NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

Second Assembly
Second Session

Parliamentary Record

Tuesday 27 February 1979
Wednesday 28 February 1979
Thursday 1 March 1979
Tuesday 6 March 1979
Wednesday 7 March 1979
Thursday 8 March 1979

Part I—Debates
Part II— Questions
Part III—Minutes

NORTHERN TERRITORY LEGISLATIVE ASSEMBLY

Second Assembly

Speaker	John Leslie Stuart MacFarlane
Chief Minister and Attorney-General	Paul Anthony Edward Everingham
Opposition Leader	Jonathon Martin Isaacs
Deputy Leader, Treasurer and Minister for Lands and Housing	Marshall Bruce Perron
Minister for Mines and Energy and Minister for Health	Ian Lindsay Tuxworth
Minister for Community Development and Minister for Education	James Murray Robertson
Minister for Industrial Development and Minister for Transport and Works	Roger Michael Steele
Minister for Youth, Sport and Recreation	Nicholas Dondas

Members of the Legislative Assembly

Roderick Carson Oliver	Alice Springs
Bob Collins	Arnhem
Ian Lindsay Tuxworth	Barkly
Nicholas Dondas	Casuarina
John Leslie Stuart MacFarlane	Elsey
Pamela Frances O'Neil	Fannie Bay
James Murray Robertson	Gillen
Paul Anthony Edward Everingham	Jingili
Roger Michael Steele	Ludmilla
Neville George Perkins	MacDonnell
Jonathon Martin Isaacs	Millner
Milton James Ballantyne	Nhulunbuy
Alline Dawn Lawrie	Nightcliff
Tom Harris	Port Darwin
June D'Rozario	Sanderson
Roger William Stanley Vale	Stuart
Marshall Bruce Perron	Stuart Park
Cecilia Noel Padgham-Purich	Tiwi
John Kevin Raphael Doolan	Victoria River

Price, including postage, $7.50 per calendar year. Subscriptions, made payable to the Collector of Public Moneys, should be sent to the Editor, Hansard, P.O. Box 3721, Darwin, N.T. 5794.

The Committee of the Whole Assembly

Chairman— Mr. Ballantyne
Deputy Chairmen— Ms D'Rozario
Mrs Padgham-Purich

The House Committee

Mr Speaker
Mr Collins
Mr Dondas
Mrs O'Neil
Mr Vale

The Standing Orders Committee

Mr Speaker
Mr Dondas
Ms D'Rozario
Mr Everingham
Mr Perkins

The Publications Committee

Mr Collins
Mr Doolan
Mrs Padgham-Purich
Mr Steele
Mr Vale

The Privileges Committee

Mr Ballantyne
Mr Doolan
Ms D'Rozario
Mr Harris
Mr Tuxworth

The Subordinate Legislation and Tabled Papers Committee

Mr Ballantyne
Mr Harris
Mrs Lawrie
Mr Oliver
Mr Perkins

Sessional Committee – Environment

Mr Collins
Mr Harris
Mrs Lawrie
Mrs Padgham-Purich
Mr Vale

12985.794 A. B. CAUDELL, Government Printer of the Northern Territory

PART I

DEBATES

Mr Speaker MacFarlane took the Chair at 10 am.

CONDOLENCE

Death of Mr Rupert Kentish

Mr EVERINGHAM (Chief Minister): I move that this Assembly express its deep regret at the death of Ruper James Kentish a former member for the electorate of Arnhem in the Legislative Council and in this Assembly between 1968 and 1977 and place on record its appreciation of his meritorious public service and tender its profound sympathy to his widow and family in their bereavement.

Rupert Kentish is remembered by the Territory for his contributions to its development through his work as a missionary, an agricultural officer, a dairy farmer, a businessman, a foundation member of the Rotary Club of North Darwin and as a member of the Land Board and the Darwin Hospital Advisory Board. Rupert Kentish was born on 26 June 1914 at the Gums outside Dalby in Queensland. He received his education at a one-teacher school which he regarded all his life as the best possible form of education. At the age of 14, he left school and worked with his brother Harold cutting timber in north Queensland and in the Queensland cane fields. For a time, he worked in a dairy outside Ipswich and operated his own milk run.

In 1938, he came to the Northern Territory and went to Goulburn Island as a missionary with the Methodist Overseas Mission. He met there his wife Maluda and they were married in 1941 in Darwin. They both then moved to Yirrkala where they worked with a Fijian missionary at the mission there. They remained at Yirrkala for the first years of the second world war where Rupert operated a school, with gratitude for the experience of his own education at a one-teacher school. The Kentishes later worked at Milingimbi and the mission house in which they were living was once strafed by the Japanese. During the war, he accompanied the part-Aboriginal children to Gosford in New South Wales to where they were evacuated.

In 1948-49, Mr Kentish worked at Croker Island. He established a beef cattle herd on the island and brought horses there by swimming them across from the mainland. This intrepid pioneer also set up a saw mill on Croker Island to process timber from Malay Bay on the mainland.

In 1950, the Kentishes moved to Darwin where Rupert worked under Mr J. Nixon-Smith helping to establish the first experimental farm at the 10-mile in the old Navy area. About 1954, he set up his own dairy farm in the same area and developed a beef herd and later one of the first Santa Gertrudis herds in the Northern Territory. In the mid-1950s, he started a dairy cooperative movement in the area formed from 7 local dairies. I wonder where they are now, Mr Speaker!

He was a member of the Darwin Hospital Advisory Board for several years in the 1960s. In 1964, the Rotary Club of Darwin north was established with Rupert as one of its charter members. He was a very active and enthusiastic member of the club and, as international service director in 1966-67, he took an interest in the improvement of cattle herds in Papua New Guinea. He also did much of the ground work necessary for the establishment of the Darwin Rotary rodeo. Rupert was one of the early members of the Darwin Show Society and one of its first contributors. After the cyclone, he made himself responsible for safeguarding the properties of the society from damage.

Rupert Kentish was elected to the Legislative Council on 26 October 1968 as the member for Arnhem. He served the Territory in the Legislative Council and later the Legislative Assembly until 13 August 1977. He spoke about those

matters which were most important to him throughout his life: the welfare, health and education of Aborigines, the encouragement of agriculture in the Territory and the good government of his electorate. He was always vitally interested in the development of agricultural landholdings in the Northern Territory which he assisted through his work as a member of the Land Board.

Rupert Kentish was one of the Territory's pioneers and his loss will be felt by the whole community. He was a man greatly respected and admired by Aborigines and he always maintained his interest and concern for them. He frequently received visits from friends and relatives from Arnhem Land and encouraged the assimilation of Aborigines into the community in Darwin. At the time of his death, he and his wife, assisted by her relatives, were engaged in establishing an outstation on the mainland coast near Goulburn Island.

I greatly regret the necessity for a motion such as this, Mr Speaker, and I extend to Mrs Kentish and her family the condolences of this Assembly.

Mr ISAACS (Opposition Leader): Mr Speaker, I second the motion and I wish to associate the opposition with the remarks just made.

Rupert Kentish represented the electorate of Arnhem in the Legislative Council from 1968 to 1974 and that same electorate in the first Legislative Assembly from 1974 to 1977. He was, as the Chief Minister said, a pioneer in agriculture and in the dairying industry and tried to get the dairying industry off the ground many years ago. I met Mr Kentish on very few occasions and really did not know him personally. I have certainly read the statements and speeches which he made in this Assembly and I would say, quite frankly, that I rarely, if ever, agreed with them. Nonetheless, he made a contribution as the representative for a very significant area in the Northern Territory and for a very significant group of people in the Northern Territory over very many years. For that reason, it is appropriate that the Assembly does record its appreciation of the services which Mr Kentish gave to this Assembly, to the former Legislative Council and to this Territory as a whole.

I join the Chief Minister, as indeed every member of the opposition does, in offering our condolences to Mr Kentish's family and wishing them well over the years to follow, knowing that they have lost a person they loved very much indeed.

Mrs LAWRIE (Nightcliff): Mr Speaker, I rise to support the motion because, along with you, Sir, I am the only present member of this Chamber who served with Rupert Kentish in the Legislative Council and I wish to place on record my appreciation of his welcome to me when I was first elected. It was a difficult time for me and Rupert Kentish was, at all times, courteous and impressed me with his lack of sense of his own importance as a politician - a very good lesson for an incoming politician. I am deeply sorry for his wife, Maluda, whom I know and of whom Rupert was always so proud.

I remember vividly, in the early days after my election, how much he tried to impress upon what were then the official members of the Legislative Council the need for more attention to be paid to Northern Territory agriculture and, indeed, the Chief Secretary spoke of this interest only a couple of moments ago. I think it is fair to say that, along with Tom Bell who was then the member for McMillan and Barry Hart, an official member, these 3 men knew more and have forgotten more about agriculture in the Northern Territory than any present serving politician. Because of their practical knowledge, it is a great pity for the Territory that these people are not still members now when agriculture is again opening up as an industry.

I conclude my remarks by simply saying that, if more elected members displayed such a sense of commitment to their fellow man as Rupert, politics would enjoy a greater place in the minds of the people than it does today.

Mr SPEAKER: Honourable members, I would like to associate myself with the motion. Rupert Kentish entered the Legislative Council at the same time as I did. I found him truly sincere and gifted with a keen wit. It amused him to be called "racist". "Look at me", he would say, "a racist and yet happily married to an Aborigine". The replacement of the 3 "Rs" in the education system amused him too. He instanced the novel spelling of "I don't know" as "r" for Romeo, "dun" and "o" for Oscar. I think he was the person who conveniently named one of the directors of education as the "headless bear". Once the late Dick Ward, interjecting vigorously, queried whether Rupert was humiliated by the circumstances he was outlining. "You can't humiliate a humble man", said Rupert. Rupert was a keen agriculturist and cattleman, a fine Territorian and, above all, a good Christian man.

I request honourable members to signify their concurrence with the motion by standing in their places for one minute's silence.

Members stood for one minute's silence.

CONDOLENCE

Death of Mr Harold Brennan

Mr EVERINGHAM (Chief Minister): Time has cut a swathe between the last sittings and this. It is also my sad duty to move that this Assembly express its deep regret at the death of Harold Brennan, a holder of the Medal of the Order of Australia, the Medal of Freedom of the United States, a former member of the Legislative Council for the electorates of Batchelor, Elsey and Victoria River between 1955 and 1969 and place on record its appreciation of his meritorious public service.

Tiger Brennan, as he was better known, served the Northern Territory as an independent member of the Legislative Council for 16 years, as mayor of the city of Darwin for 3 years and as an expert mining prospector who located many of the mineral deposits on which the Territory's mining industry is based. He also served for some time as chairman of the Tourist Board and was also a member of the Reserves Board for 3 years. Tiger Brennan was born on 18 June 1905. He received his early education in India where his father had sisal plantations. He was sent to the United Kingdom for his later education. He had no particular interest in the study of Latin and I am told that he once received a mark of 1 out of 100 points for a Latin test. His teacher, a famous Catholic educationalist - and I can understand how much harder it must have been for Tiger in those days than it was even in mine - was even astonished at his own generosity in allowing Tiger that one point.

Tiger came to the Territory as a young man and gravitated towards the wider spaces. He arrived in Alice Springs and his first job was the construction of a concrete tank. This was the first time he was employed in the Northern Territory and dismissed. Around 1933, he began prospecting for minerals and began a wolfram mining operation at Hatches Creek, south of Tennant Creek. During the second world war, he became a camouflage expert for the United States Army in the Pacific and rose to the rank of major. He was awarded the United States Medal of Freedom for his service in that area. After the war, he took a tin mining lease at Maranboy and became an exploration expert for a large mining company. He located a number of important fields, including the Bulman lead-zinc field, a tin field south of Narbarlek, Noomoona and Mingelo.

He owned mining leases after that time but was not actively working mines after 1954 when he began his political career. He was first elected to the Legislative Council on 24 June 1955 as member for Batchelor and served the Council almost continuously until 1971 representing Batchelor, then Elsey and later Victoria River. In 1961, he contested the Northern Territory seat in the House of Representatives but was unsuccessful. In 1969, he stood against the then Minister for Territories, Mr Charles Barnes, for the seat of McPherson in Queensland. Again he was unsuccessful and returned to Territory politics. In 1972, on completion of a term of office in the Legislative Council, he did not stand for re-election.

To keep him from boredom, some friends - I believe they were all former members of the Legislative Council - persuaded him to nominate for election as mayor of Darwin. He won easily and served a 3-year term of office which included the time of the cyclone. Tiger is reported to have slept through the cyclone and apparently awoke to find himself and his pith helmet intact but the city in ruins around him.

Tiger Brennan will always be remembered for his service in the Legislative Council. He was a vocal and forthright member. He constantly castigated the "blinking" bureaucrats in Canberra for impeding Territory progress and fought for autonomy and independence for the Northern Territory. He stood for the little man and sought to ensure that he was not overlooked in the needs of government, business and large organisations. He introduced and fought for a large body of legislation, including that for the creation of an office of ombudsman. He closely examined legislation introduced into the House, regularly proposing amendments to provisions he opposed. Except when dealing with major pieces of legislation, he spoke without prepared speeches or copious notes. He was a colourful, forceful and determined debater with interests across the whole range of matters dealt with by the Legislative Council. All in all, he was a most valuable member of that House whose efforts played no small part in developing the stature of this House as an influential legislative body. His interest in the Assembly did not cease with his retirement. He was a constant visitor here. He held open court in the lounge and his advice and comment, often caustic and often unsolicited, was freely available.

You cannot categorise Tiger Brennan. He was always a fighter, particularly for the underdog. He was not a man who could be ignored. This Assembly and indeed the Territory community is diminished by his passing and is in debt to Tiger for his efforts on our behalf. It is with regret that I move this motion to mark the death of one of the Territory's best-known and memorable pioneers.

Mrs LAWRIE (Nightcliff): Mr Speaker, it is also with regret that I rise to support the motion. I know that every member of the opposition, at some stage, has had his job pointed out to him in rather succinct tones by the late Tiger Brennan. He was free with his advice and much of his advice was worth taking. I knew Tiger Brennan first in 1960, and one of the aspects of this tremendous man, who was a larger-than-life Territorian, has not yet been mentioned - his innate kindness. He was an extremely kind person and he expressed this more to the children of people whom he knew than to the people themselves. I speak from personal experience and I also know others who have seen Tiger spend a long time with their children whereas others might have dismissed the kids out of hand as not being worthy of their attention. Perhaps he thought that, since our generation had failed him in his efforts to fight the bureaucracy, he would work on the coming one.

Tiger pricked the pomposity of others often and well. He fought bureaucracy and I think it is worth nothing that, during his last days in hospital when some of us were visiting him, one of his last acts was to ask me to assist the young lady who was nursing him with a particular problem she had. That is typical of

Tiger. It is easy to read his speeches in Hansard and remember how he fought for the rights of Territorians years ago, how he led the battle for cutting loose the strings with Canberra and the "blinking" bureaucrats, but I think insufficient coverage has been given to this other aspect of this man's character where he assisted every person who came to him with personal problems or with problems both with the federal bureaucracy and the bureaucracy in the Northern Territory. He never considered it other than a privilege to help people and he left no stone unturned in offering that help.

I know that 2 people who also deeply regret his passing are Ron Withnall and Goff Letts. I sat spellbound for hours with Ron and Goff listening to Tiger's tales of his early times in the Northern Territory. It is a pity that such people who have so much knowledge of the history of the Territory pass on without its being recorded for those who follow. It was a privilege to know Tiger and I am sorry for those who will come along in 5 years and never have the opportunity of hearing firsthand of the battles that he and others like him, such as the late Dick Ward, fought - battles carried on later by Goff Letts and Ron Withnall. They will not hear firsthand just what it cost in human terms and energy.

Mr Speaker, I do not think there is one person in this House who does not deeply regret the passing of Tiger and his ilk.

Mr ISAACS (Opposition Leader): Mr Speaker, I would like to again associate the opposition with the motion moved by the Chief Minister. I thought it was appropriate that the member for Nightcliff, who served with the late Tiger Brennan, who knew him and regarded him so highly, should second the motion.

Tiger Brennan was a unique and flamboyant character. His flamboyance is demonstrated by the example given by the Chief Minister of Tiger going to the MacPherson electorate to take on the then Minister for Territories, Charles Edward Barnes. It was an absolutely impossible task but, not to be daunted, Tiger took it on with very great relish and his accustomed gusto. The fact that he polled about 5% was a shock to everybody including himself but it was the sort of flamboyance and original thinking which marked Tiger Brennan's approach to politics in the Northern Territory and his independent streak and determination.

I met him on a number of occasions when he was the mayor of the Corporation of the City of Darwin and he amazed me with his complete confidence in his own judgments and his determination to carry them through. I remember one occasion when I went to see him with the president of the union, another old-time Territory resident, Jack Meaney, to talk to him about a particular dispute that we were having with the city council that resulted in closing all the public toilets. Tiger's attitude was very clear and very simple: we were wrong. He simply said to Jack and myself, "Gentlemen, just tell them to go back to work". It was a very simple way of putting it but it does show the man's determination and confidence in his own judgment. By and large, the way he pursued his courses did bring him to the public mind as a very determined person who stuck up for the rights of people who lived here, who saw the tall poppies as fair game to cut down and, as the member for Nightcliff said, he did it well and often. I think it is appropriate that, as we mark Tiger Brennan's passing, we have in the visitors' gallery the gentleman occupying the position of ombudsman for the Northern Territory. I believe the establishment of that office owes very much to the energy and efforts of the late Tiger Brennan. It was fitting that the first ombudsman, Mr Giese, asked Mr Brennan to turn the key in the door on the first day of the opening of that office.

Tiger Brennan was a great and unique Territory character. It is true that we will not see the likes of Tiger again. It is a very great shame, and I believe the Territory is poorer for it, that nobody has been able to record the many,

exciting sallies which Tiger Brennan had, not just with Canberra bureaucrats, but with anybody who stood in the way of progress, as he saw it, for the development of the Northern Territory.

Mr SPEAKER: Honourable members, I too would like to associate myself with the motion. I first met Tiger at Mataranka in 1948 and he was then, as he called himself, a humble prospector at Maranboy and I was a very lowly cattleman - I still am. Tiger used to get beef from me and take it back to the tin fields to sell to his mates. Later, I remember Tiger gleefully telling me how he outmanoeuvred the bureaucrats to get into Arnhem Land to prospect the Bulman lode near Mainoru station.

After that, he became one of the earliest Legislative Councillors. I think his starting salary was £150 a year. He described himself as a statesmen and not a politician. Later, when I joined the Legislative Council, I got to know him fairly well. His friends took a lot of delight in calling him names like the Pakistani Pom but he retaliated very well and called Ron Withnall "Grumpy", which I thought was a wonderful nickname and only Tiger could make it fit.

Despite his only getting 1 mark in Latin, Harold Brennan moved for the introduction of tertiary education in the Territory. His early Institute of Technology Bill, although not successful, eventually led to legislation setting up the Darwin Community College. Tiger used to travel the outback at least once a year. He always had a notebook with him in which he wrote down complaints from everyone who had complaints. When he came back, he used to visit each director to outline the complaints he had received and, if possible, get the wheels moving again. Tiger was a true Territorian - in his own words, a statesman. We are all the poorer for his passing.

I would ask honourable members to signify their concurrence with the motion by standing in their places for one minute's silence.

Members stood for one minute's silence.

ELECTION OF CHAIRMAN OF COMMITTEES

Mr SPEAKER: Honourable members, I inform the Assembly that the honourable N. Dondas, by letter dated 2 January 1979, has resigned his office as Chairman of Committees. I call for nominations for the position of Chairman of Committees.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I propose to the Assembly for its Chairman of Committees, Milton Ballantyne, the member of this Assembly representing the seat of Nhulunbuy and I move that he be so appointed.

In support of the motion, I believe that, since the establishment of this Assembly in 1974, the member for Nhulunbuy has gained the necessary experience and knowledge of the procedures of this Assembly to undertake the important role in this House as Chairman of Committees.

Mr PERRON (Treasurer): Mr Speaker, I second the motion and endorse the remarks made by the Chief Minister.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, I accept the nomination.

Mr ISAACS (Opposition Leader): Mr Speaker, I propose to the Assembly for its Chairman of Committees the honourable member for Sanderson, Ms June D'Rozario, and move that she be so appointed.

I think everybody in this Assembly would agree that the honourable member for Sanderson has an incisive mind and an authoritative voice. With those 2 attributes, I am sure she would make an excellent Chairman of Committees. In the short time that she has been a member of the Assembly, she has shown a complete comprehension of the Standing Orders and I suggest that that is a most important qualification to have. I believe also that I will be able to persuade members opposite of the wisdom of appointing Ms D'Rozario as Chairman of Committees by the following argument: on this side of the Chamber, we have become increasingly alarmed at the reduction of numbers on the government backbench. With the increased number of people being appointed to the frontbench and the various perks that go with the office of government, we see the number of government backbenchers receding. Indeed, they would almost earn the tag now of "endangered species". I am sorry that I do not have the Latin name for "government backbencher" but we thought we could make a great contribution towards preserving this exciting and somewhat exotic creature, a government backbencher, by ensuring that the Chairman of Committees came not from the government but from the opposition.

Mr PERKINS (MacDonnell): Mr Speaker, I rise to second the motion.

In doing so, I would like to endorse the wisdom of the words of the Opposition Leader. Everyone on this side would agree that the honourable member for Sanderson would be an ideal choice as Chairman of Committees and Deputy Speaker of this House because she certainly has the attributes of such a person. I can only echo the sentiments of the Opposition Leader.

Ms D'ROZARIO (Sanderson): Mr Speaker, I accept the nomination.

Mr SPEAKER: There being 2 nominations, I direct that a ballot be taken.

Ballot taken.

Mr SPEAKER: Honourable members, the result of the ballot is Mr Ballantyne 11, Ms D'Rozario 6. I declare Mr Ballantyne elected to the position of Chairman of Committees.

LETTER FROM THE ADMINISTRATOR

Address in Reply

Mr SPEAKER: Honourable members, I have received the following letter from His Honour the Administrator:

Dear Mr Speaker, I have been advised by His Excellency The Governor-General that the Message of Loyalty from the members of the Legislative Assembly of the Northern Territory has been forwarded to London for Her Majesty the Queen's pleasure. Yours sincerely, J.A. England, Administrator.

LETTER FROM BUCKINGHAM PALACE

Mr SPEAKER: Honourable members, I have received, through the Governor-General's office, a letter from Buckingham Palace thanking the Assembly for its message of loyalty.

LETTER FROM THE ADMINISTRATOR

Appointment of Ombudsman

Mr SPEAKER: Honourable members, I have received the following letter from His Honour the Administrator:

My Dear Speaker, Acting with the advice of the Executive Council and having received the recommendation notified in your letter of 30 November 1978, I have appointed Mr Russell Henderson Watts to hold the office of Ombudsman for the Northern Territory, pursuant to Section 4(3) of the Ombudsman (Northern Territory) Act. Section 4(7) of the act requires me to cause the instrument of appointment to be laid before the Legislative Assembly within three sitting days after the making of the instrument. Accordingly, I forward herewith copies of the instrument and request you to arrange for tabling within the time stipulated. Yours sincerely, J.A. England, Administrator.

STATEMENT

Administrative Arrangements

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker, I draw the attention of honourable members to the administrative arrangements ordered by His Honour the Administrator that are set out in Government Gazette No. 52 of Tuesday 2 January 1979.

The principal alteration to the previous administrative arrangements is, as the Opposition Leader has already pointed out in an indirect way, the appointment of an additional executive councillor. The honourable member for Casuarina, Mr Mr Nicholas Manuel Dondas, was appointed by His Honour the Administrator as a member of his Executive Council and was sworn in as a member of that council on 2 January. Mr Dondas has been appointed to the portfolio of Youth, Sport and Recreation. He will also attend to the area of ethnic affairs and will assist me in the carrying out of my responsibilities as Chief Minister.

Other changes in the administrative arrangements relate to the areas of industrial relations, employment and industrial training which are now attached to my department. The Electricity Commission has been attached to the Department of Mines and Energy and, of course, the health function, as against the portfolio, came into the effective control of the Northern Territory government as of 1 January.

The Opposition Leader made some facetious remarks earlier in relation to the size of the front or back bench of the government party. The government of the Northern Territory is, I can assure all honourable members of this House, an extremely onerous task. Until 2 January, the Tasmanian ministry, which I think is the closest approximation to the Northern Territory situation even though it has a much smaller area that requires government, had to my knowledge at least 10 ministers in its cabinet. The responsibilities administered by Northern Territory ministers are more diverse than those administered by ministers in any other government in any state or, indeed, the Commonwealth of Australia. I can assure honourable members that the burden of work in government carried by ministers in my cabinet is one that I believe would, in this transitional stage to self-government, probably be one that is not borne by ministers in any state government anywhere else in this country.

I can assure you, Mr Speaker, that I value the services of Mr Dondas, especially in the area where he is assisting the Minister for Community Development. A new department has not, of course, been created. The permanent head of the Minister for Community Development's department is also Mr Dondas' permanent head and answers to him in respect of the areas of youth, sport, recreation and ethnic affairs. I also value Mr Dondas' assistance to me in the discharge of my rather diverse duties as Chief Minister, Attorney-General, minister in charge of police and the environment etc.

PETITIONS

Mindil Beach Caravan Park

Mrs O'NEIL (Fannie Bay): Mr Speaker, I present a petition from 375 citizens of Darwin expressing their concern at the government's proposal to relocate the Mindil Beach Caravan Park on the old golf course site on East Point Road. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. Mr Speaker, I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of the undersigned residents of Darwin respectfully showeth that the proposal of the government of the Northern Territory to relocate the Mindil Beach Caravan Park on the old golf course site on East Point Road is undesirable for the reasons that the use of the land for a caravan park could or would:

(a) be alien to the purposes for which the adjacent area was proclaimed a reserve;

(b) be injurious to a green-belt area and the natural environment close to the city;

(c) be a menace to the continued existence of wallaby colonies and the bird life in the adjacent area;

(d) cause an increased volume of traffic on a road which in its present condition is not suitable to carry the type of traffic associated with a caravan park; and

(e) provide noise and disturbance to the nearby residential areas with a consequent lowering of land values.

Your petitioners therefore humbly pray that the government abandon its proposal and incorporate the old golf course area in the East Point Reserve so that it will be protected for the use of future generations in a manner in keeping with the proclaimed purposes of that reserve and your petitioners, as in duty bound, will ever pray.

Alice Springs Abattoirs

Mr OLIVER (Alice Springs): Mr Speaker, I present a petition from 73 citizens in the Alice Springs area concerning the objectional odour and fumes emanating from the Alice Springs abattoirs. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. I move that the petition be received and read .

Motion agreed to; petition received and read:

To the honourable Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of the undersigned citizens of the Northern Territory respectfully showeth that there is widespread public concern in the Alice Springs area relating to the objectionable odour and fumes emanating from the Alice Springs abattoirs area which is constantly borne by the wind in the direction of our homes. We wish to advise you of our extreme dismay and concern regarding this state of affairs. Four grounds upon which we are being seriously inconvenienced are:

(1) a great deal of personal discomfort and, in many instances, illness such as nausea is being experienced;

(2) we are not able to have windows and doors open or use evaporative-type airconditioners in our homes a great deal of the time because of the prevailing winds;

(3) it is having a detrimental effect on the quality of our lives owing to the fact that outdoor living is curtailed in the area for all of the family; and

(4) at present, the abattoirs is working on a reduced basis. However, if the production is increased in the future, the problem will be increased and, if nothing is done, it will become a permanent nuisance.

Your petitioners therefore humbly pray that all Assembly members take whatever steps they can to overcome this nuisance and your petitioners, as in duty bound, will ever pray.

Casino Establishment

Mrs LAWRIE (Nightcliff): Mr Speaker, I present a petition from 1,957 citizens of the Alice Springs area concerning the proposed establishment of a casino in that area and their wish for a referendum. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders and I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of the undersigned citizens of the Northern Territory respectfully contends that the citizens of Alice Springs have not been given adequate opportunity by the Northern Territory government to express their wishes in respect of the proposed local casino. Your petitioners therefore humbly pray that the honourable members of the Legislative Assembly ensure a democratic expression of the will of the people of the Alice Springs region by holding a referendum in the electorates of Alice Springs, Gillen, MacDonnell and Stuart to determine the people's acceptance or rejection of the proposed casino and your petitioners, as in duty bound, will ever pray.

Hotel with Gaming Facilities

Mr OLIVER (Alice Springs): Mr Speaker, I present a petition from 942 citizens in the Alice Springs area showing their support for the establishment of first-class international hotels with gaming facilities in Darwin and Alice Springs. In addition, I have 590 signatures from people indicating that the holding of a referendum is not necessary. Because of a technicality, these latter signatures could not be accepted as a petition. However, the petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders and I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of the undersigned citizens of the Northern Territory respectfully showeth that there is widespread support for the government's move to establish first-class international hotels with gaming facilities in Darwin and Alice Springs. Your petitioners therefore humbly pray that all Assembly members take whatever steps they can to ensure the establishment of such complexes and your petitioners, as in duty bound, will ever pray.

PERSONAL EXPLANATION

Mr ISAACS (Opposition Leader): Mr Speaker, I seek leave to make a personal explanation.

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

Mr ISAACS: Yes, Mr Speaker. In an answer to a question this morning, the Chief Minister implied that I had breached some confidence and quite the contrary is true.

Mr EVERINGHAM: A point of order, Mr Speaker!

Mr SPEAKER: What is the point of order?

Mr EVERINGHAM: I did not refer to the Opposition Leader except to say that he is sometimes briefed by his opposite number.

Mr ISAACS: There is no point of order. If the Chief Minister wishes to make a personal explanation, he can do so I would imagine.

Mr SPEAKER: Order! If any member claims a point of order, he must be considered.

Mr ISAACS: I am not arguing against that.

Mr SPEAKER: Well, you were. You said there was no point of order.

Mr ISAACS: Mr Speaker, the reason I claim to have been misrepresented is because, in the answer given by the Chief Minister, he implied - at least that was the implication I took - that I had somehow or other breached a confidence.

Mr Everingham: Guilty conscience.

Mr ISAACS: What had happened was that the spokesman on industrial relations for the opposition, the member for Arnhem, had in fact sought a briefing from the government on no less than 2 occasions and that request by him was turned down by the government.

Mr SPEAKER: I do not think there was any misrepresentation and I would ask that honourable members do not abuse Standing Orders.

TABLED PAPER

Transfer of Funds

Mr PERRON (Treasurer): On 29 December 1978 I approved, in accordance with the powers provided to me under section 13 of the Financial Administration and Audit Act, transfers of funds between subdivisions within the provisions of the Appropriation Act No. 1 1978-79. In accordance with the requirements of section 13(2) of the Financial Administration and Audit Act, I table the order made by me on 29 December 1978.

Further, on 2 February 1979 the Chief Minister, acting for and on my behalf, approved in accordance with powers provided to me under section 13 of the Financial Administration and Audit Act transfers of funds between subdivisions within the provisions of the Supply Act No. 1 1978-79. In accordance with the requirements of section 13(2) of the Financial Administration and Audit Act, I table the order made on 2 February 1979.

On 12 February 1979, the Administrator of the Northern Territory, acting with the advice of the Executive Council, approved in accordance with the powers provided to him under section 13 of the Financial Administration and Audit Act transfers of funds within the provisions of the Appropriation Act No. 1 1978-79. In accordance with the requirements of section 13(2) of the Financial Administration and Audit Act, I table the order made by the Administrator on 12 February 1979.

STATEMENT

Transport Policy

Mr STEELE (Transport and Works) (by leave): Mr Speaker, transport plays an essential role in the movement of people, the production process and the distribution of goods. It is particularly important to Australia with its size, small population and isolation and it is even more important to the Northern Territory. Transport news has been prominent in the Northern Territory recently because of the air fares issue, the Darwin Trader and the Ghan. There are, however, also many important changes which have not attracted media attention. I have prepared this statement to inform the Legislative Assembly and the people of the Northern Territory on what is happening in important aspects of our transport policy and steps we are taking to implement policy.

This government's policy aims to develop and encourage economic and efficient transport services within and to the Northern Territory in a way that will most enhance our economic and social objectives. It would be useful to set out as briefly as possible the background to what I have to say in respect to responsibilities of Commonwealth and state governments in this field. Political responsibility for transport in Australia at the national level rests with the Minister for Transport who has the responsibility for a number of statutory organisations providing transport services. The Commonwealth is ultimately responsible for international transport services to Australia, for interstate marine and air services and for air safety throughout Australia. State governments are responsible for all intra-state land transport matters except as constrained by section 92 of the Commonwealth Constitution which requires that trade between the states be free. They also have responsibility for inland waters and other marine matters in the adjacent territorial seas and beyond, as permitted by the Commonwealth. The states have the power to control intra-state air transport, other than air safety, although to date only Western Australia and Queensland have made extensive use of these powers. Northern Territory transport responsibilities are administered by myself, as minister, through the Transport and Works Department and the Northern Territory Port Authority. The government is currently identifying administrative, legal and policy requirements for the Northern Territory to assume full state-type responsibilities for marine and air matters so that the Northern Territory will be able to take over appropriate elements of these responsibilities later this year.

I now turn to an examination of policy developments and progress in various forms of transport over the past 15 months. The completion of the line between Tarcoola and Alice Springs is now expected to be November 1980 as the Commonwealth, after strong pressure from the Northern Territory government, has agreed to accelerate the rate of expenditure. This is the largest rail project undertaken in Australia since the Trans-Continental line and will result in major improvements in the rail service to Alice Springs - in travelling time, capacity and reliability. In fact it will provide an all-weather land access to the south for the first time.

It appears that, even with this development, freight charges are unlikely to fall. As honourable members will know, the present service has been running at a

considerable loss. However, there will be a major improvement in the freight service to Central Australia and, in conjunction with coordinated road transport, the railways will be able to compete more strongly for Top End business. The government believes that every endeavour should be made to obtain maximum benefit from the line. We have stressed that ANR should adopt pricing policies to hold charges down and thus build up traffic. As well, we do not believe that capital charges on the rail project should be a charge on freight costs. Unless freight charges are kept at reasonable levels, business will not use the service which will reduce the value on the rail investment and its benefit to the Northern Territory. Action by the South Australian and Commonwealth governments to proceed with the standard-gauge line between Port Pirie and Adelaide as quickly as possible will enable the South Australian business community to obtain greater benefit from the new Tarcoola - Alice Springs line. It could also bring potential development to the Centre.

