100, as amended, agreed to.

Clause 101:

Mr EVERINGHAM: I move amendment 23.60.

This is to overcome a drafting error.

Mrs LAWRIE: If we are looking at subclause (5) "where a justice issues a warrant under subsection (3), the member shall not later than the day next following the date of the expiry of the warrant" is that necessarily a drafting error because warrants do expire and it may not be executed? It may be that the warrant may not have been executed but it may have an expiry date. This means that, within that time, the affidavit should be lodged with the judge who issued the warrant by telephone. I am not quarrelling with "execution" but perhaps it should be as an adjunct to "expiry".

Mr EVERINGHAM: I believe it should be "execution" because, obviously, the return should be as prompt as possible. The requirement is that it be not later than the day next following the date of the execution of the warrant where the warrant to expire it becomes valueless in any event. I would think then there is no point in retaining "expiry" there.

Mrs LAWRIE: I am only thinking of the justice who has issued the warrant by telephone and who would be waiting for the evidence to then come forward. If it was not executed and expired, the justice would not know.

Mr EVERINGHAM: I can't see the necessity of enshrining that in law.

Amendment agreed to.

Clause 101, as amended, agreed to.

Clause 102 negatived.

New clause 102:

Mr EVERINGHAM: I move amendment 23.62.

The Law Review Committee recommended the redrafting of this clause to remove the burdens placed upon a police officer in respect of the numerous matters he would have to consider under the old clause before exercising his powers of arrest without warrant. In particular, subclause (3) states that the power of arrest should be the common law power which is currently reflected in the Police and Police Offences Act. Accordingly, the sub-clause is designed to ensure that the common law power of arrest is enshrined in the statute.

New clause 102 agreed to.

Clause 103:

Mr EVERINGHAM: I move amendment 23.63.

The amending clause is designed to ensure that a person who is arrested under subclause (1) is shown as soon as possible.

Amendment agreed to.

Clause 103, as amended, agreed to.

Clause 104:

Mr EVERINGHAM: I move amendment 23.64.

The purpose of this is to facilitate the circumstances under which a member of the police force may arrest an interstate offender.

Amendment agreed to.

Clause 104, as amended, agreed to.

Clause 105:

Mr EVERINGHAM: I move amendment 23.65.

This is to correct a drafting error.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.66.

The deletion of these subclauses is strongly recommended by the Law Review Committee and the government supports their omission on the basis that the clauses contain nothing which changes the present state of the law.

Mrs LAWRIE: I ask the sponsor of the bill why they made such a strong recommendation. I would like some information as to why the Law Review Committee thought subclauses (3) and (4) undesirable.

Mr EVERINGHAM: I will just have to look through my correspondence. Mr Chairman, in a letter I have from the Law Review Committee's sectetary - and I emphasise that this is the letter and not the minutes of their meetings - they simply have "Section 105: delete subsections (3) and (4) as being unnecessarily burdensome on the police".

Amendment agreed to.

Clause 105, as amended, agreed to.

Clauses 106 to 108 negatived.

Clause 109:

Mr EVERINGHAM: I move amendment 23.70.

This amendment is designed to cater for the situation where it is impossible for a member of the police force to inform a person at the time of the arrest of the offence for which he is arrested.

Amendment agreed to.

Clause 109, as amended, agreed to.

Clauses 110 and 111 agreed to.

Clause 112:

Mr EVERINGHAM: Mr Chairman, I move amendment 23.71.

This corrects a numbering and drafting error.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clauses 113 and 114 agreed to.

Clause 115:

Mr EVERINGHAM: I move amendment 23.72.

The purpose of this amendment is to correct a drafting error.

Amendment agreed to.

Clause 115, as amended, agreed to.

Clause 116:

Mr EVERINGHAM: I invite defeat of clause 116, Mr Chairman.

Mrs LAWRIE: Before we defeat clause 116, with a view presumably to inserting the new clause, might I ask why we are inviting defeat? Could he say why the proposed clause would be better than the printed clause?

Mr EVERINGHAM: Mr Chairman, the purpose of the amendment is to allow for the insertion of a new clause 117A to widen the scope of the obligation on a member of the police force to disclose to near relatives or legal practitioners whether a person is being held in custody or not. The new clause 117A seeks to impose this obligation and honourable members will note that the rights of a person held in custody are protected by subclause (2) which requires the consent of a person held in custody before the police officer informs any person of the fact that the person is held in custody.

Clause 116 negatived.

Clause 117 agreed to.

New clause 117A:

Mr EVERINGHAM: I move amendment 23.74.

This is for the reasons already stated.

Mrs LAWRIE: Mr Chairman, I am in favour of this clause but I think it will be restrictive in one sense. "Members of the police force shall when requested to do so by a legal practitioner representing a person" etc or (b) "by the spouse, including a de facto spouse, parent or a child of the person held in custody under a law in force in the Territory disclose to the person so requesting" etc if the person being held in custody gives permission.

This might sound funny or a small point but, when I have been approached, it has always been the fiance of the person held in custody who is seeking the information and they are not covered. They would not be covered under "de facto wife" yet they are a person close to the one that is presumably being held. Is it impossible to draft an amendment which would encompass such close persons? By specifying spouse, parent or child, we have quite limited the field, particularly in Darwin where, with a particular group of people, cousins often seek this information.

Mr ISAACS: Mr Chairman, I agree with the comments made by the member for Nightcliff, especially given the itinerant nature of the Northern Territory community. It may be that we would want a friend to be included as well because the person may have no relations at all here. Because of the itinerant nature of the community, a friend may well be in the same position as, say, a spouse or parent.

Also in relation to 117A (1)(a), "a legal practitioner representing a person who is held in custody." I understand that representations were made by the Aboriginal Legal Aid people which resulted in the principle of "spouse" in clause 116 which we have now defeated. It seems to me that certain organisations, and Aboriginal Legal Aid would be one, would be seeking to find out whether any prospective clients are there. As I understand it, they did make representations in this regard. I believe that clause 117A(1)(a) will cut them out.

Mr EVERINGHAM: Mr Chairman, in relation to the comments of the honourable member for Nightcliff, it would be very difficult to define "friend" and "fiance" although it may seem desirable to try to do so. This is a situation where a policeman has to exercise some reasonableness and common sense. If he does not, however, the fiance's or friend's recourse is straight away to a legal practitioner who can then make the demand for the information.

As to the Leader of the Opposition's comments about the Aboriginal Legal Aid services, I do not see this is debarring them from their practice which was built up - and it has the approval, ethically, of the Law Society - of seeking information in relation to people held in custody. I understand it is the generally accepted view that the Aboriginal Legal Aid services are the legal representatives of Aboriginal people so I would consider that they would be accommodated by clause 117A(1)(a).

New clause 117A inserted.

Clause 118:

Mr EVERINGHAM: I move amendment 23.75.

This amendment is designed to overcome a drafting error.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.76.

This amendment was recast at the recommendation of the Law Review Committee who felt that the obligation of a member of the police force to advise an arrested person as to his right to bail and his right to communicate with a legal practitioner or other person in connection with bail should not at all be limited by the standing orders of the Commissioner of Police. The government's view is that this is a correct view and should be spelt out precisely in the act.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.77.

This is designed to overcome a drafting error.

Amendment agreed to.

Clause 118, as amended, agreed to.

Clause 119:

Mr EVERINGHAM: I move amendment 23.78.

This corrects a grammatical error.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.79.

This is also a grammatical amendment.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.80.

This amendment is designed to make it abundantly clear to whom bail is to be forfeited.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.80A.

This amendment is to make it clear to whom bail is forfeited.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.81.

This is to correct a drafting error.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.81A.

This also makes it clear to whom bail is to be forfeited.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.82.

The purpose of this amendment is to give to the court an overriding power to order the return of bail monies even where the defendant has not complied with the requirements of paragraph (a) or (b).

Amendment agreed to.

Clause 119, as amended, agreed to.

Clause 120:

Mr EVERINGHAM: I move amendment 23.83.

This amendment is to ensure that the rights of persons to apply for bail cannot be modified or at all affected by general orders of the commissioner.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.84.

This is to correct a drafting error.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.86.

This strengthens the requirement of a police officer to determine whether to grant bail or not by specifying that a failure to grant bail within 4 hours shall be deemed to be a refusal and the person may then apply to a justice for a review of the refusal - in other words, an appeal.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.87.

The purpose of this amendment is to remove judges from the list of persons to whom an application for bail can be made in the first instance. The government and the Law Review Committee agreed that, because of the appellate role, judges should not in the first instance hear and determine bail applications.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.88.

This has been recast to cater for the deletion of judges who can hear bail applications in the first instance.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.89.

This is likewise to cater for the removal of judges.

Amendment agreed to.

Clause 120, as amended, agreed to.

Clause 121 agreed to.

Clause 122:

Mr EVERINGHAM: I move amendment 23.90.

This ensures that an absconding bailee who is arrested under this clause shall be brought before a justice as soon as possible.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 23.91.

This is also to ensure that a defaulting bailee who is arrested shall be brought before a justice as soon as possible.

Amendment agreed to.

Clause 122, as amended, agreed to.

Clause 123:

Mr EVERINGHAM: I invite the defeat of clause 123, Mr Chairman. The government accepted the recommendations of the Law Review Committee that this clause be deleted in that it creates an offence of failing to answer bail. The government's view is that the law already contains ample sanctions for persons who fail to answer bail and it would not be proper to create an offence of an arbitrary character where there may be many good reasons why bail was not answered in a particular case.

Clause 123 negatived.

Clause 124 to 127 agreed to.

Clause 128:

Mr EVERINGHAM: Mr Chairman, I move amendment 23.93.

This is to overcome a grammatical error or deficiency.

Amendment agreed to.

Mr EVERINGHAM: Mr Chairman, with the leave of the committee, perhaps I could put amendments 23.94 to 23.97 together because they are all to overcome grammatical or drafting deficiencies.

Mr ISAACS: Mr Chairman, I wish to address the committee again on clause 128 because I regard it as a pretty horrific clause. It is quite true, as the Chief Minister pointed out to me and which I had not seen before, that subclause (11) of clause 128 does pick up that matter that I read from the draft bill from the Kirby Commission. However, I ask the Chief Minister to look at subclause (4) of clause 128. I have read through the particular section of the draft Criminal Investigation Bill which does not have any reference to this at all. I am referring, of course, to the situation where the person conducting the medical examination may call upon the assistance of a member of the police force who may use such reasonable force as may be necessary for the purpose of conducting the examination or taking a specimen. That is particularly offensive to me. I cannot see any reference in the Criminal Investigation Bill to that. I would ask the Chief Minister to reconsider having that part, at least, deleted.

Mr EVERINGHAM: Mr Chairman, as I indicated earlier in reply, these examinations either have to be by consent or pursuant to an order of the court and it would seem to me that, where subclause (4) came into operation,

the consent or the order would be necessary and, if the registered medical practitioner or dentist calls upon the assistance of a member of the police force, then the member of the police force would have to act in a humane fashion and without excessive force otherwise any evidence obtained would be able to be excluded by the court. I really think that the safeguard there is that you have to convince a magistrate.

Mr ISAACS: Mr Chairman, if you have a look at subclause (6) "the magistrate to whom the application is made under subsection (5) may, if he is satisfied that the member has reasonable grounds for the belief referred to subsection (1) or (3) whichever is applicable, approve in writing". The magistrate simply has to accept the member of the force's view that he has reasonable grounds for the belief that he needs further evidence for proof. Let us take it a bit further because it is quite true that the examinations can only take place on people who have, in fact, been charged and presumably the member of the force had very good and sufficient reason for charging that person. One wonders why they need further evidence. Really, it is a horrific thing.

It may well be also that people have some religious grounds for complaint. I do not want to stretch the imagination of people too much but it may well be that a person has religious grounds for wishing not to be examined or having his body tampered with. These sorts of religious beliefs do occur. Where the person does not have the power to make those reasons known to the magistrate, the magistrate is not going to know that this is a specific situation. Quite honestly, it is a pretty nasty business. It takes no account of the individual rights of people. It takes no account of individual quirks. If we have to have such a clause, we ought to be as careful as we can about it. That particular matter of police using as much force as is reasonably necessary does not have its genesis in the Kirby draft bill. I would like to know where it does have its genesis. It certainly seems an unwarranted use of a police power.

Mrs LAWRIE (Nightcliff): We realise that an application to a magistrate can be made by telephone although the actual examination may not take place until the instrument giving approval has been forwarded to the applicant. I take up the point that the person who is going to have this examination has no opportunity to express his side of the case to the magistrate who may or may not issue the order. That seems to be a fairly important point when dealing with a search of one's body under such circumstances. There is plenty of provision for the police to make application to the magistrate but no provision at all for the person affected to put his case.

Mr COLLINS: That was the point I was about to make myself. A person's body is the last bastion he has. It may not be a very good one, but it is indeed the last bastion. There is plenty of provision in subclause (6) for the police to apply to a magistrate; there is no recourse at all for the person. Without wishing to name names, there are in fact a number of religious denominations with plenty of representation in Australia to whom this section would be offensive. There is no provision in here for that person to put his side of the argument to a magistrate.

Mr EVERINGHAM: I would not read it that way. I would have thought that the person who had been arrested had had the opportunity, if he wished, to seek legal representation and no doubt the police officer would be hounded by the legal representative. If it will satisfy members, I would be prepared to propose an amendment to subclause (6) something along the lines: "The magistrate to whom application is made under subsection 5 may, if he is satisfied that the member has reasonable grounds for the belief referred to in subsection (1) or (3) whichever is applicable and after hearing the person who is in lawful custody". If the committee is prepared to accept that, it does not worry me because I would have assumed a lawyer would

have been there anyway.

Mrs LAWRIE: I would be happy to accept a formal amendment along those lines but I think it might be better for the statute book if we deferred this for further consideration of this clause to give the draftsman a chance. Some applications may be made by telephone and you will have to provide for both sides, if necessary, to be heard by phone.

Amendments 23.94 to 23.97 agreed to.

Further consideration of clause 128 postponed.

Clause 129:

Mr EVERINGHAM: I move amendment 23.98.

The amendments to this clause reflect the government's acceptance of the Law Review Committee's recommendations that the police not be empowered to take recordings of the voice or samples of the handwriting of persons in custody without their consent. You do not need to have the law to do that.

Mrs LAWRIE: Mr Chairman, I only rise to indicate my pleasure at this proposed amendment because I was wondering how one could take or cause to be taken recordings of the voice of a person. I imagine by giving him a belt in the ribs to make him squeak.

Amendment agreed to.

Clause 129, as amended, agreed to.

Clause 130.

Mr EVERINGHAM: I invite defeat of clause 130.

Again, the government has accepted the recommendation of the Law Review Committee that there not be given power to the police to examine or to take the prints, recordings of voice, photographs or samples of handwriting of a person who has not been charged with an offence and there will be no power to detain a person for these purposes.

Clause 130 negatived.

Mr EVERINGHAM: I move amendment 23.100.

New clause 130 agreed to.

Clause 131 agreed to.

Clause 132:

Mr EVERINGHAM: I move amendments 23.101 to 23.103.

Clause 132, as amended, agreed to.

Clause 133:

Mr EVERINGHAM: I move amendment 23.104.

That is to overcome drafting problems.

Amendment agreed to.

Clause 133, as amended, agreed to.

Clause 134:

Mr EVERINGHAM: I move amendments 23.105 and 23.106.

Amendments agreed to.

Clause 135, as amended, agreed to.

Clause 135:

Mr EVERINGHAM: I move amendment 23.107.

Amendment agreed to.

Clause 135, as amended, agreed to.

Clause 136:

Mr EVERINGHAM: I move amendment 23.108.

Amendment agreed to.

Clause 136, as amended, agreed to.

Clause 137:

Mr EVERINGHAM: I move amendment 23.109.

Amendment agreed to.

Clause 137, as amended, agreed to.

Clause 138:

Mr EVERINGHAM: I move amendment 23.110.

Amendment agreed to.

Clause 138, as amended, agreed to.

Clause 139:

Mr EVERINGHAM: I move amendments 23.111 and 23.112.

Amendments agreed to.

Clause 139, as amended, agreed to.

Clause 140:

Mr EVERINGHAM: I move amendment 23.113.

Amendment agreed to.

Clause 140, as amended, agreed to.

Clause 141:

Mr EVERINGHAM: I move amendment 23.114.

Amendment agreed to.

Clause 141, as amended, agreed to.

Clause 142:

Mr EVERINGHAM: I move amendment 23.115.

Amendment agreed to.

Clause 142, as amended, agreed to.

Clause 143:

Mr EVERINGHAM: I move amendment 23.116.

Amendment agreed to.

Clause 143, as amended, agreed to.

Clause 144:

Mr EVERINGHAM: I move amendments 23.117 and 23.118.

Amendments agreed to.

Clause 144, as amended, agreed to.

Clause 145 agreed to.

Clause 146:

Mr ISAACS: I again raise the matter of the actions to be brought within 2 months. I am advised that, under the Justices Act, similar actions have a 6 months limitation. I do point out to the Chief Minister that, without the identification of the police officers by numbers or name tags, it sometimes can take a great deal of time to get the evidence together, to make the necessary inquiries and to introduce proceedings. I believe that 6 months is far more appropriate. It is already in our own legislation and it does not seem to be a great burden. Nobody would know whether something had been contemplated against them; there is hardly a Damocletian sword hanging over them. It can cause a problem and it has, as the member for Arnhem pointed out in his second-reading speech. The 2 months seems a very short time.

Mr EVERINGHAM: This legislation has not felt it unreasonable to require prosecutions to be commenced by police within 28 days and therefore it does not seem unreasonable that prosecutions against the police should be commenced within 2 months.

Mr ROBERTSON: There is something that I must add to that. Certainly under the previous system where a notice of intention to prosecute was given under the law as it exists at the moment and which allowed a very long period of time between that time and the time of the actual issue of the writ, that was used as an intimidatory method against a police officer. I say that in all sincerity because representations have been made by police that they felt in the past that that mechanism has been used to constrain them from further action.

Clause 146 agreed to

Clause 147:

Mr EVERINGHAM: I move amendments 23.119, 23.129 and 23.121.

The amendments reflect the government's view that the crown should be liable for all torts committed by police officers in the course of their duty and not merely for negligent acts or omissions committed by police officers in the course of their duty. This is an expansion of the right of the public to recover from the crown for the tortious acts of the police. However, honourable members will note that the crown has a right of recovery from a negligent member of the force in respect of a tortious act committed by that member.

Amendments agreed to.

Clause 147, as amended, agreed to.

Clauses 148 to 151 agreed to.

Schedules agreed to.

Postponed clause 28:

Mr EVERINGHAM: This is in relation to the point raised by the Leader of the Opposition that members on taking and subscribing the oath shall be deemed to have entered into a written agreement. I am informed that this is to reinforce the concept of a member being part of a disciplined force. Honourable members of this Assembly take an oath but they are not really part of a disciplined force. I understand that the provision is common to all military services in Australia. This clause already exists in the Police and Police Offences Ordinance.

Clause 28 agreed to.

Clause 30:

Mr EVERINGHAM: Clause 30 relates to appointment within the Territory of persons to be special constables attached to our service. Clause 29 relates to the attachment of special constables from police forces outside the Territory such as border stations like Camooweal etc.

Mrs LAWRIE: Have there been appointments as special constables in recent times and, if so, for what purposes? I am talking about people who are not necessarily members of another police force being appointed.

Mr EVERINGHAM: The only special constables that I have appointed, to the best of my recollection, are police officers from other states. I cannot recall appointing one lay person within the Territory to be a special constable. I think the last time special constables were appointed from the ranks of lay persons was immediately after cyclone Tracy when the then federal Attorney-General directed the appointment by the Administrator or then Police Commissioner of a body of special constables.

Clause 30 agreed to.

Postponed clause 128:

Mr EVERINGHAM: I move that after the word "may" in the second line of clause 128(6) the words "after hearing the member and the person who is in lawful custody" be inserted.

Amendment agreed to.

Clause 128, as amended, agreed to.

Title agreed to.

In Assembly:

Bill reported.

Mr EVERINGHAM: I move that the bill be recommitted for reconsideration of clauses 17, 64, 97 and 131.

Motion agreed to.

In committee:

Clause 17:

Mr EVERINGHAM: I move an amendment to clause 17(1)(b).

My amendment seeks to delete the word "shall" and insert the word "may".

Amendment agreed to.

Clause 17, as amended, agreed to.

Clause 64 negatived.

New clause 64:

Mr EVERINGHAM: Mr Chairman, I move amendment 23.35.

New clause 64 agreed to.

Clause 97:

Mr EVERINGHAM: Mr Chairman, the words "or thing" appear twice in clause 97(2) at the top of page 43 of the original bill, once in the second last line and once at the beginning of the last line. Our amendment only removed it once. It is a formal amendment and I wish to make it clear that the intention of the amendment is to delete the words "or thing" twice.

Mr CHAIRMAN: That is accepted as a formal amendment.

Clause 97, as amended, agreed to.

Clause 131:

Mr ISAACS: Mr Chairman, clause 131(1) refers to examinations under section 141. I wish it did, but clause 141 unfortunately refers to people offering bribes and that certainly is not the intention. It relates to clause 128 and, if the Chief Minister cares to look at that letter he received from the Law Review Committee dated 21 November 1978, he will find it is referred to there at the bottom of page 3.

Mr EVERINGHAM: Yes, it is quite acceptable to me.

Amendment agreed to.

Clause 131, as amended, agreed to.

Bill passed the remaining stage without debate.

ADJOURNMENT

Mr ROBERTSON (Manager of Government Business): Mr Speaker, I move that the House do now adjourn.

Mr COLLINS (Arnhem): Honourable members will remember in the last exciting chapter, I finished on the dismissal of the Northern Land Council legal officer, Mr Stuart McGill. The question of the reasons for Mr McGill's dismissal are irrelevant. The unfortunate facts surrounding the dismissal were that it was an unilateral dismissal that was made with no reference whatever to the land council executive or the council itself. This was compounded by the employment of another legal officer, this employment also without any reference to the executive or the council.

While these events were proceeding, a continuing stream of Aboriginal people continued to flow into Darwin from communities. On 20 September, the Minister for Aboriginal Affairs, Mr Ian Viner, arrived in Darwin. He stated to the press that the future of Aboriginal land rights legislation, as well as the future of uranium mining, was at stake. This statement angered many people who saw it as a threat that the government would amend the legislation. Mr Viner claimed that members of the ALP were behind the opposition to the agreement. He named myself, Stuart McGill, Geoff Eames of the North Australian Legal Aid Service and John Waters of the law practice, Waters, Jones and O'Neil. Aboriginal people later angrily denied this.

On the same day, letters from 2 communities were issued to the press. The letter from Milingimbi which was signed by 3 members of the council and Milingimbi's delegate to the Northern Land Council said: "My representatives had no chance to speak for their communities. The chairman has made a lot of statements but the communities did not understand the whole story. The chairman said that all these meetings were called by Bob Collins to use for the Labor Party, but it is not true. Milingimbi community were very upset because their representatives did not speak at the East Alligator meeting to express that contamination could ruin the land for our future. Milingimbi community feels that the chairman had the wrong story. He should have listened to his own people. We do not want to fight against him. We just want him to look after our own land".

On 22 September, after 48 hours of continual meetings, Aboriginal people reached an agreement out of court to resolve the dispute within the Northern Land Council which effectively discharged the injunction taken out against it. The text of this agreement was as follows:

1. *The Chairman of the Northern Land Council shall convene a general meeting with the Northern Land Council to be held in Darwin on Monday 2 October 1978.*

2. *The agenda of the meeting shall be the establishment of a program of and formula for consultative process in line with section 23(3) of the Aboriginal Land Rights (Northern Territory) Act in relation to the determination by the Northern Land Council of the question of whether it will change its resolution to ratify and execute the proposed agreement in relation to the Ranger project area.*

3. *The Northern Land Council shall put into effect the program and formula fixed by the meeting and, as soon as practicable after the end of the consultative process, the chairman of the Northern Land Council shall convene a second meeting of the Northern Land*

Council for the purpose of resolving whether or not the Northern Land Council will change the resolution to approve the initial proposed Ranger Project Area Agreement made at the Red Lillie meeting held on 12, 13 and 14 September 1978.

4. *The agenda of both meetings shall be confined to the stated purposes respectively and no discussion or motion shall be raised concerning the dispute between the plaintiffs and the Northern Land Council, the office-bearers of the Northern Land Council or a legal officer of the Northern Land Council or any other matter concerning the events which happened between the 12 September 1978 and 21 September 1978.*

5. *Only Aboriginal persons shall be permitted to be present at either of the said meetings, except for any lawyers required by the Northern Land Council or any individual councillor for the purposes of giving legal advice. No lawyer will engage in advocacy in relation to any point of view and all lawyers shall absent themselves from the meeting proceedings of the Northern Land Council while not actually giving advice.*

6. *The lawyers for the plaintiffs, John Waters and Jeff James, and the lawyers for the Northern Land Council, Eric Pratt and Dean Mildren, have agreed to cooperate with each other and work together to provide the Northern Land Council and Aboriginal people generally with legal advice in relation to this matter as and when the Northern Land Council requests.*

7. *The Northern Land Council acknowledges that the plaintiffs have properly incurred legal, travel, accommodation and other expenses for themselves and others in this matter. The chairman of the Northern Land Council has agreed to use his best endeavours to arrange payment of these expenses.*

8. *The parties agree that the interim injunction shall be discharged immediately and the plaintiffs' action shall be discontinued. The Northern Land Council undertakes to the court not to execute the initial proposed Ranger Project Area Agreement until such time as a decision is made as is envisaged by this agreement. The Northern Land Council disassociates itself from all imputations previously made against the plaintiffs and their advisers.*

Signed by Johnny Marali, Dick Malwagu.

After the injunction was discharged in court that afternoon, the chairman of the Northern Land Council and the Minister for Aboriginal Affairs, Mr Viner, and a number of the Aboriginal people that had taken the action held a press conference. During the course of this conference, it was conceded that the consultation process had not been carried out as it should have been. Promises were made by both the minister and the chairman that the re-consultation program would be conducted at community level and that this consultation be carried out with translations into Aboriginal languages of important features of the Ranger agreement.

I was present at this conference with the 50 Aboriginal people that had gradually come into Darwin during the proceedings. I listened with them to the promises when they were made and it was with a great deal of anger that I saw those same promises a short time later totally dishonoured.

On 2 October, the Northern Land Council had a full meeting in

accordance with the 22 September agreement. The meeting was chaired by the deputy chairman of the Northern Land Council, Gerry Blitner. This meeting, the first held under the new deal of "no pressure, coercion or influence from outside sources", was attended throughout its length by a distinguished non-land council member, a federal Liberal senator, Senator Bonner. Dick Malwagu who was taping the proceedings for the Northern Land Council was instructed to switch the tape recorder off during the course of Senator Bonner's address. Dick Malwagu had taken to the meeting a 21 point plan for the process that was to reconsider the ratification decision. The plan in essence allowed for:

1. *An initial meeting of all traditional owners in the Alligator Rivers area.*

2. *A consultative panel to visit each settlement in the outstation and Elsey area.*

3. *Translations of the agreement and other relevant material on paper, tape and videotape.*

4. *A final NLC meeting to make the decision to be held only after receipt of letters from 30 delegates saying that their communities were ready for a vote.*

After the meeting, a press conference was held at which I was present and at which Gerry Blitner stated that the meeting had accepted in principle the 21-point plan and, as a supplement to that plan, had passed a resolution referring the manner of the consultation and who was to be consulted back to the Oenpelli community for final decision. This statement was later accurately reported in the Australian Financial Review.

Because the meeting had been conducted in a record time of 3 hours, many delegates did not arrive in Darwin until after the meeting had finished. Gallarwuy Yunupingu also issued a press statement later on that day which conflicted completely with the statement issued by Gerry Blitner who had chaired the meeting. The late arrival of people that had not had a chance to attend the meeting, plus these 2 conflicting statements, caused a great deal of confusion and anger among Aboriginal people who saw that the Land Council office was not interested in the new deal and was about to carry on business as usual. As a result, instead of going back to their communities the following morning as had been arranged by the office, 36 of the 42 land council delegates descended on the Northern Land Council offices next day and held an angry meeting with the chairman and the manager which lasted the entire day.

Motions were put during the course of the meeting to remove both the chairman and the manager of the Land Council, Mr Alex Bishaw, from their positions. Another motion was put on 6 separate occasions for the reinstatement of the Northern Land Council solicitor, Mr Stuart McGill, because the council members were angered that his dismissal had been effected without their knowledge. The chairman of the meeting was the chairman of the Land Council, Mr Yunupingu, who refused to accept any of the motions, stating that all these matters would be resolved after the Ranger business had been dealt with. The land council members wanted these issues resolved before the Ranger business continued because they felt the position in respect of their office remained unchanged. They were going to be given the same deal they had been given previously. The motions were not accepted by the chair and the situation remained unchanged.

When this 3 October meeting had finished, Yunupingu told reporters that:

1. *The 21-point plan had been put in the rubbish bin.*

2. *The consultative process would consist of asking the Oenpelli community to nominate which community should be considering the Ranger agreement; the consultative panel of 4 lawyers, 2 linguists, and Gerry Blitner would then explain the agreement to these communities;*

3. *An agreement with Ranger would be ratified within 6 weeks.*

This last statement, completely pre-empting any Aboriginal decision making, was in line with many such statements issued by the chairman of the council and its manager, Mr Alex Bishaw. Although there was some confusion between the statements made by Blitner and Yunupingu, the points agreed to were that:

1. *The Oenpelli community could decide to adopt in principle the 21-point plan;*

2. *this could bring directly into the consultative process a wide range of settlements and communities; and*

3. *that there was not anything to stop the communities not directly involved from asking lawyers to explain the agreement to them before they instructed their delegates either to vote yes or no.*

In an interview with the Australian Financial Review on 4 October, the manager of the Northern Land Council, Mr Alex Bishaw, made a sarcastic, and in consideration of his position, a totally uncalled-for comment that: "The only certainty of the reconsultation process was that it would not involve the people of Alice Springs". This statement, while insignificant in the morass of press surrounding Ranger, does give a clear insight into the kind of attitude with which the manager of the council, Mr Alex Bishaw, discharges his heavy responsibilities in representing Aboriginal people.

On 9 October, Gallarwuy Yunupingu flew to Croker and Goulburn Islands with copies of a 30-page so-called simple English version of the Ranger agreement that was for use as a basis for translating the Ranger agreement into Aboriginal languages. Parts of this document, dealing with important issues, were so incomprehensible it would have been difficult to translate it into English. The section dealing with the vital question of whether the pits would be filled up after the mining had been concluded, which was one of the basic demands of the Aboriginal landowners went as follows - and I stress again this was a simple English version of the agreement under the heading of "Where does that leave us?"

That would mean that the first pit would be nearly filled up with tailings ready for a cover of rocks and topsoil which would fill it up. The other pit (called No. 3) would be about half filled by the rest of the tailings. If that was the end of the story and nothing else had to be done, it could be true that a big hole is left to be filled with water. But that is not the end of the story. If we look at clause 30 of the section 41 authority together with clause 5 of the section 44 agreement to which the said section 41 authority is annexed, we notice that clause 5 says, "The miners shall observe all environmental requirements specified in the conditions of the section 41 authority" so we can make them do all what is in clause 30. Clause 30 is grouped with other clauses under the heading "vegetation protection" but that heading cannot be read so as to interpret clause 30 (see clause 21(b) of the section 44 agreement) so clause 30 had to be interpreted on its own words in the whole of the section 41 authority. This means there is no undue emphasis on "vegetation" in

interpreting clause 30. We are dealing with "environment" (see clause 5 section 44 agreement).

The only thing simple about that agreement was the people who wrote it thinking that anyone would be able to understand it. It is of interest to note that, despite this gobbledygook, the Croker Island community, in a real effort, worked on the simplified version of the Ranger agreement and over a 3-day session came up with 18 proposed amendments to the agreement. These amendments, which I have read and which were all of a social or environmental nature, would have resulted in a much better agreement and, in fact, would have cost the mining companies virtually nothing. The Aboriginal people of Croker in a real spirit of enthusiasm and cooperation felt for the first time they were actually taking part in a consultation process. This effort on their part and the amendments that they proposed were totally ignored by the land council's secretariat and the government.

After leaving Croker, the chairman flew on to Goulburn Island where he was met with a very hostile reception from several hundred residents. At a later press conference, the Chief Minister, Mr Everingham, accused me of having flown to Goulburn Island an hour before the chairman arrived and of organising the demonstration against him. This statement, which was false, has done him little credit with the residents of Goulburn Island both black and white who knew that I had not set foot on Goulburn Island for 6 weeks.

On 10 October, a meeting of Aboriginal traditional owners was convened at Oenpelli to discuss the Ranger agreement and to decide what communities would be involved in the consultative process. Notice of the meeting was sent out to the participants by the NLC office in the usual discreditable manner. At Goulburn Island, a telegram notifying that the meeting was to take place and that the delegates were to be picked up and the chartered aircraft to pick them up arrived almost simultaneously.

On 11 October, speaking to the press in Darwin, the chairman of the council, Mr Yunupingu, made some amazing statements. He said, "If the government wants to mine uranium, they will go ahead and do it and I am not going to stop them. I am not an Aborigine or the government. I am just a person in between handling this matter for the government and the Aboriginal people". He also said "NLC meetings to decide the attitude of Aboriginals to mining are just a bloody waste of time".

On 12 October, the decision of the Oenpelli meeting was announced. The 40 traditional owners at the meeting had passed the following resolution:

> *The Oenpelli meeting does not accept the proposed Ranger agreement at this time. It requests the chairman to call a meeting of the NLC to report to it the wishes of the Oenpelli meeting and to instruct the chairman on what further action he should take. The chairman is to advise the government of this decision and to report back to the Oenpelli people what the government's attitude is and the Oenpelli people will then consider the matter and give the NLC further instructions. The Oenpelli meeting requires that consultation with all the communities represented on the NLC takes place. The Oenpelli meeting considers that the Croker Island and Goulburn Island people are relatives and have to be consulted on the future decisions to be taken.*

The meeting expressed a great deal of concern at the way in which the agreement had been simplified by lawyers for the benefit of Aboriginal communities. One of the prominent traditional owners of Ranger, Toby Gangali said, "They are still trying to trick us".

Gallawuy Yunupingu himself was told directly by the traditional owners

that many tribal leaders were unhappy at the way in which he was leading the NLC and that he had been expressing his personal feelings and the opinions of white officers of the land council rather than the feelings of Aboriginal communities. On returning to Darwin, the chairman's immediate response to the decision of the meeting was to say that opposition to the agreement had been orchestrated by the anti-uranium movement and that the only option was for the government to take over and make a decision.

On the following day, 13 October, Gallarwuy Yunupingu issued a press release saying he would now support the Oenpelli decision. On 17 October, he issued a further statement arguing strongly against the government appointing an arbitrator, a position which a few days before he had adopted himself, saying that great harm would be done if the issue was taken out of Aboriginal hands. He also said that the Aboriginals and the government could sit down and come to an agreement without resorting to arbitration. On the same day the federal Cabinet met and discussed the Ranger issue. It made a decision not to appoint an arbitrator until it was satisfied that the NLC would not ratify the agreement and that the Minister for Aboriginal Affairs, Mr Viner, would have further consultation with the Chairman of the Northern Land Council. Under the Land Rights Act, the government can only appoint an arbitrator if the NLC is either unwilling or has refused to sign the agreement.

Mr EVERINGHAM: I move that the question be now put.

Motion agreed to.

Original motion negatived.

MOTION

Rescission of adoption of third reading motion of Police Administration Bill

Mr EVERINGHAM (Chief Minister): Mr Deputy Speaker, I move that the adoption of the report and the motion for the third reading of the Police Administration Bill (Serial 159) be rescinded.

Motion agreed to.

POLICE ADMINISTRATION BILL
(Serial 159)

Mr EVERINGHAM: I move that the bill be recommitted for reconsideration of clause 131.

Motion agreed to.

In committee:

Clause 131:

Mr EVERINGHAM: I invite defeat of clause 131.

Clause 131 negatived.

Bill reported; report adopted.

Bill passed the remaining stage without debate.

ADJOURNMENT

Mr EVERINGHAM (Jingili): Mr Deputy Speaker, I move that the House do now adjourn.

In answer to a question from the honourable member for Nightcliff earlier in the sittings, I indicated that I would be tabling reports of the Darwin Cyclone Tracy Relief Trust Fund later in the sittings. My inquiries have ascertained, however, that the practice has been for the monthly reports of the trust fund to be approved by the chairman, tabled in the federal parliament and then presented to the Legislative Assembly. The chairman of the trustees was the Minister for the Northern Territory until the cessation of that portfolio at the end of September 1978. Under clause 4 of the trust deed, the appointment of the chairman has to be made by the Commonwealth government. It is understood that presently no appointment has been made in replacement of the Minister for the Northern Territory and, consequently, monthly reports have not been approved and have therefore been unable to be tabled in the federal parliament since the report for July which was tabled in August. I will make it my business to attempt to have the Commonwealth government appoint a new chairman as speedily as possible so that the reports can continue to be presented.

Mr Deputy Speaker, I would like to pay tribute to the late Judge Haines Leader whom I found, through looking at last Thursday's adjournment speech by the honourable member for Fannie Bay, had died on 11 November in Queensland. Judge Leader, who deserves that title as I understand he was a judge of the district court for the Christmas and Cocos Islands, is survived by his wife, Marjorie, and 3 children, one of whom some of us might remember - Barry Leader who worked as a lawyer in the Attorney-General's Department in Canberra. The late Judge Leader served in the Northern Territory for over 10 years from the late 1950s and was the only Darwin-based stipendiary magistrate in those days.

In those days, the office carried with it the duties of Master of the Supreme Court and Registrar-General. Judge Leader coped with this considerable burden of work in a manner which drew admiration from his professional colleagues and all others with whom he mixed. It is noteworthy in this context that he is remembered by the legal profession for his meticulous legal work on the bench. He was regarded as an extremely fair man who took great pains to ensure that justice was done. In his professional capacity, he was seen as being compassionate to the interests of the people of the Northern Territory and was always accessible to them. In his personal life, he was known as a devoted family man and as a likeable person with a keen sense of humour. His interest in community and sporting affairs led him to be an officebearer in various organisations to the general benefit of all concerned. He continued his participation in sport into his retirement. The government certainly offers its condolences, Mr Deputy Speaker, to his wife and family.

I feel it encumbent on me to correct a statement that I made in question time this morning in answer to a question from the honourable Leader of the Opposition regarding the presentation of the rattan furniture sent to the Minister for Transport and Works. I stated at that time that the gift was made at a time when the honourable minister was the back-bench member for Ludmilla. However, this was incorrect and I apologise for making an incorrect statement which, at the time, I believed to be true. The minister has provided me with a copy of a letter, dated 1 February 1978, from Harris bin Mohammed Salleh, the Chief Minister of Sabah. This letter is dated 1 February 1978 and I will read it to honourable members. It is addressed to the honourable Mr Roger Steele, MLA, Cabinet Member for Transport and

Industry:

Dear Mr Steele,

Thank you for your hospitality and kindness to my delegation and to me during my recent visit to Darwin. It was my pleasure to have met you and to have established a lasting friendship which I appreciate. As a token of my delegation's and my appreciation, I send a Sabah-made rattan furniture set which I sincerely hope will be a good momento from Sabah for you. I am also sending you (1) the Malaysian constitution (2) the Sabah constitution; and (3) Sabah publication. Kindest and warmest regards to you, your family and all friends. Yours truly, Harris bin Mohammed Salleh, Chief Minister, Sabah.

In the circumstances, Mr Deputy Speaker, it would have been rather ungracious of the honourable minister to have returned to the Chief Minister such a gift which was sent as a token of the appreciation of himself and his delegation, for the obvious hospitality and kindness on the part of the honourable minister.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

MESSAGE FROM 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 11 of the Northern Territory (Self-Government) Act 1978, recommend to the Legislative Assembly a bill entitled Workmen's Compensation Bill (No. 2) 1978, dated this 28th day of November 1978.

STATEMENT

Northern Territory road accidents and safety measures

Mr STEELE (Transport and Works) (by leave): Mr Speaker, the Northern Territory government has become increasingly concerned at the high proportion of deaths and injuries on Territory roads. Statistics show that we in the Territory kill ourselves on our roads at a rate which is twice the national average on a population basis and 3 times the Victorian average on a per vehicles registered basis. 63 people have died on Territory roads so far this year. This figure does not compare very favourably with 47, the total for last year. In comparison, it is interesting to note that the state of Victoria looks like having the lowest level of road deaths in 1978 for its motor vehicle population since records began to be kept more than 40 years ago. It may be no coincidence that the state of Victoria has also pioneered legislation regarding the use of seat belts and drink driving.

Quite apart from the tragic impact of unnecessary deaths and injuries, the cost to the community of lost production, of property damage and of third party insurance claims is staggering. The Northern Territory government has been making moves on a number of fronts to try to improve the situation. It has also been receiving strong support from the opposition and would like to think that all members of the Assembly can continue to take strong lead to encourage drivers to be more aware and more careful.

Measures taken to date include the introduction of on-the-spot fines which should free the traffic police from court duties and allow them more time on the road; the formation of a special traffic unit in the police force under Superintendent Andy McNeil, and a traffic intelligence centre; and the establishment of the Road Safety Council which is now starting to address itself to the Northern Territory road problems. Close liaison is developing between the police traffic unit, the Road Safety Council and the Transport and Roads Division of the Department of Transport and Works. Also, the Assembly has just passed amendments to restrict the issue of special licences to people who have lost their licences, had them suspended or cancelled for traffic offences. Legislation will be introduced to provide graded licences for motorcycle riders to reduce the number of accidents caused by inexperienced riders on powerful machines. Legislation is also to be introduced to provide for defect notices on vehicles. This will allow police, vehicle testers or transport inspectors to place a label on a defective vehicle and require it to be produced for inspection when the necessary repairs have been carried out. It is also intended to make it illegal to offer for sale any motorcycle helmet or child restraint which does not meet approved Australian standards. The measures will be useful.

However, it will be necessary to examine further possible measures to reduce the mounting incidence and cost, human and financial, of road accidents.

Laws requiring the wearing of seat belts were unpopular when they were first introduced, yet the same laws have resulted in significant reduction of the national road toll. It may be argued that a human being has the right to take risks or to take protective measures as he or she sees fit, and that laws which make such protective measures compulsory are an infringement on human rights. If it were simply a case of freedom of choice for each individual person, then the case for human rights is a strong one. However, it must be remembered that the death or injury of an individual on our roads affects in some way each and every person in our nation. Somebody must make up for lost productivity. Somebody must pay the costs of police, ambulance and medical services. Somebody must pay the third-party claims and the legal costs. In every case, that somebody is us, the survivors.

As these costs are increasing, it may be necessary to take drastic measures. The government is therefore examining requisition of the carriage of passengers in the load spaces of open utilities or trucks, the possibility of restricting the number of passengers that may be carried in a vehicle to the number stated on the manufacturer's compliance plate, and further measures relating to the use of seat belts. Over a number of years, considerable effort and expense has been devoted to the design of seat belts, padded interiors, collapsible steering columns and other devices to protect the occupants of motor vehicles. Legislation has been provided to support these efforts yet the law still allows people to travel in the backs of open utilities or trucks while the driver is safely belted in his seat. It does not even need a collision to dislodge passengers from these precarious positions. Sudden braking or sharp cornering can prove fatal for somebody clinging to the back of a truck. For too long, Territorians have had to bear the costs of this practice. It has been estimated that, in the last three and a half years, the costs to the Territory community of injuries and deaths resulting from people being thrown from open load spaces has exceeded $2.8m. This figure does not include persons who may have been killed or injured in the load spaces of enclosed vehicles. The disturbing feature of recent publicised accidents of this type is the high passenger loading of the vehicles involved. A case was reported at Rabbit Flat where 2 people were killed and 4 injured. A total of 14 persons were allegedly riding in and on a Mazda 1 ton utility - 10 of these probably in the load space.

Restricting the carriage of passengers in a vehicle to the number the vehicle was designed to carry may have far-reaching effects in our community. Such a restriction would not only apply to uilities and trucks but panel vans, station sedans, camper vans and four-wheel-drive vehicles, all of which can be seen at varying times on our roads with passengers in excess of the number of seats installed by the manufacturers.

To require drivers to ensure seat belts are used by children aged 7 years and under is a sad reflection on our society. Nobody would doubt that a parent, seeing a child threatened by a molester, asleep in a burning house or standing on the edge of a cliff would go to extraordinary lengths to ensure that child's safety, yet the same parent is often seen driving around our streets, safely belted into his or her seat, with a child standing happily on the front seat of the vehicle. Road safety authorities have tried through expensive publicity campaigns to convince parents of the dangers to which the unrestrained child is exposed, but to no obvious avail. It must then be left to legislation to protect these children from imminent death or injury. Victoria has already legislated on this matter.

The government has asked the Department of Law and the Department of Transport and Works to closely examine current breathalyzer legislation. All too often, we hear of people who quite literally escape the law because of technical loopholes in this area. General tidying up of this legislation would give motorists no chance of avoiding the prescribed penalties for drink-driving offences.

Some of the measures outlined above, if introduced, may raise objections from some areas of the community. In particular, Aboriginal communities often transport large numbers of passengers in open trucks or utilities. To prohibit this practice would cause hardship. Nevertheless, the good of the community as a whole must be considered. Restricting passengers in all vehicles to the number the vehicle was designed to carry should also raise objections from large families and clubs. Before further consideration can be given to these measures, the government is now asking for comments from the Assembly and also from the general public. Any interested persons who feel they have valid objections to any of these proposals should forward their objections to the Transport Division of the Department of Transport and Works, Post Office Box 2520, Darwin, for consideration by the government. It is not intended simply to impose restrictive legislation without first examining the opinions of persons who may be affected by that legislation.

I move that the statement be noted and I seek leave to continue my remarks at a later date.

Leave granted.

OMBUDSMAN APPOINTMENT

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that this Assembly recommends to His Honour the Administrator that he appoint Russell Henderson Watts to the office of Ombudsman for the Northern Territory.

Mr Watts is 53 years of age and is presently employed as the Director of Special Investigations with the Air Safety Investigations Branch of the Commonwealth Department of Transport in Melbourne. This man has a long and distinguished record in the aviation industry, especially in the field of investigation, both here and overseas. He also has a proven record in administration, in industrial relations and in assisting people in their personal affairs as he established in the 4 years between 1965 and 1969 when he served as chairman of the board of a staff credit union with 2,500 members from the aviation industry in New South Wales.

Mr Watts trained as an industrial chemist after matriculation and before enlisting in the Royal Australian Air Force during world war II as a pilot. He left the air force in 1948 having progressed to the rank of flying officer. He joined the then Department of Civil Aviation in its air traffic control section and served in Melbourne, Adelaide and Darwin. In 1955, he transferred to air safety investigation and accident prevention and, 4 years later, was sent from central office in Melbourne to New South Wales to set up the initial Australian Regional Air Safety Investigation Branch.

During this time, Mr Watts gained experience in industrial matters as an assistant secretary of the Civil Air Operations Association of Australia and, about the same time, he showed his willingness and ability to assist people as the chairman of the board of the staff credit union. In this position, Mr Watts gained experience in financial administration as this credit union which he helped build up currently has about $2.5m out on loan in any financial year.

After 10 years as superintendant of the Air Safety Investigation Branch in New South Wales, Mr Watts was granted leave of absence and joined the International Civil Aviation Organisation, a specialist agency of the United Nations. He was based in Montreal, Canada as the chief of this organisation's accident investigation and prevention section. This was an administrative position and a very responsible one in which Mr Watts recommended safety and preventive action for consideration by various countries, the Air Navigation Commission and the Air Navigation Council. He represented

the International Civil Aviation Organisation at meetings of other international organisations and technical societies.

I believe the calibre of the man whom this government recommends to the house as a fitting ombudsman for the Northern Territory is demonstrated by a task entrusted to him by the United Nations in 1973. Mr Watts was seconded to the UN to lead a 5 man international team to the Middle East to examine an extremely sensitive aviation incident involving Libya, Egypt and Israel. The incident at that time and that place had significant political implications on an international scale as members could well imagine. During the 3 months' investigation, Mr Watts worked with people at the level of departmental head, defence commanders and ministers from the countries involved.

He returned to Australia in August 1973 to the central office of the Air Safety Investigation Branch of the Department of Transport. In his current capacity of superintendent, Mr Watts is well qualified to carry out investigations, prepare evidence, make reports and administer the office of Ombudsman.

In closing, I would like to record my personal thanks and appreciation for the valuable work done by the current Ombudsman, Mr Harry Giese, in establishing the office in the Northern Territory. I believe Mr Giese will be handing over his office to a worthy successor in Mr Watts. I commend Mr Watts' nomination to the House.

Mr ISAACS (Leader of the Opposition): The opposition welcomes warmly the motion before the House today. We commend not only the appointment but also the manner in which the decision was taken to make the recommendation to the Legislative Assembly. Some time ago, the Chief Minister approached me in relation to this matter and requested that a member of the opposition be involved in an interviewing panel to make recommendations for the selection of an ombudsman. I am very pleased that the member for Sanderson, the member for Tiwi and the member for Port Darwin were able to reach a unanimous decision in relation to the recommendation, especially in the person of Mr Watts. I agree with the Chief Minister's remarks on the qualifications that this person brings to the task. He is obviously a very energetic and able person who will do great credit to the position of ombudsman.

Finally, I think it was unfortunate, to say the least, that a statement emanating from the Chief Minister's office yesterday indicated that the Chief Minister himself would be making a recommendation to the Administrator. I make the point, not because there has obviously been a foul-up in the Chief Minister's office, but because the appointment of ombudsman and the recommendation of ombudsman rests with this Legislative Assembly. It is most important that propriety be established and that the Legislative Assembly's paramount position in the recommendation of ombudsman be recognised. It is true that a committee from both sides of the House was involved. It achieved unanimity in its recommendation and Mr Watts is to be recommended to the Administrator as an appointment which the opposition wholeheartedly endorses.

Motion agreed to.

SUSPENSION OF STANDING ORDERS

Mr PERRON (Treasurer): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent 9 bills relating to planning being presented and read a first time together and one motion being put in regard to respectively the second reading, the committee's report stage and the third reading of all the bills together and their being considered in one committee as a whole.

Motion agreed to.

TOWN PLANNING BILLS

PLANNING BILL
(Serial 182)

DARWIN TOWN AREA LEASES BILL
(Serial 183)

SPECIAL PURPOSES LEASES BILL
(Serial 184)

CHURCH LANDS LEASES BILL
(Serial 185)

CROWN LANDS BILL
(Serial 187)

LANDS ACQUISITION BILL
(Serial 188)

BUILDING BILL
(Serial 189)

FREEHOLD TITLES BILL
(Serial 190)

UNIT TITLES BILL
(Serial 192)

Bills presented and read a first time.

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

Taken together, these bills represent the most significant change in the administration of urban and regional planning in the history of the Territory. They are the product of the government's close examination of all the problems connected with planning in the Territory and the proposals embodied in them have been developed in consultation with people and bodies with professional and other interests in planning. It is my intention to ensure that this consultative process continues and is widened.

The history of urban and regional planning in the Territory before self-government is not a happy one. The Town Planning Act has been a source of much confusion over the years, confusion which was exacerbated to an almost unmanageable degree by the activities of the Darwin Reconstruction Commission. Honourable members and residents of the Darwin area will be well aware of the difficulties which the planning activities of that body have caused and the very real distress and uncertainty among landholders generated by the commission's attitude towards the legitimate wishes and desires of the landholders and its failure to acknowledge that its primary role was reconstruction and not grandiose replanning.

These bills should be seen in the light of the government's continuing and overriding commitment to the development and expansion of the Territory's economic base. While the government has that overriding commitment, we believe that it is essential to see that development wisely use all the physical, cultural, social, economic and other resources available in the Territory in a way that is acceptable to the community. The planning system proposes as a whole to involve itself in the process of decision-making on projects which affect it. These bills are the first result of a lengthy project initiated by the government to completely review land administration in the Territory. This

review, all the more urgent since self-government, is designed to ensure that land administration is consistent with the stated policy of the government endorsed by the Territory voters in the ballot box. It is in the light of these broad policy considerations that these bills should be seen.

The government sees 2 ingredients as essential to any planning systems: simplicity and maximum opportunity for public participation. A planning system must be simple and flexible because plans must be capable of being made quickly and efficiently. There is no point in the plan-making process dragging on for years and years because, if that happens, the only result is that, as soon as the plan is made, it is virtually out of date. Further, people who wish to develop the Territory's resources will not be confident that they will attain the necessary approval in a reasonable time. As well, the public must be able to understand and be involved in the plan-making itself. If the plan-making system is complicated and unwieldy, it will be much more difficult for ordinary people to become involved and express their views.

This government believes that public participation is the cornerstone to successful planning and the bill has been drawn up so as to ensure a large degree of this participation. Once planning instruments have been made, builders and developers can be confident that, in a large majority of cases, most of the planning difficulties will already have been solved. They will know what they are allowed to do under the plan and, because the plan has been developed in consultation with the public, they will know that the public will be satisfied with what they are allowed to do. Public participation measures are, for this reason, especially concentrated in those aspects of the bill which deal with making plans.

Turning to the bills themselves, the planning bill is divided into 9 parts. In the first part, I would draw honourable members' attention to the definitions of "development" and "environmental impact statement". I do not think that anyone would deny that it is necessary to ensure that individual plans meet the individual needs of the areas to which they apply. A regional plan designed for a largely rural area, for example, would be a fairly rudimentary plan and one would anticipate that any sort of development could be permitted so long as it was carried out for appropriate rural purposes. However, in a more closely settled urban centre, the community may wish to control some aspects of development more closely. For example, it may be desirable to prevent the demolition or destruction of historic buildings, such as Lyons cottage in Darwin. Because of the range of matters with which a plan can deal, that is really why the definition of "development" is widely drawn.

The Territory's natural environment is unique and, even in urbanised areas, there are places where development, if not carried out with some sensitivity towards protecting the environment, can do great harm - places such as foreshores, lagoons, mangrove swamps and the like. The bill provides a special mechanism for ensuring that development in these areas is taken into account. An application for consent must lodge an environmental impact statement. The definition of "environmental impact statement" sets out the criteria for such statements and I would stress that it is not necessary in order to comply with the definition to hire expensive consultants to produce a great 5000 page document with glossy coloured photographs and hundreds of diagrams. All that is required, where an environmental impact statement is necessary, is a document which is appropriate to the development. If a single page environmental impact statement is all that is necessary, that is all the act requires.

Finally, Mr Speaker, I would draw attention to clause 5 which provides that the act binds the crown. The effect of this clause is that the government is in no better or worse position than any other person engaged in land development under this act.

This government believes the time is not yet right for local councils to undertake their own planning. This would only result in a wasteful duplication of staff and effort. However, a local council's close involvement in the planning of its local area will help build up expertise which can be drawn on when the time finally does come for local authorities to do their own planning. Part II of the bill, therefore, constitutes the Northern Territory Planning Authority to replace the Town Planning Board. The composition of the authority is to be 3 members, called Territory members and appointed by the minister, and 4 local members. Local members will be appointed from nominations from local councils and, in areas where no local government exists, the minister will appoint 4 local residents to be the local members.

I would like to stress one point about local representation on the authority. The bill has been carefully drawn up to enable local councils to draw on people outside their membership for nomination. I would encourage local councils to take advantage of this provision so as to get a truly broadly-based representation on the authority. The role of local councils in the Planning Authority is strengthened by clause 21 which provides that, in certain circumstances, a local authority can compel the minister to remove a local member from office. It will, therefore, be seen that local interests and local authorities, including community government councils, have a large voice in the planning of their area. This is completely in line with the government's policy on the devolution of powers to the local level as much as possible. The functions of the authority are set out in clause 32 of the bill and there are the usual machinery provisions.

Part III of the bill sets out the procedure to be followed for making new planning instruments. There are 2 types of planning instruments envisaged under the bill: town plans and regional plans. Briefly put, the town plan, on the one hand, is designed to apply in rural areas and areas which are moving towards urbanisation. Regional plans will, by their nature, be broad documents. They will not contain the sort of detailed controls on land use which can be expected to appear in town plans and which we are familiar with in the Darwin area. Their principal purpose is to preserve the character of rural areas and to ensure that the development which does occur does not close off options for future development.

The Planning Authority is charged with the duty of preparing plans on its own motion or at the direction of the minister. There is specific provision in the bill that local authorities or individuals can ask the authority to prepare a draft plan. Once the decision to prepare and exhibit a plan has been made, the processes of public participation which the government lays so much stress on immediately come into play. The authority must give notice that it is preparing the plan and invite anyone to make his views known to the authority about what form the plan should take. This is a vital part of the procedure for preparing plans and it has been inserted to ensure that, right from the start, the authority considers the expressed wishes of the community.

The authority must take into consideration the widest possible range of uses when preparing plans. The bill states that the authority is not to treat what are traditionally regarded as town planning considerations as the only considerations in preparing plans. They are not to be disregarded but they must be weighed against all other factors which are important in deciding whether a particular plan is in the best interests of the community.

During the exhibition period, the bill requires that extensive consultations be carried out and it provides that anyone at all may make a submission to the authority about the contents of a plan on exhibition. In the normal course of events, the time for exhibition of a plan is 3 months. However, if the proposals in the plan are of minor significance only, there is provision

for the minister to authorise exhibition for a shorter period. This will ensure that people with desirable development proposals but who need only a minor change to the plan will not be unreasonably delayed.

All the submissions which are made in relation to a draft plan will have to be considered by the authority and, if necessary, the authority can call upon a person who made a submission to amplify or explain his submission. I would stress that this is not restricted only to people who object to the provisions of the plan, although it can be anticipated that the authority will be especially anxious to hear those sorts of submissions.

Division 4 of part III of the bill provides that people who object to the reservation of their land in a plan for future acquisition by the Territory are entitled to have their objection heard on exactly the same basis as pre-acquisition hearings under the Lands Acquisition Act. The effect of this provision is to place pre-acquisition hearings within the context of the overall planning of an area. Later, I will deal with the relationship between this bill and the Lands Acquisition Act. Once all hearings have been completed, the bill provides that the Administrator may make the planning instrument and, from that point on, it becomes a law of the Territory.

I draw the attention of members to the enforcement provisions in part III of the bill which provide that anyone, so long as he has the leave of the Supreme Court, can take action to enforce planning instruments.