The Commonwealth, under the Northern Territory (Acceptance) Act, was committed to link Adelaide and Darwin by rail. Unfortunately, no time period was laid down and, in a recent document issued by ANR, reference was made to the line not proceeding beyond Alice Springs for at least 20 years. The re-opening of the Tennant Creek copper smelter, the establishment of the Tennant Creek abattoirs and other developments north of Alice Springs must cause the Commonwealth to re-examine this time scale. In light of this, we will be initiating further discussions with the Commonwealth on this matter.

One of the major decisions relating to the new rail link has been the location of the railhead site in Alice Springs. In its final decision to choose the modified town site, the government gave particular weight to the likely disruptions to local activity if the site were removed, together with ANR's view that it would lose business at the MacDonnell site with possible increased freight charges. The proposal will allow the completion of the north-south arterial road connecting Telegraph Terrace with the Stuart Highway. ANR have advised that shunting across Larapinta Drive will be eliminated when the new terminal area is developed.

Late in 1978, ANR sought the approval of the Commonwealth Minister for Transport to withdraw the Ghan passenger service operating between Port Augusta and Alice Springs because of substantial losses said to be about $1m a year. Because of the strong representations by the government that the continuation of the service was essential until such time as the new passenger service commenced on the Tarcoola - Alice Springs link, the decision was taken that the Ghan service would continue. This shows, in a most striking way, the value of the Northern Territory in making local views known to the Commonwealth before a decision by an outside authority becomes inevitable. An acceleration of the construction of that line with a $5m commitment by the federal government is evidence of that.

Referring to sea transport and marine legislation, at the present time the only Northern Territory marine controls relate to oil pollution in coastal waters and the provisions of the Ports Ordinance administered by the Northern Territory Port Authority in respect of the Port of Darwin. In all other sea transport matters, Commonwealth legislation applies. This causes 2 major problems. Commonwealth legislation is inappropriate for the requirements of intra-Territory shipping. The government has no major say in a wide range of legal, administrative, planning and policy matters of vital interest to the future development of the Territory. There is no legislation in existence which provides boating safeguards and passenger load limits for inland water areas other than declared National Park Reserves. This presents a particularly dangerous situation for tourists taking organised boating trips on the Territory's major river systems. Exemptions made under the Commonwealth Navigation Act apply to vessels under 400 tonnes gross provided their trade is between certain ports along the northern

coastline. They permit less stringent requirements for manning and crew qualifications than would otherwise apply and provide some flexibility of operations for certain coastal trade vessels such as barges in the Northern Territory.

The Commonwealth Department for Transport has indicated that, if local legislation similar to that enacted in the states is introduced, exemption from the relevant provisions of the Commonwealth Navigation Act 1912 will be granted. We are now working on marine legislation to cover intra-Northern Territory shipping matters. This will be introduced in the Assembly later this year. Our legislation will be complemented by uniform shipping codes which are being developed under the direction of the Marine and Ports Council of Australia and are expected to be adopted by that council at its next meeting in Darwin in May this year.

Interstate shipping service for the Darwin Trader: it is the policy of this government that regular shipping services be maintained between the eastern state ports and the western port of Fremantle with Darwin. The line with Fremantle is operated by the Western Australian State Shipping Service which has advised the government that the service will be continued. In December 1978, the Chief Minister was advised verbally by the federal Minister for Transport that the Australian National Line had reported to him that the Darwin Trader would be withdrawn from the Darwin service because of continuous losses, said to be about $1.6m per year. Mr Nixon had asked ANL to continue this service over the wet season but it was later found that the line had intended to put the Trader up for sale on 1 February 1979.

This government strongly protested against this action. It has been the subject of continued and vigorous negotiation between the Northern Territory and Commonwealth governments and the Australian National Line since that time. Our investigation since the threat to withdraw the Trader has clearly shown that there are many commercial sources of traffic both to and from Darwin that had not been properly investigated by ANL. We consider, therefore, ANL's talk of withdrawing the Trader was premature and ill-timed.

During my visit to Canberra last week for the meeting of the Australian Transport Advisory Council, I took the opportunity of discussing this matter with Mr Nixon. I now have his assurance that steps will not be taken to withdraw the Trader until this government's current investigations are completed. This is important to shippers who must be assured of continuity of shipping to maintain their confidence in the service.

Overseas shipping services. as a result of our trade mission to South-east Asia in December, it is clear that there is a need for regular shipping services between Darwin and that area. The government is examining a number of proposals for international shipping services not only to South-east Asia but also to and from the Middle-East and Papua New Guinea. The volume of inward freight from overseas and interstate is expected to increase considerably because of equipment and supplies relating to the new uranium project. The government's decision to proceed with the construction of the new land-backed wharf at Darwin will ensure that the port can handle such an increase. The tenders for the first stage of the wharf will be issued next month and completion of the first stage is expected in mid-1981.

International air transport services: last year, the federal Minister for Transport announced a new Australian policy and scheme for overseas air travel. Already in force are cheap air fares to the UK, other European countries and to the United States. The policies provide for lower fares in advanced bookings with market sharing between Qantas and the national airlines of the country between which the flights occur in each case. The scheme has been preferred to charter flights by the Commonwealth government which claims that it enables people from places such as Darwin to share the benefits. Apart from the long-distance

travellers, the main beneficiaries to date are Qantas and British Airways as the scheme gives much greater assurance of full loads for the full trip distance. The ASEAN countries have expressed strong concern about the abolition of stop-over points under the scheme. The government is particularly concerned to see that satisfactory arrangements are made with ASEAN nations otherwise our moves to establish strong trade links with ASEAN nations and to develop major tourist markets in the area may be jeopardised. We believe that the direct Singapore-Malaysia-Darwin air service will be a reality in due course, with significant benefits to the Territory.

Interstate air transport services: the government sees the need for lower air fares within Australia to encourage more overseas and Australian visitors to the Centre and the Top End. The reduction in overseas air fares in isolation from domestic fares has in fact lowered the Territory's competitive position in the Australian tourist market. The Commonwealth Department of Transport has commenced a detailed review of interstate services with particular emphasis on the level of fares. The results of this review will be of great significance to the Northern Territory. At the recent ATAC meeting in Canberra, I supported the Western Australian Minister for Transport and other state ministers in urging that the Northern Territory and the states should join in negotiations with the interstate operators.

The government is currently preparing a detailed submission as part of the federal Department of Transport review. We will also join in the negotiations with the airline operators regarding Northern Territory interstate fares and timetables. At the ATAC meeting, I stressed the disability suffered by the Northern Territory interstate fares and timetables. In particular, I drew attention to the defects of parallel scheduling and the present basis for calculating air fares. I believe that fares on long-distance flights are being used to subsidise shorter-distance flights in south-east Australia. This is caused by the current method of setting airfares with 2 components: flag fall, which is only a small component, and a kilometre charge. A higher flag fall component would result in lower air fares to and from the Northern Territory. The existing basis must be altered so that there is justice for Territorians.

The government has also stressed the adverse effect that parallel scheduling has on air terminal capacity and the inadequacy of Darwin Airport. No doubt more will be said during this session on Darwin Airport and the need for improvement. This matter was again raised in Canberra last week and negotiations are continuing. Much more needs to be done at Darwin Airport to make it a gateway to this country of which Australia can be proud.

Air transport services within the Northern Territory: at the moment, the Northern Territory has no powers to license, regulate or set fares for services within the Territory. These powers are available to state governments and are in fact exercised by the governments of Western Australia and Queensland. This government wants these powers transferred to the Northern Territory as soon as possible and proposes introducing legislation later this year to set up the machinery under which the powers will be exercised. However, I should point out that, even now, the federal minister consults with me about decisions on the granting of new licences. The Commonwealth's reluctance to transfer the powers at present is thought to have been influenced by the agreement with Connair to pay certain subsidies which are at present expected to end in September 1980. The government is at present negotiating for an earlier transfer of powers and I will be informing the Assembly of the progress of these negotiations at a later stage. As part of its preparation for the transfer of powers, the government is having its air policies reviewed by a consultant loaned to us by the government of Western Australia. His report is expected soon. The government will then make its policy decisions in relation to all aspects of air transport.

The Northern Territory government is determined to ensure the development of efficient and economic land, sea and air services to and from within the Northern Territory. Finance in the long run will be the only restraint on the speed at which we can achieve our goals. Through the development of an up-to-date legislative framework, we will provide an environment in which modern transport systems can operate efficiently and help the burgeoning needs of this developing Territory.

Mr Speaker, I move that the statement be noted.

Ms D'ROZARIO (Sanderson): Mr Speaker, on behalf of the opposition, I thank the honourable Minister for Transport for having provided us with this statement of developments over the last 15 months in all transport modes. Unfortunately, there was not a great deal that was new in his statement and, certainly, events of the recent past have overtaken some of the things that he has said. However, we are appreciative that it goes on the record that the minister and his government are concerned at the problems suffered in the Northern Territory as a result of remoteness, isolation and the lack of transport.

I would like to take up 1 or 2 points that the honourable minister has mentioned. Firstly, with respect to the rail service, we are very pleased to learn that the development of the Alice Springs - Tarcoola line has been accelerated but I was extremely disappointed to learn just a week or two ago from an officer of the Commonwealth Department of Transport that the development of the line further to Darwin is an extremely long-term project, even longer than the 20 years that the minister has mentioned. Towards the end of last year, there was an impression that a survey of the line between Alice Springs and Darwin had commenced. Apparently, this is not in any way related to an expectation of having a rail link between Darwin and southern places within 20 or even 50 years.

I was interested in the remarks made in connection with a passenger rail service to Alice Springs. I am quite amazed that the minister and his government should claim credit for having placed strong pressure, as he put it, upon the Commonwealth before the Ghan service was dismantled. Many residents of the Top End, and I am sure many residents of the Centre, will remember the debacle that took place last year to which the minister referred. I happen to have a few press releases covering that particular issue which I would like to scan over.

People of Alice Springs would recall that the impending move to do away with the Ghan passenger service at that time came not as a result of any government announcement but as an announcement from the South Australian Minister for Transport. That gentleman brought to the attention of the Northern Territory that the Australian National Railways Commission had made an approach to the federal Minister for Transport to discontinue that service. While the Chief Minister was quick off the mark to make his representations after that announcement was made by the Minister for Transport of South Australia, we were amazed to learn the very next day that Senator Kilgariff, the CLP Senator for the Northern Territory, had actually criticised people - and in particular the South Australian Minister for Transport - for having brought this matter to the attention of the public at all.

As the honourable minister for Transport said a while ago, the representations that his government were able to make did assist in permitting that service to continue before the decision by the federal Minister for Transport was taken. I suggest to him that that representation could not have been made if the recommendation of the Australian National Railways Commission had not been made in the first place by the Minister for Transport. Although we do commend the decision to continue the service, I do not think it was as a result of the CLP efforts in any way.

Mr Speaker, the same story recurs with the Darwin Trader every wet season and every season the ALP is accused of adding to the speculation that the service will be discontinued. This is an extremely cyclical phenomena and last year you will recall that the Australian National Line sent an officer - I think his name was Mr Humphrey - to determine how much cargo was available in Darwin. This gentleman apparently made lengthy and protracted investigations and again we had the suggestion that the Darwin Trader service would be discontinued. Upon the ALP releasing this information that once again a statutory corporation of the federal government, the Australian National Line, was putting to its minister a proposal to discontinue this service, the ALP was severely criticised by the Minister for Transport who had just made a statement that we were adding to the speculation. This was not in any way speculation; it was contained in a report of the Australian National Line to its own minister. Now we have the Minister for Transport telling us that his government is conducting an investigation. We welcome that investigation but let us not be in the same position next year, Mr Speaker, where again we will be talking of the possibility of the Darwin Trader service being discontinued.

On the question of domestic and international air fares, I have to say without reservation that I commend absolutely and entirely the relentless efforts of the honourable Chief Minister. I think every member of this House and many members of the public would support the representations that the Chief Minister has made to the federal government with respect to domestic air fares. It is becoming painfully obvious that, whilst domestic air fares are ever increasing and international air fares are reducing every year, Darwin as an airport will be losing considerable amounts of traffic and this will be a significant deterrent and a significant restraint in the development of our tourist industry. I happen to have visited 3 of the ASEAN countries last month and I must say that I was extremely embarrassed to read in the press the federal Minister for Transport, Mr Nixon, being referred to as the "Australian Minister for Qantas". Certainly, our Asian neighbours are extremely concerned, as well they might be, at the possibility that all stopovers between Australian ports and Europe will be abolished. Many of the airlines have undertaken very large programs of capital investment. Although I heard only recently that there are no longer threats of trade retaliation and ASEAN countries have simply decided to lobby the Australian government very strongly, certainly, as far as the Northern Territory trade initiatives are concerned, this problem must continue to concern us. I welcome the Minister for Transport's undertaking that the Northern Territory government will add its voice to that of the ASEAN nations in permitting a flow of traffic to take place between that region and ourselves.

In conclusion, I must say that the statement does not give very much hope for an improvement in the short run. I was amazed to read the concluding remark of the Minister for Transport that finance in the long run would be the constraint. I would have said that finance is the constraint in the short run and if we cannot achieve our goals in the long run, then we will be looking at a very dismal transport future for the Northern Territory indeed. However, I do thank him for his statement. We certainly support the sentiments that he has expressed and we are unreservedly in support of the representations that have been made by the Territory government to the federal Minister for Transport.

Mr OLIVER (Alice Springs): Mr Speaker, during this debate on the statement of the Northern Territory transport policy, I will confine my remarks mainly to the road aspect of the problem. This is vitally important to the question of transport in the Northern Territory and I think it could be dealt with perhaps a little more than it has already been.

I speak on the road problem with perhaps little authority but, most assuredly, with a great deal of practical experience. Back in the 1940s, by way of

explanation, I was one of the elite of the truckies in the Territory. I used to drive the perishables truck from Alice Springs to Darwin. In those days, of course, with non-refrigerated units, speed was the essence of the contract. Fortunately, the road between Alice Springs and Darwin was sealed and there were no great problems, but there were a few hair-raising moments. I will not go into the finer details on those.

In those days, the Territory was enormously isolated by the handicap of indifferent road systems. Today, we face much the same problem with indifferent road transport communications, albeit there has been a very vast improvement in the roads serving the Territory. Today, we sometimes have no transport communications, particularly when the Stuart Highway south and the Ghan are non-operational because of heavy rain.

In later years, too, I have bounced over what I might call the intra-state roads. These include the tourist roads, to which industry we looked for so much benefit, and also those pastoral industry access roads, which industry as you are well aware is still a backbone to the stability of our Territory. The roads have been rough; at times, they have been impossible. That is all the more reason why I am referring mainly to the road situation.

It is gratifying to learn that Alice Springs will finally have a reliable link with the south when the Alice Springs - Tarcoola line is finished. Nevertheless, the town relies heavily on tourists who use the road and also many locals still prefer to use road travel rather than train or air. A number of the brave or the foolhardy or the necessitous would attempt to travel the road from Port Augusta to Alice Springs.

Honourable members will be aware, from the study of budget paper No. 4 which was presented during the Appropriation Bill debate last year, that the government is committed to substantially improve the total road network within the Northern Territory. The significant improvements allowed for in the budget cover both the national road system and the developmental roads. A total of $50.4m was allocated for capital road works and a further $12.2m for maintenance. The $50.4m included $19.5m for work in progress and $30.9m for new works. It can be seen from these figures that the government is conscious of the need to improve the inadequate spending of past years.

The ongoing major items mentioned in the budget include upgrading sections of Stuart Highway between Adelaide River and Hayes Creek and Wauchope and Barrow Creek. I am very pleased to say that work is in progress between Wauchope and Barrow Creek. There are also major roadworks and bridgeworks in the hills section north of Alice Springs and, again, these works are well under way.

I note too that the following major new works are included for national highways: the construction of new bridges and approach works at the Rankin and James Rivers near the Queensland border on the Barkly Highway; on the Stuart Highway, there are further works between Hayes Creek and Pine Creek, construction of the Adelaide River bridge, construction of the Warlock Ponds bridge and roadwork between Mataranka and Larrimah; and there is also the construction of Bonney Creek bridge south of Tennant Creek. I could tell you quite a few stories about being stranded either north or south of Bonney Creek for quite some hours.

On the Victoria Highway, 2 new bridges are being built across the King River which will alleviate a long-standing problem. Further impetus is being given to development by the construction of stage one of the Petermann Road between the Stuart Highway and the Angas Downs turnoff. This Petermann Road is the access road to Ayers Rock and that particular section between the highway and the Angas Downs turnoff is probably the worst section of the road in so far as rainfall is

concerned. There are quite a few watercourses across it where the run-offs from the Hippia Hills and the Erldunda Range create a bit of flooding and a bit of hazard. There is the sealing of the road between Jay Creek and Glen Helen. This is again a very important tourist road as, apart from Glen Helen, it serves Ellery Gorge, Serpentine Gorge, Redbank Gorge and several of the larger settlements a little further west of that point. The sealing of stage 1 of the Tanami road is also very important. I see this road as a major tourist road which will take tourists from Alice Springs up through Tanami to Wyndham, Kununurra and so on. It also serves a fairly intensive cattle grazing area and several major settlements west and north-west of Alice Springs. Finally, there is the construction of the first stage of the Daly River road which is a little out of my Territory.

I understand too that there is a substantial allocation of funds for much needed urban roadwork. I know the residents of Alice Springs appreciate the work being done on Railway Terrace and I am sure the people of Darwin are similarly grateful for the proposed work on the Ludmilla - Fannie Bay connector road and the Frances Bay connector road.

Road funding has always been a contentious problem in the past where Territorians have been at the mercy of the Commonwealth government. Honourable members will be well aware of the start-stop method of funding where no guarantees could be given or indeed would be given as to the future level of funds or which projects should or would proceed. These problems were further aggravated because of the long-winded Commonwealth procedures before major projects could get under way and I think all members of the Assembly are well aware of these problems with the Commonwealth government.

In recent years, we have seen a string of lesser but still worthy projects proceeding while new work on our major roads, such as the Ayers Rock - Glen Helen road and Tanami road, has actually stopped. To these, I would add also the Lake Nash road and the Plenty River road which are most important links to the eastern states and, for people travelling east from Alice Springs, the upgrading of these 2 roads could save up to 400 or 500 miles of travel around through Mt Isa. The Northern Territory government is now proceeding with all of these roads but I am conscious, and I think we are all conscious, that we are enjoying a financial holiday under the present Commonwealth - Northern Territory agreement and, in the future, we will have to fight for money in the same way as the states do. I would assure this Assembly, Mr Speaker, that the Northern Territory government will fight to the last ditch to ensure that funds will be available to carry out our central roads program.

When I first started speaking, I mentioned the state of the Stuart Highway in South Australia. I understand that the South Australian government is spending about $1m on this project this year as part of sealing a 50-kilometre section between Bookaloo and Mt Gunston north of Port Augusta and the commencement of a 90-kilometre section from Pimba to Baker Well. I am also informed that pre-construction activities such as surveying could take about 18 months so there will be no immediate alleviation in that direction. This does seem an inordinately long time but, probably with funding, task forces and other practicalities, it would seem that we must endure this lengthy delay. South Australia has received grants under the National Highways Act totalling $65m in a 3-year period yet we have not seen any of this money spent on the Stuart Highway until recently. I have no doubt that there are magnificent freeways leading in and out of Adelaide and, doubtless, these are on national highways. I am advised that the Department of Transport intends allocating an extra $3m to South Australia next year for expenditure on national highways and I hope and pray that we will see some of this money spent on our South Road.

At this stage, I would like to pay tribute to an Alice Springs-based organisation that has been pressuring for years to have the South Road upgraded and sealed. Initially, this was called ASPADA, Alice Springs Port Augusta Development Association. Fortunately, the road from Port Augusta to Pimba was sealed and the organisation is now called ASPRO, the Alice Springs Pimba Road Organisation. This is chaired by the honourable member for Stuart and comprises many of the leading businessmen and tourist operators in Alice Springs. They are forever pressuring to have this road upgraded.

I turn now to speak of the situation in other places adjoining the Northern Territory. The Western Australian government is conscious of the need for an all-weather road to the Northern Territory. I believe they are spending $18m this financial year upgrading various sections of the Great Northern and the Duncan Highways. The Meekatharra to Mount Newman section was completed last December and construction is continuing between Port Hedland and Broome. The Northern Territory government is reinforcing the Western Australian government's action by commencing construction of the King River bridge on the Victoria Highway and is conscious of the need to progressively upgrade this road to national highways standard. I would urge the Minister for Transport and Works to consider the Katherine Willeroo section of the Victoria Highway, in particular, when assessing priorities for upgrading this road.

In Queensland, the picture is not rosy at all. While it is gratifying to have a sealed road from Townsville to the border on the Flinders Highway, there is still a major problem with the Georgina River. Currently, as I said earlier, the Northern Territory government is committed to constructing bridges over the James and Rankin Rivers on the Barkly Highway but these are of limited value or indeed no value whatsoever if you cannot cross the Georgina when it floods.

The Chief Minister informs me that he has been advised by the Premier of Queensland that 230 kilometres of the Landsborough Highway between Winton and Cloncurry remained unconstructed at the end of 1978. I and quite a few members here have been stuck on that particular stretch of road. The Queensland government intends only to seal 37 kilometres of that road over the next 5 years and progressively upgrade but not seal a further 120 kilometres within 7 years. On my calculation, that leaves roughly about 73 kilometres of road not upgraded. I think a road is a little bit like a chain; it is no stronger than its weakest link. A weak link of 73 kilometres in that country is pretty poor.

I am sure honourable members will agree with me that this situation is not only totally unsatisfactory; it is deplorable. In spite of the efforts of the Northern Territory government to obtain cheaper air fares for Northern Territory residents, it is a fact that many tourists travel by road and that much of our essential freight still comes from interstate by road. The road link to the Territory is of the utmost importance. I would urge the government not only to ensure that, in the future, the Northern Territory receives its adequate share of funding for road construction and maintenance but that it continues to apply pressure to the premiers of Queensland, South Australia and Western Australia until such time as all Territorians can enjoy all-weather road links with the other states.

Mr PERKINS (MacDonnell): Mr Speaker, in rising in this debate this afternoon, I would like to join with the honourable member for Sanderson in thanking the Minister for Transport and Works for the announcement which he made in relation to the transport policy of the Northern Territory government.

I would like to make a few remarks on a few matters which were covered in the statement and which concern me a little. One of them is the failure of the statement to recognise the public transport system in Alice Springs and the fact

that we have not seen much done in this regard. I know this is a matter which is close to the heart of the honourable member for Alice Springs. Last year, he made some representations to the honourable minister about a system of public transport in Alice Springs to help those people who need it and, in particular, the pensioners at the Old Timers Home and other people who would use such a system for shopping and so on. I understand the matter was being investigated by the minister's department. However, I was rather disappointed to see that it has not been mentioned in this particular statement because I know there are people in Alice Springs who are concerned that there is no system of public transport there to help the public. On the basis of that concern and the representations made in the past, I think the minister and his department ought to look into it.

The other matter which concerns me - and this was raised by the honourable member for Alice Springs - is the question of the sealing of the Stuart Highway. I was happy to see in the statement that the rail link between Tarcoola and Alice Springs will be completed by November 1980. Of course, this will allow for the link between the south and Alice Springs to be improved. However, I am concerned that there has only been an announcement that a certain amount of funds will be expended on looking at the feasibility and the cost involved in sealing the Stuart Highway. I would have thought that this is an important project in the Northern Territory, not only important in terms of the economic benefits that could flow but also in terms of the impact it could have on the tourist industry in the Northern Territory and the benefit it could have for the travelling public. If we seal the Stuart Highway, it is obvious that we would be able to improve communications and also the transport system between the south and the Northern Territory as a whole. That is a very vital question. It has been raised on a great many occasions by all sorts of politicians and all sorts of people who have been concerned about the matter. I remember that the honourable Mr Sinclair in the election campaign in 1975 in Alice Springs made a promise that the federal government would allocate funds for the sealing of the Stuart Highway. Unfortunately, what we have seen is just another broken promise of the Fraser government and of the minister. We have not seen the money yet allocated to seal that highway. I do not believe the Northern Territory government has been really strong enough in getting the point across to the Commonwealth that it is of the utmost importance for the future development of the Territory that the Stuart Highway be sealed. I was rather disappointed that this particular matter was not included in the statement. I think it is of the utmost importance that the government of the Northern Territory ought to bring some more pressure to bear on the federal government, not just to have a feasibility study to look at the feasibility but to get on with the business of allocating the money necessary for the sealing of the highway.

The honourable member for Alice Springs mentioned the matter of the sealing of the road to Ayers Rock and also the sealing of the road to Glen Helen. Of course, these particular areas are in my electorate of MacDonnell. I would like to applaud the honourable minister on the initiative taken to have these particular roads sealed but I would also like to point out the importance that I and other people in the electorate who use the roads place on having these roads sealed. Further, I do not think it is sufficient just to seal these roads to the points to which they are being sealed although, in a way, I think that that is good. I can think of other roads in my electorate which ought to be sealed in the interests of the travelling public in my electorate and other people who use the roads, either for business purposes or for private purposes. Urgent consideration ought to be given, for instance, to the sealing of the Ayers Rock road right to Ayers Rock itself and this particular development ought to take place as soon as possible. You are not going to improve the overall situation there just by sealing the road up to the Angas Downs turnoff; obviously, you will improve the overall situation if the road is taken right through to the Rock as soon as impossible. There are obvious advantages in that. Apart from the fact that the

sealing of those roads would improve the transport and communication in the area, it would have a considerable impact and a benefit on the whole tourist industry in the Territory.

I would like the minister to have a closer look at other roads in the area, in particular, roads which lead into other tourist attractions and which need to be sealed. I would like to instance the road that goes into Standley Chasm. People are still waiting to see the rest of that road sealed in order to improve access into that area, not only for tourists but for other people who use the facilities. There are other roads too which need maintenance and sealing. These roads go into Hermannsberg, Palm Valley and Kings Canyon - areas of attraction to tourists and other people. If they were sealed, communications, transport and tourist activity in that area would improve.

I heard with interest the remarks of the honourable the member for Alice Springs indicating that the Northern Territory government will fight to the last ditch in order to ensure that there are essential allocations of funds. I hope that he is sincere in that remark and also that the government is also sincere in that aim. As I have mentioned, there are other areas where funds could be allocated to improve road conditions.

I would like to make a final comment to amplify the remarks made earlier by the honourable member for Sanderson when she indicated that it appears that the Northern Territory government is claiming sole credit for the retention of the Ghan passenger service to Alice Springs. Other people were involved in that particular issue and they made representations asking the government to retain the Ghan service into Alice Springs. The unions were involved and also other members of the Country Liberal Party in the Northern Territory who are in the federal parliament. I do not agree that the Northern Territory government can claim sole credit for the fact that the passenger service has been retained. I do not think that claim is fair on the other people who have had a role to play in that particular matter.

Finally, I was interested in the concluding remark of the honourable minister that the Northern Territory government is determined to ensure the development of efficient and economic land, sea and air services to and from and within the Northern Territory. He went on to say that "finance in the long run will be the only restraint on the speed at which we can achieve our goal". I am at a loss to work out how they want to achieve their aim when the statement does not tell us how they want to achieve it. They also indicate that, in the long run, it is the finance which is important. This raises questions as to where the finance will come from and to what extent the finance will be allocated to improve the land, sea and air transport system in the Northern Territory.

I would like to endorse the comments that were made by the honourable member for Sanderson in that regard. I would have thought that, in the short run, finance would have been the only restraint and that the government would set about the business of obtaining finance in the long run to ensure that the Northern Territory is allowed to develop efficient and economic land, sea and air services within the Northern Territory and out of the Northern Territory. I would be interested to hear any future announcements by the Minister which would elucidate that subject and let us know how they propose to ensure this kind of development in the Territory.

In closing, and this time I will close, I would also like to endorse the remarks of the honourable member for Sanderson when she applauded the honourable the Chief Minister on his efforts to try to ensure that there are cheaper international air fares for the Australian public who travel overseas and vice versa for people who want to come to Australia, and that there are cheaper air fares

in the Northern Territory. The Chief Minister has adopted a splendid approach in this particular matter. It is in the interests of the Territory that there be cheaper air fares. We cannot have a situation where, on the one hand, the federal government will arrange cheaper air fares internationally yet, on the other hand, in the Northern Territory, we do not have cheaper domestic air fares. That would be rather an anomalous situation and one that is unfair to the people of the Territory. It would also be a bad thing for tourists who want to come into the Territory.

Having said that, I think that, if the Chief Minister would like some further praise, I would like to see him pressure the Minister for Transport a bit more over the sealing of the Stuart Highway. That is also an important issue and we must all get into the business of pressuring the federal government over that and not let that issue lie until we see that road is sealed.

Mr DONDAS (Youth): Mr Speaker, the Minister for Transport and Works has spoken about the effects and causes of federal government's air policy on the Northern Territory and its people. He has mentioned its effects on the Northern Territory tourist industry by lowering its competitive position in a dollar-seeking market. The Chief Minister has also spoken outside this Assembly of the Commonwealth Department of Transport's review of interstate air services and its particular reference to the level of air fare charges. In addition, in a recent statement to the local media, the Chief Minister made mention of a promise by the federal Minister for Industry and Commerce that moves will be made within the next 2 months to reduce domestic air fares. A hope was also expressed that this review would not become bogged down by the heavy bureaucratic processes in the Department of Transport. That federal minister also discussed the effect of the newly available cheap overseas air fares on the tourist industry. Obviously, with cheap international air fares and the high internal domestic air fares, the average tourist to whom Australia was previously out of economic reach still will not be able to travel extensively within Australia. These are denigrating factors which affect the NT and there is no doubt that the two-airline policy is having a destructive effect on the development of the Northern Territory, particularly in the tourist industry.

My concern today is the effect of this economic isolation on our young people and on those who are, either by desire or circumstance, pursuing recreations, sports, arts and culture as a leisure activity. We are individuals and should be able to pursue whatever activity we consider essential to our wellbeing and our living in the Northern Territory. Many things that our southern friends take for granted are not able to be experienced in the Northern Territory. I speak of simple items such as the 4 seasons. Many families living in the southern states take for granted visits to local museums, art galleries, circuses, summer and winter schools, term camps, etc. Some of these facilities exist in the 2 major Territory centres but let us be realistic. They are very basic indeed. At this stage of the Northern Territory's development, this is about all we can afford. We should not be prohibited from taking our families to other parts of Australia, to broaden our children's outlooks and, leading on from this, their ability to cope with life outside of their normal neighbourhood environment.

Again, because of our isolation, a vast majority of our sportsmen, and I include youth, are unable to see or possibly take part in the major sporting events of our country. Television brings to us coverage of traditional cricket, major car racing, and not much more. World series cricket, from all accounts, is on the crest of a popularity wave, but has not been seen in the Northern Territory. Through my portfolio of Youth, Sports and Recreation, I am able to assist, to a very limited extent, teams of sports persons who wish to participate in national championships. As we are all aware, this type of assistance is only available to the gifted few and does not assist the great number of us who are not physically

capable of a representative standard in sport. Little consideration is given in the Commonwealth domestic air fare policy to assisting lesser people like us.

We have been told that the Western Australian and Queensland governments are also becoming more vociferous in their criticism of the federal government's air fare policies. I think the time has now arrived when these policies should be reviewed as a matter of great urgency if the people of Northern Territory, and in fact those of Western Australia and northern Queensland, are not to suffer the on-going social consequence of living in imposed isolation conditions. I call on the federal government to immediately take action to reduce air fare charges to and from the Northern Territory and to critically examine the method by which the federal Department of Transport arrives at these charges. The current method of low flag-fall and high kilometre rate may suit the short-haul flights on the southern eastern seaboard. However, it is totally unacceptable for the long hauls to and from the Territory. I am sure members opposite will join with me in this call as they are also aware of the isolation imposed by the high domestic air fares and the despairing effect it has on the community.

Mrs LAWRIE (Nightcliff): Mr Speaker, I rise to add my support to some of the remarks which have been passed. If we talk about transport, we are talking about the carrying of either goods or people, firstly around Australia and, secondly, where it is of importance to the Territory, overseas. It is my intention to support at every level the Minister for Transport in this House in his endeavours to convince other state ministers for transport that we are all Australians: we are not necessarily Western Australians, Queenslanders, Victorians, New South Welshman, Tasmanians, South Australians or Territorians but we are, in fact members of one country, Australia. The way in which domestic air fares are set means that those of us who have chosen for a variety of reasons to live in more isolated communities are at present disadvantaged. It is quite obvious that all members of this House rue this disadvantage and feel that, for the orderly development of this country as a whole, such disadvantages should be done away with and people should stop thinking of themselves merely as state people and think of themselves more properly as citizens of this country.

The federal Minister for Transport, the honourable Peter Nixon, has come in for a fair degree of criticism - and I choose my words wisely. The criticism was fair and I believe it goes beyond any particular party politics in that members of very conservative governments in the north - and I refer particularly, of course, to Western Australia and Queensland - together with members from both sides of this House, have criticised present Australian government policies relating to transport. Successive Australian governments have failed to pay due and proper regard to the particular problems of isolated communities.

When I opened my remarks in saying I will support at all levels the present Minister for Transport, I meant of course that I am seeing him as a representative of the people of the Northern Territory and not as a representative of any particular political party. I believe that the present minister, the honourable Roger Steele who happens to be the member for Ludmilla and the opposition spokesman, who is the member for Sanderson, in many respects, would have identical outlooks. There may be a difference in emphasis in some regards. We are here to press for the proper facilities for people who live in the top half of Australia and who have been ignored for too long by governments which draw their larger support from the south-eastern section of this country.

I have spoken particularly about domestic air fares so far. When the Whitlam government came to power, it took the first steps towards the abolition of the present situation of first-class and tourist-class air fares with a directive that public servants and others would travel as tourist-class passengers. That was met with cries of outrage from public servants based in

Canberra and from others who felt themselves disadvantaged and, unhappily, in some cases disadvantaged they were. People travelling from the Northern Territory to Canberra, because of the peculiar structure of the internal airline system, can leave Darwin and other centres in the Northern Territory and arrive in Canberra after travelling for twelve hours without a meal. If we continue to say that the services provided by internal airlines should be simply on the basis of either first class or tourist class and not on the basis of the air miles travelled, we are continuing to support that inequitable system. I would have welcomed the Labor government at that time, as I would welcome now the present Country Liberal Party government, bringing pressure to bear upon internal airlines to provide services commensurate with the discomfort or otherwise of the travelling public. It is quite unreal to suggest that people should leave Darwin, Katherine, Tennant Creek, Nhulunbuy, Alice Springs and travel for hours to southern centres with a minimum service because they happen to be travelling tourist class. It is also equally ridiculous to suggest that a passenger flying first class from Sydney to Canberra, which takes about 25 minutes, should have to have a meal served simply because he has paid for a first-class seat. The sooner Australia realises that it has to offer a range of services on the distance travelled, the sooner we will attract people to travel the distances within this country. Honourable members have spoken about the need for a lowering of air fares for overseas passengers to encourage them to travel internally around Australia. I support that call but I also say that, with the lowering of air fares, there has to be a rise in the standard of services offered by our internal airlines. That can be offered if we get away from the old philosophy of first and tourist class and adopt instead a philosophy and a policy of the needs of the traveller being met.

Mr Speaker, the other area of transport is the transport of goods. Again, I come back to my original contention that this country and the people running it have to start thinking as Australians and less as state people. Of course, we have particular problems in the far north of Australia and in the centre of Australia, problems with wash-aways, extremes of climate and also a lack of an all-weather road link. It is bad enough when we consider that the people in Alice Springs do not really have an all-weather link but when you think about the really isolated communities which have to rely on goods firstly getting to either Alice Springs or Darwin, then getting to Tennant Creek or Katherine, then getting to further isolated distribution points, we realise that this country should be very grateful for their very existence. There are people in communities around the Northern Territory, in the northern part of Western Australia, in the northern part of Queensland, suffering particular difficulties because of their close affiliation with the land - and I mean white and black people - suffering in some circumstances because of a particular commitment - and I am talking about those committed to the provision of health and education services in these communities - who are suffering unduly because of the ignorance of the rest of Australia of their particular problems. I do not believe that in the 1980s which we are approaching, it is reasonable or feasible to say, as a relatively affluent country, that we can continue to expect people to exist without a degree of certainty as to the provision of their services, whether it be mail or food. It appals me that, in 1979, this fledgling Territory government is still having to make pronouncements - and I support them - as to the need to pressure the federal government to provide what should be a basic right for all Australians regardless of whether they happen to live in the Northern Territory or they happen to live in the suburbs of Sydney, Melbourne, Adelaide or Perth.

The honourable cabinet member has outlined some of the difficulties and some of the steps he has taken to improve services within the Northern Territory and from the Northern Territory overseas. The opposition spokesman has, by and large, supported those proposals. There is a difference of emphasis, of course, in how a particular party sees its role but, by and large, we have spoken in this debate as members representing the top half of Australia.

We had a trade commission go overseas to sell Territory goods. Of course, if that trade commission is successful in engaging markets, it is doing a service not only to the Northern Territory but to other communities with like goods to sell. Again, I mention Western Australia and Queensland and the type of commodity which they would wish to pursue with overseas markets. We saw - and mention has been made of this - the problems which arose in South-east Asia because of pronouncements and policies of the federal government which at one stage threatened to undermine the good which had been done by this all-party delegation from the Northern Territory.

South-east Asia is our nearest neighbour. I have had criticism from people arriving in my office of the statements made by the present Chief Minister when he pointed out that, in some respects, we would be better off affiliating with South-east Asia than the eastern and southern states. I think he was paying due regard to geographical considerations and, most importantly, to the markets open to the Northern Territory. I think it is almost unbelievable that our minister representing the Territory should still have to be telling federal ministers, in some circumstances, to keep quiet, to think before they leap and to regard this country as a very large and diverse group of people all of whom are committed to the active pursuit of overseas currency and overseas markets. If more regard was paid by the federal government, regardless of party affiliations, to the fact that we cannot believe Australia ends at the South Australia-Northern Territory border, I think we would all be much better off.

In certain matters of detail, if I feel any member of the present Northern Territory government or any future member is not paying sufficient regard to a certain specific area, I shall criticise him. Broadly, I think all 19 members of this present Assembly would agree that our representative at the state conferences needs to convince the present federal Minister for Transport that we are Australians and we have particular problems. It is not a matter of begging; we are seeking for our constituents what should be theirs as a matter of right.

Mr HARRIS (Port Darwin): Mr Speaker, I am very pleased to be able to join in this debate today because transport and communications are a fact of life to all the people who live in the Northern Territory. Most people when they purchase something from a store do not relate that package as having travelled, in the case of Darwin, some 3,000 kilometres before it gets onto the shelf. Of course, with distance, we have increased costs. The government's policy on transport, as outlined by the Minister for Transport and Works, is to be commended but if we are to run an efficient and economic transport system, it will need all the people of the Northern Territory to pull their weight. We need the workers, the unions, the employers to think not only of themselves but of all the people of the Northern Territory.

I would just like to touch on the rail service which will be the first all-weather land access to the south. The rail service from Alice Springs to Adelaide has always provided a much needed link for the people of the Territory even when that service went through Quorn. The actual rail freight was reasonable; our biggest costs were related to the road section. I look forward to the day, and I am sure all Territorians do, when there will be a rail link between Darwin and the southern states. Actually, I am led to believe, and I will stand corrected by the honourable member for Barkly, that Tennant Creek has had an area of land set aside for a railway station for many years. I look forward to the day when I can visit that railway station. I am sure we are all aware that most public transport systems run at a loss. The government realises this and it also realises that it has a responsibility to the public to maintain services where possible.

I mentioned earlier that we needed cooperation for us to succeed in providing a sound transport system and nowhere is this more evident than on our wharves. It is not acceptable that a company should have to chose another form of transport which costs many thousands of dollars more in preference to using our shipping services. Our future lies in our wharf, but it must work. People do not only need a transport service; they need a reliable transport service. They need a service that they can depend upon and, with cooperation and consultation, we can achieve such a service. Our land-backed wharf will contribute further towards providing the necessary up-to-date facilities to provide this service.

I would now like to touch on the Darwin Airport facilities or what there are of them. The first thing I would like to talk about is related to international air services. The government has continued to promote the Northern Territory to overseas countries as a tourist centre and local people realise that it is just as cheap to head north as it is to travel south. The biggest problem arises when one returns from overseas. I am not speaking from experience but many people have contacted me about lengthy delays with immigration. The Northern Territory government realises the potential of tourism but we must make sure that we do not lose tourists because of the unnecessary delays. Recently, there was a 747 flight with 234 passengers disembarking in Darwin. Despite the unpredictable weather at this time of the year, those people were left out on the tarmac waiting to get into the terminal. It took over 2 hours before all passengers went through immigration. All the transit passengers on international flights who disembark at Darwin have to leave the aircraft while it is fumigated. The average 747 carries in the vicinity of 400 passengers yet the transit lounge has 180 seats, 1 water cooler and is not airconditioned. The domestic section of the airport is not much better. There is a poor cooling system and the few seats available are dirty. Ansett and TAA hop around like little puppy dogs one after the other and this results in a tremendous load on the facilities.

The Darwin Airport is the gateway to Australia - the first impression of Australia that the international tourist has. It is not very pleasant when you arrive back from south on an aircraft and someone says "You know you are back in Darwin, just look at this". You say, "What do you mean by that remark?" and the chap says, "Have a look at the airport". I do not take kindly to that happening and it must happen every day to people returning to Darwin. As well as being an eyesore, I understand the building is structurally unsound. Despite the fact that it is 4 years since cyclone Tracy, the building is not up to pre-cyclone stress requirements. That building has to be evacuated if any wind reaches 100 kilometres per hour. Outside the building, the apron for aircraft parking is frequently stretched to the limit. It only needs a few delays for extra international aircraft as well as domestic flights to be on the ground at once and then we have all these problems relating to the capacity of our airport facilities.

There is also a lack of car-parking facilities which are totally inadequate for already existing traffic. I urge the Commonwealth government to take steps to make further space available adjacent to the existing car park.

It may be useful if I quote from "Australian Transport 1977-78", an official report to the Commonwealth parliament by the federal Minister for Transport, Mr Nixon. The extract refers to Darwin Airport:

> *Work is being started on the construction of a new departmental ground staff accommodation building and a plant and equipment shelter at Darwin Airport. Studies to examine the alternatives available for future development of civil aviation facilities at RAAF Base Darwin were completed. The studies were generated by the Department of Defence requirement for relocation of civil facilities from the present south-west sector of the*

airport and the inadequacies of the existing airline terminal area for future traffic. The studies concluded that the civil terminal area should remain in the existing area until approximately 1995 and that any new civil terminal area then should be located north of the central to the main runway. The Department of Defence has since agreed to retention of civil facilities in the present area up until at least 1987 and that further consideration will be given to the study findings. Planning for the development of civil aviation facilities at RAAF Base Darwin is proceeding on that basis.

For too long, the Commonwealth has claimed that it is unable to make any decision until the Department of Defence decided on its needs. Judging from the recent ABC program "Weekend Magazine", those needs should be very limited. The number of RAAF aircraft permanently based in Darwin would provide very little defence to anyone. I wonder what the Commonwealth intends to do, under its present scheduling of a new airport, with passengers at Darwin between 1987 and 1995. The present Commonwealth timing is totally unrealistic. Detailed planning for a new Darwin Airport should commence now. I consider that a modern international airport at Darwin is essential if the Top End is to fully exploit the potential tourist industry. In the meantime, the Commonwealth should, as a stopgap measure, raise the standard of the existing facility, the building should be made structurally sound, adequate cooling and eating facilities should be provided and the carpark area should be extended.

I have concentrated mainly on the inadequacies of the Darwin Airport with which I am familiar, however I understand that the Alice Springs Airport is far from adequate given the level of passenger movement through it. It is important as the gateway to Central Australia and also as a potential crossroads for flights across Australia. At present, there are no bar or restaurant facilities and the capacity of the restrooms appears to have been designed for the days when only the DC3s were operating. If there are 2 Boeing 727s on the ground at once and you go to the two-man loo, you will know what I am talking about. The transport report from which I quoted earlier is silent on the Commonwealth's future intentions. I urge the government to draw to the Commonwealth's attention the need for improvement at the Alice Springs Airport.

Because of past neglect, other forms of transport in the Northern Territory are limited in scope. We have no railway between Darwin and Alice Springs and the road south is subject to flooding. As a result, the Northern Territory is highly dependent on air transport. I believe that the people of the Territory are entitled to and expect adequate comfort and reasonable facilities at their airports. I regard the provision of such facilities as essential if we are serious about developing our tourist industry. The Commonwealth has claimed that it wishes to encourage the Australian tourist industry through cheap air fares. If it is serious in its intention, it has a duty to provide adequate finance to develop airport facilities to international standards. As I mentioned earlier, transport services are the key to the Territory operating successfully and economically. This cannot be achieved, however, by the government alone and we all need to pull together as one. Mr Speaker, I welcome the statement by the Minister.

Mr COLLINS (Arnhem): Mr Speaker, I will not drag this debate out for very much longer. When he was interviewed by the ABC here a short time ago, Moss Cass gave one of the coldest and most accurate analyses of the problem that we face here in connection with transport and everything else. He talked about the very real problem of a minority group in comparison, politically, with the rest of Australia. He talked of the very real problems that a minority group has in attracting the attention of the federal government when we have so little political muscle in Canberra, and certainly in the area of transport which would

involve, in Territory terms, massive losses to provide the kind of services people up here need. We have this problem of a very small number of people trying to attract a great deal of money.

I think that Kep Enderby probably set the standard for stating the obvious when he said that, traditionally, most of Australia's imports come from overseas but the Minister for Industrial Development has definitely become a contender for that same prize in the conclusion to his statement when he said that "finance in the long run will be the only restraint to the speed at which we can achieve our goals in transport". As has been pointed out already, it is not just in the long run but in the short run as well. Perhaps the Chief Minister may consider the possibility of setting up a public relations section for the Northern Territory in Parliament House in Canberra, with an aggressive gentleman in charge of it, pushing the problems of the Territory down the necks of passing politicians.

The reason I have joined the debate this afternoon is simply to support the statements of, particularly, the honourable member for Port Darwin. Matters such as road transport have been touched on more than adequately by other speakers so I will concentrate on the problems of the Darwin Airport. I agree that it has to be made a matter of priority. I agree that it is a disgrace and it comes as a rude shock to many people who have never visited this country before when they come into Australia through Darwin. We are all familiar with the problems of TAA and Ansett domestic air flights arriving at the same time at the Darwin Airport and people being packed shoulder to shoulder in that terminal building with totally inadequate facilities and long periods of waiting at counters.

This was brought particularly to my attention just a few years ago when a 747 landed at Darwin Airport. A passenger on board the plane had very helpfully stuck an envelope to the door of the aircraft whilst it was in flight saying that he had planted a bomb in the toilet. The 747 landed at Darwin Airport at about 2 am. I was on the ambulance crew that had to go out there and it was a terrible sight. I will never forget it; there were something like 370 people on board that aircraft and they were jam-packed into the terminal lounge upstairs which, as has already been pointed out by the honourable member for Port Darwin, was not airconditioned. They were from England and they were suffering extremely from the humid and hot conditions inside the room. There were no facilities at all provided for them and, if it had not been for the Salvation Army and the Red Cross who were rousted out at that hour of the morning to provide tea, coffee and cold drinks, they would have been in a very sad state indeed. In fact, it was necessary to treat a number of people, one for a heart attack and a number of other people for exhaustion. This was brought about by the appalling conditions that those people were suffering at that hour of the morning - dragged out of the aircraft, crammed into a room with absolutely no facilities whatever and unable to leave because of immigration and customs restrictions. These people were tourists to Australia en route to Sydney. For many of them, it was their first visit to Australia and it was a very poor introduction to the country indeed. In the 4 or 5 hours I had to spend there, I remember people saying that, if this was a taste of things to come, they certainly would not come again.

The relocation of Darwin Airport away from the defence base has to be made a matter of the highest priority along with the necessary upgrading of facilities. Obviously, it is not just a question of the fact that there are one hundred thousand people only in the Northern Territory. The federal government must take into consideration that the Darwin Airport is being used as an international airport and it is, for very many people, the first introduction to this country and, for some, it can be a very rude introduction indeed. I would just like to add my support to the government in the moves that it is making and the pressure that it is applying to the federal government in any attempts that can be made to alleviate this very serious problem.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I think that my views in relation to international air fares, domestic air fares and the promotion of tourism to the Northern Territory are sufficiently well known to pass up any comment on those areas in this debate. However, I would not have liked the debate to have concluded without having said 1 or 2 things. The first is that it is the opinion of my government that the Northern Territory would be best served if the 2-airline policy at present espoused by the federal government were dispensed with. It will be our intention to continue to work to demolish that policy so long as it is necessary to do so. In dealing with the Commonwealth, it is necessary often to be like a little drop of water that keeps continually wearing until it finally wears away the stone, and I do not pretend that it will be an easy thing to do. I do not pretend that we will achieve our objectives speedily. After all, we are taking on large and powerful vested interests - Sir Reginald Ansett and the Australian National Airlines Commission.

Of course, the government itself has a vested interest in the continuance of the 2-airline policy because it wants to continue to see guaranteed returns to it as the only shareholder in TAA which is run by the Australian National Airlines Commission. Frankly, at this stage of Australia's development, I would think that it would be in the nation's best interests if the government disengaged itself from being involved in air travel. I believe that Qantas itself should be able to stand on its own feet at this time. Certainly, Australia should regard it as its flag carrier and it should afford it such protection as is reasonable and consistent with our other international obligations and requirements but, for the sake of a $5m or so yearly dividend to the federal government from the operations of Qantas, we are throwing away trade opportunities in South-east Asia that could be worth far more to the country as a whole than what the government attracts by pursuing this huge enterprise and dispersing its efforts when they would be best concentrated elsewhere.

In my view, the same applies to Trans Australia Airlines. The situation is past where the Australian government need be involved in running a national domestic airline. We know that the government can control the banks and tell them exactly what to do. It controls them just as effectively as if it had bought all their shares and without expenditure from the public treasury. I believe the airlines that the government permits to operate in Australia - and I believe it should permit more than 2 airlines to operate on a national basis - need not be government owned. I believe the funds that the government must put towards the pursuance of these policies could be better employed elsewhere.

On the subject of the Darwin Airport terminal, at the request of my colleague, the Minister for Transport and Works, some weeks ago, I wrote a letter to the Prime Minister drawing the situation to his attention. The Northern Territory is actively seeking to promote tourism. This airport is the gateway to Australia. It is certainly a gateway at the moment of which we cannot be very proud; it is a barnyard gateway rather than the front door which we should be looking to. I have drawn these facts forcefully to the Prime Minister's attention and it is the intention of my department and my colleague's department to keep pursuing this matter as we will pursue the matter of the demolition of the 2-airline policy.

Getting into a more parochial area, might I refer honourable members to some developments that have taken place in respect of the Darwin bus service. I note what the honourable member for MacDonnell has said in relation to a public transport service in Alice Springs. I think that, while the provision of such a service may be laudable, it would be as well if we perfected first the sort of service the government should offer to the people in Darwin so that we can perhaps learn by the mistakes that have been made previously here and perhaps learn by some that we might make ourselves. At least, attempts are being made and there are new routes being devised that the buses are following and I believe they have

met with a good deal of public response and favourable reaction. I went on a tour of the routes myself before Christmas and it seemed to me that they were designed in as logical and sensible a way consistent with the number of buses available. Indeed, I understand from the manager of the Transport Service that a number of public buses were taken away from the school bus service for a better service to be provided for commuters between the suburbs and the city.

We are also attempting to make provision for the comfort of persons using the bus service and many honourable may have noticed that bus shelters are being erected at strategic points. These are permanent structures which should withstand the weather and should encourage women going shopping with children and office workers to wait for the bus without having to be either blasted with the heat of the noon-day sun in the dry or saturated with rain in the wet. There are many other smaller bus stops where we have not yet provided any sort of shelter at all but, with my colleague, the Minister for Transport and Works and members of his department, I have been studying a proposal to put smaller, more transportable shelters at every bus stop in case the stops need to be changed to cater for public demand. These shelters will probably look something like an umbrella but will be made out of cast iron or aluminium. We will probably put the proposals on display for public comment before proceeding with them but I believe we have to attract people to use the buses.

Whilst still on that subject, I strongly urge the Darwin City Council to do something in relation to the matter of parking meters. I know it is not a very popular subject but the position is that, whilst people can park free of charge in the city, it is a complete disincentive for them to use the public transport system. It is also a disincentive for people who want to come to the city to shop because they find it so hard to locate a parking spot. The government and the city council must cooperate and we are commencing to work out a plan in relation to the provision for parking in the central business district. I believe the results of our consultations should be known in a few months time and some action should be taken complementary to the establishment of the Smith Street Mall. Mr Speaker, I request you and all honourable members to act in any way that may be consistent with the promotion of the use of the public transport system in Darwin and wherever it may be extended in the Northern Territory because people must be conditioned to the fact that fossil fuel will be in short supply. In fact, I am surprised that the situation in Iran has not had a greater effect on Australia. We are called a lucky country by the Economist, the English financial journal, and indeed we are. Some continental countries and, indeed, Israel and South Africa - perhaps we should not have much sympathy for South Africa - drew most of their oil supplies from Iran and God alone knows what is happening to those countries at the present time. The situation must be chaotic.

We have requested town planners to put into proposals for future roads provisions for cycle tracks and, indeed, we want a cycle track established between the northern suburbs and Darwin. Even now, some very game young men - I have not seen any women so far - are hazarding their lives riding along Bagot Road through the peak-hour traffic at about 7 o'clock in the morning. I would not really like their chances much later than 7 in the morning on the Bagot Road. We are having some troubles getting the Department of Defence to cooperate in giving us a strip of land that we could use for a cycle track on that side of Bagot Road and I believe we may have to put the cycle track along the connector road. Be that as it may, we are working on the provision of a cycle track from the northern suburbs to Darwin and they will be taken into account in future road programs. Consideration is also being given to the establishment of cycle tracks in Alice Springs. That city, of course, has less of a traffic problem than Darwin. It is to some extent flatter as well and is an ideal place, in my opinion, for the use of bicycles.

Bagot Road continues to bedevil the minds of most residents of the northern suburbs, including myself, and I hope that, in the next financial year, tenders will be called for the construction of an overpass which will carry traffic over from the Bagot Road across the top of the Stuart Highway and bring them back down onto the Stuart Highway. Perhaps there will also be an alternative route for traffic into the city down through the road that runs off near Bishop Street.

Mr Speaker, you can see that on the parochial scene too the government is looking at things that it can do to ease the transport situation and, indeed, to ease the energy situation. I hope that we have support; it has been very pleasing to have been sitting here today and have heard the unanimity that exists between all honourable members of this House, so far as I can judge, on the approach that the Northern Territory should take towards the assertion of our rights vis-a-vis the rest of Australia and vis-a-vis South-east Asia. I hope that our efforts on the town and country scene meet with honourable members' approval as well.

Mr PERRON (Treasurer): Mr Speaker, rather than touch on a number of modes of transport today, I would like to stick to the Darwin Trader in particular. The Darwin Trader is a very vital link to the Northern Territory and, of course, I do not have to say that to members of this House. I am concerned that it seems that this particular service is regularly threatened and people in the Territory have to run around up in arms trying to have such threats removed.

During the recent threat of January this year, I made a number of inquiries of my own because I was getting more and more deeply involved in a particular issue, and I am rather concerned at what I learned during my inquiries. We know that the most economical way of moving cargo is by having loadings each way on any particular mode of transport. The Darwin Trader, it seems to me, was specifically built to have loadings each way. It was built by the Australian government to carry containers and it was certainly specifically built to bring containers here. It has its own gantries to unload containers because our wharf does not have these and most container ports certainly do have them. It was built with alternate holds, one for containers and one for bulk cargo. It was built so that it could take manganese from Groote Eylandt to Tasmania and bring containers from Melbourne, Sydney or Brisbane to Darwin.

Of course, if a vessel has such virtually ideal loading, it should be economical and I am led to believe that, when the Darwin Trade takes cargo each way, it is a profitable run. Why are we now told that the service is losing money? As a result of that, we seemingly cannot have ANL subsidise it out of its profits from other services or it is felt that the Australian taxpayer should not subsidise such a service and it should be withdrawn. It seems that the northward loadings on the Darwin Trader, particularly from the period last year when ANL sent a representative to Darwin to drum up some more business for the service, have been very good. In fact, on many occasions, they have had to reject cargo because the vessel is completely committed on north-bound runs. Since November 1977, the Darwin Trader has carried only one or two loads of manganese south. Whilst I do not have the particular details as to how many trips it has done during that period, it is quite obvious that the section of the line making the loss is what we would call the back-loading from our point of view. I guess the Gemco people could say that Darwin is the back-loading and their cargo was the prime loading. Further inquiries revealed that there had not been any dramatic decline in the amount of manganese going to Tasmania; it just was not going on the Darwin Trader. BHP opted, I presume for economic reasons, to ship the manganese south in its own vessels. That aspect concerns me a great deal. I believe there has to be some moral obligation in a major company taking these economic decisions that directly affect Territorians - in this case, their hosts. We must bear in mind that the ore deposit on Groote Eylandt belongs to

the Northern Territory and I believe there is a moral responsibility for BHP to ship as much manganese as the Darwin Trader can carry by that ship in the interests of keeping that run viable. Perhaps small reductions in freight rates may have to be made to BHP to encourage them to use the Darwin Trader. It may involve a degree of subsidy - a lot smaller though, I suggest, than the $1.6m which is rumoured to be the annual loss at present. I understand that the Western Australian state government subsidises from its own budget something like $7.7m a year to run the State Shipping Service. Surely, if the Western Australian government believes their transportation by sea along their coast is worth $7.7m to them, then the federal government should not baulk at a far smaller subsidy to provide a service to the Northern Territory.

Mr ROBERTSON (Community Development): Mr Speaker, in rising to speak to the statement, quite frankly, I had intended to speak at length to it. However, I think most of the issues have been covered, with the exception of a few. Unlike the Chief Minister, I would like to start on the parochial area, then get onto something of the national area and then the Northern Territory.

The member for MacDonnell and the member for Port Darwin mentioned the state of the Alice Springs terminal. Every other member, of course, quite rightly pointed out the state of the Darwin international terminal and the Darwin domestic terminal. As deplorable as that terminal is, one must admit it has 2 lounges, a bar and quite a significant area including a transit lounge downstairs and a transit lounge upstairs. The volume of traffic at any one given time in Alice Springs would be every bit equal to that which goes through Darwin, with the exception of international flights. Of course, in the odd emergency, Alice Springs is also exposed to international flights.

We all recognise that these projects require considerable amounts of public expenditure; at least, they normally do. Some time ago - and I cannot mention the name of the company - I was approached by a private enterprise company to make representations on its behalf and conjointly with it to the Department of Transport in respect of the establishment of a lounge bar area capable of holding 100 people comfortably seated. The proposal was that this organisation would fund the development of that facility on the basis that many hangars are established by private airline and private charter companies on Department of Transport or Commonwealth land within airports. The arrangement quite simply is this: the company spends the money and develops the facility, the government then leases the land on which the facility is built back to the company and there is an amortisation, in reverse if you like, of the asset back to the Commonwealth over a period of 20 years. The company in this case was quite prepared to spend its own money in establishing a facility that is fit for a terminal which is becoming one of Australia's most pre-eminent tourist attractions. What was the Commonwealth attitude? It was extraordinary, and we will get to another Commonwealth attitude in a moment. The attitude of the Commonwealth was that it could not accept the offer for the simple reason that it did not envisage any extension to the Alice Springs airport terminal until 1982. That is the logic behind the Commonwealth government and its Department of Transport - and this could hurt me because I deal through the regional office in Adelaide - based on the regional officer's advice in Adelaide which, incidently, administers the Northern Territory in the same manner as the Victorian headquarters administers Tasmania. That is the extent of logic.

Might I give another example of that type of logic which seems to permeate right through the Department of Transport. In 1975, the Department of Transport made a submission to the royal commission which then operated under the title of "Towards a National Refining Policy". The Department of Transport - and I have said this in the previous Legislative Assembly - at that time gave evidence to the royal commission that a refinery should not be established in Alice Springs

for the exploitation of the Mareenie basin, through Magellan and Exoil, for an incredible reason: if you established a refinery in Alice Springs, it would mean the ANR would no longer carry fuel on its trains and the Commonwealth would lose revenue. That is the type of logic we are still getting and it is indicated very clearly by a decision taken by the department not to allow private enterprise to do this - at not one nickel cost to the taxpayer, and the taxpayer would get the assets back in 20 years or in an agreed period of time in any event. That is the sort of mindlessness that we have to put up with.

The other issue which has not been mentioned today, and which I think is part and parcel of transport and its cost in the Northern Territory, is the question of sales tax on freight. Sales tax on freight is bad enough when, in fact, it is a cost to the consumers because of the remoteness of their localities. That is bad enough but when that same sales tax is charged in respect of revenue earned by the government or a government commission itself, it really becomes a little bit too much to believe. If goods come on the Australian National Railways and they go through a distributor or a shop in the Northern Territory, the consumer must pay sales tax on the freight component. I do know that federal representatives of both political persuasions have been fighting this nonsense for quite some time and have been equally unsuccessful. I know the member for the Northern Territory, Mr Calder, has certainly fought it for years and I am also aware that Senator Ted Robertson has fought it and Senator Kilgariff is fighting it. We do not seem to be getting anywhere. I have put up 2 proposals but the Commonwealth say, "Oh, but that costs money". One of them, as I have demonstrated, need not cost money; the other one is a ridiculous impost at best.

Let us look at where this penny-pinching idea is really wrong. I am a private pilot and my licence costs the department and the Australian taxpayer probably a very large sum of money indeed. Not only did I go through the processes to my licence stage for absolutely nothing, not only do I get to use all the navigational aids scattered throughout this country for absolutely nothing, but I also receive a thick wad of paperwork every week on operational data, amendments to Air Navigation Orders, amendments to communication facilities and navigation aid facilities and amendments in the form of notices to airmen - all of which costs a significant amount of money. I remember asking privately of the minister some time ago - and I repeat it - what on earth is wrong with the 20,000 private pilots in this country paying $50 a head for their licences and the privilege of holding them. This would gross $1m and would cover both of the things I am proposing without costing the taxpayer a cent.

I agree with a point the honourable member for Sanderson initially raised and I believe it was also raised by the honourable member for Arnhem. I do not really believe the honourable minister intended that there would not be any money spent in the early stages but, of course, he was talking about long-term development. It is the length of that development that bothers me. I really believe, at the risk of tipping cold water on development in the Northern Territory, that it is just possible - in the same manner that it is possible with uranium - we may have missed the development boat because of a road. We are now witnessing, as pointed out by the Chief Minister, the enormous increase in the costs of fuel. It is just possible that, when those road developments which we have looked for in the Northern Territory for so many years are finally achieved, we will not be able to afford to use them. It is distinctly possible that the price of fuel in old terms - and I use this for Hansard because most people understand it, despite the fact that the Metric Conversion Board tells me that I am 80% converted; I may as well be converted to Islam - could reach in the order of $2 to $3 a gallon very early in the next decade. To drive the average motor vehicle from Adelaide to Alice Springs, not to mention to Darwin, with that sort of fuel costs, will impose an extremely heavy economic burden on the average family. What we need is very rapid development, particularly the sealed communication link south.

I noticed the comments of the honourable member for MacDonnell, and I love that bit. He tells us, firstly, that we had a promise from Mr Sinclair about the establishment of a road between Port Augusta or Pimba and the South Australian border where Donny's bill used to start before he departed the scene. Incidently, the opinion of what Mr Sinclair said is only the member's construction of it. In 1975, I heard Mr Whitlam, the then prime minister, stand in Colligate Park in Alice Springs and promise a dual-lane highway between the south and the Northern Territory within 5 years. Now we hear the honourable member for MacDonnell saying that all we are doing at the moment is a feasibility study. Of course, it is not a feasibility study; it is a survey. Between that date in 1975 to 18 months later, the then prime minister of the country, Mr Gough Whitlam, having promised this Northern Territory a link, did not even commence the survey. Within a matter of weeks of the promise by Mr Sinclair, that survey had commenced with funding from the Commonwealth. Between the period of the promise of Mr Whitlam and the next election - a period of 18 months - not one cent had been spent on anything. Let us get rid of this nonsense we hear from the opposite side about the promises of Mr Sinclair and let them learn who should cast stones in what sort of glass houses.

The final thing I would like to say is that the responsibility for transport in the Northern Territory, as has been pointed out by some speakers, goes beyond the function of the Department of Transport and Works in our government and beyond the federal Department of Transport. It extends into the remote communities that the member for Stuart, the member for MacDonnell and the member for Arnhem would certainly be interested in. That is the responsibility that this government has assumed from the Department of Aboriginal Affairs in the area of essential services to Aboriginal communities and, indeed, it extends into all areas of travel: roads, wharves, landings, airstrips, communications of all kind, with the exception of those which remain a national responsibility.

The expenditure of this government in the area of communications to remote communities and within remote communities - out-station movements and so on - will naturally place a great burden on any budget of the government. It is a responsibility we have assumed from the Commonwealth and it is expected that the funding level from the Commonwealth will continue and, if anyone from the Department of Finance takes the trouble to read what is said in this House, I would draw his attention to the fact that it is a Commonwealth decision at our request to transfer these functions. Certainly, within my department, which has the administrative side of that program, we are starting to recognise the enormous demands placed on this government and, in fact, on the Australian taxpayer as a consequence of facilities such as airstrips and roads linking established communities with out-station communities. I would just like Aboriginal people to be aware that, while we do support this natural desire to return into their traditional lands, there has to be some limit on what the Australian taxpayer can be prepared to pay for communications to these places. Airstrips are no problem, as the member for Arnhem would probably be aware. The efforts of the people at Umbakumba in getting out axes and making their own airstrip is highly commendable. The problem of communications in this country always has been expensive and I think we must recognise that. All communications must be taken in terms of priorities as we can afford them.

Mr Speaker, I am happy to associate myself with the statement delivered by my colleague. I do not think that this sort of statement or any other statement can be a panacea for our problems. The debate itself has brought out probably every issue concerning transport that the Territory has faced to date and I think that, as a planning document for departments, it will prove to be very useful.

Motion agreed to.

LEAVE OF ABSENCE

Member for Victoria River

Mrs O'NEIL (Fannie Bay): Mr Speaker, I move that Mr J.K.R. Doolan, the honourable member for Victoria River, be granted leave of absence for the duration of these sittings as he is still in hospital recovering from a serious illness.

I would like to add that I know that the member for Victoria River had hoped to be able to be present for at least part of these sittings. Unfortunately, he has not yet been discharged from hospital. He will perhaps be able to attend for a brief period some time next week if his doctors allow him to do so. Nevertheless, I move the motion to cover the whole period of the sittings in case that is not possible.

Motion agreed to.

LEAVE OF ABSENCE

Member for Stuart

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that the honourable member for Stuart, Mr R.W.S. Vale, be granted leave of absence for the duration of the sittings for reasons of injury.

The honourable member for Stuart is suffering from a torn medial meniscus. He has a doctor's certificate to the effect that he will be unable to follow his employment during the period 22 February 1979 to 15 March 1979. Like the honourable member for Victoria River, he is anxious to attend these sittings and, indeed, has said that he will try to be here next week. I visited him in the hospital in Alice Springs last Friday and I told him that he should not get out of bed before the doctor lets him because this sort of injury, I understand, can result in a stiff leg for life if you do not look after it in the early stages.

Motion agreed to.

ADMINISTRATION AND PROBATE BILL
(Serial 214)

Continued from 22 November 1978

Mr ISAACS (Opposition Leader): Mr Speaker, I am not certain how the government wishes to handle this. It does appear that the Administration and Probate Bill is a very minor bill in relation to the Companies (Trustees and Personal Representatives) Bill. It is somewhat difficult, to be perfectly truthful with you, to debate the Administration and Probate Bill without commenting in part on the Companies (Trustees and Personal Representatives) Bill. Nonetheless, I will try to keep on the track as much as I can.

The government is determined to repeal the various pieces of legislation from South Australia relating to companies acting as trustees in the Northern Territory. It is a policy decision which I wholeheartedly support. Members might recall my asking a question about this particular matter some time last year. The 2 pieces of legislation - that is, this one (serial 214) and the Companies (Trustees and Personal Representatives) Bill (serial 163) - will in fact achieve that aim. Over a period of time, they will allow Northern Territory companies to act as trustee companies and to take away the monopoly which currently exists for South Australian-based companies.