Part IV of the bill deals with the position of existing uses and developments when new plans are made. Although the provisions appear to be somewhat complex, their effect is simple. The person who is legally carrying out development will not be jeopardised simply because the town plan or regional plan which is inconsistent with his development comes into operation.

At this point, I should deal with the legacy of the Darwin Reconstruction Commission. The position of the government is quite clear. Although the 1966 town plan was in effect during the period of operation of the commission, the commission gave approvals inconsistent with that plan. Because of the particular circumstances in which the approvals were given, the government's view is that those people who implemented Darwin Reconstruction Commission approvals should not be put in any worse position than people who actually did comply with the 1966 plan. This bill, in combination with the 1978 town plan which will shortly be approved, will ensure that this policy is carried through. In cases of doubt, the appeals committee will be able to issue a conclusive certificate as to whether land has a Darwin Reconstruction Commission approval or not. These provisions will go a long way towards relieving the uncertainty and difficulty which surrounds development in the Darwin area because of the activities of the commission.

Parts V and VI of the bill are very similar and provide a comprehensive code for subdivision and development control. The present complicated provisions in relation to both of these matters have not been reproduced and the broad design is very simple. In respect of each development which is specified in the plan as one which requires consent, a person simply makes an application to the consent authority in the prescribed form for consent. The consent authority which, in most cases, will be the Planning Authority has to consider that application and give a decision. In areas where subdivision control will apply, exactly the same procedure is followed. However, there are some applications which the bill calls "prescribed subdivision applications" and "prescribed development applications" which require public notification and environmental impact statements appropriate to the nature of the development or subdivision proposed. The plans themselves will specify what sorts of application will have to follow this particular procedure. I stress that this

provision does not mean that every application is going to require an impact statement or public notification, only those of major significance.

The matters which the consent authority has to take into account in deciding whether to grant consents are set out in the bill in clauses 89 and 106. These are widely drawn so that the consent authority can make a proper assessment of what is best for the community. I should point out that subdivision control proposed in the bill will be selectively applied. It will only apply in areas where planning instruments apply and to land which the minister directs that it is to apply. This latter provision is necessary because subdivision which is not consistent with good planning principles can pre-determine plans which have not yet been made.

I would anticipate that the subdivision controls in the bill would be applied in an area once it was decided that the area was sufficiently close to urbanisation or had other special characteristics which required a town plan or regional plan to be prepared over it. Subdivisions of other types and in other areas will continue to be dealt with as they are now dealt with - hopefully, a little more expeditiously. The bill provides that both types of consents lapse after 2 years unless the applicant for consent has taken serious steps to implement them. However, the consent can be extended.

The government has retained the Town Planning Appeals Committee constituted under the present Town Planning Act for the purposes of this bill. A revised charter for the appeals committee will be found in part VII of the bill which is mostly mechanical. The jurisdictional limits of the committee which the Town Planning Act currently sets have been causing some difficulty and have been removed. Instead, the committee will be empowered to substitute its own determination for a determination of a consent authority. I ask honourable members to pay particular attention to that section because I would like very much to hear what they have to say about the principle of having an appeals committee empowered not only to recommend changes to the decisions of an authority but in fact to substitute that determination. Part XIII of the bill deals with miscellaneous matters and is largely self-explanatory.

The final part of the bill provides a number of transitional provisions to deal with town plans which are in the planning pipeline. The consequential bills are designed to serve 2 main purposes. Firstly, they are designed to alter references in current legislation to the Town Planning ordinance to references to the Planning Act. This is merely a machinery matter. The second matter is the alteration of substantive provisions of other acts. Dealing briefly with these, the provisions of the Darwin Town Area Leases Act and the Crown Lands Act, which relate to subdivisions, are proposed to be amended to ensure that they coincide with the subdivision and development control procedure set out in this bill. The Special Purpose Leases Act, the Church Land Leases Act and some provisions of the Crown Lands Act are proposed to be amended to ensure that leases granted under those acts do not contain land use requirements inconsistent with plans applying to the leased land. The amendment to the Building Act will ensure that the Building Board has regard to plans and draft plans affecting land to which a building application relates.

Finally, I turn to the Lands Acquisition Bill. It is the government's view that, if land has been reserved in a plan which has gone through the public exhibition period set out in the Planning Bill and land owners have been given the opportunity to have a pre-acquisition hearing under the bill, no further pre-acquisition hearing should be necessary when the land is acquired. However, the bill does more than that. It provides that, where a plan has been made through this process, the landowner whose land is reserved by the plan can require the government to acquire that land any time after the plan comes into operation. This will relieve the hardship which may be caused by the reservation of land but it also allows people who own reserved land to continue to use it if they wish to.

This is a significant innovation and I commend it and the bills to honourable members.

Debate adjourned.

DOMICILE BILL
(Serial 201)

Bill presented and read a first time.

Mr EVERINGHAM (Attorney-General): Mr Speaker, I move that the bill be now read a second time.

The present bill arises out of the workings of the Standing Committee of Attorneys-General and is part of an overall scheme of uniform legislation to be introduced by all states and the Northern Territory. The concept of "domicile" is a technical, legal concept which determines the civil status of a person, his legal rights and duties, including the capacity to marry, and has some effect on his ability to dispose of his assets upon death. One of the principal provisions of the bill is that contained in clause 5 which enables the wife to have a separate domicile from that of her husband. Previously, the situation was that a wife had the same domicile as that of her husband. The government feels that the provision is a fundamental policy in keeping with modern trends concerning the status of women. The bill also lowers the age at which a person can acquire an independent domicile of a child whose parents who are living apart. These provisions are set out in clauses 7 and 8.

My colleague, the Minister for Community Development, will be introducing a corollary bill to effect the necessary changes to the Adoption of Children Act to give effect to the provisions of this bill concerning the domicile of adopted children.

Debate adjourned.

ADOPTION BILL
(Serial 202)

Bill presented and read a first time.

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

As indicated by the Chief Minister, the amendments effected to the Adoption of Children Act by this bill are an integral part of the government's program to legislate in line with other states for a modern, updated law with respect to domicile. The amendments effected by this bill merely relate to the acquisition of domicile by adopted children.

Debate adjourned.

MINING BILL
(Serial 233)

Bill presented and read a first time.

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

This is a very short bill and its purpose is to amend certain provisions of section 38B of the Mining Act, firstly, to extend the term for which an

exploration licence can be granted from 5 years to 6 years and, secondly, to remove existing requirements preventing a person from applying for exploration licence rights over an area of land which was the subject of a former exploration licence in the name of that person within the preceding 12 months. Under the existing provisions of section 38B of the Mining Act, a person is not able to apply for an exploration licence over an area of land which he has previously held under a granted exploration licence unless a period of 12 months has elapsed since the date of expiry of his former exploration licence. Also an exploration licence is granted for a term of 5 years subject to annual renewals with no allowance made for the renewal of the term of the licence beyond the initial 5 year term.

These prohibitive restrictions have caused considerable administrative difficulty and hardship to the mining industry in continuing essential exploration activities, particularly in cases where potential mineralisation has only been proven in the later part of an exploration licence. There is an urgent need for this legislation to be amended to provide more realistic provisions to meet legitimate industry needs.

The amendments proposed in clause 3 (a) and (b) of the bill deal with the extended term of the licence and, in practice, will allow for the grant of an exploration licence for a term of 6 years with a compulsory annual 50% reduction in area being required during the third, fourth and fifth years of the licence. The amendments proposed in clause 3 (c) of the bill will remove the existing prohibition of the grant of further exploration rights to a person following the expiration in the initial sixth year term of the licence. In practice, this will enable the minister to exercise discretionary power in considering an application for further exploration rights from a former licensee where justified circumstances exist for such a grant.

I would just conclude by saying that I did have informal discussions with my opposite member, the honourable member for Arnhem, last week. I gave him advanced notice of this particular bill and told him that, as soon as I had a copy of it and a second-reading speech, I would provide them for him. I did that yesterday. I would like to foreshadow to honourable members that I will be seeking the suspension of Standing Orders that would prevent the passage of this bill at these sittings.

Debate adjourned.

WORKMEN'S COMPENSATION BILL
(Serial 228)

Bill presented and read a first time.

Mr STEELE (Industrial Development): Mr Speaker, I move that the bill be now read a second time.

There has been in existence for some time a Workmen's Compensation Review Committee comprising organisations, the insurance industry, the legal profession and government, which has submitted a list of recommended amendments to the act. A number of these amendments have already been passed into law. The balance of the recommendations have now been drafted and included in this bill.

The penalties for contravention of the provisions of the act have been increased to reflect today's monetary values. The tribunal will be given the option of appointing any medical practitioner as a medical referee instead of having to refer to an appointed panel.

Another significant amendment alters the fifth schedule of the principal act by increasing the compulsory minimum of the employer's indemnity policy

against common-law claims from $40,000 to $200,000 in line with present awards made by the courts. The insurance industry advises that the additional cost for this cover is minimal.

Also included in the bill are certain amendments intended to aid the operation of the office of the nominal insurer. The form these amendments take is the result of exhaustive discussions between the nominal insurer, my department and the legislative draftsmen. Under the current provisions of the act, the nominal insurer, usually an underwriter from a private insurance company nominated by the approved insurers, acts on his own, reporting to the approved insurers, and his company absorbs the administrative costs. There is no provision in the act for the handling of money by the nominal insurer which leaves him at risk.

The amendments contained in this bill establish an office of nominal insurer, consisting of 3 persons nominated by the approved insurers and exempt employers and a person who is an employee within the meaning of the Public Service Act to be nominated by the minister. This office of nominal insurer shall be a body corporate. Similar bodies function efficiently in New South Wales, Victoria and Western Australia.

The method of funding the nominal insurers office will involve the levying of a set percentage of the approved insurers premium income, based on the annual returns. This is similar to the system operating in Victoria. The fund thus established will be kept at a level just sufficient to meet estimated outgoings. It is calculated the level of approximately $50,000 would be enough, an insignificant amount compared to the present total premium income of over $7m. The nominal insurer, on behalf of the insurers, accepts this method which will be simpler in these days of computer programming. As in the scheme operating in Victoria, where there is insufficient money in the fund at any time to meet any outstanding payments, the Treasurer may make temporary advances to the fund out of the consolidated fund. The money thus obtained would be repayable at a rate of interest determined by the Treasurer. In reality, the nominal insurer has time to anticipate commitments and therefore this situation is unlikely. Where there is the likelihood of a large payment through a common-law claim, there is always sufficient advance warning to enable an additional levy from the approved insurers to be made.

The reason for the alteration in the method of nominal insurer funding is the hardship resulting from delay caused by the current cumbersome method of apportionment. At present, the nominal insurer must wait until the settlement is made in order to apportion the cost between the approved insurers based on their premium income. This cumbersome process has led to complaints that disadvantaged workers, having no source of income, have had to wait for some time for their money. There will be no extra cost involved to the government by the implementation of these amendments. Rather, the enhanced efficiency of the operation should result in savings to the insurer and the difficulties in administering the act should be lessened.

Members will be aware of recent disputes concerning the termination of benefits and the interpretation of section 7A. This matter is under active consideration. Officers of my department have held discussions with employee and insurer representatives. The review committee is to be reconvened and this will be one of the matters for consideration. It is intended to introduce amendments once the review committee has considered this matter. I commend the bill.

Debate adjourned.

CRIMINAL LAW CONSOLIDATION BILL
(Serial 219)

Bill presented and read a first time.

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

This bill is a fairly short bill designed to amend the Criminal Law Consolidation Act which we have inherited from South Australia. I will briefly set out the nature of the amendments.

The provisions of section 381 of the Criminal Law Consolidation Act were intended to cover the situation where a person is found not guilty of an offence by reason of insanity. As the act currently stands, the person must be held in custody pending the Governor-General's pleasure and the Governor-General makes an order as to how and where the insane person is to be kept in custody. The amendments proposed in the bill before the Assembly today remove outmoded references to the Governor-General and substitute references to the Administrator, and provide for a more flexible system in relation to the custody of these people. Under the bill, the Administrator will be able to vary an order which has been made under section 381 and will be able to release, subject to conditions, a person who has been held under that section. I draw the attention of honourable members to the safeguard that, before such a person can be released, an expert report from the parole board is called for and carefully considered by the Administrator.

The second aspect to the bill is to remove section 382 of the Criminal Law Consolidation Act and make more up-to-date and flexible provisions in relation to people who are not fit to plead. In brief, the bill provides that, if the court is of the opinion that a person who is charged with an offence is not able to understand what is going on, the court is able to exercise a number of options ranging from releasing the person on bail to committing him to protective custody. I was just smiling, Mr Speaker, because I was thinking of the ancient provision for making sure that people pleaded which was to keep putting heavier and heavier stones on their chest until they said something or other.

The bill provides that a person who is dealt with under this section has at all times comprehensive protection. He is able to approach the court at any time for a variation of the order which has been made in respect of him. In addition, the court may, of its own motion, once it is satisfied that for whatever reason he becomes able to understand the proceedings which will take place, order that he actually stand trial on the charge.

This bill has been presented to the House on an urgent basis because it has come to light that there are offenders who would benefit from the liberalised provisions of the bill and it would be in the interests of those offenders, as well as in the public's interest, for the government to be able to authorise the conditional release of those persons as soon as possible and not have to wait until the next sittings of the Assembly. I therefore commend the bill to the Assembly.

Debate adjourned.

LOCAL GOVERNMENT BILL
(Serial 191)

Bill presented and read a first time.

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

It is proposed with this bill to amend the Local Government Act to give municipal councils greater scope to involve sporting and cultural bodies in the management of recreational reserves and to allow councils to take over in a much more simplified way neighbourhood parks. The bill seeks to repeal the existing legislation in section 339A of the act and to replace it with a more simple procedure which can be used by this government to hand over control of reserved land to a municipality.

The bill proposes 2 alternative means of vesting reserved land in a council or municipality. In the case of reserves which the council wishes to retain under its own management, as would possibly apply to most of the smaller playground-type parks found in the municipality, the minister may simply, by notice in the Gazette, appoint the council as a trustee of the land. I point out to the House here that I would assume the minister referred to would be my colleague, the Minister for Lands and Housing. This will be automatically extended to the operation of all existing council bylaws and to parks and playgrounds concerned.

The second option which is by far the more significant is proposed under new section 339B of the act. This would apply to major sporting complexes such as the proposed Marrara complex which is of such interest to my colleague, the member for Casuarina. The basic concept of the provision was outlined in the former legislation which gave the minister power to lease the reserve to the council and allow the council in turn to sublease the land to a user body. The restrictions placed on a council were, however, so restrictive and complicated that not one lease of a reserve has been issued since 1974, the year this enabling legislation was introduced.

The new provision allows the minister to grant a lease of a reserve to a council. Subsequently, the council of a municipality may sublease to a sporting or cultural association or to a commercial enterprise wishing to develop the lease for purposes consistent with the original purpose for which the land was reserved. That is a completely new initiative of the government to allow commercial development on crown land which is vested in a city council and I would imagine that the main area we would be looking at there and encouraging the council to examine would be commercial sporting ventures such as squash courts and bowling alleys or whatever the case may be from time to time.

The sublease will be a formal document subject to the scrutiny of the Registrar-General and registered under the Real Property Act. The maximum term of a lease will be for a period not exceeding 30 years which, of course, is a great improvement on the present provisions. This extended period will enable voluntary organisations to obtain long-term financial assistance in the normal money market and provide for the repayment of those funds over an extended period. This concept will enable these bodies to overcome the capital hump which normally stifles the development of voluntary sporting or social organisations.

This will allow councils to update their policy in respect of land which has been previously vested in their control and will permit councils to proceed with initiatives which would have been stifled under the former legislation. I commend the bill to honourable members.

Debate adjourned.

LAND AND BUSINESS AGENTS BILL
(Serial 223)

Bill presented and read a first time.

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

In introducing this bill, I would remark that, to my knowledge, it has been in course of preparation for almost 4 years and it is with singular pleasure that I rise today to introduce the bill into the House. Mr Speaker, I should mention that a bill was passed through the final sittings of the old Legislative Council, as I think you would recall, relating to land and business agents and that bill was sponsored at that time by Mr Joe Fisher, the Legislative Council member for Fannie Bay. Although it was found that the bill would have been difficult to administer and implement - and that is the reason for the introduction of this bill - I think some tribute should be paid to Mr Fisher who certainly worked hard to push his bill through the Legislative Council and had much less by way of facilities for the preparation of legislation than we have today. I would also like to mention that 2 members of the Council of the Real Estate Institute have given invaluable help to government officers in the preparation of the legislation. These 2 men are really determined to see to the proper regulation of their industry. The two men I have in mind are Mr Keven Young and Mr Ian MacGregor who have spent days pressing for and working on this legislation.

The bill that has just been read a first time is the result of lengthy negotiations and consultations between the government and members of the industry as well as with persons concerned with the manner in which the industry conducts itself. By that latter remark, I refer to the public in general and to those who avail themselves of the services offered by the industry. The object of the bill is to establish a licensing system for land and business agents in the Territory.

Part II of the bill establishes an Agents Licensing Board for the Territory which is responsible for the licensing of real estate agents, stock and station agents, business agents and representatives of those agents.

Part III of the bill provides for the licensing of agents. Essentially, the part provides that an unlicensed person shall not act as an agent and then proceed to establish qualifications for the issue of a licence including educational qualifications as well as practical experience. The part also makes provision for applications for licences and the hearing of objections and determinations of applications by the Board.

Part IV is concerned with the registration of agents' representatives who essentially are employees or contractors of licensed agents. The part contains requirements as to the registration and conduct of agents' representatives. Again, agents' representatives are required to be registered with the board and the board has wide powers in respect of the activities of agents' representatives.

Of particular interest to the House will be the provisions of part V of the bill which sets out stringent conditions on the conduct of trust accounts by agents and for the maintenance of records by them. I will not deal in detail with these matters at this stage but I anticipate that the House will wish to consider them at some length in the committee stage of the bill.

Apart from the provisions relating to trust accounts, the government anticipates that the aspects of the bill which will be most interesting to the general public and to honourable members are parts XI and XII which deal respectively with fidelity bonds and securities and the establishment of a consolidated interest account and fidelity fund for agents. Essentially, the purpose of those parts is to establish a means whereby persons affected by the misconduct or defalcation of agencies shall have any economic loss sustained thereby and minimised.

Part XI is of its nature a transitional provision requiring, until the establishment of a fidelity fund and an interest account, an agent to lodge with the board a bond or security to the value of $10,000. On a breach of the

condition of the bond by an agent, the sum received is to be used for compensating a person for loss sustained by reason of that breach or condition. As I mentioned earlier, the fidelity bond and security is an interim measure until an agents consolidated interest account and fidelity fund is established. The fidelity fund provisions are in essence along the lines of similar provisions in certain states which require the deposit with the fund of a portion of the trust fund of an agent. The interest which accrues from the deposit of these monies is then paid into a fidelity fund.

To summarise, the government feels that the bill represents a major step forward in the regulation of industry in the Territory whilst, at the same time, allowing for a significant degree of self-regulation by the industry itself. In the government's view, the bill will go a long way towards increasing people's confidence in the industry which can only mean that the industry, which is an important one here, will prosper.

I commend the bill to honourable members.

Debate adjourned.

EMPLOYMENT (LEAVE OF ABSENCE) BILL
(Serial 229)

Bill presented and read a first time.

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

This bill has been drafted following undertakings made in the House to introduce a package of legislation to provide for the granting to employees of long service leave, annual leave, leave of absence on public holidays and sick leave entitlements. Copies of the preliminary draft were circulated to employers' and employees' organisations and comments and suggestions were noted and referred to where practicable. There are already provisions for long service leave, annual leave and public holidays. These are included in a form more consistent with current industrial practice. Although the provisions for sick leave are new, they also are in line with present industrial practice. Members may not be aware that there are still a considerable number of people who work outside award areas. On equity grounds, it is desirable to provide a standard for such persons equal to minimum benefits available under industrial awards and agreements.

The long service leave provisions will apply to the greater majority of the workforce. The main difference from the present long service leave provisions is the alteration to allow a person who has completed 10 years' service to avail himself of any credit he has. This benefits those who commenced work before the introduction of the previous amendment in 1974 which reduced the qualifying period from 15 to 10 years, for the same credit of 13 weeks. That amendment required such persons to accumulate that credit of 13 weeks before becoming eligible, thus obliging them to serve a qualifying period of over 10 years. The provisions for annual leave incorporate those of the recently amended Annual Holidays Ordinance.

The provisions included in the public holidays' section are updated in line with acceptable industrial practice. For instance, they incorporate penalty rates for working on a public holiday and payment for public holidays taken; conditions which have been present in the award areas for some time. The provision for sick leave is new and is consistent with the minimum benefits available under most awards. Basically, it grants 8 days' sick leave per annum with qualifying periods for the first year of service and a maximum accrual of 9 years' credit.

In the miscellaneous part, the drafting has been tightened up which will assist in the administration of the act. In any case of dispute, the bill provides for either the employer or the employee to take the matter before the small claims court which should avoid unnecessary legal costs and delay.

Debate adjourned.

SUSPENSION OF STANDING ORDERS

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent 2 bills being presented and read a first time together and one motion being put in regard to respectively the second reading, the committee's report stage and the third reading of both bills together, the bills being considered in one committee of the whole.

Motion agreed to.

COMMERCIAL AND PRIVATE AGENTS LICENSING BILL
(Serial 230)

LOCAL COURTS BILL
(Serial 231)

Bills presented and read a first time.

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

These bills have 2 purposes: firstly, to improve service of court documents by allowing service by licensed bailiffs and by post and by increasing fees for service of documents to a reasonable level; secondly, to license and control a type of business whose less responsible practitioners have often been criticised. The first purpose is contained in the Local Court Bill 1978 and is carried out by allowing unsatisfied judgment summonses to be served by other than court bailiffs. Provisions are inserted to ensure that no action will be taken by the court until it is satisfied that the summons was in fact served. All originating process will be able to be served by certified mail. Fees for service will be increased from $2 with a distance allowance to a flat $10. It is hoped that this increase will encourage responsible persons to carry out the business of process servers and help reduce court backlogs. The Commercial and Private Agents Licensing Bill is a totally new bill and will carry out the second purpose. The Local Courts Bill will effect the first purpose and introduce consequential amendments to the Local Courts Act to provide for private bailiffs.

The work of debt collectors, process servers and private inquiry agents brings them into contact with the public in situations that can cause conflict. Unfortunately, this can result in undesirable practices on behalf of agents. At present, agents in the Territory have escaped this criticism. Elsewhere in Australia, agents have been less particular. I quote from the report of the Commission of Inquiry into Poverty on debt recovery in Australia, on page 131:

> *In the course of encouraging the debtor to pay his debts, either the creditor or his collection agent may be tempted to indulge in practices which constitute an unreasonable intrusion upon the debtor and his family or which involved deception of a type which ought not to be tolerated. While there is little evidence of the widespread use by debt collectors of oppressive practices for obtaining payment from debtors in Australia, there can be little doubt that such practices have existed in the past and that some of them persist today.*

Process servers have been criticised for failing to correctly serve process and private inquiry agents for unreasonable intrusion on privacy. While evidence of these abuses has not been obvious in the Territory, it is hoped that this bill will ensure that this happy situation continues. I refer members to the definition of "harassing tactics" in clause 3. Persons guilty of such tactics will be unable to procure a licence and are liable to lose their licence once it has been obtained.

The scheme of the bill is to define categories of business that cannot be carried out without a licence. A penalty is imposed for acting without a licence. It then sets up a licensing structure administered by the local court. Provisions are included to ensure that applicants and officers of companies who apply are suitable persons. Applicants will be required to enter into bonds and in the case of commercial agents and private bailiffs to lodge security for performance of the bond. A separate part is devoted to the employment of private bailiffs. As they will be executing warrants and will have the privileges of bailiffs, it is essential that they are more strictly controlled than process servers. Therefore, the bill ensures that the clerk of the court shall be aware of every warrant of execution by a private bailiff. I commend the bill to honourable members.

Debate adjourned.

TENANCY BILL
(Serial 199)

Bill presented and read a first time.

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

This bill supersedes and repeals the existing Landlord and Tenant (Control of Rents) Act which, since its introduction in 1949 to replace the Commonwealth National Security (Landlord and Tenant) Regulations made during the second world war, has experienced no fewer than 12 amendments, many of them of a major nature. That act was the subject of an inquiry by a select committee of this Legislative Assembly. That report was presented here on the 10 August 1976 and recommended a large number of changes to the act and reforms in the legislative field of landlord and tenant relationships. However, the act is not only out of date with current needs but many past amendments have left apparent anomalies and uncertainties which have been a cause of concern to magistrates serving as the Fair Rents Board and those responsible for administering the act. In the circumstances, it has been found preferable to draft a new bill and to repeal the existing act as recommended by that select committee.

This bill reflects many of the recommendations of the select committee as well as retaining worthwhile provisions of the existing act which it is designed to replace. The most significant features of the bill are: compulsory rent control will cease upon the commencement of the act; lessees will be able to ask for individual premises, caravans and caravan sites to be fair rented; decisions on fair renting can be appealed to a tribunal; bonds can be demanded for the making good of damages or cleaning of premises; the process of regaining possession of premises has been shortened in many circumstances; there are proposed wide-ranging changes to the grounds available to cause the issue of a notice to quit and times available to carry out vacation, each framed in the interests of lessees; and there are procedures for the eviction of trespassers, and a statutory provision to provide conditions of tenancy of leases which have been introduced to deal with situations where no written lease is arranged or the lease does not cover the basic rights of lessor or lessee. Incidentally, those implied conditions are again tending very heavily in favour of the lessee rather than the lessor, although there are protections within it for the lessor as well.

It is proposed to change the present administrative arrangements by not providing for a rent controller but having the Commissioner for Consumer Affairs appointed under the Consumer Protection Act responsible for landlord and tenant matters. The existing Fair Rents Board is to be replaced by a tenancy tribunal, similar in operation to the Workers Compensation Tribunal, with the chief magistrate as president and any other magistrate as a member. The clerk at each local court will be a registrar of the tribunal. I might pause there and say that the present bill does not so provide; it provides for the registrar of the tribunal to be the clerk of courts, Darwin, and the secretaries to the tribunals to be clerks of local courts through the Northern Territory. I must admit that one snuck in under my guard and that, of course, would be an inhibition or a hindrance to the tribunal dealing very quickly with matters brought before it. Quite obviously, the matter would have to be lodged with the clerk of courts, Darwin, in his capacity as registrar and then transmitted down the line instead of an applicant going direct to the clerk of the local court, wherever that clerk may be. I would imagine that I will be wheeling in an amendment to that effect.

These arrangements are designed to provide for a prompt and convenient means of settling matters of dispute which may arise between landlord and tenant. Particular attention has been paid in the drafting of the bill to protecting the rights of both lessor and lessee, and heavy penalties are provided upon conviction for specified offences such as the unlawful eviction of tenants. The introduction of bonds in limited circumstances will assist in the protection of lessors from losses which may be effected by careless or irresponsible tenants, losses which over the past have made renting and the construction of new units unattractive to many owners and, incidentally, makes it also very expensive by way of rental for responsible and innocent tenants.

Although all fair rent determinations will cease on the coming into operation of the Tenancy Act, there are arrangements proposed for tenants to apply to the commissioner for a quick provisional determination of a fair rent which may not exceed the expired determination plus a margin of 10% where that may be applicable in the opinion of the commissioner. This provision is designed to protect tenants in circumstances of any unjustified sharp increases in rents following the lifting of compulsory rent control. I must say that information from the industry would indicate that this would not happen anyway.

It would be preferable to have no legislation regulating the market arrangements between landlord and tenant but dependable rental housing accommodation is a basic need of our society and, unless there are some enforceable rules, investors may not be interested in providing accommodation for renting and tenants could suffer by the arbitrary and unjustified actions of some owners. If there was ever a social justification for rent control in the Northern Territory, the circumstances have passed with the present general balance of supply and demand in housing in the main centres. Rent control alone, if it is to give a fair return to the investor - as it must to ensure continuation of the rental industry - cannot result in cheap rents. Rents have to reflect the very high building costs in the Northern Territory and the market rates at which money can be borrowed for rental housing accommodation. All that good government demands is that there should be a protection against exploitation by landlord or tenant. I believe this bill meets that need and I commend it to honourable members.

Debate adjourned.

PETROLEUM (PROSPECTING AND MINING) BILL
(Serial 204)

Bill presented and read a first time.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I move that the bill be now read a second time.

This bill amends 3 sections of a complex act relating to onshore petroleum exploration and development. Its passage will provide the flexibility needed to administer the act in a period when oil exploration has been complicated by Aboriginal land rights issues. The amendments are aimed at extending the minister's discretionary powers in respect of certain matters associated with the suspension of work obligations, the aggregate term of a permit including extensions and to correct an unfortunate error which occurred when incorporating provisions of the Commonwealth's Aboriginal Land Rights (Northern Territory) Act into the Petroleum Act.

Section 23 of the act enables the minister, on the advice of the Oil Advisory Committee, discretion to grant a suspension from obligation of the permittee up to a maximum of 5 years. At the same time, the minister has the discretionary power to add such periods of suspension to the term of the permit, provided the aggregate term does not exceed 15 years. There is an exception to this as some permits granted under section 50 of the 1966 act have their maximum term limited to 10 years.

In recent years, and largely due to the land rights issues, as work commitments have been suspended on grounds outside the expertise of the Oil Advisory Committee, it is no longer considered appropriate to refer all applications for suspension to this committee. The proposed amendment to section 23(2) covers this situation. The amendment proposed for section 23(3) will remove the limits which apply to periods of suspension from obligations and to the term of permits. These limits are considered to be unrealistic in view of the delays brought about by uncertainty of title arising from consideration of Aboriginal land rights matters in recent years.

In the proposed amendment to section 46 of the Petroleum Act relating to the rights of a permittee to obtain a lease on Aboriginal land, it is necessary to correct an error which occurred when amendments consequential to the Land Rights Act were made earlier this year. As mentioned earlier, section 50 of the 1966 act limits the term of certain permits to 10 years instead of the usual 15 years. The proposed amendment is to rationalise conditions relating to the aggregate term of all permits now current.

In conclusion, I consider the amendments proposed in this bill to be essential if the act is to remain workable and I commend the bill to honourable members.

Debate adjourned.

PUBLIC TRUSTEE BILL
(Serial 232)

Bill presented and read a first time.

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

This bill is to authorise and validate the operation of the common fund operated by the Public Trustee. Early next year, a totally new public trustee bill will be introduced into the Assembly. That bill will consolidate the law on the Public Trustee, extend his powers and lay the legislative base for a reorganisation of his office. Already the office has been moved to a location more accessible to the public as part of an overall program to provide a better service to the people of the Northern Territory.

Earlier this year, the then Public Trustee, who was also the Curator of Deceased Estates, began operating a common fund as a method of investing the

money held by him on behalf of other persons and estates. A common fund involves placing all money in one account and investing lump sums from that account in authorised investments. The interest received on these investments is higher than on individual investments because of the greater amount of money involved. Individual estates therefore benefit from a common fund. Once the interest is received, the rate of interest is determined by the minister and interest paid to the estates. The validity of that common fund, however, may be questioned though the benefits to estates and the organisational advantages are undoubted. This legislation is to provide rules for the operation of the common fund and to validate the operation of the common fund since it began operation and until the comprehensive bill is introduced. That bill will also include provisions for a common fund. I commend the bill to honourable members.

Debate adjourned.

JUSTICES BILL
(Serial 234)

Bill presented and read a first time.

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

This bill is to correct a verbal error in section 27A(3) of the Justices Act which was passed by the Legislative Council in 1973. In that section the "not" is not where the "not" should be. The bill will not prejudice any person. The intention of the section was to ensure that defendants received summonses as soon as possible after the offence and that the summons gave sufficient notice of the hearing. As the act now is, it does not give sufficient notice as the summons must not be served earlier than a month from the hearing. An additional effect of the section is that it makes it difficult for the police to administer this area of the law. It requires a hearing within 2 months of the date of the offence. This is not always possible. A clause validating previous services is included to ensure that a conviction cannot be upset on a technicality.

Mr Speaker, I will be seeking to have Standing Orders suspended to permit the passage of this bill at this sittings. I commend the bill to honourable members.

Debate adjourned.

ANSWER TO QUESTION

Mr TUXWORTH (Mines and Energy): Yesterday, Mr Speaker, you asked through the honourable member for Stuart questions relating to the Mataranka water supply. The first one was: who controls chlorination of the Mataranka water supply? The answer is that the operation of the Mataranka water supply, including chlorination, is by the Department of Transport and Works. The second question was: would fluoridation help? The answer to that is that the fluoride level of the Mataranka water supply is lower than the optimum level for prevention of dental caries and the maximum beneficial results would be achieved with an optimal fluoride level.

LIQUOR BILL
(Serial 153)

Continued from 20 September 1978

Mr PERKINS (MacDonnell): I rise to indicate that the opposition welcomes the Liquor Bill as introduced by the honourable Minister for Health. I also welcome the style of consultation adopted by the honourable Minister for Health.

Honourable members would be aware that the Minister for Health tabled a preliminary draft of the Liquor Bill in this House and he indicated that there ought to be an opportunity for wider consultation of members of the Assembly and also other people in the community. I am also aware that the minister has been to Aboriginal communities in the Northern Territory and has had discussions with Aboriginal communities in relation to the Liquor Bill. In particular, he has had discussions in areas of my electorate where the liquor problem has been of considerable concern. I refer to such places as Areyonga, Papunya and Hermannsburg. I think the style of consultation adopted has been important because this is a major piece of legislation and it is important that people have the time and opportunity to consider the detail of the legislation and also the consequences of the legislation.

Unfortunately, that has not been quite the same for other legislation we have seen coming before this House, where it has been dumped upon us and we have not had adequate time and opportunity to consider the legislation. In this case, there has been adequate time and opportunity for members of the public and, in particular Aboriginal communities and those people who have an interest in licensing matters, to be consulted. I would commend that particular style of consultation which has been adopted by the minister. I would only hope that other ministers on the front bench would also be interested to adopt that particular style of consultation. I am not able to say that all the other ministers on his side have the same attitude that he has.

Having said that, I understand the main intention of this legislation is to set up a Liquor Commission. In the second instance, it removes the administration of the licensing of liquor out of the hands of the police force and, in the third instance, provides for the wide range of circumstances existing in the Northern Territory to be considered when liquor licences are issued. The opposition supports those principles in the main. It is a major piece of social legislation and we are not entirely happy with all of the provisions and we do have some reservations. I would like to comment on those after I make some comment on the background of liquor problems in the Territory.

Honourable members would be aware that liquor licensing laws in the Northern Territory were made about 40 years ago. Although there have been amendments to these laws over the years, there is no doubt that they are antiquated and that they are out of date according to the needs of our own society today. Over the years, we have seen a report and recommendations of the Northern Territory Liquor Inquiry which was established by the Legislative Council, and I am referring to that inquiry which was headed by Mr Adams. In fact, that inquiry itself recommended, amongst other recommendations, that a liquor commission be established. It is unfortunate in a way that, although those recommendations were made a few years ago, there has not been much action in that period. However, I think it is a gratifying thing to see this recommendation coming to fruition in this bill after all those years of talk and more talk, and more recommendations but no action.

In addition, we have seen the recommendations of the Standing Committee on Aboriginal Affairs of the federal parliament which were contained in an interim report on the liquor problems of Aboriginal people in the Northern Territory. I would like to stress at this stage that liquor problems are not peculiar only to Aboriginal people. It is a wide-spread problem all over the Northern Territory and all over Australia. However, I would just like to instance the major recommendations of that report because there are people in the community who are concerned about the recommendations of that particular committee.

In the main, that committee recommended that there ought to be a tight control of liquor on Aboriginal Reserves or on Aboriginal land, and that would

be in response to the wishes of Aboriginal people themselves. No doubt the honourable minister would be aware, in his travels and in his consultation, that there is a strong feeling in Aboriginal communities to have control over their liquor problems and also that the laws ought to take into account that particular desire.

This committee also recommended that liquor ought not to be allowed within Aboriginal land unless the Aboriginal communities and their leaders agree to it. The committee also said that, if the Aboriginal community was in agreement, there should be no liquor allowed and the laws ought to be strengthened to stop the taxis, charter planes and the boats from taking liquor to those communities. On the other hand, if the community agreed to have liquor, then there ought to be a club facility in the community and Aboriginal people ought to have control over the rules regarding the use and consumption of that liquor. I would not doubt that these particular recommendations would have been taken into account by the sponsor of the bill. It is important that they should have been.

The legislation represents a culmination of the concern which has been expressed by Aboriginal communities for better control over the licensing and sale of alcohol. There is no doubt that alcohol abuse in Aboriginal communities has resulted in disruption to community life. Honourable members have been aware of the incidents of violence and the damage and hurt which has been caused in Aboriginal communities by this particular problem. In the main, those Aboriginal communities which are concerned would be heartened by the presentation of this legislation. It is important that this legislation ought to be able to assist Aboriginal communities to come to terms with their drink problem to a satisfactory degree. I only hope that, when it comes into effect, Aboriginal people will be aware of the contents of the legislation and that they will be able to take up their objections as prescribed in the legislation and use the legislation to their best advantage.

We are concerned about a number of clauses in the bill which we would like to see changed so that the legislation is improved. I refer first to clause 21 which is under part II. This clause relates to members and assessors not being allowed to act if they have a financial interest in a matter to be considered by the commission. The clause says, in effect, that a member or an assessor is not allowed to act in respect of that matter unless he is able to disclose the interest to the minister and then the minister directs that person in writing to act. Unfortunately, we do not think that particular provision is adequate. The opposition's view is that it ought to be tightened up. We believe that, where a member or an assessor has a financial interest, he ought not to be allowed to act at all in respect of that particular matter. If a member or an assessor has an interest in the matter to be considered by the commission, he ought to disqualify himself or be disqualified from acting in relation to that matter. He should not be in a position where he has to make a decision. We have circulated an amendment in that regard.

I would like also to refer to clause 57. That clause provides that the decision of the commission is to be final. In other words, it means that, where the commission makes a decision under that particular section, it is not to be challenged or appealed against or reviewed in any court. The opposition is not particularly happy with that provision because we believe that the power granted in that section is too wide and it appears to be a disturbing abandonment of the rights of citizens to have access to the courts. We believe that there ought to be a right of appeal to the courts in all fairness to all parties, whether they be licensees or objectors. We have circulated an amendment to that effect. The purpose of the amendment is to improve that clause and allow all those parties who are concerned in the matter to have the opportunity to have access to the courts if they consider it important to make an appeal above the commission. That is a fairly important principle and I would ask the honourable minister to think about it and to give us some indication of his thinking.

I would like also to refer to clause 85. This refers to the power of the commission to revoke a declaration of a restricted area at its discretion. Again, the opposition is concerned that the commission has a wide and discretionary power. On the one hand, we can understand that it is important for them to have powers to control a situation but we think there are some exceptions and this is one of them. This particular section ought to be deleted. This is indicated in the amendments that we are circulating. Again, we hope that the minister will take it into account. As the clause stands, it is sufficient that the commission has powers. However, it goes further to give the commission a discretionary power. If you look at this clause, you will note that the situation is already covered in the previous clause where it indicates that permits can be revoked on a breach of conditions. The opposition feels that this would be sufficient and that there is no need to give the commission an extra power of discretion. It is important that there are conditions placed on the revocation of these permits in all fairness to those people who hold the licences and in fairness to those people who have objections.

I would now like to turn to some other matters which I hope the minister will be able to clarify. In the first instance, I refer to clause 33. This indicates that the commission shall have regard to the needs and the wishes of the community. At this stage, we are not exactly certain as to what is meant by "the needs and the wishes of the community". It appears to be a fairly loose expression. I say that because I have an example which I would like to put to the minister. There may be some doubt as to whether communities of people, for example, those at Areyonga, Haasts Bluff, Hermannsburg and Papunya are to be included within the general term of "community" as affected by the sale of liquor. I would like the minister to give some indication as to what is exactly meant by "the needs and wishes of the community". Does it mean only the community around the place in dispute is entitled to object or does it include the wider community?

The second matter which I would like to see clarified by the sponsor is the question of these objections to a licence and the time period allowed for them. I had understood that Aboriginal communities were told that objections to a licence are able to be lodged at any time. This seems to be the view that some Aboriginal communities have, particularly those at Areyonga, Haasts Bluff and Papunya. I am not sure where this particular view came from but that does not seem to reconcile with the legislation as it stands. Clause 49 says that objections must be lodged with the registrar within 50 days after the publication of the notice in the Gazette. If the sponsor of the bill was able to clarify that particular matter, it would give an indication to those communities of where they stand if they want to object to liquor licences in their area.

Mr Deputy Speaker, the opposition welcomes the bill. I hope that the honourable minister will take into account the amendments which we have circulated. We would like to see the Liquor Act be successful and come to terms with the liquor problem in the Territory. Our desire has only been to propose amendments that would hopefully improve legislation.

Mr HARRIS (Port Darwin): Mr Deputy Speaker, I rise to support the bill. This is another one of those pieces of legislation which is consistent with the government's attitude to allow people in particular communities to have a say in what they want to happen in that area. There has always been discussion about whether or not the police force should be involved in the inspections pertaining to licensing provisions. By establishing the Liquor Commission, we now are able to remove from them these controls. The commission itself will now be responsible and the various communities will be able to opt for a restricted area or not.

I agree with the member for Arnhem that alcohol is certainly one of the most abused drugs in the Northern Territory today. Most members would agree that the Aboriginal people's lifestyle has actually been infringed upon by alcohol. We have the situation where the Aboriginal people and other people in our community are concerned as to the future of Aboriginal people in relation to drink. Many of our communities have realised that a problem has arisen with the excess consumption of alcohol. It is no good for us to say, without consultation with those communities, that we are going to change our laws so that they will not be able to drink any more. This legislation enables that situation to come into force but only on the condition that the people in those areas do wish it to be the case.

The bill gives the Liquor Commission wide-ranging, discretionary powers. Local situations will vary from one place to another quite considerably and it is necessary that the commission be able to act according to the wishes of the people. Therefore, it does require wide-ranging powers.

One of the provisions which I am pleased to see is the creation of the position for assessors as laid out under division 2 of part II. I can see that their advice to the commission in the initial stages of implementation of certain aspects of this bill will be vital. There will be recommendations to the commission and I would presume there will also be some changes.

I am not very happy with one provision in the bill which relates to the issue of permits and I realise full well that people in areas should be allowed to drink. I mentioned previously that there was a need to have control in particular areas. As far as permits are concerned, there could be a problem created with people wanting to get liquor in a restricted area. If I had a house in a restricted area and I was allowed to have liquor in that house, there could be danger to my family by other people wanting to get that liquor. Once a person is addicted to alcohol, he will go to any extreme to get it.

There are 4 areas which I would like to have clarified by the minister. I realise that most of these points will be in the bill itself but they do need mentioning. I would like the Minister for Health to clarify for me the fee structure outlined for a merchant. I have been through section 36 and I cannot see where this is actually outlined.

My second worry relates to the licensing of road houses. Because of the vast distances in the Territory and also the isolation of various areas, it is necessary that some direction be given to the hours that these road houses should remain open. I feel that these road houses do have a responsibility to people and there should be some direction given.

The third point relates to the situation which could arise where a shop or hotel was constructed in a licensed area and the licensed area then became a restricted area because of the requests by the local people. I would like to know what provision, if any, has been made for compensation to these people. When you invest money in a hotel, you will expect a major part of your investment back from the sale of liquor. I am not arguing the morals of it. The point is that some people have invested money in areas and obviously they are relying on returns from liquor. I do feel that some compensation perhaps is warranted.

The fourth point is a major concern of mine as a representative of a city electorate. I refer to the movement that could occur from restricted areas to unrestricted areas. We have a problem today with fringe dwelling and we also have a problem with liquor generally. My concern is that there could be a major influx in the Darwin situation and the Alice Springs situation whereby, once the places have been declared restricted areas, there could be movement into the unrestricted areas.

I support the bill but I would ask that all these aspects, particularly my last point, be monitored very closely because, if we do not, we could compound the problems that we already have today.

Mrs O'NEIL (Fannie Bay): I rise to support this bill. I am sure we will all be pleased to see it passed as will many citizens of the Northern Territory. I am particularly enthusiastic about the establishment of a Liquor Commission. It is long past the time when responsibility in this area should have been removed from members of the police force who, I am sure, have found it an onerous task. I am also particularly enthusiastic about the provision for restricted areas, a concept which has the support of Aboriginal communities in the Northern Territory which have considerable problems with alcohol.

However, I do have a few reservations which I have expressed to the honourable minister and which were also mentioned by my colleague, the deputy leader of the opposition. I am particularly concerned about the extent of the powers of the commission and I believe that I am not the only person who is so concerned. I expressed these reservations to the sponsor of the bill in a meeting which we had to discuss it. When I received a copy of the Northern Territory Brewery Pty Ltd's submission to the minister on this liquor bill, I was interested to note that they had similar reservations about the wide discretion that the commission will have. I was also interested to note that many of the points which were raised by that company have been taken up by the minister in amendments although many of them relating specifically to the question of the wide discretions of the commission have not.

In their submission, they referred to the provisions which would have given the chairman absolute power when the commission is constituted by 2 members. I note that the amendments circulated by the honourable sponsor go to that point. They also refer to concern about clause 25 which allows the commission to delegate its powers and functions under the act to a number of classes of persons, including members of the police force. I note also that the minister has amendments in that area and I support them.

Another area on which the brewery company expressed reservations - and I did too - was in relation to prerogative writs. They said that the bill should be amended to make it clear the commission is subject to prerogative writs. Clause 24 could conceivably be construed so that remedy is not available. I would certainly support that reservation of the brewery. It is most unfortunate if, in any legislation, we attempt to limit the recourse that citizens of the Northern Territory have to traditional, legal processes in an attempt to gain justice.

I have been particularly concerned about clause 57. It was mentioned by the deputy leader of the opposition and it was also mentioned in the brewery submission. It reads: "Where a hearing has been conducted by the commission under this act, a decision of the commission (a) shall be final and conclusive; and (b) shall not be challenged or appealed against, reviewed, quashed, or called into question in any court". In pursuing this matter, I did a little reading and I refer honourable members to a recently published book "The Review of Administrative Action" by Whitmore and Aaronson. I will not read out all the relevant passages because of the constraints of time which we have upon us today, but I would point out that these gentlemen and their predecessor in this area of administrative law, Professor Benchfield, have written extensively on this area of law in Australia. In the introduction they say:

> *It is our view, however, that judicial review of our system is of immense importance and is likely to remain so. For so long as the courts and the judiciary maintain a position of status in the community, they will remain a most effective body to restrain excesses and breaches of the law by administrators, public and private. Tribunals, ombudsmen and other*

devices have an important place in the reviewing structure but the courts must retain the final reviewing power.

And, of course, they do even if we do put clauses in such as clause 57. Later on, these eminent gentlemen say:

> *It is not surprising that legislative attempts to limit or completely exclude the scope of judicial review of administrative action has generally been met by the court with a mixture of incredulity, disingenuous disobedience and downright hostility.*

They go on to explain a number of fairly technical areas. I suggest that clause 57 is not as all-encompassing as it appears to be yet it will very definitely have the effect of limiting appeals to courts and the judicial process by members of the Northern Territory public. That is most unfortunate and I do not really believe it is necessary. If we have confidence in this legislation, and most honourable members do have, and if the government has confidence in the commissioner, then it seems unnecessary to try to say that we are not prepared to have decisions looked at by the court. I think a commissioner would be happy to know that he had the backing of courts and people would be happy to know that they had that option open to them if they were dissatisfied. The commission has fairly considerable powers. If the commission refuses a licence, it then sits in judgment on itself. Those hearings may be closed and yet we are saying there is no appeal. That seems to be quite outside the sort of judicial review within our system which most of us expect should be there. I would urge the honourable Minister for Health to once again consider that question of clause 57.

The NT Brewery Pty Ltd, in other sections of its submission, also referred to the wide powers of the commission in relation to the restricted areas. They said: "It is a matter of concern that the bill does not restrict these powers to achieving any particular objective. These matters are not academic for the very extensive powers exist once an area is declared a restricted area. The power of seizure and forfeiture is extensive and, it is submitted, unnecessarily extensive".

It was further submitted that clause 87, which is one which I object to, goes far beyond what is necessary. Clause 87(1) provides a defence to a prosecution under clause 76 if the person accused has liquor in his possession for the purpose of transporting it to a destination outside that area. Section 87(2) not only reverses the burden of proof in respect of that defence but imposes an onus beyond reasonable doubt. It is submitted that such an unusual departure from the ordinary rules of law should not be incorporated in the bill and that the provision is manifestly unjust. They make further reference in their submission which, as I said, is very valuable so I have no reservations in reading from it. Elsewhere in this submission reference has been made to the extensive discretion granted to the commission.

The scheme of the bill is modelled on the Liquor Ordinance of the Australian Capital Territory. Section 76 of that ordinance provides a right of appeal from certain decisions of the board constituted under the ordinance to the Supreme Court. It is submitted that a similar provision should be included in the bill. I certainly believe that it should be and I once again urge the honourable Minister for Health to consider whether he would put such a provision in. I cannot see what is to be lost if we put such a provision in and it seems to me that we are enshrining the rights of the citizens of the Northern Territory to have access to judicial review of administrative decisions.

The brewery's submission went to a number of other areas with regard to licence fees, quarterly returns and so forth and I note that the sponsor of

the bill has taken up many of those suggestions in his amendments. I hope he will also consider the other suggestions that have been made by that organisation in regard to what I believe are the excessive discretions open to the commission.

I am pleased to note in this bill that citizens living in proximity to a licensed club or licensed premises will find it much easier to appeal or have consideration given to the question of licences, not only at the time they are being granted but while they are being held at other times. In my electorate which covers a fairly small area, I have 9 licensed clubs, 1 public hotel, 2 licensed restaurants and a number of licensed stores. I imagine in some of the larger electorates in the Northern Territory there are similar numbers but I doubt that they are so concentrated as they are in Fannie Bay or in such close proximity to residential areas. Generally speaking, we have very little problem but, on occasions, we do when residents feel that their rights of privacy or their rights to quiet at night are being intruded upon by those licensed premises. I am very pleased to see that, in this new legislation, people who are affected in that way or similar ways have greater recourse than they have had under the previous legislation. I welcome that.

There is another aspect I would like to consider when talking of the rights of individuals and that is the question of the transfer of licences. I note that there are also amendments before us in that area. We know that, when a licence is first issued, there is the provision for ensuring that the public is aware that it is happening. There are public notices and provision for public hearings and so forth. With regard to the transfer of a licence, those provisions do not exist and I am a little concerned because I do know from experience that the transfer of a licence can mean a change in policies of the people running that establishment which could well affect the people in the neighbourhood. They should know before the licence is transferred that they could be affected and have a right to be considered and not have to wait until after they are affected and then go through some sort of appeal process.

One other small section which I would ask the minister to comment on is clause 32(2)(j). This relates to the conditions of a licence and it says:

> *The Commission may determine conditions with respect to (j) the persons who may be admitted to licensed premises.*

I would ask the honourable sponsor of the bill to explain why he believes that is necessary. It seems to me that we have these provisions for restricted areas which generally cover problems which Aboriginal communities or other communities might see. We also have a specific provision with regard to persons under 18 years. I wonder why it is considered necessary to give the commission power to put a condition in the licence as to persons who may be admitted. In the discussions we had with the minister, the question of areas such as Gove came up and it was said that the people of Yirrkala might not want the members of that community drinking in a hotel at Nhulunbuy. Of course, it is unlikely that we would be making the hotel at Nhulunbuy a restricted area and so the licensee might be asked to not serve liquor to members of the Yirrkala community. That places an unnecessary burden on the licensee. If a community wants to restrict its members from drinking, then it is up to that community to do so and they should not be asking the licensees of various premises to do it for them. I would ask the minister to give consideration to that point and perhaps explain if there are any other reasons he might see for its inclusion.

Another area which has concerned the opposition and on which we have circulated an amendment is in relation to the question of interests of members of the commission or an assessor. I note that the minister has circulated an amendment to that effect but in reading it - and we received it fairly

recently - it seems to me that it still gives the final decision to the minister who may still direct a person to act in a matter in which he might have an interest or in which there could be a conflict of interest. I have said before on other occasions that I do not think that is good enough. If a person has an interest or is thought to have an interest, then that person should not act, even if the minister would prefer him or her to act. I would hope that honourable members would support the amendment which will be moved by my colleague in relation to conflict of interest.

I have covered everything I wanted to say, Mr Deputy Speaker. The broad areas of policy which are covered in this bill certainly have our support. We welcome it very much. It is long overdue. We will be very pleased to see the commission in operation and wish it every success in its work. I certainly look forward to hearing the reply of the minister to the matters I have raised.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, this Liquor Bill is quite a long piece of legislation which is self evident, but its length is occasioned by its comprehensiveness. We have many different community needs in the Northern Territory regarding liquor and this has been so drafted to take all these into account. In my electorate, there are 3 distinct forms of liquor outlets: hotel-motels, private clubs and stores with a licence to sell liquor. All of these 3 have different conditions present in the buildings, in the clientele, in the particular situation and the sort of liquor the community wishes to be on sale. The clubs at Bathurst Island, Garden Point and Jaja are private clubs with conditions of membership, serving the needs of their own more or less closed community. They all only have beer because this is what they wish to sell. The hotel-motels at Noonamah or South Alligator sell all types of liquor to the public in general under more open conditions. The Howard Springs supermarket sells liquor to take away, not to drink on the premises like a club or hotel.

This bill seeks to regulate the sale of liquor from the licensee's point of view with conditions imposed on the licence itself, as to buildings, conduct of people on the premises etc. I fully agree with this because the very nature of liquor can bring abuse if all the surrounding appurtenances of marketing are not well and truly controlled.

The institution of the Liquor Commission in part II follows similar lines to other commissions and similar bodies formed in recent legislation in having legal opinion available in the form of one of the members. It is very interesting to note in clause 23 that the chairman and deputy chairman may hold paid employment outside their duties on the commission, with the permission of the minister. No doubt the minister will exercise discretion in his decisions on this matter.

In line with legislation regarding bodies similar to this Liquor Commission, the members cannot have interest in matters brought before the commission as per division 4 of part II. In division 2 of part II, clauses 15, 16 and 17 deal with the subject of the appointment of assessors. This idea is innovative and it is to be commended. These assessors could be people with local knowledge relating to the application of a licence in a specific place in the Northern Territory. They could have social welfare knowledge or knowledge of a particular Aboriginal community.

Going back to division 1 of part II, I think it is to be commended that a deputy chairman is to be appointed and have, as part of his duties, the administration of the southern region. This will mean that all parts of the Territory will be considered on an equal footing.

In part I, division 3, the appointment and work of the registrar, deputy registrar and inspectors is fully laid out.

In part III, divisions 1 and 2 set out very clearly and in some detail the conditions surrounding the issue of licences and the necessary conditions that must surround the running of licensed premises. Although these are somewhat detailed, they still allow a great variety of licences to be issued and regulated by these particular sections.

Going back to clause 33(1)(d), I am pleased that the provisions of this bill also take into account the situation that occurs in my electorate on Bathurst and Melville Islands. These are not restricted areas. They both have clubs that sell beer. They permit liquor to non-Tiwi people and this trust has not been abused but they do not want unlimited liquor coming onto the islands, especially not spirits, for their own people. This is the wish of the council.

In part III, division 3, clause 36(1)(a)(b)(c) and (d) take into account all the situations in which liquor can be sold. Paragraph (a) refers to liquor sold from a store; (b) refers to a hotel-motel situation; (c) refers to an incorporated club and (d) refers to a hotel-motel situation that is more than 60 kilometres away from somewhere else.

Clause 36(2) shows the thoroughness of this legislation in taking account of the odd occasion when resale occurs from one licensee to another.

Part III, division 4, makes sure that a licensee takes full responsibility for acts done when his licence was current even when he has surrendered it.

Clauses 43(1) and (2) define the conditions applying to any licence application and are comprehensive enough to cover any sort of liquor outlet to the public.

Part IV covers completely the fact that, although a licence has been applied for - and quite a few of us in the Northern Territory like a can or two - people who do not drink have power to voice their objections.

Clause 54 gives the Liquor Bill plenty of scope to meet any particular situation of licence application.

All of part V, in relation to hearings, again considers every related facet so that all interests get a fair representation.

Part VI takes into consideration the infrequent times when liquor is consumed away from what is now called licensed premises on the occasion of a special event when a little bit of good cheer is going to help the situation.

Part VII takes into account that not only are the licence conditions and premises important, but so is the conduct of the licensee.

Part VIII is important in relation to certain Aboriginal areas where the people may think that, in the best interests of their community, no liquor should be allowed there. White communities may feel like this also. Both have it in their power to have their area declared dry if they feel for some reason the community cannot handle liquor there. Further clauses in this part refer to all possible situations that could arise in connection with restricted areas and its comprehensiveness is to be admired.

Part VIII, division 2, allows for certain suitable people in a restricted area to consume liquor under fitting conditions, having regard for the probable fact that these people may belong to a group of people who can consume liquor with minimal subsequent trouble and who will not abuse any privilege.

This bill is a certain step forward in the control of liquor distribution in all our communities in the Northern Territory. It recognises that people are going to drink, whether forbidden by law or not, and it puts the onus of selection of a liquor outlet and conditions right on the community itself, anywhere in the Northern Territory, for the better order and conduct of members of that community. I support the bill.

Mr COLLINS (Arnhem): The principal point that this bill is establishing generally is a recognition by the government that liquor in the Northern Territory, both socially and financially, is a large enterprise and deserves the special care of a special department set up to look after it. That is exactly what this bill provides and the opposition certainly applauds it. We will be very pleased to see it in action.

I direct a question to the honourable sponsor of the bill on division 2. Perhaps he could address a few comments in his reply relating to the appointment of assessors. I would like the honourable minister to expand on who these assessors are likely to be and what sort of procedures they are likely to adopt, for example, in consulting with an Aboriginal community over problems that they might have with liquor. I have no objection to the section whatever; I would just like a few thoughts on the subject from the minister.

The other section I would like the minister to give some comment on is clause 49(4):

> *An objection to the grant of a licence shall be lodged with a registrar pursuant to subsection (3) not later than 30 days after the publication of the notice referred to in section 28.*

This does not provide as good a channel for people objecting as the current legislation which provides for annual hearings, the date of which is fixed. People have plenty of notice; I think the principal ordinance gives 5 weeks. It is necessary to gazette the date of the annual hearings and people have plenty of notice. 30 days is not sufficient, particularly in respect of isolated Aboriginal communities where it sometimes takes as long as a fortnight just to get one letter in and out. Government gazettes are not all that prevalent and the newspapers are even less prevalent. I think that 30 days is really not long enough.