The Administration and Probate Bill is a very simple bill which requires trustee companies to lodge a bond prior to the disbursement of the estate and there can be no objection at all to that. I do simply put to the government, as a general matter of principle on the order of business, that there are a number of bills which have been separated because of the alphabetical order but it is absurd to be debating them separately. That is true of these 2 bills; it is certainly true of the Adoption of Children and the Domicile Bills. Perhaps the Manager of Government Business can look at that with a view to putting those bills together.

Mr Speaker, the opposition supports the passage of this bill. It does bring about a situation where Territory companies will be able to act as trustee companies. It is the sort of provision which the opposition has been supporting for some time. We welcome the move by the government.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

ADOPTION OF CHILDREN BILL
(Serial 202)

Continued from 29 November 1978

Mr ISAACS (Opposition Leader): Mr Speaker, I am sorry the Manager of Government Business has not taken up my suggestion because the Adoption of Children Bill is very much a minor part of the whole scheme of arrangements that the Attorney-General mentioned in relation to the matter of domicile. This particular piece of legislation is a very simple measure to accommodate the agreement as recorded in the meetings of the Standing Committee of Attorneys-General. That standing committee which met in November also met in January and made a number of amendments to the original agreement that it reached at the previous meeting. I do not see any amendment in relation to that agreement circulated to the Domicile Bill and perhaps the Chief Minister may look at that particular matter. Perhaps I could just speak simply to the Adoption of Children Bill and say that the opposition supports it. I will make other remarks in relation to the matter of domicile when we talk about the Domicile Bill. The opposition supports this legislation.

Mr ROBERTSON (Community Development): Mr Speaker, I do not wish to speak to the bill itself. It is quite obvious what it does. What I would like to point out is that, with 2 separate ministers conducting 2 separate bills, it is impossible to take them together. It would not matter whether they were succeeding each other or whether they were 10 apart, the honourable Leader of the Opposition could only speak to one at a time. I agree that they are similar bills and I agree that, if they were under the control of the one minister, then indeed he could speak to both of them.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

ADJOURNMENT

Mr EVERINGHAM (Jingili): Mr Speaker, I move that the House do now adjourn.

This morning this House paid tribute to 2 former members of the Legislative Assembly or the Legislative Council. It occurred to me shortly before Christmas that there would be many elderly Territorians who may shortly pass on and who might have a great deal of worthwhile historical information which should be

recorded for the benefit of posterity, not only here in the Territory but for Australia as a whole. Accordingly, I have requested the director-general of my department to make contact with the Northern Territory National Trust and with the Department of Community Development, which I believe has some responsibilities in the area, with a view to making resources available to seek information of this nature from people who believe they have something they could contribute to the folklore and the history of our Territory. I would simply like to make these remarks in the hope that members of the media may repeat them and persons who are interested and believe they have something that may be of value will make contact with myself or with Mr Martyn Finger, the director-general of my department.

Whilst I am on my feet, Mr Speaker, with your leave, I would like to pass on some information to the honourable Opposition Leader in relation to a question that he asked me this morning about the Registration of Births, Deaths and Marriages Act. I understand the matter that the honourable Opposition Leader refers to was raised by him with the Solicitor-General and I understand from the Solicitor-General that he understood he would be hearing again from the Opposition Leader. However, the matter has been now raised again with the Registrar-General who has agreed to obtain a new application accompanied by statutory declarations from the parents of the applicants to whom the Opposition Leader makes reference. The statutory declarations will be required to state the true names and the first part of the combination name. If they provide this information, the Registrar-General will register the birth of the child in the requested name. If they do not supply the statutory declarations, then the act would have to be amended to accommodate this particular situation as the people are Spaniards and, apparently, their surnames consist of an amalgam of names of their parents.

Mr COLLINS (Arnhem): What I have to say is directed to the Minister for Industrial Development and the Chief Minister but it does touch on a sensitive area of the portfolio of the new Minister for Youth, Sports and Recreation. It is appropriate to talk about it at this time because this is the International Year of the Child. It refers to parents giving the same chances of survival in motor vehicles to their children as they have themselves. Last week, I was stopped at the Bagot Road lights and a car was in the lane next to me. Driving that car was a lady who was safely strapped in with a seat belt and, to my horror, not sitting but standing on the passenger seat next to the lady were 2 children of about 18 months or 2 years of age, quite small children. One of the children was holding onto the window which had been half wound up for that purpose and the child standing next to him had her arm around her brother's neck which, at that moment, was still whole. The unfortunate thing about it was that it would not have needed an accident to have caused the death of both of those children; it would merely have needed the driver of the car to have put the brakes on and both of those kids would have ended up with their necks broken against the windscreen. In fact, I know that this does happen.

After I saw this - it was something that I had not bothered looking for before - I kept my eyes open over the next week and I found that it is an extremely common practice all over Darwin and, I am sure, everywhere else in the Territory. It is a common sight to see children standing up on seats in vehicles, the parents not even having the sense to get their kids to sit down. It is a common sight to see very small children playing in the freight area of station-wagons around town. I have spoken to the police department about it and they are not in a position to do anything about it at all because legislation does not specifically provide for the restraint of children and certainly does not provide for the use of the hardware that is available to enable this to be done. It is left to the common sense and responsibility of the parents involved and it is fairly obvious to any driver around town that that is not often exercised.

I would think that it is reasonable to ask parents to give their kids the same chance as they give themselves by providing some means of restraining their

children in a vehicle. There are many restraints available ranging in price from $15 to $50. I am talking particularly about young children - 2 to 3 years of age or even younger. If the police wanted to do something about this, they would have to prosecute the child for failing to wear a seat belt. In this event, it would be a defence that it would be positively dangerous for a child of this age to wear a normal seat belt because the belt would go across a part of its body which would cause injury in the case of an accident. In fact, the police are not in a position to do anything else. Sometimes, where they see this occurring, they pull the driver up and say, "How about sitting your kid down".

Honourable members could check for themselves in a few days' driving around town that this is a very common sight, particularly early in the morning and late in the afternoon when women are going to and from town to do their shopping. Probably, it is not a question of responsibility; it is a question of people simply being very thoughtless and not considering the possibility of a tragic accident. I am sure that I would not have any problems at all in suggesting that prevention is certainly better than cure.

I understand that, at the moment, Mr Carrier of the Northern Territory Road Safety Council is down south attending the National Conference of Road Safety Councils. I am also told that one of the specific topics that will be discussed is the restraint of children in motor vehicles and the possibility of having to legislate for such restraint. In the short term, before legislation is enacted, I raise the matter because, perhaps if it is raised publicly, parents who continually do this sort of thing may think twice about it and at least adopt the very simple practice of insisting that the child sits in the motor vehicle instead of allowing it to stand up on the seat. I say again that it does not require a road accident to cause a fatality under those circumstances; it merely needs somebody to put the brakes on suddenly and he will have a dead or a seriously injured child.

I would expect that, when he returns from this national conference, Mr Carrier will probably have some recommendations in this direction. I hope that the government will look at them closely and perhaps take some action on the matter.

Mrs LAWRIE (Nightcliff): Mr Deputy Speaker, the adjournment is by tradition a grievance debate and I wish to bring to the attention of those members remaining a grievance which I have concerning the present listings in the Northern Territory phonebook and the lack of information in the Northern Territory government section. This morning, I asked a question of the honourable minister for Transport and Works about the emergency numbers for the connection of water and sewerage.

It is very interesting to compare the information given in the old 1977-78 book with that in the current one. In the old book, listed under "Construction", we had a variety of numbers including the government switch but also out-of-hours numbers for emergency calls relating to water, sewerage, general and building maintenance. I do not trust the 1978-79 phone book when I want to make a phone call in a hurry. Unhappily, in the 1978-79 phonebook, where we have "Commonwealth Departments", "Northern Territory Government Departments" and then "General", we find less information than we had in the old book. Given the advent of state-type responsibilities, I think this is a pity. May I say that, in no way, can my remarks be construed as a criticism of the people employed in the department who may or may not have their numbers listed. They are but cogs in a machine but I think the machine is not operating at maximum efficiency.

When one rings the emergency number presently listed for "Water Supply", one gets a gentleman who says, "Good afternoon, madam, Wormald Security Services."

When he said that to me last night, I said: "You have to be joking". He said, "No, this is Wormalds, Madam". I said, "Look, it is Dawn Lawrie speaking. I want to talk to someone about the urgent reconnection of water supply". With considerable aplomb and politeness, he said: "Oh, good day, Dawn, how are you going. We are dreadfully sorry about that; we can't give you a number; we can contact the emergency crew but they can't do anything about it until they get a message from higher authority". I said, "I appreciate that it is not your problem but whom shall I contact as a higher authority?" He said, "I don't know". This is most unfortunate when someone has had his domestic water supply disconnected for any number of reasons, including administrative malfunction - not through malice on anybody's part, just simply one of the pinpricks of day-to-day existence in an urban environment.

I contacted a senior member of the honourable the minister's staff who was most courteous and most efficient. Fortunately for the constituent who had contacted me because I was able to contact the right person, more by luck than by good management, all was satisfactorily resolved. My point in raising this whole little scenario is that it should not be left to personal goodwill or dame fortune as to whether or not a service is available to people outside of government hours. I have nothing but praise for the officers of the Minister for Transport and Works' Department who acted with promptitude and courtesy and who resolved the matter satisfactorily. However, had I not been fortunate enough to know whom to ring - and he was not listed in the book - my constituent would have been without water, a situation which is intolerable in a tropical climate and even more intolerable when it was disconnected through no fault of his own.

If we look under "Health", we find another anomaly and I am sorry the honourable minister responsible is not here. On page 22 of the current Northern Territory telephone directory, we see Health Department listed under "Commonwealth Departments". I have not counted them but there must be 50 listings of the various people whom one may wish to contact within the Department of Health: Darwin office, divisional stores, dental clinics, community health centres, venereal disease information service, Casuarina Hospital site and then the reference which the public might be looking for as a matter of some urgency, Darwin Hospital. There it says: "See Hospital Darwin in Alphabetical Section". This is not really humorous. I have had many complaints from visitors to the Northern Territory who have wanted to ring the Darwin Hospital as a matter of urgency. They see "Health Department" in large type; they look right down all these listings under that heading yet, when they come to the hospital, they have to look to a different section of the government telephone directory.

The same applies to "Education". We find "Education Department of Northern Territory Division" and we see listings for the Director, the Assistant Director, a variety of services, bi-lingual education, regional offices right through the Territory but then we come to schools and what do we see? "For Pre-school, Primary, High and Special Schools See Under 'Schools' in the Alphabetical List".

The present Northern Territory telephone directory is a mishmash of departments and telephone listings. I draw this to the attention of the House and ask the assistance of the government ministers to ensure that this kind of ridiculous listing is not carried forward into the next year. I understand that the matter will need to be taken in hand fairly promptly or we will have a continuation of the problem of people not having adequate access to telephone numbers because they are not listed in the proper places. I might say that it would cost more to enter into the book a statement such as "See Under Alphabetical Section" than it would to put the number in twice. The duplicate listing would be less expensive than the reference. That is all I have to say on this grievance but it is a legitimate grievance.

Mr DONDAS (Youth): I rise in this adjournment debate to clarify a question that was asked of me by the honourable member for Sanderson this morning. She asked if I was going to resign from various sporting organisations now that I am the Minister for Youth, Sports and Recreation. Apparently, she asked that question because she feared that, as minister, I might favour those organisations in which I am involved. I feel that the matter should be clarified so that everybody in the House knows exactly where I stand.

At the moment, I am the president of the Northern Territory Rugby Union and I have been for the last 3 seasons. At a meeting that was held last Sunday of the executive of that body, I gave notice that I would not be seeking re-election at the end of this term which finishes in July. However, I will probably play a minor part in the day-to-day running of the club with which I am associated, the Casuarina Rugby Union Club.

I am also president of the Casuarina Girl Guides Association in the northern suburbs which caters for the needs of the girls in Alawa, Nakara, Tiwi, Sanderson, Anula, Wulagi and the northern suburbs generally. The local association's role is to provide funds at the local level for the purchase of badges and uniforms for guide trainers etc. Our main fund-raising for the Casuarina girl guides is from a caravan at the Darwin Show from which we sell hot dogs and other things.

I am also on the executive of a newly-formed Northern Territory Girl Guides Regional Division and that would be the organisation that would be seeking funding from the department with which I am involved. There are checks and balances that must take place before the minister can approve or reject an application. First, an application for a community grant goes into the department where it is processed and then it comes to the minister for his approval or non-approval. I would like to say that the honourable member for Fannie Bay is also on that committee so there would be another check or balance to see whether I was favouring the girl guides.

I am patron to several organisations, including the NT Eight Ball Association and also the Casuarina Swimming Association. However, I cannot really see that being a patron of those organisations would affect my judgment in any funding that may be required. I do not really think that it would be important that I should have to resign from those organisations because I am a minister.

I am also the honorary vice-president of the Casuarina Cricket Club. I cannot see the cricket club asking for funds because it would be the Cricket Association that would come to our department for funding. I am also a committee member of the Casuarina Rugby Union Club. I was a former president of that club and have been associated with it since it started in 1976. To allay the fears of the honourable member for Sanderson, I hope to be as impartial in my deliberations for funding as I was when I was the Chairman of Committees in this House.

Mr MacFARLANE (Elsey): Mr Deputy Speaker, on the subject of patrons, I am the patron of the Pensioners Association of Katherine and I hope to join them very soon.

On the subject of notable oldtimers, this is something that should have been done many years ago and I congratulate the Chief Minister for doing something about it now. I would like to mention a few who have died lately. Cowboy Collins of Katherine was up here long before the war, through the war and has been here since the war. He had a fund of stories - some true, some not quite so true and some completely false - that would have filled a book. There were many others, including Jack MacKay of Mainoru and Jimmy Gibbs of Urapunga. This is just in my particular area. When you take the areas as a whole, there are very many good books which could have been written and that have not been written.

To mention some of the oldtimers who are about now - just around Katherine - there is Bill Wyatt who used to own Mt Bundey before the war and after the war. He was an old time buffalo shooter and is pretty active still; he could be a fund of knowledge. There is Hurtle Lewis, one of the famous Lewis family from Camooweal; there were 10 boys and 1 girl. There are only a couple of them left now. There is also Jack Chambers from Renner Springs; he had Eva Downs before the war and since the war and has a fund of local knowledge. There is Willy Shadforth of Borroloola and George Lewis who is with Noel Buntine - he is about 80 and he managed many places such as Brunette, VRD, Moola Boola and so on; and Burkey Cant who used to run Anthony Lagoon for many years - all these people should be encouraged to tell their stories before it is too late.

I have been very interested in the projected production of the film "We of the Never Never". The producer is supposed to be up at the end of this month. I think that would be one way of publicising the Territory which we have not looked at. I congratulate the Chief Minister on doing something constructive to record the memories of these oldtimers.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, today I do not have a grievance. I would like to extend my appreciation to the staff of a government department. I would like to commend them very highly for the effort they made recently to show the public their work. It was to their own advantage and it extended their own capabilities but it was also of great news and interest to the public at whom it was directed. I am referring to the field day which was put on at Tortilla Flats last Thursday, at the Upper Adelaide River Experiment Station. I saw the honourable Chief Minister and the honourable Opposition Leader there and I hope they enjoyed the day as much as I did and learned as much from it, even if the weather was a little trying. I have a dodger here that was given out to intending buyers and I think the honourable members of this House should hear a few of the things that happened down there.

There is a little bit of history first, if I could read it, Mr Deputy Speaker: "The Upper Adelaide River Experiment Station was started in 1954 at the 60-mile by the Agriculture Branch with first emphasis on rice growing, seen to include pastures and grazing trials with steers. In 1968-69, they switched to breeding cattle. Since then, there has been emphasis on pastures, pasture management, supplementary feeding, while still growing rice, harvesting seeds and hay and studying many other aspects of cattle husbandry, parasites, fertility and production. In recent years, the station eradicated ticks and, in order to reduce a serious resistance, developed certain sprays". They have also done a lot of work with the blue tongue problem, to the benefit of the local cattle producers.

The day started off with a sale at which over 200 head of stock were offered. They were offered mainly not to the big producers but to the small producers and to the abattoirs, and they were presented in very good condition. I think the government station was satisfied with the prices and I also think the people who bought the cattle were satisfied with the prices. It sounds rather odd but I think everybody thought he got a good buy. There were steers, cows and heifers offered; there were also some buffaloes offered that brought a good price and also 2 afrikander bulls which I was very pleased to see being offered to the local producers. This should do much to help cattle breeding in the Top End as the cattle situation seems to be looking up a bit. Another good point about the cattle being offered was that they were tick free, TB free and brucellosis free, and this is a pretty good advantage in buying there.

There was a demonstration of rice growing and I think this will become more important in the future. To my knowledge, there is only one local farmer growing rice. There was an aerial spraying demonstration and also aerial spreading of seed. The different species of rice and how they perform under different trials

was also demonstrated. There was also a paddock of maize that could be seen by the people who went around. It beats me how they can grow maize; I do not know what they have done to the cockatoos and parrots down there but we grew a very small area of bullrush millet a couple of years ago and I think we must have fed every white cockatoo from Western Australia to Queensland. There was also a talk on the blue tongue situation and this was very interesting.

Another thing that was demonstrated - and I have seen this before too - was chemical fire-breaks which are put around fences and also under gates and around different areas where it is very expensive in terms of time and materials to do away with the weeds, and one has to do away with the weeds to run a farm efficiently. The day ended up with hospitality offered by the station and this was appreciated by all the people who attended and also by the local farmers. Finally, I would like once more to offer my congratulations to the staff down there.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

PETITIONS

Electricity charges

Mr ISAACS (Opposition Leader): Mr Speaker, I present a petition from approximately 4,500 citizens of the Northern Territory relating to the government's decision to further increase the cost of electricity to both domestic and commercial users in April. This petition was collected by one person over a period of about 4 days only. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable Speaker and members of the Legislative Assembly of the Northern Territory. The humble petition of the undersigned citizens of the Northern Territory respectfully showeth that there is large spread opposition to the government's decision to further increase the cost of electricity to both domestic and commercial users in April next. Your petitioners believe that the drastic increases in the cost of living are rapidly making the Territory an economically impossible place in which to live. Small businesses in Darwin are being crippled by the increasing costs of electricity and, because of the sliding scale of charges, are subsidising big businesses. The capacity of the small business area of the economy to offer employment to Territorians is being destroyed. The continuing problems of the cost of mechanical failure at the Darwin powerhouse is placing an unreal burden on electricity consumers. Your petitioners therefore humbly pray that the honourable members of the Legislative Assembly will act to stop the electricity charges from being increased and your petitioners, as in duty bound, will ever pray.

PERSONAL EXPLANATION

Mr ROBERTSON (Community Development): Mr Speaker, I seek leave to make a statement correcting an inaccurate imputation I may have made in the transport debate yesterday.

Leave granted.

Mr ROBERTSON: Mr Speaker, I may have implied that the Director of the Department of Transport, S A N T region, had told me personally that the reason for his refusing to extend the Alice Springs Airport terminal was that the department plans no alterations to that terminal until 1982. In fact, the information was given to me by a company interested in providing facilities at the terminal. My reference to the director, as the officer through which I deal, referred only in respect of my activities as a private pilot and, in that regard, I have nothing but the highest praise for his office and the Department of Transport generally.

CRIMINAL LAW AND PROCEDURE BILL
(Serial 225)

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 introduces a minor change to the Criminal Law and Procedure Act.

In the past when criminal offences have been created by statute, it has been the practice to state that the penalty includes a fine or imprisonment followed by the words "or both". In recent bills, where penalties are provided in the nature of a fine and imprisonment, there has been no consistency in the use of the words "or both". In some cases they have been included and in some cases they have not and, therefore, the law on the subject appears to be somewhat obscure. Under section 17 of the Criminal Law and Procedure Act, where imprisonment only is provided, the court may impose a fine in lieu. However, there is no provision in that act to provide for the situation where both a fine and imprisonment are provided. Therefore, this bill inserts into the Criminal Law and Procedure Act a new section 19(4) which will mean that any provision in an act which gives a discretion to impose a fine or a period of imprisonment is construed to mean a fine, a period of imprisonment or a fine and a period of imprisonment. This bill is necessary to clear up an obscurity in the law and I commend it to honourable members.

Debate adjourned.

HOUSING BILL
(Serial 236)

Bill presented and read a first time.

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

The purpose of this bill is to empower the Housing Commission to take remedial action when tenants of commission dwellings make alterations, additions, demolitions or erections to the premises leased to them without the prior approval of the commission and the Building Board. Primarily, the bill is aimed at giving the commission powers to act against illegal structures such as sheds, out-buildings etc erected by tenants and which not only may be unacceptable on aesthetic or environmental grounds but, more importantly, may also not comply with the Darwin Area Building Manual and may, accordingly, constitute a hazard to life and property in cyclonic conditions.

The bill will also give the commission power to act against tenants who make unauthorised alterations or additions to commission dwellings. Surveys of commission rental properties in Darwin have revealed that the practice of tenants erecting outbuildings, sheds, verandahs, lean-tos, carports etc on commission properties without the commission's consent and the Building Board's approval is widespread. The bill will give the commission power to remedy the situation. It provides that the commission may give written notice to any such tenant requiring him to rectify the matter and, if the notice has not been complied with within a period of 28 days, to enter the premises and carry out, at the tenant's expense, any work necessary to make good the tenant's default.

In exercising the powers granted to it by this bill, the commission proposes to cooperate fully with the Building Board. It will exercise its discretion regarding structures like shadehouses, cubby-houses, aviaries and the like, provided they are soundly constructed and adequately tied down and are not likely to disintegrate in high winds. I commend the bill.

Debate adjourned.

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 2 bills relating to prescribed statutory authorities 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.

FINANCIAL ADMINISTRATION AND AUDIT BILL
(Serial 239)

PUBLIC SERVICE BILL
(Serial 240)

Bills presented and read a first time.

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

These are simple bills; their purpose is to enable statutory authorities to be created as prescribed authorities or statutory corporations by simple legislative action. As the law stands at present, when a new statutory authority is created, 3 separate legislative steps are necessary if it is to be made a prescribed authority under the Public Service Act and a statutory corporation under the Financial Administration and Audit Act. In most cases, this action is taken. Declaration as a prescribed authority provides for the employment and the conditions of employment of staff under the Public Service Act. Declaration as a statutory corporation provides for the control of expenditure, audit and reporting under the Financial Administration and Audit Act. To declare an authority to be a prescribed authority for the purpose of the Public Service Act, under present law there must be a specific amendment to the second schedule of that act to include the authority in that schedule. To declare it to be a prescribed statutory corporation, regulations must be made under the Financial Administration and Audit Act to so prescribe it.

These bills merely seek to amend the provisions of the 2 acts so that, as an alternative to separate legislation, an authority may be declared to be both a prescribed authority for the purposes of the Public Service Act and a prescribed statutory authority for the purposes of the Financial Administration and Audit Act by direct provision in the enabling legislation. The amendment will lessen the need for presentation of purely formal bills to the Assembly and reduce the risk of impediment to effective operation of an authority because of administrative error or oversight. I commend the bills to honourable members.

Debate adjourned.

LIQUOR BILL
(Serial 267)

Bill presented and read a first time.

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

During the last sittings of this Assembly in November, the Assembly passed the Liquor Act 1978. Since then, it has been brought to my attention that 2 matters need early amendment. These are essentially administrative in character and in no way affect any fundamental aspect of the principal act. The act provides for the Territory to be divided into 2 regions for the purposes of convenient administration. The act allows for the appointment of deputy registrars and, in fact, a deputy registrar has already been appointed in Alice Springs. The government always intended that the deputy registrar in Alice Springs should have the same powers and functions as the registrar of liquor licences in Darwin. Unfortunately, this is not made clear in the act as it was passed and clause 3 of the amending bill specifies that a deputy registrar may exercise any power or perform any function of the registrar.

The second area needing amendment concerns licence renewal fees for roadside inns. These fees, which are lower than for other licence holders because of the special circumstances of roadside inns, are covered by section 35(1)(d) of the act.

An undertaking was given by the government to roadside inn licence holders that their fees would not be immediately increased upon the introduction of the act and, in any case, it would have been unfair to increase the fees for roadside inn licence holders and not increase them for other licensees.

The repealed Licensing Ordinance provided that roadside inn licences could not be issued to premises within 60 kilometres of the Darwin and Alice Springs post offices and only under certain conditions within 25 kilometres of other roadside inns already in existence. The result of this was that a number of roadside inn licences were issued in close proximity to one another, to their mutual trading disadvantage. The government therefore adopted a new definition in the Liquor Act which provided that the lower rental fees for roadside inns could not apply where those premises were less than 60 kilometres from any other licensed premises in respect of which a licence authorised the sale of liquor for consumption on or at those other premises.

The government still believes that his approach is the correct one. But it has meant that a number of roadside inns have been caught by the new provision because they are in fact situated within 60 kilometres of other licensed premises. As the Liquor Act now stands, there are 13 premises which, although roadside inns, would have to pay higher licence fees because they do not meet the requirements of section 31(d) being located too close to other premises.

Mr Speaker, the government does not believe that there should be a proliferation of roadside inn licences but nevertheless must protect the rights of those who hold these licences. Clauses 3, 4 and 5 of the amending bill are therefore introduced so that holders of roadside inn licences operating within 60 kilometres of other licensed premises may nevertheless pay the lower fees established in section 35(1)(d) of the act. The amendment only protects holders of roadside inn licences current at the commencement of the Liquor Act on 12 February 1979. I commend the bill to honourable members.

Debate adjourned.

CEMETERIES BILL
(Serial 255)

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 will be accepted by honourable members, I feel sure, that there is a very real need for the government to know the location of burial grounds outside of established cemeteries. The reasons for this are fairly obvious but an overriding concern of this bill is in the provision of proper respect for places of burial.

Clearly it is also undesirable for the government to allow bodies to be buried anywhere without its knowledge. This is an obvious matter of proper administration. At the same time. I wish to emphasise that this legislation is not designed to hinder people who wish to be buried in places of their choice, outside of established cemeteries. Although it is proposed that the minister's consent will be necessary for such burials, there would have to be a good reason for the minister to withhold such consent. This House can be assured that people who make application to bury bodies in particular areas of their choice, such as pioneer pastoralists who wish to be buried on their property or Aboriginal people who have a strong traditional tie with their land, would as a general rule have no difficulty in obtaining permission. In cases such as these the government would have effectively established a record of the burial for future purposes.

Some of the provisions of the present act apply throughout the Northern Territory while other provisions apply only to portions of land specified by gazettal. The particular provisions with which we are concerned here, that a person shall not bury the body of a deceased person other than within an established cemetery without the minister's consent, does not apply throughout the Territory. Where a proposed place of burial is in close proximity to a settlement, there is a need to consider the location from the point of view of existing land tenure, plans or proposals for land use, and health and environmental concern. These factors, of course,may also apply to places proposed as burial sites not near a settlement. However, in general the further the proposed place is from a settlement the greater is the likelihood of consent being given.

The government will draft guidelines to enable a consistent policy to be followed in regard to applications for consent for burials outside of established cemeteries. This policy will require that there will be a reference to other sections of the government, for example the Port Authority in relation to burials at sea. The policy will be administered with understanding and compassion. I commend the bill to honourable members.

Debate adjourned.

MOTOR VEHICLES
(Serial 266)

Bill presented and read a first time.

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

The bill before the House is to amend the Motor Vehicles Act. This has become necessary as a result of a ruling given by Mr Justice Forster in the

taxi dispute case Chin versus Davis. This decision was handed down on 30 November, the last day of the previous sittings. The effect of Mr Justice Forster's ruling was that, under the Motor Vehicles Act, the Registrar of Motor Vehicles did not have the power to alter particulars of vehicles on public or private hire-car licences.

The decision of the court has serious implications with respect to former decisions of the registrar. Past practice has been for the registrar to approve changes of particulars of vehicles in respect of hire-car licences. The approvals which have been granted at the request of the parties concerned were based on common sense. Such changes were considered to be in accordance with the intention of the existing legislation. The fact that the registrar cannot now approve changes may cause a situation whereby the holder of the licence is unable to provide a service for the public. His livelihood is disrupted simply by his being unable to substitute a replacement vehicle in the event of his vehicle becoming substandard. The registrar cannot alter the particulars of the licence with respect to the details of a specific car. Where, for example, the licensee may wish to replace the engine, the consequent alteration of the original licence cannot be approved. If such a change takes place so that the details of the vehicle are different to those on the licence, the vehicle may not be used for the purpose for which the licence was issued.

The need for urgency in proceeding with this bill is highlighted by the fact that the Registrar of Motor Vehicles has before him a number of requests. A Katherine licensee has sought to substitute another vehicle to operate under his licence and his existing licence requires replacement. The Catch 22 of this one is that the registrar may be compelled to exercise his powers to de-register the existing vehicle as no longer being roadworthy without being able to approve the use of an alternative. The licence would become inoperative and the licensee would lose his livelihood. An Alice Springs licensee also wishes to substitute a new vehicle for his existing old one. In Darwin, two licensees wish to use other vehicles. One is seeking the straight-forward substitution of a new vehicle. The other, from Associated Cabs and Hire Cars, where a private hire car was recently written off in an accident, at present has no vehicle. The inability of the registrar to effect the change to the licence in this latter instance is jeopardising the livelihood of 2 drivers. It is probably ironic that it is Associated Cabs and Hire Cars which is in this position. This organisation was instrumental, to some extent, in raising the questions with respect to the transfer of vehicle particulars which resulted in the court case Chin versus Davis and, ultimately, the honourable Mr Justice Forster's ruling.

The government has examined ways to allow some sort of interim delegation to be exercised by the registrar. Thus we had hoped to overcome the existing problems pending the passing of amending legislation. Unfortunately, we are advised that there are no legal means by which the government can act in the face of the NT Supreme Court decision without amending the law. The enactment of this bill will eliminate the inconvenience to the industry and personal hardship to those individuals. Under these circumstances, I am sure that honourable members will appreciate the need to proceed with the present bill as a matter of urgency and I will be seeking urgency later in the sittings. I commend the bill.

Debate adjourned.

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 2 bills relating to the removal of reporting provisions 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 bills together, and the consideration of the bills separately in the committee of the whole.

Motion agreed to.

TERRITORY PARKS AND WILDLIFE CONSERVATION AND CONTROL BILL
(Serial 241)

FISHERIES BILL
(Serial 242)

Bills presented and read a first time.

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

Both of these bills have the same purpose: they remove from the principal act the requirement for reporting in the prescribed manner by an inspector as a prerequisite to the admissibility of evidence of an offence. The provisions were inserted first in the Fisheries Act and subsequently in the Territory Parks and Wildlife Conservation Act following debate on the exercise of wide powers of search given to inspectors under the act. The powers of search were and are considered necessary to protect against illegal netting and other fishing and to protect wildlife from indiscriminate slaughter. At the time, doubts were expressed concerning the inexperience of inspectors and, from the reading of the debates, it appears that the provisions are designed largely to protect against arbitrary action by untrained inspectors including, at that time, honorary rangers. The provisions basically require that, where an inspector exercises such powers, he shall report in detail to the minister with an amount of prescribed information as soon as is reasonably possible. Failure to do so renders inadmissible any evidence gained as a result of such search.

Circumstances have changed since the introduction of those provisions. A trained body of inspectors has been developed who are well aware of their duties and powers under the act. Honorary rangers are no longer required or used. Naturally, an inspector is required to report on his activities in the normal course of his duties but the statutory requirement to report on prescribed matters as soon as it is reasonably possible, instead of working for the protection of the ordinary member of the public against unwarranted arbitrary actions, has worked for the protection of wrongdoers, people who have done the actions which we all wish to prevent but who could not be successfully prosecuted because the prescribed report had not been lodged in the required time.

In 1976, His Honour Mr Justice Muirhead ruled that evidence gained by such a search was inadmissible and commented adversely on the provision as it lessened the efficacy of legislation necessary for the protection of fisheries. In 1978, Magistrate McGregor declared evidence inadmissible on similar grounds. He clearly stated the defendant to be lying but could not proceed because the reporting provision had not been complied with. He remarked caustically on the failure to remove those provisions which seemed only to work in favour of offenders despite previous adverse comments from the bench. The important point stressed by the court was that inspectors under both acts are given powers similar to a police officer in their particular field. They may only exercise those powers if they only have reasonable grounds for suspecting an offence has been or is about to be committed. The purpose of the report is to establish those grounds but the court must also satisfy itself on those same matters, whether a report is tendered or not, before it may accept evidence.

Mr Justice Muirhead commenting on these provisions said: "Legislation designed to protect wildlife and fish and to regularise the fishing industry must, in important measure, depend upon the effectiveness of its sanctions which in turn requires simplicity of procedure and methods. I may be forgiven for observing that it would be unfortunate if concern for the rights of individuals unnecessarily causes legislation of this nature to be regarded as ineffective or difficult to enforce. It is important that the processes of law be simple and straight-forward. It must be remembered that the processes of trial and the responsibilities of the court are in themselves a very strong protection to the individual".

I strongly support those remarks and commend to the Assembly these bills which will remove provisions which have been demonstrated to work adversely in the protection of our wildlife and our fisheries.

Debate adjourned.

ELECTRICAL WORKERS AND CONTRACTORS BILL
(Serial 249)

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.

The bill seeks, firstly, to provide for the members of the Electrical Workers and Contractors Licensing Board immunity from liability for lawful action done by them; secondly, to provide for the offence of employing an unlicensed electrical mechanic; and thirdly, to provide a penalty for section 55 of the principal act.

Members of the Electrical Workers and Contractors Licensing Board became aware, during their first few months in office, that the act did not contain the normal wording necessary to make them a body corporate and confer upon them immunity from civil action provided that their actions were done in good faith. Whilst it is not admitted that the board is presently liable to be sued, I consider that it will be in the interests of the board and the community at large that the matter be put beyond doubt. The amendments contained in clause 3 have been prepared in accordance with the Solicitor-General's advice.

Turning to the second proposed amendment, there has been a recent incident where a contractor employed an electrical mechanic who was not licensed in the Territory. The amendment contained in clause 4 of the bill is designed to cover the situation.

Lastly, it has been noticed that no penalty has been laid down where a person either refuses to state whether or not he has a licence or refuses to produce that licence. The amendment contained in clause 5 sets this out quite clearly.