Clause 57 has been touched on before and I will not tediously repeat the arguments that have already been put. I think that clause 57 is a gross intrusion into a citizen's right of access to the courts and it should be deleted.

Clauses 88 and 89 were touched on by the honourable member for Port Darwin. I concur with the remarks that he made. I am not proposing any amendment to the clauses at all; I have no objection to them as they stand, but I would like to make a few comments supporting what the honourable member for Port Darwin had to say in relation to permits being issued for particular people to have liquor in a restricted area. It has been my experience, both with Aboriginal and non-Aboriginal persons holding these permits, that the issuing of these permits generally is an absolute disaster. I refer to both Aboriginal people and non-Aboriginal people in a community having permits to drink. It is a constant source of irritation to the Aboriginal people in the community who do not have that permit. It results - and I am certainly speaking from experience - in a considerable degree of harassment of the people who do possess the permit. It causes a great deal of friction and unhappiness in the community generally. I do not think it is necessary for any amendment. Clause 92(1) says: "The commission shall consider an application for a permit and shall - (a) conduct such investigations and

cause to be conducted such investigations of the application as it thinks fit; and (b) take all steps as are, in its opinion, necessary to ascertain opinions regarding application of the people who reside in the restricted area to which the application relates". I do think that that provides sufficient protection. In this regard, I do not have any particular qualms about this legislation. I just suggest it is an area for scrutiny when this bill is in operation.

I do not think that it is any state secret now that the person who will be appointed to the position of chairman of the Liquor Commission is Mr Ian Pitman who was an Assistant Director of the Department of Aboriginal Affairs. As far as the opposition is concerned, we want to commend this gentleman's appointment to the position. We do not think that the government could have made a better choice. Mr Pitman has had a distinguished career with the Department of Aboriginal Affairs. It was distinguished, as far as I am concerned, primarily because of the man's very genuine concern and genuine feelings towards the best interests of Aboriginal people. Mr Pitman is held in extremely high regard by Aboriginals right across my electorate and has the trust and confidence of Aboriginals in communities everywhere. I personally have the greatest faith in Mr Pitman and I know that those feelings are shared by the rest of the opposition. I am sure that, where sections of this bill require consultation with communities before matters are proceeded with, that consultation will be carried out in a very proper and sensitive manner. The opposition would wish Mr Pitman very well in his position.

I have a question to put to the minister. Clause 97 says: "Any thing seized under this part may, on conviction of a person for an offence in connection with which that thing was seized, at the discretion of the court recording the conviction, be forfeited to the Territory". That takes care of the situation where the gentleman was duly convicted. Clause 98: "A thing seized under this part shall, as soon as practicable, be delivered to the chairman by the inspector or member of the police force who seized it". Clause 99 says: "Where a thing seized is delivered to the chairman if no prosecution is instituted within 30 days in respect of the use or possession of the thing ... the chairman shall, by notice in writing, require the person from whom the thing was seized or a person appearing to the chairman to be the owner of the thing to claim delivery to him of the thing seized". Clause 101: "Where a person is served with a notice under section 99 makes a claim for the delivery to him of the thing seized, the chairman shall refer the claim to a court of summary jurisdiction which may deal with the claim in all respects as if it were a claim made by a claimant of property under section 130B of the Justices Act". My query is: if a thing is seized from a person and there is no conviction, I wonder why it could not be possible to have that thing merely returned to the person. The other question: is it necessary for the person to actually have to go to the trouble of going to pick up his thing or is that thing returned to him by the people who seized it? Does he have his thing given back? I would ask for a little clarification on that.

Other members of the opposition have touched on particular points that we intend to amend. I will not make any further comments about them until the committee stages of the bill. The opposition applauds the bill. We are pleased to see it, with the reservations which we have spoken about. It is a recognition of a vital area of the Territory's social and financial life and we hope that the commission very successfully copes with all of the numerous problems which no doubt it will have.

Mr OLIVER (Alice Springs): For many years, probably since it began in the Northern Territory, liquor licensing has been administered by the police force. Whilst this might have worked well and probably did work well, it has given that particular service an overwhelming supply of paperwork and duties

that really are unrelated to police work. Before I do pass on, I would like to pay a brief but very sincere tribute to the police force. In the past in the Northern Territory, the police force has had to bear the brunt of the public service and, in fact, it was indeed the public service. Not only were the police administrators of the liquor laws, they were stock inspectors, pastoral inspectors, mining wardens, registrars of births, deaths and marriages etc. They really were the nucleus of our public service. I do want to pay tribute to the magnificent work they did in the past.

The setting up of the Liquor Commission is a progressive move to rationalise the administration of the liquor retailing business. I welcome the composition of the board being raised from a single commissioner to a 4-member commission. I particularly welcome the rights and powers the deputy chairman has over what will be known as the southern region. The delegation of responsibilities specifically for the southern region will be well received by the residents of that region.

I concur with the member for Port Darwin's remarks on the appointment of assessors as contained in clauses 5 to 17. These assessors could be of invaluable assistance to the commission in dealing with localised situations. It will be seen that it is obligatory for the commission to seek the advice of assessors in areas relevant to a matter under consideration except for those times that the assessor is unable to act.

Clauses 18 to 20 relate to registrars and inspectors. It is a natural consequence that, if the administration of liquor licensing is removed from the police force, then a corresponding area of registration and inspection must be provided.

Clause 21 is a most important clause in that it is the financial interest clause. It exempts a member of the commission or an assessor from acting in a situation where that person has an interest, except under the direction of the minister. This matter has been raised by the opposition. I feel that these members and assessors will be persons with such responsibility and capabilities that, despite the fact they might have an interest in something, I think the minister's discretion as to whether their experience should be used is quite sufficient.

I would refer generally to part III of the bill. I consider the main thrust of this part is that we will have shed ourselves of the multitude of various types of liquor licences under which we have imbibed for many years. In their place is the one liquor licence. The commissioner, however, may apply conditions to each liquor licence pertaining to the circumstances surrounding each licence. Instead of the conditions being stereotyped for each previous class of licence, the commissioner now has a greater flexibility to impose conditions more suitable to local requirements.

Part VI of the bill applies to special licences. As I said earlier, there is one licence or perhaps one commercial licence. These special licences relate specifically to licences required for special functions or special occasions. There should be no unnecessary delays or problems in obtaining such a licence but, again, the commission can lay down guidelines as to the operations of those licences.

I fully support the provisions of part VIII of the bill. This relates to areas which may be declared to be restricted areas under the act. I sincerely believe that any community, provided it is the opinion of the people of that community, may opt out of having liquor retailed in that community.

I give my full support to clause 122 whereby the commission may forbid the sale or supply of liquor to a person. I know of situations where this clause would be of the utmost assistance to families which are being wrecked or destroyed by continued over-indulgence in liquor.

The opposition has brought up several points and those points have been directed specifically to the honourable sponsor of the bill. At this stage, I do not propose to pre-empt his comments.

Mrs LAWRIE (Nightcliff): Mr Speaker, this is not the only legislation in the Northern Territory dealing with liquor. We have the Traffic Ordinance, which prohibits people driving whilst under the influence of alcohol, and we have parts of the Summary Offences Act which also pay attention to drunks who are causing a nuisance to other people. What this legislation does is to regulate the retailing of spiritous liquors. I applaud the fact that it is to be under the control of a specialist commission.

It amazes me that in a so-called civilised society, it is difficult to go to a place where liquor is freely sold and buy a drink without being pestered by somebody who has obviously had one too many. In other parts of the world, in supposedly poor countries, local beers are freely available. I am not conversant with all the licensing laws but it is obvious that every outlet where food is sold is also licensed to sell beer but not wine and spirits. In these poor, deprived countries, one is not pestered by drunks and there are no drunks falling all over the footpaths, under cars or smashing themselves up with the same monotonous regularity as occurs in Australia and, unfortunately, particularly in the Northern Territory. One might wonder why. Perhaps it is because, in the past, although the provisions have existed for years, licensees have not been subject to having their licences forfeited even though they are continuing to sell liquor to obviously intoxicated persons. In part IX - obligations and offences - division 1 dealing with licensees, we see clause 103:

> *A licensee shall not sell or supply liquor to a person in respect of whom there are reasonable grounds for believing that he is intoxicated.*

Again, in clause 107, under the same part:

> *A licensee shall not sell or supply liquor to a person under the age of 18 years.*

I express the view that if those 2 provisions alone are complied with, we will go a long way to being able to obtain a drink on licensed premises without fear of it being in unduly harsh circumstances and we may start to behave like a group of civilised people who can regularise their own habits. Until such time as the community expresses a view quite strongly, through this House, that it is wrong, and your licence shall be forfeited if you push alcohol to drunks, we are not going to get very far. I do not know why this has never been administered properly in the past but I know it has not. If you go around some of the licensed liquor outlets in Darwin and its suburbs, you can have no quarrel with what I have said. There have been people lying around drunk, just able to stagger over to get another drink, and still being served. That is to be abhorred.

I have directed my attention particularly to that because I have no doubt, with the setting up of the new commission, the commissioners will be paying attention not only to what is the written word of the legislation but also the intent of this legislature. I would hope that the honourable sponsor of the bill will support the remarks I have just made on those 2 issues.

If I can return to the second one, the sale of liquor to under-age people, there are a couple of places in Darwin where it has been only too obvious that

this has been going on. I am not talking of 17-year-old kids who could look 19 or 21 or 25. I am talking of the sale of liquor to 13 and 14 years olds and this is deplorable. I would hope that any licensee in the future who does this without reasonable defence will have his licence forfeited.

In part VI, dealing with objections and complaints, a person may make an objection to an application for, the grant, renewal or transfer of a licence, and he may make a complaint regarding any matter rising out of the conduct of the business at licensed premises or the conduct of a licensee in relation to the business of a licensee. That is a good provision because, upon lodging such a complaint, he has to file a deposit of $20 unless it is made by an inspector or the Commissioner of Police and, if the complaint is found to be frivolous, irrelevant or of a malicious nature, the deposit can be forfeited. That will go some way towards ensuring that they are legitimate complaints against the holder of some class of licence who is causing offence. Those 2 areas of the bill, if properly carried out, might start in some way to regulate our drinking habits.

I note also a comment which was made that, although the person has the right to object to the application for renewal or transfer of a licence, the applications are not to come apparently in chronological order. It will be 12 months from the date of the original application and will not be on a set date in the Licensing Court. I am in 2 minds about that. I think it may cause difficulties for people who wish to register an objection against the continuation of a licence and who, unless they watch the paper particularly, will not know when the licence application is to be heard for renewal and may well lose the opportunity of voicing a valid objection. Of course, I am not supporting frivolous complaints.

Along with other members, I shall be making particular comments when we are dealing with this legislation in committee. In the second reading, I am only rising to indicate my broad support. I was a member of the Legislative Council when we initiated the searching inquiry into liquor. We see many of its recommendations in this legislation and one wishes the new commission well, particularly with regard to the orderly conduct of those businesses licensed to carry on the sale of spiritous liquors.

Mr ISAACS (Opposition Leader): Mr Speaker, I will be very brief but I do wish to reiterate the support of the opposition for this Liquor Bill, not only the bill itself and its contents but, as expounded by my deputy and spokesman on this matter, the very excellent way in which the minister himself was able to consult the community before the bill even reached the Legislative Assembly in a formal way. He has been commended for it by all members of the Assembly and rightly so.

I wish to speak about 2 matters. They are related and they touch on the matter raised by the member for Nightcliff. The first matter is in relation to the provisions following clause 96 in relation to seizure and forfeiture and the powers of inspectors and members of the police force to search without warrant. We went through the exercise yesterday in relation to police powers and there were emergency circumstances where police could enter onto premises without a warrant. There was the requirement in cases other than emergencies where warrants could be obtained over the telephone and it is a most practical way of achieving some kind of regulation of the matter of warrants. It is true that, in many of the places we are talking about, communities are not readily on the telephone. That is conceded, but it is not true to say that the police are not in regular contact with their head office. The fact is that police can make immediate contact with their headquarters. I believe that, in relation to seizure and forfeiture, there should be an attempt made to enable telephone warrants to be obtained rather than powers for search and seize without warrant. It may be that people are entering onto isolated communities

and I suspect that we are talking mainly about Aboriginal communities - and those people have first to obtain a permit. If they do not obtain a permit, then they are guilty of an offence and, of course, action can be taken against them. It may well be that these particular clauses could be abused. There is ample contact between police and headquarters; warrants would be obtained. I believe that ought to be the case.

The member for Arnhem touched upon clause 99 in relation to the return of items seized and I want to turn now to clause 103 in relation to people not supplying or selling liquor to a person in respect of whom there are reasonable grounds for believing he is intoxicated. One of the matters which has puzzled me for some time now in relation to our road toll is that people are apprehended for driving with an excessive blood alcohol content. If you are driving and you have been drinking, normally somebody has supplied it to you. Not everybody gets his beer directly from a hotel, it is true. Many people are driving home from parties but it must be true also that some people who are convicted for driving with an alcohol content in their blood exceeding .08 must have obtained their liquor at a hotel. If that is so, and I am sure it must be so, it has always puzzled me why only the driver finds himself under the hammer - and quite rightly so. The sellers and suppliers of that liquor are not questioned and brought to trial. I hope, as the member for Nightcliff pressed very heavily, that proposed section 103 is enforced. I believe it ought to be. We have been talking about the reduction of our road toll for some time. It takes 2 people - a seller and a consumer - and it seems to me that, if the law was observed in this regard, we would be alleviating the whole problem.

The only other matter that I want to talk about was briefly touched upon by the member for Fannie Bay, and that is clause 32(2)(j). Clause 32 says:

> *(1) The Commission may issue a licence subject to such conditions as it may consider necessary or desirable in the particular circumstances of an application before it.*
>
> *(2) Without limiting the generality of subsection (1) the Commission may determine conditions with respect to ...*
> *(j) the persons who may be admitted to licensed premises;*

I am not quite sure just what we are talking about there, but I think the member for Fannie Bay was correct in pointing to situations on the Gove Peninsula where a hotel there supplies not only the residents of Nhulunbuy but also the residents of Yirrkala. Of course, it goes a bit further than that too.

I was present at Nhulunbuy on one occasion, although I did not personally witness the exercise, when an arrangement was in force between the council at Yirrkala and the Walkabout Hotel - a very practical and sensible arrangement. They had agreed that, after a certain hour at night, Aboriginals from the mission would not be served. By and large, that was observed both by the community residents and by the hotel manager. The incident that I want to refer to was when a gentleman arrived at the hotel seeking to be served. He was clearly of Aboriginal descent but he came from a neighbouring place, Galiwinku. The bar attendant said, "I am sorry, we cannot serve you", whereupon this gentleman, I believe rightly, became very upset and very annoyed because he was not subject to the decision of the Yirrkala council. He was there at Nhulunbuy, for what purpose I do not know and on whose invitation I do not know, but I feel that is probably irrelevant. The fact was he was there and desired to be served, just like anybody else. The manager of the establishment took the view that, so far as he was concerned, Aboriginals were not to be served because of an arrangement entered into between the hotel management and the Yirrkala council.

It seems to me that it does place far too much burden, as the member for Fannie Bay said, on the licensee. I understand the problem and I very much support the actions taken by the council in seeking to overcome their liquor problems. I thought the action they took was a very sensible and practical solution but it does have difficulties. It does place an undue burden on the licensee. Perhaps clause 32(2)(j) is meant to determine that provision. Maybe we have completely missed the mark and it has something to do with something else. If it does, I would very much like to hear from the minister just what it does relate to.

I will not hold up the debate any further. The minister is itching to get to his feet. I would simply say again that the opposition welcomes the bill and welcomes the manner in which it has been introduced.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I have listened with interest to the contributions to this debate today. I certainly agree that this bill comes along not before time and I am pleased that it has been possible to discuss it at considerable length with such a large number of communities.

There have been matters raised which have interested me, such as the concern of some members that there should be a right of appeal to the courts against decisions of the commission and, of course, prerogative writs would lie where the commission acted to deny natural justice. I would refer honourable members to the present Licensing Ordinance which precludes any appeal from a decision of the Licensing Magistrate. The Northern Territory has somehow managed to get along in this fashion for the last 40 or 50 years without people seeking liquor licences from what is essentially an administrative tribunal and being able to take their grievances from that tribunal, firstly, to the Supreme Court and finally to the High Court. I rather thought that we were trying to introduce what you might call a fairly tight ship in the administration of the sale and disposal of liquor in the Northern Territory. It does not seem to me that, to enhance the scope of people who are prepared to spend a large amount of money to achieve their ends, if necessary by out-appealing someone who might not be able to afford to carry his objection to the High Court, is the best way to go about it. Be that as it may. If honourable members opposite would like to see the ends of the legislation defeated in that way, then so be it. After all, as a lawyer, I feel some sympathy for my professional colleagues who are being done out of making many fat fees by this legislation.

We then turn to the disqualification of assessors because they have some interest in the matter in question. Of course, this situation is not likely to arise in very many cases at all. There does have to be ministerial approval if it is intended that the assessor, who has some interest, be used by the commission in any particular proceeding.

There was some concern about what the definition of "community" is to be. The commission itself will decide in a particular circumstance what comprises a community.

In relation to clause 87(2) there is concern about the onus of proof. I was at first inclined to take a fairly strong view here because it has always seemed to me to be a particularly abhorrent traffic - the sale of liquor on reserves by people who are cold-blooded enough to make the deliberate trip, either by car or plane or boat, to sell it for gain. They leave some of these communities in chaos and cause deaths on occasions and certainly frequent injuries. I have scant sympathy for these sort of people. Actually, in my view, the normal rules of British justice should not apply. I have discussed the matter with the honourable Minister for Health and it has been agreed that we will delete the words "beyond reasonable doubt" so that the civil standard of proof or onus of proof on the balance of probabilities will be the deciding factor.

Some honourable member - I think it was the honourable member for Arnhem - talked about his thing for a while. I am sure that most honourable members would have been very interested in that but clauses 99 and 101 to which he referred in particular relate to the disposal of goods that have been seized. I would much rather see, Mr Speaker, that if you seize some goods and you do not prosecute, you just hand the box of beer or whatever it is back to the person you seized it from. The fact is that it is not always the person whom you seized it from who owns it and these provisions are the protection for the Liquor Commission. By going through this procedure, they will get a court order to determine the ownership of the seized goods and so they will be in the clear when they do hand them back.

The honourable Leader of the Opposition came forward with a very meritorious idea that we should attempt to prosecute people who sell too much liquor to people who then drink it in excess and cause themselves harm. I remember back in 1967, a prosecution was launched by the police against a well-known publican in Alice Springs for this very thing but the prosecution failed because the doctrine of vicarious liability did not apply in the criminal law. It is difficult to prosecute in these circumstances because there is the difficulty, firstly, in getting together the evidence. You have to virtually have a policeman or inspector in plain clothes on the premises, keeping his eye on a particular barman and counting the drinks as the barman serves them to the person who is gradually getting intoxicated. I hope that that is what some of these inspectors whom the Liquor Commissioner will be appointing will do and I certainly look forward to seeing some prosecutions of this nature. It will only take 2 or 3 and we will soon see a marked improvement in the sense of responsibility of licensees throughout the Territory. I commend the bill.

Mr TUXWORTH (Health): Mr Speaker, I would just touch on a few points raised by members during the debate. In my opening remarks, I would like to say that I concur with the comments that have been made that the bill is an innovation. I believe it is going to take time to settle in. Although it has the support of honourable members in the House, it will not be the answer to a maiden's prayer. It may take a year or two for the legislation and the industry to adjust to the situation. I would like to put it to honourable members that, as problems crop up with the legislation - and I think we would be foolish to believe that there will not be problems - we should address ourselves to them quickly and quietly and try to solve them with amendments when necessary. I believe one of the biggest problems we have with the existing legislation is that it was almost a sacred cow for 30 years and beyond amendment. Society has virtually overtaken that legislation and left us in the position we are in today. If we are diligent in responding when amendments are needed to problems that occur with the act, we will be doing ourselves and society a favour.

The matter was raised of the interest of commissioners and whether they should rightfully be involved in a hearing. We are not just dealing with a financial interest. It may be an interest of association, a family interest or a financial interest in the secondary terms in the sense that one of the commissioners may be a member of an insurance company that has a very big holding in a licence application before the court. He has an interest. What we have tried to do in this particular clause is to leave room for the commissioners to identify their interests and, where possible, have themselves disqualified by the minister if it is deemed fit.

The honourable member for MacDonnell touched on the finality of the commissioner's decision and the fact that there is no appeal to the courts. The Chief Minister has just dealt with that point.

One honourable member dealt with the revocation of a restricted area by the commission. He wondered why there would be such a provision in the bill.

We already have many dry areas in the Northern Territory which are there by historic occurrence. It could well be that these areas will become deserted or their social composition will change over the next 10 to 15 years and that the need for a dry area may not exist. The power is there for the commission, if it so wishes, to revoke the declaration of a dry area.

Honourable members also discussed the revocation of permits at the discretion of the commission. This is particularly applicable where permits may be issued for a particular area in which there is trouble and it may be some weeks before the commission can get to an area to see how to overcome the problems. It may be its judgment at the time to revoke all licences and permits in the area pending its hearing.

The honourable member for MacDonnell also touched on the commissioners looking into the needs and wishes of the community. He also wanted clarification of the definition of "community" as it relates to places such as Areyonga and Glen Helen. This is a fine example of the sort of problems that the new legislation can overcome. The wishes and needs of the people of Areyonga were quite definite when I was there. They were happy to have any member of their community travel down and have the odd noggin at Glen Helen. Under no circumstances did they want that liquor brought home to Areyonga. They did not really mind what sort of condition their friends and families got into at Glen Helen as long as they did not bring the disturbance home. Glen Helen was established, I believe, as a complementary part of the tourist industry to provide infrastructure for people going into that area. Its sole existence should not be based around providing alcohol for Aboriginals. The commission in this particular sense can take into consideration the points of both the operator and the community. It could well be that the commission would find that Areyonga, Papunya and Hermannsburg are part of the community that surrounds the Glen Helen lodge and the feelings of those people would need to be taken into consideration when the issue of the licence was made to Glen Helen.

The honourable member also raised a matter of objections to licences in clause 49. This relates to the issue of licences and not to the conduct of licences. There is provision in the bill to object at any time to the conduct of a licence. Objections to licence applications would be made normally to new licences at the time of the application or within 30 days.

The honourable member for Port Darwin touched on the issue of permits and the capacity of private individuals to consume alcohol in a dry area in their own home. This was raised by the Aboriginal community many of whom said, "We do not want Aboriginals in our community to have liquor available in any shape or form. However, we have no objection if the school teachers or the sisters have liquor for their own private consumption".

The honourable member also touched on the fee structure. At this stage, there is no intention to vary the fee structure that we have. One of the functions of the commission would be to come back to the government with a recommendation on fee structures for licences in years to come. We have enough change on our plate at the moment without dipping our sticky little fingers into that situation.

The honourable member also touched on the roadhouse licences and the trading hours that relate to them. I would agree that there is a need for any roadhouse to identify what hours it will trade and then keep to them. That is a matter for the commission to take into consideration.

The issue of compensation for licences that may be cancelled as a result of community pressures has not been touched on in this legislation but I believe we should address ourselves to it. We have already had 2 situations

where licences have been acquired in an effort to close them up because they were causing a disturbance to the community. Rather than operate like that, I think it would be just as well to front the problem and give compensation. That is a matter that we can look at next year or the year after.

The honourable member for Port Darwin also touched on the movement of people from restricted areas to unrestricted areas. I can share his concern with this but I am afraid I cannot contribute any suggestions as to how the problem may be solved. It is one that we have to face as a total community.

Honourable members also touched on the power of seizure and forfeiture. I agree that they are tough measures but they are no tougher than what already exists in the Parks and Wildlife Act and the Drugs Act. They are the result of a request of the Aboriginal communities. Aboriginal councils pointed out that the problem they had with the existing legislation was that seizure was not touch enough in that, by the time the policeman went away to get his warrant and returned, the goods were gone - either consumed or hidden. The Aboriginal communities wanted a system that could be established whereby the policeman could confiscate on sight any liquor that he found in a dry area.

The honourable member for Fannie Bay mentioned the liquor industry submission. The liquor industry submission had about 50% success in the points that it put forward. They had some very good points which we picked up but others we did not agree to.

The honourable member also referred to the transfer of a licence and the need for anyone to have a right to object to the transfer of a licence. This is something that exists now. I cannot see that there is any point in having this particular provision in the bill. Anyone now can complain or lodge an objection to the conduct of a licence. Until the licensee has had a go to prove himself, there is hardly a case for complaint although the commission does have the power to investigate the prospective licensees to ensure that they are sound characters who are worthy of being licence holders.

Reference was made to clause 32(2)(j) which refers to the admission of people to areas on licensed premises. Reference was made several times to the Yirrkala situation. This particular section does not necessarily cover the Yirrkala situation although it is likely that it could. Where there may be 4 or 5 licences within a premises - take one of the big hotels in Darwin - the provision allows the commission to say that certain people will not be admitted into certain bars. For instance, the commission may say it is more than acceptable to have juniors in the Top of the Don for a function but they may regard it as not necessary for them to be allowed into the saloon bar underneath. That is the sort of provision that section of the bill is planned to take care of. The matter raised by honourable members relating to Yirrkala is something that has to be worked out in that community. It highlights the matter of people coming into the community where they would need to have a permit and could also cover whether the people are allowed to have alcohol in the local hotel or not. That is something that the applicant for the permit for a so-called dry area could take up with the people to whom he is applying.

The honourable member for Arnhem asked what role assessors would play and who they were likely to be? It is very difficult to say with a broad brush who they would be. I would see assessors as being people who would be involved in local government, community advisers, senior people in the community of one sort or another, people generally held in high standing both by the community and the commission and people who would be able to advise the commission on aspects of life in that community.

The honourable member also referred to section 49(4) and the grant of licences within 30 days. I do not regard this as a problem. I think 30 days

is sufficient notice for a licence to be dealt with and for complaints or objections to be lodged. If one likes to cite the instance of remote communities, there is no way that the issue of a licence in a community would not be known by that community and the fact that it may be printed in a paper in Darwin or Alice Springs would not have much bearing on the capacity of the community to complain.

The Chief Minister touched on the issue of seizure and the honourable member for Nightcliff raised a couple of points relating to the sale of liquor to people under the influence or minors. The difficulty we have with the current legislation is that it is very difficult to draw a line as to whether a man is under the influence or nearly under the influence or whatever - that is a subjective decision that has to be made by the person behind the bar. In many cases, people behind the bar are working at such a rate that they do not even look at the fact of the man from whom they are taking money. I do not condone that but that is one of the problems. I agree it has to be tightened up. There has to be responsibility on the part of the licensee and there also has to be a responsibility on the community to stop crying discrimination the moment somebody is told he has had too much by the barman or the manager of the licensed premises. It is a two-way street.

So far as the sale of alcohol to minors is concerned, I was most interested to see the way the Tasmanians handle the situation. They have a sign in their bars that says "If you are found consuming liquor on licensed premises and you are under age, the blame is on you". If the licensee is found to be selling the alcohol to minors then that is his responsibility. The publican in several places had a sign in the bar, "Kids it is up to you to prove you are 21. If you can't prove it, move it". That was the management's approach to dealing with that problem. That was pretty tough but I do not see any halfway measures in handling that particular point.

I thank honourable members for their support. I would hope that they are as patient in the coming days as we settle into this new legislation as they have been at this stage.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr TUXWORTH: I move amendments 20.1, 20.2 and 20.3. The additional definitions are required because the community government area and council are referred to in other parts of the act.

Amendments agreed to.

Clause 4, as amended, agreed to.

Clause 5:

Mr TUXWORTH: I move amendments 20.4, 20.5 and 20.6. The amendments extend subclause (2) by excluding the sale of liquor to a person who is licensed to sell liquor under the law of a state or a territory. Subclause (3) is changed to improve the style and make the wording clearer.

Amendments agreed to.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Clause 7:

Mr TUXWORTH: I move amendments 20.7 and 20.8.

These amendments enable the minister to determine an area to be known as the southern region and provides that the deputy chairman, if we have one for that region, may exercise the powers of the chairman in that region.

Amendments agreed to.

Clause 7, as amended, agreed to.

Clause 8:

Mr TUXWORTH: I move amendment 20.9.

This amendment provides that the members of the commission, except the chairman, shall be appointed for not more than 3 years. However, they can still be re-appointed.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clause 9:

Mr TUXWORTH: I move amendment 20.10.

This deletes references to the deputy chairman.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 10 agreed to.

Clause 11:

Mr TUXWORTH: I move amendment 20.10.

This deletes reference to the deputy chairman.

Amendment agreed to.

Clause 11, as amended, agreed to.

Clause 12 agreed to.

Clause 13:

Mr TUXWORTH: I would move amendments 20.10 and 20.11.

Amendments agreed to.

Clause 13, as amended, agreed to.

Clause 14:

Mr TUXWORTH: I seek defeat of clause 14. The reason for this is that the Financial Administration and Audit Act already provides the statutory body which must submit annual reports.

Clause 14 negatived.

Clauses 15 to 20 agreed to.

Clause 21 negatived.

Mr PERKINS: I move amendment 19.1.

The amendment relates to the argument which we made in the second-reading debate. If there is a member of the commission or an assessor who has an interest in the matter which is being considered by the commission then he ought not to be allowed to act at all in relation to that particular matter.

Mr TUXWORTH: I have read the proposal put by the opposition and the government seeks to defeat it. Under the proposal of the opposition, the minister would have no discretion to authorise a member or assessor to act in a matter in which he or she had an interest. The interest might be quite trivial and irrelevant and that is why the minister should have such a discretion. The government's amendments already prohibit a member from having an interest in a licence and we should not try to define a relative. The legal people advise us that this is fraught with problems, particularly when you remember that members and assessors will sometimes be Aboriginal people with an entirely different system of relationships.

Mr ISAACS: The opposition has always taken a very keen interest in the matter of interest and we have had some pretty exasperating debates on it. I hope one thing comes out of the debate in this particular case: that we will regularise how we are going to approach the matter of interest. Every time we deal with it, the government has a different argument. At this stage, it is almost turning back on itself. The argument that it might only be a trivial interest has not cropped up before. I suspect we have a new draftsman because this matter has never arisen before.

The minister comes down on the opposition like a ton of bricks for trying to define "relative". If you have a look at clause 21, you find that the draftsman has done precisely that. I appreciate that the minister's amendment overcomes that but all we were doing was simply trying to follow the drafting of the particular bill. I believe that, apart from that subclause (6) in the amendment schedule from the minister, the opposition drafting is far superior. I do not believe there should be a discretion in relation to ministers. It puts them in a position in which they ought not to be in. If there is an interest, my own view is that the person who has the interest declares it and gets the hell out of it until the matter has been resolved.

We have discussed this matter on many occasions. I understood there was a desire by the government to have uniformity in relation to matters of declaration of interest. I wish that would occur so that these sorts of debates which occur every time we establish a statutory authority would no longer occur.

Mr EVERINGHAM: I think the Leader of the Opposition is adopting a rather pedantic attitude in this particular case. Certainly, it is the government's desire to have uniformity in relation to the declaration of interest, and disqualification thereby, of members of statutory bodies. I agreed with the Leader of the Opposition that the terms that are now in the Electricity Commission Act are the best, and that is really what the government would seek to have in each piece of legislation in establishing these types of statutory authorities. I certainly hope the draftsman will note that.

This is a case where we are not dealing with members of a statutory authority; we are talking about assessors who may not make a decision in the

matter but may merely assist and advise the commission. They can be anyone in the community and it seems to me that we are really drawing the long bow when we want to exclude people from being assessors where they or a member of their families may have a financial interest in a matter to be considered by the commission. Assuming some person in the community at Hermannsburg has some shares in the South Australian Brewing Company and yet he is the chap that the commission would like to have as the assessor - or whose great uncle has some shares in the South Australian Brewing Company - that person would be disqualified from acting as an assessor under the opposition's proposed amendment because some relative of his whom he could not control had bought some shares or had them left to him under a will 23 years ago and they have not paid a dividend ever since.

Amendment negatived.

New clause 21:

Mr TUXWORTH: I move amendment 20.14.

New clause 21 agreed to.

Clause 22:

Mr TUXWORTH: I move amendment 20.15.

This amendment removes the chairman's casting vote and provides that, where there is an equality of votes in a commission hearing of 2 members, the matter must be referred to a full commission hearing of 3 members.

Amendment agreed to.

Clause 22, as amended, agreed to.

Clause 23:

Mr TUXWORTH: I move amendment 20.16.

This amendment restricts the number of people or bodies to whom the commission may delegate its powers. It also prevents the commission from delegating its power to conduct hearings.

Amendment agreed to.

Clause 23, as amended, agreed to.

Clause 24:

Mr TUXWORTH: I move amendment 20.17.

This amendment improves on the style and the wording. It makes the wording clearer.

Amendment agreed to.

Clause 24, as amended, agreed to.

Clause 25:

Mr TUXWORTH: I move amendment 20.18.

This amendment allows the commission to approve forms itself, instead of having to have these forms determined by regulation.

Amendment agreed to.

Clause 25, as amended, agreed to.

Clause 26:

Mr TUXWORTH: I move amendments 20.19 and 20.20.

These amendments provide that a manager of a licensed premises nominated by the body corporate holding the licence shall for the purposes of the act be deemed to be the licensee.

Amendments agreed to.

Clause 26, as amended, agreed to.

Clause 27 agreed to.

Clause 28:

Mr TUXWORTH: I move amendment 20.21.

This amendment introduces a new subclause which provides that, where an application for a licence involves a community government area, then the council for that area shall be informed of the application by the registrar as soon as possible.

Amendment agreed to.

Clause 28, as amended, agreed to.

Clauses 29 to 32 agreed to.

Clause 33:

Mr TUXWORTH: I move amendments 20.22 and 20.23.

These amendments introduce a cosmetic change to subclause (1) and introduce a new subclause which requires the commission to take note of the advice of a community government or council where an application for a licence is made in respect of an area controlled by that council.

Amendment agreed to.

Clause 33, as amended, agreed to.

Clause 34:

Mr TUXWORTH: I invite the defeat of clause 34.

Clause 34 negatived.

New clause 34:

Mr TUXWORTH: I move amendment 20.25.

This is the insertion of a new clause which allows the commission to vary the conditions to the licence but gives the licensee an opportunity to request a hearing. After the hearing, the commission may change the licence or affirm, set aside or vary any decision made by the other hearing.

New clause 34 agreed to.

Clause 35 agreed to.

Clause 36:

Mr TUXWORTH: I move amendments 20.26, 20.27 and 20.28.

The amendments change the licensing fee for roadside inns. Other amendments re-define gross price so as to exclude freight and packaging costs and also to exclude sales of liquor to other licensees or to consular representatives of other countries from the calculation of licence fees.

Amendments agreed to.

Clause 36, as amended, agreed to.

Clauses 37 to 42 agreed to.

Clause 43:

Mr TUXWORTH: I invite defeat of this clause, Mr Chairman.

Mrs O'NEIL: Mr Chairman, I raised this question during the second reading. I am not satisfied that some publicity might not be desirable in the case of a transfer of a licence. In his reply the honourable Minister for Health said the licensee perhaps has a right to prove himself before people start objecting. If that is an argument, I would think it applies also to the provision of licences in the first place. I see no reason why clause 43 should not stay as it is.

Mrs LAWRIE: Mr Chairman, in support of that argument, the honourable sponsor will be aware that it says the commission "may require" a person and not "shall require". A discretion is given to the commission. There may be exceptional circumstances, unforeseen at the moment, which mean that it would be most desirable in the interests of the public that such notice be forthcoming.

Mr TUXWORTH: I take the point that the honourable members have raised so far as the transfer of a licence to another person is concerned where the business is changing hands. That does not particularly cover the transfer of a licence where someone comes in for a month or two months or whatever. The proposed legislation we have with us enables the commission to vet everybody to whom a licence is transferred. I think it would be encumbent upon them to make that decision as to whether we are transferring a licence for the purpose of leave or whether we are in fact transferring the licence to enable a business to transfer. The commission may well have the choice to make of making that man go through the full application for a new licence.

Mrs LAWRIE: With respect, Mr Chairman, it is not necessarily so. Because the discretion is given to the commission there, whether or not to require a person to whom it is proposed to transfer a licence to go through the steps, I think that clause 43 could well be left in. It is certainly not mandatory for such publicity to be given.

The honourable sponsor of the bill stressed the fact that we are creating a commission to whom we are according a great deal of responsibility and, therefore, we should not tie them unduly. Here is an example of a discretion given to them which I believe it is in the best interests of all to be allowed to remain.

Mr TUXWORTH: They are eating my heart out; I give in.

Clause 43 agreed to.

Clause 44 agreed to.

Clauses 45 to 47 agreed to.

Clause 48:

Mr TUXWORTH: I invite defeat of clause 48.

This clause does not sufficiently cover the situation arising from the absence from the premises of a licensee. I would foreshadow a new clause in amendment 20.33.

Clause 48 negatived.

New clause 48:

Mr TUXWORTH: I move amendment 20.33.

This new clause 48 provides that a licensee shall appoint a person to act in his place where he is unable to conduct his business as a licensee and shall notify the commission in writing within 7 days of that appointment.

Mrs LAWRIE: It does more than that. I am not quarrelling with the insertion of this clause, particularly as we defeated the previous clause, but it still retains such other provisions as:

> *... a licensee shall not, unless the Commission otherwise determines, absent himself from the licensed premises for a total of more than 42 days during any period of 12 months that his licence is in force.*

I think that is fairly significant. Also, it gives the commission the power to cancel the licence at the expiration of the period unless arrangements which are satisfactory to the commission are made during that period to conduct the business of the licensee. I am just saying your notes are deficient. It is a fairly significant insertion in the bill.

Mr TUXWORTH: The honourable member for Nightcliff is quite correct that, without the commission's consent, a licensee shall not absent himself from his premises for more than 42 days in any 12 months period. This provision only applies to premises which license the consumption of liquor on the premises. It particularly relates to the taking of leave. I believe in the old legislation the maximum you could get was about 30 days and it took a court hearing to get it which does not really fit in with today's trend of taking 3 or 4 months' leave at a time.

New clause 48 agreed to.

Clause 49:

Mr TUXWORTH: I move amendments 20.34, 20.35, 20.36, 20.37, 20.38 and 20.39.

I would ask that these amendments be taken together.

Mrs LAWRIE: Mr Chairman, I draw the honourable sponsor's attention to the first one which is to omit "grant, renewal or transfer" and substitute "grant or renewal". If this amendment is upheld, there would not then be the right of objection to the transfer of a licence. I think perhaps that 20.34 should not be moved.

Clause 49 postponed.

Clause 50 agreed to.

Clause 51:

Mr TUXWORTH: I move amendment 20.40.

This amendment varies subclause (1)(c) so as to be consistent with the amended clause 34.

Amendment agreed to.

Clause 51, as amended, agreed to.

Clauses 52 to 56 agreed to.

Clause 57:

Mr PERKINS: I move amendment 19.2.

This amendment is to delete clause 57. The reason is that it is the view of the opposition that there ought to be a right of appeal to a court in respect of a decision made by the commission. We do not think the decision of the commission ought to be final. The second reason is that, in light of the explanation given by the honourable Chief Minister, it would seem that particular clause is now unnecessary because there are other mechanisms by which a citizen has recourse to appeal to a court.

Mr TUXWORTH: Mr Chairman, this point has been canvassed pretty solidly. We do not have any reason to change our mind and the government will be seeking the defeat of the amendment.

Mrs O'NEIL: I do not think we have canvassed it quite well enough. We have the peculiar situation in the second reading where the Minister for Health was describing the bill as a new innovation, which is perfectly true, and then, on the other hand, the Chief Minister said we should keep this clause in because, after all, it was in the old bill. It seems to me to be rather contradictory.

The Chief Minister gave another reason which was perhaps more substantial. He felt that, if we put appeals in, then it is going to make lawyers even richer than we know they already are. I have no brief to look after lawyers; I find most lawyers are more than capable of looking after themselves. After all, it is well said that the devil looks after his own and lawyers have, in the form of the Chief Minister in this House, one of their own, a former president of the law society, to look after them.

In fact, his more serious argument was effective in that he felt that this would benefit a lot of lawyers and would not benefit perhaps the little people who could not afford lawyers. I think it will be the other way around because, when you have a clause like this, it is not impossible to appeal; it is just

made more difficult. It is easier for those people who can afford smarter lawyers. You can still appeal with clauses like this but it is much more difficult. If you do not have such a clause in, it is easier to appeal. It is easier to appeal in all sorts of circumstances and easier perhaps even for people who do not have lawyers to realise that they can appeal if we do not have a clause of that nature in.

Mr TUXWORTH: The opposition will not be talking me out of this one.

Amendment negatived.

Clause 57 agreed to.

Clauses 58 to 60 agreed to.

Clause 61:

Mr TUXWORTH: I move amendment 20.41.

This amendment allows the commission to approve its own form instead of having to establish forms by regulations.

Amendment agreed to.

Clause 61, as amended, agreed to.

Clause 62 agreed to.

Clause 63:

Mr TUXWORTH: I move amendment 20.42.

This allows the commission to approve its own form instead of having it established by regulation.

Amendment agreed to.

Clause 63, as amended, agreed to.

Clauses 64 to 67 agreed to.

Clause 68:

Mr TUXWORTH: I move amendment 20.43.

This amendment provides that the commissioner's guidelines must be issued with the approval of the minister. This has been introduced because the guidelines will probably contain matters of government policy which should first be cleared by the minister.

Amendment agreed to.

Clause 68, as amended, agreed to.

Clauses 69 to 77 agreed to.

Clause 78:

Mr TUXWORTH: I move amendment 20.44.

This amendment provides that a registrar must also inform a clerk of the municipal or community government council where an application to declare a restricted area forms the whole or a part of that council.

Amendment agreed to.

Clause 78, as amended, agreed to.

Clause 79 agreed to.

Clause 80:

Mr TUXWORTH: I move amendment 20.45.

This amendment requires the chairman to obtain the opinion of the municipal or community government council to an area, part or whole of which is subject to an application for declaration as a restricted area.

Amendment agreed to.

Clause 80, as amended, agreed to.

Clause 81:

Mr TUXWORTH: I invite the defeat of clause 81.

This is because the whole clause must be reworded in the light of amendments to clauses 79 and 80.

Clause 81 negatived.

New clause 81:

Mr TUXWORTH: I move amendment 20.47.

This is for the insertion of new clause 81.

New clause 81 agreed to.

Clauses 82 to 84 agreed to.

Clause 85:

Mr PERKINS: I move amendment 19.3.

This seeks the deletion of clause 85. As was indicated in the second-reading debate, the opposition is of the view that the commission already has these wide and discretionary powers and that we ought to delete the power to revoke a declaration of an area of land.

Mr TUXWORTH: I will read from notes I have relating to the particular proposal in amendment 19.3. In law, a power to grant or declare something normally implies the power to withdraw or revoke that thing. Is the opposition suggesting that, once an area has been declared to be restricted, it can never be de-restricted? I touched on this in my second-reading speech. It does not necessarily imply that, once an area has been declared as restricted, it can never be anything else. It could be that the commissioners, at some time in the future, would wish to have an area de-restricted. If the opposition is concerned about the wording "at its discretion", I am happy to assure them that the commission is not likely to exercise its power arbitrarily and I would be happy to propose the phrase "at its discretion" if that is what is concerning the opposition.

Mr ISAACS: That is precisely what concerns the opposition. The arguments put forward by the minister in his summing up was a perfectly valid reason because nobody is suggesting that once a place is made a restricted area that it remains so. What worries us is that a revocation of the declaration of a restricted area can be made without consultation with the people at whose request the area was restricted in the first place. Perhaps there can be some amendment to clause 85 that would say that a declaration of an area of land to be restricted may be revoked by the commission, subject to consultation with the people in that area.

Mrs LAWRIE: I cannot resist it, Mr Chairman. I have to point out to the Chief Minister that I am prepared to vote against this amendment of the opposition because it would seem that then there would not be a vehicle for revocation. I certainly think that a compromise can be reached. It would seem that both the sponsor of the bill and the sponsor of the proposed amendment think broadly along the same lines - that it would be better to have some means of consultation. To simply omit this clause may leave the community without the right of revocation of the original determination.

Mr EVERINGHAM: Mr Chairman, I am confounded. After I heard the honourable member for Nightcliff yesterday refer to the official opposition, I thought that she certainly is the unofficial opposition. I believe there has to be some vehicle for revocation of a restricted area. It seems to me that if we are prepared to establish a licensing or liquor commission, then we ought to have sufficient confidence in the people we are appointing to it to entrust them with the discretion to revoke such an area. After all, if they are going to consult about the creation of such an area, it is very likely that they will consult about revocation. They know the intent of the legislature but, if it makes anyone any happier to see the deletion of the words "at its discretion", it certainly does not worry me because I do not think it changes the position one iota.

Mr COLLINS: The only remark I would make is that one of the fine features of this bill has been the particular reference to consultation. The proposal by the honourable member for Nightcliff is a perfectly satisfactory one. Under clause 92(1)(b), provision is made for consultation on the revocation. Members will be aware that this particular section is most likely to apply to Aboriginal communities more than any other place. Quite probably, a suitable amendment would be to add "revoked by the commission after consultation with the community or the people of the area concerned".

Mr TUXWORTH: I feel we are splitting hairs with this particular exercise. I accept that, where there has been negotiation to establish a dry area and declare it, there would be similar consultation before the area was undeclared. We have a commission in which we have the greatest trust. The exercise is one of splitting hairs at this stage. In the future, if somebody can bring up an amendment and a good reason for having one, he can wheel it in. At this time, I cannot see what we are arguing about.

Mrs LAWRIE: As the honourable member for Arnhem pointed out, clause 92(1)(b) can be used in the form of an amendment to clause 85 which would then say that the declaration of an area of land to be a restricted area may be revoked by the commission after the commission had taken all such steps as are, in its opinion, necessary to ascertain the opinions of the people. In other words, you would still have the ultimate discretion left with the commission but you do have in the legislation the point that it may make the revocation after it has taken such steps as it deems necessary. I suppose the honourable sponsor could say quite rightly that they are going to do that anyway. However, this would allay the fears expressed and it is a very simple amendment.

Mr EVERINGHAM: If I might be permitted to say so, what the honourable member for Nightcliff has just said is hogwash. The force in law of what she suggests is no more than what is being said by the sponsor of the bill at the time that it goes through the committee stage.

Amendment negatived.

Clause 85 agreed to.

Clause 86 agreed to.

Clause 87:

Mr TUXWORTH: I move amendment 33.1.

We are prepared to delete the words "beyond reasonable doubt,", against my better judgment.

Mrs O'NEIL: I am perfectly happy with this amendment but it does not remove my entire objection to clause 87 which still provides for the reversal of onus of proof.

Amendment agreed to.

Clause 87, as amended, agreed to.

Clauses 88 to 92 agreed to.

Clause 93:

Mr TUXWORTH: I move amendment 20.48.

This allows for the commission to approve its own form instead of having a form prescribed by regulation.

Amendment agreed to.

Clause 93, as amended, agreed to.

Clause 94 agreed to.

Clause 95:

Mr PERKINS: I move amendment 19.4.

This invites the defeat of clause 95 which relates to revocation of permits by the commission. We are concerned about the 3 words "at its discretion". We are advancing the same reasons as we did for clause 85.

Mr ISAACS: It seems to me that clause 94 takes into account the conditions under which the permits should be revoked and rightly so. The permit can be revoked forthwith if the holder of the permit fails to comply with the conditions of the permit. What are the circumstances which are being contemplated in relation to clause 95 where the commission may revoke the permit at its discretion? What other conditions would there be? If a person fails to comply with the permit, it ought to be revoked and that is covered by clause 94. What does clause 95 cover?

Mr TUXWORTH: I touched on this briefly in reply on the second reading. I referred to a remote community. Take the example of trouble as a result of

liquor in such a community. The commission itself may wish to go there to see what to do about the problem. The commission may well decide to cancel any permits in that area for a period of days or a week until it gets there to see what is going on. If we do not give the commission that power, all we are doing is tying its hands behind its back.

Amendment negatived.

Clause 95 agreed to.

Clause 96:

Mr TUXWORTH: I move amendment 20.49.

This amendment is designed to remove the requirement of the original clause 96 concerning the duty of an inspector to report to the chairman of the commission. Obviously an inspector of licensed premises should report his works and actions to the commission but legal difficulties have arisen. For example, in a recent court decision under the Fisheries Ordinance where the legislation tries to prescribe exactly how an inspector shall prepare and forward his report, the case was lost because those provisions were not complied with. The idea is to delete this so that we are not tying the hands of the inspectors behind their backs and perhaps put them in a position of losing a case because they cannot comply with a closely defined requirement.

Mrs LAWRIE: There is no way in which I want to tie the hands of inspectors but I draw the attention of the committee to the fact that they are removing the requirement for a full report to be made where an inspector is exercising his power under subsection (1). Subsection (1) bestows very great powers: "Where an inspector is satisfied that there are reasonable grounds for suspecting an offence against this part has been, is being or is likely to be committed, he may, without warrant, and with such assistance as he thinks necessary enter, search, break open, seize, stop, detain" etc. They are wide powers. These powers were previously exercised by members of the police force and, in certain circumstances under certain acts, will continue to be exercised. It is that type of power that we are now giving to these inspectors. If we are to give them such broad powers, we should expect them to submit a report to the commission detailing the necessity for that action having been taken. I really feel very strongly about this. I am in support of their having those powers, given certain safeguards which were enshrined very well in clauses 4 and 6. If a case has been lost by fisheries or wildlife inspectors because they did not pay attention to the legislation, that is a pretty poor show. One act of omission by an inspector should not bring the legislation into disrepute. People will always at some stage not do what they should have done. I do remind the honourable sponsor of the bill that it only relates to the situation where an inspector has acted under subclause (1) and he does not have to have a warrant to do these acts. I think it should be necessary for him to make such a report.

Mr ISAACS: I would like to endorse the remarks made by the member for Nightcliff. When you look at the requirements of subclause (4), which the minister is seeking to delete, the requirements are not very onerous at all. "The date, time and place where the power is exercised" - well, that would be a pretty difficult thing for an inspector to write down. "Details of the grounds that he had for suspecting that an offence against this part had been, was being or was about to be committed". He is not to act without sufficient grounds so all he has to do is write those down: "A description of all actions taken". I suppose that could be a bit difficult. For example, he would be breathing and I am sure the Chief Minister will give all sorts of other broad reasons why that is such an onerous task. However, I am sure a description of all actions taken means actions in relation to the offence. "In the case of the exercise of powers under subsection 1(d), (e) or (f) details of the grounds for the belief that he was required to have had to exercise that power".

I think that the requirements are not onerous at all and it does seem to be a very good safety valve to ensure that the inspector is acting properly. If the inspector does not comply with it, then perhaps the people will begin to think that the grounds were not all that sufficient.

Mr EVERINGHAM: Ideally, I would like to agree with the Leader of the Opposition and the honourable member for Nightcliff. However, as I recall it, 3 cases have now been lost because of these particular sections being in the Parks and Wildlife Act and the Fisheries Act. The section has been commented on adversely by one Supreme Court judge and one magistrate. It appears to me to be simple to fill out such a return and indeed there are printed forms to fill out these returns. I saw one this morning from some parks and wildlife inspector about crocodile skins and it seemed to be perfectly adequately filled out. Nevertheless, lawyers are somehow proving that these technical requirements are not being complied with and watertight cases are falling down because of it. I do not say that we should not have some such requirement. The case where it was commented on by a Supreme Court judge occurred only 3 weeks ago and the draftsmen and the Department of Law have not yet been able to come up with a complete answer. We do not want to lose any more cases because of it and that is why we are dropping it. We will certainly look at trying to have some alternative. I do not want to see this bill become law with this huge, apparent loophole.

Mrs LAWRIE: Accepting everything that the Chief Minister said, including his wish to be able to fulfil the stated desires of both the Leader of the Opposition and myself, if we look at subclause (4), paragraph (a) is simple and (b) is necessary before he acted in the first place. Disregarding (c) and (d) which would provide some administrative problems, (e) also surely is simple. Disregarding (f), (g) is a simple provision. I believe (h) and (i) to be very necessary in the interests of justice being not only done but being seen to be done.

It may be that the Chief Minister will agree to take this clause later to see if those can be retained. If not, and I appreciated his argument, would the sponsor of the bill take particular care to draw the provisions of those small parts to the draftsman's attention because I cannot see that they would cause the difficulty which is apparently being experienced and they would provide a very necessary safeguard.

I have attended several public meetings lately where the community is expressing apprehension at the wide powers given to various classes of people. Under the drugs legislation, for example, any person can be pulled up and searched where there are reasonable grounds etc. Customs officers have a similar power as do police and, in certain circumstances, wildlife inspectors. Now, we have a different group of people. I agree they do have to have these powers or we might as well not have the legislation, but one also has to make sure that there is not undue public anxiety. I think that some small part of (4) could be retained without much problem.

Mr COLLINS: In comment on this, I believe that the powers given under division 3 are a necessary evil and not a necessary good. I am not arguing against the necessity as far as drug legislation and other special legislation is concerned. However, I remember arguing yesterday during the course of the Police Administration Bill that similar provisions of such wide nature were not necessary in the actual body of the Police Administration Act. I think people are becoming increasingly concerned. It is a necessary evil to give these powers to the police, but an increasing number of people outside the police force are being given these powers and this is just one more example.

I am well aware that Aboriginal communities have expressed a desire to have the powers of stop and search made as strong as possible so that convictions can be recorded against people. But, under division 3, they can do just

about anything they want including damaging persons' private property. These people are inspectors under a statutory authority; they are not members of the police force. I know that there is an increasing public concern that more and more people outside of the police force are being given these incredibly broad powers.

With the retention of subclauses (4) and (6), this clause is bad enough. I am not saying it is not a necessary evil but, if you are going to let these people do the things they are required to do under clause 96, then it is necessary at least for them to be accountable for it. There is absolutely no supportable reason why these people cannot be compelled to comply with subclauses (4) and (6). The subclauses are simple and would be easy to comply with. Paragraph (h) surely is absolutely an essential part. If someone is going to smash open and break something that belongs to somebody, surely he must record the particulars of the damage. To exempt inspectors from this sort of thing is just ridiculous.

I can remember some years ago attending a court in Maningrida. It was the first time that a court had been held out there and a whole series of charges against Aboriginal people were thrown out, one after the other. The reason for that was very simple: for the first time, they had a hotshot lawyer from the Aboriginal Legal Aid Service, a bloke by the name of Peter Darwin. Prior to that, it was the normal course of events for the advocate for the Aboriginal people to simply turn up in court and say, "guilty, guilty, guilty". This young bloke was new in the job and he meticulously went through the charges laid against these Aboriginal people by the police and successively and successfully had one after the other thrown out of court on technical grounds, on the grounds that the evidence that had been prepared by the police officers in laying these charges was insufficient or in many other technical aspects incomplete. The magistrate levelled severe criticism against the police and said that the charges no doubt should have succeeded and would have succeeded if they had done their job properly by complying with all the necessities involved in preparing evidence for successful conviction. Surely the same thing applies here.

If cases are being lost in court because the reports being prepared under these sections are not good enough, it is about time the people preparing these reports were taught how to do them properly and had consultation with legal advisers so that the reports that they were preparing were good enough to get them a conviction. Giving people these powers with no necessity afterwards to report in writing is just not supportable and it is happening far too often.

Mr EVERINGHAM: There was a complaint by David Arthur Lindner against Roy James Wright and the case was dated for decision of Sir Justice Muirhead. I do not think I could sum it up better than His Honour. At the conclusion of his judgment, he said:

> *Legislation designed to protect wildlife and fish and to regularise the fishing industry must in an important measure depend upon the effectiveness of the sanctions which in turn requires simplicity of procedure and method. I may be forgiven for observing that it would be unfortunate if concern for the rights of the individuals unnecessarily causes legislation of this nature to be regarded as ineffective or difficult to enforce. It is important that the processes of the law be simple and straightforward. It must be remembered that the processes of the trial and the responsibilities of the court are in themselves a very strong protection to the individual.*

Mr ISAACS: One might criticise the Chief Minister and call him all sorts of names but I will never call him a civil libertarian. He read the judgment and then in effect said: "I rest the case". I am sorry but I missed the point in relation to this particular aspect. I think the members for Nightcliff and Arnhem have made out a case for retention of certain of those provisions of clause 96. I think the member for Arnhem put his finger on it: if the various requirements are not being complied with, then the commissioner must have his inspectors educated properly so that they know how to fill out these forms and fill them out so that they will comply. The requirements of subclause (4) are not onerous. It does not require a great degree of education to be able to answer those questions satisfactorily yet they do seem to ensure that actions are being taken properly and that the person who is having action taken against him does have some kind of protection under this particular act.

I really cannot see the problem at all. Thos requirements are fairly simple. The member for Nightcliff has outlined some which may be a problem and frankly would not be required. The description of all actions taken really is not necessary. The date, time and place are important, details of the grounds for taking the action are important, the address of the premises and the item (h) are important. I do not think it would take a great deal of training to ensure that inspectors complied with these.

Mr COLLINS: I thank the Chief Minister for detailing that particular case. The case of the coyote versus the roadrunner is very familiar to me. I do feel that Justice Muirhead's comments were totally irrelevant to the issue that we raised and I will go through them again.

An inspector under this act is authorised to do a whole host of things: enter with such force as is necessary, any place, any time, any how, search the place, break open, seize, take, detain, remove, secure, stop, detain and search any person. He can do all of those things under clause 96 if he is satisfied for suspecting that an offence is being or is likely to be committed.

After he does all of these incredibly inclusive things, I do not think it excludes anything actually, he has to put in a report to justify why he did them. The report has to include "(a) the date, time and place" where he did such a thing. Surely, that is not beyond the capability of any reasonable person. "(b) details of the grounds that he had". Now I consider that is absolutely essential. If you go back to clause 96, it says he can do all these things merely for suspecting that an offence might be committed. If an inspector takes this sort of action on the grounds that something might be happening, surely he should be required, under those circumstances, to put his reasons in writing, and that is all that paragraph (b) says. If paragraph (a) is a simple question of date, time and place, paragraph (b) is simply writing down why he found it necessary to take the action he did. Paragraph (c) calls for a description of what he did. Surely, that is not an unreasonable thing for anybody to do. "(d) in the case of the exercise of a power under subsection 1(b), (d) or (f), details of the grounds for the belief that he was required to have had to exercise that power; (e) in the case of a search of premises ... the address of the premises". What is unreasonable about that? Most of these things are very simple. "(g) in the case of the stopping, detention or search of a person" - and again that is a very serious power to be able to stop somebody and search his person. All he has to do is give the name and address, if known - and that is in the legislation, "if known" - of that person. If he fails to take the name and address, he is still covered by the legislation. He only has to do that if he knows it. Paragraph (h) is absolutely essential. If someone has a locked box or suitcase or something and he breaks it open and actually damages it or destroys it in the process, under (h) he has to give particulars of the damage that he did during the breaking open. Again, this is not a particularly unreasonable request.

Paragraph (i) is simplicity itself. If he seizes a thing which, as I said before, can be a very painful and embarrassing experience, he has to describe what was seized.

Mr Chairman, all of those requirements are very easily complied with to justify taking action under some very broad parameters. I do not think that any of the answers that have been given so far from the other side have convinced me why they should not be left there.

Amendment agreed to.

Mr TUXWORTH: I move amendment 20.50. This is consequential upon the previous amendment.

Amendment agreed to.

Clause 96, as amended, agreed to.

Clauses 97 to 111 agreed to.

Clause 112:

Mr TUXWORTH: I move amendment 20.51. This amendment is required for the sake of consistency with new clause 114.

Amendment agreed to.

Clause 112, as amended, agreed to.

Clause 113 agreed to.

Clause 114:

Mr TUXWORTH: Mr Chairman, I invite defeat of clause 114 and foreshadow that a new clause will be put in its place.

Clause 114 negatived.

New clause 114:

Mr TUXWORTH: I move amendment 20.53.

This is the addition of a new clause to replace the clause we have just defeated.

New clause 114 inserted.

Clauses 115 to 118 agreed to.

Clause 119:

Mr TUXWORTH: I move amendments 20.54 and 20.55.

These amendments are simply to improve the wording of the original clause 119.

Amendments agreed to.

Clause 119, as amended, agreed to.

Clause 120:

Mr TUXWORTH: I move amendments 20.56 and 20.57.

This is simply to improve the wording of the original clause.

Amendments agreed to.

Clause 120, as amended, agreed to.

Clauses 121 to 124 agreed to.

Clause 125 agreed to.

New clauses 125A and 125B:

Mr TUXWORTH: I move amendment 20.58.

This is an addition of 2 new clauses to enable the commission to determine the manner in which its business may be conducted and the form and content of the various applications, licences etc that are required under the act.

New clauses agreed to.

Clause 126:

Mr TUXWORTH: I move amendment 20.59.

This amendment inserts the correct word "Administrator" in lieu of "Minister".

Amendment agreed to.

Clause 126, as amended, agreed to.

Clauses 127 and 128 agreed to.

Clause 129:

Mr TUXWORTH: I move amendment 20.60.

This amendment changes subclause (1) by giving power to the commission to issue permits to persons to take liquor into areas declared restricted or prohibited under the old Licensing Ordinance. As originally worded, once the Licensing Ordinance had been repealed, no new permits would have been issued in respect of areas declared dry under the old ordinance until they had been redeclared dry under the new act. Since it is likely to be some months before all the new areas have been redeclared, there would have been a period of time where no one could issue permits at all and this new subclause overcomes that problem.

Amendment agreed to.

Clause 129, as amended, agreed to.

Clause 130 agreed to.

Schedules agreed to.

Postponed clause 49:

Mr TUXWORTH: These amendments achieve 2 ends. Firstly, although persons may object to the grant or renewal of a licence, there will be no right of objection to the transfer of a licence. As discussed in clause 43, there seems to be no good reason to allow the public a right of objection to transfers which are in nearly all cases a matter of procedure of automatic character. If the licence has already been granted to a person, there should be no reason to object to the transfer of that licence provided the person to whom the licence is transferred is a fit and proper person to hold the licence. The commission will establish this through its own inquiries.

The second part of the amendment allows municipalities or community government councils to lodge objections to the grant or renewal without having to pay a statutory fee of $20.

Amendments agreed to.

Clause 49, as amended, agreed to.

Title agreed to.

In Assembly:

Bill reported.

Mr TUXWORTH (Minister for Health): Mr Speaker, I move that the bill be recommitted for reconsideration of clause 44.

In committee:

Clause 44 - on recommittal:

Mr TUXWORTH: I move amendments 20.30 and 20.31.

Amendments agreed to.

Clause 44, as amended, agreed to.

Bill passed the remaining stages without debate.

LOCAL GOVERNMENT BILL
(Serial 173)

Continued from 20 September 1978

Mr PERKINS (MacDonnell): Mr Speaker, I rise on behalf of the opposition to indicate our position on the Local Government Bill. At the outset I would say that the opposition is not particularly happy with the bill and, therefore, we will not be supporting it.

As we understand it, the bill proposes a system of local government called "community government schemes". Under this system, any community may be incorporated as a community government council if it is approved by the NT minister responsible for local government matters. I would like to say at the outset also that it is not only the opposition in this Chamber that is not happy with this bill. I would have thought that the discussion in recent times in the media and the opposition which has been indicated from Aboriginal communities would have indicated to the government that there is disquiet with this bill.

I am happy to see the honourable sponsor of the bill return to the Chamber because what we have to say about this bill is important and I would ask him to listen closely.

Mr Robertson: You'd better believe it.

Mr PERKINS: In opposing this bill, the opposition does not object to the matter of the Northern Territory government having responsibility in respect of essential services in Aboriginal communities and any other centres in the Northern Territory. The opposition believes that the responsibility in respect of essential services is that of the Northern Territory government as it is in other states and the opposition does not hold or advocate any view that the federal government ought to have total control over Aboriginal affairs in the Northern Territory. Unfortunately, in the media in recent times, the honourable sponsor of the bill and other people have had occasion to perpetrate a myth that the opposition is advocating that the federal Department of Aboriginal Affairs ought to have complete control over Aboriginal affairs in the Northern Territory. This whole thing is a gross distortion of the real position of the opposition on this matter. As we have seen, the federal government is quite happy for the Northern Territory government to have this responsibility in respect of essential services in Aboriginal communities. To this end the federal government has allocated over $13m in the recent Northern Territory budget.

However, I think the essential point in relation to this bill is that it is especially directed at Aboriginal communities in the Northern Territory and I use as evidence in this regard a letter dated 5 October this year which was written by the honourable sponsor of the bill. In that letter, he indicates that the community government proposal is designed in particular to respond to the desire of Aboriginal communities for self-management of their own affairs. We can take that as evidence that this bill is directed especially at Aboriginal people in the Northern Territory because we have not heard a great deal else about other isolated communities in the Northern Territory.

It is important that I am able to give the reasons why the opposition opposes this bill. No doubt, other members of the opposition will be able to cover other aspects of the bill and also give other reasons why we are opposing it. In the first instance, I would like to indicate that the opposition is opposing this bill in view of the lack of adequate and proper consultation with Aboriginal communities on the suitability of the scheme which the Northern Territory government is proposing. Honourable members would be aware that, in his second-reading speech, the honourable sponsor of the bill was arguing that the bill itself is based on the wishes of the communities. I would like to dispute this claim. I believe it is utter nonsense and also that this claim in respect of Aboriginal communities in the Northern Territory is misleading. In recent times, opposition members went to Aboriginal communities in the Northern Territory, areas in Central Australia and areas up in the Top End, and the visits to these communities revealed that those people generally knew hardly anything about the community government scheme and they were confused about the real intentions of the Northern Territory government. In fact, there were many communities that were not actually consulted at all by members of the Northern Territory government and so they were left in the dark.

I would just like to indicate a few of the communities that were visited by opposition members. They included Areyonga, the Papunya area and outstations, Docker River area, Yuendumu, Ti Tree, Warrabri, Jay Creek, Haasts Bluff, Amoonguna, Hermannsburg and outstations, Borroloola, Maningrida, Milingimbi, Croker Island and Goulburn Island and so on. I would like to say that, when these communities were visited, none of them was actually conversant with the Local Government Bill and the intentions of the NT government even though they had also been visited by government members. They indicated that they were not really 100% prepared to accept the scheme.

On this point of consultation, I would like to look at the record of the honourable sponsor of this bill to illustrate my point. On 28 August this year, he flew to Papunya on a charter plane, accompanied by the head of his department and a lawyer from the Aboriginal Legal Aid Service in Alice Springs. The prime purpose of that visit was to discuss the introduction of the detention centre at Papunya. At that meeting, it was decided that they did not want a detention centre because they regard the Aboriginal outstation movement as providing a better solution. On the same day, there was no discussion by the people at that meeting on the community government scheme. It was not even raised. I think it is important to make this point: how do you get a community government underway, for example at Papunya, when the people are more interested in developing their own concept of what they call a congress in a movement away from Papunya. It would seem that the community government arrangement would be diametrically opposed to the concept of Aboriginal movements away from the major centres and this particular movement would reflect more the wishes of Aboriginal people and their lifestyle.

On the same day, the 3 gentlemen then went on to Areyonga where they had discussions with the president of the Areyonga Council, Mr Mantjakura and John Johnno. When the president of the Areyonga Council asked a question about the federal Aboriginal Councils and Associations Act, the minister told him that the federal act would not actually apply in the Northern Territory but that the Northern Territory government intended to introduce a local government bill. However, there was no council meeting on that particular day to discuss the government's intentions in respect to the Local Government Bill. It was indicated on the same day by the honourable sponsor of the bill to the president of the Areyonga Council that, if he wanted to control the grog problem, then he ought to establish a community government council and join the Local Government Association. Of course, it is important to realise that, at that particular time, the community at Areyonga and the president and other persons who were there with him had no idea about the community government scheme which was being referred to by the honourable sponsor of the bill. They had no idea because there had not been any discussions about it. The minister did not explain the Local Government Bill and the proposals in that bill, as he ought to have done, and so those people were left in the dark.

This is an appalling way to consult a community about the proposals of the Northern Territory government. Unfortunately, it was done in a manner contrary to the way in which the Minister for Health was able to conduct his consultations with Aboriginal communities on the new liquor laws. Unlike the Minister for Health, the honourable sponsor of this bill did not go out and adequately consult with Aboriginal people about the intentions of the Northern Territory government and the proposals behind the scheme. On the occasions when opposition members went out to these communities to talk to them about the Local Government Bill, there was adequate and proper consultation. There were meetings with the community councils and with people interested in the community to talk about the Local Government Bill in more detail and I believe that was contrary to the way in which the government went about their consultations on this bill.

In the second instance, the reason why we oppose this bill is that it is almost a duplication of the provisions of the federal Aboriginal Councils and Associations Act. If you compare them, you will be able to see this. The functions of the community government council, as set out under clause 452 of the legislation before this House, are identical to those particular functions as set out in respect of Aboriginal councils under section 11(3) of the federal act, except that they are arranged in a different order. Section 11(2)(b) of the federal act enables the functions of an Aboriginal council to include any other function in respect of the benefit of Aboriginals who live in that area.

It is also important to weigh up the disadvantages of a Northern Territory bill over the federal act and to look at it from the point of view of policy. In the first place, the Northern Territory legislation provides, under clause 452, that a community government will perform all the functions which are specified unless the residents are able to decide that that particular function ought not to be performed. The federal act enables a council to choose its functions, which may include other services that are not even specified. That is an essential difference. Instead of saying a council can do the jobs which are actually connected with the community needs, as the federal act does, the bill only talks about community amenities. In the second place, non-Aboriginal residents are in a position under the Northern Territory legislation where they could conceivably take over control or dominate a council in a predominantly Aboriginal community because the Northern Territory bill applies to all the residents. In the third place, section 78 of the federal act prevents the disposal of land acquired from the Commonwealth or by the use of finance of the Commonwealth which in the Northern Territory could be important for those communities on pastoral and other leases.

It is important to place on the record of this Assembly, Mr Speaker, that the Chief Minister himself actually requested the Prime Minister not to allow the operation of the federal act in the Northern Territory but that Aboriginal communities ought to be encouraged instead to incorporate as community governments under Northern Territory law. The source for that statement is a letter which was written by the honourable Chief Minister on 27 September this year and also a telex which was sent on 13 July this year. It was indicated in this correspondence that, until this was resolved, little value was seen by the Northern Territory government in having a working party of officials to look at those questions which pertain to local government in the Northern Territory in respect of Aboriginal communities.

In correspondence of 14 July this year, the Prime Minister affirmed the federal government's commitment to the Aboriginal Councils and Associations Act and, in recent times, we have been advised that the act will apply in the Northern Territory and that Aboriginal communities will have a choice as to whether they want to incorporate under the Northern Territory legislation or under the federal act. At all times, this particular view has been made clear by the federal Department of Aboriginal Affairs who have indicated in their correspondence that Aboriginal people ought to have a choice in this matter. I believe that Aboriginal people ought to have a choice as to whether they want to incorporate under the federal act or under the Northern Territory legislation. That would not have been the case if the leader of this government in the Northern Territory had his way with the federal government, because he was asking the federal government to disallow the operation of the federal act in the Territory. In doing so, he would have also denied Aboriginal people the choice. However, I am happy to see that both acts will apply in the Territory and that Aboriginal people will have a choice.

I would like to seek your leave, Mr Speaker, to incorporate into Hansard the correspondence to which I referred and which would indicate the position adopted by the leader of this government in the Territory. I would also seek your leave to incorporate into Hansard another document which would indicate that there had been discussions with the head of the Department of Community Development in the Territory and another officer of the Department of Aboriginal Affairs in Alice Springs.

Mr SPEAKER: Honourable member, are these entirely essential? Is is very hard work for Hansard to reprint these and it holds them up.

Mr PERKINS: Mr Speaker, I thought it would be interesting for honourable members to refer to.

Mr SPEAKER: If you read it into Hansard, I am quite happy.

Mr PERKINS: Mr Speaker, the document is fairly lengthy, and I want to go on to other points.

Mr SPEAKER: You can get an extension of time.

Mr PERKINS: Mr Speaker, in that event, I will just have to continue.

In the third place, we believe that the bill which is under consideration in this House actually gives the minister responsible for local government a great deal of power and discretion. We do not think this is actually desirable. I suppose in this respect the bill is a paradox. On the one hand, the Northern Territory government purports that the bill will actually guarantee self-management for Aboriginal communities, particularly those communities that want to accept the community government scheme yet, on the other hand, there are certain provisions of the bill which give a lot of power and discretion to the Northern Territory minister and would deny self-management in real terms for these Aboriginal communities.

I would just like to have a look at a couple of these provisions to support that argument. In the first place, under clause 449(2), the minister must approve the appointment of a council clerk and the terms of that appointment. This means in effect that the minister has the power to override the wishes of the community on the appointment of that clerk and, in so doing, take away the self-management or decision of that community council. This particular provision in the bill is not required in relation to the Alice Springs town council. I am just amazed as to how the honourable sponsor of the bill and his government can have a provision in there where the minister responsible can override the wishes of the community and take away their real decision-making powers and their self-management. At the moment, there are many Aboriginal community councils that are able to appoint their own staff, their own managers and other senior staff, and that is a decision that rests with them. I do take note that in the amendments which are circulating the honourable sponsor of the bill, and this is to be welcomed, has backed down on this particular provision and it appears that the government will now take that out of the bill. We will not have a situation where the minister responsible is in a position of overriding the wishes of the community on the appointment of the council clerk. However, it is important that I make that point.

In the second place, I would like to refer to clause 150, subclauses (1) and (2), where it says the minister is able to remove the council clerk, but only with the proviso that he consults with the community council. Mr Speaker, this could mean anything because the minister could set his own parameters, however he likes, in respect of consultation. It gives him a wide power and a discretion over the council clerk which ought to rest with the community council itself. I would urge him to reconsider those particular provisions.

There are other clauses in the bill where, for instance, the minister has to approve the matter of whether the community government council is able to borrow money or to spend money which is obtained by borrowing. This sort of thing is fairly restrictive. They are not the same sort of restrictions - these ones I am talking about - as those which apply to other councils established under the Local Government Act. There are some differences. The list goes on.

In the fourth instance, the other major reason why the opposition is opposing this bill is that, at this stage, it is not known what are the funding arrangements to carry out the provisions of this particular bill. We do know that the federal government gave the Northern Territory government, in the last NT budget, an amount of over $13m for the provision of essential

services in Aboriginal communities. What we are confused about, and also amazed about, is where is the money going to come from to enable the Northern Territory government to implement all those functions and responsibilities which are in this bill. We have not heard of any arrangements between the Northern Territory government and the federal government in relation to how these particular responsibilities and functions will be financed. We have not heard whether the Northern Territory government has worked out the cost of the local government scheme. We do not know, in fact, who is going to foot the bill. It would be most unfortunate if the taxpayers of the Northern Territory had to be called upon to foot the bill to carry out the provisions and the schemes outlined in this Local Government Bill.

However, we do know that the Department of Aboriginal Affairs proposes to continue to fund Aboriginal communities directly. At the moment, the DAA is able to fund them under the TMPU but it does not want to hand over this responsibility to the Northern Territory government. I think that has been made really clear. In the second place, there are matters other than the essential services responsibility which have already been transferred to the Northern Territory government. I understand that the DAA does not propose to transfer any other functions to the Northern Territory government at this stage. It is important that that sort of thing is on the record of this Assembly in this debate.

We know it would take about 395 people to run the Department of Aboriginal Affairs in the Northern Territory at the moment and carry out the responsibilities of that department. What I would like to ask the honourable sponsor of the bill - and I think this question is important - is how can the Northern Territory government carry out the responsibility for all the functions which are proposed in the bill, particularly in Aboriginal communities? Where would the funds come from and where would the staff come from? I do not believe, at this stage, that the Northern Territory government has the financial capacity to take over the functions of the Department of Aboriginal Affairs other than those which it ought to have responsibility for, and that is the provision of essential services in Aboriginal communities. I do not think they have really looked at this thing in a serious way.

These are serious matters which ought to be considered by the government. I would have thought that the honourable sponsor of the bill would have given us a draft of the scheme in the first place, as we received a draft of the Liquor Bill, to allow adequate time and opportunity for people to be able to talk about the proposal and for those communities that are going to be affected by it to be consulted and think hard about the things that are proposed in the bill. Instead, they introduced a bill and we are now debating it. I do not believe it has had as wide a circulation as it could have had in the Northern Territory community as a whole, let alone among Aboriginal communities. On the other hand, the Liquor Bill did have a wide circulation. The minister responsible for that bill went out and consulted with the community in a proper fashion. In fact, I understand that, on the occasions that he was in Central Australia, he went out into my electorate, accompanied by Mr Lovegrove and also an interpreter, the Reverend Downing. I believe he went about it in the right way because what he had to say about his particular bill was important and those things were interpreted and the people were able to hear what was going on and give their own views at the time. Unfortunately, I do not think that sort of thing has happened in the case of the Local Government Bill. I gave you an instance earlier on in the debate, Mr Speaker, about how the honourable sponsor of the bill handles his consultation with Aboriginal communities.

We are not the only persons opposed to this particular bill. Opposition has been expressed from other sources in the Territory and, in particular,

from Aboriginal communities. I think it is important that, as this is a controversial issue, the honourable sponsor of the bill and his leader ought to set up a working party of appropriate officials to look into this proposal of the whole question of local government a bit further. I think it is important that those people who are going to be affected by it ought to have the time and opportunity to talk about it and to make up their own minds as to whether they want to accept the community government which is proposed under this bill. This is most important.

I do want to stress, in concluding, that the opposition is in no way advocating that the federal government ought to have a total responsibility and control of Aboriginal affairs in the Northern Territory. We accept and we agree that the Northern Territory government ought to have this responsibility to run essential services in Aboriginal communities but we are concerned, for the reasons I have mentioned in this debate, about the way in which the government has gone about this whole proposal. For those reasons, the opposition will be opposing the bill.

Mr TUXWORTH (Minister for Mines and Energy): Mr Speaker, I rise briefly to support the bill and to say that I believe this is a move in the right direction. Just as we have been keen to get political control for the people of the Northern Territory over state-type functions, so too are we keen to see communities in the Northern Territory have control over functions in which they have a daily interest.

I was particularly interested in the remarks of the honourable member who found so many Aboriginal communities were opposed to the concept of local government and opposed to the concept of being under the Northern Territory's wing. I have been to quite a few Aboriginal communities myself in the last 12 months. I must say that I have not raised the issue of local government with any of them because I had enough on my plate with other things but, in many communities, the issue of local government came up and the community leaders were particularly keen to discuss it. Port Keats and Peppimenarti, Yuendumu and Warrabri were 4 Aboriginal communities where the councils that I met with were keen to know more about local government and keen to find out what it meant for them, whether it was obligatory for them to have it or whatever. I do not think their interest in local government is any more reserved than the interest of the people of Katherine or Tennant Creek when they took on local government. I found in the people that I spoke to a genuine interest for the Aboriginals in those communities to be involved under the laws of the Northern Territory. In most cases, I have come back and involved my colleague, the honourable minister who has carriage of this bill, in what I learnt and he has gone out behind me to discuss with the communities what local government can mean for them. I have not found any resistance at all to the concept of Aboriginal communities wanting to join with the Northern Territory local government laws. All they are keen to do is to know what it means and which way they go.

One other interesting aspect is that I have 2 communities in my electorate that are well balanced with Aboriginal and European populations, Elliott and Borroloola. I was particularly impressed at the way the people in the community on both sides of the fence had addressed themselves to the issue of local government to a degree that they can handle. They are currently working together to see what sort of a package can be worked up with the honourable Minister for Community Development to have local government implemented in some small way in their communities. I just cannot accept that all the Aboriginal communities in the Northern Territory are opposed to this concept. In fact, I find it incredible.

The deputy leader of the opposition raised the question of funding local government and wanted to know whether the Northern Territory had a sufficient tax base from which to fund these functions and to take over the role of the funding done by the Department of Aboriginal Affairs at the moment. If the honourable member looks into the funding of local government in a bit of detail, he will find that all the funding for local government comes from the Commonwealth, one way or another, except for the contribution that is paid by rates. That contribution is something that is determined by the community. The funding formula that the Commonwealth has for funding local government right throughout Australia is a very involved one and it takes particular note of the disadvantages that some communities have in providing local services, given their isolation, their lack of facilities, services and backup conditions. The particular example of Aboriginal communities would fit in very neatly with the funding formula that local government has. The communities would be able to bid on the same basis as any other local government community for funds and their particular disadvantaged or advantaged situation would be taken into consideration.

The hotch-potch which we have at the moment is just incredible. I was down at Docker River 3 or 4 weeks ago. Docker River is a community of 200 people, perhaps up to 300, and it has one tap and no toilets for the lot of them. If that is the role of funding and the operation of the Department of Aboriginal Affairs so far as remote communities are concerned, I think it is a disaster. If the concept of local government for remote communities to move into the funding scheme which is provided for other towns in the Territory and on the same basis as the other towns in the Territory is available to Aboriginals, they will have an opportunity to upgrade their facilities to the same level as our communities. I will be surprised if they do not jump at it.

Mrs O'NEIL (Fannie Bay): Since the Manager of Government Business was so anxious to hear the details of the correspondence to which my colleague, the deputy leader of the opposition, referred, I thought I would oblige him by reading it. I have a memo from a member of the staff of the Department of Aboriginal Affairs to the Minister, Mr Viner, and it relates to correspondence from the Chief Minister of the NT. It reads:

In a letter of 27 September 1978, the Chief Minister of the NT, Mr Everingham, wrote in reply to your letter of 19 September which reaffirmed the Commonwealth's commitment to the Aboriginal Councils and Associations Act.

Mr Everingham has enclosed a copy of his letter of the same date to the Prime Minister asking that the provisions of the Act not be implemented in the NT and that Aboriginal communities be encouraged to incorporate under Territory legislation. Until this matter is resolved, Mr Everingham sees little value in setting up a working party of officials to look at questions relating to local government for Aboriginal communities in the NT.

Our advice has been sought on the Prime Minsiter's reply to Mr Everingham.

Background

Mr Everingham telexed the Prime Minister on 13 July asking that proclamation of the Councils and Associations Act be deferred pending a review of the problems facing both governments in the transfer of responsibility for services to the communities. He suggested that a working party of officials be established to report on these problems.

In his reply of 14 July, the Prime Minister affirmed the government's commitment to the Act, but agreed to the establishment of a working party to consider in detail matters relating to the most suitable form of local government for Aboriginal communities.

In subsequent correspondence with Mr Everingham, you have confirmed the Prime Minister's advice of 14 July and that in accordance with sub-section 17(4) of the Act you will consult with the Territory Minister responsible for local government in any case where an application for constitution of an Aboriginal council relates to an area that is, or includes, any area to which local government extends, or to which it is proposed to extend local government, by or under a law of the Territory.

The NT Local Government Bill (No. 4) was introduced into the Legislative Assembly on 21 September 1978.

The bill proposes a system of local government called "Community Government Schemes".

Under the system, any community may be incorporated as a Community Government Council if approved by the Territory minister.

The legislation is very similar to the provisions for Aboriginal Councils under the Aboriginal Councils and Associations Act. In particular, the functions of a Community Government Council as set out in clause 452 of the bill are identical to those set out for Aboriginal councils in section 11(3) of the Aboriginal Councils and Associations Act except that they have been arranged in a different order. Section 11(2)(b) of the Aboriginal Councils and Associations Act enables the functions of an Aboriginal Council to include any other function for the benefit of Aboriginals living in the area.

Policy Aspects

Advantages of Bill over the Councils and Associations Act.

The Councils and Associations Act applies only to Aboriginals while the NT legislation would apply to all residents so that rates/charges imposed by a council under by-laws would apply to all residents; other by-laws could apply to all residents (e.g. availability of liquor).

It is probable that the Commonwealth Government Councils will be eligible to receive Commonwealth grants, through the Territory Government, under the Commonwealth Local Government (Personal Income Tax Sharing) Act 1976 after suitable amendments are made to the Act. It is unlikely that councils incorporated under the Aboriginal Councils and Associations Act would be eligible for such assistance but we are checking this with the Grants Commission.

Community Government Councils would be exempt from income tax.

Advantages of Bill over the Councils and Associations Act.

Non-Aboriginal residents could conceivably control or dominate a Council in a predominantly Aboriginal community.

The Bill provides that a council will perform all of the functions specified unless the residents decide that a particular function should not be performed; the Councils and Associations Act enables the council to choose its functions which may include other services not specified.

Section 78 of the Aboriginal Councils and Associations Act prevents the disposal of land acquired from the Commonwealth or by the use of Commonwealth finance, which in the NT could be important for communities on pastoral and other leases.

Recommendation

I recommend that

you reply to Mr Everingham along the lines of the attached rough draft indicating that Aboriginal communities should have a choice of incorporating under the Commonwealth Act or adopting local government under Territory law; that the working party should be convened; and that you would be glad to discuss the issues; and

you approve our advising the Department of Prime Minister and Cabinet in terms of the attached draft memorandum. Signed J.P.M. Long, Deputy Secretary 19 October 1978.

I have also a copy of a letter from Mr Viner to Mr Everingham on 18 October. It reads:

I refer to the memorandum of understanding on financial arrangements between the Commonwealth and the Northern Territory governments and to our previous correspondence touching on aspects of the role and functions of my department in the Northern Territory. I write now to outline some more general aspects of my department's role in the context of the further development of self-government in the Northern Territory and the further implementation of the Commonwealth's self-management policies for Aboriginal communities. In particular, I offer some suggestions about ways in which we might generally promote effective coordination of government activities in Aboriginal communities.

I believe there is full agreement between us on the broad policy approach being pursued in Aboriginal affairs through both Commonwealth and Territory programs. The key elements in that approach might be summarised as follows:

- *securing for Aboriginals equal access to government services and providing appropriate additional services and, where specially justified, additional special benefits; and*

- *encouraging self-management at all levels with appropriate training and self reliance.*

We recognise that implementation of the policy of self-management entails close consultation and coordination between departments (both Commonwealth and State) and with Aboriginal communities.

In recent discussions with my own colleagues, we have agreed that services and support to Aboriginal outstation communities should be provided in ways that take account of their lifestyle and with appropriate involvement and consultation with state and local authorities. We also agreed that we should continue to encourage the development of Aboriginal self-sufficiency, providing resources and training for them in order to reverse the present dependent situation of Aboriginal communities.

As you know, my own coordinating role has also recently been confirmed by change in the Administrative Arrangements Order which now reads as follows:

The development in consultation with the Aboriginal people of the national policies directed to the advancement of the Aboriginal people, the administration of those policies, and the coordination of programs.

It is important that in carrying out the coordinating function my officers work in the closest cooperation with both Commonwealth and Territory officials charged with the delivery of services to Aboriginal communities. This is envisaged in my directive which states (Paragraph 11) that:

DAA has the responsibility of coordinating its direct (Grants-in-Aid) program with those of other departments, Commonwealth and State, so that the total aid program will take account of needs in an integrated way without duplication. It is the responsibility of Regional Directors to ensure that such coordination takes place through continuing consultation with the communities concerned and with the Commonwealth and State departments involved in the delivery of the relevant services.

My colleagues have now further agreed that, at regional levels, my Department should be responsible for ensuring that authorities responsible for providing services to Aboriginal communities meet regularly to coordinate the delivery of these services, and for ensuring that community reviews take place at meetings every six months, chaired by the Department's Regional Director, with representatives for relevant Commonwealth and State authorities. These meetings would allow the responsible authorities to consider each community separately and to check that each authority is contributing to the success of the development program planned by the community itself, as well as providing an opportunity to reconcile any divergence of views and plans between the various authorities. It will be up to Regional Directors to initiate these processes. In the Territory, if there are cases where not all relevant functional authorities are appropriately represented at a regional level, it may be necessary for my Divisional Director to make supplementary arrangements. His membership of your Coordinating Committee will also help to ensure that government programs in Aboriginal communities are well coordinated in the future.

I have gone into some detail in this description of the role of my Department partly because I think it is appropriate at this stage of the development of our understanding but also because I have gained an impression recently that some misunderstandings have become current about the DAA role and particularly the role of DAA officers in Aboriginal communities. In accordance with the self-management principle, my Department has over a period of time (perhaps too quickly in some cases) withdrawn from its former management role in communities. For the most part, it does not maintain an officer permanently resident in Aboriginal communities. The absence of such resident officers has apparently been taken to signify the virtual withdrawal of my Department's interest in the well-being and development of Aboriginal communities and the substitution of a purely monitoring or accounting function. The functional statements which I have attached will indicate that this would be a misunderstanding of the position. Regional and Area Officers have as their first interest the well-being of Aboriginal communities. They provide means of effective consultation with those communities, keep my Department informed of the state of affairs in them, assist Aboriginal communities with the preparation of development projects and, where appropriate, help them by providing advice, guidance and stimulus in the management of their own affairs.

Further progress is being made in implementing our self-management policies this year by transferring responsibility for community management

from my Department to communities (or in the case of Maningrida returning community responsibility). In this phase, my Department will be giving priority to supporting and arranging programs designed to provide relevant training for Aboriginals to help them manage their organisations and provide community services. We shall be looking to Territory institutions like the Darwin Community College to provide such training.

Consistent with the goal of community self-management, we have concluded that it is preferable that communities should themselves employ what I have termed "community development advisers" where they consider such workers are needed. The advantage then is that these workers have an undivided loyalty and responsibility to the communities whereas community workers employed by government have a responsibility to their departments as well as to the communities.

The full transition from government to non-government persons and, amongst non-government persons, from white to Aboriginal, may take some time. My Department's role in this transition will be to help coordinate training resources for community developers, as well as ensuring that the new framework of arrangements is understood by the communities and by service agencies and providing training for department field staff in their role. Arrangements are in hand for this and your officers concerned will be fully consulted.
Yours sincerely, R.I. Viner.

Mr VALE (Stuart): Mr Speaker I wish to add my support for this legislation. It will give communities outside of the main Territory towns, for the first time, the opportunity to try for themselves their own order of priority relating to development and expenditure in their community. I have said before in this House that I looked forward to working with a constructive opposition. The honourable member for MacDonnell takes this legislation, tramps the country and preaches fear and doom. If he has in fact discussed this legislation with communities, why did he not accurately and honestly point out some of the contents of this legislation? The legislation will allow communities to accept local government if they wish - and I emphasise "if they wish". It also allows communities, if they take on local government, to revert to the status quo at a later date if they so desire.

Despite the fact that this legislation was introduced into this House over 2 months ago and despite all the public scare campaign and destructive criticism mounted by the honourable member for MacDonnell and his mates, not one suggested amendment came from the opposition until 2.30 this afternoon. Why? They prefer to stomp the country telling people not what is in the legislation or what amendments they would propose, but rather they seek to stir up mistrust and confusion amongst all Aboriginal people. I am certain that many communities will welcome a chance to decide their own priorities rather than, as in the past, have some remote arm of government decide this for them. I support the legislation.

Mr COLLINS (Arnhem): When I was considering this particular subject, I took into account that there were in fact 2 pieces of legislation in existence and not one. There is this bill before us and there is the federal Aboriginal Councils and Associations Act which has been around since 1976 and which Aboriginal communities have had a great deal of time to look at. The criteria I adopted when I was considering this legislation was very simple. As has been said by honourable members opposite, I am well travelled in my electorate; I do visit it regularly and I worked in it for years before I came into this place. I took into account what I considered to be the current state of development of Aboriginal community councils in my electorate and what I believed their aspirations to be. In that context, I asked myself which was the best piece of legislation. That is the only criterion that I used when considering the 2 pieces of legislation.

In his second-reading speech, the Minister for Community Development said: "I would like to emphasise that the presentation of this legislation at this time is in a response to a clear need based on the wishes of communities and is not to be seen in any way as being a one-sided affair". I can say with authority that in my electorate any way - and I stress the words "at this time" - I do not believe that such a clear need exists. We must accept that the legislation is aimed directly at Aboriginal people. We have the word of the Minister himself on it in his letter, where he said: "Though the system of community government would be for everybody, it is designed particularly to respond to the desire of Aboriginal communities for self-management of their affairs".

Certainly, the response that I have had from my electorate was not one of violent antagonism towards this bill. One of the comments made by the honourable Minister for Mines and Energy was that he could not believe that all Aboriginal communities are opposed to this legislation as has been put by the opposition. I have not heard that particular point of view put. As far as I am concerned, the feeling in my electorate is not violent opposition to this piece of legislation. It is just a question of why they need to have it put before them at this particular moment. They cannot see the need for it yet.

"To date, the Chief Minister and I" - and I am quoting again from the Minister's speech - "have between us spoken to 12 communities about this offer and I say that the proposal has been met with universal interest and, in some cases, enthusiasm". I have no doubt that that is the case. I can assure all members opposite that there is certainly universal interest in this legislation. Aboriginal people are vitally interested in any legislation that has some potential impact on them.

The Minister for Mines and Energy said: "Aboriginals were keen to find out about it. They had a genuine interest in it". I can assure the honourable minister that those impressions were quite true. Aboriginal people are very interested in any proposals of both the Territory government and the federal government that are likely to affect them in the future. I would not say that they are enthusiastic. I could not honestly say that. I have not discussed the actual contents of the bill in any great detail. I understand that there has been a request from my electorate to the Aboriginal Legal Aid Service to provide a legal interpretation of both the bills. Because I knew this was being done, I have deliberately not involved myself in any great discussion. As the Minister for Community Development himself will know, I was present at a council meeting at Maningrida where he did have a consultation. I did not say a word either then or afterwards. I have kept out of it because I know there is a legal, clause-by-clause comparison of these 2 bills available.

He went on to say in his second-reading speech that a feature of the bill is the extensive provisions for consultation at all stages. I do believe that a comparison of the 2 bills will show that the provisions that exist in the federal legislation are better than the ones in the bill before us now. I might also add that, if the government saw its way clear to adopting the amendments that the opposition wishes to move to this bill, I would be quite happy to see it go through the House.

He said in his second-reading speech: "In any event, it will be clear from reading the 2 pieces of legislation side by side that the Territory government proposal offers far more by way of self-government than the federal act". I dispute that particular statement. I do not think that a cold-blooded assessment of the 2 pieces of legislation proves that to be so.

The honourable member for Stuart has again raised the sanctimonious cry of how he wanted to work with a constructive opposition. I hear this continually

in this House. When you remove all the cant from it, the record shows - and I have had a look at it - over the last 15 months, that this opposition has supported or constructively amended far more legislation that it has opposed.

Clause 426 of the bill sets out the means by which a community government scheme may be set up. Clause 428(1) says: "The Minister may prepare a draft community government scheme for a community". Now it is interesting to compare the relevant section 11(1) in the federal act which says: "Where 10 adult Aboriginals living at a particular area desire that an Aboriginal council be formed in respect of that area, they may apply in writing signed by each of them to the Registrar for the constitution of that area as an Aboriginal council area with a view to the establishment of an Aboriginal council for that area".

What is the difference between those 2 pieces of legislation? It is very clear: under this legislation, it can be the initiative of the minister to prepare a draft community government scheme. This is emphasised again later during this bill where it states clearly that this community government can be drafted by either the council or the minister. In the federal act, it clearly states that this initiative must genuinely come from Aboriginals before anything happens - 10 Aboriginals must apply in writing to the registrar so the initiative clearly has to come from them. Obviously, that is a far better provision.

Clause 432 talks about the consultations that are to be held with the communities where it is proposed to have a community government area constituted. Again, I would like to compare that section with the relevant section in the federal bill. Section 12(1) of the act says: "Where a registrar receives an application, he shall (a) inform the adult Aboriginals living in the area to which the application relates of his receipt of the application; and (b) explain to those Aboriginals the purpose of the application, the boundaries of the area, the functions of the proposed Aboriginal council ... fix a time and place for a meeting to discuss the application and notify those Aboriginals of that time and place". He will convene a meeting in accordance with 12(1)(c). "The registrar shall attend a meeting convened under sub-section (1) and shall endeavour to ascertain the opinions of adult Aboriginals". We will consider this in more detail during the committee stage. It is clearly a better section for consultation than the one in the Northern Territory bill.

I have a question on clause 434. Clause 434(2) says: "In respect of any matter referred to in section 433". My query is, should it refer to 432?

Clause 436: "The Minister shall cause to be published in a newspaper circulating in the area to which the community government scheme applies, notice of the approval of the scheme". I believe that that section should be amended to include the words "and details of the scheme". It will obviously mean nothing, particularly to Aboriginal people, if there is just a bald notice printed in the paper. It should have some detail attached to it.

Clause 437(4): "A community government scheme which is not tabled in the Assembly as required by sub-section (3) is void". I believe that should be deleted. I do not see any reason why, after notice of approval and everything else has been given and the minister fails to table the thing, it should lapse.

Clause 437(6) states: "The disallowance of a community government scheme or provision referred to in sub-section (5) that repeals such a scheme or provision revives the last-mentioned scheme or provision as though the first-mentioned scheme or provision had not been made". I simply say that could be much better drafted. I think it is very verbose and many of those words are totally unnecessary.

Division 6 - Election: I believe that the government would be responsive to amending this particular part. If some of these amendments are already included, I apologise in advance but I have not had a chance to look at them all. By clause 440, the Minister can appoint a person to be the returning officer. We have talked about this before; there is no reason why that person cannot be the returning officer for the Northern Territory and the election conducted by the Electoral Office here in the Northern Territory. They are the people with the personnel, the expertise and everything else. They are totally unbiased and have a well-established record for conducting good elections. I see no reason why it cannot be the returning officer. I am sure that the Electoral Office will have no objection to it.

Clause 441: "A general election shall be held before 31 December in the fourth year after the general election immediately prior to that election". I can see no reason why that particular section cannot be amended to bring it into line with exactly the same provisions that apply in the Northern Territory (Self-Government) Act which are far better drafted. I can see no reason why that cannot be adopted there.

Clause 447: "The office of a member becomes vacant when (a) the member dies; (b) the term for which he is elected expires ...". I believe there should be an addition which says: "or no longer complies with the eligibility requirements set out in 425K".

Clause 449(1): "A community council shall appoint a person to be the clerk of that council". I am aware that the minister has amended this particular section himself. I am pleased to see it. I heard at Maningrida the minister's explanation of why it was there. The chairman of the council asked him: "How come you can sack the clerk over the head of the council?" The minister replied that this was a protective provision etc. This intrigued me. Take the example of the Associations Bill where a public officer is involved. The public officer of the Maningrida Progress Association, for example, is responsible for administering a business that turns over a million dollars annually. The man is a man of undoubted repute; I am just using that community as an example. His opportunity for ripping off that community, if he wanted to, if he was a person of ill-repute, is far greater than the clerk of the council's ever would be yet there is no ministerial control over the dismissal of the public officer in the Associations Act whatever; it does not exist. It did not seem to me that that was particularly consistent and I am pleased to see it has been thrown out.

Division 9 - Powers of Community Government Council. That intrigues me a bit; I was a bit amused by that. Clause 452 lists from (a) to (i) all of the things that a community government council can look after. They are precisely the same as provisions in the Commonwealth act except the draftsman has very kindly put them all in alphabetical order in the Northern Territory bill. It is nice to know they have such tidy minds.

Clause 457(b) says: "... in any other case, the bank account referred to in section 456". Clause 456 says: "The community government council shall cause not less than one bank account to be maintained by it". In other words they can have more. I think that word "account" should be amended to "accounts".

Appointment of auditor - clause 460: "A community government council shall, within 2 months at the end of each financial year" - that is another little interesting thing. It is in the Local Government Act but, instead of 2 months after the end of each financial year, it says "August", which I thought was rather cute. They could have saved themselves a few words there too. Section 277 is the appropriate section of the Northern Territory Local Government Act: "The council shall, in the month of August, appoint a person"

- the same provision exactly, except instead of saying "2 months after the end of each financial year", it says "August" - "to determine the amount of fees". It is exactly the same.

Clause 461: "The appointment of a person by a community government council as auditor is of no effect unless and until (a) the appointment of that person; and (b) the terms of his appointment are approved by the Minister". That is an interesting departure from the Local Government Act because that sort of constraint is not put on them. In fact, one of the great misgivings I have with this whole clause is that it completely fails to put into the bill the controls over who the auditor shall be and the fact that he shall be a proper person. These are contained in and could have quite easily been transferred with other provisions from the Local Government Act itself. They are very good provisions and quite standard provisions.

Section 279 says - and I commend this to the honourable minister: "Subject to this section, a council shall not appoint a person to be auditor unless he is a member of an institute or association of accountants which the Administrator" - or the Minister it could be amended to - "has approved as an institute or association for the purpose of this section. Where an application is being made to him by a council, the Administrator is satisfied" etc. It is well provided for. They are standard provisions and I see no reason why they cannot be put in here.

Section 280 should also go into the bill, suitably amended of course. It says: "The person who is (a) the mayor; or (b) alderman of the municipality" - that would have to be altered but it goes on to talk about holding offices of profit under the crown that would disbar him from being an auditor. The controls are standard and they should be applied to the bill. There is no reason why they could not be.

Clause 462 again refers to the appointment of the auditor. It says: "If a community government council fails to appoint an auditor in accordance with this Division, the Minister may appoint an auditor for the community government area". Of course, if you read this, it is legally possible, if the Minister wants to be bloody-minded enough, he could simply keep on refusing to approve an auditor until the 2 months period provided for in this bill were up and then say at the end of it, "You have not given me an auditor, boys; I will provide my own". I think that the equivalent provisions in the Northern Territory Local Government Act are better.

Clause 463 - it may be simply a drafting error - says: "An auditor shall inspect and audit the accounts of the community". Of course, it should be "The auditor". Subclause (2) makes the same error. There is an interesting departure here from the Local Government Act. The wording is almost entirely the same except for one significant departure. Clause 463 says that the auditor shall inspect and audit the accounts "in the manner directed by the Minister". The Local Government Act says "by the council". No such constraint applies and I might say again, Mr Speaker, that the government keeps on saying that this bill is going to provide Aboriginal communities with an expression of self-government but it places far greater restraints on them than the Local Government Act places on any other council. All that section should be deleted from the Local Government Bill. Plenty of it has been used anyway; I do not see why that cannot be.

Clause 464 is precisely the same as section 288 of the Local Government Act. Clause 466 is exactly the same as section 290 of the Local Government Act. Clause 467 is exactly the same as section 291 of the Local Government Act.

Division 12, Dissolution of councils - clause 474: "The Administrator may, on the recommendation of the Minister, dissolve a community government

council". Where are the grounds for doing it? We suggest that that should be amended to say: "The Administrator may, on the recommendation of the Minister and in accordance with this division, dissolve a community government council". It then goes on to describe what the minister can and cannot do.

Clause 475(b) says: "He has taken into account any representation made by the council before the expiration of 14 days from the date of that notification". That's nonsense. This is directed - and I am sure no one is going to query it - specifically at the Aboriginal communities. There certainly may be other small local government communities that might want to adopt it but it is aimed straight at Aboriginals. 14 days is nonsense. Aboriginal people are sick and tired of complaining about the same treatment from the Northern Land Council. They get letters from them saying, "If you do not agree to the above, we will accept that you say it is right if we do not get an answer within 14 days". As the council at Milingimbi said to the NLC, it sometimes takes 14 days for one letter to get in and out of Darwin. That is ridiculous; it should be amended to 6 weeks.

Clause 476: "Notice of a dissolution of a community government council shall be published in the Gazette". There should be an extra provision in there "and in the newspaper", purely to make that particular section consistent with another provision of this bill in clause 436 which says that, when the thing is set up, it is announced in the newspaper. That is already in the bill. Surely, if such an extreme step is taken to dissolve it, that should also go in the newspaper. It merely makes it consistent with the rest of the bill.

Clause 477, paragraph (a), says: "table in the Legislative Assembly a report of the dissolution of a council and the reasons for the recommendation under section 475 within 12 sitting days". Of course, that is ridiculous. It is quite conceivable they could miss 2 whole sittings of the Assembly. In the minister's letter, he says on page 4: "If the minister ever did recommend dissolution, the proposed law requires that he must table the report in the Legislative Assembly within 2 sitting days of the dissolution". I am sure that is probably a simple drafting error; they have just put 1 in front of the 2 and made it 12. That will have to be amended to comply with the minister's letter.

This section particularly concerns me. It says that, after the council is dissolved, he will make a report; he will "appoint a manager on such terms and conditions as he sees fit to manage the affairs of the community government council until an election is held". I have a note here that says, "What about the workers?" What about the workers indeed, Mr Speaker, because there is no mention of them and that does concern me because provision for the workers is also made under the Local Government Act. Section 343 talks about the appointment of the manager on dissolving a council under this act. This is also missing from this particular bill. There is no mention of who pays the manager in the Northern Territory bill and there should be. That certainly should not give rise later to recriminations about which particular vote his wages are coming from. It is laid out clearly in the Local Government Act: "A manager appointed by the Minister under the last preceding section has the powers, duties and liabilities of the council and shall be paid from the general fund of the municipality". Of course, a suitable amendment would have to be made here to say, "from council funds" and "such salary as the Minister determines". There is no reason why that amendment cannot be put in here. I think it is a serious omission to leave that grey area there in the bill when it is covered so well by the Local Government Act.

The act goes on to make it clear in section 344 what happens to the employees of the council. This bill does not even mention them. "Where a manager is appointed by the Minister - (a) the officers and employees of the

council cease to hold office or to retain their employment, as the case may be, unless specially retained by the manager; and (b) the members of the council are deemed to vacate their respective offices". We are not advocating that. It would be lovely if we could put an amendment in to say that everybody kept his job after the council is dissolved but I did not think that had much chance so we did not put it in. What I am suggesting is the precise provisions in the Local Government Act, relating to what happens to the staff of the council, should simply be transferred into this bill. At least, people will know exactly where they stand. The Minister then has discretion to instruct his manager either to reappoint the staff or not, as the case may be.

I am jsut about done, Mr Speaker. I might need an extension; there is a lot in this bill. I see no reason why section 344 cannot go straight into the bill with a very minor amendment. It is probably on our amendments.

Clause 484: "In any prosecution or other legal proceeding under this Part instituted by, under the direction of, on behalf of or for the benefit of a community government council, proof shall not be required, until evidence is given to the contrary" - then it lists all these conditions. Again, this is precisely the same provision as is contained in section 418 of the Local Government Act. We have no objection to that particular part at all.

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

Mrs O'NEIL (Fannie Bay): Mr Speaker, I move that the honourable member for Arnhem be granted an extension of time.

Motion negatived.

Mr EVERINGHAM (Chief Minister): Mr Speaker, we have heard from the honourable member for MacDonnell certain things which he called reasons for opposition to the bill presently before the House. I think it would be useful to you, Mr Speaker, and honourable members if I restated the principles that were agreed between the Commonwealth, the states and the Northern Territory at the recent Council of Aboriginal Affairs Ministers.

The first one is the principle that the Department of Aboriginal Affairs does not deliver government services for functional Commonwealth or state - and in the place of "state" you may read territory - authorities. The second one is the principle that the Department of Aboriginal Affairs has the responsibility of ensuring that the Commonwealth policies are put into effect through coordinated practical action by functional authorities and individual communities, supplemented as necessary by direct grants in aid to Aboriginal organisations. Thirdly, the principle that the Department of Aboriginal Affairs has a special interest in and a responsibility for relating action by functional authorities to Aboriginal needs. In carrying out this responsibility, it should stimulate, initiate and monitor as well as coordinate. Fourthly, the recognition that Department of Aboriginal Affairs and government interaction with communities itself has an impact on community plans and progress, and that the process should be one in which the community worker is able to give advice in which also the NAC member fully participates. Finally, the principle that individual states and the Northern Territory may have their own systems for coordinating state-like services. The role of the Department of Aboriginal Affairs is seen as that of coordinator of total inputs, as part of the Commonwealth policy planning and financing responsibility based on Commonwealth legislation on the subject of agreements with the states and the Northern Territory.

That is a fairly important statement of principle - particularly, the first principle - and it is for that reason that the Northern Territory

government has introduced this legislation into the House. The Northern Territory is negotiating the transfer of all state-type services from the Commonwealth to the NT government and wants to enjoy the same relationship with the Commonwealth as is enjoyed by the states. This will leave the Commonwealth with a coordination and monitoring role in the Northern Territory and, in these circumstances, it would be inappropriate for the Northern Territory to fund organisations incorporated under the federal Aboriginal Councils and Associations Act. Whilst there needs to be a close relationship between the Commonwealth and the Northern Territory in the development of policies and programs for Aboriginals in the Northern Territory, the primary responsibility for internal coordination is that of the Northern Territory government to ensure that programs are rationalised and well rounded for communities generally.

The Northern Territory bill enables all small communities in the Northern Territory to undertake a degree of community government which suits them within the terms of the bill. The government considers it is important that Aboriginal communities be encouraged to see themselves as an important part of the total Northern Territory community and would prefer them to make use of the Northern Territory legislation which is available to all other Territorians, if they are contemplating a form of community government, rather than use almost identical legislation which is only available to Aboriginal people.

The bylaw-making powers of the Northern Territory legislation are more democratic than the powers provided in a federal act as they apply to all persons within the community government area and not just a particular ethnic group. It is also important that these bylaw-making powers relate to other Northern Territory laws in a rational way and that they are able to be handled within the community court system presently being developed in response to requests by Aboriginal communities. The Northern Territory government accepts a responsibility to initiate and undertake the training of Aboriginals towards community development and one of the most important aspects of this training will be in the area of community government.

I will not turn to certain points raised by the honourable member for MacDonnell. He said, firstly, as one of his reasons for opposing the legislation that there was a lack of adequate and proper consultation on the legislation. In answer to this, firstly, might I say that copies of the legislation have been sent to all Aboriginal communities, to the land councils and the Northern Territory branch of the National Aboriginal Congress. There have been visits to many communities by my colleague, the Minister for Community Development, and by his officers and there have been visits to other communities by myself, on one or 2 occasions in company with the Minister for Community Development and on other occasions by myself with some of my officers. The legislation itself was sent to the NAC. To date, Mr Deputy Speaker, we have not had, other than from 3 communities in Central Australia, any adverse reaction to that legislation. I am not saying at the same time that we have had wild enthusiasm for the legislation but the whole point of the legislation is it is optional. There is no way that it can be forced on the community; it is entirely up to them whether they wish to join in the scheme of community government.

The second point raised by the honourable member for MacDonnell as an objection was that the legislation is very similar to the Aboriginal Councils and Associations Act. I would have thought that that was an argument in its favour, since it seems to the honourable member for MacDonnell that that act is in some way superior to the Northern Territory bill. The scheme is that we have passed through this House the liquor legislation; we are considering at the present time community government legislation and we hope to be able to introduce into this House in 1979 legislation for community courts. These 3 pieces of legislation definitely interlock or, as they seem to say these days, interact.

One of the greatest problems that faces the Aboriginal people is the problem of liquor and one area where they can help themselves is by accepting community government and making bylaws which may assist them in their community to overcome the problem of liquor. Then, of course, they will have the court system that will enable them to enforce the bylaws that they make. The first principle is that the Department of Aboriginal Affairs does not deliver government services. This is to be a function of the Territory government and, as the funding for the councils will be coming through the Territory government, it seems logical that they should be established under Territory legislation. All the funding may not be coming this year or next year but, in the course of the next 2 to 3 years, it will be transferred to the Territory government and, in the long term, all funding will be going through the Territory government to the Aboriginal communities.

It is really a matter for them. At the present time, their priorities are determined for them in either the office of the Department of Aboriginal Affairs in Darwin or the office of the Department of Aboriginal Affairs in Canberra. What we are offering to do with the community government scheme is the same virtually as the Commonwealth government has done by establishing the Northern Territory government. It has said, "You look after yourselves in those areas which most closely affect your own citizens. Here is sufficient money to do it. You set the priorities. You determine what your people's needs are ". What we are wanting to do is to give them the funds and let them determine the priorities within their community when they fix their budgets for their community government councils.

The third point the honourable member for MacDonnell made was that the approval of the appointment of a council clerk by the Minister for Community Development would deny the principle of self-management to Aboriginals. I think an amendment has already been circulated to delete that requirement. I would just like to abate the sinister inference the the honourable member for MacDonnell draws from that particular clause. The first clerk of Alice Springs - and he is still the town clerk of Alice Springs - had to have his appointment approved by the Administrator in Council. The reason for that was that the Northern Territory Local Government Act contains a provision that, unless you have local government qualifications, then approval has to come from government. It is reasonable to assume that most of the town clerks in Aboriginal communities would not have local government type qualifications and, therefore, it was not unreasonable that this clause was included. In any event, it has now been deleted. It certainly was not put in with any sinister intent. The honourable member for MacDonnell specifically stated that the town clerks of Darwin and Alice Springs did not have to have their appointments approved. I certainly know that that statement is incorrect in respect of Alice Springs and Tennant Creek.

The costs of community government was his fourth point. How is the Northern Territory going to afford it? I think I have spelt that out now because the money that Aboriginal communities now receive from the federal government and the Territory government will, in the not too far distant future, all be channelled through the Northern Territory government. I acknowledge that it will be the right of the Department of Aboriginal Affairs, and I have always acknowledged this right, to monitor what the Northern Territory government does because it is the responsibility of that department to see that the Commonwealth policies on Aboriginal affairs are implemented and enforced. I will do my best to see that they are implemented and enforced as well but I do not mind their looking over my shoulder. As far as I am concerned, they can look at the books of our government any time they like.

As evidence of the degree of cooperation that this government has with the Department of Aboriginal Affairs, the local Director of Aboriginal Affairs is the only outside member of the coordination committee of departmental heads of

the Northern Territory government. He has full membership of that committee and can put his opinion and vote as though he were a Northern Territory departmental head. Of course, the funds in the long run, by and large, all come from the Commonwealth, but they will keep coming in just the same.

The honourable member for MacDonnell said that he doubts our capacity to handle the Department of Aboriginal Affairs' functional role. It appears that the Northern Territory government is judged by the Commonwealth government to have the ability to handle government functions in all other areas and for all the rest of the community. Why, then, should there be any doubt as to our capacity to handle the Department of Aboriginal Affairs' functional role? I should imagine that the officers of the Department of Aboriginal Affairs who handle the functional side of the department's activities, rather than simply enforcing, monitoring and formulating policy, would be transferred to the Northern Territory government departments in much the same way as officers of the Department of the Northern Territory were on 1 July.

I have said before that it is entirely up to the communities to make up their own minds. There is no hurry to go in for community government but we do want it to be an option that is there for Aboriginal and other small communities, such as Mataranka and Elliott, where European Australians are in a majority as against Aboriginal Australians. In fact, when the honourable member for Fannie Bay read out the memorandum from the officer in the Department of Aboriginal Affairs to his minister, it appeared to me that there would be financial advantages to communities becoming local government bodies under our act as against the federal act. It appears that, to give them the same advantages that they will receive automatically under our legislation, the federal government would have to amend other federal legislation so that they could obtain the same benefits under the Aboriginal Councils and Associations Act. I believe there is still need for a great deal of explanation and consultation with the vast majority of Aboriginal communities. They do not have to accept it next year or the year after, but it is an option that should be available to them.

The honourable member for Arnhem, it seemed to me, was not really opposed to this legislation. He criticised certain aspects of the form and content of it, and it may be that quite a deal of his criticism is acceptable to the government. After all, we are only attempting to meet the wishes of the Aboriginal people and I certainly accept the honourable member for Arnhem as putting forward from time to time bona fide views of members of the Aboriginal community. All I can say, if I might just insert the knife a bit, is that the opposition has dropped a big raft of amendments on us today about the ...

Mr Collins: About time.

Mr Isaacs: Good amendments, too.

Mr EVERINGHAM: ... community government. We will have to look very closely at those amendments.

Mr Deputy Speaker, I am appalled at the future concept of local government in the Northern Territory and I would just like honourable members to try to picture what may be the situation in 10 years' time. We will have the major Territory centres established as municipalities under the Northern Territory Local Government Act; we will have some presumably Aboriginal communities incorporated as municipalities under the Aboriginal Councils and Associations Act; we will have some Aboriginal communities established under the Territory Local Government Act; and we will probably still have some Aboriginal communities established under that totally unsuitable vehicle that they are established under at the moment, the Associations Incorporation Ordinance. I

say it is a damning indictment on the Commonwealth that it did not do something about amending the Territory Local Government Ordinance 5 or 10 years ago when it decided they should be established as councils. It seems to be able to find time to draft the legislation to put through the federal House. Why didn't it find time to draft the legislation to put through the Legislative Council back in 1970 or 1971? That is what I ask myself.