I consider the proposed amendments will round off the Electrical Workers and Contractors Act and I commend the bill to honourable members.

Debate adjourned.

TRUSTEE BILL
(Serial 247)

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 amends the Trustee Act to expand the categories of investment available to trustees. It will allow trustees to make loans for housing purposes provided that the loans are insured by the Housing Loans Insurance Corporation. At present, categories of authorised investment are set out in section 4(1) of the Trustee Act. One of the authorised investments is a loan secured by a first mortgage over land. However, loans secured by second or subsequent mortgages are not authorised. The Housing Loans Insurance Corporation was set up in 1965 by the Commonwealth government. Its purpose is to make more money available for housing by insuring loans made for the purpose of buying and developing land and housing. This is done by insuring loans made by approved lenders where the loans are secured by a first, second or a subsequent registered mortgage and thus lenders may substitute the security of insurance guaranteed by the Australian government for the security of the first mortgage. It may therefore be possible for a borrower to obtain finance even if he has already been granted a first mortgage. The money will be available to him from a previously unavailable source - trustee lenders.

From the trustee's point of view, insured loan investments are suitable because, like all other authorised investments, they are secure. The risk of beneficiaries losing their entitlement is minimised by insurance. The trustee is sure that, if repayments are not made, the insurance will cover any loss. It should be noted that the Public Trustee will also be able to use this power of investment. In fact, it was because of an approach by the deputy chairman of the Housing Loans Insurance Corporation to the Public Trustee that the possibilityof an extension of investment powers was first considered.

In summary, this bill will allow trustees to invest in insured loans and thereby may well make more money available for housing. At the same time, it will enable trustees to invest in a new type of secure investment. I commend the bill to honourable members.

Debate adjourned.

PORTS BILL
(Serial 246)

Bill presented and read a first time.

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

Section 20A of the Ports Act allows the Administrator in Council to commit to the care, control and management of the Port Authority land that has been reserved for port purposes under section 193 of the Crown Lands Act. It further allows the Port Authority to grant a lease in respect of such land. Most of the land which has been vested in the Port Authority at this date is below high water mark and requires reclaiming before lessees can obtain any beneficial use of the land. At the present time, lessees who have improved their leases by reclamation, edge works drainage etc are not entitled to any payment of these improvements at the expiration of their leases. The whole benefit of such improvements accrues to the Port Authority.

The proposed amendment to section 20A of Ports Act now before members will allow the Port Authority to pay to lessees the value of improvements and the cost of reclamation work as determined by the Valuer-General on the expiration of their leases. This amendment will encourage companies who have expressed interest in leasing areas in Frances Bay to develop those areas, not only for their own benefit but for the benefit of the port as well. And for the benefit of the Opposition Leader, I might add that V.B. Perkins and Co have still not signed a lease and I hope the passing of this amendment might give that company renewed encouragement to do so. I commend the bill.

Debate adjourned.

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 2 bills relating to fraud and false pretences 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.

POLICE AND POLICE OFFENCES BILL
(Serial 257)

CRIMINAL LAW CONSOLIDATION BILL
(Serial 258)

Bills presented and read a first time.

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

The intent of these bills is quite clear. It is to close a loophole in the criminal law which has been abused in the past. A number of tourist organisations and persons involved in the restaurant and accommodation trade have complained about this defect. Currently, persons can obtain meals and accommodation and other services and then avoid paying for them by passing a valueless cheque or by simply walking out of the premises. Two of the sections to be amended refer only to physical objects and so cannot cover these services. Section 60A of the Police Offences Act does refer to credit but its application is limited.

I believe these bills should be passed in the one session to avoid publicising the loophole and allowing unscrupulous persons to take advantage of it in the time between introduction and assent. Mr Speaker, I will be applying to you to grant urgency for the passage of these bill at this sittings because I believe it would otherwise cause hardshipto persons involved in the tourist, restaurant and accommodation trade.

Finally, it should be mentioned that the cumbersome way in which this legislation must be formulated, using 2 bills and amending 3 sections, highlights the inadequacies of the criminal statutes. It emphasises the need for the codification of the criminal law which is presently being undertaken. These bills are an interim measure until the code can be introduced. I commend the bills to honourable members.

Debate adjourned.

ROAD MAINTENANCE (INTERSTATE ENFORCEMENT) BILL
(Serial 252)

Bill presented and read a first time.

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

The bill before members is to ensure that the Northern Territory plays its part, in concert with all other states, by closing loopholes in the law which are used by some hauliers to evade legitimate road maintenance charges in the states where they operate. With the exception of South Australia where legislation is still proceeding through parliament, every other mainland state has passed complementary legislation which will stop the setting up of $2 companies, known as straw companies.

Although the Northern Territory does not levy road maintenance charges, our part in proceeding with this bill is to ensure that the Northern Territory does not become a haven for fly-by-night operators. The incentive for all states to legislate on this matter has been achieved by consultation with the Australian Transport Advisory Council which has had the matter under consideration for quite some time.

The bill as it stands is based on current legislation in Victoria and Western Australia. The Australian Capital Territory is also introducing similar legislation and the Tasmanian government has foreshadowed action if it is deemed necessary. I commend the bill.

Debate adjourned.

URANIUM MINING (ENVIRONMENT CONTROL) BILL
(Serial 250)

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 is a most important piece of legislation, the purpose of which is to give the government of the Northern Territory the power to control the environmental aspects of uranium mining in the Alligator Rivers region. Along with the Soil Conservation and Land Utilization Act and the Control of Waters Act, the bill is designed to provide effective protection for the natural environment against the potential dangers presented by the mining and milling of uranium. Along with those 2 acts the bill will be the vehicle whereby the government of the Northern Territory will be responsible for regulating uranium mining according to the major recommendations of the Ranger Inquiry and the wishes of the Aborigines as embodied in the agreement between the Commonwealth and the Northern Land Council. In addition, the proposed law will regulate any other uranium mining in the Alligator Rivers region.

Pursuant to an agreement between the Commonwealth and the Northern Territory, the government of the Northern Territory has executive authority for the mining of uranium, provided that in relation to the Mining Act the Northern Territory Minister for Mines and Energy will exercise his executive authority in accordance with advice to be given to him from time to time by the Commonwealth minister responsible for the administration of section 41 of the Atomic Energy Act. In this way the government of the Northern Territory is to become substantially responsible for the regulation and control of uranium mining in the Northern Territory.

Before proceeding further with an explanation of the provisions of the bill, I would like briefly to reiterate the government's policies in relation to the development of our uranium resources. As I have said on many occasions, my colleagues and I firmly believe that the decision by the Commonwealth government to proceed with the mining and export of Northern Territory uranium was the only decision that could reasonably be taken. The development of these resources will pass on substantial benefits to all Territorians and will have a significant effect on our future economic growth. Having said this, my colleagues and I are only too aware of the need for proper safeguards to be incorporated in any development proposals to ensure that every possible step is taken to ensure maximum protection of the environment.

Mr Speaker, the ore at Ranger will be mined and processed pursuant to an authority issued by the Commonwealth Minister for Trades and Resources, pursuant to section 41 of the Atomic Energy Act. At Nabarlek and any other uranium mines, the miner's title will be a special mineral lease issued pursuant to the Mining Act of the Northern Territory. In the case of both Ranger and Nabarlek and any other uranium mine in the region, the bill now before the House and the other acts will be the effective means whereby the conditions attaching to the mining titles will be enforced.

The bill was drafted in close consultation with the Commonwealth Department of Science and Environment, the Department of the Attorney-General and the uranium task force group. Close regard has been paid to the environmental requirements attaching to the authority issued to the Ranger joint venture under the Atomic Energy Act. The requirements are to be found in schedule 1 of the bill. The requirements form part of the agreement between the Commonwealth and the Northern Land Council. Some of the language used in the environmental requirements attached to the Atomic Energy Act authority is difficult of precise legal interpretation and the bill seeks to overcome any uncertainty as to the enforcement of provisions protecting the environment.

The bill seeks to achieve 2 basic objects. The first one is the recognition of the recommendations of the Ranger Inquiry and the matters agreed upon between the Commonwealth and the Northern Land Council and, secondly, vesting sweeping powers in the Minister for Mines and Energy, enabling him to be final arbiter in environmental matters paying due regard to the recommendations and the agreement I have referred to and to the advice of his department. For example, in exercising power under the act the minister is required to pay regard to the desirability of protecting the environment from any harmful effects of mining and to the agreement between the Commonwealth and the Northern Land Council.

Basic to the bill is the requirement that no mining may take place in the region without authorisation from the minister who may impose wide-ranging and rigid conditions upon the grant of any authorisation. The bill specifically provides that a mine may not operate unless an environmental protection officer with suitable qualifications is employed. There is also a requirement for all mining staff to be taught the need for appropriate monitoring programs and the relevant provisions of other legislation such as the Environment Protection (Alligator Rivers Region) Act and the Atomic Energy Act.

Specific provision is made for controls on the use of explosives, the permissible levels of dust to which employees may be exposed, the rehabilitation of mines, waste dumps or other areas which have been disturbed by mining, the control of dust including sulphur and uranium compounds, the location and method of construction of explosives magazines, the construction of dams and retention ponds including tailing dams, the control of seepage from such dams and retention ponds, and pollution of the atmosphere.

Additionally, the minister has the power to require a miner to give security for compliance with the act before granting an authorisation. The minister may alter or revoke an authorisation and, subject to an appeal, a mines inspector may order work to cease if he is of the opinion that mining is being carried out contrary to the act.

However, I would point out that the minister may not act to refuse to permit mining or to permit mining to continue if it is otherwise authorised. In other words, although he may attach onerous conditions to the grant of an authorisation to mine, the bill cannot be used to prevent uranium mining altogether.

The bill contains provision to assist proof that an offence has been committed contrary to the act. The manager and owner of a mine are jointly guilty of any offence and the bill provides for a penaltynot exceeding $100,000 in respect of each offence, with a daily penalty not exceeding $10,000 in respect of each day during which an offence continues.

It is to be noted that any conditions imposed on the owner or manager of a mine as a result of an agreement with the Northern Land Council are separate and distinct from the requirements of the bill and compliance with the bill does not absolve the mine owner or manager from compliance with any other legislation or agreement.

In administering the bill and other acts, the Territory minister will work in consultation with the Commonwealth ministers interested in the region. He and his department will pay close regard to the views of the Northern Land Council, the federal director of National Parks and Wildlife Service, the Territory Parks and Wildlife Commission and the supervising scientists and the co-ordinating committee appointed pursuant to the EnvironmentProtection (Alligator Rivers Region) Act of the Commonwealth.

It is essential that this legislation be brought into effect as a matter of urgency, in order that the Northern Territory government may be in a position to regulate and control work on the Ranger project. In the circumstance I would like to foreshadow that I will be seeking suspension of Standing Orders that would prevent the passage of the bill at these sittings.

I repeat that I believe this legislation will ensure that our uranium development projectsproceed in accordance with proper concern for the environment and I commend the bill to honourable members.

Debate adjourned.

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)

Continued from 29 November 1978

Ms D'ROZARIO (Sanderson): The opposition supports these bills with some reservation but I give the House an undertaking that the debate on these planning bills will certainly be nowhere near as violent and ferocious as the debate on the other 2 bills that took place in this House during the last 15 months.

Mr Speaker, I would like firstly to thank the minister and his staff for extending to members of the House an invitation to discuss the contents of this bill with officers of his department and the legislative draftsmen. I regret that I was unable to attend the meeting that was eventually held as a result of this invitation and that was simply because the minister was overseas on one occasion and I was overseas when the minister was in Darwin. However, we do appreciate the invitation that he extended and we thank him for it.

This is a welcome piece of legislation. The general impression about it from those whom I have spoken to is that it is well organised; it is certainly a step forward in bringing Territory planning legislation part way along the line to being comparable with the legislation that pertains in other states. This, of course, is a very important feature of any planning legislation. As members will know and the honourable minister outlined it at great length in his second-reading speech, planning legislation in the Northern Territory has not served either Northern Territory needs or Northern Territory people very well. It has been anachronistic in the extreme and its very nature has caused it to be extremely difficult to amend. As I mentioned earlier, 2 amendments were previously attempted and I am pleased to see that those amendments and all prior acts are now to be repealed by the bill which we now have under consideration.

Mr Speaker, I mentioned that the present bill brings us into line with certain provisions in planning legislation in the other states. One such provision which I would like to mention is the provision for consultation with authorities other than the Planning Authority which the proposed authority is compelled by this bill to undertake. As we know, those of us who have long memories of planning history in the Northern Territory, in the past the Northern Territory Town Planning Board has had very limited functions. Its functions have mainly been advisory and it has had very little power to actually execute plans of its own on its own account and, where it has done so, there have been charges, sometimes justified, that the Northern Territory Town Planning Board has not sufficiently consulted with other persons or organisations who have a legitimate role in the planning process and, indeed, with individual people.

So it is with great pleasure that I support the provisions relating to consultation that are contained in the bill. I think it is a recognition by the government, and it is certainly supported by the opposition, that there are more responsibilities in planning than can simply be handled by a Northern Territory Planning Authority. There are, for example, especially when we come to grips with the question of regional planning, as this bill does, other organisationssuch as those that are charged with the responsibility of providing infrastructure, regional roads planning and so on. All these organisations have a legitimate role in the planning process and it is pleasing to see that the Planning Authority will now be compelled to consult with them. The authority has to consult with prescribed organisations and I imagine those authorities I have mentioned, which are responsible for major road and transport works and the provision of public utility services, will be prescribed organisations for the purposes of this act.

We also have a fairly novel idea in this bill as far as Northern Territory planning is concerned and that is to give the right to other organisations and individuals to make submissions to the authority on planning proposals before those proposals are drafted. As members will know, a very negative approach was taken to this question in the previous act and, in fact, the previous act specifically said that people could only approach the authority if they were objectors. The removal of the emphasis on objection and placing an emphasis on consultation and submission is certainly welcomed by the opposition and, I think, supported by all organisations that have taken an enthusiastic interest in planning in the Northern Territory. Calling for submissions is a very important part in the drafting of proposals and it is for that reason that we welcome those provisions.

It is with some regret, Mr Speaker, that I point out that the very good procedures that are outlined in this bill will not be of use to us in planning the major urban centres. This is because the bill provides in its transitional provisions that existing town planning schemes will be taken over as planning instruments for the purpose of this bill. So whilst we will have the provisions open to us for the amendment of these schemes, we will not have them for the formulation of the schemes. We do regret this because the provisions here are a great improvement on the previous act.

Mr Speaker, I mentioned that there were what I considered some fairly advanced notions in this bill, certainly advanced as far as Northern Territory thinking is concerned but quite common in other planning of legislation. I might just speak about some of these because they are fairly innovative in Northern Territory planning.

One of these, which I have briefly mentioned is the fact that this bill comes to grips with the question of regional planning. The minister will certainly recall, and I think many members of this House will be aware, that the previous act permitted planning to occur only in towns and those were defined within the terms of the Crown Lands Ordinance. There was a provision whereby planning could be done near towns but this provision was never resorted to, as far as I can recall. I am sure the member for Tiwi would agree that the lack of regional planning has caused some problems because people have had the tendency to leapfrog the area which was subject to a plan. If they did not like planning - and certainly large numbers of them didn't - they moved to the outskirts of the town and when planning caught up with them there, they moved further again. Certainly, the member for Tiwi has knowledge of this phenomenon because she is currently facing, I think, many irate people who must come to the realisation that regional planning has to be accepted as a normal restraint on life. I am disappointed in the definition of the regional planning instrument as it is defined in the present bill but perhaps I could

take that up in the committee stages.

A further innovation, from the point of view of public participation in planning is the provision relating to the enforcement of a plan by an individual. In the past the enforcement of the planning law has been entirely up to the Crown and we know that under the old act there was never a prosecution initiated. Rather, I correct myself there; there were prosecutions initiated but none ever got to the stage of being heard and this was because the law was so written that it was difficult to undertake a prosecution and, furthermore, it was very diffcult to ascertain who indeed was the prosecuting authority. So whilst there purported to be provisions relating to the enforcement of a plan, in fact, these were quite illusory; there were no real and effective means of enforcing the provisions of either the planning schemes or the planning legislation.

In the present bill, however, we have a provision that if any individual considers there has been a breach of the legislation or the provisions of the town plan, he can apply to the Supreme Court for leave and, having obtained leave, could enforce the provisions of the legislation or the scheme, as the case may be,on his own account. This is a strong provision because many individuals, when they have approached a planning authority to take some action in relation to alleged breaches of the act or the scheme and have been disappointed with the results, have gone away with the impression that it is a lack of real interest in the alleged breach that has caused the authority to remain silent on the question. Having the provision whereby an individual can himself take enforcement action is certainly an improvement on the provisions that we have hitherto had to work with.

A further area where this legislation is very advanced, and the minister spoke on it in his second-reading speech, is the provision for the presentation of environmental impact statements in relation to development applications. As the minister acknowledged, some development proposals, when implemented, can cause great harm to the environment and some of the effects that can occur from these proposals have not been sufficiently studied before the implementation of the proposal. The bill compels the applicant - although I point out again that it is only a prescribed applicant and I hope the prescription will be wide rather than narrow - to undertake an environmental impact statement at the same time that he applies for approval to undertake the development. We welcome this because it compels the developer to study the effects and to foresee the effects before the development occurs and in the event that his development proposal is thought to be detrimental to the environment, that would be a ground for refusing the application. Too often in the past we have had people undertaking developments which have benefitted private individuals and corporations yet have done very little for the community at large. In fact, in many cases, the community has ended up footing the bill for restorative work that has had to be done as a result of the development. Certainly, the compulsion for the presentation of environmental impact statements with the development application is one that is wholeheartedly supported by this side of the House.

A further aspect which is fairly advanced is the removal of the notion of zones as we knew it under the old act. The minister and some members will recall that, under the Town Planning Act as we have it, there is listed a lengthy schedule of zones and one has to have a development which complies with one or other of these zones on the correct site in order to get anywhere. The removal of this notion of zones would certainly make for more flexible planning and also provide that this bill may be used to implement regional planning as well.

I said that we support this bill but we support it with some reservations. I would like to discuss some of those reservations with the minister and have sent my amendments to him in the hope that he and I might come to some agreement on some of them. One of the questions which I would like to take up is not the subject of one of my amendments but I simply raise it for the purpose of discussion. I refer to the question of ministerial involvement. It is common in all state legislation on planning to have the minister as the ultimate authority and to have the town planning authority or board, as it is known in some places, subject to the direction and control of the minister. However, it is the practice in other places for the minister to be involved only at the policy-making and executive level and not in the day-to-day running of the authority's affairs. The bill, as we have it at the moment, permits the minister to be involved at very low levels in the authority's decision-making process. From the point of view of the executive responsibility of the authority, I find this quite undesirable.

The correct involvement of the minister would be in policy matters on the direction and depth of development, the implementation of government policy and in the supervision of funds. I point out that many authorities in the states have allocated to them large sums for the implementation of schemes and for land consolidation and development which this one does not have at the moment. That seems to be the generally accepted level of ministerial involvement.

I must raise the question that there are provisions in this bill relating to both applications for subdivision and applications for development where the minister himself can be the consent authority and that, I believe, is not a correct role for the minister. The consent authority should rightly be the town planning authority and the minister should confine his own role to matters at a higher level.

The question of the minister being a consent authority does raise another objection to this bill. As the bill now stands, if the minister is the consent authority, there is no appeal from any decision that he might make. I have prepared amendments on this matter and I have forwarded them to the minister. I urge him to consider them. It is undesirable in the extreme to have the minister's decision not subject to appeal, especially where the minister can, by an extremely easy process, ordain himself as the consent authority. Whilst the consent authority as far as the town planning authority is concerned is defined here, the minister, by a very easy process indeed, can have himself made the consent authority and thereby declare which applications he will consider personally. If there are to be appeals from planning decisions and if the minister insists upon being involved at a very low level of planning decision, his decision should also be subject to appeal. As the bill is presently written, one only can appeal against a decision of a consent authority other than the minister. We find that objectionable and have prepared amendments.

The second question which I would like to raise is the question of the involvement of local government. This question, too, was taken up at some length by the minister in his second-reading speech. We accept the remarks he made when he said that the time is not yet right for local government to undertake its own planning and that this would result in a wasteful duplication of resources. The opposition also concedes that local government should have a part to play in planning but, as the bill currently stands, we have local authority representatives outnumbering the Territory representatives. I find that difficult to reconcile with the minister's statements.

The bill does give recognition to the need for regional planning and a coordinated approach to planning and, presumably, that is why the Territory members are there. Further, the bill recognises a need to have local involvement in planning and for local members on the authority to be answerable to the people in the local areas. However, I find some inconsistency in the approach of having local members outnumbering Territory members because it is absolutely inevitable that, if there is a conflict of interest, local needs will prevail despite the fact that they may be inconsistent with regional objectives. I hasten to say that it is not the opposition's view that local government should have no role in planning. We do want them to have a role in planning but this level of local membership - 4 in an authority of 7 - would have been more appropriate to the existing Town Planning Act which relates only to towns than to a planning bill which does give some recognition to regional planning and planning across the entire Territory. However, that is a matter that the minister might like to think about.

A further reason why we adopt a cautious approach to local members outweighing Territory members is that the record of local government in planning in the Australian states is not a very good one. This is because local councils tend to be stacked with people who have an interest of one sort or another. It is absolutely impossible for these people to remove themselves from their personal and pecuniary interests when discussing planning matters. Indeed, in the last 5 or 6 years in just about every state of Australia, with the exception of Tasmania, there has been a major fracas about planning decisions made by local government. In one case, the extreme step was taken of sacking the entire council. Whilst I say that local government does have a legitimate role in planning, my point is simply that it should have a level of involvement that is consistent with the individual town's needs. At the moment, local government members are in a position to override regional objectives. Of course, where the regional and town objectives coincide, we have no problem but that will not always be the case.

A further reservation which we have about this bill is in respect of pecuniary interest. I have prepared an amendment which I have forwarded to the minister. The amendment simply makes the provisions for pecuniary interests uniform with those which would apply to members of the appeals committee under this same bill. We have, as the bill is written, a very odd situation where the pecuniary provisions pertaining to members to be appointed to the authority differ from those which pertain to members to be appointed to the appeals committee. I think the least the minister can do is to have uniformity within the same bill. After all, Mr Speaker, the Chief Minister has undertaken to give us uniformity throughout Territory legislation. So I think it is not too much to ask for the pecuniary interest provisions to be the same at least in the same bill.

Mr Perron: Can you define "pecuniary" for me?

Ms D'ROZARIO: It is defined in your own bill.

Mr Speaker, I take the interjection of the minister to be sincere and I would just refer him to the provisions of the bill where this is defined.

Mr Perron: That is only your view, in fact.

Ms D'ROZARIO: Well our view, Mr Speaker, to answer the interjection, coincides with the one that is given and we are happy with the definition as given. We only want uniformity in the bill between the 2 organisations. I hope there is no misunderstanding on that.

A very important matter with which I am not at all satisfied, and I take it up here in case I run out of time and the govermment does not allow me an extension, is the matter of third-party appeals. When the government presented a bill that we have under consideration, the minister at that time included provision for third-party appeals. I thought that was a very forward-looking provision indeed. If I might just explain here, Mr Speaker, the right for a third party to make an appeal is an accepted fact of life in planning legislation in the states and this enables people - not just the applicants but, for example, objectors - to have the right of appeal in the event that the planning authority makes a decision with which they are not satisfied. Under those circumstances the objectors do have the right of appeal to the appeals committee so that the merits of the case can be gone over again.

Mr Speaker, 12 months ago the government was happy to have that provision in its planning legislation. So it is with some disappointment that I note that the provision for third-party appeals has been removed in the present bill. This, of course, means that the only party with the right of access to the appeals committee is an applicant who is aggrieved by a decision of the Planning Authority. I suggest in all sincerity to the minister that this is a very unsatisfactory provision. And this is for 2 reasons. The minister made great play of the level of public participation that was included in this bill. I noted with some amusement that he had made a handwritten alteration to his original script, where he said that the bill provided the maximum degree of participation; he had crossed that out and made it "a high degree" of participation. So I guess that that is the provision he was thinking of. I urge him to accept my amendments on this point and reintroduce third-party appeals. If we are going to give this impression that there is a very high degree of public participation in the Planning Bill, then we must have third-party appeals.

The second reason why third-party appeals are very necessary is because, if we do not have them, it is considered to be inequitable. We have had a number of proposals here where large numbers of people have objected, not just one or two, although I do not minimise the validity of the objections if they are in small numbers but, certainly, some proposals have evoked so much public interest that literally hundreds of people have objected. It is quite unfair to say that if the board makes a decision that goes against the applicant, the applicant has the right to put his case again before the appeals committee but if the board makes a decision which aggrieves the objectors, the objectors have no right to put their case again before the appeals committee. If we are going to have a right of appeal for the applicant, then I suggest we must also have a right of appeal for any other party who is aggrieved by the decision of the Plannning Authority. I have taken the step of preparing amendments and I urge the minister to give serious consideration to those amendments with a view to agreeing to them. How much more reasonable can one be?

Mr Deputy Speaker, there are certain machinery matters upon which I have had some representation which I would like to draw to the attention of the minister. One of those matters is the method of making application both for subdivision and for development purposes. The provisions require the Planning Authority to advertise the application. As members would know, the current procedure is that the applicant advertises his application and is responsible for that part of the procedure. We now have the situation where the authority will be given that responsibility.

I suggest to the minister that this is undesirable for a number of reasons. Most of them are administrative. Firstly, there are charges already that the authority is much slower in handling this sort of thing than the applicant would be and it would unnecessarily hold up deliberations on the application if the authority took its time over organising the advertisements to go in the local newspaper and so on. The second objection that has been raised by

prospective applicants is that the authority would then have to set up some accounting section which would be responsible for recovering the costs of the advertising from the applicants.

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

Mrs O'NEIL (Fannie Bay): Mr Deputy Speaker, I move an extension of time for the honorable member for Sanderson.

Ms D'ROZARIO: Mr Deputy Speaker, I thank the House.

It has been put by prospective applicants that this would be a waste of both the time and the resources of the authority to have to set up some administrative arrangements for accounting for the cost of advertising and then having the problem of recovering these costs from applicants. Applicants by and large have managed quite successfully to advertise their applications. The minister has mentioned to me in passing that in some cases the advertisements have been incorrect in detail and this has caused delay to individual applicants, and I do know that this has happened on the odd occasion. However, I think that the bulk of applications are correctly advertised and can proceed without delay if the provisions were as they are in the present act. So I make that point for the consideration of the minister.

One question, Mr Deputy Speaker, which I think is in a state of confusion in this bill is the question of subdivision. I must confess that I gave this matter a great deal of thought but not having the benefit of a legal education or access to a legal draftsman, I was unable to present any amendment which would overcome the confusion that seems to exist. I think that part of the problem has arisen because this bill will now handle subdivisions of all types of land. Members would know that previously the Town Planning Act was responsible only for the subdivision of freehold lands and that leased lands of different sorts were provided for under the Darwin Town Area Leases Ordinance, the Crown Lands Ordinance and the Special Purposes Leases Ordinance. We now have subdivision provided for in the one act which is, of course, a great improvement but on the other hand, I fear that because of the definition of "planning instruments" and the definition of "subdivision" which is given in this bill, there will arise problems of the same sort that we had a few years ago in the freehold area just outside Darwin.

I would refer the minister to the definition of "subdivision" in clause 4 of the bill. The definition is entirely different from that which we had in the previous act and now means, if I might quote, "an activity which involves (a) the rendering of separate parts of the land immediately available for separate occupation or use; or (b) the consolidating of parcels of land into one or more allotments, but does not include a subdivison prescribed by the regulations to be a subdivision to which this act does not apply". When we look further at the definition of "development", we find it includes an activity which involves the subdivision of the land. Whilst there are some restraints upon a person subdividing, if the land is subject to a planning instrument, my reading of the bill does not turn up any provision at all where subdivision could be controlled if the land was not the subject of a planning instrument or if the minister had not placed it by gazettal under the provisions of part V of this bill. Land which is the subject of a planning instrument is controlled; there is no question of that. Land which is not the subject of a planning instrument but which the minister, by gazettal, brings under the provision of part V of "Subdivision" under this act is also controlled and there is no argument with that. However, in those areas where neither of those 2 actions occurs, subdivision is subject to no control whatever.

Upon relection of the events preceding 1974 when the Nimmo inquiry into freehold subdivision was conducted, I find the same problems could well arise. Further, I find that the definition of "subdivision" lends itself to creating those selfsame problems. For example, I am unable to see the significance of the word "immediately" in relation to making land available for separate occupation. It occurred to me, and I think it must have occurred to the honourable member for Tiwi who has a lot of this sort of problem in her area, that if there were joint tenants or tenants in common and these people put a fence down the centre of their block and 2 families occupied it separately, they would in fact have been deemed to have subdivided the land according to this definition. Furthermore, if land is consolidated, it is deemed to be a subdivision and this is not an interpretation which has hitherto been put on the word "subdivision".

Having regard particularly to the fact that the minister late last year made an announcement that certain lands within the rural area of Darwin may now have 2 households occupying and, in fact, building upon them, I find that this definition might give some concern to those people. Certainly, if land in the rural area is gazetted as being subject to subdivision control as I expect is the minister's intention, then those people would be in breach of the Planning Bill as it now stands. I am unable to resolve this matter by amendment so I bring it to the attention of the minister in the hope that he might have discussions with his draftsmen with a view to providing some solution or at least some explanation to me if I have misunderstood the provisions.

In conclusion I would say that this bill, whilst now being largely in line with legislation in the states, is the type of legislation we would have welcomed in November 1977. I know that, with hindsight, it is easy to say that this is the solution that we could have come up with. We are pleased to see that provisions have been consolidated and that there will now be some more rational procedure for the amendment of schemes. I regret that we cannot have recourse to the provisions of this bill in the preparation of planning instruments for the settled urban areas that we have in the Territory. However, with those reservations the opposition supports this bill.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, referring to some remarks made by the honourable member for Sanderson, I would agree that there have been some problems with regional planning for the rural area for some years. This has engendered very strong feelings of combativeness in the past, particularly with plans considered and distributed by the DRC. I would point out that these plans were imposed on the people by the planners. There was no consultation with the people actually living in the area to find out what they wanted, in contradistinction to the present bill before the House for which the minister sought the consultation of all the members of the House and also the development guideline plan at present being considered in the rural area about which the minister sought the advice of representatives of all groups in the rural area. This plan is presently on display in the rural area with its accompanying schedule. It has still not been finalised and the planners are still waiting comment from the public regarding this plan.

Regarding the Planning Bill, I think this is a bill of great comprehension making provision for the planning and control of the use and development of land in the Northern Territory by the people of the Northern Territory themselves in their own particular living areas of interest as well as making it possible for people anywhere in the Northern Territory to have input into any plan or development control planning procedures anywhere in the Northern Territory. I am especially pleased with this bill because its provisions are slanted to the understanding of ordinary people who can read it, understand it and know exactly what to do with any subdivision appeals, development etc and, in fact, anything to do with planning in any area either urban or rural.

I did have some reservations at first regarding the definition of "development" in its 7 parts in clause 4. At first glance, it seemed no tree could be lopped on a rural block, no horse manure could be removed from a rural block and no old chook shed knocked down on a rural block - all in the name of development. Taking clause 4 in conjunction with clause 106(j) where it is stated that the circumstances of the case will be considered and also considering that the Northern Territory Planning Authority in part II is composed of a majority of local members for a particular area, it can be seen that local interests in a situation like the rural area would be well considered and represented.

On this point, I am afraid I disagree with the honourable member for Sanderson in that I feel it is more important to have greater local representation from private persons on the one hand versus local government and local government versus state government and state government versus federal government, I believe the local people in a particular locality should receive prior consideration.

The definition of "environmental impact statement" is comprehensive and its provisions run parallel with those of clause 89(a) and (x) in division 4 part V so that all possible situations and circumstances are considered. In the definition of "local area" in clause 4, I think there could be a little more elaboration to include areas like the Darwin rural area and the Mandorah area which are neither municipalities nor, strictly speaking, community government areas. Similarly, with the definition of "local authority". This ambiguity does not occur in the definition of "planning instrument" and "regional plan" or "town plan". I think there could be added in clause 4, after "local area", a definition of "planning area".

Clause 26 gives discretion for the calling and conduct of meetings to the chairman. We assume the minister who appoints the chairman knows he or she can do this properly but there is still scope for informality or unusual procedure if the chairman considers this will be effective. I think it was agreed, and I stand to be corrected on this, at the meeting the minister called for all interested members of the Assembly, that there was a correction in clause 40 where the second reference should be to section 39(4). Clause 41 considered with clauses 42 and 43 takes into account a planning area as distinct from, or as well as, a local area.

Clause 47(3) requires the authority to notify interested persons whose property is the subject of intended acquisition to be told of this and the exhibition of a planning instrument. As I said in my opening remarks, clauses 49 and 50 give to any person the power to make any submissions on any draft planning instrument in the Northern Territory. This is a very good, wide provision which I hope is not abused in a frivolous way.

Clauses 51 to 59 have been written to substantiate and parallel similar provisions in the Lands Acquisition Act, relating to the Lands Acquisition Tribunal, preliminary hearings, submissions, consolidation of submissions, etc. The tribunal finally is obliged to give reasons for its recommendations after its deliberations to the authority, the minister and the affected persons.

I am pleased to see the minister, in clause 60, can still rein in the plan if it is necessary by rejecting a draft planning instrument if he thinks fit. The minister can also cause it to be so changed that a re-exhibition is recommended, giving a further chance to the public for appraisal.

Clause 34(2) relating to planning instruments on Northern Territory government leased land is concerned with the provisions or the covenants being revoked, if the new use envisaged for the land is inconsistent with these covenants and provisions, and ties in mostly with clauses 69 and 68(1).

The conditions surrounding subdivision applications are extensive and I feel will make sure that neighbours' rights are protected by permitting any person, under clause 88, to object by making environmental impact statements necessary in prescribed subdivision applications as in clause 85, and by the consent authority consulting with each prescribed person in clause 87.

It is commendable that the subdivided interest is also considered by allowing a part of a subdivision to go ahead if it is clear that subdivisional conditions have been adhered to for that part whilst waiting on the balance, as per clause 92.