Mr Deputy Speaker, I am afraid that I see the attitude of the honourable member for MacDonnell as part of what he sees as a power struggle within the Central Australian Aboriginal Congress and I would not want this legislation to be seen in that context at all. This legislation is entirely optional legislation that communities may or may not accept. I believe it will advance the progress of Aboriginal people towards self-management, especially with the support that the Territory government is committed to giving them in this training area. It gives smaller communities the right to the same sort of constitutional development as all Territorians were given when the Northern Territory government itself was formed.

Mr ISAACS (Opposition Leader): Mr Deputy Speaker, I am very pleased to see that, by and large, the Chief Minister spoke in a rational and sensible way - in sharp contrast, I might add, to the press releases which emanate from him and occasionally from him and his colleague, the Minister for Community Development. I applaud the way he spoke tonight. It was a much more rational delivery than the press releases which have emanated from his office give him credence for.

There are a number of reasons why the opposition was concerned about the legislation. I will get those off my chest and then talk about the legislation itself. We heard from the Minister for Community Development and the Chief Minister that there was no hurry. I would like to believe him. I am sure he does mean that but, unfortunately, the Chief Minister seems to write a number of letters and they fall off various trucks around the place. On 13 October this year, he wrote a letter to his Director-General in relation to the attendance at state-federal ministers' meetings. He was canvassing the question of whether or not his ministers and departmental heads should attend these meetings and he pointed to the fact that, of course, there was much to do. Nobody would argue with that, but I would read from that memorandum, Mr Deputy Speaker, simply to put the case of why the opposition is concerned at the haste. When the Chief Minister and his Minister for Community Development say there is no hurry, we put up some warning signals. I will read from the memo:

> *Once some of our more urgent programs, such as the establishment of local government in Aboriginal communities, the ascertainment of the needs of these communities, the completion of the first Grants Commission exercise, the staffing accommodation efficiency operation of departments, to name just a few but there are so many others, can be completed, there will be time for conferences.*

The reason I read that out is simply to point out to the Assembly that this government has urgent priorities. As it says in the letter from the Chief Minister to his Director-General, one of those urgent priorities is the establishment of local government in Aboriginal communities. That seems to at least temper somewhat the statement he made to the Assembly that there is no hurry. I believe from the letter from the Chief Minister that, so far as they are concerned, there is a great hurry. I would hope that perhaps he might write to his Director-General and correct that paragraph in his memo.

The second matter which really does concern me - and it has been brought out in the contributions made both by the members for MacDonnell and Arnhem -

relates to the matter of consultation with the Australian government and the effect which the implementation of this particular piece of legislation will have in the Northern Territory. It is quite obvious that the Northern Territory government is seeking in some way to lever or gain a negotiating advantage with the Australian government. It seems perfectly plain to me. Why else would, for example, the Minister for Community Development say in his second-reading speech: "Notwithstanding all of this, however, we now believe the federal government intends to allow the federal act to apply to the Territory". I understand it does. "The federal act was designed to apply right across Australia. This legislation was designed to meet the specific and real needs of the Territory. There will be inevitable confusion if the federal act is allowed to apply to the Territory, both in Aboriginal communities and in administration. No good can come from an improper competition of the kind which would inevitably result". Hear, hear! Nobody could object to that sentiment; that is precisely what the opposition fears will happen. The federal act is in existence. I am not suggesting for a moment that we should therefore lie down and say, "Oh, well, it is there. First-in, best-dressed". That does not apply at all. What is important, though, is that this government consult with the Australian government to sort the matter out because it is quite true, as the Minister for Community Development has said, no good can come from an improper competition of this kind which would inevitably result.

It is also quite true, as the Minister for Mines and Energy said, that there is interest or enthusiasm amongst Aboriginal communities for local government. I found that in the various travels I have made over the last 15 months in Aboriginal communities. There can be no doubt about it, but there is also complete confusion. I was recently at an Aboriginal community and spoke to the community adviser there, an Aboriginal person. When I raised the question of local government, and not saying whether it should be the Northern Territory's proposals or the Australian government's proposals, his view was that local government was something which they were on about. They wanted their priorities attended to. Aboriginal communities want to be in a position to implement their own priorities. I totally concur with the remarks which the Chief Minister made in regard to that and anybody who travels around isolated communities would also agree. There is no doubt that Aboriginal communities are fed up with being pressured on all sorts of fanciful ideas which governments of all hue are trying to put on them.

Just contemplate for a moment what Aboriginal communities, especially in the Top End, have been through over the last 4 or 5 months. They have been disrupted to an extraordinary extent by the pressure which has been placed on them - without going into the whys and wherefores or attributing blame - to sign the Ranger agreement. All sorts of shenanigans have gone on in regard to that and, without question, it has had an incredible bearing and pressure on Aboriginal communities. Then this pops up. Ministers of the Northern Territory, having written to the various communities, run around the Territory impressing upon them the need to have Northern Territory legislation, presumably in relation to community government. Presumably, weeks or months before that, they have had officers of the Department of Aboriginal Affairs explaining to them the federal Aboriginal Councils and Associations Act. You can wonder how confused they could be.

The member for Arnhem must be right surely that this bill is specifically designed for Aboriginal communities. Compare this to the way the Aboriginal land rights complementary legislation was introduced and passed through this Legislative Assembly. If I remember rightly, there was about a 5 months' delay between the introduction of that particular piece of legislation and its passage through the House. Let us not forget either that it had been introduced first probably 6 months prior to its being re-introduced into the Legislative Assembly under this new administration. There was much more time given to consult among Aboriginal people and between the Australian government and the

Northern Territory Executive at the time. That has not happened on this occasion and I believe it will cause a great problem in regard to the establishment of community government.

I would hope that the Australian government and the Northern Territory government could sort out the matter so that confusion does not reign supreme. I believe that the suggestion put forward by the member for MacDonnell in relation to a working party of officials between the Northern Territory government and the Department of Aboriginal Affairs is a good one. It ought to be taken up. It seems a great shame, from the letters read out by the member for Fannie Bay, that the Northern Territory government scotches that idea and does not want to have a part of it. It would be a great shame if Aboriginal people were used as some kind of a football between the Northern Territory government tending to assert itself and an Australian government department not wanting to let go.

Having said that, it is appropriate to turn to the clauses in the bill. It is appropriate to follow the example of the members for Arnhem and MacDonnell and compare the various provisions in the Northern Territory proposal with the provisions in the Aboriginal Councils and Associations Act and the provisions in the Northern Territory's Local Government Act. One should look at those provisions in an attempt to modify the Northern Territory government's proposals to make them fit into what should be accepted practice.

I do not apologise for the fact that the amendments were circulated at 2.30 this afternoon. The member for Stuart seems to have taken great exception to it. We were probably 3 hours behind the government's proposal. Considering the expert advice and assistance which they had, I do not apologise for a moment. In many cases, our amendments have been drawn either from the Local Government Act or the Aboriginal Councils and Associations Act.

The member for Arnhem raised the matter of consultation and I believe that point must be well taken. The federal provision, with the initiative coming from the Aboriginal communities themselves, ought to be accepted by the Northern Territory government.

The opposition is pleased that the government has accepted the criticism in relation to the town clerk. However, I think our amendment in this regard is a better one than that put forward by the government in its amendment schedule.

In relation to the auditor, the proposal put forward by the opposition is a much superior measure. It derives from the Local Government Act itself and it ensures that the town council can choose its own auditor so long as that auditor belongs to an association which is accepted as having a sufficient standard of entry by the minister himself. Although the standards and qualifications will be set by the association and approved by the minister, the choice of auditor will be made by the council. If they cannot find somebody with those qualifications, then they will do what the Alice Springs council did in relation to its town clerk and have it approved by the minister. Again, this is taken directly from the Local Government Act.

I hope that the addresses of opposition speakers have convinced the government that the opposition is not seeking to disrupt and - I might quote from the delightful press release which came out - we are not attempting to "sabotage community relations". I can only guess where that particular phrase may have come from - from a person who has no interest whatever in cementing community relations. The opposition is seeking nonetheless to ensure that proper consultation takes place. It cannot be argued against that, prior to the introduction of this legislation, consultation did not take place.

After the introduction of this particular bill, I personally spoke to 3 communities - Bamyili, Yirrkala and Delissaville. At the time I spoke to them, none of those communities had seen the bill. It is true that the minister was due at Yirrkala 2 or 3 days after I had been there. I am not quite sure what the position was at Delissaville but the minister apparently was going to Bamyili a week later. Nobody is suggesting that, between the introduction of the legislation and these sittings, consultation has not taken place. There has been a flurry of activity from the minister and the Chief Minister. Nobody doubts that, but the fact is that, prior to its introduction, there had not been consultation, despite the protestations of the Minister for Community Development.

Many communities have genuinely protested at the fact that this legislation is being foisted on them. I believe the protestation from those communities is genuine. Nobody has suggested, certainly not the member for MacDonnell, as suggested by the Minister for Mines and Energy, that all Aboriginal communities are opposed to the Northern Territory government's proposal. That has been a figment of the imagination of members opposite. What we have done is to properly air the concern which various communities have asked us to express in relation to this particular matter.

I hope that, on the next occasion when the Minister for Community Development and the Chief Minister issue a press release with the word "sabotage" in it, they might think more carefully about that word. I trust that they will think carefully before they abuse another person - who is not a politician - and accuse him of all sorts of misdeeds and suggest that he is not a valid person to speak on behalf of Aboriginals. If a person is elected as a chairman of an organisation or as an NAC representative for an area, I would suspect that that person does have his ear to the ground and does have the confidence of the people who have elected him. The ABC News item on 23 November this year in the name of the Minister for Community Development and the Chief Minister was most unfortunate.

I would hope that discussions on this matter would continue in the vein of the Chief Minister. He was rational this evening in this matter; he attempted to logically answer the questions. He appreciates the difficulty in relation to Aboriginal communities and the fact that there is a 2-tier system - the Australian government and Northern Territory government. I would hope that Aboriginal communities and Aboriginal people will not be used as a pawn in this game of political bartering. I hope that the Northern Territory government would adhere to the sentiments contained in a press release from the Minister for Aboriginal Affairs, Mr Viner.

Electrical power failure.

Sittings suspended until 9 am Thursday 30 November.

Mr Speaker MacFarlane took the chair at 9 am.

Mr ISAACS (Opposition Leader): Mr Speaker, I was just concluding my remarks in debate on the Local Government Bill and I mentioned the name of a certain minister of the Australian government; as I do not want to be cut off in midstream again, I will not mention his name. I was quoting from the press release from that gentleman to encourage the Northern Territory government to ensure that they did uphold the 5 principles enunciated by the Chief Minister as emanating from that meeting between federal and state ministers for Aboriginal affairs. If I could just quote from the press release emanating from that conference: "The ministers supported the need for continued and improved consultation between the Commonwealth and state governments on Aboriginal affairs policies and the importance of cooperation and communication between the Commonwealth, state and territory governments in this regard". I think those are very worthwhile sentiments and I trust that those sentiments are pursued in relation to this particular matter of community government.

To conclude my remarks on this debate, I would say that there can be no doubt that the introduction of the community government scheme by the Northern Territory government in the manner in which it was introduced has caused consternation. It is not our intention, nor has it ever been, to create ill-feeling or consternation. That consternation has genuinely come from Aboriginal communities. It has been relayed to me at first hand. It has also been relayed to me through telegrams; one I received from the president of the Central Australian Aboriginal Congress and one I received from Bill Stockman, NAC representative of the Northern Territory area. I will read that telegram to indicate the concern which communities do feel. It is addressed to myself, Legislative Assembly, Darwin:

> *We do not support government law for community government councils. The communities I represent were not adequately consulted about this new law. Some were not consulted at all. This law will be no good for real Aboriginal self-management, land rights and outstations. We do not trust NT government because they fought against our land rights law before and now they are trying to take over our communities in a sneaky way under NT law. We do not want this. Signed Bill Stockman, NAC representative Northern Territory area.*

I believe that, given a proper consultative process, the scheme which the Northern Territory government wishes to implement in cooperation with the Australian government would succeed and I hope it would because what we do not want to see is self-management by Northern Territory Aboriginals destroyed. We want them to have trust in the Northern Territory system, because it is true, as the Chief Minister said, within the next 2 or 3 years the Department of Aboriginal Affairs quite clearly is going to hand over control of many of its functions. There can be no doubt about that and, if it is to be done, it ought to be done in as quiet and as smooth a way as possible.

I commend to the government the sentiments of the honourable members for MacDonnell and Arnhem in the spirit in which they have been put, and the various remarks made by the Minister for Aboriginal Affairs and the statements and principles emanating from the state-federal ministers for Aboriginal affairs conferences. The opposition does not support the bill, as stated by the member for MacDonnell, because of the way it has been introduced. However, if the second reading is carried, we have a series of amendments to move which we believe will improve the proposed law and make it a much better law for Northern Territory communities.

Mr ROBERTSON (Community Development): Mr Speaker, the first thing to be picked up is probably what the Leader of the Opposition would consider his

most damaging comment and that is the telegram which we received photocopies of from the NAC representative, Mr Stockman. When I first came across that telegram, I must say I was somewhat perplexed. The facts of the matter are that Mr Stockman has been communicated with and spoken to on a number of occasions by officers of the Northern Territory government involved in this exercise and indeed by myself. Mr Stockman was at a meeting attended by the permanent head of my department, a senior welfare officer of the department and myself at Santa Teresa. He was at the meeting at Santa Teresa for the entirety of our long and careful discussions of the community council - a discussion which was conducted in precisely the same manner using the same technique, only a little less formal perhaps, as the meeting at Maningrida referred to by the honourable member for Arnhem. As the member for Arnhem indicated, he considered that that was quite a good consultation.

Incidentally, while I am mentioning that meeting, I would like to thank the honourable member for Arnhem for the way he assisted the Northern Territory government people during that trip with his courtesy and friendship. He is quite right when he says he interfered in no way whatsoever. That particular member, as far as I am concerned, is welcome to accompany any of my officers in their discussions with people in his community at any time.

The discussions we had at Santa Teresa in the presence of Mr Stockman were identical to those we have just referred to. Mr Stockman was asked expressly at that time by the chairman if he had any questions to ask and indeed he took the opportunity, quite properly, of asking a series of questions and gave me the distinct impression at the end of that meeting that he was quite happy with the proposal. Certainly, there was nothing like the reaction that is indicated in this telegram quite some weeks after the discussion.

Mr Perkins: He only asked some questions.

Mr ROBERTSON: I remember sitting right throughout the nonsense that came from the member for MacDonnell, whom we shall get to shortly, without an interruption and I ask him to do the same.

The fact is that the same person had an NAC meeting in Tennant Creek with the special projects officer, the Aboriginal liaison officer of the Department of the Chief Minister, and with the full NAC meeting for the region in Tennant Creek. Precisely the same legislation was outlined to that meeting and again there was no adverse reaction to it. In addition to that, the NAC has received copies of the series of bills, along with second-reading speeches and detailed letters of explanation, and it too has given no unfavourable comment whatsoever. It is interesting that such a person should indicate his grievances to the Leader of the Opposition but not make one mention of any concern to the government, even when an opportunity clearly existed first hand. We wonder what motive there might be and, if I might put it in inverted commas, "Who has been putting whom up to what and why?"

The Chief Minister covered most of the points of principle in his reply yesterday. There would be little point in my taking up the time of the House, particularly considering we are so far behind, going through the entire thing again. The allegations of lack of consultation, in my submission, are nothing short of crass nonsense. The method described as good consultation by the member for Arnhem was the same method of consultation used in 35 communities throughout the Northern Territory. The member for MacDonnell named communities he has visited. I wonder if he would like to be bored while I read through a whole list of 35 communities that we have visited. That, incidentally, is only myself and my department without the Chief Minister and his department covering others. From our examination of a map, the only communities yet to be visited - and we intend carrying this out as soon as time permits - are Lake Amenarti,

Port Keats, Delissaville, Croker Island, Hermannsburg and the Elliott Progress Association. Most of those we have attempted to see but, for other very pressing business matters before the Aboriginal communities, it has been decided that it would not be wise to burden them with a further concern at this stage.

Immediately the legislation was introduced, these packages were sent to each and every community. After we visited the communities, we then wrote back to the communities in a letter in the following terms. This is a letter to the president of the Wave Hill-Wattie Creek Council:

> *I would like to thank you for the opportunity of speaking with me and my officers during our recent visit. As indicated to you, the community government bill is at the stage where it is now open for comment by the various communities who will be involved, including your community. It is the intention of the Northern Territory government that the bill will come up for discussion during the next sitting of the Legislative Assembly which is due to commence in mid-November. This visit was to acquaint you with the provisions of the bill and to explain how you can participate. Naturally, we are inviting you to make comments on the points we discussed so that we can take into account any amendment which you should make to the bill during the debate in the November sittings to allow it to work better for you. As mentioned at the time, the bill which will become an act is a method which you can adopt to participate in local government. There is no compulsion on your council to become a community government council under the act. I realise that at this particular time Aboriginal communities are subject to a lot of pressure to make decisions affecting their future. In regard to your council participating by becoming a community government council, there is no rush on you to come to a decision. I will be available at any time to discuss further with you any aspect of the community government concept and/or to arrange for any of my officers to provide you with advice whenever you feel there are matters which require explanation.*

Clearly, Mr Speaker, I cannot be available all the time. That letter, quite contrary to what the member for MacDonnell has tried to indicate, clearly spells it out yet again for the third time. The initial letter said no compulsion, take your time, it is a matter for your own decision. When we visited again, the same careful explanation was made and then again for the third time in this follow-up letter offering either the services of myself or my officers to explain it further.

At Yuendumu the full cabinet spent some 3½ hours discussing this particular legislation and yet it seems that Yuendumu also is now claiming it has not been consulted. At Yuendumu, I was very careful, as was the Chief Minister, to point out to them there was no rush: "We anticipate it will take you quite a long time to consider all the issues involved. Please take your time. When you are ready to talk further about it, we will be available". On the Yuendumu visit, we were accompanied by a reporter from the Centralian Advocate, and I do not think anyone on either side of the House would say he was biased in either direction. In fact, I have often thought that that particular bloke gives us a particularly hard time. What did he have to say about the honourable gentleman opposite? He said, "The most vocal opponent of the NT government's porposal is the Deputy Opposition Leader, Neville Perkins, who stressed that Aboriginal affairs should remain a responsibility of the federal government and accused the Northern Territory government of trickery and lack of consultation with the blacks". That, obviously, must have been as a result of an interview. The Leader of the Opposition, of course ...

Mr Perkins: It was not.

Mr ROBERTSON: Stick around, sonny. The Leader of the Opposition had us believe that his colleague has not really got those sort of views at all, that he does not believe the federal government should be responsible for Aboriginal affairs. In fact, it was a very spirited and well-worded defence of an indefensible character in the honourable gentleman who represents MacDonnell.

Mr ISAACS (Opposition Leader): A point of order, Mr Speaker! That was a reflection on the deputy leader. To say that he has an indefensible character is a reflection on a member of the Assembly and ought to be withdrawn. It is unparliamentary.

Mr ROBERTSON: I am quite happy to withdraw the reference to his character, Mr Speaker.

Might I then see how accurate the honourable Leader of the Opposition is in relation to his assessments of the indefensible attitudes of the honourable member for MacDonnell. What we heard from the Leader of the Opposition yesterday about the attitudes of that gentleman are simply not borne out by the facts. I have before me on a letterhead of the member for MacDonnell, dated 9 November 1978, some 2 months after the introduction of the legislation, a press release issued quite widely around media in Central Australia and from which the journalist of the Centralian Advocate would have taken that comment - a press release, not all of which, incidentally, journalists in Central Australia were willing to publish. In fact, one of them told me he would not do so because he was at risk of a libel suit. Let us look at what the real beliefs of the honourable member for MacDonnell are.

> *The federal government which the Australian public has stated in a referendum in 1976 should have control of Aboriginal affairs has already passed appropriation legislation for local government affairs in Aboriginal communities. The proposed NT legislation merely mimics the existing federal law.*

That, Mr Speaker, is written by the honourable member for MacDonnell. He believes - and this is the reason I called for his resignation from this place - that this Territory government has nothing to do with Aboriginal people in the Northern Territory. As I said in my press statement calling for his resignation, which I repeat here, he purports to represent people he believes this place should have nothing to do with. He has stated it time and time again. It is useless the Leader of the Opposition attempting to deny it.

The Leader of the Opposition mentioned yesterday the words "intemperate press releases". Let us look at what an intemperate press release really is.

Mr Isaacs: Did he use the word "sabotage"?

Mr ROBERTSON: If this is not sabotage, I will give up.

Mr Isaacs: Did he use the word?

Mr ROBERTSON: This is the opening paragraph of this press release from the honourable member for MacDonnell.

> *The Territory's Deputy Opposition Leader, Neville Perkins, said today that the NT government's proposal to introduce community government councils to Aboriginal communities was a calculated trick to take over most of the functions of the federal Department of Aboriginal Affairs and to take political control of Aboriginal communities for future electoral gain.*

In other words, what he is saying is that he believes that all functions relating to Aboriginal people should remain with the Department of Aboriginal Affairs, despite what he might have said here after a fait accompli in respect of the essential services which no doubt peeved him greatly. He is now determined to do everything he can to make sure that no further functions of a state-like nature are taken over by this government in respect of its own people, its own Northern Territorians. Mr Speaker, I think the record is abysmal. Let us look further.

> *Mr Perkins said that recent inquiries in many of the Aboriginal communities in Central Australia and at Borroloola had revealed that Aboriginals generally knew very little or nothing about the proposed community government scheme.*

That is not our understanding of the matter. The fact is that the Chief Minister, his senior adviser, myself and the permanent head of my department had a long meeting with the community council at Borroloola in their council room. They accompanied us back to the airstrip with thanks for coming to talk to them. Again, the same procedure was used as we used everywhere else. Not only did they want to talk to us but we were guests of that community for the night. The whole community turned out for the Chief Minister and myself and senior officers; they provided us with a selected site for camping overnight on their river; they provided our meal; they talked with us long into the night on this issue and, as a matter of interest, the community had a particular request in respect of some of its elderly people and this government was able to come to their assistance immediately. Within days, we were able to pick up the problems which others were unable to. That is the attitude of this government towards its Aboriginal citizens. Some weeks after the visit by the Chief Minister and myself and our officers, the honourable member for MacDonnell said there has been inadequate consultation with the Borroloola people. It is mischievous nonsense to say the least.

Some 35 communities have been covered by us; there are about 6 to go. The reaction we have from the communities as a general rule, I would say is one of great interest. The reactions against the government's scheme generally have come from the white people on the settlements. Honourable members may draw their own conclusions. Certainly, that has been my observation and it is not an unrealistic observation. It was certainly the case at Yuendumu where the Aboriginal people were genuinely interested and there was a minority of Europeans who were trying to talk them out of it. One can only wonder at their motives. I would not necessarily suggest they would be the same motives as the honourable member for MacDonnell has but I suggest they are born out of the same political philosophy.

I do not think I need to cover most of the other issues that have been raised. I have made notes of every major thing that members on both sides of the House have said and it would seem to me that nearly all of them will necessarily have to be canvassed during the committee stage. I think it would be best if we took the second reading and, if it receives assent, we can proceed to the committee stage where we will be able to handle most of the queries raised by people like the honourable member for Arnhem, many of which are of great merit. I am always very willing to listen to that gentleman in relation to Aboriginal matters particularly in his electorate. I think he has the greatest compassion for those people, as I hope we all have. From my observation in his electorate, having watched him move around a little bit - in fact, we followed each other all over it - I think his people certainly have a great deal of trust in him. However, we will pick up most of these points during the committee stage.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 5 agreed to.

Clause 6:

Mr ROBERTSON: I move amendment 30.1.

I must admit, Mr Chairman, I only realised the full import of this provision yesterday morning and, quite frankly, I just about had a heart attack when I did. It was the very thing that the honourable member for Nightcliff was alluding to in relation to Crimes at Sea Bill although, in that particular instance, she just did not understand the legislation. It would have had nothing like the effect that this particular provision, if left standing, would achieve.

It is quite obvious that, if the provision in 6(b) were to remain in the bill, it would mean that, by regulation, you could alter any of the provisions of division 10 of part XX and there is no way I would be sponsoring any legislation in this House that would allow such a thing to happen.

Amendment agreed to.

Clause 6, as amended, agreed to.

Mr CHAIRMAN: Schedule 1 contains the proposed sections making up new part XX to be inserted in the principal act by clause 7. It will be necessary to consider the schedule before passing clause 7.

Proposed section 423 agreed to.

Proposed section 424 agreed to.

Proposed section 425:

Mr ROBERTSON: I move amendment 27.1.

The purpose of the amendment, quite simply, is to allow in the community government scheme itself for reference to be made to bylaw-making powers in respect of firearms, offensive weapons and liquor. It is quite obvious from what is contained further on in the schedule of amendments that these bylaws will be required to be consistent with the provisions of the proposed new licensing act and, of course, the Firearms Act. I might say that, if there was one single expression of support for the Territory's legislation and a desire expressed on behalf of Aboriginal people during our travels, it was for the insertion of these provisions. It was pointed out to us time and time again, particularly in respect of traditional weapons within a community, that an Aboriginal person seeing another Aboriginal person with a spear, for instance, knows immediately the intent of that person. He knows whether that person is using it for a traditional purpose, for going hunting, or is going to do some mischief with it. The community itself has requested that it have power to make rules within its own community, and supported by Northern Territory law, for the prevention of injury before it occurs.

The great concern expressed by Aboriginal communities throughout the Northern Territory is in respect of liquor. If they are given powers under bylaws to regulate liquor within their own area and off-the-licence limits, if any, as approved by the Liquor Commissioner, then they believe the communities will take far more notice of it than if the laws are made outside the community and enforced outside the community.

Amendment agreed to.

Proposed section 425, as amended, agreed to.

Proposed section 426, agreed to.

Proposed section 427, agreed to.

Proposed new section 427A:

Mr ISAACS: I move amendment 31.1.

This proposes a new section 427A which will read: "Where 10 adults living in a particular area desire that a community government council be formed in respect of that area, they may apply in writing, signed by each of them, to the minister with a view to the establishment of a community government council for that area".

That will enshrine in law precisely the method which the Minister for Community Development in his summing up said would occur. I believe there should be no quarrel with that kind of proposition being inserted in the law. In fact, if honourable members care to look at section 11 of the Aboriginal Councils and Associations Act 1976 they will find a similarity. Section 11 of the Aboriginal Councils and Associations Act reads: "11(1) Where 10 adult Aboriginals living in a particular area desire that an Aboriginal council be formed in respect of that area, they may apply in writing signed by each of them, to the registrar for the constitution of that as an Aboriginal council area, with a view to the establishment of an Aboriginal council for that area". The wording which we have proposed is much simpler. Of course, it takes account of the fact that the Northern Territory law applies to Aboriginals and non-Aboriginals. It is an important clause because it shows that the initiative has to come first from the people of that area. That would safeguard those people. Certainly it does no more than enshrine in law the remarks made by the minister in his summing up.

Mr ROBERTSON: It is certainly the intention of the government to make sure that the initiative at all times comes from the Aboriginal community. There is no question whatsoever about that. It is a "You contact us, we will not contact you" program from here on in.

I have always had some doubts about the manner in which the federal provision is worded. It is very sloppy drafting to say the least, with the greatest respect to whoever drafted it. I do not know whether we should try to rehash that to make it better law or just let it go the way it is. I am quite willing to accept the amendment in principle. As we work through this, we will have to make many verbal amendments because of the desire which the government has in many of the areas to accommodate the opposition. It is fine to see that so much effort has been put into it by the Leader of the Opposition in coming up with his ideas. It is a shame it was so late.

Proposed new section 427A agreed to.

Proposed section 428:

Mr ISAACS: I move amendment 31.2.

This is consequential upon the insertion of section 427A. It provides that the minister may prepare a draft community government scheme upon receipt of an application by the people in the community area that they wish to form a council.

Mr ROBERTSON: Mr Chairman, this is an amendment which I find unsatisfactory. I wonder if the wording could be put as follows "in subsection (1), omit 'the ministers'."

Amendment negatived.

Mr ROBERTSON: Mr Chairman, I move an amendment in the following terms: in subsection (1), omit "the minister" and substitute "Upon receipt of an application as specified in 427A, the Minister".

Amendment agreed to.

Mr ISAACS: Mr Chairman, I move amendment 31.3.

This seeks to omit subclause (3) and is again in line with what we have just done. It will now read "Any person may, at the request of at least 10 residents of any area, prepare a draft community government scheme". We delete subclause (3) and insert a new subclause (3).

Mr ROBERTSON: I move that the amendment be amended by omitting the words "at least" and substituting the words "not less than".

Amendment to the amendment agreed to.

Amendment, as amended, agreed to.

Proposed section 428, as amended, agreed to.

Proposed sections 429 to 431 agreed to.

Proposed section 432:

Mr ISAACS: Mr Chairman, I invite the defeat of section 432 with a view to inserting amendment 31.4. I believe the proposal put by the opposition is a better proposal than that in section 432. Perhaps members would just compare it. Proposed section 432 says:

> *The Minister shall cause consultations to be carried out with the residents of the community government area, or the area which is proposed to be constituted as a community government area, to which a draft community government scheme exhibited under section 430(1) relates, in respect of the contents of that scheme.*

Our proposed section 432 does that but it spells it out in far more detail. If members are wondering where we got such a magnificent piece of drafting, they have to do no more than look to the Aboriginal Councils and Associations Act and they will find it - that is, if I can find it.

Mr Robertson: That would explain your difficulty, because it is very poor.

Mr ISAACS: It is clauses 12, 13, 14 and 15. The minister says it is very poor. My view is that it is rather excellent because it spells out the consultation process to be followed. If honourable members look at it, they will find it is a practical way of going about it. It ensures that there has been proper consultation. The proposed bill says, "shall cause consultation" and we applaud that; all we are doing is making sure of the form of those consultations.

Mr ROBERTSON: The government has no objection in principle to the proposal. It is the manner in which it is put together that causes us some concern. It is all very fine to pluck wording out of the Aboriginal Councils and Associations Act but it has to be consistent with the body of the legislation that it is going to be inserted into. In this case, it is not.

I wonder if we could work through this and I could propose a series of amendments which may be accepted as formal amendments. Proposed amendment

31.4 says: "Omit section 432 and insert the following" - that is all right. The next line is okay, down to "shall". Section 432(1)(a) in our view should read, "(a) inform the residents of that area to which the application relates of his receipt of the application". The whole thing is talking about residents and, by definition, residents are adult residents otherwise we are going to clutter our law up. Whoever drafted this should have looked at the legislation he was dealing with. In (b): "explain to those residents (i) the purpose of the application", which is fine, "(ii) the proposed boundaries of that area the subject of the application" - because at this stage they are not - "(iii) the proposed function of the proposed community government council for that area". Again, if the Clerk is able to keep up, in (c) we should delete "adults" and put in "residents". In 432 subsection (2) "The Minister shall convene a meeting in accordance with a notification given under subsection 1(c)" and delete "of this section".

In subclause (3), "The Minister" - and this is something that the government particularly wants inserted - "or a person nominated by him" because it is quite impossible to tie a minister down like that. In the second line of subclause (3) delete "persons" and put in "residents". There is a further formal amendment "The Minister or a person nominated by him shall attend a meeting convened under subsection (2)" - not subsection (1).

In respect of subclause (4) - a bit of advice for your draftsman, honourable Leader of the Opposition, you do not have margin notes on subclauses so we should delete the margin note "Variation of Application".

Mr CHAIRMAN: We will have 5 amendments to the amendment now. I think it is improper to do it in this manner. We should postpone the clause.

Mr ROBERTSON: We will have to postpone further consideration of the committee because we have the same problem right through. I can understand members' concern but we are going to waste far more time doing this than if we postpone the thing, make drafting officers available to the Leader of the Opposition and perhaps myself, thrash it into form and then go straight through with it.

Mr CHAIRMAN: It is not the wasting of the committee's time; it is just that it is highly irregular and we could run into legal problems at a later date by missing out on something that is consequential to another amendment.

Progress reported.

PERSONAL EXPLANATION

Mr STEELE (Transport and Works) (by leave): Mr Speaker, on Thursday, in reply to a question without notice from the honourable Leader of the Opposition, I said that I am sure the normal procedures were undertaken because I asked the shipping agent to deliver it to my house. I think some dues were paid. When I was asked by the shipping agent where I wished the furniture to be delivered, I requested that it be delivered to my home. The shipping importation and delivery were arranged by the shipping agent. The company acts as the agent for the government of Sabah and was responsible for conveying the gift to my home and, I assumed, for paying any charges associated with this process. Any assurances I may have given the Assembly were based on normal assumptions. I have made no payments in respect of the furniture nor have I offered to. I accepted the gift in the spirit of goodwill in which it was offered. I was, in fact, in Brisbane when the gift arrived at my home on 19 June 1978. I am advised that, in receiving personal gifts from other governments or their members in Australia, ministers of the Commonwealth government presume that the gift has been imported in accordance with normal procedures. I have made a similar presumption and to do otherwise would be grossly discourteous to the donor.

STATEMENT

Quarterly expenditures of the Northern Territory government

Mr PERRON (Treasurer): I table the quarterly statements of expenditure of the Northern Territory government.

In accordance with section 28 of the Financial Administration and Audit Act, the quarterly statement of expenditures ended 30 September 1978 will be published in the Gazette of 1 December 1978. Members will note that the itemised statement of expenditure and the allocations of funds it reflects differs from the division and subdivision detailed in schedule 2 to the Appropriation Act (No. 1) 1978-79. There are adequate reasons for these differences.

As honourable members will be aware, expenditures during the period up to the passing of the Appropriation Bill are governed by the provisions made in the Supply Act which was passed before the financial year began and was based necessarily on expenditure patterns of the current year, 1977-78. In a large part, however, those expenditures related to the Commonwealth Department of Construction in the Northern Territory. Under self-government, the relevant services were recognised under 7 departments of the Northern Territory Public Service. It was inevitable, therefore, that with self-government, the dissection of proposed expenditures required revision to reflect the new division of responsibility.

I am pleased to be able to report that, under the subsequent Appropriation Act (No. 1) 1978-79, the revision has resulted in a more informative presentation of the estimates of expenditures, particularly in the departmental explanations which describe the functions of each administrative unit and the allocation of resources required to carry out those functions. The levels of both receipts and expenditure at the end of the first quarter would indicate that we have been off to a slow start. There are, however, some special factors associated with the first year of self-government that account for that impression.

Firstly, on the receipt side, the government did not begin to collect revenue from day one as would be the case in the normal year because there is a revenue lag this year while bills are sent out and subsequently paid. It will be appreciated that, in respect of bills issued in June and paid in July, the revenue is payable to the Commonwealth this year only. With regard to expenditure, there is also a seasonal hiatus during the early part of the supply period during which the programs and services of the previous financial year and continued and new projects are not initiated until parameters of the budget have been settled and the extent of commitments that can be entered into are known. There is an inevitable lag in expenditure while contracts are arranged and projects get under way. It is expected that the pattern of expenditure will tend to even out in future as government programs become more firmly established, no further transfers of functions need be catered for and the funds that will become available to the government can be predicted more accurately.

In conclusion, I mention that the published statement for the second quarter ending 31 October 1978 will be prepared in the format of the schedule to the Appropriation Act and, in addition, will show the receipts and expenditure for the first half of the 1978-79 financial year.

SUSPENSION OF STANDING ORDERS

Mr STEELE (Transport and Works): I move that so much of Standing Orders be suspended as would prevent the introduction of Fisheries Bill (No. 2) 1978 (Serial 235) without notice and its passage through all stages at this sittings.

Mr ISAACS (Opposition Leader): Mr Speaker, the Chief Minister did approach me on this matter yesterday and advised me that the passage through all stages of this particular piece of legislation was required. It is to cope with a legal difficulty as perceived by the Department of Law in relation to fisheries. Quite obviously, if it is a legal technicality that requires immediate correction, I can understand the government's desire to have the matter dealt with promptly. However, I do fear that we are going to see more of this and one wonders what the Standing Orders are there for. In this particular case, I understand the legal technicalities involved because the Director of the Department of Law spoke to me last evening and impressed upon me the need for the speedy passage of this piece of legislation. However, one begins to wonder just what the Standing Orders are there for.

The Standing Orders are there to regulate the meetings of the Legislative Assembly and to ensure order and uniformity in the way we proceed. Over this sittings, the government has resorted more and more to the suspension of Standing Orders to put through what it regards as very urgent matters. There is a degree of urgency in this matter although no hardship is involved or a certificate of urgency would have been sought. The legal people believe that the matter should be rectified as promptly as possible. On this occasion and in this particular matter, the opposition will support the suspension of Standing Orders.

One wonders where we are going with this government in relation to suspension of Standing Orders. I fear we are going to see more of it even today. It will be government by steamroller. That is the way it appears when legislation is pushed through at a rate of knots without sufficient time to consider it. As the member for Nightcliff said, the government will again be suspending Standing Orders at the next sittings to amend something which we rushed through on this occasion.

In this particular matter, the Director of Law has impressed upon me the need to have the matter corrected. The opposition will support the suspension of Standing Orders to enable that. We will not be taking such a kindly view in relation to other matters where the government is attempting to steamroller legislation through.

Mr EVERINGHAM (Chief Minister): As the Leader of the Opposition has said, this particular bill is needed as a matter of urgency in order to protect the Territory's fisheries. This particular matter came to light as a result of a paper which was to be presented by the Minister for Industrial Development to the Executive Council to make certain proclamations limiting fishing for prawns in certain areas. Legal opinion has to be obtained so that I can certify that such an action would be within the power of the Executive Council. In the course of searching out this legal opinion, the discrepancy in the law came to light. There will always be problems such as this arising for quite some time as the Northern Territory gains its feet legislatively.

I certainly do not want to see Standing Orders suspended to enable urgent passage of legislation any more than is necessary. Probably, in this sittings, we have seen more of that than we have ever seen before. I would agree with the Leader of the Opposition in that. Most of these discrepancies have come to light as a result of the new government taking over the reins, finding that there are matters where legislation is imperfect and where action has to be taken urgently, yet it cannot be taken in the present state of the law. I

certainly hope that, in 1979 and subsequent years, there will be far fewer occasions where we do have to resort to urgency.

Motion agreed to.

FISHERIES BILL
(Serial 235)

Bill presented and read a first time.

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

The purpose of this bill is to amend section 5 of the Fisheries Act to ensure that the application of the act extends over the territorial seas - that is to say, for 3 nautical miles seaward of the low water mark. As presently drawn, the definition of "waters" in the act includes the sea but I am advised that there is some doubt about whether sea includes the full extent of the territorial sea or whether it is limited to waters in estuaries and harbours. The Commonwealth accepts that the Northern Territory should legislate for fisheries within 3 miles of our coast. This Assembly has the power to legislate extra-territorially and the bill is a proper exercise of such legislative power in respect of a subject of great importance to the Northern Territory.

I commend the bill.

Debate adjourned.

SUSPENSION OF STANDING ORDERS

Mr ROBERTSON (by leave): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the passage of the following bills through all stages at this sittings: Mining Bill (Serial 233), Criminal Law Consolidation Bill (Serial 219), Public Trustee Bill (Serial 232) and Justices Bill (Serial 234).

Mr ISAACS: Mr Speaker, this is an outrage. Yesterday, we adjourned proceedings because at 7.15, as I was in full flight and invoking the name of a certain minister of the crown, the lights went out. Subsequently, you suspended the proceedings and we continued this morning. Today normally should be general business day. The Manager of Government Business said, "We will get through the Local Government Bill debate and go straight on to general business". So much for agreements which prevail between the government and the opposition.

The matters which the Manager of Government Business wishes to push through are matters of which we have had no previous indication that they were going to be pushed through today. The reason for moving the motion now and therefore breaking the agreement is obvious. We know that at 4.15 this afternoon the trade mission is going to South-east Asia. When those involved in the trade mission have to pack their bags and go away, the government will not have the numbers to suspend Standing Orders. Therefore, they break agreements reached in order to push through a motion to suspend Standing Orders.

There was no mention in the second-reading speeches of the ministers who proposed those bills that all these were to be pushed through at this sittings. I do not recall the Criminal Law Consolidation Bill being one. Certainly, the Minister for Mines and Energy mentioned that he would be seeking to push the Mining Bill through at this sittings and we indicated that we are going to oppose that.

This is quite extraordinary: a motion to suspend Standing Orders in relation to 5 bills when we know that we have to get through a general business day. I hope that the government will not renege on the agreement. It just is not good enough. If a government cannot run its business better than this, it does not deserve to govern.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I am unaware of the agreement that the Leader of the Opposition refers to. Certainly, there was an agreement between himself and the Manager of Government Business that, as soon as the debate on the Local Government Bill had gone through its third reading, general business would come on. In fact, if you want to take the technical construction of that agreement, the Local Government Bill has not yet gone through to its third reading but we will certainly be honouring our agreement to permit general business to start as soon as this motion for suspension of Standing Orders is carried.

I would remind honourable members that when I made the second-reading speech on the Criminal Law Consolidation Bill yesterday, I used these words: "This bill is being presented to the House on an urgent basis because it has come to light that there are offenders who would benefit from the liberalised provisions of the bill and it would be in the interests of those offenders as well as in the public interest for the government to be able to authorise the conditional release of those persons as soon as possible and not to have to wait until the next sittings of the Assembly". I cannot help it if the Leader of the Opposition does not listen.

On the Justices Bill, I indicated that we would be moving for the suspension of Standing Orders to allow the bill to be passed through at this sittings. The reason for that is that the bill will not prejudice any person and the intention of the amendment is to ensure that defendants receive summonses as soon as possible after the offence and that the summonses give sufficient notice of the hearing. Because of the technical defects in the legislation when it was passed in 1973, it has got this far without the defect of the word "not" being in the wrong place being detected. This bill is needed to validate the service of a considerable amount of process otherwise many hundreds of summonses will apparently have to be re-served.

As to the Public Trustees Bill, I cannot find my second-reading speech on that but I indicated that the bill was needed to validate actions that the Public Trustees carried out when he was an officer of the Commonwealth in establishing a common fund for which there is no statutory power for him to do so.

We are trying to patch up many of these errors of the Legislative Council in 1973 and of a Commonwealth officer who has put money in a big bin when he was not supposed to. We are trying to put through an amendment to the Criminal Law Consolidation Act so that Billy Benn who has been in custody in Alice Springs for umpteen years can be released conditionally. If that is not good enough, Mr Speaker, I do not know what is. The Leader of the Opposition is stooping to low political point-scoring and that is about all he has ever done since he has taken up the role of Leader of the Opposition.

Mrs O'NEIL (Fannie Bay): Mr Speaker, it is very distressing to see that the Chief Minister of the Northern Territory thinks observance of Standing Orders of this Assembly is "stooping to political point-scoring". The attitude of the government is most regrettable in that it is obviously seeking to suspend Standing Orders while it has the numbers. The number required is 11 and they will not have 11 this afternoon after the trade mission goes. What on earth does the Chief Minister think we have Standing Orders for? Are they made to be broken? Why do we bother to have them if they are?

I can certainly confirm, and I am sure the Manager of Government Business will confirm, the agreement that was made last night that general business would come on after discussion of the Local Government Bill. I do not think that he would deny that that happened. I would also remind the Chief Minister that yesterday - and I took careful note during the second-readings of the various bills - he certainly did not indicate that the Public Trustee Bill needed to be passed at this sitting.

With regard to Criminal Law Consolidation Bill and the heart-rending cry on behalf of Mr Benn, I can see no reason why that cannot be done under the existing legislation which gives the power to the Governor-General.

It must be an unfortunate thing for anyone who cares for the Westminster system and the manner in which parliamentary business should be carried out to see the number of occasions on which suspension of Standing Orders has happened at this sittings, and indeed in previous sittings. I would certainly deny the claim of the Chief Minister that it is all somebody else's fault, that it is all to do with faulty legislation passed in earlier years. Very many of the suspensions of Standing Orders - and I would point to the Stamp Duty Bills for example - are related to the way in which the transfer of powers legislation was rushed through earlier this year. It is not the fault of anyone else but this government that that legislation is faulty: it had all been done in too much of a hurry. I certainly oppose the suspension of Standing Orders this time.

Mr ROBERTSON (Community Development): The most extraordinary comment I have heard in this House came from the honourable member for Fannie Bay. In fact, I am quite shocked to hear her use the term heart-rending stories in respect of the tragedy of Billy Benn. It is quite unbecoming of the honourable member to use such terms in respect of that gentleman, particularly as she probably has never met him, known nothing of the history of it and clearly has demonstrated she knows nothing of the powers of the Governor-General under the prerogative of mercy.

The facts in respect of Mr Benn are these. The gentleman was sentenced quite some years ago as a result of an unfortunate incident of murder. I say it was an "incident" because, with the type of information we now have, probably things would have been different. His sentence was such that there were no conditions upon his release ever being made. The Governor-General, under the existing law, cannot impose conditions upon release. The man needs continuing medical help and the only way you can guarantee medical help is to make an order accordingly upon his release. I think it is a most unfortunate set of words used by the honourable member for Fannie Bay whom I always believed was a person of great compassion. She just dashed that view completely.

She asks why we have Standing Orders. Of course, they are for the good order and conduct of the House. Why do we have within the Standing Orders the power to suspend them? This government only uses that power in most dire conditions and circumstances. We do not take it lightly but, if the Westminster system had not envisaged the need for government to suspend Standing Orders, that provision would not be written into them.

Motion agreed to.

SECOND-HAND MOTOR VEHICLES
(Serial 210)

Bill presented and read a first time.

Mrs O'NEIL (Fannie Bay): I move that the bill be now read a second time.

The purpose of this bill is to regulate the sale by dealers of second-hand motor vehicles. It is similar to laws enacted in various states of Australia since 1972 and is a long overdue piece of legislation in the Northern Territory. It is clearly in the interest of the people of the Northern Territory to have similar legal protection to that afforded to citizens elsewhere in Australia in dealings of this nature and of which, unfortunately, there is a history of dishonest conduct and misrepresentation. I believe it is also in the interest of responsible second-hand motor dealers to have a degree of government regulation which can only enhance the reputation and standards of their industry.

The bill provides for the overall administration of the act to be the responsibility of the Commissioner of Consumer Affairs appointed under the Consumer Protection Ordinance which was passed earlier this year by the Assembly. It also provides for the establishment of a Second-hand Dealers Licensing Board under the chairmanship of the commissioner and with a representative of second-hand motor vehicle dealers as well as a consumer representative.

The bill gives the board power to grant or refuse to grant an application for a licence by a person or a body corporate and to disqualify a licensee for any period for misconduct or malpractice. There is provision for an appeal to the court against any decision of the board to refuse an application for a licence or to disqualify a person from holding or obtaining a licence. A register of licences will be kept by the commissioner and will be available for inspection.

The bill provides that only licence holders, their employees or persons acting on their behalf can carry on the business of buying or selling second-hand motor vehicles. However, there is appropriate recognition of the fact that many motor vehicle sales are made by way of hire-purchase agreements and the like and thus financiers are excluded from these provisions. A dealer's register must be kept in which details of second-hand vehicles held by the dealer must be entered. This register may be inspected by a member of the police force or a person authorised to do so by the commissioner.

Protection to the purchasers of second-hand motor vehicles is provided by a requirement that all vehicles offered for sale shall have a notice attached containing such details as the cash price, the registration number and model designation, the name of the last owner and the year of first registration. The dealer also has an obligation to remedy any defects occurring for a certain period after sale. In the case of a vehicle sold for more than $1000, the period is for 3 months or 5000 kilometres of driving whichever event first occurs. For vehicles sold for less than $1000, the equivalent is 3000 kilometres or 2 months.

However, these provisions do not apply to commercial vehicles or ones sold for less than $500. They also do not apply to the facts excluded by notice laid on a vehicle prior to its sale when a copy of that notice has been signed by and supplied to the purchaser of occurring in the tyres or battery, to accidental damage or in certain other circumstances. Thus, the interests of licensed dealers are also protected.

In the event of a dispute occurring between the dealer and the purchaser, the commissioner may hear and determine the dispute with the agreement of both parties. In cases where such an agreement is not reached, the dispute may be heard in court. There is also provision for the commissioner to apply to the court for an order for the rescission of the sale of a second-hand motor vehicle where the commissioner believes that the provisions of the act were not complied with.

A number of judgments have been made in determining just where to draw the boundaries in this legislation. To start with, it does not cover all motor vehicle dealers, only second-hand car dealers. This may not be supported by everyone. In particular, I understand that the Motor Traders Association might be interested in legislation that covers all dealers. After all, it is not only unionists who like a closed shop and motor car dealers might well appreciate the advantage that lawyers, for example, gain from such a situation. Although there are occasional consumer problems with the sale of new cars, these pale into insignificance compared with the problems which arise to consumers in the used car field so it is to this area that I have directed my attention.

The second area which is not covered is the sale of second-hand vehicles for less than $500. That is an arbitrary figure, but it is the one used in various other states. Whilst some problems might arise, with unscrupulous persons consistently selling cars for $499 to the less commercially competent members of our community, I believe that this practice would come to the attention of the authorities and that action could be taken by the licensing board. To require a guarantee for a vehicle worth less than $500 or to list its defects by way of an exclusion notice would I believe place an unwarranted burden on them.

The third area which is not directly covered in this legislation is the road worthiness of a vehicle. I certainly believe that it is most unfortunate that the bill introduced by the member for Nightcliff to provide for the issuing of road worthiness certificates in the last Legislative Council in 1974 was not passed. I would welcome a similar piece of legislation with those requirements. However, I feel that it would be more appropriate as a separate piece of motor vehicles legislation than as part of legislation designed to be the responsibility of the Commission for Consumer Affairs.

This bill provides a sound basis for reasonable regulation of the second-hand motor vehicle industry in the Northern Territory without excessive complexity. I trust that it will receive the support of all honourable members as well as reputable second-hand motor vehicle dealers and the community generally. I noted with interest the statement by the Minister for Transport and Works last Thursday during the debate on the Traffic Bill in which he referred to the licensing of car dealers as one of a number of possible initiatives to be looked at in an effort to reduce the road accident rate. As many months will surely elapse before the next general business day when this bill can be debated, all interested persons will have ample time to consider its provisions. I will be happy to consider any useful amendments which might be suggested as a result of that consideration.

I commend the bill to the Assembly and seek the support of all honourable members for its passage.

Debate adjourned.

SESSIONAL COMMITTEE ON THE ENVIRONMENT

Mr COLLINS (Arnhem): Mr Speaker, I move that during the present session of the Assembly a committee to be known as the Sessional Committee on the Environment, consisting of 3 members to be nominated by the Chief Minister and two members to be nominated by the Leader of the Opposition, be appointed; that the committee be empowered to inquire into and from time to time report upon and make recommendations on all matters relating to uranium mining and processing activities and their effects on the environment within the proposed Kakadu National Park; and that the committee have power to send for persons, papers and records, to sit during any adjournment of the Assembly and to adjourn from place to place.

Honourable members would know that a number of pieces of legislation have passed through the House this sittings relating to the role that the Northern Territory government will play in safeguarding the environment of the Kakadu National Park area due to the pollution which will occur from uranium mining. Despite the fact that the federal government is to have overall control of the area, the fact that the Northern Territory government does have a real part to play and a legislative part to play in monitoring pollution in the area makes the work of this committee very vital indeed.

I spoke earlier of the concerns that people everywhere have about the way governments tend to disregard social and environmental issues when there are matters of finance to be considered. Governments are known to offer bland assurances to people that everything is going to be all right when it is not, demonstrably is not. Governments have been known in very recent times to engage in extensive coverup campaigns about things like thousands of cattle dying from mistakes that have been made in additives to cattle feed. It is only when a sustained public outcry takes place and sustained public pressure occurs that these things come to the surface. I mentioned also that the Minamata experience with mercury poisoning in Japan showed the same tendency of the Japanese government to want to sweep things under the carpet for as long as possible.

It is essential therefore that the Assembly has this watchdog committee. It has a vital role to play. One of the features of environmental and industrial foulups always seems to be that, after all the damage and destruction has been done, the people connected with it seem able afterwards to conclusively prove that they were all innocent. The work of an active and aggressive committee can counter, to a great extent, this sort of coverup and, if problems do occur in the area, they will be discussed freely and openly in a totally bi-partisan manner by the members of the committee and recommendations will be made as to how the problem can be rectified.

One of the troubles with the whole business of uranium mining particularly worries me and I regard the work of the committee vital in this area also. If the marketing prospects of the mineral to be exported are dubious, if the mining operation is carried out and becomes uneconomic, then it is the tendency of companies to walk away from it and say, "Sorry folks, it is going to cost too much to fix it up. The taxpayers can wear it".

Earlier in this sittings, I talked about a recent event in the United States where a nuclear power station in West Valley in the state of New York was closed down because technical difficulties caused it to become uneconomic. It left a legacy of an enormous amount of high level toxic nuclear waste and Getty Oil, the principal financial partners, said, "Tough luck, we cannot afford to run it any more. The state can look after what we have left behind us". That is now the subject of a court battle between the state of New York - in other words the taxpayers who have been left with a $100m cleanup problem - and the owners of the power station.

Uranium, unfortunately, or fortunately depending on which side of the fence you are on, is not in the same happy position as manganese and bauxite. Uranium markets are clouded in a great deal of uncertainty at the moment and every day that passes brings more of this uncertainty to the surface. I have heard mining industry people in Darwin say it. In fact, in a personal conversation I was having with Mr Joe Fisher a month or so ago at the Telford Hotel, he said: "These Aboriginals have to realise the damage they are doing to the Territory's economy because the whole bottom could fall out of the thing in 10 years and we are going to miss the boat". That is the whole point I am making. There is a great area of doubt surrounding the future of uranium as a solid export. This has direct environmental impact on the Northern Territory because I am fearful that the comapnies, once they find the mining uneconomic, will walk away from the problem and say that the taxpayers can wear it.

In Yesterday's Age, there was an article from a gentleman by the name of Tony Thomas. I found this very interesting because Mr Thomas is known for his expertise in the mining area. He is known for his distinctly pro-mining views. In fact, I can remember his activities in this direction in the days when Labor was in power and we had a Minister for Mines. It says: "The shemozzle in the Brazilian and Iranian nuclear power programs make EZ meetings seem quite orderly". This is of direct relevance to the Northern Territory because the federal government is considering Iran as one of the markets for Northern Territory uranium. It goes on to say:

"This is not a construction program, it is a rape", is the way one engineer described Brazil's nuclear construction job at Angra. The contractors are working on a cost plus basis so there are 10,000 workers there drilling piles for Angra 2 power station, a job that would normally need only 500. Contracts are being passed out in ways that would make a Victorian shire council blush with shame. The Angra site for 3 nuclear power stations is belatedly discovered to be only 25 kilometres from a geological fault that has recorded 3 earth tremors in the past 15 years. A $10m fire breaks out at a warehouse at Angra power station. The supervisor has gone to the beach and taken the keys with him. Firemen rush to the scene but find they have no water in their fire trucks. They hurry to a fire hydrant but can't turn it on because they have forgotten their spanners and, in 5 months last year, there were 71 fires at the power station site. They discovered that all of the available bed rock is taken up by the Angra 1 power station so the Angra 2 has to be propped up on 1200 60-metre piles. Costs of constructing the power station in 2 years have doubled.

The government announces plans to train 10,000 nuclear specialists in Germany and other advanced countries. One Brazilian firm gets a $25m contract to handle the German training program. Unfortunately, it finds out that Germany can only accept 40 people and Brazil gets around to actually sending 4. The Germans are terrified, one big accident could wrap up their nuclear power industry and the Brazilian nuclear effort is just one big accident waiting to happen.

Brazil is supposed to buy $50,000m worth of nuclear plants by the year 2000. It already has a foreign debt of $40,000m and servicing costs consume 60% of its export revenue. The Brazilians are now realising that they should use their vast hydro resources. Their energy growth is down; their nuclear program cost has trebled.

Japan was in Germany's shoes in the late 1950s trying to get the Usininas steel works built. The Japanese discovered that liaising and coordinating with the happy-go-lucky Brazilians was a nightmare and Japanese investors lost a bundle.

Brazil was supposed to discover its own uranium for its nuclear power program with German help so its effect on world supply and demand would cancel themselves out.

To move on to Iran: "Iran, on the other hand, has been asking us" - that is Australia and that is the Northern Territory - "for a $1,000m worth of its uranium" - that is the Territory's uranium - "for its own mammoth nuclear program, 1,000 tonnes a year to 1985 and more than 12,000 tonnes in the following decade". It goes on:

A safeguard treaty is not yet finalised. Iran's nuclear program must now be as shaky as the Shah. The Shah has managed to spend or commit his oil revenues so fast that even before the writing began there were warnings that Iran was caught in bankruptcy.

Iran's nuclear power program is not quite such a mess as its natural gas industry. So far Iran has ordered 2 nuclear power plants from Germany, 2 more from France, 6 to 8 from the US, 4 almost from France and 4 more from Germany in 1977. Apart from all these problems of paying for them, the Shah also has to find those rare sites in Iran that are not rocked by earthquakes every 6 months and then what will he use for cooling water for the power stations?

The first 2 German plants are held up partly because of earthquake precautions and partly because the Germans cannot get their gear through Iranian customs. The head of the Iran Atomic Energy Commission was fired the other day and the new head of the commission is wondering if nuclear power is a good thing after all.

The reason I read so extensively from that newspaper report is that these problems that are being raised about the financial side of uranium mining as an industry are not pie-in-the-sky fears being expressed by greenies; they are fears that are being expressed by the industry itself and by international commentators. This problem was commented on only yesterday. What I am fearful of is that the uranium province will get under way, it will become uneconomic and taxpayers will be left to wear the cost of the environmental damage that is left. I hope that the Territory Sessional Committee on the Environment specifically directed to safeguard the Kakadu National Park will do its job.

One of the unfortunate features of the society we live in is the totally selfish attitude that people have. They refuse to consider further than their own children, if they in fact give them any consideration at all. I remember reading a very interesting book called the "Naked Ape" which gives a completely cold-blooded account of man's behaviour as another animal. It said something to the effect that we are in a mess, behaviourly, psychologically and in every other way and we are probably going to destroy ourselves by the end of the century. It said that the only consolation that we will have is that, over the broad spectrum of species that have existed on this earth from the amoeba through the dinosaurs to us, our term of office will have been an extremely exciting one.

I trust that the Sessional Committee on the environment will perform a positive and aggressive role in safeguarding the Kakadu National Park and the Territory generally for future Australians. I would like to conclude my remarks with a quote from Norbett Weiner a very renowned ecologist. I hope that perhaps it can be seen as a guiding light for the work of this committee. He said: "The more we get out of the world, the less we leave. In the long run, we shall have to pay our debts at a time that may be very inconvenient for our survival".

Mr VALE (Stuart): I always find the travelogues of the honourable member for Arnhem very interesting but not necessarily relevant to the Sessional Committee on the Environment. Yesterday, when he said he was going to speak fairly briefly, I thought that would be a bit unusual for the honourable member.

I would move that the motion be amended by omitting the words "consisting of 3 members to be nominated by the Chief Minister and 2 members to be nominated by the Leader of the Opposition" and substitute the words "consisting of Mrs D. Lawrie, Mrs N. Padgham-Purich, Mr B. Collins, Mr T. Harris and Mr R. Vale" and adding to the motion the following: "that the committee be empowered to authorise the release of transcripts of evidence during public hearings and that the chairman of the committee be empowered to issue from time to time information pertaining to the committee's activities".

There are a number of points I would like to make. The first one is that the committee's duties will now be even more important because of the signing of the Ranger uranium agreement relating to an area within the Kakadu National Park. The honourable member for Arnhem was quoted on radio last week as making a number of points. The first one was that his motion was virtually the same as ours of some months back. With that, I agree. Secondly, he made reference to the fact that possibly this government did not regard this committee any more as very important. Nothing could be further from the truth.

The reason this government delayed recalling this committee was that, after discussions with the Chief Minister and the Manager of Government Business at their request, I had discussion in Canberra concerning the second part of this amendment. The committee needed some sort of authorisation so that, instead of delaying the publication of evidence it received during the public hearings, it could be done daily. That was the reason we delayed moving again to set up the committee.

As I have said, the committee's job will be vital during the coming years and this government places high importance on its activities as the watchdog of mining in the Kakadu National Park.

Mr COLLINS (Arnhem): The opposition supports the amendments. I think that the second one is an excellent one which will certainly enhance the work of the committee.

I have one more comment to make in connection with the first part of the amendment and that concerns the replacement of the honourable member for Nhulunbuy with the honourable member for Port Darwin. I am pleased to see the honourable member for Port Darwin on the committee. I must say - and I think this is an appropriate time to voice my concern in the House - that I would far rather have seen the honourable member for Port Darwin replacing the honourable member for Tiwi rather than the honourable member for Nhulunbuy. I think the honourable member for Tiwi has known me long enough to know that there is absolutely nothing personal whatever in that preference.

I do not think that it is any state secret that a certain close connection of the honourable member for Tiwi has a heavy and very public involvement in the Pancontinental Mining Company which is potentially going to be the greatest exploiter of that particular area. That mining operation makes the other ones look insignificant. Hopefully, at the peak of their production, they will be pulling 50,000 tonnes of ore a day out of their mine. It is the largest mine and it is in the most fragile area of the park. It is certainly the one that has provoked the most adverse reaction from environmentalists all over Australia and internationally. Certainly, the Pancontinental operation in the Kakadu National Park does have the potential for causing the greatest amount of environmental damage.

I would have hoped that, in altering the membership of this new committee, the honourable member for Tiwi would have taken her clear connections with the Pancontinental Mining Company into account and have stood down from the committee in favour of any one of the numerous capable backbenchers opposite. I am disappointed that she did not see fit to do this. When I was considering making these statements, I did it in the light of what I would do under similar circumstances. There is no doubt that, if I had a wife who had a senior position with Pancontinental Mining Company, I would certainly not have sought a prominent place on such a committee. I would have avoided criticism by standing down. If I had any contributions to make to the committee, I would have done so through any one of the other government members on it. I am disappointed to see that the honourable member for Tiwi, and I am sure she knows full well she is often referred to as the honourable member for Pancontinental, is still on the committee.

Mr EVERINGHAM (Chief Minister): The government supports the motion and the amendments. The government first established this sessional committee in the first session of this Assembly and I must confess that we have been tardy in re-establishing it. It certainly was our intention to do so but there are just so many things to be done.

There was just one point raised by the honourable member for Arnhem on which I would like to comment - the membership of the honourable member for Tiwi on this committee. Were we to apply the logic extended by the honourable member for Arnhem, the government should move the gag on the honourable member for Nightcliff every time she seeks to join in a debate on any bill or on other matters brought before the House by the Minister for Community Development since the husband of the honourable member for Nightcliff is a senior project officer in the Department of Community Development. That sort of logic is of the argumentum ad adsurdum type which is considered to be mere sophistry and I certainly do not accept it.

It is obvious that the honourable member for Tiwi should be a member of the committee. She virtually is, as of right, a member of the committee since it is all happening in her electorate. That is the attitude that the government takes. I believe that the committee has performed valuable work to date and I hope it will continue to do so. We regard it as a most important committee and it was for that reason that we established it in the first place.

Mrs LAWRIE (Nightcliff): I rise to speak to the motion and the amendment and support both and to indicate particularly my appreciation as a member of the previous committee of the assistance extended to the committee as a whole by the senior public servants who service it so adequately. We had several trips out bush and we had the assistance of a geologist, a person from the Atomic Energy Commission and a senior ranger. The expertise which they brought to our committee was very much appreciated.

The other point which is deserving of mention is the necessity to re-establish this committee as soon as possible because the previous committee had sought, by way of public advertisement, the involvement of the public, inviting those who wish to make a submission to indicate their wish to the clerk of the committee. Many people took the opportunity to do so. They did not, however, have the opportunity of putting their thoughts to the committee before the proroguing of the Assembly and the consequent disbandment of that committee. To keep pace with the public alone, it is necessary to re-establish this committee on the environment to enable any person who wishes to express an interest in this area of concern to do so in the proper manner.

It is also most fitting that this Assembly should have a direct role and demonstrated interest in the necessity for the preservation, so far as is practicable, of the Kakadu National Park, having regard for the fact there will be a township established within its boundaries and there will be some disturbance to the area because of uranium mining. On those 2 issues alone, the committee deserves the support of all members.

Mr HARRIS (Port Darwin): I rise to speak very briefly in support of this particular motion. I agree that the Territory does need a responsible watchdog over the environment. I also feel that the government had a responsibility to its people to encourage development and to look at progress. I feel that the environment and progress go hand in hand. We would all agree with that. As for the appointment of the member for Tiwi on this particular committee, I think that, being her electorate, it is the right decision to make. The only thing I am not keen about is leaving my particular electorate to go on these bush tours. I support the motion.

Amendment agreed to.

Motion, as amended, agreed to.

WORKMEN'S COMPENSATION
(Serial 208)

Bill presented and read a first time.

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

Speaking to this bill is something of an academic exercise after the bills tabled in the House yesterday. Members will be aware that the Workmen's Compensation Bill and the Long Service Leave Bill and a number of other pieces of legislation in the field of industrial relations were moved by the opposition at the last general business day and were disposed of in a very cavalier fashion by the government. In quoting from second-reading speeches, I am not quite sure whether I should quote from the Leader of the Opposition's speech at the last general business day or from the Minister for Industrial Development's second-reading speech of yesterday because they are both pretty much the same.

The Workmen's Compensation Bill is to set up a trust fund that could be used by the nominal insurer to overcome this dreadful problem of people having to wait months or sometimes years for workers' compensation. In the short time that I have had available, I have read the contents of the honourable Minister for Industrial Development's bill which he tabled yesterday and I find that the end result of both his bill and this one are the same. This also applies to the bill that I will be presenting shortly, the Long Service Leave Bill, which was also contained in the legislation tabled yesterday by the honourable Minister for Industrial Development.

In presenting this bill, it would be impossible not to reflect upon the debate that occurred during the last general business day and that was a salutary lesson to us all. There is a great deal of carping from the government side of the House about negative opposition. We heard again another one of these sanctimonious statements from the honourable member for Stuart yesterday, when he threw his hands up and said that he had come into this Assembly for the last session hoping to work with a constructive opposition. I do not think that any opposition which we could put up to any government legislation could come anywhere near the way in which the government treated the Workmen's Compensation Bill when it was tabled at the last sittings of the Assembly. I think that that was a display of complete opposition and purely for opposition's sake.

I do not think I could speak any further on the bill. The points covered in it were covered adequately yesterday by the honourable Minister for Industrial Development and I do not want to repeat the fine sentiments that he expressed in regard to this matter.

One thing I was interested in in his speech was when he said that members may not be aware that there is still a considerable number of people who work outside award areas. I was listening to that with rather a wry smile seeing as the question of the number of people working outside award areas covered by this legislation has been raised in this House for the first and, on a number of subsequent occasions, by the opposition in the Assembly. In fact, I remember distinctly that the number which is in excess of 10,000 was mentioned on at least 2 occasions. Certainly, members should be aware that this problem exists and, given the honourable minister's legislation yesterday, tabling this bill today is purely an academic exercise.

Debate adjourned.

LONG SERVICE LEAVE BILL
(Serial 209)

Bill presented and read a first time.

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

I do not want to take up the valuable time of the House with tedious repetition. This Long Service Leave Bill is to fix up an anomaly that has existed for a great length of time in regard to long service leave. The situation did exist where people sometimes had to wait for 12 or even 13 years before they could take their leave and this bill certainly does correct that. In line with the comments I have made with the bill just tabled, the substance of this bill was contained in a bill tabled by the honourable minister yesterday.

In conclusion, I must say that, if the only purpose the general business day is to serve in this House is for the opposition's legislation to be thrown out, subsequently to be resurrected, probably redrafted, and represented in the House, it serves a very useful purpose indeed. The purpose of the exercise is to get the stuff into the statute book and, if this is the way it has to be done, then so be it.

Debate adjourned.

REPORT OF THE EDUCATION ADVISORY GROUP

Mr COLLINS (Arnhem): Mr Deputy Speaker, I move that the report of the Education Advisory Group tabled by the honourable Minister for Education be noted.

The opposition was very pleased to see the production of this report as were many other people concerned with education in the Northern Territory. The report contains a great wealth of detail concerning the very vital matter of setting up the Northern Territory's new Department of Education under self-government next year. I want to preface my remarks on this report by saying that the opposition feels that what is contained in this report is so vital and so important that, at this particular point, caucus has not had time to give it the detailed consideration it certainly deserves to be given and we will be looking at it closely in the context of our education policy over the next month. However, I do have a number of comments to make regarding it.

The honourable minister will be aware that the report has been successful in attracting a great deal of criticism - and certainly from what I have seen, constructive criticism - from individuals and organisations concerned with the welfare and the future of the Territory's education. The criticism, as the honourable minister would no doubt be aware, has been sometimes totally conflicting depending on the sources from which it came. Certainly, in the main, most of the criticism I have seen has been thoughtful and considered criticism and no doubt will be considered by the minister in the preparation of the legislation.

The first point I want to make is that the ALP's 1978 education platform calls for the establishment of an education authority in the Northern Territory. This is still, of course, the position of the Northern Territory Labor Party. In view of the positive results that have been achieved by the Education Authority in the ACT, which has appeared to be most promising, this is still the way we feel about it. Assuming that this is not going to happen and that the Education Advisory Council is to be set up, there are 2 basic ways that the Australian Labor Party in the Territory can confront this report. One is

that we can totally reject it on the grounds that there is no consideration given in it for the establishment of an education authority. The other is that we could consider what our policy would be in relation to accepting the existence of the Education Advisory Committee and consider the way that the ALP would see it organised. I certainly would not opt for the first of those considerations which is total rejection of the report. I do not believe that should be done. I believe what we should do is consider what to do with the second option.

As far as the advisory group itself is concerned, I have a specific criticism that I had at the time. It had an unrepresentative membership. There were no representatives on it from 2 extremely important areas that are going to have to be covered: post-compulsory education and Aboriginal education. There could easily have been a representative on the advisory group from the National Aboriginal Education Committee on which the Northern Territory does have 3 Aboriginal representatives or from the NT Aboriginal Education Advisory Committee which was set up on 23 August. I think the lack of representation from vital areas such as post-compulsory education and Aboriginal education is reflected in the recommendations of the report.

This lack of representation is open all the more to criticism when you consider the specific terms of reference and the parameters that the group is given. If I could quote a few of them: "1. The role of the department in the area of post-compulsory education. 2. The composition and role of education advisory councils at Territory area school levels. 3. Matters to be included in the Northern Territory Education Act. 4. The Darwin Community College will continue as a body corporate providing a range of post-school educational services within the policy and coordination arrangements laid down by the Northern Territory government". Of course, the Darwin Community College is a highly successful operation which caters for the needs of in excess of 9,000 students and does it very well and I do feel that they could have been included. "5. The administration of education will be decentralised. 6. Particular consideration will be given to the special needs in education of the Aboriginal people". Despite the fact that statements can be made and points of view can be put that all these opinions can be coopted later, I do feel that nothing can replace the direct representation on any committee of the people who are affected. I think that certainly the committee could have been broadened in this respect.

One of the specific objections I have to the report is that the extension of the power of the Department of Education will encompass the Darwin Community College. This is going to lead, if it is done, to a very inefficient situation indeed. The most efficient way to run the Darwin Community College, in my view, is to keep the operation completely independent from the Department of Education whilst having the necessary liaison and cooperation with it. Again, from a report on the matter by the secretary of the Commonwealth Department of Education, Mr K.M. Jones, which no doubt the minister is familiar with: "The role of the Darwin Community College in such a system needs to be clearly defined. It is essential that the community college concept be preserved and that the Darwin Community College be supported and strengthened as a tertiary institution with a council responsible for its government and internal management". I concur with those sentiments. I believe that recommendation should be supported. I believe the council of the Darwin Community College should be retained and it should be directly responsible to the Minister for Education. This, of course, would not deny the right of the minister to seek advice of his permanent head or any other person regarding the college but it precludes the permanent head of the department being the sole adviser on matters of particular concern in the area of post-compulsory education.

The other area I am particularly concerned about is in regard to Aboriginal teacher training. I believe it is incorrect to accept that Aboriginal teacher preparation is a TAFE activity. I think it downgrades the standing of the qualifications they receive. I would suggest that the majority of professional educationalists regard it as discriminatory to accept such suggestions. Aboriginal teacher preparation should properly be regarded as tertiary, academic training in the same way as other teacher training is regarded. While recognising the role the Department of Education currently plays in this area, I do not believe the Department of Education should be responsible for such courses. I do believe that the courses run for Aboriginal teacher training should be controlled in the first instance by the same bodies that are responsible for offering other accredited teacher training qualifications in the Northern Territory.

I believe that an educational advisory council could be set up but I say again that my personal view is that this should be an interim measure in preparation for the eventual creation of a Northern Territory education authority.

The other criticism I have on the recommendation is that, assuming the advisory council is to be set up, I do not believe that a council of 12 to 15 members would necessarily offer a balance between breadth of views and the effectiveness of operations that the council needs. I am not suggesting that it needs notably more than that but, when you consider the number of areas that should be involved in the council, I do not think that number of people can effectively control it.

One of the areas - and I am just throwing this out as a suggestion; it is not Labor Party policy or anything else - that should be looked at by the minister is the possibility of some sort of student representation on the council, seeing that these are the consumers who will be copping whatever it is that is dished out.

Mr Everingham: That's what I said the other day.

Mr COLLINS: We support it. It is our suggestion that this should be looked at.

The recommendation that the chairman should be appointed by the minister - my view is that that is totally supportable and proper. The deputy chairman should be elected from its membership - that is fair enough too. There is one thing that I do take some exception to and that is the fact that there are 4 ministerial appointees on that council. Of course, the minister has to have appointees on that council; I think that 4 is too many. We have not discussed this in detail but I think that could be cut in half. I do not think that any more than 2 are required to give the minister the input into that council that he obviously needs. It would be to the minister's own benefit not to have 4 members on the council because it would tend not to put him in the position of being accused of having any direct political interference in the work of the advisory council. One of the things we will be looking at in detail is how we think this council should be constituted and who should be on it.

One of the areas that concerns me - and I think there is a big question mark around it - is the post-compulsory education advisory body. The concept of an advisory body having an advisory body does not seem to be a particularly effective way of organising things. I do see the need for having a post-compulsory education advisory council but I see no reason why this cannot be created completely outside the advisory council and being directly responsible to the Minister for Education. If the minister and his department are the coordinating authority on the final analysis and make decisions on policy, if

there are grey areas that need further input, any recommendations made by the post-compulsory advisory council can be directed back to the education advisory council by the minister for its comment. There would possibly be some advantage also in having perhaps a few members from each advisory council serving on both councils but I do not like the idea of having a post-compulsory advisory council advising an advisory council. The minister, after all, is the person who has responsibility for decision making. There is no reason why this council could not be responsible directly to him.

The composition of this council is also a reasonable basis for the minister getting expert advice on post-compulsory education needs in the Northern Territory. The composition does concern me. 4 out of the 7 members on the council are nominated by the minister; 2 of them, of course, have to be from departments that are specified in the report, but 2 are direct ministerial appointees and it is unnecessary for the minister to have this kind of direct involvement in the composition of the council. It would be to his benefit to only have the minimum direct responsibility for appointing members of the council that he needs. In a council with a membership of 7, I think that 1 direct ministerial appointee is quite sufficient.

One of the other areas that concerns me is one that the committee itself could not come to any clear resolve on: whether the Northern Territory should proceed with the setting up of the Northern Territory teaching service or whether it should continue to use the offices of the CTS. This is certainly a difficult area to make decisions in but decisions certainly have to be made. As far as the teachers are concerned, it will place an unfair imposition on them if it happens because it will be the third change of employer they have had in the last 6 years.

A reason for teachers joining the Commonwealth Teaching Service was that the CTS seemed to be offering a philosophy of education that was different to the state systems. This philosophy includes the peer assessment concept for promotion and probation and transfers between the different components of the service. What is obvious is that the Northern Territory will have to rely on teachers from other areas for some considerable time. The Darwin Community College at the moment is not able to train all the teachers required in the Territory for the next few years, so certainly this is an area that will be difficult to make decisions in.

Some fairly thoughtful points of view have been put by the Northern Territory Teachers Federation on the subject and I do believe that, seeing that that organisation comprises the majority of the teachers in the Northern Territory from the union point of view, their view obviously has to be considered closely. Some of the comments they have made about it bear mentioning. One of the problems they pointed out was the difference in the size of the 2 parent bodies. When the comparison was made in the report detailing how the Australian Public Service people were transferred over to the Northern Territory, the federation believes this was not a fair comparison because of the respective sizes of the parent bodies involved.

Another problem they wanted consideration given to was the fact that one third of CTS teachers are in the Northern Territory and it would have a severe impact on the future of the CTS if Northern Territory teachers were removed from it. Clearly this particular area is one where extended discussions will have to take place. The federal government has already indicated that CTS will continue after the transfer and teachers should be reassured by this statement. However, the major recommendation of the advisory group is unnecessarily adding to the fear of teachers on this particular issue.

The timetable of the minority recommendations in the report does allow time for the system to develop under its new administration and this is an

extremely important thing. It does provide adequate time for discussions on the shortcomings, for example, of the CTS if there are any.

So far as the section entitled "Matters for Inclusion in the Education Act" is concerned, it certainly would be impossible for the ALP to accept those particular recommendations. In particular, there were 2 that I am quite sure we would be in opposition to. One of them was: "The responsibility for determination of conditions of service for the Darwin Community College staff to be vested in the minister and section 21 of the Darwin Community College Ordinance be amended as appropriate". I do not agree with that at all. I think the Darwin Community College should retain its autonomy. It should retain its capacity for determining the quality of the staff that it employs. If any organisation loses the power to determine the conditions of service of its employees, as far as I am concerned, it ceases to be an effective employer. I think that responsibility for conditions of service would be far better left in the hands of the people who run the college, obviously in consultation with the minister.

That is the only specific recommendation that I am going to comment on. So far as the minority recommendations are concerned, that is another thing. I do not think it would be proper to make any hard statements on what we think about all of those issues because we have not had enough time to properly consider them. We will properly consider them in the very near future.

The other thing I would like to comment on is in regard to a secretariat to service the Northern Territory Education Advisory Council. I do not think it is a good idea that these facilities should be provided through the department itself. The secretariat should be independent from the department simply because the department would have a vested interest in the work of the council that it was serving. The secretariat could perhaps be created under the control of the Chief Minister; that is only a suggestion. Such a secretariat could have responsibility of servicing not just the council but the 3 ministerial committees that are involved: the Aboriginal education, TAFE and post-compulsory education committees. The work of this secretariat would be confined solely to providing administrative support.

In conclusion, I would say again that these are areas of particular concern that I have touched on. There is no particular hard and fast policy on the issue yet. I am quite sure that the minister has appreciated the fact that this report and the way it has been presented at such an early time has resulted in a great deal of constructive criticism from everywhere. The opposition wishes to commend the minister for the production of this report and its presentation. It is not an empty commendation at all; it is a sincere one because this report has in fact been produced fully 8 months before the take-over is due to take place. In this sea of doubt and uncertainty, as far as the further responsibilities of the government are concerned, the report is outstanding in that it has been produced at this early date. It has resulted in the kind of criticism and comment that obviously the minister wanted given to it and I am quite sure he will take all of that on board in the preparation of the new act. The minister is to be commended on his efforts in producing it.

Mr ROBERTSON (Education): Mr Deputy Speaker, I very sincerely thank the honourable member for Arnhem for his early consideration of the report even if he has not been able to fully explore all of its wide-ranging recommendations and discussion points to date. I completely understand that. The report has been circulated very widely. We have had about 400 copies produced most of which are now out and useful, constructive criticism is now starting to come in. Naturally, with a report of this nature you do not expect too many bouquets but you do expect plenty of brickbats.

It was very strongly advocated by the Darwin Community College Council that the post-compulsory education field be represented on the committee of inquiry. I attempted to explain on a number of occasions to the Darwin Community College Council itself and to the staff association of the Darwin Community College, and also to the committee of the Alice Springs Community College, that there was very good reason for not including them. It was a deliberate and conscious decision of my own. All of those organisations had given me, as minister, very detailed documentations of their attitude as to the future of education in the Northern Territory and, in particular, with reference to the role of the post-compulsory educational sector in the Northern Territory. It seemed to me at the time - and I still stand by my original view - that having received that advice and that series of recommendations what I needed was a completely independent counter balance or foil to those recommendations. It was for this reason that I made a conscious decision not to invite someone from the post-compulsory education field to actually sit on the council itself. What I wanted was 2 opinions made available to me, each in isolation to the other. Now that this report is available and now that I am able to sit down and examine both series of reports from both sides of the educational spectrum together, I am more convinced than ever that the decision was the correct one. What I now have available is 2 independently arrived at sources of information. If the post-compulsory educational sector had been involved in the education advisory group's deliberations, then the recommendations of the group itself would of necessity be somewhat coloured by the views of those in the post-compulsory field who would have had direct recommendatory input into the report itself. I think that history will prove, despite all the ructions that were caused by the decision, that it was a correct one.

In respect of the question of advice from people involved in the Aboriginal education field the same thing applies to them as it would to the Christian schools association, to the Catholic schools association and to the principals association. If you start to invite one of the significant - and in this case Aboriginal education is very significant - areas of education in the Northern Territory, you end up under tremendous political pressure to appoint direct representatives from all other groups. It was decided to confine the thing to the major employee union which is the Northern Territory Teachers' Federation and give representation to the organisation which purports to represent the parents of students of the Northern Territory, the Northern Territory Council of Government Schools Organisation. I do say "purports" deliberately. Might I say that I hope the Northern Territory Council of Government Schools Organisation does go from strength to strength and involves far more intimately the parents of students in schools. It is a very difficult task. I know people like Mike Hurnell in Alice Springs. I have known Mike from Road Safety Council days as a personal friend for a decade. Mike really beats himself to death trying to involve parents in the Alice Springs region in the activities of the council and with very limited success. I wish them all the success in the future in obtaining a greater involvement from parents. They are the people who are the only formal representatives of parent groups other than the pre-school associations.

The Public Service Commissioner, the man who must monitor our overall staffing and staff financial arrangements, was also necessary. The Chief Minister, being obviously very intimately concerned in his involvement with education, naturally wanted to be represented and the director-general of his department was the logical person to represent him. From my part, by proxy I suppose you would say, I was represented by the Director of the Northern Territory Division of the Department of Education who, among many of his responsibilities, has the ultimate responsibility for delivery of education to Aboriginal people. It is through the advisings available to him from the specialists in the Aboriginal education area that his input in that field was able to be made available to the education advisory group.

The honourable member for Arnhem repeatedly mentioned the very worthwhile proposal put forward by the Chief Minister concerning the representation of students on the general advisory group itself. I fully endorse that as minister responsible in this area and, if I am going to do what I said I would not do and make commitments before all input has been available, I will certainly be prepared here and now to make a commitment that a student representative will be appointed to the Northern Territory Education Advisory Council which will be the principal school-based advisory council. Actually, the decision was made a couple of days ago in consultation with the Chief Minister but I am quite happy to announce it now.

A number of other very useful points came out of the speech by the honourable member for Arnhem including his concern at one committee advising another. What he was getting at was that the government should look very closely at the idea of 2 or 3 standing committees. He also used the term "coordination" and the term "service secretariat". All of those matters deserve the most detailed examination by this government and by the person who will take over the responsibility for education in July next year.

Further, we have the question of the future of the Commonwealth Teaching Service should there be any proposal in the future to establish a Northern Territory Teaching Service. I can assure honourable members in general and the honourable member for Arnhem in particular that this is a question that is taxing our minds very greatly at the moment. Recently, I had a very useful meeting with 2 senior officers of the Commonwealth branch of the Department of Education, Mr Doug Hood and Mr Bob Allen. It will be a sad day for education in Australia when Doug Hood leaves and it is getting very close to his retirement. I hope Doug Hood does find a future role outside of the public service and a continuing involvement in education. Men like that are too few and far between to lose.

These consultations are going on constantly. I have been to Sydney once this year and Canberra once this year for detailed discussions with Senator Carrick and officers at political and public service levels. A rolling program of developing ideas towards the legislation required to enable the function of education transfer in July next year has already commenced. What we are doing is sketching out the legal difficulties having regard to all of the options available. If the Commonwealth Teaching Service is to continue to supply teachers to the Northern Territory after the transfer, quite obviously there would necessarily have to be consequential amendments to the Commonwealth Teaching Service Act. At the moment, it can only supply teachers in Commonwealth schools and legal opinion has it that the Northern Territory schools would no longer be definable as Commonwealth schools. There has to be a very close liaison and coordination at administrative, financial and legislative levels. It is a task that I am regarding as probably one of the great challenges of my life. It will require the efforts of everyone from teachers down to the minister. As I said at the opening of the Alice Springs School of the Air the other day, I believe that the minister is the least important person in the education system for the simple reason that it can operate without him; it cannot operate without teachers or children or parents. The legislation would have to be introduced into this House in February and passed at a subsequent sittings in order to be operational by July. Whether or not we can achieve the implementation of the advisory councils whatever their form by 1 July, I do not know. I would hope to see them brought into operation at about the same time as the legislation we pass in May.

I do not think there is anything further I need say at this stage. I thank the honourable member for Arnhem for giving consideration to the report and I am quite sure that many other very valuable contributions will come from him in the future.

Mrs O'NEIL (Fannie Bay): I do not wish to pursue any further the matter of the structure of education in the Northern Territory after the transfer of responsibility for it to the Northern Territory government. I feel that those points have been more than adequately covered by the member for Arnhem and in reply by the Minister for Education. I would also like to add my congratulations to the minister for presenting this comprehensive report early to enable community consideration of the matters contained therein. I think all honourable members will have received a large number of submissions from various interested bodies such as the Teachers Federation and others. It certainly is a terribly complex matter but at least we do have time to give it some consideration.

I would like to take the opportunity to raise a number of matters which are of concern to parents. This relates to schools in the Northern Territory rather than the broader aspects of education. I note the report recommends that school councils should have the ability to become incorporated bodies. I support that. I think that most parents do although, as the minister points out, it is very difficult to know what parents think and it is very difficult to involve them in school based decision-making. I do think there is a lot of concern among parents on the degree of school based decision-making in areas such as curriculum - I think the minister agrees with me on this - and I hope that, when the areas of broad structure have been considered, there will be time to give a more detailed consideration to matters of this kind because there is a degree of disquiet among the community.

It is interesting to compare the situation of the Darwin Community College with that of the Education Department. This is not a criticism of the Education Department because it has a terribly difficult task and it is probably impossible to keep everybody happy. It seems to me that the Darwin Community College has a great deal of community support and, for this reason alone, it seems unwise to suggest that it should become the responsibility of the Director of Education or whoever succeeds him. Of course, there are other reasons to be considered such as problems of accreditation and the gaining of suitably qualified staff and so forth. There are concerns by parents about the quality and standard of education supplied in the schools and the degree of responsibility which many teachers are forced to take in areas like curriculum development and the lack of coordination that seems to occur from one school to another in these areas. That is of particular concern when we have a fairly transient population both within the Territory as well as to and from the Territory.

I would also like to take this opportunity to take up the matter of a question that I raised with the minister last week about the number of weeks in the school year. I noted on the ABC news this morning that the Director of Education, Dr Eedle, replied to the point by saying that the Northern Territory would have only 4 fewer days of school than other states. I refer the minister to the Department of Education, Northern Territory Education Bulletin published by authority. It has at the beginning "The Northern Territory Education Bulletin is the official gazette of the Northern Territory Division of the Department of Education. Notices and instructions appearing in the bulletin are official and action should be taken accordingly". I refer him to the October 1978 issue.

On page 196, there are government school term dates for 1979 for the various states and territories of Australia. Either those dates are incorrect or the Director of Education cannot add up or I cannot add up. I hope it is me because I would hate to think it was the Director of Education. Certainly, they seem to indicate that children in Northern Territory government schools will receive 9 school days less than children in Queensland, New South Wales, Victoria, Western Australia and the ACT. I have taken the opportunity because I do hope that the minister will take the opportunity to follow it up as he promised to do in his reply.

In closing, I once again would like to thank the minister for presenting this report to the Assembly and the member for Arnhem for his very worthwhile comments. I certainly look forward to seeing the legislation which the minister will introduce next year in plenty of time, I hope, for us to give it ample consideration before we need to pass it.

Mr EVERINGHAM (Chief Minister): I would like to add my commendations to those that have already been offered to the Minister for Education in relation to the preparation of this report. Unfortunately, it really is premature to debate it since so many criticisms are coming in. I have certainly read it but some of the criticisms that I am receiving are almost as long as the report and I have not yet had a chance to absorb all of those. When I say criticisms, I mean criticism in the true sense - a critique of the report. It is a good basis on which to start looking at the future of Northern Territory education. It certainly seems to have been thought-provoking to some people judging on the generation of paper that it has caused. I am sure that when Cabinet considers it in the new year, after the criticisms have all been received and assessed, then a fairly balanced decision, which I hope will be acceptable to most people in the Northern Territory interested in education, will be arrived at.

Motion agreed to.

CLASSIFICATIONS OF PUBLICATIONS
(Serial 207)

Bill presented and read a first time.

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

I believe that it is the mark of a mature and modern society that the adults of a community can read and do as they please in the confines of their own bedrooms. It is for that reason that the opposition is sponsoring a bill entitled the Classifications of Publications Bill which, I hope, will allow material which is freely available for mature adults to read in all states of Australia with the exception of Queensland, to be available in the Territory. The Classifications of Publications Bill is modelled on South Australian legislation but great heed has been taken of provisions in New South Wales and Victoria. It simply establishes a Classifications of Publications Board.

I refer honourable members to part II of the bill for the requirements for the membership of that board and the matter of disclosure of interests contained therein. I might ask honourable members also to look carefully at clause 5 and there they will find that the board shall consist of a least 1 male and 1 female as well as a person who shall be a legal practitioner and a person with wide experience in education, literature or art. I believe that, properly chosen, the board can truly reflect community standards.

The basic part of the bill is part III which lays down the criteria to be applied by the board in relation to the sale and distribution of publications. Clauses 13, 14 and 15 go to that particular matter where the board is given a very wide discretion but nonetheless has to come to some decision about the acceptability or otherwise of publications and, having arrived at some decision about that, to determine the type of conditions which would be placed on the sale of those documents. I believe that people in the Northern Territory should have the same degree of availability of material of this kind as those in the states. I do not believe that it is proper that the current law should prevail - the Police and Police Offences Act, or the Summary Offences Act as it soon will be - relating to the publication or offering for sale of publications which are obscene. I do not believe that a magistrate can properly

assess and reflect upon current community standards. I believe that the appropriate place for that to be done is by a panel of people who understand the community, who have an appreciation of art and literature and who can make a proper and appropriate assessment of what is acceptable to the community and what is not. Of course, if a person delivers or sells publications in contravention of decisions made by the board, then offences follow and they are covered in the remainder of the bill.

Honourable members will be aware of recent cases in Darwin relating to the closure of certain sex shops or "love" shops as I think one of them was called. The purpose of this bill is not to ensure a flood of such material into the community - far from it. It is simply there to ensure that such material that honourable members must know is available to people by post is properly regulated by a Classifications of Publications Board which will reflect current Northern Territory standards. I commend the bill.

Debate adjourned.

ELECTORAL BILL
(Serial 213)

Bill presented and read a first time.

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

It is most important that this Assembly has an opportunity at a very early stage to discuss the electoral legislation which is to regulate the Northern Territory elections for the years to come. It is most important too that the discussion on the type of electoral laws which we have occurs early because electoral legislation is a most complicated matter and members will only have to look at the 220 sections of this particular bill to realise that it is no easy feat to draw up a piece of electoral legislation. To draw it up at the last moment would be fraught with danger, especially given the fact that elections are the very basis of our democratic procedure.

The bill before the Assembly will generate a great deal of discussion. It seeks to come to grips with very many of the problems which apply peculiarly to the Northern Territory. I trust that, when honourable members consider the legislation, they will apply their minds in a constructive fashion to the points raised in it. It enshrines the concept of one vote one value by ensuring that electorates do not vary from an average size of 10% from the mean of electorates. It enshrines not only Australian Labor Party policy but also, I am pleased to say, it enshrines federal Liberal Party policy although, when you read the Northern Territory Self-Government Act, quite strangely, they talk about a 20% tolerance. However, a 10% tolerance falls within the scope of the self-government act and so would be perfectly valid.

It is important that the principle of one vote one value be enshrined in electoral legislation. People in Australia have a disregard for a gerrymander and the people of South Australia showed that very clearly. Unfortunately, the people of Queensland are not in a position to show it because the more they show it the more the gerrymander is put into effect. It is at the stage now where I understand, in Queensland, for the Australian Labor Party to achieve office it would require 61% of the votes - a fairly reasonable task for any democratically minded person. It is important that the principle of one vote one value is enshrined in the concept of tolerance from the mean of electorates. The federal Liberal Party adopts the view of a 10% tolerance and the Australian Electoral Act now endorses that. Certainly, it has been Australian Labor Party policy for some time. I commend that concept to the government.

It will now become compulsory for all people who comply with section 14 of the self-government act in relation to electoral qualifications to enrol. That means that non-Aboriginal people and Aboriginal people who are over the age of 18 years will be required to enrol. It is intolerable that we have a situation in the Northern Territory where a very significant proportion of our population have a different set of rules and regulations in relation to electoral enrolment. I believe that Aboriginals and non-Aboriginals would welcome the implementation of this policy of the Australian Labor Party to have everybody over the age of 18 who complies with section 14 of the self-government act enrolled.

The electoral legislation further provides for single member electorates and for an optional preferential system of voting. As all honourable members would know, this is the principle adopted and endorsed by the Chief Electoral Officer Mr F.E. Ley in 1974 before the Joint Parliamentary Committee into the Constitutional Development of the Northern Territory. He said that the best method for voting for the Northern Territory Legislative Assembly would be single member optional preferential voting. That is Australian Labor Party policy now and we believe, because it has come from a person who holds a statutory office, it is not a political decision. It is a decision based on the needs and practicalities of the Northern Territory.

We believe that the system we have now of 19 single member electorates is appropriate and is the best. I believe that people of the Northern Territory would resist any attempt to increase the size of the Northern Territory Legislative Assembly. I believe that there could be a determination made by members opposite to increase the size. If you look at the amount of representation that we have in the Northern Territory already, it is quite obvious that the Territory is in fact over-represented. We have, locally, 58 representatives in either a semi-government or Legislative Assembly capacity. That does not take into account the other 3 members of the federal parliament. 58 representatives for 100,000 people is way above the representation of all other areas. As I say, the system which applies at the moment of a single member optional preferential voting is the system adopted and endorsed by the Chief Australian Electoral Officer in 1974. I stress again that we would resist any attempt at this stage to increase the size of the Northern Territory Legislative Assembly.

I turn now to the matter of voting procedures. At all stages, the bill seeks to make simpler the method of voting. We believe that a person seeking to exercise his right to vote should be afforded all chance to do so. We have taken great note of the actions in the Kimberley election in 1977 when it was found by a court of disputed returns that in fact scrutineers were used by one candidate to ensure that people who were entitled to exercise a vote were in fact denied that right to vote. We will all be aware that the election for the Kimberley seat was held some 6 months after the election was held in the first place. From that we have learnt the lessons of the Kimberley election, as I would hope all people who look at elections as an important part of the democratic process would do. It was distressing, to say the least, to see people who happened to have been of Aboriginal descent harassed at the polling booth, turned back from even getting to the polling booth. Indeed, one of the questions asked - and which was perfectly legitimately asked by scrutineers - is still there in the Australian Electoral Act at the moment. If I was asked that question - that is, are you a British subject - I am afraid my answer would be no and I would be turned back. I would not know whether I am a British subject or not, but I know what my answer would be. It would be no and, under the terms of the Electoral Act, I would be turned away. Those procedures whereby scrutineers have the opportunity to harass voters have been deleted from our proposed bill.

Other voting procedures in relation to the ballot paper are very significant in our piece of legislation. Members will find that the names on ballot papers will no longer be in alphabetical order but will be at random; names will be accompanied where applicable by the name of the political party that the person represents and it will also be accompanied by a photograph of the candidate. All these measures are taken to try to come to grips with the problems in the Northern Territory with the sort of population that we have, and to ensure that people are given every opportunity to record a vote for the person or the political party they wish to vote for.

One of the other matters which we have given consideration to, but unfortunately members will not find it in the bill, relates to the matter of mobile polling booths. Members would be aware that mobile polling booths operate in the National Aboriginal Congress elections and, I believe, operate very successfully. There should be some discussion on this matter in relation to elections in the Northern Territory because I am sure we are all aware of the automatic postal vote system and how it can be abused. As I have said on one other occasion, in years gone by, it was people of my political persuasion who complained bitterly about the automatic postal system because people believed it was being abused by station owners. In more recent years, the boot has been on the other foot and it has been our political opponents who have bemoaned and bewailed the impact of automatic postal voting because they say that members of the Australian Labor Party abuse it in relation to Aboriginal communities. The fact is that the system is open to abuse and, where it is open to abuse, we ought to try to plug that gap. I believe the mobile polling booth which is used very effectively in the National Aboriginal Congress elections ought to be considered and, if found appropriate, provision for this ought to be inserted in the bill.

Members will note that the bill seeks to appoint the returning officer for the Northern Territory, a statutory office holder of the Australian Electoral Office, to be the returning officer for the Northern Territory. I believe it is totally inappropriate that the Northern Territory should establish its own separate electoral system and separate electoral rolls and, to this extent, we would be doing exactly as 4 of the progressive states in Australia do - New South Wales, Victoria, South Australia and Tasmania - and seek to have joint rolls with the Australian government in exactly the same way that those states do. When I went over to the Kimberleys in December 1977, I found people turning up to vote; they had voted a week before at the federal election and had voted quite happily; they turned up to vote at the state election and were told they were not on the roll. It was completely incomprehensible to them having voted at that very same place, seemingly for the very same sort of thing, just the week before. We would seek to have joint rolls with the Australian government.

Members will also note the very heavy penalties in relation to offences against the Australian Electoral Act. These are not devised by the Labor Party but reflect the concern which I am sure the Australian community generally feels about people tampering with the electoral procedures.

Honourable members will note in this very lengthy bill that it does resemble to a very great degree the Australian Electoral Act. We have based our research and our structure of the bill on that. We do not have, as you would be aware Mr Deputy Speaker, any assistance of the Northern Territory government's legislative draftsmen. We have had to do it ourselves and, in that regard, I would very much like to pay tribute to my personal secretary, Mr Peter Hansen, who spent many hours, almost going round the bend I would think, going through the Australian Electoral Act and producing this very weighty and I believe very worthwhile document.

Mr Deputy Speaker, the matter of electoral laws is of very great importance to people in the Northern Territory. We ought to establish our own Northern Territory Electoral Act; it ought to take heed of the very peculiar circumstances which we in the Northern Territory have. I believe the bill which I have just presented to the Assembly does that. I commend it to honourable members.

Debate adjourned.

STANDING COMMITTEE ON PUBLIC EXPENDITURE

Mr ISAACS (Opposition Leader): Mr Deputy Speaker, I move that a standing committee be appointed to -

1. *(a) consider any papers on public expenditure presented to the Legislative Assembly and such of the estimates as it sees fit to examine;*
   (b) consider how, if at all, policies implied in the figures of expenditure and in the estimates may be carried out more economically;
   (c) examine the relationship between the costs and benefits of implementing government programs;
   (d) inquire into and report upon any questions in connexion with public expenditure which is referred to it by the Legislative Assembly.

2. *The committee consist of five members, three of whom will be nominated by the Chief Minister and two nominated by the Leader of the Opposition.*

3. *Every nomination of a member of the committee be forthwith notified in writing to the Speaker.*

4. *The members of the committee will hold office for the full term of the Legislative Assembly.*

5. *The committee elect one of its members as chairman.*

6. *The committee elect a Deputy Chairman who shall perform the duties of the Chairman of the committee at any time when the Chairman is not present at a meeting of the committee, and at any time when the Chairman and Deputy Chairman are not present at a meeting of the committee the members present shall elect another member to perform the duties of the Chairman at that meeting.*

7. *The committee have power to appoint sub-committees consisting of three or more of its members, and shall appoint the Chairman of each sub-committee who shall have a casting vote only, and refer to any such sub-committee any matter which the committee is empowered to examine.*

8. *A majority of the members of a sub-committee constitute a quorum of that sub-committee.*

9. *Members of the committee who are not members of a sub-committee may take part in the public proceedings of that sub-committee but shall not vote or move any motion or constitute a quorum.*

10. *The committee or any sub-committee have power to send for persons, papers and records.*

11. *The committee have power to move from place to place and to sit during any recess.*

12. *Any sub-committee have power to move from place to place, adjourn from time to time and to sit during any recess, sitting or adjournment.*

13. *The committee or any sub-committee have power to authorise publication of any evidence given before it and any document presented to it.*

14. *Three members of the committee constitute a quorum of the committee.*

15. *The committee be provided with necessary staff, facilities and resources.*

16. *The committee in selecting particular matters for investigation take account of the investigations of other committees of the Assembly and avoid duplication.*

17. *The committee have leave to report from time to time and that any member of the committee have power to add a protest or dissent to any report.*

18. *The foregoing provisions of this resolution, so far as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders.*

Mr Deputy Speaker, I believe it is timely that soon after the establishment of self-government for the Northern Territory and after the first full budget for the Northern Territory, such a motion be presented. It establishes a watchdog committee. The committee is designed to assert the parliament's superiority and supremacy over government.

In moving this motion, Mr Deputy Speaker, I would ask honourable members to turn at their leisure to the debates of the federal House of Representatives on 8 April 1976 when the Prime Minister, Mr Malcolm Fraser, moved a motion in precisely the same terms as I have just moved today. I should read into the Hansard some of the statements made by the Prime Minister at that time. They are very apt at this time. I quote from the Hansard of 8 April 1976, on page 1497:

> *The establishment of an expenditure committee marks the important step in the government's policy of strengthening the parliamentary system. It is fundamental to an effective system of representative government that the people's representatives should be able adequately to supervise and review the activities of government administration. The parliament should be able to subject policy legislation and administration in a close and effective scrutiny. The ultimate control of parliament over the executive is its control over and scrutiny of the expenditure of money. This is a fundamental principle of democracy which this government recognises. It is a principle whose expression will be strengthened by the proposal for an expenditure committee. The proposal for an expenditure committee arises from a broader concern of the government to improve the functioning of our political institutions.*

Thus said the Prime Minister of Australia, the Right Honourable Malcolm Fraser, on 8 April 1976. The opposition endorses those remarks and believes it is timely now that the Northern Territory Legislative Assembly establish a similar committee because the Prime Minister went on to say:

The work of such a committee will have an obvious value during a period when the government is especially concerned to minimise waste and maximise efficiency in government expenditures.

I am quite sure that those sentiments would be well taken by everybody in this Assembly. We do know the importance of ensuring that our public moneys are spent effectively. Those remarks of the Prime Minister certainly seem to be apt right now. It is not intended that the committee be a watchdog on policy. Indeed, I endorse the remarks made by the Prime Minister in relation to the motion he moved in the House of Representatives that it would not be concerned with policy but more with the scrutiny of public expenditure and ensuring that the community is getting value for money spent.

It is also important in the context of the Northern Territory Legislative Assembly, given the very few sitting days that we have. 4 sittings of something like 6 sitting days each time is not a great deal of time for the parliament to scrutinise properly the decisions of government. Indeed, because of the very few sittings of the parliament, the executive tends to run away with itself and believes that it is the only entity which has any say. The fact is that this parliament is supreme. We are the representatives of the people; we ought to be looking at scrutinising government expenditure.

Mr Deputy Speaker, the motion itself is self-explanatory. It is certainly very detailed but it is taken directly from the motion moved by the Prime Minister at that time. You will notice that it is a standing committee on public expenditure, not a sessional committee, and I would hope that, if this government adopts it, Standing Orders would be altered to ensure that at the beginning of each parliament a standing committee on public expenditure would be elected in the same way that the various other standing committees are elected and that its establishment would not be simply at the whim of government. I can certainly say that, in so far as a Labor government is concerned, we would ensure that such a public expenditure committee was part of the standing rules of the Legislative Assembly to ensure that the parliament did have supremacy over government expenditure. I commend the motion to honourable members.

Debate adjourned.

LOCAL GOVERNMENT BILL
(Serial 173)

Continued from page 679

In committee:

Proposed section 432:

Proposed amendment of Leader of Opposition not proceeded with.

Proposed sections 432 to 435 agreed to.

Proposed section 436:

Mr ISAACS: I move amendment 34.4.

We seek to ensure that not only will the minister have the notice of the approval of the scheme but also the details of the scheme will be inserted in the newspapers circulating in the locality.

Amendment agreed to.

Proposed section 436, as amended, agreed to.

Proposed section 437:

Mr ROBERTSON: I move amendments 27.2, 27.3 and 27.4.

In one case, the amendment makes the meaning more precise and the other 2 clear up grammatical errors. Of course the provision in subclause 7 now would be superfluous.

Amendments agreed to.

Proposed section 437, as amended, agreed to.

Proposed sections 438 and 439 agreed to.

Proposed section 440:

Mr ISAACS: I invite defeat of proposed section 440 with a view to inserting a new section circulating under amendment 34.5.

The purpose is to ensure that the Returning Officer for the Northern Territory conducts the first election. After that, it is up to the council to determine who will be conducting their elections. I would hope that they would ask the Returning Officer for the Northern Territory to do it. The Returning Officer of the Northern Territory has had a great deal of experience in conducting elections not only for the Legislative Assembly and federal elections but also elections for trade unions and the NAC. I believe it would be quite appropriate that the Returning Officer for the Northern Territory be requested to conduct the elections of the first community government council.

Mr ROBERTSON: I have not had a chance to discuss this with my colleagues. It would seem to me, however, that the attitude of the government would have to be that, in the absence of an agreement with the Commonwealth, it would be rather improper for us to commit a Commonwealth officer. The Chief Minister obviously is of the opinion that it would not matter. It was the intention of the government to ensure that the person who conducted the poll was a person chosen by the Aboriginal community itself. However, on the assumption that arrangements can be made with the Commonwealth Returning Officer, we will agree to the amendment and see how it works.

Proposed section 440 negatived.

New proposed section 440:

Mr ISAACS: I move amendment 34.5.

New proposed section 440 agreed to.

Progress reported.

STATEMENT

Economic benefits of uranium development

Mr TUXWORTH (by leave): I sought leave of the Assembly to make this statement because of the opposition's demonstrable lack of knowledge on the likely benefits that will flow from uranium's development. Their comments on Tuesday 21 November indicated clearly that they had failed to grapple the

problem of unemployment and particularly to appreciate how it may be eased by uranium mining. Surely today, there can be no question in the minds of honourable members in this House that, without an improved Northern Territory economic climate, without increased business activity, there simply can be no improved employment opportunities. Uranium development offers those opportunities. The CLP government has recognised this problem and has sought to encourage the only industry which realistically can provide both an immediate short-term economic response and long-term continuing benefits.

For many months now, I have noted with regret the vigorous opposition of the shadow minister for Mines and Energy to uranium mining. He has consistently done his best to impede or retard the development of an industry which he aspires one day to be responsible for as a minister of the Crown. I would have expected that the honourable member would have shown a positive attitude to the uranium industry to exhort, foster and encourage rather than to hinder and obstruct. In truth, I cannot escape the feeling that the opposition views people first as votes in ballot boxes and then as persons who cannot afford to stand beside the queue in the supermarket.

In a press statement on 12 May, the honourable the Leader of the Opposition said that the CLP executive should take positive steps to reduce the unemployment problem by introducing selective job creation schemes for some of the worst affected groups of unemployed such as country workers, teenagers and Aboriginals. While the honourable member felt able to make a pious statement such as this, he still encouraged his shadow Minister for Mines and Energy to oppose the greatest job creation scheme this government could hope to be associated with - the development of an industry of the future, the uranium industry. This scheme of paying lip service to job creation was continued in later press releases by the Opposition Leader. He used these statements as pulpits to lecture the government on a supposed blindness to unemployment. The Leader of the Opposition no doubt smirked as he told us that the government had to appreciate the enormity of the unemployment problem. Needless to say we did and we do.

Since my election as a member of this House, I have continually sought to maintain a good working relationship with companies who may be able to assist in or be part of the development of the Northern Territory. Since self-government on July 1 this year, I have been able to develop these relationships to the extent that, early in November, I telexed a request to each of the 4 consortiums which lease areas of promise in the uranium province. I asked each of the companies - Ranger, Pancontinental, Queensland Mines and Noranda - to furnish me with a statement on the expected distribution of work to Territory based contractors for industries over each of the next 3 calendar years. Normally, I would not make public information that I consider to be the private business of the companies concerned. However, in this instance, I was of the opinion that the information I asked of the companies was so important to the people of the Northern Territory that I have told the companies of the likelihood that their responses would be tabled.

The response from Ranger Mines is as follows:

In response to your telex of 9 November 1978 with regard to involvement of Darwin construction industries in the Ranger project, Ranger is well aware of the mutual benefits to be derived from NT industries participating to the maximum extent in the construction and operation of the uranium producing facilities and infrastructure at Jabiru.

A great majority of the materials, supply and construction and installation work will be carried out on a competitive tender basis. It is thus impossible at this stage to stipulate what value of work will be directed to local construction and service industries but Territory based

contractors and suppliers will be given every opportunity to submit tenders. In fact, tenders will, where possible, be drawn up with this in mind. Even where a major contract is let to a non-local contractor, there will be a recourse to local firms in many instances for the supply of materials and equipment. An important criterion will be the subsequent availability of local servicing and supply in the operating period which will extend over a period of many years.

Regarding the distribution of work to Darwin industry during 1979-81, it is considered that an outline description of the work to be completed in this period will indicate the scope of the work involved. While it is impossible to state even approximately the extent to which Northern Territory industry will participate in these activities, where adequate skills, equipment and materials are available and the tenders are competitive, Northern Territory industries will be heavily involved.

The overall project cost is approximately $250m, excluding excavation, with approximately $100m being spent in each of 1979 and 1980 and the remainder in 1981. Not all of the above totals will be available directly to Territory enterprise as there will be considerable input of heavy mobile equipment such as electric shovels, drills and haul trucks and heavy fixed plants such as crushers, rod and bore mills etc which must be either fabricated in southern states or purchased overseas. This class of expenditure will amount to some $90m.

The following is an outline description of the work over the 3 years. Year 1, 1979, the first year of the project, will emphasise the procurement and construction of the following facilities:

1. *Temporary accommodation. Temporary houses, caravan parks, shopping and recreation facilities, construction camp based on prefabricated standard units and other temporary buildings and facilities.*

2. *Installation of temporary services, including bore hole, pump stations, water reticulation, water storage tanks, sewerage reticulation, sewerage treatment facilities, temporary power station, high voltage and low voltage reticulation.*

3. *Major earth works, including plant site preparation, roads and drainage, water retention dams, tailing retention dams, excavation for the primary crusher.*

4. *Commencement of other major construction activities including major concrete works, the erection of large steel buildings, construction of the environmental laboratory.*

5. *Establishment of site service industries including site catering, concrete batch plant, fuel depot, transport station and submanagement.*

6. *Permanent township. Work will commence on the construction of the permanent township which over several years will include road construction and sundry earth works, provision of water and power supply and reticulation, sewerage plant and reticulation, construction of commercial and office buildings, community facilities, housing and recreational facilities, communications etc.*

Year 2, 1980:

1. *The ore treatment plant. During this year the major ore treatment plant erection work takes place including plant building, acid plant, mechanical fabrication and erection for the ore treatment plant,*

pipe fabrication, construction of large mild steel, stainless steel and rubber lined tanks, electric power reticulation, instrumentation.

2. *Other major works including the construction of the permanent township, the construction of the power station for Millen township and the construction of the tailings retention dam.*

Year 3, which is 1981, will include all construction activities listed under years 1 and 2 which will be completed and the mine and mill brought into production.

The reply from Pancontinental is as follows:

Further to your request for a statement on the expected distribution of works to the Territory over each of the 3 calendar years, please be advised as follows: our engineering managers, Betchell McKee, have reviewed their detailed estimates and advise the following list of commodities which possibly can be supplied by the Northern Territory in hundreds of thousands of dollars: air conditioning equipment, $200,000; pumps $300,000; maintenance shop equipment $100,000; electrical equipment $900,000; buses, trucks and vehicles, $1,500,000; fuel and lubricants $4m; tyres $2,500,000; fencing $800,000; culverts $2,600,000; bitumen paving $500,000; concrete formwork $300,000; reinforcing steel $2,400,000; cement $3m; light structural steel $600,000; roofing and siting $1,100,000; windows, doors and ventilators $1,400,000; concrete blocks $100,000; mechanical platework for bins, tanks, ducts etc $2,500,000; piping material $1,800,000; electrical supplies $1,300,000; communication equipment $200,000; small diesel generators $300,000; prefabricated buildings $600,000; paint $200,000; tools and consumables $1m; construction equipment $3m; camp buildings $1,800,000; food supplies $2m; freight services $1m; manual labour $9m; non-manual labour $2m; personnel transportation $1m; communication services $1m - subtotal $55m. The escalation rate is estimated at $5m and a contingency of $5m which shows an expenditure of $65m in the period.

Based on the assumption of a 3-year period for construction, the cash flow of the above estimate will be, in the first year, $16,250,000 which is 25%; in the second year, $29,250,000 which is 45%; and, in the third year, $19,500,000 which is 30%. In addition, the following figures may be of interest. Up to 200,000 tons of limestone will be required by the industry which is likely to come from local sources. The Jabiluka project alone will require during year 5 of production 40,000 tons of sulphur, 4,000 tons of ammonia, 20,000 tons of manganese, 60,000 tons of distillate and 5,000 tons of miscellaneous goods. In addition to the above, mining and milling facilities will be required and maintenance for services for electrical equipment, combustion engines, tyres etc.

The following reply was received from Queensland Mines:

Queensland Mines Ltd acknowledges the telex of 9 November with regard to the proposed development of our Nabarlek uranium deposit. It is our policy to cooperate with your government and to provide you with as much detail of our proposed plan of development as we are able.

Subject to approvals yet to be received and conditions posted upon those approvals, our intentions are as follows: major construction is planned to commence in April or May 1979 with commissioning of the metallurgical plant expected in the second half of 1980. During this period, a capital expenditure on plant and equipment and services of approximately $50m is forecast. Fixed asset distribution of the above

will approximately be $5m for permanent housing, office, stores etc in Darwin and $45m project facilities and access work at Nabarlek.

Our policy is to source our requirements preferentially as follows: within Australia, Darwin; if Darwin cannot supply, elsewhere in Australia and then overseas; but, subject to the considerations under clause 3.6 below, invitations for the provision of plant, goods and services will be placed on a competitive tender basis. The normal commercial considerations of quality, capability and delivery time, confirmation of specification, after sale service and cost etc will be taken into account in assessing the successful tenders.

We are unable to answer your clause 3 more specifically at this time but, as contracts are closed, we will be pleased to advise you in more detail.

Noranda Australia replied as follows:

Thank you for your telex of the 9th concerning the anticipated economic spinoff to local consumption and service industries from the development of uranium in the Northern Territory.

Noranda is currently preparing a draft environmental impact statement for the Koongarra project and plans to lodge this with the Commonwealth Minister for Environment Housing and Community Development towards the end of the year.

As well as detailing the impact the development of Koongarra will have on the environment, this environmental impact study will provide a basis for discussions with the Northern Land Council for agreement as required by the land rights legislation and for the grant of appropriate mining tenure. Following acceptance of the Koongarra environmental impact study, engineering design consultants will be appointed to carry out necessary detailed engineering design and assist with or supervise the letting of contracts for construction which is currently planned for the 1979 dry season. As part of the latter process of letting contracts, the company intends to survey the availability and capability of Northern Territory contractors and industries to meet its needs and this is in line with its desire and past practice of involving local contractors and industries in their activities so far as reasonably practicable.

I regret that it is not possible to realistically qualify the distribution of work to Territory based contractors and industries from the Koongarra project at this time. However, general appreciation of the measure of benefits for the Territory from the development of Koongarra may, I suggest, be gained from the following estimates: construction and pre-production workforce will be 250; the duration of the construction will be 24 months; the average construction rate of expenditure is $2m to $3m per month; the production workforce is 150.