In part VI, development applications and controls are treated in the same meticulous way as subdivision was in part V. Regarding division 2 - appeals, the provisions set out in the legislation make it obvious that both the appellants and objectors have ample opportunity to register their views, both on sub-division and development applications.

Clause 131, providing that the appeals committee may consist of one member if all parties agree, is in line with the government's wish, both in this piece of legislation where suitable sensible informality, if I may call it that, can be seen and also in the Lands Acquisition Act where this same approach can help ordinary people who may not feel they could show to their best in a formal hearing. In this provision the appeals committee has the power of a court and the witnesses have the same protection. But the appeals committee is not bound by strict court procedure and may inform itself on any matter in any fitting way, and the public have access to hearings except in certain, and I would say probably very unusual, cases.

This bill is an innovative and far-seeing piece of legislation and, although it may be amended in the future to meet changing times, at present I say it could not be bettered anywhere else in Australia.

Mrs LAWRIE (Nightcliff): Mr Speaker, I must firstly thank the honourable sponsor of the bill, the Minister for Lands and Housing, for making his staff available and himself - busy man that he is - so that all members of the House had an opportunity to discuss this bill with him in some detail before it proceeded through the second reading.

Unlike the honourable member for Tiwi, I do not find the legislation is simple or easy to understand. It might be simple for professionals such as the honourable member for Sanderson and for others who work in allied professional fields. But for the man in the street the bill is practically incomprehensible. Town planning, of course, affects everybody quite vitally and it is a pity that legislation which has to pay certain regard to technical detail only seems to be drafted in a manner which makes it most difficult to read and difficult to understand at first sight.

In looking through the second-reading speech of the honourable minister, we see that he made certain comments, some of which I support totally and others on which I require further elucidation. The minister stated that the bill provides for simplicity of planning and adequate public participation. The bill may, in fact, provide for a simple system of creating plans but it provides no guarantee that the plans themselves will be simple. Some attempt, I think, should be made to provide at least general zoning guidelines to prevent an over-zealous authority - and we have had knowledge of such authorities - from introducing large numbers of zones or even reverting to the old system of spot zoning which I understand the minister considers undesirable.

The bill also provides for a greater deal of public participation than in the past. Public notice of a decision to prepare a draft plan must be given under clause 40. Members of the public may make submissions prior to the draft being prepared under clause 42. The public may make submissions during the period of exhibition under clause 49. All these have my support. The authority may - as distinct from "shall" of course - may invite individuals to appear in support of their submissions under clause 50. Any submission made in relation to the land reserved by the plan shall be referred to the Lands Acquisition Tribunal under clause 51 and if the draft plan is amended, the minister may refer the instrument back to the authority for re-exhibition under clause 60, in which case submissions may be made by the public in relation to the amendments and when directed by the minister the authority shall conduct inquiries under the Inquiries Act. I think such provision was sought last year. I believe that on the surface, Mr Speaker, these provisions appear to be a great step forward. There is certainly a wide discretionary power given to the authority and to the minister by the use of the word "may" throughout this legislation instead of the word "shall". However, I would think that clauses 50 and 60, to be precise, should require positive action rather than providing a discretion.

Some mention has been made of the definition of "development". In discussions I have had with various professional people, the feeling is that the definition of "development" may be too widely drawn. For instance, the requirements of a subdivision application under part V are virtually the same as those for a development application under part VI, but part V refers to land over which there is a planning instrument while part VI refers to any land. Thus the definition of a development includes subdivision, so a subdivider must make a development application if his land is not covered by plan. If his land is covered by plan it seems, at first sight anyway, that he is going to be required to make two applications: a subdivision application and a development application. If the subdivider obtains consent to subdivide, he may also have to gain consent to the cutting down of trees. In certain circumstances I can see that this is deserving of great support and it is a meritorious attitude on the part of the Northern Territory government to be preserving at long last our trees. However, I draw to the attention of the House that in certain circumstances this could be in conflict with the Surveyors Ordinance where under that ordinance a licensed surveyor is able to clear trees for the purpose of taking a survey. I bring these points forward now and would ask that opinions be sought as to whether what I am saying is correct, to tidy up an anomaly if it does exist. It is in no way a criticism of the proposal in the bill for the protection of natural features, a protection that unfortunately is about ten years overdue.

The honourable minister said, and I quote from his second-reading speech, "Where environmental impact statements are necessary, their size need only be consistent with the proposed development". Mr Speaker, although this may be the intention of the honourable sponsor of the bill, there does not seem to be much in the bill other than the definition of the term which would indicate that that statement is correct. Clauses 85 and 102 refer to this. We know the act will bind the Crown, as it is printed that clause 79 provides for excluded subdivisions. I would ask the honourable sponsor of the bill to indicate in his reply to which type of subdivision that section is intended to apply. There was some thought - unworthy, Mr Speaker - that government subdivisions would be so designated. Following my discussions with the honourable minister, I am satisfied that is not his intention but I would like it clarified for Hansard so that perhaps succeeding ministers could understand quite clearly that that was not the intention of the government at the stage of this bill being processed.

Mr Perron: You mean I'm due for the axe.

Mrs LAWRIE: I am not suggesting that the present minister or his colleagues are due for the axe but I think that, where an intention is implicit and not set out clearly, that intention should be made quite clear.

Three Territory members are to be appointed to the authority by the minister, under clauses 9 and 11. I think that is quite reasonable but there are no qualifications specified for the members nor is there any indication in the legislation of how or by whom they will be nominated. In the method of nominating people to boards, particularly boards that must have some professional expertise, it has been put forward by various learned societies and bodies that it is desirable for them to nominate members of their institute or society from whom the minister would have the discretion to choose. I tend to support that view. I have had discussions with the minister on it. He is not of the same opinion and, of course, I must respect his opinion. As he happens to be the minister, one must assume his view will prevail. But I think it is encumbent on me to put forward the thought that members of the institute of architects, the institute covering engineers and other bodies would prefer that members of their professional organisations nominate their members. This would exclude, of course, architects or engineers or planners or others with professional qualifications who are not necessarily members of those bodies. But if does seem to me that if one is putting oneself forward for a public position of some importance - and this most certainly falls into that category - one has little to lose and a lot to gain by being a member of the recognised ethical body governing their activities. It must be remembered that the institute of architects and professional engineers and all these bodies are not regulating the qualifications. That is taken care of elsewhere. But they do have codes of ethics by which their members are bound and I feel that is quite important.

Four local members will be nominated by local councils and these members do not need to be aldermen. That was the statement made by the minister. It may be the intention but again the bill is not clear on this; the provision is not clear. In clause 14 we see the provision for the nomination of persons to fill casual vacancies on the authority but not the initial appointment or the triennial appointment at the end of each term. I had discussions with the minister on this and I believe there will be an amendment forthcoming to clarify this so that, whilst the minister has the right to appoint casual vacancies, he cannot exercise that same right in the case of triennial appointments.

In addition, I draw to the attention of the House that there is no provision for the nomination and appointment of local members for planning areas which are not part of a local authority area. I invite the honourable minister to explain in some detail to the House how he would see such people being appointed and from what source he will gather the information to enable him to appoint those people. Is it to be by way of soliciting the appointments by inserting advertisements in local papers or what? It is a fairly important area and I do request some attention to that in his reply.

The honourable minister stated that "prior notice of the planning instrument must be given to the public who may then submit their views". The minister specifically stated that the authority must give notice that it is preparing a plan and invites anyone to make his views known. But as the bill is now written, the authority certainly must do the former but is under no compulsion to do the latter. Because of the assurance given by the honourable minister, I believe that clause 40 should be amended to contain

a specific provision that that be done.

The minister stated that the exhibition of a draft plan should be for 3 months but for proposals of minor significance it need only be for a shorter period. Again, I think that is reasonable if proposal of a minor significance means amendments to an existing plan. But I would ask him to qualify just what he means by "proposals of a minor significance" because the 3 months' exhibition could be crucial in the public interest.

The honourable minister also stated that lawful existing uses are protected, and that is true. Part IV applies to this, in clauses 67 to 71, and it seems to provide adequate protection for existing lawful uses. One might even say these existing lawful uses could be over-protected since one of objects of the planning scheme is to phase out non-conforming uses. It is interesting to note that these provisions now before us were so adamantly refused by the government when the previous town plan was amended in 1977 and early 1978.

When we come to "prescribed subdivisions" the honourable minister stated, "Prescribed subdivisions and development applications require public notification and environmental impact statements". Clauses 84 and 101 provide that these applications be prescribed by regulation or planning instrument. The clauses also say that the authority may apply these conditions to any application. To some people in the community that sounded rather autocratic. I must say that, following my discussions, it does not seem so autocratic to me but I do draw to the attention of the House that some professional people felt them to be autocratic. Perhaps the minister could give some sympathetic consideration to that view and allay their fears in his reply to the second reading. Clauses 84 and 101 may apply.

Other members have spoken of the definition of "development". Certainly, the people with whom I discussed the bill have spent quite some time on this particular definition. It includes subdivision and the clauses contained in part V apply to applications to subdivide land in an area covered by planning instruments or any other area defined by the minister.

The clauses contained in part VI apply to applications to develop land in any area. It appeared to me and to others that there was no compulsion to make a development application. Following discussions, I understood that it is intended to achieve this by means of the terms of each individual planning instrument. I accept that but I think the terminology of the legislation, unfortunately, is tortuous and difficult to understand. I cannot imagine that every person wanting elucidation will be fortunate enough to have lengthy discussions with the minister as the member for Nightcliff did.

It seems that the subdivider must first make an application under part V if the land is covered by a planning instrument and also make an application under part VI in the same cirsumstances but need not make an application at all if the land is not covered by a planning instrument. This is all very confusing and I ask for clarification.

With regard to clause 9, I ask for some indication of the qualifications necessary for Territory members of the authority and an indication of the method of selection. I ask the minister to indicate to the House if it is his intention to declare planning areas over Aboriginal land. I refer to clause 10.

Clause 11: I want some indication as to the method of appointment for local members in respect of planning areas. Will local members be appointed

for each Aboriginal community? There is a view, which I tend to support, that if 4 local members are to be appointed for each planning area and from each local area, communications to these people and logistics will be fairly unwieldy. I think the true Territory members might find their time occupied in travelling the Territory extensively, at least for the first couple of years.

I have spoken about clause 14, the nomination of people to fill casual vacancies in the office of local members in respect of local area. I ask the minister to indicate the details for original appointments and for the filling of casual vacancies in planning areas. Under clause 15, I had a specific query for the minister which I drew to his attention when we had our original meeting. If clause 14 provides for the filling of casual vacancies, why is there a need for the minister to authorise a person to act under clause 15. If there is a need, then that person's term of office should be limited. I understand that the minister agrees with my point of view and I look forward to seeing an amendment along these lines.

An indication is sought on what the provisions for planning instruments might contain. The requirement of private owners to make applications to vary planning instruments, applications for changing of zoning, is covered under a request to the authority to prepare a planning instrument over the land owned. Again, I think the terminology is somewhat heavy. It is not immediately obvious to people that that section covers that requirement.

With regard to clauses 67 and 68 of the bill particularly, I put forward the view that the term "former planning instrument" should apply to all former plans and not just the one which applied to the land immediately before the introduction of the new one as is specified in the bill. An existing building, work or use may have been non-conforming but still lawful by virtue of a plan prior to the one applying immediately before the introduction of the new one. This is a technicality but an important one.

Clauses 80 and 81 also raise a fairly important point. By virtue of clause 78(2), these 2 clauses apply only to subdivisions of land which is covered by a planning instrument. If subdivision in other areas is to be controlled by development applications - and that is implied by the definition of "consent authority" - then these 2 clauses should also apply to those subdivisions. I believe the honourable minister agrees with me in that regard and there is likely to be an amendment drafted to cover that point.

There is no provision in this legislation as there is in the existing act for the authority to return an application with suggestions for amendment nor is there any requirement for the authority to give its reasons for rejection of an application. It is most important that applicants be given the opportunity to amend their applications if they are not wholly acceptable to the authority and to know the reasons for rejection so that they can formulate their grounds for appeal and so that goodwill and common sense shall prevail.

Clause 91(1) is totally unworkable as it is worded. It is physically impossible for the consent authority to endorse the plans of an authorised survey within 14 days of making its determination under clause 90. A survey cannot be carried out until the authority has given its consent and the authorised survey plan cannot be lodged with the Surveyor-General or anyone else before a survey is done. Provision should be made for the initial lodgment of an authorised survey for plans to be made with the consent authority so that the suthority may endorse the plans before they are lodged with the Surveyor-General who will then be in a position to accept them under clause 80. Failing this, provision should be made for the Surveyor-General to forward the plans to the authority after he has conducted his examination of them. The plans could then be endorsed by the authority and returned to the Surveyor-

General who would forward a copy of the endorsed plan to the Registrar-General under clause 81.

Clause 91(2) provides that an instrument of determination should indicate whether a right of appeal is existing. It does not define the grounds for appeal which, in fact,will be that a person is aggrieved by this decision.

The honourable member for Sanderson raised a question on clause 93(1) where appeals will only be available where the consent authority is not the minister. This had been brought to my attention and I can see why that provision is in the bill in that the minister is saying that he is ultimately responsible for the good conduct of the whole legislation and town planning and therefore what higher authority can there be to whom one can appeal. He is relying on ministerial responsibility. I shall await his comments to the point raised by the honourable member for Sanderson and a more precise discussion of her proposed amendments before I comment any further on that particular provision. Suffice to say that, at the moment, I can see both sides. In any case, the definition of "consent authority" in clause 4 virtually states that the consent authority for applications to subdivide under part V is the authority. One wonders why it is necessary for the consent authority to indicate a right of appeal exists when issuing a determination under clause 9(1) but I support the legislation as it is written because it is strengthening the rights of people to know about appeals.

Clause 108 says that: "Subject to this Act, a consent authority may determine a development application (a) by granting consent, either conditionally or unconditionally, to; or (b) by rejecting the application". As for subdivision applications, there is no provision for the authority to return the application with suggested amendment - I think that is a pity - nor is there any requirement for the authority to give its reason for a rejection of an application. That is the same comment that I made on clause 90. I think it is crucial that the authority should be required to give its reasons for the rejection otherwise it becomes impossible for people to formulate proper appeals, and good sense and good order will no longer prevail.

Clause 116 relates to the establishment of the Planning Appeals Committee. It is here that my former remarks specifically apply. I support the view that the appeals committee should consist of a panel of persons nominated by the various institutions to which the suggested professional people will belong - a legal practitioner of the High Court of Australia or the supreme court of a state or territory of the Commonwealth who has been so enrolled for not less than 5 years; a person who is, or is entitled to be, a corporate member of the Institute of Engineers Australia; an architect registered under the Architects Act; a person who is, or is entitled to be, a corporate member of the Royal Australian Planning Institute; and a person who is registered as a licensed surveyor under the Surveyors Act. Where those people have professional institutions operating in the Northern Territory, I support the view that those institutions should nominate a group of people from whom the minister can select the people to constitute the appeals committee.

Clause 128 causes some difficulties: "An appeal may be instituted by lodging with the Appeals Commmittee a notice of appeal (a) in the prescribed form; and (b) accompanied by the prescribed fee". That is all very well but how can a notice of appeal be served on each objector by the appellant if the appellant does not know who the objectors are? It would be better if the appeals committee rather than the appellant advised the objectors that an appeal had been lodged. As it is worded at the moment, it is simply unworkable.

By clause 132(1), the chairman of the appeals committee may issue an order requiring the attendance of a person and the production to the committee of

documents specified in the order which are in the possession or control of any person. It was put fairly forcibly to me that an amendment should be drafted to the effect that the document ordered to be produced must be relevant to the case. There is an opinion which says that that is of necessity so but it has been reiterated to me that it is of necessity not so. A legal opinion believes there should be a protection - not just the bush lawyer from Nightcliff. Perhaps the honourable sponsor would take note of that issue and reply in some detail as to whether the words "relevant to the case" should be inserted when the chairman has the power.

There are a couple of anomalies that I would like the sponsor of the bill to pay some attention to. Prescribed applications are open to public objection. Under clause 136(1) all appeals are open to the public. There was a query as to why all appeals should be open to the public when only prescribed applications are open to public objection. I am neither supporting nor denying the case; I am just asking why the legislation is drafted in that manner.

Members might feel that my going through this in detail could be left to the committee. I am doing this quite deliberately because it would be ridiculous to rise in committee to draw the sponsor's attention to what people believe are deficiencies without him having had sufficient time to prepare amendments if he agrees with the criticisms. I think this detail does need to be discussed in the second reading.

Under clause 140, we find reference to public notice being given of a hearing but no time limits have been prescribed for the publishing of the notice in the newspaper. In other Territory legislation, such limits are prescribed and it would be to the benefit of the good order and government of the Territory if such limits were prescribed in this legislation. I did raise this point with the minister and I believe he accepted it.

There was a feeling too that the penalties are too high. Whilst they are maximum penalties, I bring this to the attention of the House as an expression of interest from my constituents and from other people of the Northern Territory. It is not necessarily my own view and I will speak in committee on it. However, I would appreciate any comments the honourable sponsor of the bill may wish to make.

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

Mr HARRIS (Port Darwin): I rise to support this bill which repeals and replaces the current town planning legislation. Before going on, I should make special mention of the approach by this government in trying to obtain a realistic and workable planning act. The bill itself needed input from various people throughout the community - people who had the necessary qualifications for that input, private persons and business people. As a result of this consultation, we have come up with a workable planning act. Planning is a means of protection, not only for those people who are already living in a particular area but also for those people who will go into that area. Provision should be made for those people to have a say in what is happening.

Under part II of the bill we see that a Northern Territory Planning Authority will be formed. I accept the honourable member for Sanderson's comments in relation to 4 members of local government. By allowing the 4 local government members in respect of each local area to be represented on the authority, we see what I consider to be an introduction to the ultimate objective of giving local authorities control over town planning in their own areas. The government holds this view. In other states, we see the control of planning under local authorities with a state planning body having oversight of the total planning in that particular state. That body helps any local authority by providing advice

or assistance where it is needed and I cannot see any reason why we cannot work on a similar principle. Representation on the planning authority by provision under the act will allow the council to nominate members from outside the council itself. Similarly, under clause 31 of the bill, we see the authority is able to establish various committees and call on outside members to participate. This will, in fact, mean that the council and the committees will be able to call on expertise which they would not necessarily have in their own organisations.

I would like to turn to the very important area of appeals. Under part VII, we have a Planning Appeals Committee. When looking at the composition of any appeals committee, I take the member for Nightcliff's point that we must ensure that those people are qualified. It is also necessary that the minister be given the widest range possible in selecting a person to be represented on that particular committee. Mention has been made today about the members of institutes. I agree that the various institutes should be very closely consulted but I also believe that, if a person is qualified for a position, he should not have restraints placed on him. We are looking for the best possible people to put onto these committees and it may be that a person falling in that category does not actually belong to or is not registered with a particular institute.

Whilst on the subject of appeals, there is another matter that I would like to speak about. This relates to the time taken to give a decision to a person who has appealed to an appeals committee. In many cases the time period is well over a year. It is not right that people should be made to sit in limbo for such a period of time. The honourable member for Sanderson and others in this House know that there is one person particularly who has had many problems in relation to obtaining a decision from an appeals committee. She has had a lot of problems. I would like to make the point here that I am not particularly entering into the argument as to whether a decision handed down by the appeals committee is right or wrong, but what I am concerned about is the time taken to hand down a decision. In many cases the delays have caused hardship. The delays can also defer development and in some cases developments have been lost to the Territory altogether. All of this has been because of unnecessary delays in handing down town planning decisions. A person is entitled to a decision within a reasonable time, and I do not consider a period of 2 years a reasonable time.

In some cases they have not even been given the courtesy of being told when a hearing is likely to be taken or a verdict to their appeal given. I think this is most unfair. I bring this point up because if these unnecessary delays continue it may be necessary to put into legislation a time period governing the length of time allowed to hand down a particular decision. When we took on self-government one of the benefits that I could see that the people of the Territory would receive was that the waiting period for such decisions would be reduced. In many cases, I am pleased to say, this has in fact happened but I can assure you that one case where this has not happened is with the Town Planning Board.

The provisions of the bill are sound. The increasing pressures on the environment have led to the necessity for reasonably priced environmental impact statements to be made so that the people as a whole are protected. The government made the opportunity available to members of this House to contribute to the legislation by open round-table discussions and both the member for Sanderson and the member for Nightcliff and others have commented on this. Of course, the benefit in discussing bills which are of a difficult nature has been proven on previous occasion and I feel sure that the meeting we had on the Planning Bill was very constructive. The time wasted previously should never

have been, if consultation had been carried out, when we were basically moving for something we all want. I support the bill.

Mr PERKINS (MacDonnell): I would like to endorse the remarks made earlier in this debate on the planning bills by the member for Sanderson. I believe she did a good job in explaining the concern of the opposition about the legislation before the House. I would also like to applaud the comments made by the honourable member for Nightcliff who, I believe, did a good job in outlining the problems associated with these bills.

I think it would be in order too if I were to applaud the honourable member for Port Darwin, particularly in his remarks about the appeals committee and the problems which have been experienced by people in getting decisions with the delays that have been caused and the unnecessary hardship. I believe these are strong words coming from a member of the government and I hope his colleagues on the front bench would pay heed to those remarks. I know of people in the Alice Springs area who have experienced delays in the same fashion and in some cases there have been unnecessary hardships. I hope those particular problems can be overcome.

I would like to make a few remarks on the legislation before the House and in particular on the Planning Bill introduced by the honourable Treasurer. I would particularly like to take issue with a couple of provisions in the Planning Bill. One of these is clause 93 which refers to appeals in the case of subdivision applications and I would like to take issue also with clause 110 which relates to appeals in the case of development applications.

Mr Deputy Speaker, the effect of the appeal clauses under the existing legislation is that any applicant or objector who does not agree with the decision of the Town Planning Board is able to appeal to the appeals committee. However, under the provisions in the bill that is under consideration in this House there is provision only for an applicant who does not agree with the decision of the board to appeal to the appeals committee. I think we need to question what this means. I think it is clear: it means that if an applicant gets a favourable decision from the board and there are a number of objectors, then the development proceeds. There can be no further discussion on the merits of the application. In effect it means that the objectors have no right of appeal to a hearing in relation to those decisions. But if the applicant's proposal is rejected by the board, then he has a right of appeal to the appeals committee.

In essence, then, the difference between the present legislation and the bill before this House is that under the existing act an objector can initiate an appeal but under the bill, if it is passed in its present form, only the applicant can initiate an appeal. I believe this is totally unfair. On the one hand the situation at the moment gives the applicant and objectors the right to appeal in the case where they get a decision which is unfavourable, and yet under the legislation before the House, in the future when this legislation comes into effect, objectors will have no right of appeal on those decisions. There is a considerable difference between the legislation, Mr Deputy Speaker.

I think we need to consider what implications this may have, say, in the context of Alice Springs. There may be objections to development applications in that area in the future when this legislation comes into effect and people who have objections and may think those objections are legitimate would have no recourse to an appeal if the decision made is not in their favour. And yet the applicant would have a right of appeal. I think that is an undesirable aspect of the legislation and I would like the honourable sponsor of the bill to look more closely at that particular provision and

to pay heed to the suggestion of the honourable member for Sanderson and accept the amendment which has been circulated.

I think it would be totally unfair if applicants have a right of appeal and yet objectors do not have that right. The aspect which concerns me most is in relation to the casino development proposed in Alice Springs where concerns have been raised in the past about the site which allegedly has been selected for the casino in Alice Springs. I am concerned if people who have objections to where the casino is to be established do not have a right of appeal where the decision goes against them. I believe that would be totally unfair. I think that all views, all interests, have to be taken into account in a proper fashion, and I think it is a democratic exercise and a fair exercise if all parties involved in development applications have a right of appeal and not just the applicant. Again I would ask the honourable sponsor of the bill to pay heed to our suggestions about third-party appeals. I would hope that there will be a spirit of cooperation from the government on this issue.

Mr OLIVER (Alice Springs): Mr Deputy Speaker, I think we all agree that the history of urban and regional planning in the Territory before self-government is not a history that any government would be proud of. The Town Planning Act, as we all know, has been a source of confusion over the years. I must agree with the honourable member for MacDonnell that in the Alice Springs area there have been not a few instances of frustrations and hardships, almost beyond endurance. We do look forward now at least to some wise and consistent development brought about by this Planning Bill.

I endorse the opportunity for public participation in these bills because I believe that public participation and understanding of the planning is most essential to successful planning. I endorse, too, the concept of regional planning as spelt out in this bill. It is a reasonable proposition that a regional plan covering, say, a rural area should be a fairly basic plan, and I think that any sort of development should be permitted so long as it is carried out for general rural usage and is not obnoxious to the people in the area and not repugnant to long-term planning.

I accept the concept of the environmental impact studies as outlined in the bill and I support the remarks made by the honourable minister on that matter in his second-reading speech. I agree with the honourable member for Sanderson where she mentioned the prescribed development applications to be of the broadest prescription. I think that was very well put, because I believe it is essential that an environment impact study be conducted before development takes place in most, if not all, areas. It is also desirable, as the honourable member for Port Darwin said, that the study be tailored to fit the development and not be an unnecessarily expensive exercise.

I applaud the composition of the Northern Territory Planning Authority and in particular the appointment of 4 local members from nominations from local councils. The bill provides that local councils may draw on expertise and a broader representation from outside the local council itself. Despite the cautions put forward by the honourable member for Sanderson, this will put planning where it belongs: closer to the people who are most vitally concerned and affected by the plan.

Mr COLLINS (Arnhem): Mr Deputy Speaker, it was very pleasing to hear the honourable member for Tiwi state that she thought this was a simple bill. I know the member for Sanderson thinks it is a simple bill but we all know that the member for Sanderson is an expert in the area of town planning; it is nice to know there is at least 1 expert on the other side of the House as well. To me it is not a simple bill. Going through town planning matters, I feel like a drowning man.

There are a number of things in the bill of particular interest to me that I want to comment on, although they have been touched on by speakers who have gone before. The part of this bill that I particularly like is the provisions that are made for regional planning. This does herald a change in development for the Territory. In fact, it is a real sign of the times. Some people will not be happy about these provisions for regional planning and they will be the same kind of people who objected to the fencing of the prairies in America a hundred or so years ago. It is definitely a sign of the times. It is a clear indication to people that the kind of complete freedom that existed in the Territory years ago cannot be allowed to continue; people have to be put under restraints in all sorts of ways as the Territory develops. After Cyclone Tracy, when there were some interesting town plans produced, there was a great rush of people out to the rural area of Darwin. This was something that was commented on at the time by the honourable member for Tiwi. The reason those people were going out there was to get away from the restrictions that were being imposed on them by these plans. This gave rise to a very undesirable situation where we had people on the fringe of planning areas constantly moving further outward as the plan moved further outward. The provision for regional planning will stop this leapfrogging of planning.

I was also very pleased to see the provision for environmental impact statements under clause 85 of the bill. We have certainly reached a stage in our development, not just in the Territory but nationwide and internationally, where concern for the environment has become far more than simply a token issue politically. It has to be so because it is a concern that is widely felt in the community and it has become a key electoral issue in many democracies around the world, particularly the United States of America where, in fact, a whole industry has grown around environmental protection and the hardware that is necessary in some cases to provide it. People in the community are becoming increasingly aware that, every time we place demands on our environment, we are building up a debt that one of these days will have to be repaid, probably at a time that will be very inconvenient for everybody. It is pleasing to see that this is being brought in and I am perfectly happy with the definition of "environmental impact statement" which is provided in the bill.

I share the reservations of other speakers concerning the ability of the minister to set himself up as a consent authority. I do not object to the minister having that power but we do have to read clause 35 in conjunction with clause 93 which says that, where the minister decides to adopt that particular role, a person cannot appeal against his decision. I certainly think the amendments that have been put up by the honourable member for Sanderson will need to be included. If the minister has this unrestricted power, which in my reading of the bill he appears to have, all these liberal provisions of the bill for public involvement seem to go by the wayside if you cannot appeal against his decision.

I also have some reservations about the majority of local members. Again, I want to make it clear that no one in the opposition is suggesting that local involvement is a bad thing. I have had some involvement with city councils and one city council, in particular, in NSW that got itself into a fairly disgraceful mess over this same issue. The record of local authorities in other places in Australia in planning is not a particularly good one. There have been nationwide scandals involving town plans of some local authorities. It is quite a common thing for councils to become loaded with people who have personal if not pecuniary interests in the areas involved. This is something that I look at with a great deal of reservation. I assume this legislation is based on legislation in other states where provisions for regional planning have existed for some time. However, we do have the special problem in the Territory of tiny communities and small numbers of people and, accordingly, the problem will be accentuated. I have some reservations about having a majority of

local members. I think it could in fact, become very unwieldy as has also been pointed out before. The particular reservation I have about this, though, is in relation to 1 particular local council in NSW with which I have had personal experience. The involvement of local councils in planning on a regional basis is not a particularly good record.

I also picked up the interesting difference in the pecuniary interest provisions of the bill. I was also somewhat amused that, with the promises that have been made to us from the other side that these provisions were to be made consistent in bills throughout all Territory legislation, we find there is a difference between pecuniary interest provisions in the same piece of legislation. Perhaps the honourable sponsor of the bill will be happy to amend those 2 clauses so that they match.

I would like to support the calls that have already been made for the provision of third-party appeals. If we are to restrict the ability to appeal to the applicant, it will lead to a ridiculous situation in development applications, particularly with large developments such as casinos and motels. Quite often, there will be a large number of people who are not the applicants but who will be equally aggrieved by the development. They should have the right to appeal against it.

Mr Perron: Equally aggrieved?

Mr COLLINS: Yes, equally aggrieved.

Mr Robertson: One doesn't like the idea of casinos and the other has an investment of $12m.

Mr COLLINS: I am quite sure the honourable Minister for Community Development would like to expand on that when he has his turn to speak at a later stage.

Basically, the most interesting thing about this piece of legislation, and I support many of its provisions with some reservations, is the dramatic difference between this town planning legislation and the town planning legislation we were looking at 12 months ago. It is an amazing difference when you consider the repressive legislation, and there is no better word for it, that we were looking at a year ago in this House put up by the same government with those incredible penalties for people having their land removed and so on. We now have a bill in which there are simply fines imposed, a much more sensible and reasonable arrangement. It really is an amazing change of emphasis. When you consider the present composition of the front bench is precisely the same as the front bench that delivered the legislation 12 months ago, I can only assume that the depth of the enlightenment and the expertise of the advice that the ministers are now getting is substantially different.

Motion agreed to.

COMMERCIAL AND PRIVATE AGENTS LICENSING BILL
(Serial 230)

LOCAL COURTS BILL
(Serial 231)

Continued from 29 November 1978

Mr ISAACS (Opposition Leader): The opposition welcomes the 2 pieces of legislation to streamline the servicing of court documents. I must say the new scale of charges which the government has introduced is very

realistic and sensible. It always struck me as being somewhat amusing that to service a document to Parap was about $2.50 but if it went to the Narrows it was about $3.50 and so on. It seemed to be an absurd provision and the manner in which the government has streamlined that part is sensible, practical and worthy of commendation.

In relation to the Commercial and Private Agents Licensing Bill again I share the sentiments of the Chief Minister when he said that, to date, the various people that we are talking about in the community - private inquiry agents, debt collectors, process servers and so on - have not really shown any evidence of being people of dubious character. It is true to say that, in recent times, we have noticed the activities of private inquiry agents more and more, especially in regard to workmen's compensation cases. It is necessary that these people should come under the notice of the law and be licensed in the manner prescribed by the Commercial and Private Agents Licensing Bill. The opposition welcomes the move by the government to license these people. In recent cases before the court, in matters of workmen's compensation, private inquiry agents have been used to investigate applicants for workmen's compensation. They have been filming the activities of these people and I believe it is necessary that they be restrained from harassing them.

In commenting on the Commercial and Private Agents Licensing Bill, I must say it is excessively poorly drafted. I do not know whether it is the fault of the draftsmen or whether the procedures which I have incessantly asked the government to adopt in relation to bills have simply not been adopted. Quite honestly, I cannot believe that this bill has gone through any rigorous drafting analysis. I am not saying that the terms of the bill are inadequate, far from it. I am simply saying that the bill falls very far short in its technical aspects. I perused the amendments circulated by the Chief Minister in relation to the bill and I notice that many of the drafting errors have been picked up. I realise too that many formal amendments will require action by the Clerk. Nonetheless, it seems quite poor that the Assembly is debating a matter which appears to have universal approval yet is presented in such a sloppy fashion.

In addition to the matters referred to in the Chief Minister's amendment schedule, I might refer to a number of other amendments which will be required. Again, these are of a technical nature but I do not believe they are capable of formal amendment.

Clause 6 (1) relates to the penalty for people holding themselves out as or performing the functions of a commercial agent, inquiry agent, process server or private bailiffs - $500 or imprisonment for 3 months and the sum of $1 for every day for which the offence continues. I do not know whether that is intended as $1 but it strikes me as being an absurd daily recurrent penalty. I would have thought the sum was meant to be $100 rather than $1. I draw the Chief Minister's attention to that.

The fourth line of clause 9 (1) talks about "application" where clearly the intention is meant to be "applicant". Again, I doubt that that could be a simple formal amendment.

I notice that clause 16 has an amendment in the draft schedule circulated by the Chief Minister. Reference is made in clause 16 (3)(c) to the "former agent" but I do not believe the agent at that particular stage is a former agent. It is contemplating action being taken against a person who is an agent. It seems to me that, if it is a former agent, then no disqualification should be required. Perhaps the Chief Minister might look at that as well.

Another matter relates to clause 40. Again, this is not referred to in the amendment schedule. Clause 40 does not contain a penalty clause and I believe it ought to. I presume it is the same penalty which applies throughout - $500. Again, I doubt that a formal amendment will be able to correct that.

The only other matter is in the definition clause where "Court" is defined as "Local Court" and "Court" has a capital "C". There is great confusion throughout the bill where court is spelt with a lower case "c". In some cases, the lower case is appropriate because it is referring to the local court in context in the particular clause. It may not be suitable simply for it to be a formal amendment.

Can I simply reiterate, Mr Deputy Speaker, that this piece of legislation, the Commercial and Private Agents Bill, represents, in my belief, a sloppy piece of drafting. I do not know where the fault lies but responsibility must lie with the government itself. I believe it has to introduce rigorous measures so that we are not faced with this kind of amending procedure. We ought to be satisfied, I believe, when we are discussing legislation which comes before the Assembly, that it is technically correct and that it has been through a rigorous procedure. I do not think anybody could suggest that this piece of legislation has been through it. With those comments, Mr Deputy Speaker, constructive as they are, the opposition welcomes the legislation. It is timely that it be introduced and it will certainly gain the support of the opposition.