As a further comment to this paper, I would like to advise honourable members that, in the last few days, I have been advised by the Chamber of Industries in the Northern Territory that Ranger has spoken to the chamber seeking cooperation in having local industries join together so that they may become big enough and strong enough to tender competitively for some of the work involved in the Ranger operation.

I have introduced this paper because there has been a lot of speculation and also much unnecessary criticism of the amount of work that is likely to flow from the project in the province. Anybody who wishes to read this paper

carefully, given the cash flows and the years of construction, will not have any difficulty working out whether the number of jobs that have been forecast will in fact be reached.

I move that the statement be noted and seek leave to continue my remarks at a later date.

Leave granted.

LOCAL GOVERNMENT BILL
(Serial 173)

In committee:

Proposed section 441:

Mr ROBERTSON: I invite defeat of section 441.

The contents of the present provision will be incorporated in new proposed sections. The new section 441 retains the point that the period between general elections can no longer be 4 years. How long this period will be is a matter for the community to determine under the community government scheme. It is likely that most communities will want general elections more frequently than every 4 years. The government wish is not to limit the options available.

I might also at this stage speak to the new section and move it separately. The variation of this general rule is introduced to cover the situation of a representative body that may recently have held an election being able to become a community government council without going through the trouble of an immediate election. It was brought to our attention by a number of communities that expressed a very serious interest in participating in this scheme in the next year that it would follow very closely upon the heels of an election they have already had. It is certainly in the interests of community councils throughout the Territory and certainly the desire of this government to see that as few obstacles as possible and as little confusion as possible is placed before the people when they consider their options on joining in the community government scheme under this legislation. It would be rather confusing for people who have just gone through an election for their own informal councils, then to have to go through the whole process again a couple of months later because they want to participate under Territory law.

Proposed section 441 negatived.

Proposed new sections 440A and 441:

Mr ROBERTSON: I move amendment 27.6.

This amendment is moved for the reasons just given.

Proposed new sections agreed to.

Proposed sections 442 to 446 agreed to.

Proposed section 447:

Mr ISAACS: I move amendment 34.6.

This clarifies the situation when the office of a member becomes vacant. Quite clearly, this particular provision is required. Under proposed section

425(k) the eligibility of persons to be members of the community government council is set out in the schedule and, quite obviously, if a member of the council ceases to have those qualifications, he ought to cease to hold office as a member. The current bill does not provide that and I believe our proposed provision does cope with that situation.

Mr ROBERTSON: The government has no objection to the proposed amendment.

Amendment agreed to.

Proposed section 447, as amended, agreed to.

Proposed section 448 agreed to.

Proposed section 449:

Mr ISAACS: I move amendment 34.7.

It removes the matter whereby the minister can override the approval of the clerk. I might say, in echoing the sentiments of all members of the opposition, that we are very pleased that the government has recognised the problem and has agreed to remove the subclause.

Mr ROBERTSON: Because it has circulated an amendment to the same effect, the government naturally accepts the amendment. I do not think it is necessary for me to restate in detail that there was no sinister intent in the minister having this power in the first place; it was merely a provision of protection. It is clear that there is sufficient confidence among communities for that not to be necessary.

Amendment agreed to.

Proposed section 449, as amended, agreed to.

Proposed section 450:

Mr ROBERTSON: I move amendments 27.8 and 27.9.

The opposition, in an amendment which they may wish to move under 34.7, invites defeat of the entire clause. It would, however, seem to us to be proper that the council can determine the future of its own staff and, if an employer cannot dismiss his staff members, it seems to me to be rather odd.

In relation to amendment 27.9, we accept the representations of communities that the minister should not have such power in respect of employees of a council under this particular piece of legislation.

Mr ISAACS: We do not believe these amendments are necessary and we do invite defeat of the whole proposed section. The reason is simply this: it is a lesson which has been given to us on many occasions and last given to me by the Chief Minister in relation to the appointment of the Police Commissioner. You will recall that the Police Administration Bill simply referred to the power of the Administrator to appoint a Police Commissioner and no power to determine that appointment. As pointed out to me by the Chief Minister, the Interpretation Act covers that quite properly and the power to appoint entails the power to remove. Quite obviously, as we have done in every other piece of legislation, it would be inconsistent to retain a provision which specifically spells that out. It is only required to have proposed section 449 as it will be now: "A community government council shall appoint a person to be the clerk of that council". Quite clearly that power to remove the town clerk is inherent in that power of section 449.

Mr ROBERTSON: I seek leave to withdraw the amendment in order to allow the opposition amendment to proceed. I accept what the honourable Leader of the Opposition has said.

Leave granted.

Proposed section 450 negatived.

Proposed section 451:

Mr ROBERTSON: I move amendment 27.10.

As I indicated, the draftsman and I could not follow it; it is a very good test of the IQ. It is the comma, of course. It is the stuff they gave applicants for the third division examination in the old public service.

Amendment agreed to.

Mr ISAACS: I move amendment 34.8.

If the provision is to stay as it is, the poor old town clerk is not going to be appointed under any terms and conditions. I suspect we will have to delete the words "other than a clerk", and probably a few commas there as well, to ensure that all officers of the community government council are appointed on such terms as the community government council thinks fit.

Mr ROBERTSON: The government supports the amendment. It is a good observation on the part of the Leader of the Opposition. Also, his observation about the commas is correct. The commas will have to be removed before the word "other", and after the word "clerk".

Amendment agreed to.

Proposed section 451, as amended, agreed to.

Proposed section 452:

Mr ROBERTSON: I move amendment 27.11.

This is again an amendment resulting from representations made during the course of consultations which the honourable member for MacDonnell did not believe existed. The people were telling us that in many cases the community council runs commercial enterprises, such as saw mills and gardens and the like, and it would seem to me to be incongruous that we would have to force them to form a completely separate organisation to continue to run the business enterprises that they are running already. The words "commercial development" will cover the situation adequately.

Amendment agreed to.

Proposed section 452, as amended, agreed to.

Proposed section 453:

Mr ROBERTSON: I move amendments 27.12, 27.13 and 27.14.

The need for these amendments has already been noted in conjunction with proposed section 425. Quite apart from that need, amendments 27.12 and 27.13 are meant to correct some inconsistency in expression; in fact, that is all they do.

Amendments agreed to.

Proposed section 453, as amended, agreed to.

Proposed sections 454 to 459 agreed to.

Proposed section 460:

Mr ROBERTSON: I move amendment 27.15.

This is simply to give the auditor a more easily definable time at which he shall commence his audit.

Amendment agreed to.

Mr ROBERTSON: I move amendment 27.16.

This amendment is necessary because of the practical difficulty that has been experienced in determining at the stated point in time the exact fee to be paid to the auditor.

Amendment agreed to.

Proposed section 460, as amended, agreed to.

Proposed section 461:

Mr ISAACS: I invite defeat of proposed section 461 because I believe the Local Government Act itself deals much better with the appointment and the terms of the appointment of the auditor. Section 279 of the Local Government Act reads:

> *(1) Subject to this section, a council shall not appoint a person to be auditor unless he is a member of an institute or an association of accountants of which the Minister, by notice in the Gazette, has approved as an institute or association for the purpose of this section.*
>
> *(2) Where, an application being made to him by a council, the Minister is satisfied that*
>
> *(a) that person who is a member of an approved institute or association of accountants is available for appointment as auditor; and*
>
> *(b) a person nominated by the Council is competent to carry out the duties of auditor*
>
> *he may approve of the appointment as auditor of the person nominated, notwithstanding that the person is not a member of an approved institute or association of accountants.*

I believe that is a very worthwhile provision in section 279 of the Local Government Act. It gives the council the right to choose an auditor but within parameters obviously laid down by the minister. I think it is appropriate; it should be applied. In that case, I invite defeat of proposed section 461 with a view to inserting a new section which is amendment 34.9. If members listened to my reading of the Local Government Act, they would have seen the clear similarity between section 279 and proposed new section 461.

Mr ROBERTSON: The government has no objection to this and will support the defeat of this particular provision and, of course, consequently will support the new provision as proposed by the Leader of the Opposition.

I must say it is rather fascinating, though, to hear over the last couple of days how the opposition has lauded the Local Government Ordinance, an ordinance which I thought and the rest of the world thought was one of the most archaic and antiquated pieces of legislation in the Northern Territory. They certainly have been beating me over the head with that for months and now they tell me it is the greatest thing since bubblegum wrappers.

Proposed section 461 negatived.

New proposed section 461:

Mr ISAACS: I move amendment 34.9.

This inserts after proposed section 460 a new section 461.

New proposed section 461 agreed to.

New proposed section 461A:

Mr ISAACS: I move for the insertion of a new section 461A.

This also relates to the qualifications of the auditor and is directly reflected by section 280 of the Local Government Act. Quite obviously, a person who is a "member or officer of the community government council" or "holds an office of profit under, or at the disposal of, the council" or "is directly interested in a contract" should not be qualified to be the auditor. This provision covers that and also a person who is an "undischarged bankrupt" or a person who "has been sentenced to a term of imprisonment for an indictable offence, until that term expires" also is disqualified from holding office of auditor. Again, that directly mirrors section 280 of the Local Government Act.

Mr ROBERTSON: The government has no objection to the proposed new section.

Mr COLLINS: I was merely about to say that, thanks to the work of the draftsman, this is actually an improvement on the section of the Local Government Act.

New proposed section 461A agreed to.

Proposed section 462:

Mr ROBERTSON: I move amendment 27.17.

This is consequential upon the previous amendment I moved in relation to auditors' fees. It is necessary to be consistent.

Amendment agreed to.

Proposed section 462, as amended, agreed to.

Proposed sections 463 and 464 negatived.

New proposed sections 463 and 464:

Mr ROBERTSON: Mr Chairman, I move amendment 27.19.

This inserts two new sections, 463 and 464, which simply streamline the procedure for audit.

Amendment agreed to.

New proposed section 464A:

Mr ISAACS: I move amendment 34.11.

This inserts a new section 464A which relates to the steps which have to be taken by the clerk after he becomes aware that the auditor is no longer qualified under sections 461 and 461A. Again it mirrors sections 281 and 282 of the Local Government Act. It seems to be important to insert these sorts of provisions to enable the clerk and the council to act appropriately.

Mr ROBERTSON: While it might be desirable in many cases to have this sort of thing in, it was the government's original intention to keep this legislation as simple as possible, as precise as possible and as least confusing as possible. If the opposition insists on cluttering it up with long complex clauses, then I suppose we will go along with it.

Amendment agreed to.

Proposed section 465 negatived.

Proposed sections 466 to 471 agreed to.

Proposed section 472:

Mr ROBERTSON: I move amendment 27.20.

This is purely to make it clear that the action taken must be subject to the act.

Amendment agreed to.

Mr ROBERTSON: I move amendment 27.21.

This is formally bringing the matters of liquor, firearms and offensive weapons under the bylaw-making powers as previously explained.

Amendment agreed to.

Mr ROBERTSON: I move amendment 27.22.

This is simply to make sure that the Liquor Commissioner is aware of the desires and wishes in respect of bylaws of the community government council in order that he may, if he sees fit, advise them on the operations of this legislation and so the proper coordination and consultation will occur between the commissioner and the community government council.

Amendment agreed to.

Proposed section 472, as amended, agreed to.

New proposed section 472A:

Mr ROBERTSON: I move amendment 27.23.

This simply makes it clear in the law that a valid defence to an action for a breach of the bylaw for possession of liquor can be that it was authorised under the Liquor Act. Probably under the Interpretation Act, it would not be necessary and, of course, the bylaws would be subservient to the principal legislation but it is thought necessary to make it clear in any event.

Amendment agreed to.

Proposed sections 473 and 474 agreed to.

Proposed section 475:

Mr ISAACS: I move amendment 34.12.

The member for Arnhem addressed himself to the matter of notification by the minister in the case of dissolution which has been admitted as a pretty extreme sort of a thing to do. 14 days is not time at all in the case of outlying communities. Perhaps it would be interesting for the minister to have the Local Government Act whacked over his head once again because I would refer him to section 17 of that act where the Administrator may refuse or grant the whole or portion of a prayer or petition or counter petition in relation to the dissolution of a municipality. Section 8 of the act says: "the exercise of which power is sought by petition until the expiration of 6 weeks from and including the date of publication of the petition". That is in the case of the dissolution of the Corporation of the City of Darwin, the municipality of Alice Springs, Katherine or Tennant Creek. I am not quite sure whether the length of time relates to the importance of the community organisation but it certainly shows that, when one is going to dissolve a council, it is a very serious business. I believe that, if 6 weeks is sufficient for the municipality of Alice Springs and the other major centres, then certainly that amount of time should be given to members of community government councils who are going to have the axe wielded upon them.

Mr ROBERTSON: The period of 6 weeks was written into Northern Territory statute at the time when we were virtually just getting off the backs of camels and into motor cars. The reality of the situation now is that, where it is seen that a community government council may be likely to get into trouble, consultation will commence immediately and there will be constant contact. These days every one of these community government councils or communities of this nature has its own airstrip. I see no difficulty in it and, in fact, I think it is probably time that the principal act was overhauled in terms of this particular section. However, for consistency at this stage, we would certainly be willing to accept the opposition's amendment with the advice that we will be looking generally at that provision in the light of modern communications.

Amendment agreed to.

Proposed section 475, as amended, agreed to.

Proposed section 476:

Mr ISAACS: I move amendment 34.13.

Again this proposal is in line with our intention in each of these matters - and this has been agreed upon by the government - that where action is taken by a minister and notification of that action is to appear in the Gazette or the newspaper or whatever, not only should the notice of the action taken be gazetted - which does not help Aboriginal communities very much - but it should also be circulated in newspapers so that the communities can see for themselves the action which has been taken. This is perfectly consistent with amendments which we have moved successfully in the past.

Mr ROBERTSON: The government has no objection.

Amendment agreed to.

Proposed section 476, as amended, agreed to.

Proposed section 477:

Mr ISAACS: I move amendment 34.14.

The purpose of this is to ensure that the Minister for Community Development tables in the Legislative Assembly a report on the dissolution and the reasons for the recommendations under section 475 within 2 sitting days after the publication of the notice in the Gazette. Just to remind the minister of the letter he wrote to communities on 5 October 1978, I quote from that letter: "Before the minister could recommend to the Administrator that the community government council be dissolved, he would be required to give two weeks' notice to the council setting out his reasons. It may be that, after the minister has given this notice, the community government council is able to satisfy him that it can put its house in order and in that case the minister would not recommend dissolution". I remarked yesterday, Mr Chairman, that it might have been a misprint. It could not have been; it is "2". It certainly could not have been a drafting error in the letter. I accept the minister's assurance that it was a misprint but I move that "12" be deleted and the figure "2" be inserted.

Amendment agreed to.

Mr ISAACS: I move amendment 34.15.

It seems that, under subclause (2) of proposed section 477, the manager appointed under the subsection to take over the running of the council is not going to be paid and, quite obviously, he has to be. It is a question of who is going to pay him. This did exercise the minds of the opposition for some time because, quite obviously, we could insert a penalty on government and a disincentive to take over by saying that the government itself should pay the manager. In fact, I do not believe that is appropriate and the Local Government Ordinance itself provides that, where a definite municipality is so declared by the minister and a manager appointed, then the manager is paid from the council funds. I believe that that is appropriate and, accordingly, I move for this provision to be inserted.

Mr ROBERTSON: The government's attitude to this in the first instance is that the person who is appointed as a manager would be drawn from specialists in the area of local government and would be a public servant. I would like to pose to the Leader of the Opposition the proposition that the most likely cause of a necessary dissolution would be for severe financial difficulties, complete collapse of fiscal control and, in fact, the council could be well and truly broke. The reference to ordinary councils or municipalities is valid; it is in the present legislation. The fact of the matter is that they have constant income from rates, garbage services and so on. It is not anticipated that community government councils, in many instances, will have regular income; it will be straight subventions from government. It is not anticipated, as a general rule, that they will raise revenue by rates. It is not a back street method of taxing them. I would like to know how we pay this person; if we enshrine him, he must be paid by the community government council.

Mr ISAACS: The minister's argument is very compelling and I agree with his reasons.

Amendment negatived.

Proposed section 477, as amended, agreed to.

New proposed section 477A:

Mr ISAACS: I move amendment 34.16.

This inserts a new section 477A. When you dissolve a council, presumably you dissolve everything that goes with it. That means the employees of that council are not employed by anybody and you have to do something about those people. It is appropriate that something be done and the Local Government Act does account for this in a rather roundabout way. Proposed new section 477A makes the point that the officers of the community government council referred to cease to hold office when a manager is appointed unless specifically retained by the manager. Quite obviously, in the case of the matter referred to by the minister, I suppose that if it is a matter of defalcation or some financial incompetence or whatever, then presumably there is somebody responsible. A manager will be able to come in and reappoint or retain the services of those people he wishes and, quite obviously, he will not be retaining the services of the person responsible for the defalcation. It does seem to be a roundabout way of putting it but, nonetheless, it is appropriate. It is certainly the way it is covered in the Local Government Act. The other part of it is that the members of the council are deemed to vacate their respective offices and, if you are dissolving the council, presumably you are doing away with the members of the council. That is the whole purpose of it.

Mr ROBERTSON: The government fully supports the amendment.

Amendment agreed to.

Proposed sections 478 to 484 agreed to.

Schedule, as amended, agreed to.

Clause 7 agreed to.

Title agreed to.

In Assembly:

Bill reported.

Mr ROBERTSON: I move that the bill be recommitted for consideration in committee of the first schedule.

Motion agreed to.

In committee:

Proposed section 427A:

Mr ISAACS: I invite defeat of 427A.

Proposed section 427A negatived.

New proposed sections 427A and 427B:

Mr ISAACS: I move amendment 34.1.

This will insert new proposed sections 427A and 427B.

New proposed sections agreed to.

Proposed section 464A:

Mr ROBERTSON: I move a formal amendment to 464A that after the word "auditor" insert "of that fact".

Amendment agreed to.

Proposed section 464A, as amended, agreed to.

Bill reported; report adopted.

Bill read a third time.

ASSOCIATIONS INCORPORATION BILL
(Serial 158)

Continued from 20 September 1978

Mr ISAACS (Opposition Leader): The Associations Incorporation Bill is part and parcel of the previous bill which we have just passed and allows Aboriginal communities to incorporate as trading associations. The provisions are very similar, if not almost exactly the same, as those of the federal Aboriginal Councils and Associations Act. The Aboriginal Associations and Councils Act is divided into 2 parts, one dealing with community councils, the equivalent of the Local Government Bill, and the other with trading corporations, the equivalent of this bill. Comments in relation to it are probably precisely the same as those which relate to the Local Government Bill.

It is important that consultations be held, not only with the Aboriginal communities to advise them of this new piece of legislation, but also with the Australian government to ensure that duplication does not occur. It is most important that Aboriginal communities not be used as pawns in some kind of battle between the Australian government and the Northern Territory government. If one believes the statements from the Chief Minister and the Minister for Aboriginal Affairs, it is quite clear that, over a period of time, these sorts of powers and functions will be transferred to the Northern Territory government. That being so, they ought to be done in an orderly manner and in a manner which is amenable to both sides.

The Associations and Incorporations Bill picks up the other half of the provisions relating to the Aboriginal Associations and Councils Act. The opposition does not have the same sort of detailed amendments which we had to the Local Government Bill because this bill reflects pretty accurately the provisions provided by the federal act.

Mr BALLANTYNE (Nhulunbuy): This new bill gives wider scope to the present legislation and it more or less caters for organisations such as sporting bodies, youth clubs and so on. Many of these non-profit-making organisations have certain financial problems. They do not have much power to borrow money because you must have certain collateral to be able to borrow money. Of course, they can be sued by other organisations or outside agencies, they themselves can sue and they must have the public officer to act on their behalf. The main requirement is that they must present an audited account of their financial income and expenditure statement each financial year, and also changes to their constitution.

Clause 4 introduces a new definition of a "trading association". Subclause 4(e) spells out the definition. A trading association basically is formed for the purpose of trading and securing pecuniary profit to its members. This gives more scope and will allow for smaller communities such as

Aboriginal groups, or other ethnic groups for that matter, to become incorporated, to carry on commercial functions or businesses. I believe Aboriginal communities would welcome something like this because many of them are not incorporated. Some are incorporated under the Associations Incorporation Act. Their objects are limited mainly to community development and to local works, but they are being funded through the Aboriginal Affairs Department.

I can envisage outstation groups welcoming this to set up their own type of commercial enterprise. In those outstations, there are provision stores which they have built up themselves. They also have a fairly big artefact output these days. Many are going back to their traditional ways and are producing many artefacts; they are using these to support themselves. There is quite a big market for artefacts. If they could be trained in bookkeeping and business management, it would be beneficial to them.

Clause 25N allows for the trading association to raise and borrow money. It cannot have this facility under the principal ordinance, because it is a non-profit-making organisation. This could help the small associations to extend their objects. They will draw up their constitution on how to run their community and these can be incorporated in it. All the financial management criteria are laid down in the clause 25AF. The corporation will be subject to an audit which is only proper.

This bill is a new concept and it is long overdue. I am sure that it will be welcomed by the Aboriginal people. It could help them to create jobs within their own small units. I only hope that we can assist them by training them to take on new enterprises when they become incorporated under this new act. I would like to suggest that that program be set up as soon as possible so that some of the people could be trained in business principles. I commend the bill.

Mr EVERINGHAM (Chief Minister): Briefly, I believe that this legislation will enable the legitimisation of situations that are presently being carried on defacto. Aboriginal bodies incorporated under the Associations Incorporation Act, which presently caters really only for charitable organisations, will be able to carry on their business legitimately. I might mention that the working party between Commonwealth and Northern Territory officials that was referred to yesterday is being established. There certainly will be no imposition of this legislation on Aboriginal bodies; they can take it or leave it.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr EVERINGHAM: I move amendment 10.1.

This amendment should be read in conjunction with a number of following amendments the purpose of which is to extend control by Territory and Commonwealth governments over assets acquired by ordinary incorporated associations by the use of grants from those governments. The restriction on dealings without the consent of the minister has been introduced after consultation with the Minister for Aboriginal Affairs.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clauses 5 to 7 agreed to.

New clauses 7A and 7B:

Mr EVERINGHAM: I move amendment 10.2.

This inserts 2 new clauses 7A and 7B to restrict dealings with prescribed property by ordinary incorporated associations, to validate the widespread practice whereby the abbreviation "inc" is used by associations instead of the technically correct "incorporated" in full and to restrict dealings with prescribed property as the Special Purposes Leases Act already requires consent for special purposes leases so consent will not be required.

New clauses 7A and 7B agreed to.

Clauses 8 and 9 agreed to.

New clause 9A, 9B and 9C:

Mr EVERINGHAM: I move amendment 10.3.

The purpose of this amendment is to provide for the disposal of prescribed property on the winding up of an association.

New clauses 9A, 9B and 9C agreed to.

Clause 10:

Mr EVERINGHAM: I move amendments 10.4 to 10.18.

These amendments bring the provisions for trading associations in line with those for ordinary associations.

Amendments agreed to.

Clause 10, as amended, agreed to.

Clauses 11 and 12 agreed to.

New clause 13:

Mr EVERINGHAM: I move amendment 10.19.

New clause 13 agreed to.

New schedule:

Mr EVERINGHAM: I move amendment 10.20.

New schedule agreed to.

Title agreed to.

Bill reported; report adopted.

Bill read a third time.

LANDS ACQUISITION BILL
(Serial 145)

Continued from 20 September 1978

Mr EVERINGHAM: I would like to continue the second-reading debate on this important and significant bill by outlining some of the history relating to the bill. Members will be aware that, before July of this year, acquisition of land in the Northern Territory was carried out under the federal Lands Acquisition Act and that the Territory until now had no law aside from that act which enabled it to compulsorily acquire anyone's land. My government was determined, because of the particularly unfortunate history of land acquisition in the Territory, to make sure that the law relating to compulsory acquisition, when it was finally enacted, was a law which enjoyed the support and confidence of the people of the Territory. That is why, when the earlier bill was introduced, members were invited to offer their comments to the government.

Members will be aware that the Commonwealth has, through the Law Reform Commission, recently instituted a far-reaching examination of the Commonwealth land acquisition law and, in addition, that other states, notably New South Wales, have also instituted reviews of land acquisition law which has resulted in a lengthy and voluminous report. With this background, the bill that was introduced to the House earlier this year was prepared. It was thought desirable, at that time, that there be no hiatus in the power of the government to acquire land after self-government. The bill had been prepared quickly and, when it was introduced, my colleague, the Minister for Lands and Housing, indicated that the government proposed to move some significant amendments in committee. The result of the government's examination of that measure was the bill introduced into the House in the last sittings.

All honourable members will agree that the bill was a significant improvement on the previous measure. For example, it made clear that persons affected by a proposal to acquire land must be given full details of the use to which the Territory will put the land once it is acquired. It is the government's view that a person cannot meaningfully assess the effect of the acquisition of his land unless he has this information for himself. The bill also made clear that the use to which the Territory proposes to put the land is a material fact for the consideration of the Lands Acquisition Tribunal when it makes its recommendations on whether the land should be acquired. In addition, certain drafting difficulties which had crept into the former bill were resolved.

I would like to take this opportunity to point out to honourable members that the commissioner in charge of the Commonwealth Law Reform Commission's reference, Mr Murray Wilcox QC, has studied the bill before the House and has written to the government expressing the view that this bill represents the most advanced land acquisition law in the Commonwealth. Indeed, the commissioner goes on to say that the bill is now in excellent shape and provides an excellent model for the Law Reform Commission's efforts. He also says: "I trust that you will not object to a little plagiarism". I assured him that we will not.

However, because of the comments which were raised by the honourable member for Sanderson in the last sittings of the Assembly in relation to this bill and because of the desire of the government, bearing in mind the history of land acquisition in the Darwin area, to make sure that the land acquisition law when finally enacted is a law which has the confidence and support of everyone, discussions have been held with the honourable member for Sanderson and I am pleased to report to this House that substantial agreement has now been reached on all the outstanding points of difference. The amendments which I will now introduce this afternoon have been agreed to by the government precisely for this reason.

The most significant of these amendments are amendments to make clear that the bill only authorises compulsory acquisitions for public purposes. The only outstanding matter which should be explained to honourable members is the question of injurious affection. The government realises that the restriction on claiming injurious affection under the case law are somewhat arbitrary and difficult to justify. The person whose land is actually acquired may not be as injuriously affected as a person none of whose land is acquired but it is only the person whose land is in fact acquired who is able to claim compensation for injurious affection. It is fair to say that, up to the present time, throughout the whole of the Commonwealth, there have been no satisfactory resolutions to this problem suggested. It may even be that the resolution to the problem lies outside the sphere of land acquisition law altogether.

Because the government recognises the inherently arbitrary nature of the solutions which have been so far suggested and because the Commonwealth Law Reform Commission has not yet put forward its recommendations, the government has decided not to legislate on the question of injurious affection for the time being. That is not to say that the government regards the question as insignificant. Far from it. The government is simply waiting for the most expert view to be available before it makes a decision. Naturally, I cannot give an undertaking to the House as to when the report of the Law Reform Commission will be available although Justice Kirby said last night that it could be some time. Honourable members can rest assured that, as soon as it is available, the government will consider the question carefully.

Mrs O'NEIL (Fannie Bay): It is a pleasure to speak on this land acquisition bill on a day when we have Mr Justice Kirby and other members of the Law Reform Commission with us in the Northern Territory. In its final form, it will be a most commendable piece of legislation and will be a fine example for other areas of Australia who no doubt will wish to follow us in this area.

The history of the bill is interesting as the Chief Minister pointed out. In its first form the bill, serial 93, was introduced on 10 May. There was much discussion about it and vast quantities of amendments were introduced at that time. On that occasion and also subsequently when the bill, serial 145, was introduced last September, I think all honourable members would agree that the contribution of the honourable member for Sanderson was most significant in this debate. She is, by profession, a town planner, a member of the Institute of Urban Studies and well versed in this area.

Honourable members will remember that the areas in which she raised questions relating to the bill, serial 145, referred to acquisition for public purposes, the question of disclosure of interest, the question of a need for arguments against the acquisition itself to be heard during the pre-acquisition hearing and also the need for a procedure for the disposal of acquired land. All of those points, I am happy to note, have been taken up by the government and are included in the amendments before us.

There are only 2 other areas that she raised. One is the question of injurious affection which is a complex one, as the Chief Minister pointed out, and we will be happy to see how this problem can be attacked in the future. The other is perhaps a comparatively minor one; the question of a disturbance occurring on or near a hearing. I forget the clause number but perhaps the honourable member for Sanderson will take that up in the committee stage.

The history of this bill is an interesting one and one that we can all learn from. It has taken some time to get to the stage when I hope we will pass it. That has happened because members of the House, and particularly the member for Sanderson, have addressed themselves to it and not seen themselves as having to automatically rubber-stamp legislation or even amendments which are put before us. None of us should take lightly our duty to make laws for

the good government of the people of the Territory. We should not be rubber-stamping legislation which is produced by people who would appear to be experts. We should all apply ourselves to the legislation in detail and, when we do that and take time over it, as we have with this piece of legislation and as we also did today during the Local Government Bill, by our efforts we can produce better legislation in the Northern Territory.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr EVERINGHAM: I move amendment 12.1.

This is a formal amendment.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 12.2.

This definition is being inserted in pursuance of an agreement reached with the honourable member for Sanderson. It defines "public purpose" in the same way as the previous bill.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clauses 5 to 9 agreed to.

Clause 10:

Ms D'ROZARIO: Mr Chairman, clause 10 deals with the removal from office of a member of the tribunal. Although I am not arguing with the provision, I would like to say that in the last and especially in this sittings we have put through several pieces of legislation which deal with analogous provisions. I would just ask the Chief Minister, in the same spirit as he has assured us that there will be uniform provisions for the disclosure of interest, that the provisions for the removal from office of people on statutory bodies and tribunals also be made uniform. There is, for example, in this clause no provision to remove a person from office by reason of misconduct which occurs in several other provisions that we have already passed this sittings.

Mr EVERINGHAM: I would certainly like to see a standardisation of these provisions and will do my best to bring it about. I have asked that these provisions be standardised.

Clause 10 agreed to.

Clause 11 agreed to.

Clause 12 negatived.

New clause 12:

Mr EVERINGHAM: I move amendment 12.4.

This is a new clause which requires members of the tribunal who have a direct or indirect interest in subject matter of proceedings not to take part in the proceedings.

Ms D'ROZARIO: Mr Chairman, this new clause that the Chief Minister has sought to include does take into account the early objections that were raised in the second reading and, in fact, is in line with the amendments that the honourable sponsor of the bill who is not present today sought to include in the old bill, serial 93, and therefore we support it.

New clause 12 agreed to.

Clause 13:

Ms D'ROZARIO: On clause 13, I would just like to hear from the Chief Minister on this particular point because it has caused some difficulty of interpretation. When I raised this matter with the Chief Minister and the draftsmen in our discussions, he did give me an explanation which satisfies me but I would like it to appear in the public record. The question I raised at that time was whether or not the provisions outlined in clause 13 were an exhaustive meaning of the word "interest". The Chief Minister assured me that it related only to interests of members in companies and I would just like him to confirm that for the purpose of the public record.

Mr EVERINGHAM: To be quite frank, Mr Chairman, I cannot remember what I said to the honourable member for Sanderson. I would not deny that I said that, if she says it, but having just had my attention directed to it again, I find it hard to focus on the problem. I wonder if we might deal with the clause since she has no objection to it and I will attempt in the third-reading stage to make some comment on it.

Clause 13 agreed to.

Clauses 14 to 18 agreed to.

Clause 19:

Mr EVERINGHAM: I move amendment 12.5.

This is a formal amendment to omit the explanatory words.

Amendment agreed to.

Clause 19, as amended, agreed to.

Clauses 20 to 22 agreed to.

Clause 23:

Ms D'ROZARIO: I draw the committee's attention to paragraph (c) of this clause which prohibits a person from creating a disturbance or taking part in a disturbance in or near a place where the tribunal is sitting. The difficulty here is that the circumstances which constitute contempt of the tribunal are not clearly defined as being related to the proceedings of the tribunal. It has been put to me that a person creating a disturbance at a place near where the tribunal is sitting, and the disturbance does not at all relate to the proceedings of the tribunal, could be held in contempt by virtue of the operation of this clause. I did raise this during our meetings with the Chief Minister and I was informed at the time that perhaps a qualifying phrase would be put in there to limit the application of this to an actual disturbance of the proceedings of the tribunal but, unfortunately, that amendment has not appeared on the amendment schedule.

Mr EVERINGHAM: It is not considered necessary. The reliance of courts on contempt provisions these days is extremely rare but there must still be provision available for what virtually amounts to enabling a court to continue its proceedings in an orderly fashion. It may be that a disturbance is not directed at stopping the proceedings of the court but, nevertheless, has the effect of doing so. In those circumstances, if persons who are creating a disturbance consistently refuse to desist, it may be necessary for the tribunal to deal with them as being in contempt of the tribunal.

Clause 23 agreed to.

Clauses 24 to 31 agreed to.

Clause 32:

Mr EVERINGHAM: I move amendment 12.6.

This is an amendment that will ensure that the power of the Territory to resume land is restricted to resumptions for public purposes.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 12.7.

This is a formal amendment.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 12.8.

This is inserted in order to implement the government's policy of not restricting acquisitions by agreement. It was recommended by the Law Reform Commission.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 12.9.

This is a consequential amendment.

Amendment agreed to.

Clause 32, as amended, agreed to.

Clauses 33 to 37 agreed to.

Clause 38:

Mr EVERINGHAM: I move amendment 12.10.

This is a formal amendment.

Ms D'ROZARIO: I would just like to indicate how delighted I am to see this particular paragraph (c) in the bill. It was raised in the earlier discussion of bill serial 93, that there should be an exchange of reports and documents between parties to a hearing. That was the intention of the Law Reform Commission's recommendation. I think at the time when I was discussing bill serial 93, I said there is no provision for exchange of reports between parties but only between the inquiring authority and the person giving evidence. I am very pleased to see this particular paragraph in the bill.

Amendment agreed to.

Clause 38, as amended, agreed to.

Clause 39 agreed to.

Clause 40:

Mr EVERINGHAM: Just before I move amendment 12.11, I wonder if I might indicate a formal amendment to delete the words in the first line of 12.11 "and (3)" because it is not intended to delete subclause (3).

Mr CHAIRMAN: The chair accepts that amendment to the amendment.

Mr EVERINGHAM: I move amendment 12.11.

This sets out the power of the tribunal in pre-acquisition hearings. It is in the form recommended by the Law Reform Commission and agreed to, I understand, by the honourable member for Sanderson.

Ms D'ROZARIO: Yes, the Chief Minister is quite right. This is a recommendation made in the letter of 19 September by the Law Reform Commission. The provision, as it now stands, is even more flexible than the very good one that appeared in serial 93 and the opposition supports the insertion of this amendment.

Amendment, as amended, agreed to.

Clause 40, as amended, agreed to.

Clauses 41 and 42 agreed to.

Clause 43:

Mr EVERINGHAM: I move amendment 12.12.

This is necessary to ensure that the Territory may only acquire land by resumption for public purposes.

Amendment agreed to.

Clause 43, as amended, agreed to.

Clauses 44 and 45 agreed to.

Clause 46:

Ms D'ROZARIO: I just wanted to draw the attention of the committee to subclause (2) of clause 46 which makes specific reference to mining interests. I suspect that this one has been included specifically to overcome the sort of fiasco which we have had in the 32-square-mile area where there was no specific reference to mining interests having been acquired and that question is still being examined by lawyers. It is very pleasing to see that this matter has been cleared up in this bill.

Clause 46 agreed to.

Clause 47 agreed to.

Clause 48 negatived.

Mr EVERINGHAM: I move amendment 12.14.

This inserts a new clause 48. This is the clause from the previous bill, serial 93, and has been agreed to by the honourable member for Sanderson.

Ms D'ROZARIO: Yes, Mr Chairman, I did agree to the wording given in the new proposed clause 48 to provide some additional protection to people whose land is acquired for public purposes and subsequently the proposal is abandoned.

New clause 48 agreed to.

Clauses 49 to 54 agreed to.

Clause 55:

Mr EVERINGHAM: I move amendment 12.15.

This is a self-explanatory amendment. A magistrate will not be the authority to whom applications for the issue of a warrant must go, rather than the chairman or deputy chairman.

Ms D'ROZARIO: Mr Chairman, we sought this amendment to protect people whose premises were to be occupied by the crown as a result of their having been acquired. It was put by us that a warrant for entry into possession should not be given just on the chairman or deputy chairman's warrant but rather by a court, and the Chief Minister agreed to substitute the warrant of a magistrate rather than the chairman or deputy chairman.

Amendment agreed to.

Clause 55, as amended, agreed to.

Clauses 56 to 58 agreed to.

Clause 59:

Mr EVERINGHAM: I move amendment 12.16.

This is for the removal of explanatory matter.

Amendment agreed to.

Clause 59, as amended, agreed to.

Clause 60 agreed to.

Clause 61:

Mr EVERINGHAM: I move amendment 12.17.

This again omits explanatory matter.

Amendment agreed to.

Clause 61, as amended, agreed to.

Clauses 62 and 63 agreed to.

Clause 64:

Mr EVERINGHAM: I move amendment 1.1.

This inserts an interest provision.

Amendment agreed to.

Clause 64, as amended, agreed to.

Clause 65:

Mr EVERINGHAM: I move amendment 1.2.

This is a formal amendment.

Amendment agreed to.

Clause 65, as amended, agreed to.

Clause 66 negatived.

New clause 66:

Mr EVERINGHAM: I move amendment 12.19.

This inserts a new clause 66.

New clause 66 agreed to.

Clauses 67 to 78 agreed to.

Clause 79:

Mr EVERINGHAM: I move amendment 12.20.

This again is a formal amendment to delete "proposal" and insert "proceedings".

Amendment agreed to.

Clause 79, as amended, agreed to.

Clauses 80 to 83 agreed to.

Clause 84 negatived.

New clause 84:

Mr EVERINGHAM: I move amendment 12.22.

This inserts a new clause 84.

New clause 84 agreed to.

Clauses 85 and 86 agreed to.

Clause 87:

Mr EVERINGHAM: I move amendment 12.23.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 12.24.

This deletes from subclause (3) of clause 87 the words "(which relates to the Tribunal's powers to award costs)". It seems to confer more general power in the Supreme Court.

Amendment agreed to.

Clause 87, as amended, agreed to.

Clauses 88 to 94 agreed to.

Clause 95:

Mr EVERINGHAM: I move amendment 12.25.

This omits from subclause (2)(b) the word "prescribed" and substitutes "prescribing". It is a formal drafting amendment.

Amendment agreed to.

Clause 95, as amended, agreed to.

Schedule 1:

Mr EVERINGHAM: I was just going to give the honourable member for Sanderson the explanation in relation to clause 13. It is inclusive, not exclusive, and it is there to make sure that people who have interests through companies are caught by clause 19.

Schedule 1 agreed to.

Schedule 2 agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

STATUS OF CHILDREN BILL
(Serial 170)

Continued from 23 November 1978

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr EVERINGHAM: I move amendment 9.1.

The amendment to the definition of "marriage" is to bring this bill into line with other legislation on tribal marriages. This definition is to be adopted in all future legislation on tribal marriages.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 9.2.

The addition of the definition of "district registrar" is necessary to complement the changes which will follow clause 10.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4:

Mr ISAACS: I again ask the Chief Minister, in relation to clause 4(1), whether or not the words "of consanguinity and affinity" should be inserted after "relationship". As I pointed out in the second-reading speech, that is a proviso in both the South Australian and the New South Wales legislation and I understand elsewhere. It does leave it up in the air just what sort of relationships we are talking about. I listened to his explanation in his second-reading speech and frankly I just do not think it was relevant.

Mr EVERINGHAM: I had the matter checked out subsequently to the Leader of the Opposition raising the matter of the interpretation of clause 4(1). He asked whether the words "of consanguinity or affinity" should be added to qualify the words "all other relationships". My reply would be that the addition of those words is unnecessary. The words "all other relationships" can, in the context, only mean legal relationships of consanguinity and affinity. A court would construe them in this way and to add the additional words is unnecessary. Rather than illuminating the legislation, additional words, especially those that add nothing, can possibly confuse the legislation.

Clause 4 agreed to.

Clauses 5 to 9 agreed to.

Clause 10:

Mr EVERINGHAM: I move amendment 9.3.

This omits from subclauses (1), (2) and (3) "Registrar General" and substitutes "District Registrar". These changes are made to give responsibilities under the act to the appropriate person.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 9.4.

This is to substitute "Master" in place of "Registrar". Again, this is to give the responsibility to the appropriate person.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clause 11 agreed to.

Clause 12:

Mr EVERINGHAM: I move amendment 9.5.

I think the reason for this is fairly obvious.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clauses 13 to 16 agreed to.

Clause 17:

Mr ISAACS: In his summing up in the second-reading debate, the Chief Minister said that, in relation to the closed court, the court would be closed unless otherwise ordered. Perhaps appropriate wording would be "unless the court otherwise determines, proceedings under this act should be held in a room that is not open to the public".

Mr EVERINGHAM: I indicated that I would agree to such an amendment. I am sorry that I do not seem to have had it prepared but I would suggest that the wording in clause 17(1) could be replaced by "unless the court otherwise orders, the hearing of an application under this act shall be in closed court".

Amendment agreed to.

Clause 17, as amended, agreed to.

Clauses 18 and 19 agreed to.

New clause 19A:

Mr EVERINGHAM: I move amendment 9.6.

This inserts a new clause 19A to change the definition of "near relative" in the old Children's Protection Act.

Amendment agreed to.

Schedule:

Mr EVERINGHAM: I move amendment 9.7.

This is merely a terminological change.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 9.8.

This is to omit references to illegitimacy in line with the other changes implemented by this schedule.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 9.9.

This is merely to insert a word that was left out.

Amendment agreed to.

Schedule, as amended, agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

SUMMARY OFFENCES BILL
(Serial 162)

Continued from 19 September 1978

Mr ISAACS (Opposition Leader): Mr Speaker, the purpose of this bill is to complete the other half of the exercise in relation to police and police offences, and this is the matter of police offences. I believe it is a great shame that the particular bill was not redrafted to become the new Summary Offences Act in toto rather than have to take the Police and Police Offences Act, rip the part of it out which related to police administration, as per the Police Administration Bill, and be left with a still very messy document of which only half applies. It seems most unfortunate. One of the circumstances involved in this was the fact that the Police and Police Offences Act has only recently been consolidated. It is a great shame that a new act, the Summary Offences Act, and having nothing to do with Police and Police Offences Act, should not have been produced.

Secondly, I have a criticism in relation to the drafting of clause 4(2) which refers to section 3 of the Police Administration Act as part of the savings provisions of this act. I believe that, if we are to put savings provisions into an act, we ought to provide them in the body of the act and not have to refer to some other piece of legislation. I believe it to be bad drafting.

The third matter, which really is the only substantial change which has been made to the police offences part of the Police and Police Offences Act, relates to clause 3. Section 47 of the old Police and Police Offences Act has been amended by adding 2 new offences: unreasonably causing substantial annoyance to another person or people unreasonably disrupting the privacy of another person shall be guilty of an offence. In my view, that is a totally unnecessary addition. I was interested to hear from the Chief Minister in his second-reading speech that "it is becoming increasingly evident that certain sections of the community are getting away with social conduct of an unreasonable nature without any adverse consequence". I am just wondering to whom it is becoming evident - certainly not to myself. I have not heard the newspapers going beserk about it. I have not even heard any honourable members in adjournment debates or otherwise going beserk about it. I did hear a comment of the Minister for Lands and Housing as an aside in a committee meeting. It was when Mr Justice Kirby was here with the Law Reform Commission and it drew a few blank looks from people. I just wonder to whom the Chief Minister is referring. Indeed, I wonder if new subclauses (e) and (f) add anything at all.

Subclause (a) states: "of any riotous, offensive, disorderly or indecent behaviour, or of fighting or using obscene language in or within the hearing or view of any person in any road, street, thoroughfare or public place". I would have thought that offensive, disorderly or indecent behaviour would certainly have covered (e) and also (f). I do not think the 2 subclauses add anything. It seems to me that the government is seeking to penalise the people who, for want of a better word, live in the parks or are supposed vagrants under the old provisions. I think the government is going about the matter wrongly. I do not believe that vagrancy ought to be reinserted as an offence and that is the only interpretation I can place on the addition of those 2 subclauses. As the Chief Minister said in relation to the last piece of legislation, adding words which do not add anything really only stands to confuse. I do not believe (e) and (f) are warranted. I do not believe there has been the sort of consternation referred to in the Chief Minister's second-reading speech. I do not believe that members of this Assembly have had their attention drawn to a particular problem of certain members of the community. If members have been alerted to it, they should have voiced that concern in the Legislative Assembly.

The opposition has already welcomed the decision by government to divide the Police and Police Offences Act into those 2 parts. However, it is a shame that the new Summary Offences Act could not have been a new act in its own right with the various provisions specified in the various clauses which were not omitted from the Police and Police Offences Act incorporated. The savings provision could have then been included in that one piece of legislation. The opposition supports the bill with an amendment in relation to clause 3. We would seek to defeat clause 3.

Mrs LAWRIE (Nightcliff): Mr Speaker, there were rumours abroad that the concept of vagrancy was about to be reintroduced into the Northern Territory and that is something against which I would fight most strongly. I was the person responsible for removing provisions relating to vagrancy in the Northern Territory and I am very proud of that. It has come to my notice that certain people have behaved in a most offensive manner in public places in Darwin and the people so offended have contacted, in some cases, the police and they have been told it is all Dawn Lawrie's fault because she removed the provision which would have allowed them to interfere. Of course, that is so much rot, Mr Speaker. The law relating to vagrancy made it a crime to be poor. The bill which removed that iniquitous piece of legislation received the full support of the then leader of the Country Liberal Party Dr Goff Letts who, by way of interjection, said "horse and buggy legislation". I reiterate that now because it is worthy of comment still: the law against vagrancy was a law against the poor.

Having said that, I have always been of the opinion that people shall not behave in a riotous, offensive, disorderly or indecent way in a public road, street or thoroughfare and these provisions are most necessary. When we deal with the section 47(e) which creates an offence of unreasonably causing substantial annoyance to another person, the sponsor of the bill might be making a law which could be used in a mischievous way. I agree with the Leader of the Opposition that any such offence which is of a substantial nature would surely be covered under 47(a). I often cause substantial annoyance to the honourable the Chief Minister but it should not attract the attention of the law to the same extent as offensive behaviour. However, I have no quarrel with subclause (f) relating to unreasonable disruption of the privacy of another person.

I also believe that we ought to look forward to a consolidation of the Summary Offences Act which is part of the old Police and Police Offences Ordinance. This affects the lives of citizens quite dramatically. It is the legislation, other than the Traffic Act and the Motor Vehicles Act, that most governs the day-to-day living of citizens of the Northern Territory. The sooner that it is reprinted and becomes freely available, the better for all of us. I know the Chief Minister has supported comments that I have made in this place regarding the speedy revision and reprinting of laws and making them available to the public.

I support the bill. I think that subclause (e) will be a headache for the court and could perhaps be done without.

Mr EVERINGHAM (Chief Minister): As I said in my second-reading speech, the interpretation of these new provisions will be a matter for the court. I will closely watch developments there and, depending on the results, I will consider whether further legislative action is necessary.

For the honourable the Leader of the Opposition to suggest that this is reintroducing the vagrancy laws is really a misrepresentation. Vagrancy laws had their origin at the time of the reformation when Henry VIII had thousands of defrocked monks and nuns roaming the country. They had no shelter, food or clothing and he had to get them out of the public eye somehow so he introduced

vagrancy laws about not having manifest means of support. This is nothing like that.

I will give you some examples of the possible offences that might be encompassed by (e): "accosting and abusing a person in a public street" - we all agree that you ought to be able to walk the streets without being pulled up and abused. There is also the matter of hoax telephone calls or throwing rubbish onto someone else's land with the intention of deliberately annoying them. These sorts of things are springing up in today's society. Even though they get so many complaints, the police are totally frustrated about doing anything about it. Examples of (f) might be: entering a house without an invitation such as gate-crashing a party; continually pestering a person to buy goods on private property; or creating excessive noise late at night such as prevents people sleeping next door. If those are sinister reasons, I am a Dutchman. We will look at these and see how they operate. To try to cover these situations, one has to be innovative at times and one has always to be ready to change if change is needed.

There was one other point made by the Leader of the Opposition. He asked why the Police Offences Act and the Summary Offences Act were not consolidated. The reason is that we are presently working on a possible codification of the criminal law. It would be premature at this stage to spend time consolidating these 2 provisions. The consultant that we have working on the code is in Darwin at the moment working with officials from the Department of Law. When it is known what is to be done in relation to the vast body of the criminal law then we will look at the possibility of consolidating these 2 pieces of legislation.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

PUBLIC SERVICE BILL
(Serial 171)

Continued from 20 September 1978

Mr ISAACS (Opposition Leader): Mr Speaker, the opposition supports this piece of legislation. It is consequent upon the Police Administration Bill, the Liquor Bill and the Lottery and Gaming Bill. I notice an amendment which has been circulated by the Chief Minister in relation to clause 5 which makes it clear that a person who resigns as a member of the police force resigns automatically from the public service. Indeed, if his services are terminated for whatever reason other than if he is retired under section 24, his services with the public service are automatically terminated as well.

It does raise the question that the Chief Minister mentioned in relation to the Police Administration Bill. We referred to the relationship between the police force and the public service. The government has made a decision that, because the police force is so small, when a person does retire through injury or illness, it is impractical to automatically terminate that person from the service altogether because of the cost. The exhaustive treatment which the Chief Minister announced in relation to this - they would try to get work within the force or work at an equivalent salary rate within the public service and only after failing in this be superannuated out - is a satisfactory and practical solution to the problem. The police do have a certain feeling about the public service which is, to some extent, historical. Also, they look to police forces elsewhere and find that all police forces in Australia are distinct from the public service. However, they do realise that, because the force is small, it would be a very expensive proposition if every policeman who retired from the force had to be superannuated out. The opposition supports the bill.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 4 agreed to.

Clause 5 negatived.

New clause 5:

Mr EVERINGHAM (Chief Minister): I move amendment 22.2.

New clause 5 agreed to.

Bill reported; report adopted.

Bill read a third time.

MINING BILL
(Serial 176)

Mr COLLINS (Arnhem): Mr Speaker, this bill recognises in Northern Territory law the federal government's executive responsibility over uranium mining in the Territory. The Northern Territory (Self-Government) Act gives the Northern Territory government control of all mining operations within the Northern Territory with the exception of uranium mining and other prescribed substances. Clause 3 proscribes the powers of the Northern Territory Minister for Mines, a very wise piece of legislation. It simply makes clear the relationship which will exist between the Northern Territory government and the federal government in respect of uranium mining. The opposition supports the bill.

Mr TUXWORTH (Mines and Energy): There are some extensive amendments to this bill. The bill had to be drawn up in concert with the federal government and the proposals that we had originally put forward were not approved by the federal government. They have suggested the proposals we have before us today.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

New clause 2A:

Mr TUXWORTH: I move amendment 29.1.

The purpose of this clause is to ensure that the Mining Act validly applies to prescribed substances and to specifically include prescribed substances within the definition of "minerals" as defined in the act.

New clause 2A inserted.

Clause 3 negatived.

New clause 3:

Mr TUXWORTH: I move amendment 29.2.

New clause 3 agreed to.

New clauses 3A to 3F:

Mr TUXWORTH: I move amendment 29.3.

The purpose of these clauses is to enable the fixing of the type and rate of royalty to be applied to mining of prescribed substances to be determined by the Commonwealth and to ensure that the royalty in respect of prescribed substances is approved by the Commonwealth minister and is payable to the Commonwealth. The overall effect of the amendments will be that prescribed substances will be excluded from existing royalty rates as provided for in the act and will leave the determination of the rates to be applied to be determined at the time of the granting of each individual lease.

New clauses 3A to 3F agreed to.

Clause 4 agreed to.

New clauses 5 and 6:

Mr TUXWORTH: I move amendment 29.4.

The purpose of these clauses is to substantiate ownership of uranium in the right of the Commonwealth and the right of the Territory or the Commonwealth to seize any prescribed substances obtained from any mine on which royalty payments remain outstanding. They also provide for the Commonwealth to take action, irrespective of whether such minerals have been seized, to sue any mining lessee for the recovery of any outstanding royalties due.

New clauses 5 and 6 agreed to.

Bill passed remaining stages without debate.

TABLED PAPER
Eighth report of subordinate Legislation and Tabled Papers Committee

Mr OLIVER (Alice Springs): I present the Eighth Report of the Subordinate Legislation and Tabled Papers Committee. I move that the statement be noted and seek leave to continue my remarks at a later date.

Leave granted.

STAMP DUTY BILL
(Serial 215)

Continued from 28 November 1978

Mr ISAACS (Opposition Leader): This is an amendment to the Stamp Duty Act to validate transactions taken. It is not imposing any new duty.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 3 agreed to.

Progress reported.

TAXATION ADMINISTRATION BILL
(Serial 216)

Continued from 28 November 1978

Mr ISAACS (Opposition Leader): This is a similar matter to the previous bill. It is to ensure that, when the banker pays the tax payable, it is not payable again by the drawer. The opposition supports the bill.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

MINING BILL
(Serial 233)

Continued from 29 November 1978

Mr COLLINS (Arnhem): Mr Speaker, the opposition cannot support this bill and the reason is very simple. It is quite true that the honourable Minister for Mines and Energy did discuss the outline of this bill with me after the conclusion of last week's sittings. The problem is that, although the bill appears to be simple, I did ask the honourable Minister for Mines and Energy just how wide the impact of the bill was and how many companies it touched upon. His reply to that question was "a large number". The opposition's problem with the bill is that it does not have any idea - and certainly we have not had time to research the matter - just how many companies are involved, the kinds of leases that are involved, the extent of the leases involved and the reasons in all cases why they want these leases extended.

We certainly did object to the suspension of Standing Orders for this bill to be put through at such short notice. I say again that the opposition does oppose the bill, the reason being that we do not have the slightest idea of the extent of the impact that this bill will have on the Territory.

Ms D'ROZARIO (Sanderson): Mr Speaker, I would like to briefly endorse the remarks that have just been made by the honourable member for Arnhem.

It is a simple bill that the Minister for Mines and Energy has presented to us. It purports merely to extend the period of an exploration licence from 5 years to 6 years and, on the face of it, we are being asked to deal with what might be considered to be an insignificant matter. However, there are a few points I would like to touch upon.

The first is that certainly in the area where I reside, which is represented by the honourable member for Tiwi - and I am sure that, if she were here, she would like to say something about it - the question of giving of exploration licences has caused a great deal of concern among the residents of that area. The reason is simply that, since the time when these exploration licences were first given, the population in that area has increased quite significantly. It is true to say that, over the last 4 years, there has certainly been an influx of people into the more settled parts of the electorate of Tiwi. It is also true to say that when the exploration licences were first given perhaps there was not that much concern about it, probably because the area was not that much settled and also because of the difficulty of tracing the type of licences that were given and the manner for notifying these. I said before to the Minister for Mines and Energy that the method of notification is very difficult to follow as far as the ordinary lay person is concerned.

I get a number of representations on mining matters from electors in the district of Tiwi for no particular reason, I suspect, but simply because I live

there and because I have done quite extensive work on land capability in that area. I would say that certainly this year a great deal of concern has been expressed about one company at least that the Minister for Mines and Energy would know about. That debate has become very public and indeed the company, Urangesellschaft, took out 2 full-page advertisements trying to explain its position. Nevertheless, the Minister for Mines and Energy would know that there was a great deal of opposition to the exploration licence proposed to be given to that company.

The same applies to mining leases which have been given some years ago. These leases were given perhaps when the area was not as settled as it is now and it is only recently that the companies to whom the licences were given have sought to exploit those licences. I might say that, in the last 6 months, I have had repeated representations from people living in the larger subdivisions, complaining about the imminent mining of the area. Of course, in some cases, it is too late to do anything to assist them. The fact is usually that the mining licence has been given and the person is quite entitled to take the substance in respect of which he holds the licence.

As I say, we are being asked to extend the time and this is a matter that many residents now look upon as an area in which they can have some input. As I mentioned, when I have explained to the people concerned the situation of the granting of some of these exploration licences and mining leases, I have taken the trouble to find out the tenure of some of these things and I say to people, "You have an opportunity to appear before the warden's court and state your views when it is advertised or announced that the application comes up for renewal". Many people look forward to the expiration of the exploration licences simply so that, if the company were to apply again to have it renewed, they could then state their views. I think this is a perfectly reasonable method of going about it. These people are not saying that the company has no right to take advantage of its licence but, in many cases, we all know that the licence is not being used for the purpose given. That is to say that, in some cases, no exploration has taken place and, at the end of the 5-year period, it lapses unless the company makes a further application. These people who have made representations are often informed that they have the course of making their representations upon the intention to renew the licence. We are now saying, without any indication that the public has been informed and without any publicity being given to this legislative proposal, that we will extend the term of the licence.

For exactly the same reasons that the honourable member for Arnhem has outlined and the situation that I know to exist in the electorate of Tiwi, I must oppose this bill. I would feel much happier about it if it were held over to enable people who have expressed concern in the past to have some input into this particular bill. I also agree with the member for Arnhem that we have had no indication as to the land affected. I know for a fact that there are large tracts of land affected in the districts of Tiwi and Victoria River and anybody who cares to go down to the Howard Springs supermarket and look at the notice board, as I am sure the member for Port Darwin might do from time to time, will see the extent of lands affected. I regret that the honourable member for Tiwi is not here to perhaps make some representation on behalf of her electors but, certainly on the grounds of those people who have approached me, I want to put these points of view and I thoroughly oppose the passage of this bill at this sittings.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I have taken the points of both members opposite and it would seem that they have not quite grasped the contents of the second-reading speech or in fact the intent of the bill. For that reason, I will touch on the points they have raised and take a little time to explain it to them in more detail so that they can grapple with it.

The honourable member for Arnhem asked what areas does it cover and what types of tenements, leases etc. This particular bill will have no bearing on anything except an exploration licence and on an exploration licence that has been issued and is in need of extension from 5 years to 6 years.

Mr Collins: How many are there? What area of land is involved?