Mrs LAWRIE (Nightcliff): Mr Deputy Speaker, I only have 2 comments in reading through this legislation which I support. One is that when a licence is issued to a person as a commercial or private agent, a photograph should be incorporated with the licence the same way as a variety of people are identified these days by photograph - not only police, of course, but people working in such public places as airports, airline personnel. I think it would be a worthwhile addition because one way and another commercial agents and private agents are in the business of attending to their brothers' affairs. It may be that they are required to produce the licence but unless some form of identification is on that licence, the person asking for its production is not in a position to judge whether in fact the licence belongs to the person producing it.

The only other comment I have is to clause 4. "This Act shall not apply to" a variety of people, and I query paragraph (i) which I quote: "a person employed under a contract of service by a person who is not an agent while acting in the ordinary course of that employment". I have not checked to see whether this has been clarified in the circulated amendments but if it has not, it appears to be far too wide and to cover too many people.

Those are the only 2 comments I must make on the bill; it has my support. But perhaps the sponsor of the bill would indicate to the House when he will bring such reasonable provisions to bear upon another class of persons who have become prevalent in the community - that is members of security services who quite often are armed, somewhat to the alarm of their fellow citizens.

Mr EVERINGHAM (Chief Minister): Mr Speaker, it is pleasing to hear the support that these bills draw from honourable members opposite. The government has in the course of the past 12 months attempted a fairly substantial legislative program and I will concede that the drafting, particularly of the Commercial and Private Agents Licensing Bill, is not without fault. Nevertheless, Mr Speaker, the drafting office has been got together in the past 12 months by recruiting draftmen from all parts of Australia and I hope that during the course of this year 1979 it should

settle down. Additional staff have been recruited to check through legislation but, of course, it really does not matter how much you read a document, always some slip seems to get through. Nevertheless, the point raised by the Leader of the Opposition in relation to whether court should have its first letter in upper case or lower case is, with great respect, a matter for formal amendment. I do not really think that that can be held to be a matter of great moment.

There are a number of amendments, I think, that everyone agrees are desirable in the legislation and I would propose to take it through the committee stages this afternoon and deal with these matters as we go.

Motion agreed to; bills read a second time.

COMMERCIAL AND PRIVATE AGENTS LICENSING BILL
(Serial 230)

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr EVERINGHAM: Mr Chairman, I move amendment 41.1.

This is to insert functions which are appropriately those of a commercial agent as well as a private agent in the definition of a "commercial agent".

Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4:

Mr EVERINGHAM: The honourable member for Nightcliff raised a point in her second-reading speech in relation to exemptions to the application of the act. Clause 4(i): "a person employed under a contract of service by a person who is not an agent while acting in the ordinary course of that employment". Whilst the member for Nightcliff rightly says that that is a broad definition, I think it has to be that way because, after all, if you are acting, for instance, for Radio Rentals or some firm like that in the normal course of your employment, surely you do not have to be licensed as a commercial and private agent to carry out certain duties which may perhaps just impinge on what are the provisions of this particular act. I do not think this act is meant to catch the sort of people who do the odd thing, probably almost every day, but who do not follow the pursuits of a commercial and private agent as a profession.

Mrs LAWRIE: Mr Chairman, could I ask the sponsor, through you, if taking the example of Radio Rentals, that would cover the situation where an employee - and they have in the past - repossesses a set for the rent not being up to date. Would that person not be acting as a recovery agent but also, under paragraph (i), exempt from the provisions of this bill?

Mr EVERINGHAM: He might be but then again Radio Rentals might come within the definition of a "commercial agent" or "private agent". So I do not think it is encumbent on the employee to become licensed if the principle is not caught by the provisions of the act.

Clause 4 agreed to.

Clause 5:

Mrs LAWRIE: Mr Chairman, under clause 5 concerning the licensing of agents, I would ask the honourable sponsor of the bill if he will reply to my second-reading suggestion that a licence granted to a person under this provision include a photograph of the person to whom it is granted, where it is a single person. As I mentioned, this would be along the lines of photographs used for identification purposes by employees of airlines and other such groups of people who are dealing constantly with the public and who are often ordering them around, to good intent.

Mr EVERINGHAM: I do not believe it is necessary in these circumstances for the person's photograph to be attached to the licence and it is not the intention of the government to prescribe that it will be.

Clause 5 agreed to.

Clause 6:

Mr EVERINGHAM: I move amendment 41.2.

This additional subclause (h) is to allow interstate agents to employ or use their employees for short periods in the Territory without taking separate licences. While I am on my feet, I would refer to the matter raised by the honourable Leader of the Opposition on clause 6(1) - the penalty provisions. Certainly, I am grateful to the honourable Leader of the Opposition for raising this particular point. It was intended that the penalty be a continuing penalty of $10 for every day during which the offence continues.

Amendment agreed to.

Mr EVERINGHAM: Mr Chairman, without circulating the amendment, I move that the sum of $1 referred to in the penalty provisions, attaching to clause 6(1), be amended to $10.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clause 7 agreed to.

Clause 8:

Mr EVERINGHAM: I move amendment 41.3.

This is to correct an error.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clause 9:

Mr EVERINGHAM: I thank the honourable Leader of the Opposition for drawing my attention to the word "application" in the fourth line of 9(1) and I would, without circulating an amendment, seek to move that the word be amended to read "applicant".

Amendment accepted as a formal amendment.

Clause 9, as amended, agreed to.

Clauses 10 to 15 agreed to.

Clause 16:

Mr EVERINGHAM: I invite the defeat of clause 16.

Clause 16 negatived.

New clause 16:

Mr EVERINGHAM: I move amendment 41.5.

This amendment inserts a new clause 16 which has been redrafted to correct some technical errors which appeared in the earlier clause.

Mr ISAACS: I draw the Chief Minister's attention to his new clause 16(3)(c) which reads: "The Court shall hear and determine a complaint referred to in subsection (1) and may ... (c) disqualify the former agent". I think it needs the deletion of the word "former".

Mr EVERINGHAM: Mr Chairman, I would seek the recommittal of this clause whilst I check that out. I gave it some thought when the Leader of the Opposition raised it earlier and it appears to me that if it is disqualifying the agent, as the Leader of the Opposition would have it, from applying for a licence for such periods as it thinks fit, then presumably he would by that time be a "former agent", because his licence has been determined, if you see what I mean. That would be my way of thinking. I would seek to postpone the clause, Mr Chairman.

New clause 16 postponed.

Clause 17:

Mr EVERINGHAM: I move amendment 41.6.

This omits the present subclause (1) and substitutes a new subclause which it is hoped will clarify the meaning of clause 17.

Amendment agreed to.

Clause 17, as amended, agreed to.

Clause 18 agreed to.

Clause 19:

Mr EVERINGHAM: I move amendment 41.7.

This omits the present subclause (5) and substitutes a new one which it is hoped will clarify the clause.

Amendment agreed to.

Clause 19, as amended, agreed to.

Clauses 20 to 22 agreed to.

Clause 23:

Mr EVERINGHAM: I move amendment 41.8.

This provides a stricter control on money received by an agent whilst he is serving process regarding that money.

Amendment agreed to.

Clause 23, as amended, agreed to.

Clause 24:

Mr EVERINGHAM: I move amendment 41.9.

This clarifies the intent of this clause.

Amendment agreed to.

Clause 24, as amended, agreed to.

Clauses 25 to 27 agreed to.

Clause 28:

Mr EVERINGHAM: I move amendment 41.10.

This corrects an error in the clause.

Amendment agreed to.

Clause 28, as amended, agreed to.

Clause 29:

Mr EVERINGHAM: I move amendment 41.11.

This is to correct a grammatical error.

Amendment agreed to.

Clause 29, as amended, agreed to.

Clause 30 agreed to.

Clause 31:

Mr EVERINGHAM: I move amendment 41.12.

This amendment, together with amendment 41.14, clarifies the method of employing private bailiffs.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 41.13.

This is moved for the same reason as the previous amendment.

Amendment agreed to.

Clause 31, as amended, agreed to.

Clause 32 agreed to.

Clause 33:

Mr EVERINGHAM: I move amendment 41.14.

This omits from subclause (1) the words "in addition to" and substitutes "such other amount as may be agreed upon between the private bailiff and the person employing him". This is to clarify other problems that may arise in the use of private bailiffs.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 41.15.

This is moved for the same reason.

Amendment agreed to.

The CHAIRMAN: There is a correction on members' amendment schedule. Below number 41.15 opposite the words "Add the following subsection" there needs to be another amendment number which is 41.15A.

Mr EVERINGHAM: I move amendment 41.15A.

This, of course, is for the same reason . Do you want me to read it out?

Mrs Lawrie: Yes.

Mr EVERINGHAM: Section 285 of the Local Courts Act reads, side note - "No action to be brought against bailiff, etc., acting under order of the court without notice in making a clerk of the court a defendant".

(1) No action shall be brought against any bailiff or against any person acting by the order of or in aid of any bailiff for anything done in obedience to any warrant, under the hand of any clerk of the local court and the seal of the court, until demand has been made or left at the office of the bailiff in writing signed by the intended party for the perusal and copy of the warrant and the same has been refused or neglected for the space of 6 days after the demand.

(2) If, after such a demand in compliance therewith by showing the warrant to and permitting a copy to be taken by the party demanding the same, any action is brought against the bailiff or any other person acting in his aid for any such cause without making a clerk of the court who signed or sealed the warrant the defendant in the action, then on the production or proof of the warrant at the trial of the action, the court shall give its judgment for the defendant,notwithdtanding any defective jurisdiction or other irregularity in the said warrant.

(3) If such an action is brought jointly against the clerk and the bailiff or a person acting in his aid, then on proof of the warrant the court shall find for the bailiff and for the person so acting, notwithstanding any such defect or irregularity.

(4) If the judgment is given against the clerk, then the bailiff shall recover his costs against him and be taxed in such manner as to include such costs the plaintiff is liable to pay the defendant for whom the court has found.

(5) If any action is brought, the defendant may plead the

general issue and give the special matter in evidence of any trial had thereupon.

Mrs LAWRIE: Mr Chairman, I would just advise the House that that was not a facetious request. This is not a formal amendment; it is substantial and when the honourable sponsor is moving amendments, I think it is only reasonable to suggest that he give an outline of their effect.

Mr EVERINGHAM: Mr Chairman, I did not notice anything facetious about my reply but, quite frankly, copies of the Local Courts Act are available to all members in the library and they can read them before they come into the House or this bill goes into committee, if they want to consider them seriously, with great respect.

Mr ISAACS: If we are throwing respect around, let me add my 2 bob's worth. The remark by the Chief Minister is certainly valid if we have these schedules for some time and we know what they are talking about. But the Chief Minister ought to know that we have not had a great deal of time to do it. I think the remarks made by the member for Nightcliff were warranted and the remarks made by the Chief Minister were quite unwarranted.

Mrs LAWRIE: Mr Chairman, copies of legislation presently in force in the Northern Territory are not easy to come by, particularly when we are in session. There is supposed to be a copy in the Chamber and a copy in the library. If we have a bill before us which is contentious, take town planning, then other acts are referred to and it is quite often difficult to read the relevant legislation through no fault of any officer of this Assembly but simply because, since the cyclone, members have not had copies of Territory law available to them in the manner to which I think they are entitled. I am not saying it is the Chief Minister's fault or anybody's fault, but it is at present a deficiency in the system.

Mr EVERINGHAM: I was able to procure this copy of the Local Courts Act and Rules and Regulations 20 minutes ago.

Mrs Lawrie: It was on your desk.

Mr COLLINS: Could the Chief Minister please tell us why he cannot give us an outline of the effect of the amendment, or why he will not.

Mr Everingham: I was asked to read out section 285 of the Local Courts Act, and I have.

Amendment agreed to.

Clause 33, as amended, agreed to.

Clauses 34 to 42 agreed to.

Clause 43:

Mr EVERINGHAM: I move amendments 41.16 and 41.17.

These are to correct errors in the clause.

Amendments agreed to.

Clause 43, as amended, agreed to.

Clauses 44 and 45 agreed to.

Clause 46:

Mr EVERINGHAM: I move amendment 41.18.

I believe this amendment will improve the efficiency of the provisions.

Amendment agreed to.

Clause 46, as amended, agreed to.

Clause 47 agreed to.

Postponed new clause 16:

Mr EVERINGHAM: I accept the amendment proposed by the honourable Leader of the Opposition in respect of subclause (3)(c). However, I wish to retain the word "former" before "agent" in subclause (6).

Mr ISAACS: There is no argument about that. I did not suggest changing it in subclause (6) because (6) is referring to the "former agent" - that is, the cancelled suspended licence, so we are talking about a former agent in subclause (6). My only query was in relation to (3)(c) and I am delighted to see "former" taken out.

Amendment agreed to.

New clause 16, as amended, agreed to.

Title agreed to.

LOCAL COURTS BILL
(Serial 231)

In committee:

Clauses 1 to 3 agreed to.

New clause 3A:

Mr EVERINGHAM: I move amendment 40.1.

This is a necessary consequential amendment to the principal act. Clause 3A(2) makes the time for serving warrants more reasonable.

New clause 3A agreed to.

Clause 4:

Mr EVERINGHAM: I move amendment 40.2.

This omits from the second line of section 87(2) the words "other than a bailiff".

Amendment agreed to.

Mr EVERINGHAM: I move amendment 40.3.

This is a change in response to criticism of the scheme to allow unsatisfied judgment summonses to be served by mail. It prevents them being served by mail.

Amendment agreed to.

Mrs LAWRIE: I have a question on clause 4, subsection (4): "Proof of service pursuant to subsection (3) may be by affidavit ... containing the summons together with the acknowledgement of delivery of the envelope containing the summons duly signed in accordance with the provisions of the Postal Service Act 1975 of the Commonwealth". Can the Chief Minister advise whether a person competent to receive a registered article - or is it a certified article - has to be over 16 or 18? It is fairly crucial when proof of receipt of the letter can be proof of receipt of the summons.

Mr EVERINGHAM: I must apologise to the honourable member for Nightcliff: I was interrupted whilst I was trying to listen to what she was saying. As I understood her question - through the blows as it were - she asked me whether it is competent for a person under 16 to accept service of a registered article.

Mrs Lawrie: Yes. Under 16 but also over 16 and under 18.

Mr EVERINGHAM: Well, it seems to me that what counts in that question is whether they are under 16. I have no idea what the legal position is under the Posts and Telegraph Act or the Australia Postal Commission Act but I have known - and that is all I can say - of children having been asked to sign for registered and certified articles.

Mrs LAWRIE: Well, that is what concerns me.

Clause 4, as amended, agreed to.

Clause 5:

Mr EVERINGHAM: I move amendment 40.4.

This omits the word"omitting" and substitutes "omitting from and including (excepting the wearing apparel) to and including".

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Clause 7:

Mr EVERINGHAM: I move amendment 40.5.

This is to ensure that any persons serving process must satisfy the clerk of the court that he attempted to serve the process before he can claim the service fee.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8:

Mr EVERINGHAM: I move amendment 40.6.

This is to omit item 1 in the proposed schedule and to clarify the proposed fees for service of process.

Amendment agreed to.

Clause 8, as amended, agreed to.

Progress reported; report adopted.

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

Continued from November 1978,

Mr ISAACS (Opposition Leader): Mr Speaker, as I explained in the debate on the Administration and Probate Bill, the Companies (Trustees and Personal Representatives) Bill seeks to ensure that companies in the Northern Territory are able to act as trustee companies. The bill repeals all the South Australian legislation which gives a monopoly to South Australian companies and allows, over a time scale, companies in the Northern Territory to do this so long as they have sufficient capacity to take over the task. This is a matter that we support and have, in fact, sought to have corrected over a period of time. We welcome the initiative taken by the government in this respect. The opposition supports the bill.

Motion agreed to; bill read a second time.

Committee stages to be taken later.

CRIMINAL LAW (CONDITIONAL RELEASE OF OFFENDERS) BILL
(Serial 218)

Continued from 23 November 1978

Mrs O'NEIL (Fannie Bay): Mr Speaker, this amendment has the support of the opposition. It is necessary to ensure the effective operation of the Criminal Law (Conditional Release of Offenders) Act to ensure that absconding debtors can be apprehended and so forth. It is unfortunate, I think - once again, it is a machinery business but I should point it out - that the original act which we passed as long ago as June of last year is still not printed and, therefore, not available to the public. Although it may not, in fact, be in wide operation at the moment, it is most disconcerting for people trying to follow legislation to look at an amending act, then try to find the original act which it is amending and find that it is simply not available because it has not been printed. This is an act which we passed on 7 June 1978 and, I assume, was assented to without very much delay.

Nevertheless, this bill has our support. I also hope the honourable Minister for Community Development might take the opportunity to explain to the Assembly, if not at this time at some other time, the progress in getting the act off the ground. There was to be, I remember, discussions with Aboriginal groups, unionists and others who would be affected by the schemes. I would be pleased to know, and I am sure other members would be, what stage has been reached. The opposition supports the bill.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, the Minister for Community Development outlined the reasons for this bill in his second-reading speech. It basically provides for the application for and the issuing of a warrant for those offenders who abscond from the Northern Territory before their conditional release order has expired. The conditions on the order do vary according to the nature of the crime committed by the offender. Under the present legislation, if a person on release absconds interstate, the police have no power to extradite him back to the Northern Territory. Under the

original clause 6 of the Criminal Law (Conditional Release of Offenders) Act, provision was made but, during the redrafting of the amended act, it was overlooked. That is why this bill has been brought in.

When I first looked at the bill, I found a couple of errors which I pointed out to the minister. It was a little bit confusing to follow. In clause 7, it said that section 9 of the amending act is to be amended by omitting proposed section 19(1). That should be section 19. In clause 8 of the bill it said that section 9 of the amending act is to be amended by omitting proposed section 29(1). In fact, that should be section 29. If we go to clause 8(1)(a) of the bill, I believe that "attendance order" should be "community service order." I managed to get a copy of the bill from the department and I believe I am correct in saying that.

I am a little disappointed that the act which was assented to in April of last year has not been commenced. One of the problems is that the advisory committee had to be formed.

People may be put on release for community service. This is similar to the provisions of the act in Western Australia. They do actually release people on this basis. They have a supervisor who can supervise the person up to the equivalent of 240 hours in 12 months. Depending upon the nature of his crime, the offender has to carry out some community service rather than be put in gaol or pay a heavy fine. Depending on perhaps his marital status and his work situation, this work is done outside normal working hours.

I hope that we can get the scheme under way. I believe it works very successfully in Western Australia and, if it is brought into the Territory, I am sure we will see far less work for the courts. It would also mean a great savings on the purse of the government. In some ways, it has been disappointing to see that we have to look for absconders. They are under supervision and the whole point is that they are there in a position of trust. It is disheartening to see that these people do not carry out their release order. However, that is the nature of people. In Victoria, there are 2 or 3 centres which they can be ordered to attend. We do not have such centres and I hope that, in time, we can perhaps reach the standard of Victoria.

I believe the act should be implemented as soon as possible so that we can get this really worthwhile piece of law into operation.

Mrs LAWRIE (Nightcliff): When I first received a copy of this bill and I referred it to the minister's speech, I could not quite work out how what he said was going to happen would be brought into effect by the bill. Having seen the amendments circulated a good 90 seconds ago, I find they will assist in carrying out what he said the bill purports to do. They have just been delivered to my desk.

I have no quarrel with the legislation and its intent, and I spent some considerable time working on this legislation, as the honourable sponsor would imagine, because it is a subject very close to my heart. However, I wonder if it might be possible to streamline the procedures of this Assembly and coordinate the efforts of members. When amendments are known to be necessary, I would ask the sponsor of the bill to distribute them as early as possible during the sittings and, if they are formulated and ready before the sittings, I would certainly appreciate some indication of them at the earliest possible time. It would save a lot of time. I am aware that the Chief Minister made the services of draftsmen available and he asked if proposed amendments could be circulated so that there would not be any duplication. The legislation has my full support but had I seen the

amendments earlier I would have been a great deal happier.

Mr ROBERTSON (Community Development): Mr Speaker, I would first like to deal with the last point raised about the late circulation of the amendments. It certainly is not the fault of my staff; it is certainly not the fault of the Clerk but it is my fault. They were sitting in my amendments file and I did not realise that I had not signed them. Until such time as I sign each amendment, they cannot be circulated. I do apologise for that. I would like to take the bill through committee now but, if any member in the House objects, I will postpone it. I think the explanations I can give are fairly precise because they are very simple amendments, mostly administrative.

It is now approaching 12 months since the principal act was passed through this House and assented to. I indicated in my second-reading speech at the time and in my summation that a very complex procedure has to be followed to make community service orders and attendance centres work. The honourable member for Fannie Bay pointed out, quite properly, that consultations with a wide range of people are necessary. Within a fortnight of the passage of the legislation through this House, I had the full executive of the Trades and Labour Council in my office to discuss the implications of the bill. They went away quite happy and very willing to participate. They subsequently indicated that in writing.

I have had the officers of the field services unit of the Correctional Services Division travel very widely throughout the Territory. I assume that by now they would have covered every Aboriginal settlement and community in the Northern Territory with perhaps the exception of several very small outstations. I would like to take this opportunity to place on record the tremendous work those field service officers are doing. It is only since the advent of self-government that we have recruited properly qualified, dedicated and mobile field service staff. It is a reflection of the complete change in direction being attempted by the government in the field of rehabilitation and correctional services. I am quite sure the honourable member for Arnhem has often seen them tramping around his electorate in the past. They report in detail to me monthly and I would be quite happy to make available those reports to any member whose electorate these people visit. I would certainly make that offer to the honourable members for Arnhem, MacDonnell, Stuart, Barkly, Victoria River and, of course, yourself. They are tremendously valuable documents of opinions as to how things are going in relation to crime, prevention of crime and correctional services.

In addition to that, I have sent out over 150 letters to people in all communities ranging from people in industry to free enterprise business people, chambers of commerce, chambers of industry, service clubs, church groups - anyone at all who would be likely to be interested in community service orders and the attendance centres system. The main emphasis is on the community service orders. The response has not been all that encouraging to date. In the last week I have signed another 50 or 60 letters to an even wider range of community interest groups.

We probably have enough responses back now to form a reasonably efficient committee of management to develop the program properly but I would like a little further response from the community, from a few more groups expressing interest in participation, particularly service clubs. I think that service clubs have a major role to play in the community service orders program. Only 2 days ago, I approved the travel of the assistant director, field services, to go to Tasmania to study the system of community service orders which operates in that state. We are quite familiar with the operations in Western Australia. Tasmania has a newer

system operating and we would like to understand how that works because Tasmania is probably more akin to us in population terms as Western Australia is in terms of area.

I would like to express my appreciation of the work done by the honourable member for Nhulunbuy who brought these technical errors to my attention. It is good to see colleagues doing that sort of research work. They are minor technical faults which we will deal with in committee if the Assembly is so willing.

I think I have covered most of the areas that have been canvassed by other members and thank the House for its support of the legislation.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 3 agreed to.

New clause 3A:

Mr ROBERTSON: I move amendment 43.1.

The word "justice" is used throughout the principal act and the amending act and it needs definition. This requires the insertion of this new clause.

New clause 3A agreed to.

Clause 4 agreed to.

Clause 5:

Mr ROBERTSON: I move amendment 43.2.

This is necessary in order to make it clear that warrants are to be addressed to members of the police force.

Amendment agreed to.

Mr ROBERTSON: I move amendment 43.3.

This amendment is necessary in order to make clear the situations in which a warrant is to be issued.

Amendment agreed to.

Mr ROBERTSON: I move amendment 43.4.

The insertion of this additional subclause in clause 5 is necessary to bring the provisions of the part of the principal act dealing with conditional release of offenders into line with the amendments made by the amending act and this bill.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Clause 7:

Mr ROBERTSON: I move amendment 43.5.

This is to make it clear that the warrants are to be addressed to members of the police force.

Amendment agreed to.

Mr ROBERTSON: I move amendment 43.6.

This is necessary to make clear the situation in which warrants are to be issued.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8:

Mr ROBERTSON: I move amendment 43.7.

This is designed to correct a drafting error. The insertion in clause 8 is again necessary to make it clear that warrants are to be addressed to members of the police force.

Amendment agreed to.

Mr ROBERTSON: I move amendment 43.8.

This is necessary again to make clear the circumstances under which warrants are to be issued.

Mrs LAWRIE: One of the things that struck me was that, under the bill as it was printed, a justice shall not issue a warrant under subsection (1) unless he is satisfied that there are reasonable grounds for issuing the warrant. What a lot of gobbledegook that was! No justice would issue a warrant unless he had reasonable grounds. The amendments have taken care of that.

Amendment agreed to.

Clause 8, as amended, agreed to.

Title:

Mr ROBERTSON: I move amendment 43.9.

It is quite obvious that the long title refers to nothing. It is necessary to make it relate back to the Criminal Law (Conditional Release of Offenders) Act.

Amendment agreed to.

Title, as amended, agreed to.

Bill reported; report adopted.

Mrs LAWRIE (Nightcliff): Mr Speaker, I rise on the third reading to make a plea to the sponsor of the bill. We all agree that this legislation needs to be brought into effect as soon as practicable. Despite the

administrative difficulties which he encountered and which I am sure he will overcome, will he make a special effort to ensure that a printed, consolidated copy of this act is available about the same time that it comes into operation? We have an act, an amending act and now the bill we have put through today. It is particularly important when we are dealing with the demands for issues of warrants or summonses that certain specific provisions should apply. We have agreed to those provisions but if justices do not know that they are in existence or have no knowledge of the particular conditions, it will all be a bit pointless and unfortunate.

Mr EVERINGHAM (Chief Minister): It has been drawn to my attention in recent days that there is a considerable amount of legislation that has been passed by this House in the course of the past 12 months which has not yet been printed. This is presumably because the Government Printer is over-burdened with work. We also know that he is about to move into new, larger and better equipped premises out on the Stuart Highway designed by some heathen. Apparently, the government printer must be over-burdened with routine work. For that reason, the printing of legislation and indeed the printing of bills and other work for this Assembly often suffers. Often, we do not see bills until the day before they are due to go into the House. That is not as it should be.

I have requested my colleague, the Minister for Transport and Works, to see that the Government Printer is enabled to do all that is required to see that all legislation is printed promptly and efficiently, that all bills are printed within plenty of time and that all reports and other documents to do with this House are dealt with promptly. The Government Printer is to give any additional work that may get in the way of this to private sources. I have made it clear to my colleague that the Government Printer is primarily at the disposal of the government and of this House and that the work associated with the printing of legislation is to take absolute priority.

Motion agreed to; bill read a third time.

ADJOURNMENT

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

Mr COLLINS (Arnhem): I rise this afternoon to speak for the fourth occasion on the subject of utilising the skills of Aboriginal people in coastal surveillance. I received a letter of which the Chief Minister probably also has a copy. It is from Minjilang, Croker Island, from the council chairman, Mr Dick Malwagu. I will read that letter out:

Dear Sir,

The Minjilang community would like to protest concerning the lack of initiative shown by all people involved in the establishment of a northern coastal surveillance and patrol unit. At the moment, many white people call us bludgers yet our young men stand waiting to be trained. They can track and hunt, but they need white man's training so we can help stop Vietnamese drug smugglers and others who try to hurt Australia by sneaking in. No one will train us. All the people who visit our island, we ask what about training us for ranger or coast watcher but they can never give us a straight answer. Already some young Mingilang men are in the army reserve. This is not enough. The coast is a big place in Australia, all people white and black need to be watching. We are asking. We are ready but who will train us?

Yours faithfully,

Dick Malwagu
Council Chairman.

Members will recall that I raised this question of the enthusiasm of Aboriginal people and their desire for someone to give them some direction before. I remember that I raised it in precisely the terms that are outlined in this letter. The enthusiasm and the ability of Aboriginal people to take part in coastal surveillance are there waiting. The Aboriginal people themselves have said directly to the government and to me on a number of occasions that all they are waiting for is someone to give them some direction. Yet, 18 months after the initial proposals were made, they are still waiting.

I am sure all members will be aware that an article - I thought it was quite topical as I had intended to read this letter today - appeared in the Northern Territory News yesterday. The headlines themselves are quite interesting: "Aborigines are still waiting - would-be watchers losing interest". There is another one: "Just another government ploy to keep them happy". I am sure that that is not correct. Unfortunately, I know that statements on the provision of aerial surveillance made in this House and in other places earlier have engendered a great deal of genuine enthusiasm amongst Aboriginal people and a wish to become involved.

There is no need to go into tedious repetition of the track record that Aboriginals have set in this direction. It is mentioned in this newspaper article that they have indeed proven themselves, in years past, to be quite capable of carrying out this duty. They were enthusiastic but, unfortunately, that enthusiasm is starting to wane. I know the Northern Territory government is not capable of instituting this scheme without considerable financial assistance from the federal government but it certainly would be appropriate, at this time, for the Northern Territory government to use the officers working in that area to let Aboriginal communities know what is going on and any progress that has been made in this direction.

The newspaper article contained a number of things that caused me concern from the point of view that this article will be read in a number of Aboriginal communities and certainly at Croker Island. The newspaper says:

> *Territory coastal Aborigines who have been looking forward to getting involved in a new grass-roots level coastal surveillance organisation are fast losing their enthusiasm. It is not that they are no longer interested in the idea as such, but they do think, or are beginning to think, that the whole thing was just another government ploy to keep them happy for a while. It is now some eighteen months ago that the government was given detailed submissions advocating the establishment of a Northern Territory patrol service.*

I will go on to a particular part of this article which will really concern Aboriginal people when they read it:

> *The new Territory Police Commissioner, Mr Peter McAuley, is known to have mixed feelings about the proposed patrol service. As a police officer, he is not too keen on having it operate out of his jurisdiction yet, by the same token, he doesn't seem to have made up his mind that he does in fact want to be saddled with it.*

The article goes on to talk about the people who have supported this

proposal. It talks about the royal commission evidence that was given about this proposal. It talks about the recommendations that have been made by both the federal government and the Northern Territory government to support the proposal. It mentions that Senator Bernie Kilgariff and the Chief Minister had spoken and given evidence in support of it. In my opinion, there is one significant omission from the list of people who have supported the proposal. Honourable members will probably be aware that I was the first person to raise this issue in the House. I am speaking about it today for the fourth time. I also gave evidence before the royal commission. Unfortunately, the Northern Territory News has not seen its way clear to note that the member for Arnhem, who does have a considerable personal involvement in putting this proposal forward, does in fact also support it. I would like to make that point now. Because of this and perhaps also - and this may be unfair - because of the comments attributed to the new Territory Police Commissioner when he is reported as saying that he does not perhaps want to be saddled with this particular proposal, I am moved to paraphrase the words of Hilaire Belloc:

You cannot hope to bribe nor twist,
Thank God, the Darwin journalist
But seeing what the man unbribed will do
There is really no occasion to.

I recognise the practical problems associated with financing such a venture and I also realise that the Chief Minister, as detailed in this article, has called for a further submission from Mr Morrison cutting down the amount of expenditure involved. In response to the raised eyebrows of the Chief Minister, perhaps I should just read it out:

Mr Everingham also likes the idea of involving Aborigines in some sort of coast-watch service and he has asked Mr Morrison to submit a cheaper version of his original plan. This revised plan in fact increases the European component of the proposed service but so far no decisions have been made. The danger is, if they are too long in coming, the Aborigines will opt out. They simply won't care one way or another, which is possibly worse than if they had been hotly against the idea.

What I am suggesting to the Chief Minister is that, considering the enthusiasm that was displayed by Aboriginal communities and the direct appeal that I have received and the government received for some direction to be given to them as to how they can be used, it would be an appropriate time for the government to use its liaison unit to report to Aboriginal communities on the progress or otherwise that has been achieved in this direction.

Mrs LAWRIE (Nightcliff): Mr Speaker, I have a sad and sorry tale to relate to the House and to the Minister for Community Development in particular. Some time ago, the aldermen of the Corporation of the City of Darwin decided that the council would no longer be responsible for cutting the grass nature strips around Darwin.

Mr Everingham: Do you think that is news to us?

Mrs LAWRIE: I am aware that it is not news, but the situation is becoming critical.

They wrote to the schools saying they had taken this decision and asking if, in future, the schools would kindly arrange to cut the grass on the nature strips adjacent to the schools. But unhappily, the schools were just in the process of signing contracts for the maintenance of school

grounds, as they have done in the past, and these did not include the footpaths. My information is that it was too late to vary the contract. They would have had to have approval from Canberra and it was not likely to be forthcoming. The Education Department is saying: "It is not our fault; we do not have the money". I have no reason to believe otherwise. The Corporation of the City of Darwin is saying the ratepayers should take responsibility for their own footpaths. That is one thing when it relates to private property but, when the safety of children is involved, I do not believe it is good enough for a government department and a local government authority to sit there arguing and literally passing the buck, saying, "It is not us; it is them".

I made an approach to the city council, particularly concerning Nightcliff Primary School where the grass was a lot higher than most of the kids attending the school and certainly higher than the pre-school children. It was a direct threat to their safety. The town clerk did respond and said the corporation had decided that, where a school crossing existed or on a corner where it could be shown to be a traffic hazard, it would cut the grass but not otherwise. If that is carried into effect, we will have a patchwork quilt. We will have a man out there, at public expense, mowing some parts of these grassed areas and not others. That seems to me to be the height of absurdity. Public money is to be spent getting the men and the machines on site. To say the few extra yards will not be cut is just ridiculous. Mr Deputy Speaker, whilst this perhaps small controversy rages, kids are still at risk.

I also ask the honourable minister who is responsible for local government if he could take up with that authority the question of grass adjacent to large blocks of flats belonging to semi-government authorities where there is no person directly concerned, where there is no leaseholder living there who is likely to take an active interest.

I might point out too, Mr Deputy Speaker, that in my own electorate the footpaths are ripped up and loads of dirt distributed without anybody being asked if he wants it, at least in the initial stages. Some of my constituents are pensioners, some are invalids, frail, physically unable to lay the grass. The grass was not provided, neither seed, nor runners, just the dirt spread. They did not ask for their footpaths to be ripped up; it just happened. I approached a couple of service clubs but they indicated - and I think with some degree of fairness - that with the criticism and the controversy and the fact that it was a political decision, they did not feel inclined to enter into it by planting strips where other people, for a variety of reasons, could or would not.