Mr TUXWORTH: Just be patient. I will go through it slowly so that you get it all. The honourable member has asked how many companies are involved. At this stage, we have 3 companies who have between them spent over $2.5m on their exploration licences. Their licences were granted nearly 5 years ago or just over 5 years ago in one case. At the end of the 5-year period, the companies have 2 choices under the law. The first choice is to up the exploration licence area and forfeit any rights to claim a further exploration licence over that area for a further 12 months. It must lay fallow or must not be available to that company for 12 months. The second alternative available to the company is that they can take out mining leases as of right over the area.

None of the 3 companies involved are in the Top End at this stage. I do not know of any in the Top End; the 3 are in the Centre. The companies have in their fifth year established areas of mineral significance that they wish to do more work on and they are seeking another 12 months to do their homework before they take out their leases. They have a choice of running across an area of perhaps 250 square miles and taking out thousands of 80-acre mineral claims or mining leases of 40 acres - a gold mining lease is of 40 acres - or not having any tenure at all. So far as the administration of land is concerned, both those practices are not acceptable. They are not desirable and are not to be encouraged by government, and I know that private enterprise does not want to be in it. Private enterprise is keen to have title over the land that it has spent its money on; no one would deny it that. The important thing is that, if they get the title to mine over land, they get title that has a relevance to what they are doing.

To overcome the loophole in the law by saying to a company "Take out 2,000 80-acre mineral claims or mineral leases", is just to my mind mad. I would like to put it to members of this House that we are in a much better position saying to the company, "Have another 12 months to do your final homework; define what you really want to do and then come back to us at the end of the sixth year and take out your mineral leases". Let them take out leases that they want and not leases they have been forced to take out, hundreds of which they may not need, simply to procure the land over which they have been working.

The other alternative of saying to the company, "You have spent your money on your area and you found something in the fifth year; you can bark at the moon for another 12 months until the area becomes available for you to apply again" is not a terribly satisfactory method for government to operate. It reflects a lack of integrity and a lack of morality. If we say to a company, "We will give you an exploration licence. Upon your doing a work program and spending money under the terms of that licence, we will give you a lease", then I feel we have an obligation to honour that contract. The loophole that has come up is one that was not foreseen in the days of drafting the bill and it is now presenting difficult administrative problems. In the event of a company finding something of significance in its fifth year, it has no security, it has no tenure at all, over what it has done. It is this particular position that we are trying to resolve.

The honourable member asked "What is the overall impact throughout the Northern Territory?" I would like to put it to him that the impact would be one of great confidence in the investing companies who would know that their efforts and expenditure were not in vain, by virtue of a loophole in the law.

The honourable member for Sanderson dragged into the debate the issue of exploration licences in the rural area which I believe is not relevant to this particular exercise because the exploration licences that the honourable member is referring to are licences in their first stage of application - exploration licences that at this stage have not got off the ground because they cannot overcome the initial problems of objection at application time. It has no bearing on the situation where the exploration licence has been in existence for 4 to 5 years and the investing company is now seeking security for what it is doing. I believe the issue of Urangesellschaft's operation is just thrown up by the honourable member to cloud the issue and does not have any bearing on this at all.

The honourable member also commented on imminent mining and mining licences being issued. I do not know of any imminent mining or mining licences that have been issued in the area as a result of exploration licences having been issued. In fact, I think it is most unlikely that that will happen. The honourable member said that people watch the papers so they can see by the advertisements for applications when the exploration licences have expired and they can object before the company takes them out again. The fact is that, once an exploration licence has expired, the company has to wait 12 months before it can lodge an application again.

The land affected in the Northern Territory at this stage would be in the vicinity of 750 square miles, an area over which we would be morally obliged to grant 80-acre leases in the thousands to overcome the problem. I would like to put it to honourable members that that is not a terribly satisfactory way to get out of this bind and I am putting it to members that they support the bill at this sittings.

Motion agreed to; bill read a second time.

In committee:

Clause 1 agreed to.

Clause 2 agreed to.

Clause 3:

Mrs LAWRIE: Mr Chairman, I did not speak in the second reading because I knew what was going to be said by members opposite and on this side of the House and I was awaiting the explanation of the minister. Might I say that his explanation lacked logic. The honourable minister said that it is unreasonable for people in the fifth year of their exploration licence to have to forfeit what good may be about to accrue to them and the only recourse open to them then would be to take out many of these mining leases. That of course is quite right but, if we extend them to 6 years, then they will have the same problem in the sixth year. If we extend it to 7 years, the same problem occurs in the seventh year. There comes a time when the mining company has to make up its mind whether it is going to take out the leases or whether it is going to forfeit the right that it has. To simply say that it is causing hardship in the fifth year, therefore we will extend it to 6, seems to me to be illogical because what happens in the sixth year? I would ask the honourable minister what is so magical about the fifth year at the present time? Is there some special reason why these 3 companies to which he has alluded need an extension of a year? What will be the difference in the situation in a year's time? Why will they then not be seeking a seventh year?

Mr COLLINS: Mr Chairman, I would like to ask the honourable Minister for Mines and Energy the same question. The honourable minister started off by saying that he was going to calmly and patiently tell us from his Olympian

heights of knowledge how ignorant and stupid we were. He then provided one of the most stupid and illogical replies I have ever heard. I do not suppose there are too many afficionados of Hansard but the ones that are would be interested to read the minister's reply to the questions I asked because everything the minister said was totally illogical and made no sense whatever. I ask the same question.

The minister put a very good case for wanting to extend exploration licences in the fifth year because of all the money that had been spent. To continue the argument, no doubt, we should be looking forward to having another bill introduced next year, because they have found something interesting - after all the money they have spent - at the end of the sixth year. The same argument could be applied to extend it to 8. In fact, if you want to extend the argument of the honourable minister there is no reason at all why exploration licences should not be made indefinite by a bill, instead of only 12 months, because that is precisely the argument the honourable minister put.

In answer to my question about what area of land was involved - that was a perfectly proper question - the honourable minister replied that it was not a question of land at all; it was a question of exploration licences. Hansard will show that was his reply. My response to that is very simple. Exploration licences involve land and the question again is how much land is involved? Certainly there may be these 3 particular companies that the honourable minister mentioned, but I would be most surprised if there are not a great many other exploration licences that are also automatically extended by this same provision. I would like the honourable minister to inform me exactly how many companies there are whose operations are going to be influenced by this extension of 12 months and what area of land is involved in the exploration licences that all of those companies hold in the Northern Territory.

Mr TUXWORTH: Mr Chairman, in answering the questions of both honourable members, could I just say that there was one thing that I left out of my previous explanation that may be of interest to them. They would be aware that, when a company takes out an exploration licence, it takes out a 1,000 or 1,500 square miles, and it is required to reduce that area by 50% every year. The companies concerned have reduced to an area of about 250 square miles and they are at the stage of having to take leases or shed altogether.

The whole point of this exercise is that they have proven their areas and have found their interesting occurrences in the last 12 months. Honourable members would also be aware that every company that has an exploration licence is required to put in a report of its activity every 12 months to the Mines Department. Having done this, the companies have justified that they have found, in the last 12 months, something of interest in that particular 250 square-mile area. In their efforts to concentrate on that small area and prove up what is of interest to them, they have the option of taking out many of these leases, at 80 acres a throw, or letting the whole thing go and hoping that nobody takes it from them.

I said in my original remarks that the total area concerned was about 750 square miles. If the honourable member is looking for a definitive answer, I do not have one but it is a large area. The intent does not naturally follow that there will be a seventh and an eighth and a ninth year. It is a ministerial discretion as to whether they get the sixth year. I might also point out that it is not automatic that a company gets 5 years in the first place. The 5 years is related to the workload, the performance and the expenditure proposed by the company at the time they make their application. It could be that, in the case of a small area with a small expenditure and workload, that a company is given 2 years to get itself into gear and do what it wants to do and move out. In the main, companies take the larger area, do their basic geology and mapping, decide what is of interest to them, concentrate on the areas they want and hive off 50% every year.

In this particular instance , I would reject totally the suggestion that a 7 or 8-year licence would follow automatically. Perhaps we have just got to the stage where I am not making myself particularly clear to the honourable members; I am sorry if I am not but I fail to see what they are on about and I regret that I cannot understand their objection.

Mr COLLINS: I would like to explain to the honourable Minister for Mines and Energy what we are on about. What we are on about, and I would like to make it clear again, is not the bill proper. I say it again because we seem to have a considerable amount of difficulty sometimes in getting our point across to the other side of the House. We are objecting to the fact that this bill is being put through the House under a suspension of Standing Orders in a very short space of time. I am very well aware of the fact that it is up to the discretion of the minister what particular period of time within those 5 years is given to a company. What I am saying is this: it is obviously a fairly substantial decision of policy that the discretionary power of the minister will be extended by a year. There is no doubt about that. It has obviously been made to accommodate the wishes of a small number of companies but it is a policy decision that will have far-reaching effects. What I would like to know is this: why has the honourable minister for Mines and Energy, or the government if you like, suddenly found it necessary last week to do it. The honourable minister said that it does not necessarily follow that there is going to be another bill next year and another bill the year after. If you apply the logic of the honourable minister's own argument, it does follow that that is the case. The situation is that it is a policy decision to extend licences now to 6 years. It is a decision of the government. I would like to know why the haste. Why has it never occurred to them before? I say again to the Minister for Mines and Energy - I thought I had made it clear - what we are on about is not the bill itself extending licences to 6 years; it is the fact that we never heard about it until last week and Standing Orders have been suspended to put it through.

Mr TUXWORTH: In answer to the honourable member, could I raise the prospect that, in the event of a company having an exploration licence for 4 years as their initial grant from the Mines Department based on their workload and the money they were going to spend, if that company found something in its fourth year, a fifth year could be granted just like that. In the event of a company putting up a bigger program and a bigger expenditure and taking out a bigger area and then finding something in the fifth year, the honourable member is arguing that it is unreasonable to extend ...

Mr Isaacs: No, it's the suspension of Standing Orders.

Mr Collins: Why don't you answer the question I asked you?

Mr TUXWORTH: Mr Chairman, if I could just go back to the point I made initially, it has come to light in the last couple of months that 3 companies - and they are not major companies by any means - have, by virtue of their licence expiration, found themselves in the situation of having spent millions and having no tenure and have land of interest that they wish to continue to work on. If we are going to be a government and an Assembly of any repute and tell people who have spent millions of dollars on the land which we have contracted to them to explore and then tell them to whistle at the moon, I fail to understand that we can carry on like that in this day and age. Investing public, particularly in the exploration business, are looking for confidence. Confidence comes with secure land tenure; nothing else counts.

Ms D'ROZARIO: Mr Chairman, I find the argument drifting somewhat. The point is that a company that is given an exploration licence will never have what the minister is pleased to call a secure land tenure. It is a temporary tenure, whether they have it for 5 years or 6 years. Unless they have it for

an indefinite period or in perpetuity, companies will never have secure tenure. To say that the companies have expended millions and have now found that the term of their licences has run out, I feel sorry for those companies. I would like to suggest to the minister that the term of the licences was known to the companies and therefore it should be no reflection at all upon the government. After all, the government can do nothing about the passage of time which does tend to march on regardless. The company would know that the exploration licence was about to expire. If the minister wants to give companies, by virtue of the millions they spend on exploration, secure tenure, what we are really talking about here is just academic; we are talking about 5 or 6 years. He should be putting a bill in the House - not that I am suggesting it would be supported - for exploration licences to be given in perpetuity.

Clause 3 agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

CRIMINAL LAW CONSOLIDATION BILL
(Serial 219)

Mr ISAACS (Opposition Leader): Mr Speaker, the opposition is not in a position to comment on this particular piece of legislation. Quite frankly, we just wonder at what the government is doing. The Chief Minister gave us a heart-rending statement this morning as to why Standing Orders had to be suspended to enable Billy Benn to be let out of prison. He knows Standing Orders as well as every other member of this Assembly does. Standing Order 153 states: "The Speaker may, on the application of the Chief Minister, declare a bill to be an urgent bill if he is satisfied that the delay of 1 month provided by Standing Order 151 could result in hardship being caused". Was that the attitude taken by the Chief Minister? No, he suspended Standing Orders. Quite obviously, hardship does not arise. All the magnificent work of the Minister for Community Development in talking about urgency and hardship is completely ruined by his own Chief Minister's actions. If this was an urgent bill, the Chief Minister would have submitted an urgency note to yourself. Instead, the government chose to suspend Standing Orders.

This piece of legislation was introduced yesterday. You would know that, because of the difficulties of yesterday evening in relation to the lights going out and Hansard staff being otherwise engaged - because I understand the electricity did not come on until about 9 or 10 o'clock last night - there has been no Hansard. We have had no opportunity whatsoever to check the details of this particular bill and to make sure that we are not going to be faced with another disaster on our hands in relation to it. The opposition is not in a position to make any comment whatever on this particular piece of legislation.

The Chief Minister made some remarks about the Administrator being able to allow people who have been held at the Governor-General's pleasure to be released from the prison. I notice, for example, that section 381 of the principal act is to be amended to omit "governor's pleasure". I am not quite sure whether it was the governor's pleasure or the Governor-General's pleasure. These are the sort of difficulties which arise when you are given a bill and you have no way of checking what was said. The opposition is not going to make any comments on it and it is not going to vote on it.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

FISHERIES BILL
(Serial 235)

Mr ISAACS: The opposition supports this piece of legislation. As I said this morning, it is a technical matter. The Solicitor-General spoke to me yesterday afternoon and it seems that it is required for specific matters. I believe the Chief Minister referred to prawning activities.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

PUBLIC TRUSTEE BILL
(Serial 232)

Continued from 29 November 1978

Mr ISAACS (Opposition Leader): Mr Speaker, once again we are in a position where we have to take action on a matter which has been outstanding for some time. The reasons given by the Chief Minister certainly appear to warrant action but, having had this piece of legislation dumped on us yesterday, we have not had time to obtain advice on it. Where the government does wish to suspend Standing Orders to pass legislation though in the one sittings, it could at least do us the courtesy of giving us the bill in the first week so that we can study it. Obviously, that was not possible with the Fisheries Bill because the matter only recently came to light. The opposition cooperated and the Solicitor-General took the trouble to talk to me about it.

There are quite a significant number of sections in this particular bill. Certainly, action is required but the opposition just is not in a position, on one day's notice and without a Hansard, to comment on the matter.

Mrs LAWRIE (Nightcliff): Mr Speaker, in defending the suspension of Standing Orders, the honourable sponsor of the bill gave some additional information as to why this bill needs urgency. I just draw to his attention the fact that, when a bill is to go through under suspension of Standing Orders or with a certificate of urgency from the Speaker, the greatest care must be taken to ensure that the second-reading speech is as explanatory as possible. Although a bill may not be available for presentation in the first week because of drafting and/or printing difficulties, the sponsors of bills will know the general content, they will know the reasons for urgency and it would be a matter of courtesy if they or members of their departments could advise members on this side of the House of the likelihood of such bills coming forward and the time scale. That would take care of the difficulty where a bill is not even printed yet the minister responsible knows it is to be presented and its passage sought in one sittings.

I also take this opportunity of reminding the Whip, the Manager of Government Business and the Chief Minister that, when they circulate bills and reports to the Leader of the Opposition some time in advance to cover such circumstances - a practice which we applaud - it is no good giving the Leader of the Opposition 6 copies and think that they have covered all members of the House. I am not a member of the Australian Labor Party and I would appreciate the same courtesy being extended to me.

Mr EVERINGHAM (Chief Minister): Mr Speaker, having been castigated by the Leader of the Opposition and the honourable member for Nightcliff, I would just like to add my six pence worth. Sometimes, I too would like to know in the first week the bills that I have to introduce in the second week. These things come up.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

JUSTICES BILL
(Serial 234)

Continued from 29 November 1978

Mr ISAACS (Opposition Leader): Mr Speaker, we are in the same position in regard to the Justices Bill as we were with the previous one. Again, we can see great merit in the intention of what the Chief Minister is seeking. To take the point of the Member for Nightcliff one step further, may I ask the Chief Minister whether, at times when Standing Orders are going to be suspended for cases such as these - and we recognise that they do crop up but I am not quite sure if they crop up as frequently as the Chief Minister says - he would make available an officer of his department to explain to us just what is being done as indeed he did in relation to the Fisheries Bill.

Mr EVERINGHAM (Chief Minister): Certainly, I will endeavour in future to make an officer of my department available to explain matters that are likely to come forward which may require the suspension of Standing Orders. At the beginning of this sittings, Mr Speaker, I expected to have to pass 3 bills using a suspension of Standing Orders.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

STAMP DUTY
(Serial 215)

In committee:

Clause 4 negatived.

New clause 4:

Mr EVERINGHAM: I move amendment 14.2 to insert a new clause 4.

The original item 12 was designed to prevent double taxation in the circumstance where part of the duty is payable in some other jurisdiction. An unintentional consequence of its wording could be held to be the exemption of Territory based transfers which are made subject to a broker's impressed stamp regarding duty payable affixed according to section 63 of the Taxation Administration Act. In that case, a broker could collect duty from his customer, impress the transfer document with the statutory statement and then hold on to the duty. By removing the reference to the Northern Territory legislation in this exemption, liability of brokers making statements on transfer documents is rendered certain.

New clause 4 agreed to.

Clause 5 agreed to.

Title agreed to.

Bill passed the remaining stages without debate.

REMUNERATION TRIBUNAL REPORT
Pension scheme for members

Continued from 21 November 1978

Mr EVERINGHAM: Mr Speaker, I have only had time to briefly read this report but it seems to be a reasonable one. There are 1 or 2 areas on which I would like to comment. Section 10 of the report relates to the period of service in the Assembly elected in 1974. It says that this service should count in full for determining eligibility for the pension but service for 3 years in the Assembly elected in 1974 should be counted as 1 year and service for 3 years in the present Assembly should be counted as 2 years for the purpose of determining the quantum of pensions. It is my view, and I would like to hear the views of honourable members, that service in the first Assembly and in this Assembly should be counted as 6 years for the purpose of determining the quantum of the pension.

There is one other area: widows' and orphans' pensions. It seems to me that there is a benefit for widows that is not available for widowers. It seems to me that we should perhaps adopt the term "spouse" of a member.

With those qualifications, I would be prepared to look at the report from the point of view of the government's implementing it. I would imagine that legislation will have to be prepared and trustees appointed on this side of the House. I would certainly be prepared to serve as a trustee if that were desired and I am sure that any other minister who was required to would be prepared to do so. Of course, the government would make the Under-treasurer available for service as a trustee as well.

Mrs O'NEIL (Fannie Bay): Mr Speaker, in speaking to this report, I concur with the comments of the Chief Minister. We really have not had time to give the matter sufficient consideration. However, I also picked up the question of service in the present Assembly and in the former Assembly between 1974 and 1977 and I do agree with his remarks in that regard.

Regarding widows' and orphans' pensions, it is true that the recommendation relates to widows but not widowers. The only reason given was that this was the situation in most of the other parliaments in Australia. I do not think that that reason is good enough. It reminds me of the definition of a conservative: someone who never wants to try anything the first time. That might solve the over-population problem but not much else. Obviously, the schemes in other parliaments were drawn up in a period when there were fewer women representing electorates. In the Northern Territory, we have a fairly unique situation in that we have 4 female members. I think we should take note of that and adopt the Chief Minister's suggestion that that recommendation should relate to spouses. It does not, of course, solve the problem of unmarried persons who would be paying 11.5% of their basic salary without any reward to anyone connected to them if they happen to die. Perhaps we can give consideration to that point in the future.

Mr ROBERTSON (Community Development): Mr Speaker, we seem to be speaking with a united voice. I certainly accept the point raised by both the Chief Minister and the Member for Fannie Bay on widows versus widowers.

I would like to comment on what I regard a most extraordinary recommendation in respect of the differential between the 48% and the 36.C%. That seems to me to have about the same logic as to say to the permanent head of the Department of Treasury that, because he started off as a base-grade clerk and had no responsibilities for 10 years, therefore he should receive a lesser percentage of pension. While I recognise that it becomes less significant

with years of service, we could say that a person who was base-grade clerk for 4 years who rises to class 4 or 6 and then dies, obviously has been far more time with little responsibility than the one year he spent with some. It would be equally as logical to say that therefore he should have a percentage of his superannuation deducted. However, this seems devoid of logic to me.

Other than that, I would be inclined to endorse the balance of the recommendations. I do not think that the 11.5% of salary is excessive. In any event, it would be good compulsory saving and I am a very bad voluntary saver. I think that the effort must be made by those members who were here from 1974 to 1977 to pick up the leeway and an undertaking of 3 years to do that is again equitable. In most respects, I think the report is an excellent one.

Mrs LAWRIE (Nightcliff): Mr Speaker, I agree with all the comments so far expressed. There is just one other point with this report. When it talks about a smaller level of responsibility last year and a greater level of responsibility this year, it is ignoring the fact that it was a full-time responsibility, no matter whether you have ministerial responsibility or back-bench responsibility. The evidence given to the joint parliamentary committee on self-government was almost universal on the point that, with a fully elected Assembly, members elected to that Assembly would be expected to devote their full time and energy to servicing the Assembly and their electorates. By and large that has happened, not exclusively in the last Assembly, but certainly in this one. I find it rather difficult to concede that this report can be correct when it says that, because there was a different level of responsibility, the time and effort put into the Assembly by members was less than it is now. I reject that section of the report and in fact agree, in essence, with what the Manager of Government Business has just said.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I rise to again support the proposals in the report. If I could just continue the argument relating to responsibility and the relevance it has to the level of pension, the argument relates to whether service in the last 3 years before this parliament was as important as the service now being rendered by the members. It could be extended to the extent that, since there is more responsibility on the government benches than the opposition, the government should get more than the people in opposition. I just do not understand the argument and I think it is something that we should be looking to amend. I support the report.

Mr EVERINGHAM (Chief Minister): Mr Speaker, it appears that there is a degree of unanimity in the House about the scheme and the objections that have been raised to it appear to be universally held. If the motion that the report be noted is adopted by the House, the government will accept that as virtually a direction by the Assembly to proceed to prepare any necessary legislation and machinery to establish a scheme along the lines outlined in the report, subject always to the objections that have been raised here today.

Motion agreed to.

ADJOURNMENT

Mr ROBERTSON: I move that the Assembly do now adjourn.

Mr ISAACS (Millner): Mr Speaker, I am going to address the Assembly in the adjournment debate this evening as a contracted member. I am not receiving any money for it so I am not contravening any of the provisions of the self-government act. I refer honourable members though to the previous speeches of the member for Arnhem and I am continuing that speech.

On 23 October the Northern Land Council's chief negotiator, Stephen Zorn, wrote a letter to the chairman of the Northern Land Council. It is a long letter and I will not attempt to quote all of it. In the course of Zorn's premier position in relation to the Northern Land Council and in view of the fact that his point of view was a totally professional, non-political one, the record would be incomplete without this letter. It begins:

Dear Gallarwuy,

As someone who is rather deeply involved in the negotiations with the Ranger uranium agreement, I hope that I have the right to comment frankly on the situation that has developed since the agreement was initialled by the negotiating teams in August. I trust that this letter will be taken, not simply as a criticism, but rather as evidence of my own concern that the land council remain a viable organisation expressing the wishes of the Aboriginal people in the Northern Territory. I believe that serious errors of judgment have been made and that, if these are not corrected, the council will rapidly lose its standing both with the Aboriginal communities it is supposed to represent and with the wider Australian public, especially that part of the public that has a basic sympathy toward Aboriginal hopes and aspirations.

Two separate issues seem to have arisen since the Ranger agreement was initialled in August. First, there is a question of whether there has been adequate consultation with the Aboriginal communities concerned in the agreement and, conversely, whether the NLC staff and you yourself have been seen to be pressuring the council delegates to ratify the agreement before it has been adequately discussed.

Secondly, there is the question of whether the substance of the agreement was as good as it should be or whether there are flaws in the agreement that are so serious that, unless they can be corrected, the agreement could be rejected by the council. I think these two basic points are quite separate and shouldn't be confused.

As to the point about pressure on the NLC delegates to ratify the agreement, I think the evidence is absolutely clear. There was indeed pressure and there was not the sort of real, effective consultation that is required both by section 23 of the Land Rights Act and by ordinary common decency. I might cite a few examples.

The Northern Land Council delegates were not advised of the September council meeting at Red Lillie Lagoon until, in some cases, only a day before the meeting was due to begin. Adequate background material such as simplified versions of the agreement were supplied to delegates in advance so they could discuss it with their communities. Indeed, travel arrangements for delegates at the Red Lillie meeting were not made effectively, with the result that many land council members and interested Aboriginals could not attend.

At the meeting itself, both you and Alex Bishaw told delegates that they must ratify the agreement quickly. Transcripts of the tapes of the meeting show that people who asked for more time for discussion were cut off and told that more time couldn't be allowed. After the Red Lillie meeting you and the land council staff appear not to have complied with the out-of-court agreement about further consultation with a court and with the consensus decision of the 2 October meeting of the land council regarding further consultation.

In particular, meetings to discuss the Ranger agreement have not yet been held in most communities and very little material has been made available to the Aboriginal people. The only document set out thus far is Eric Pratt's simple English summary of the agreement which I think you will agree is not particularly simple and most certainly not an unbiased presentation. Pratt's document makes an argument for ratification; it doesn't objectively present the agreement. As yet, no material about the agreement has been made available on tapes or in Aboriginal language. The scheduling of another land council meeting for 2 November, only 10 days from now, implies that there will be further attempts to secure ratification of the agreement possibly before there has been time for the amount of consultation that the community considers to be necessary.

For all these reasons, I think it is quite reasonable for people to conclude that the land council leadership and staff, pushed it is clear by the Commonwealth government, have created a situation which many Aboriginals are not satisfied they have had adequate time to discuss the Ranger agreement or adequate opportunity to learn what is in the agreement. I think it is very important that you personally admit to the communities and the land council delegates that there has been undue pressure to ratify, that you will take all necessary steps including necessary directions of the land council staff to ensure that formal, and effective consultation begins immediately and is allowed to conclude before a ratification vote is taken. This means that true simple English and Aboriginal language versions of the agreement must be made available preferably in tape or video cassette form. There must be community meetings wherever requested for as long as people want to talk. If the agreement is ratified before this happens, the land council will not be living up to its responsibilities.

The second point about the weak points of the Ranger agreement - I think that much of the criticism has been over-stated but this should not obscure the fact that there are points in the agreement that I expect to be unsatisfactory to the people in the Aboriginal communities affected.

That is the full introduction to that letter by Dr Zorn. The letter then goes on to describe in some detail the 4 points in the agreement itself which Dr Zorn considers to be unsatisfactory. It goes on to describe the options open to the council which were (a) to ratify the agreement, (b) to unconditionally oppose the mining or (c) to seek change in the agreement or additional commitments from the government. There is then discussion in the letter concerning these options and the possible outcome of opting for each one of them including, of course, the possible outcome of arbitration. I might just read the conclusion of that letter.

In conclusion, I think it is important that the land council take a careful look at the Ranger agreement and that this be done in an atmosphere free of pressure and threats. The council has many tasks still to do, notably the resolution about outstanding land claims and negotiations with other mining companies and other developers. Unless the council demonstrates in the case of Ranger that it is a true representative of Aboriginal interests and not just a tool to the government, it will never be able to regain the trust of the people whom it is supposed to serve. If this means there must be change in the staff on the council, then it is up to you to take the lead in securing these changes. I am still confident that you can still effectively lead the council and establish its position as legitimate spokesman for Aboriginal interests.
Sincerely, Stephen Zorn.

Zorn had previously shared the misgivings of many other people with the Pratt simple English worded agreement. His criticism, along with many others, was that not only was it incomprehensible but, more seriously, it did not present a balanced account of the Ranger agreement. It was indeed heavily biased towards ratification. Because of Zorn's misgivings about this version of this negotiated agreement, he prepared his own simple English version which ran to 9 pages. It contained all the essential elements of the agreement and was preferred by everyone who saw it including, I believe, the chairman of the Northern Land Council, Gallarwuy Yunupingu, who publicly stated preference for it. The simple English version of Dr Zorn's was described by linguists as an excellent base for translation.

The Zorn version was distributed by the Northern Land Council office. Again there is no time to go into the details of his version but, as I have already read into Hansard the reply to the question as to whether the mine pits were going to be filled according to the Pratt version, I would read to members now the same relevant section from the Zorn simple English version. It reads, from page 2:

> *2. The mine tailings or the waste that is made when the uranium rock is put through the factory at the mine must be put back into the mine pit. If all the uranium rock at Ranger is mined, then there will be two pits. The tailings would fill up one pit so it could look the way it was before mining started, but there would not be enough tailings to fill the other pit all the way to the top. The company could say then that it wants to fill the second pit up with water to make a lake. The land council might say that the second pit should be filled up all the way with rocks and soil so there would not be a lake. But the Ranger agreement does not make sure that this would be done. The government could still decide to make a lake in the second pit.*

Honourable members may care to compare these two answers at a later stage: the one I have just read and the simple English version of Mr Pratt.

During the week beginning 23 October, the member for Arnhem issued a press statement saying that he believed the Northern Land Council office intended to hold another meeting of the council on 1 November. This meeting was to push for another ratification of the Ranger agreement and the promises of further consultation were to be dishonoured. The member for Arnhem also stated that he believed the Minister for Aboriginal Affairs, Mr Viner, was to be present at the meeting. The same day, that is 23 October, the press release was issued, both the manager of the council Mr Bishaw, and the chairman, Mr Yunupingu, denied that this was correct. They both stated that no decision had been made as to further meetings of the land council.

The following morning, during an interview with a journalist from the NT News on the question of the Nabarlek agreement, Mr Yunupingu, the chairman of the council, said in answer to a question that there would be a meeting of the Northern Land Council on the following week beginning 1 November and the location of the meeting would not be disclosed in order to protect the meeting being attended by "white stirrers". The location of the meeting certainly was kept a secret to the extent that Aboriginal delegates themselves had no idea where they were being taken until after they had actually got into the air. The delegates that were picked up from Goulburn Island, for example, were under the impression that they were on their way to Darwin. It was not until they were actually on their way to Bamyili that they were told that was their destination. Of course, an interesting feature of this particular episode was that there was not one meeting but two. The traditional owners of Oenpelli were having a meeting also that week; the land council proper was meeting at Bamyili, 200 miles south. In the light of what occurred subsequently, many

Aboriginal people from the Goulburn, Croker and Oenpelli regions vehemently expressed to the member for Arnhem that they would never allow this divide-and-conquer, opposed to meeting organisation to be adopted by the land council office again.

It was interesting to note that just recently in the Nabarlek negotiations on Croker Island, the traditional Aboriginal owners who attended that meeting insisted that the next meeting, which was to be held on Goulburn, was to be a combined meeting of the traditional owners and the land council, meeting together in the one place. This decision was taken in the light of the Ranger negotiations and strong statements were made at the Nabarlek meeting. At that crucial meeting, the traditional land owners involved and the land council delegates themselves would never have been separated.

On 27 October, the solicitors for the dissidents, at the request of the communities involved, went to Croker and Goulburn Islands to receive further instructions from their clients. The people of Croker Island, in particular, had an enormous number of questions to ask about the Ranger agreement. There are 18 areas in all. All of these questions concerned social and environmental issues. As mentioned before, despite the difficulties of understanding the Pratt simple English version of the agreement and the short time they had had to study it, the results that have been achieved at Croker Island - that is 18 amendments - were remarkable. Many of the things they were worried about were things like the Jabiru township itself and problems connected with alcohol. None of those have been answered. Many statements have been made concerning the number of years it has taken to get uranium mining started and yet it was not until October 1978 that one solitary Aboriginal community felt that it had been consulted for the first time. It seems a shame that a number of constructive changes that this community wanted to make to the mining agreement that would directly affect them were totally ignored.

Mr MacFARLANE (Elsey): Mr Deputy Speaker, the Chief Minister said last week, when speaking on employment or the lack of it, that the second trade mission did not intend to wait for the buyer to come to the market place but intended to go out and sell. Go out and sell what - beef? Beef can only be sold through a licensed export abattoir. There is only one in the Top End and some beef has been exported from Point Stuart. When this trade delegation goes over there, finds a market and goes out and sells, all it is doing really is doing the job that the meat processor or the meat exporter should be doing himself. It is not necessarily helping the producer and he is the only man that I am interested in.

This is what the Queensland government thinks of a system of orderly marketing. I think it is a smoke signal from the holy city because that is all a meat industry act or a meat authority is. It is some method of getting a fair price to the producer, that is all. If the producer was getting his fair price and beef of a reasonable quality and standard was being sold at a fair price to the consumer, there would be no need for controls. This is a free enterprise government but you see what is happening. You have free enterprise fleecing free enterprise.

When we were in Singapore earlier this year, we found that Singapore Airlines were definitely interested in the top quality beef available in Alice Springs. They had the transport and in the AMLC notes for this month, you will find that tenders are being called for beef for the Singapore air-terminal. People who have been there will realise the thousands and thousands of people who go through there every day and the planes that are revictualled there. Free enterprise in Alice Springs would not even quote a price in Alice Springs for beef. One of the members of the delegation was trying to do what he should have done and that is to find a market. The principal of Alice Springs meatworks was fighting for an export quota to the United States and he would

not even quote a price for Singapore. This is an amazing thing and this is the free enterprise we are dealing with. We have a free enterprise meatworks at Katherine. I probably know as much about Katherine meatworks and their operations as anyone because I have been fighting them ever since they started.

Ms D'Rozario: At least you are honest.

Mr MacFARLANE: That is the trouble; I am honest and sometimes I do not think they are. Katherine started at £5 a hundred. We thought we were pretty well off then and we were because before that there was no market for beef in the Top End. On the eastern seaboard, the price is about double that and, whenever we met with the manager of the meatworks, Mr Dick Condon, we were always fobbed off with stories which were not necessarily true but which we had no means of disputing. He had all the reasons why costs were higher. We found out the year he went that costs had reached such a stage that it was costing $83.60 a head to process the beast. This is after it had been bought by the meatworks. Who pays? The producer does. Meatworks are a cost-plus exercise. It does not matter if it is $100, the producer pays and the meatworks takes it off the top. It is so unfair that meatworks are being allowed to hold back the development of the Top End. The potential for development in the cattle game in the Northern Territory is only in the Top End, only in the depressed area. You see many leases round Katherine running a couple of thousand head of good quality cattle. They are getting into agriculture; they are making hay; they are practising animal husbandry and they would kick on if they could get a decent price for their beef. Ten or twenty years ago, there was no development at all around Katherine, only a few peanut farms on the river.

If you are to have development, you must have people; you must have smaller areas - 50 square miles, 100 square miles, depending on the quality of the country - and you must have a market. Your market, naturally, in Katherine should be Northmeat. This government has a very sizeable sum of money in that meatworks. I understand that it took over the debt from the Commonwealth government and the debt there was at least $1.25m. There must be some way that producers can get a fair price for their beef. That is all they are asking. A meat authority might do it. This government might do it by some other means. You have just seen the price stabilisation scheme refused assent in the last few days and yet in the Queensland Minister for Land's second-reading speech, he says that the meat authority will be empowered to introduce and create a system of statutory minimum prices for the various classifications of cattle and carcass beef and to administer any minimum pricing or stabilisation scheme for livestock and meat as might be approved. Dr Barry Hart's forward dream of 4 or 5 years ago about introducing some scheme for the orderly marketing of beef is seen to have merit in other parts of Australia. I have said repeatedly that Queensland is 50 years ahead of the Northern Territory in the cattle game and, unless we do something about getting the producers a fair price for beef, they will not be 50 years ahead, they will be 100 years ahead.

The Cattlemen's Union in the Top End and Alice Springs fought the introduction of a meat marketing authority. The New South Wales' authority has the majority of producers. These were elected by postal ballot. The producers had to enrol if they wished to vote and those enrolled could vote but it was not compulsory. The Queensland authority has 10 members, 5 of whom are producers. You must remember that the only person you are looking to protect here is the producer because he is the bloke that makes all things possible. He makes development possible. If he does not get enough money for his beef, he has to go into debt to improve. The Northern Territory government is the landlord of the Northern Territory. All the pastoral lessees, the farmers and the special purpose lessees are tenants of this government. It is in this government's best interests to look after the producer; get him a fair price,

that's all. He does not want an exhorbitant price; the processors are getting that. Let us put some of the fat back where it belongs - in the producers' pockets.

The reason the Cattlemen's Union gives for producer-control over a meat marketing authority is that it is their product. That is a significant point. The processor and the exporter do not own it unless they own cattle. I am talking about the people who are being misused at the present time. It is our product and, therefore, we as producers of that product should place a fair and reasonable price on it just as any worker places a fair and reasonable price on his labour. You do not see any award-wage men amongst the people who do the hard work on stations. They are all on contract, whether they are bull catching or just happen to own places or manage places. They do far more than the 40 hours a week. Producers should place a fair and reasonable price on their product, using meat authority members' expertise to take into consideration all associated costs past the farm gate, so that the profit is available to all sections involved - transport, meatworks, shipping etc - in relation to the market it is sent to. Pricing for domestic consumption is different from US exports and, in turn, different from other export outlets.

It is pretty easy to work this back to see what it means. In the United States, bull beef in September 1977 was 10.5 cents a kilogram; this year it has risen 65 cents a kilogram or about 30 cents a pound. You heard the answer the honourable Minister for Transport and Works gave the other day that the average price for beef in Katherine was about 20 cents a pound. It has risen above the basic price in the United States by 30 cents a pound. Even blind Freddy - and I am not talking about the previous Administrator - could work out that there is something wrong.

I honestly do not think I should go any further; the government ought to be quite happy to investigate these things because they are not coming from me alone but from a progressive body called the Cattlemen's Union and I have no doubt they will be supported by the Cattlemen's Association. The responsibility of a meat marketing authority is initially to implement carcass classification. I have a big screed here on that; they are introducing it in New South Wales and they must be a bit progressive down there. The Northern Territory is at an advantage with carcass classification because there are only a small number of meatworks here anyway. After classification comes minimum price scheduling. You have to have classification, they tell me, before you can have a minimum price. The minimum price means simply that anyone can pay more but they cannot pay less. One of the reasons for carcass classification is that the consumer can choose the type of beef he wants. It will be marketed as three-year-old steer or five-year-old bullock and the housewife should be able to buy what she wants, and even the tyro ought to be able to cook it so that the husband can eat it.

Who owns the beast at what point? Does the meatworks own it at the meatworks gate, when it comes off trucks, or where? These are some of the things that the producers and others on this board must work out. Price scheduling should take into consideration the cost of production and also the profitability and market fluctuations. As I have said often in this place, in Katherine there is only one fluctuation - down. Who owns the by-products? Hides are now worth $17, as we have here as the net price of some cows. It is a shameful game, the cattle game. What constitutes a trim? I think the honourable Chief Minister referred to this the other day when he was talking about some of those tablelands cattle. How much bruising are you allowed to cut off? As much as the meatworker wants to cut off or as much as the meat inspector allows him, or what? You are operating, really, in a game with no rules - except the meatworks rules; they make them. It is time these things were changed a bit.

The government has some responsibility in the Northmeat set-up. It could ask for a complete repayment of the loan, increase interest to current trading bank interest or provide some conditions for the continuation of the loan. I would say, quite frankly, it is up to the government to do one of these three things. You hear suggestions - I do not know if the honourable Chief Minister has heard them but other people have - that cattle are weighing very badly, to the point of robbery, in Katherine. The manager of Eva Downs told me in August that his steers yielded 58% in Queensland while the same quality steers, same size - they cannot be the same size but identical - yielded 43% in Katherine. One trip is about 400 or 500 miles; the other is about 1200 or 1400. This is quite amazing and this has not been denied. The lot of the cattleman is not what it should be.

The suggestions that the Cattlemen's Union put up are that the meatworks be required to kill at least 35,000 head of cattle. This year, the killed 27,000, last year 38,000. That means there are 11,000 head of cattle surplus. The blue-tongue thing - that was a debacle. Compensation was given at the rate of $3000. They assure me that this stumpy finger is worth $2000.

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

Mr EVERINGHAM (Jingili): Mr Deputy Speaker, I think it would be a shame to let this last sitting day of the Assembly before Christmas run out without extending to you, as Deputy Speaker, and to the Speaker himself and all honourable members of this House the compliments of the season. I would like to extend best wishes for the festive season also to all the staff of the Assembly who put up with a fairly - I speak only for myself - trying sort of person from time to time and who manage to accommodate most of our desires and requests. I would also like to express my appreciation to members of the Department of Law as well as the legislation section of my department. Both sections have worked tremendously hard this year, at most times under very trying and difficult conditions. The legislative drafting unit is still located in its old premises in Mitchell Chambers and the legislation section is still in block 2, not yet having moved into block 8, and they have managed to put forward more legislation in this year for self-government and also for some initiatives that the government has been able to take at the same time, than has probably been presented in the previous 3 years in this Assembly.

Mr Deputy Speaker, I will conclude by wishing you and all honourable members a happy and safe Christmas and a prosperous and successful New Year.

Mrs LAWRIE (Nightcliff): Mr Deputy Speaker, it has been a fairly arduous sittings but I think it would be most improper if I let this first sittings upon my return as a CPA delegate to Jamaica pass without, in particular, placing on record my appreciation of the courtesies extended to me by the United Kingdom branch. When I arrived in London, I found that the United Kingdom branch of the Commonwealth Parliamentary Association had ensured that this Northern Territory delegate had a seat in the House of Lords for the state opening of parliament. It was opened by Her Majesty the Queen with the most fantastic exhibition of pageantry and colour it has ever been my pleasure to witness. I did not see myself as being present but rather the Northern Territory branch of the Commonwealth Parliamentary Association with myself as representative. It is with some pleasure that I say that, with all the Commonwealth countries represented there and with the various states of Australia having representatives there, only the Northern Territory delegate and one delegate who is the ex-Speaker of the House of Representatives in Canada were seated; the others had standing room only. I was also privileged to attend a reception and an official dinner hosted by the United Kingdom branch and the courtesies are particularly worthy of mention; it was a most trying time for the staff servicing the UK branch but the courtesies which I received and, through me, the Northern Territory branch, are deserving of special mention.

Mr COLLINS (Arnhem): Mr Deputy Speaker, no one will be happier to see this finished, I assure you, than me. On 30 October, a press release was issued by the chairman of the Northern Land Council announcing that a meeting was to be held - something he had denied just a few days before. The press release said:

> *A meeting will be called by the Northern Land Council this week on Wednesday 1 November to Friday 3 November at a location yet to be decided. My idea in calling this meeting of the full council is to get away from the pressure of white people who have been trying to manipulate the thoughts of members of the council. I do not want to see this happen again because it creates a situation whereby this council will never be able to resolve any of its problems if this continues. This meeting is strictly for council members only and the white people to be present will be authorised by myself. I hope that the Minister for Aboriginal Affairs, Mr R.I. Viner, will be present at the meeting on Thursday morning where he will listen to the council discussing general business.*
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> *The Ranger discussion will take place on Thursday afternoon where the minister will address the meeting and possibly inform members of the decision made by the government as an answer to the wishes of the traditional owners at the last Oenpelli meeting. This meeting is not being called to ratify the Ranger agreement but simply to see what other options there might be to put before the government before ratification of the agreement is considered.*

Mr Deputy Speaker, I can assure you that this information that the meeting would not be to ratify the Ranger agreement was not just given to the public but it was also given to the land council delegates who went to the meeting. The telegrams that were sent out to land council members, again in some cases just 24 hours before they were picked up, stated that the meeting was being called to consider general business. In consideration of the statement by the chairman that the meeting was going to be held at an unknown location to prevent its manipulation by whites, it is interesting to look at the guest list. The non-Aboriginal people present were Mr Ian Viner, Minister for Aboriginal Affairs, Mr Bill Gray of the Department of Aboriginal Affairs, Mines and Lands Section in Canberra, Mr Eric Pratt, solicitor for the Northern Land Council, Mr Alex Bishaw, manager, two solicitors from the office of Dean Mildren and Partners, two office staff from the Northern Land Council and Mr Gavin O'Brien, the senior field officer.

On 3 November, the meeting at Bamyili was convened. Mr Viner and the Northern Land Council's executive flew to Oenpelli ostensibly to have a meeting with the traditional landowners of the area. A meeting was held at Oenpelli and, at that meeting, the Ranger agreement was signed. As a lasting memento of the occasion, the Minister for Aboriginal Affairs presented the signatories with platinum Schaefer pens, engraved with the words "Ranger Agreement 1978" and in respect of the Kakadu Park agreement "Kakadu Park Agreement 1978".

Mr Deputy Speaker, there are two versions available of both the Bamyili and the Oenpelli meetings that concluded the signing of the Ranger agreement. One is the version of the minister himself when he tabled the Ranger agreement; the other is the version of the Aboriginal delegates themselves who attended the meeting. When the honourable Minister for Aboriginal Affairs tabled the Ranger agreement, he said:

> *Since 25 August, the Northern Land Council has had a number of further meetings and discussions which have been widely reported. It is sufficient for me to say that the end result of these discussions and actions was a*

request from the chairman of the Northern Land Council for me to attend a meeting at Bamyili on 2 November to speak on behalf of the government. I explained to the council that the Commonwealth was ready to sign the agreement as providing fair and reasonable terms for both parties. There was no talk of arbitration or of any other action by the government. After a full day's discussion, the full meeting of the Northern Land Council agreed to accept the Ranger agreement and, in the event that the traditional landowners gave their consent, then the documents would be signed.

Members of the Northern Land Council were conscious in making this decision that they were not only making a decision for themselves but for the whole of Australia. They also felt that the time for decision making had come and that the conclusion of the Ranger agreement would be a foundation for the future upon which they could build. The next day I travelled with the executive to Oenpelli to meet with the traditional owners. At the meeting there, the traditional owners gave their consent and thereupon the Ranger uranium mining agreement and release of the Kakadu National Park were signed. In fulfilment of its statutory responsibilities, the Ranger Uranium Mining Agreement was signed on behalf of the Northern Land Council by the chairman, Mr Gallarwuy Yunupingu, Mr Dick Malwagu from Croker Island, Mr John Marali from Goulburn Island.

The agreement for the lease of the Kakadu National Park was also signed and the chairman and members of the Kakadu Land Trust executed the lease documents. The signatures on the lease included Toby Gangali as senior traditional owner for the Ranger project area and a member of the Mirrar Gudjumbi clan.

This short, undramatised outline of events cannot portray the personal effort of so many people within the Northern Land Council over many months in most difficult circumstances in dealing with negotiations and decisions representing a new experience in Aboriginal affairs. In the course of time, the real story will become known and the distortions, both deliberate and out of ignorance, will be put to rest.

The other version of these two meetings that is available is that of the Aboriginal people. Leo Findlay is one of them who made a statement. This statement has been corroborated by every single Aboriginal person that I have spoken to who attended the meeting, and I have spoken to a great many. In his version of the meetings he said:

I did not know what the Northern Land Council meeting was meant to be about. I did not think it was a meeting to discuss the Ranger signing. We got a telegram from the Northern Land Council saying: "NLC meeting this week. Bring swag as meeting may be out bush. It is to discuss general business".

He went on to say:

Mr Viner spoke to us. He gave a long speech. It seemed about 2 hours. He spoke uninterrupted. He said: "We have come to the end now. The negotiating teams have finished their work; I think this is to bring it to an end. The government has agreed; the mining company has agreed. It is up to you now to bring this to an end". He said: "Your people have been fighting this for 6 years now, I think you should get the weight off your shoulders. It has been dragging on for 6 years".

It goes on:

> *I went inside and as Gallarwuy was about to open the meeting, I walked in with a tape recorder. He did not open the meeting but whispered to Blitner that there was a tape recorder there. Blitner came over and said, "What are you doing with a tape. Yunupingu does not like taping because you might take it back to play to white people to stir up trouble". Gerry and I had a big argument. Gallarwuy lent over and I heard him say to Viner, "You better leave". So all the whites left because of the argument. When the whites left, Gallarwuy joined in the argument. I said, "Who has the power here? Who decides if tapes are to be used or not?" Others like Harry Wilson said, "Members of council should be allowed to tape if they want". Dick Malwagu said the same thing.*

He has corroborated this himself since.

> *"We should be able to take it back to play it to the community", I said. "If this council was true to its word, it would not be worried about tapes". I said, "You might think you are avoiding bad publicity but that sort of action only makes it worse". Gallarwuy did not answer. I said, "The council should be the controlling force, not the chairman". I have said this at every meeting. I said, "We should have lawyers here who are from the other side. We have only got the lawyers from one side here; what about people from the other side? We should hear both sides".*
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> *After lunch we went back to the meeting. Viner started off again repeating the same things. He said the Oenpelli motion should be put aside. He said, "Don't worry about that". He said, "We talk about Ranger". Gallarwuy said, "I just want one thing now. The federal government and the mining company have accepted this agreement so it is up to us now. Will you accept this agreement?" Harry Wilson said, "If we accept the agreement, will the lawyers still go out and consult with the communities". Gallarwuy said, "Oh yes, they will still go out and consult. It will be up to the traditional owners to say yes or no to that agreement". So people put up their hands and someone said, "That's okay; if the consultation is going to go on, we'll accept it". I voted against it and so did Gordon Lanson. We didn't put our hands up. Gallarwuy asked me, "What about you Leo?" I said, "No, I won't accept it". I knew it was a trick. Everyone else put up their hands. There was never an actual motion. We put up our hands but no one knew exactly what we were agreeing to. I was relying on the Oenpelli people because I knew they were strong and would not let the NLC rush them. Gallarwuy gave a speech and said he was satisfied. He, Viner and the other whites looked really happy. None of the Aboriginal people looked very happy, just puzzled and a bit sad. Dick Malwagu looked very frightened.*

In a summary to this statement, Findlay said:

> *If Viner has said that all the traditional owners were consulted at oenpelli and agreed to this agreement, that is a lie. If Viner says there was 2 hours' discussion about the agreement with the traditional owners at Oenpelli, that is also a lie. The terms of the agreement were never discussed at all. If Viner says all the traditional owners were present at Oenpelli, that is a lie. In my opinion, there were no more than about 4 out of 40. If Viner says that this meeting was the first one without pressure from outsiders, then he knows that the pressure was applied by him and other whites that he had at the meeting.*

Mr Speaker, because of the limit of time this obviously has had to be a much circumscribed version of the events. I let both those two versions of

those events - the minister's and one of the Aboriginal people - stand. I was very sad 3 days after the meeting to get telegrams from 3 communities, from the NLC representatives, asking me if it was true that the Ranger agreement had been signed at Oenpelli. They could not believe it. The NLC had not bothered even advising them that it had been signed.

The distribution of platinum pens to the signatories of the Ranger agreement was a fitting cynical end to a path of coercion and dishonoured promises to Aboriginal people by the federal government. The events leading up to the signing don't surprise me. The only surprise was the audacity of Mr Viner in actually getting the Ranger agreement signed when he knew full well that the events leading up to the Bamyili meeting would forever cast doubt on his own integrity and that of the chairman of the NLC, Mr Yunupingu. The promises that the Minister and the chairman of the NLC made, just a short time before the agreement was signed, that full community consultation would take place with translations of the documents were totally dishonoured.

History will record that this decision was one more sad moment in a struggle of Aboriginal people to have real control over their own destiny. The land council now has an agreement that its own chairman and chief negotiator thinks is inadequate. It has a staff whose chief executive has been compromised irretrievably and a record of inability to consult with its own people that will blot every future action taken by it. The signing of the agreement in the circumstances in which it was signed will unfortunately be taken as the appropriate method for future operations of the council. That dishonesty and hypocrisy could be given such a seal of approval is a sad commentary on the Minister for Aboriginal Affairs.

At this point, I suppose it would be suitable to say that, just a short time ago, I heard that Mr Viner is no longer the Minister for Aboriginal Affairs. He leaves behind him a land council in ruins. He has played upon the humility and inexperience of Aboriginal people in the ways of vicious white politics and has achieved a result which the government knows can only sow the seeds of disaster for Aboriginal people. Mr Speaker, the new colonisers of Aboriginal people come armed, not with guns, but with platinum pens, acts of parliament, soft speeches and appeals for fairness from Aboriginal people on behalf of a cynical and uncaring government. The Aboriginal people are victims nonetheless.

Mr HARRIS (Port Darwin): Mr Speaker, I would like to bring up 3 points in this adjournment debate today. The first point I would like to talk about is something which concerns all of us. I refer to the education of our children about benefits available once they do leave school. Unfortunately, there are a lot of complaints. There was a notice sent out to all the parents of children leaving school which said, "Help yourself". Of course, there was other writing on the bottom but I thought it was a very negative approach. I could imagine how the children would feel on seeing a notice which says "Help yourself" and explains how you can collect the dole. We all agree that there has to be education in this field but I do feel that perhaps we should look at the wording of any leaflets that go out to our children. After all, they are our future citizens and their prospects of work are very slight when they do come out of school.

The second point I would like to talk about is in relation to the damaged historic buildings in my electorate. It is pleasing to see that the restoration work has actually been carried out on the Lyons Cottage on the corner of the Esplanade and Knuckey Street. The work was carried out by the Department of Transport and Works and they are to be commended for the fine job that they have done. Lyons Cottage is to be jointly used by the National Trust and the Territory Charter of the Royal Australian Institute of Architects.

This cottage will house various displays which will provide information for both the general public and tourists. Fortunately, there has been restoration work or rebuilding done on several important sites. Among these are the Chinese temple, the old Vic Hotel and, of course, Christ Church Cathedral which was completely destroyed in the cyclone.

Despite these restorations, there are still several old structures in the Port Darwin area that cause me particular concern. Two of these are the Naval Headquarters, formerly the courthouse and police station, and the museum and art gallery, the former town hall. Sadly, both of these buildings remain in ruins and both are important to our Territory's heritage. Some basic securing work has been done on these sites but we are now approaching our fourth wet season since the cyclone and more damage will be done over the next few months. I realise the tremendous costs involved in such restoration programs but I really don't think we can afford not to restore such sites because they are our links with the past. Neither remains need necessarily be built exactly as they were but might, for example, be rebuilt incorporating the surviving ruins into completely new developments. This has been done most successfully in Britain on several of their historic buildings which were badly damaged during World War II.

Apart from the fact that I would like to see the restoration carried out for its own sake, I also feel such buildings are a tremendous draw card to tourists who must be actively encouraged in the city area. We in Darwin have lost much over the years due to various reasons - a number of cyclones, the war and, of course, by pure neglect. Let's not lose any more. Let's preserve our heritage for both our grandchildren and the tourists. Therefore, I urge that the Northern Territory government make an early decision on the restoration of these 2 historic sites.

Mr Speaker, the third item that I would like to discuss today is - and it is with respect to you that I do it - is a bush that is situated around my electorate. It is a bush called the coffee bush, leucerna glauca. You have mentioned to me on previous occasions that it is very good cattle feed. Unfortunately, horses do not take to it as readily and their hair seems to drop out once they start eating it. We do not have cattle running around the city and I feel that, if we do not control this particular weed, it could be a serious problem in years to come. I know that the eradication of such a bush would be very difficult and dangerous but I do feel that some restriction has to be placed on it. As far as health is concerned, it harbours rats and broken bottles. In McMinn Street, they have already started to clear sections of it and the results are very pleasing. Of course, there could be problems. People could report back that they were losing some form of buffer zone. I raise this because there are many houses in the Darwin area and many of our foreshores do have a tremendous problem with this weed.

I would like to join with the Chief Minister in wishing everyone the compliments of the season, Mr Speaker. I will endeavour to send some seeds of the coffee bush for cattle feed on your property.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, I too would like to convey my best wishes for the forthcoming festive season to every member of the Assembly and also to you, Mr Speaker, and the staff. I thank the staff for helping us during the year.

I would just like to talk today about Dhupuma College in my electorate. It was intended that the decision be made this year to close it down. There are problems relating to the building and the services to the building, the electrical supply and the sewerage system. The buildings have deteriorated beyond the point of putting money in to maintain them. The flooring of some

of the dormitories is falling apart. Oddly enough, I was out there the other day and, as soon as the announcement was made some weeks ago, the repair men and contractors came in from all directions to fulfil the outstanding contracts.

I am very pleased to say that this school is now being retained for the next 12 months. I believe the setup there at Dhupuma College for transitional Aboriginal children is a good one because it is in their own environment. They have only to virtually walk out of the school and into their own native bush. I believe that this type of college is better for them than the Kormilda College. I have written to the minister to express my thanks to him for his quick action. It was a decision he had to make very quickly because we had many problems with the staff, particularly the maintenance people, the house parents and the industrial staff. They now feel much more secure for the next 12 months.

Perhaps a decision can be made early next year so that these people will know where they are going and the students will know where they are going. Many of those students adapt very well. They come from outlying areas such as Milingimbi and Elcho Island and down as far as Numbulwar. They enjoy the surroundings and the atmosphere of the school and they enjoy the idea of going into the Nhulunbuy Area School where they integrate very well. Some of those students are coming out as first-class students, first-class citizens.

The whole idea in the first place was to take people from the outlying areas where they do not have full facilities although some other schools such as Shepparton College on Elcho Island would now do just as well as the Yirrkala school. A lot of money has been spent there. The transitional school prepares them for high school. I believe that the high school will be built at Gove in the next 2 years and this will add another strength to their education. The transitional school offers a much better atmosphere than a high school. They can go back from the high school in the evening to do all sorts of activities.

I would like to express my thanks to the Director of Education in the Northern Territory who has been sympathetic towards this cause. There are problems relating to the whole concept but I only hope that our new Education Minister for the Northern Territory will be able to tell us what is going to happen when we take over education in 1978. Mr Speaker, once again I wish everyone a happy Christmas and a prosperous New Year.

Mr SPEAKER: Honourable members, I wish you all and your families, together with the staff and their families and all people associated with the Assembly a happy Christmas and a prosperous New Year. It has been a busy year and, I hope, a fruitful one. I thank you all for your courtesy and cooperation with me, if not at all times with each other. The staff has been most efficient, even after hours, as those present last night have remarked. The catering firm of Messrs Chin, Chin and Chin were willing helpers under adverse conditions and made the evening successful.

SPECIAL ADJOURNMENT

Mr ROBERTSON (Manager of Government Business): Mr Speaker, I move that the Assembly, at its rising, do adjourn to a time and place to be fixed by Mr Speaker and advised either by letter or telegram.

Just by way of brief explanation, Mr Speaker, it is quite obvious that I forgot to move the special adjournment, believing that the sessional one was sufficient.

Motion agreed to.

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

Motion agreed to; the Assembly adjourned.

DISCUSSION OF MATTER OF PUBLIC IMPORTANCE

DISTINGUISHED VISITOR

MESSAGES FROM THE ADMINISTRATOR