I also asked the town clerk if the city corporation was continuing with this policy of taking up footpaths and laying soil without consultation; he said it had proved to be a most expensive exercise and they were reviewing it. So I pointed out, not with bitterness but a touch of sarcasm, that I live on a corner. One street has been done and the other has not. It does not worry me particularly but how many other people are in my position - being on a corner where the city corporation has done one thing on one side and has now run out of money or decided it is not expedient, and does not do it on the other. I am not expecting the minister to fix up a problem such as this. It lies fairly and squarely with the aldermen. But in the matter of children's safety and the grass adjacent to schools, I ask him to take an interest and see if he can prevail upon one of these bodies to accept responsibility before some child is killed. I have had representations from concerned parents in other areas of Darwin, talking about schools in the northern suburbs. I have no doubt there are other members of this Assembly on both sides of the House who are well aware of the problem I have raised and I only hope the Minister for Community Development can assist us.

Mr MacFARLANE (Elsey): Mr Deputy Speaker, first of all I congratulate the Government Printer in overcoming the backlog of printed Hansards. Members will have noticed that the Hansards for November-December were delivered prior to the commencement of this sittings.

Secondly, I refer to an article in the Sydney Morning Herald of 27 February which says "Beef keeps Hooker ahead - pastoral activities overcome depressed commercial results". I will read from this - and I have copies available for anyone interested:

> *Buoyant conditions for its pastoral activities has helped Hooker Corporation Limited overcome depressed results from retail, commercial and industrial development projects in the December half-year. The company announced yesterday that net profit was up a negligible 5.4 per cent from $3.71 million to $3.91 million despite a 59 per cent jump in turnover, from $70.25 million to $111.89 million. Most of the revenue increase was due to the full inclusion of figures from Norwest Beef Industries Pty Ltd, the outstanding half of which was acquired during the period. Hooker's chief general manager, Mr J. Keith Campbell, said yesterday that if the Norwest meatworks were excluded from the results revenue would have been up only 10 per cent from $74.87 million to $82.48 million.*

And further on:

> *Mr Campbell was enthusiastic about prospects for Australian beef in the coming 12 months. Higher prices, increased export quotas and its larger stake in the industry helped Hooker's pastoral earnings jump from $645,000 to $2,409,000 in the six months.*

I do not think I need to speak any further on the Prices Justification Tribunal saying that profits by processors were not excessive.

The task facing this government and succeeding governments is the development and exploitation of our resources: mining, pastoral, agricultural, fishing, tourism and human. Some of the resources seem to be under control and progressing satisfactorily but agriculture presents the greatest challenge at the present time, not the least of which is the lack of experienced farmers. We have plenty of farmers available now to produce most of what we require, what the Northern Territory requires. But if we are to even start filling some of the overseas market requirements, apart from available arable land we are going to need farmers. I think we are going to need amongst other things an agricultural college.

The quickest way we can get farmers is to start what could be called an agricultural establishment course. By such a scheme selected youths could be virtually apprenticed - I do not like that word either - to farmers or agronomists, not only in the private field but in the government sector. They would occupy much the same position as stock inspectors occupy in the Primary Industry Branch. They would not be qualified to do all jobs but they would gain immense practical experience and if they had 2 years, say, with an agronomist growing rice and if they were suitable, they could then be encouraged to take up suitable rice growing country on their own behalf. The same could be done with mung beans and the other crops that were recommended - peanuts, sorghum, maize.

I understand the crop of maize at the Douglas-Daly is magnificent. The labourers who assisted the agonomists may not need any further education to go out on their own and grow maize, whether it is down there or on land the government provides, if it wants to go ahead with the agricultural potential of the higher rainfall area. But it does seem a

golden opportunity in a practical way of encouraging young farmers or people interested in the land to become farmers.

This system is practised fairly widely in agricultural colleges. Young students are sent out to approved properties to continue their education. Well, we have not got an agricultural college, though I think we should have one.That was the intention of Minister Beasley after he read that first-class report on agricultural education in the Northern Territory by Alan Wheeley - it is a departmental report, April 1974, and it formed the basis for Minister Beasley setting up a planning committee for a Katherine rural college. What happened to the Katherine rural college is well known; it has been rehashed. It was grabbed by a group of intellectuals and turned into a proposed college of further education for Katherine.

I think Katherine deserves a college of further education, at $19m more or less, but that was not what this report was about. This report gives very clearly the options that people can expect. It gives very clearly all the things that should happen. Option 1 is quite comprehensive: it says that a residential agricultural college be established to serve the multi-level needs of the Territory and it goes on and on for about a page. I do not think my time will allow me to give members the details but I would recommend the report to anyone interested in agriculture in the Northern Territory or agricultural education. Option 2 is that a residential multi-purpose technical college be established in a rural region of the Territory where multi-level courses in agriculture would be available, together with other study courses. The concept envisaged is a polytechnical college, possibly a regional satellite of the Darwin Community College, where training in agriculture would be one of several vocational training courses available. Option 3 is that a residential agricultural college be established which would offer the three levels of training earlier described.

Well, this fell by the wayside because, as I say, we got away from practical education onto an entirely different kick: bead making, macrame, all these things which are most desirable for a town but are not essential to the rural population.

Mr Robertson: It is, in fact.

Mr MacFARLANE: Now, in Katherine ...

Mr Robertson: I explained that yesterday.

Mr MacFARLANE: ... they have TV - this is in the main part of my electorate - they have hard water, but they have a promising government; it promises them soft water. They have TV, wireless, drive-ins, pre-schools - all these things - but I do not think the college is entitled to take over this rural education. I think it is meant for the people in the bush.

I think agriculture is a vital part of what we must do in the next few years: develop most of our arable country and produce some of the crops which are outlined in the first trade mission report. There is a fantastic potential for these things. 600m tons of maize are imported into Malaysia each year from Thailand. If we got one tenth or one hundredth of that, we would want a lot more farmers than we have available at the present time. We have some wonderful farmers, some first-class farmers. We have some wonderful technology evolved over the years. But we are not doing much about training young farmers.

We are not doing much about the fertiliser problem. I understand that almost a quarter of the expense incurred in the production of the maize at

Douglas-Daly was in the freight of the fertilizer required. Almost a quarter of the total cost of producing the maize was the cost of the freight on the fertilizer. This is something we must tackle and I understand the government, and particularly Mr Geoff Calder, is investigating the potential of the phosphate deposits near Rum Jungle. Freight on fertilizer is one of the greatest drawbacks if agriculture is to go ahead.

Ms D'ROZARIO (Sanderson): Mr Deputy Speaker, I want to raise this afternoon a couple of matters which are of some concern to some people in my electorate and I think this is the proper time to do it. One matter relates to an incident which was reported in the local press yesterday concerning the shooting of a dog. I do not know whether honourable members have read that article. It was quite prominent and outlined the story of 2 constituents of mine who had rescued a dog from the SPCA kennels, looked after this animal and subsequently it was shot, without any prior indication that the dog was a nuisance or anything of that sort.

Mr Deputy Speaker, sympathetic as I am to the people whose dog was shot, which is a matter of great concern and upset to them at the moment, the question that does concern me is the fact that a firearm was discharged in that area which I think would be known to people here as a very heavily built-up area: I might also say that this particular area of my electorate has a very large number of young children and concern for those children has been expressed to me, not only by the 2 people but they were speaking on behalf of other residents of the area. It is not so much the shooting of the dog but the discharge of a firearm which concerns me.

The people involved reported the incident to the police and they have been informed by the police that there is not much that can be done about the shooting of the dog. Of course, that might well be. However, I would like to ask the honourable Chief Minister who has responsibility for police whether he could prevail upon the police at least to follow up the incident of the discharge of the firearm. I cannot stress too strongly that that particular matter is a source of great concern to some of my constituents.

The second matter I would like to raise has already been touched upon by the honourable member for Nightcliff and that is the long grass on the footpaths. Although I endorse her remarks with respect to the action of the Darwin city council, I would like to address a few remarks to the honourable Minister for Lands and Housing about the condition of some Housing Commission properties which are vacant in my electorate.

Mr Deputy Speaker, it has been reported to me that there are some Housing Commission properties - and I have had a look at these - on which the grass has been allowed to grow to such an extent that children wandering into it cannot find their way home again.

Mr Perron: What about you?

Ms D'ROZARIO: Well, I have not actually wandered into it because, quite frankly, I was afraid I might not find my way home again. The people who have expressed concern about this took the complaint to the Housing Commission. They are living next door to one particular vacant property - although there are quite a number - and they have a problem with vermin - not only rats, Mr Deputy Speaker, but worse still snakes!

Mr Perron : What's worse about that?

Ms D'ROZARIO: Well, because one normally assumes that the rat population will be kept down by the snakes but my constituents complain

about both those horrors. I have tried to explain to people that they should not simply go round killing snakes and that most of them are quite harmless but not many of them are game, Mr Deputy Speaker, to pick up a snake and examine it or take it down to Berrimah to have it identified.

There is the problem of the vermin, which we must not minimise, and there is also the problem of children in the neighbourhood running around on these blocks in their leisure time and playing with matches and so on. As I mentioned, Mr Deputy Speaker, the matter has been reported by residents to the Housing Commission and the commission has been requested to have the grass cut. The Housing Commission has told these people that this cannot be done - well, it cannot be done quickly - because tenders have to be let for the cutting of grass on these individual blocks. I must say that I find this a very amazing attitude on the part of the Housing Commission because I thought that, now we have the Housing Commission looking after the bulk of public service housing and also its own housing as it was prior to 1 July, these matters would be able to be dealt with much more expeditiously. But it appears that we still have this problem of the Housing Commission not rationalising its maintenance arrangements and having to call tenders for these problems that arise from day to day. I would ask the honourable Minister for Lands and Housing to take this question up because I am sure there are maintenance matters of greater urgency that arise from day to day and I would not like to think that tenders had to be called for all these problems that need to be dealt with urgently.

The third matter I would like to do some follow-up work on - and this concerns both the Ministers for Transport and Works and Education - is the question of the school bus services. The honourable Minister for Youth, Sport and Recreation and myself attended a meeting at his office one Saturday morning with some residents of the northern suburbs who are concerned about this question. We had had the opportunity of discussing the matter on the previous day with an officer of the Department of Education and I think it was agreed by all parties at that meeting that the Department of Education has a most unreasonable attitude to the question of the provision of school bus services. That policy briefly is that the Department of Education will not provide school bus services to children who live within 1.6 kilometres of a primary school.

This matter is being well canvassed in the press and by constituents, not only of mine but of other members of this House, but I raise it only to ask the Minister for Transport and Works, the Minister for Youth, Sport and Recreation and the Minister for Education when this matter might be resolved and whether or not a school bus service can be provided, at least before the expiration of the first term of the school year, to children who do not currently have the service.

Mrs PADGHAM-PURICH (Tiwi): Before I start on what I want to say, I would endorse the opening remarks of the honourable member for Arnhem regarding the enthusiasm of Aboriginal groups for the coastal surveillance proposals some time ago. He was talking about his electorate but the same view has been expressed to me by Aboriginals at Bathurst and Melville Islands. In the beginning, they were very enthusiastic and they were eager to help because they thought it was something they could do. I agree with him that they have lost a lot of interest, and not without reason.

Following on from 2 other speakers who read from newspaper articles, I would like to read an article in a southern newspaper and put it forward for consideration by members of the Assembly. The heading could be called "Conservation or Wasteland":

In all states of Australia but particularly in New South Wales and Victoria thousands of farmers and native wildlife and flora

are facing a new and disturbing menace. Called conservation and environmentalism, it is in reality closer to a new form of vandalism. It is placing much of the national heritage of the bush at severe risk and, at the same time, causing hardship and even bankruptcy to families which have farmed these areas peacefully for often as many as four generations.

Conservation is one of the new gods of the late twentieth century; like education and social welfare, it can do no wrong. It is an issue which generates intense hysteria in the media and it is just a ready-made banner for people on that bandwagon. It is also another facet of the widening rift between country and city, with the view now widely held among city people that farmers are destroyers and polluters of the environment, while farmers who see themselves as hard working conservationists look with disgust at the cities' smog and slums and resent the intrusion of city conservationists.

The area is fast becoming a bitter battle ground which can only have one outcome given the superior political strength of city electorates. The farmers neighbouring the national parks and the parks and wildlife authorities themselves are equally the meat in the sandwich. Both are under increasing pressure from without and it has generated a deep distrust and bitterness in both parties who are in the final analysis the ones who have to live and work in the bush.

The problem seems to have originated with Australia's unfortunate capacity to take on board almost any issue which the American press gets hysterical about. As soon as the US woke up to conservation in the early 1970s, it started to catch on here too. The British, it should be noted, had passed the first conservation bill in the 1950s and without the accompanying chest-beating and clamour of the US experience. This sparked the public demand from concerned groups for a massive allocation of public resources to preserve the Australian heritage. The result has been a radical expansion in the establishment of national parks and reserves.

The problem resolves itself into five basic issues which constitute a direct threat to both people and the Australian environment itself: first, the proliferation of carnivores and vermin; secondly, an enormous outgrowth of exotic weeds; thirdly, the very dangerous question of dangerous bush-fires; fourthly, the resumption of more and more land for parks which has destroyed property values, ruined some livelihoods and placed others in situations of impossible uncertainty; and fifthly, the growing lack of control over vandals, shooters and casual fire lighters who invade the park area. Within the service there is known to be concern at the inadequacy of the level of staffing for effective management of the parks. It is this area which is also the cause of the greatest concern among the farmers adjoining parklands and forestry reserves.

Another aspect of the parks policy, and one that causes the greatest personal distress to most people whether they are farmers or city people who own bushland, is the acquisition of land for parks. The resumption of land for parks affects landholders in many different ways. In the first place, it prevents them from selling-up because, once an area is likely to be resumed, no sane buyer would even consider it. This has produced many cases of hardship among primary producers who are unable to sell and unwilling to invest further in land which may be taken for parks but cannot get a clear statement from the authorities of whether they really intend to take the land or

not. There are cases where individuals have been pushed into a limbo not knowing what is to happen to their property and their frantic inquiries to the bureaucracy ignored or returned with vague evasive answers.

Another facet of the problem is that, when landholders are finally shifted off their properties, they receive very low compensation because it is paid at the going local rate for land. If all land in the area is under the same threat of resumption for parks, it is clear that local values will be low because no one in their right mind would want to buy any. Although the authorities have strict penalties for shooters, vandals and fire lighters, they simply have not the resources to police them effectively and most people who live close to national parks say that this type of destruction is on the increase.

The whole question revolves about two basic factors. First, parkland in Australia has been allowed to expand out of all proportion and beyond the capacity of the services to look after it effectively. Simply leaving the bush to its own devices is not conserving it in the native state; in fact, it threatens to ruin it. Secondly, the high-handed attitude of certain authorities in power has prompted virulent criticism from people hit by their policies and has opened up for the party a gulf of misunderstanding. It has not helped solve the problem.

The parks policy, which is increasingly being followed in Australia, is an American one calling for the setting aside of large tracts of land which have little other value as wilderness. But in Australia, a continent which has been isolated from the rest of the world for millions of years, the invasion of exotic plants and animals has a far more devastating effect on the native bush than elsewhere unless it is properly controlled. It means that, in effect, the policy of wilderness in Australia is really creating a wasteland - something which neither the farmers nor the park authorities nor the conservationists genuinely want.

Under the New South Wales act of 1974, the aim of the park services is to cater for fauna conservation, flora protection, landscape preservation and natural area recreation - an objective it would appear in harmony with the aims of everybody. The landholders concerned, it must be stressed, are not calling for great changes in the national park system. They only want to halt the rate of expansion and consolidation of funds and management so that the parks are properly looked after instead of being allowed to deteriorate.

It is noteworthy that the National Parks and Wildlife Service has acquired the services of an environmental appraisal officer whose responsibility is to co-ordinate impact appraisals of developments affecting service interests. A worthy and badly-needed task for this officer should be to appraise the environmental impact of declaring an area a national park and to temper his study with a humane understanding of the effects on the people who live on or near by it.

Mr Deputy Speaker, I do not think the situation in the Northern Territory has gone quite as far as this. I have just read this out this afternoon to bring it to the attention of members.

Mrs Lawrie: Where is it from and what are your views?

Mr PERKINS (MacDonnell): Mr Deputy Speaker, in the adjournment debate

this afternoon, I just want to raise a couple of matters briefly. The first matter relates to the Housing Commission in Alice Springs. In recent times, I have had some representations from commission tenants who are concerned about the lack of adequate airconditioning facilities. They point out that Housing Commission homes in Darwin are provided with fans as a means of airconditioning but Housing Commission homes in Alice Springs are not provided with any airconditioning facilities. This is of importance to those people.

I would like to ask the minister responsible for the Housing Commission to look into this matter. The people who raised the matter with me have pointed out that the climate in Alice Springs can be very hot in the summer yet the houses they rent from the Housing Commission do not have any fans or any other form of airconditioning. They think they are entitled to some facility of that sort. This is a serious matter. It may not seem a serious matter for the members on the front bench opposite but I would like them to try to live in a Housing Commission home in Alice Springs in the heat of the summer. If you are a married man with a family, you know how hot it can get. The matter ought to be looked into by the Northern Territory government and, in particular, by the Housing Commission,

Mr Robertson: There are places worse than Housing Commission houses.

Mr PERKINS: It is a bad situation. It is all very well for the minister to interject. He lives in airconditioned comfort and has other facilities in Alice Springs so he would not know about the problems.

The second matter I would like to raise is not really a matter of grievance. I suppose it is a matter of praise for the Minister for Health. During the lunchbreak today I went down to the Government Information Centre where I discovered this little booklet relating to the new liquor legislation and what it means for the community. I would like to compliment the Minister for Health and the new Liquor Commission on making this little booklet available. It gives an outline, in layman's terms, of the provisions of the Liquor Act and the meaning of those provisions. This is a very good thing.

However, I would like to make a couple of suggestions which I hope the Liquor Commission might be able to take up. I am sure honourable members opposite would be aware that English is a second language in a lot of communities in the Northern Territory, particularly Aboriginal communities. It is important for matters like the Liquor Act to be communicated to these people at the grass-roots level and in their own language or in their particular dialect.

I would like to suggest - as a useful suggestion, I hope, that might be taken up by the minister - that the booklet be translated onto tapes in Aboriginal dialects and these tapes be sent out to Aboriginal communities in the Northern Territory, particularly those in my electorate. Other members who have a large Aboriginal population in their electorate might like to comment on it but I think it is important that the message be conveyed to Aboriginal people at their own level and in their own language. This is particularly important with the message of the Liquor Commission and the Liquor Act because we all know that Aboriginal people, just as much as European people, have been concerned about liquor problems in the Northern Territory as a whole and particularly in their own communities. I am sure it would be in their interest and in the interest of the government of the Northern Territory if those people were informed, in the best way possible, about how the act will operate and what it means to them, so they will have a better idea of this legislation and also a

better understanding of the new Liquor Commission. I think it is a good idea to have this booklet circulating in the Northern Territory but I think it is also important to go further and make sure that a large portion of the Territory's population, who are Aboriginals and who are affected by the problem, are also made aware of the provisions of the Liquor Act and how these provisions will affect them.

Mr EVERINGHAM (Chief Minister): Firstly, Mr Deputy Speaker, if the honourable member for Sanderson will let me have the details of the dog incident in her electorate, preferably in the form of a letter, I will have it looked into and see if there are grounds for any action against the person discharging a firearm within the city limits.

As to the remarks of the honourable member for Arnhem relating to the Aboriginal patrol service, I thought it was myself who first raised that subject in this House. I certainly would not like to dispute the honour with the honourable member for Arnhem; nevertheless, I am certainly working as hard as I can towards achieving the establishment of such a service. I think it would be quite untrue to say that the Commissioner of Police has mixed feelings about the establishment of an Aboriginal patrol service because it is really outside the jurisdiction of the Northern Territory to set up a service such as was envisaged by the gentleman who first put the proposal to us. Nevertheless, the Commissioner of Police has come back to me with the outlines of a scheme to establish a police auxillary which we will set up and which will be within the jurisdiction of the Northern Territory to do so.

However, I should point out to the honourable member for Arnhem, were he here, that this will not be a panacea for Aboriginal unemployment in every community because, while it may be possible to employ one or two people in each community, there are many more people unemployed and even if a full-blown federal patrol service or intelligence service were established, its numbers might run overall to 100 or perhaps 150. It would not make a huge impact on unemployment in any particular community.

Passing on now to a petition that was tabled in this House this morning by the honourable Opposition Leader wherein a number of people have requested that there be no increase in electricity tariffs and it is asserted in the preamble to the petition that the government has made a decision to increase electricity tariffs, I am certainly unaware of any such government decision. I am aware of rumours in the media and I have no doubt that the rumours in the media are generated by the opposition which would like to establish as much uncertainty and concern in the community as it possibly can.

I think I should bring some facts to your attention and to the attention of other honourable members, Mr Deputy Speaker. The first fact is this, that whatever we may say about the Commonwealth, at the present time it is subsidising the Northern Territory Electricity Commission to the tune of $23.5m at the very least in this financial year and, if the facts about the Northern Territory Electricity Commission got out down south and if the people of Australia really took notice of what is going on up here, we would have to pay double our electricity charges because our electricity tariff is subsidised by the people of Australia, the people of the rest of Australia, to the tune of 50%. And that happens absolutely nowhere else in this country. Everywhere else in Australia people are paying an economic electricity tariff. Here they are paying half what it costs to produce.

I would like, just by way of comparison, to show what it costs. I have a table here, Mr Deputy Speaker, and I propose with your permission

to seek for its inclusion in Hansard. It is a comparison of charges by the Northern Territory Electricity Commission which is standard throughout the Territory with various north Queensland authorities, as at 1 February 1979. The North Queensland electricity authorities are the FNQEB at Cairns, the NQEB at Townsville, the NQEB at Mt Isa and the NQEB at Cloncurry. Let us firstly look at the cost of 600 units - in Darwin $36.21; in Cairns $39.18; Townsville $39.18; Mount Isa $34.65; Cloncurry $35.90. For 1000 units - Darwin $50.64; Cairns $55.42; Townsville $55.42; Mount Isa $52.65; Cloncurry $54.70. For 1200 units - Darwin $57.56; Cairns $63.54; Townsville $63.54 - they are on the coast and their power is generated by coal from Collinsville - Mount Isa $61.65; Cloncurry $64.10. For 1800 units - Darwin $78.32; Cairns $87.90; Townsville $87.90; Mount Isa $88.65; Cloncurry $92.30.

I hope that will dispel some of the illusions, the rumours and the falsities that are purveyed and spread, and I believe purveyed and spread deliberately in an attempt to mislead the public about the costs of electricity in the Northern Territory. The fact of the matter is that for the cost of our electricity we are doing as well as any other part of Australia and we are doing so well because the Australian taxpayer is prepared to carry us to the tune of $23.5m a year, and I would hope that that does not go too far beyond the borders of the Northern Territory. The people who are trying to spread dismay and concern in our community may well do the whole community a disservice because, if that fact got into some paper like the Australian, then I believe the federal government may well be persuaded to review the whole financial agreement in respect of electricity.

Motion agreed to; the Assembly adjourned.

NORTHERN TERRITORY ELECTRICITY COMMISSION

COMPARISON OF CHARGES BY N.T.E.C. WITH VARIOUS NORTHERN QUEENSLAND AUTHORITIES AS AT 1 FEBRUARY, 1979

NAME OF AUTHORITY	NTEC		NQEB (Cairns)		NQEB (Townsville)	NQEB (Mt Isa)		NQEB (Cloncurry)	NQEB (Burketown)	
Domestic Tariff (per quarter) - ¢ per KWH	First 90 @	13.08	First 90 @	13.58	13.58		9.50	9.50		14.10
	Next 450	4.95	Next 450	5.45	5.45		5.20	5.45		6.00
	Next 450	3.61								
	Remainder	3.46	Remainder	4.06	4.06		4.50	4.70		5.80
Cost of usage of:										
600 units		36.21		39.18	39.18		34.65	35.90		43.17
1000 Units		50.64		55.42	55.42		52.65	54.70		66.37
1200 units		57.56		63.54	63.54		61.65	64.10		77.77
1800 units		78.32		87.90	87.90		88.65	92.30		112.77
Commercial/Industrial tariff (combined Light & power) ¢ per KWH	First 900	12.40	First 900	13.40	13.40	First 750	13.50	14.24	First 900	13.40
	Next 3600	8.50	Next 3600	8.90	8.90	Next 750	9.80	10.70	Next 3600	8.90
	Next25500	7.40	Next 8500	7.48	7.48	Next28500	7.75	7.95		
	Next60000	5.20	Next20000	5.68	5.68	Next60000	5.68	5.68		
	Remainder	3.75	Remainder	4.22	4.22	Remainder	4.70	4.70	Remainder	8.00
Cost of usage of :										
3000 units		290.10		307.50	307.50		291.00	306.30		307.50
7000 units		602.60		628.00	628.00		601.00	624.30		641.00
20000 units		1564.50		1474.00	1474.00		1608.50	1657.80		1681.00
60000 units		3864.50		3352.20	3352.20		4087.50	4156.80		4881.00

Mr Speaker MacFarlane took the Chair at 10 am.

DISTINGUISHED VISITOR

Mr SPEAKER: Honourable members, I draw your attention to the presence in the gallery of the Vice-Consul for Indonesia, Mr Junor Soenarjo. I hope his visit here will be a pleasant one.

Members: Hear, hear!

STATUTE LAW REVISION BILL
(Serial 276)

Bill presented and read a first time.

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

The bill will make minor statutory changes to laws of the Territory to reflect transfers of power and will also correct minor errors which have been detected in reviews of legislation. The changes are all minor and do not warrant specific bills to amend each act. None of them makes substantive amendments to the law.

The amendment to the Aboriginal Lands Act is to ensure that there is authority to issue permits to officers of the Commonwealth to enter Aboriginal land. Honourable members will recall that, at the time of passage and assent to this legislation, laws of the Northern Territory were known as ordinances. The term has been changed to "act" to reflect the constitutional development of the Territory. The distinction between an ordinance as a law of this Territory and an act as a law of the Commonwealth has disappeared. A similar amendment is made to section 103B of the Crown Lands Act.

The amendment to the Absconding Debtors Act is to relate the words "for believing that" to all subsections of sections 4 and 14. The Architects Act is amended to accord with the transferred health powers. The Church Lands Leases, Coal and Darwin Town Area Leases Acts are amended to correct an incorrect layout of a subsection, part of which was mistakenly taken out to the margin instead of being printed as part of the paragraph. The bill will repeal 2 repeal ordinances which serve no further purpose in themselves. This is merely removing unwanted matter from the statute book.

While all of these amendments are minor, they are necessary to enable the laws of the Northern Territory to operate effectively. I am sure, therefore, that they will have the support of all members. I commend the bill.

Debate adjourned.

DARWIN TOWN AREA LEASES BILL
(Serial 238)

Bill presented and read a first time.

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

This bill is designed to amend the Darwin Town Area Leases Act so that notices and correspondence concerning the determination of leases are required to

be sent by certified mail instead of registered mail. Certified mail offers all the benefits of registered mail, with the reduced insurance component, for approximately half the cost. The insurance value in this case is irrelevant as a monetary value cannot be placed on such correspondence. It is very important, however, in a matter as serious as the determination of the lease that every effort is made to ensure that lessees and all other persons with a registered interest receive copies of the notices.

As the delivery of registered mail and certified mail is made in exactly the same way in accordance with postal bylaws, the proposed amendment would result in on-going financial savings over the present system while not detracting in any way from the right of the leaseholders. Clause 3 of the bill amends section 23(2) so that the method of posting notices is changed from "registered mail" to "certified mail".

Debate adjourned.

POLICE ADMINISTRATION BILL
(Serial 269)

Bill presented and read a first time.

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

The broad objective of this small bill is to correct 2 errors which have become apparent in the act which was passed at the December sittings. The amendment to section 67(a) seeks to make it quite clear that, with respect to lateral appointments to the police force, the right of appeal lies only against the decision of the commissioner that there is currently in the police force no member who has the skill and efficiency suitable for the position. Honourable members will recall that, in discussing the principal act, it was made quite clear that the provisions of sections 16 and 17 relate to the recruitment of specialists, such as pilots, forensic scientists, data processors and so on.

The amendment to section 118(3) of the act, sought to be effected by clause 4 of the bill, is to overcome a drafting error. Section 118 is concerned solely with search warrants and not with arrest warrants. I commend the bill to honourable members.

Debate adjourned.

CROWN LANDS BILL
(Serial 237)

Bill presented and read a first time.

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

This bill is designed to amend the Crown Lands Act so that forfeiture notices and correspondence are required to be sent to the lessee caveator and any person who has an interest registered under the Real Property Act by certified mail. Under the existing provisions of the act, forfeiture notices and correspondence are required to be sent to the lessee only, by ordinary mail. The proposed amendment, together with an amendment proposed in the Darwin Town Area Leases Bill (Serial 238), will standardise the method of posting forfeiture notices under the Crown Lands Act and determination notices under the Darwin Town Area Leases Act. Although the proposed amendment will result in a small increase in postal costs

of forfeiture notices sent under the Crown Lands Act, this would be more than offset by the savings on postage costs of determination notices sent under the Darwin Town Area Leases Act.

Clause 3 amends section 24A(1) by omitting the whole subsection and inserting a new subsection. Subsection (1A) gives the lessee caveator and any person who has an interest registered under the Real Property Act the same rights accorded under section 24 of the Darwin Town Area Leases Act as persons with an interest in the lease. The notice of intention is to be forwarded by certified mail. I commend the bill to honourable members.

Debate adjourned.

ELECTRICITY COMMISSION BILL
(Serial 254)

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.

At the time the Electricity Commission Act was drafted, there had been no opportunity to consider the problems of electricity generation pecuilar to the Northern Territory. It has become more and more apparent that the Northern Territory Electricity Commission should take advantage of all energy sources which lie within the borders of the Northern Territory in order to keep the costs of electricity generation to a minimum and thus encourage local industrial growth. To permit the commission to tap these sources of energy at first hand, the amendments contained in the Electricity Commission Bill have been drafted.

As honourable members will be aware, section 14 of the Electricity Commission Act presently confers upon the commission the functions of planning and coordinating the generation and supply of electricity in and for the Northern Territory. The amendment proposed in clause 3 will enable the commission to take positive steps in tracing and evaluating all sources of energy from which electricity can be generated.

Clause 4 of the bill confers upon the commission powers required for the commission to carry out its functions. As honourable members may have noticed, at the end of last year, the commission applied for a petroleum exploration permit in the Bonaparte Gulf. The commission also applied for licences to prospect for coal in the Port Keats, Gove and Alice Springs areas. To thoroughly investigate the potential of these areas, the commission will be obliged to employ outside expertise. The costs of prospecting for coal and oil are immense. The commission will be unable to bear the costs of exploration by itself and it therefore seeks to enter into joint ventures over its own areas and over areas held by others where the commission is likely to be a major consumer of the energy source. By acquiring interests in many areas, the commission will be able to improve its chances of taking an active part in the development of energy resources in and for the Territory.

All these functions and powers are essential to the future efficiency of the commission and for the future progress of the Territory towards self-sufficiency in energy resources. I therefore commend the bill to honourable members.

Debate adjourned.

FOOD STANDARDS BILL
(Serial 196)

FOOD AND DRUGS BILL
(Serial 197)

Continued from 22 November 1978

Mrs O'NEIL (Fannie Bay): The opposition welcomes these bills which will bring the Northern Territory into line with most other states of Australia in applying the standards recommended by the National Health and Medical Research Council to food which is sold here. I hope the honourable minister who will be responsible for these acts will ensure that the various gazettal notices and any regulations that may be necessary will be made as quickly as possible because, clearly, it is a long overdue piece of legislation and I think the people of the Northern Territory will be very happy to see it in action as quickly as possible.

The biggest problems faced by people in the Northern Territory regarding their food supply, are firstly, the cost of which we all constantly complain and, secondly, the fact that it is not fresh. I have spoken twice before in this Assembly of the need to introduce legislation to enable the dating of packages of perishable foodstuffs which are sold in the Northern Territory and I was pleased to note in the newspaper recently that the Minister for Community Development is now supporting this idea. I therefore ask the Minister for Health whether by the term "standards", which is used throughout the Food Standards Bill but which is not defined, we can cover the question of dating - whether that is a question which would be covered by the word "standards", whether that would include a regulation as to a time after which the food must not be sold, for example.

I think it is most important and, as I pointed out during the Weights and Measures debate, in South Australia and other states this comes under the food and drugs acts where they have regulations determining or regulating the dating of perishable foodstuffs. It is something that must be done as soon as possible for food that is packaged in the Northern Territory. There are not a great many items which would be covered by this: milk, orange juice and perhaps some seafoods.

I would finally like to point out a few small problems with the printing of this bill which perhaps could be fixed up in the committee stage. In the definition of "inspector" the preposition "in" is used rather than "an". In clause 4, there is a percentage sign where there should be a dollar sign. One other thing I noticed about this is that it does not have margin notes. While it does have a table of provisions, I think most of us find margin notes very useful even though they have no legal force. I hope that, when it is printed as an act, that might be remedied. The opposition supports the bill.

Mr BALLANTYNE (Nhulunbuy): I too would like to rise to support the bills which we all know have been long overdue in the Territory. I believe the recommendations came from the National Health and Medical Research Council. The idea is to have uniformity of standards in foodstuffs supplied from other states and within the states. In the past, there have been problems with regard to food in the Territory and I am sure this legislation will be most welcomed by everybody.

The minister has provisions in the new bill to prescribe standards and regulations for the Territory's situation. They do vary, of course, from other states' manufacturing standards and I believe this will be an advantage. There have been many problems relating to the additives in sausages. For instance, sulphur dioxide causes certain problems as do the preservatives and colouring in other types of meats and smallgoods. These will be brought into line with the

standards recommended by the council. In recent times, the Health Department has had the very big job of controlling these things and the food outlets. The prescribed standards will probably lessen their burden to some degree.

In my electorate, there are problems relating to perishable goods. It is largely a matter of transportation; there are many problems with regard to the freight and the cost of these goods. Some of the perishables we receive at Gove have always been a bit suspect. It is very hard to control perishables which have to be transported over such long distances. Fruits and vegetables are apt to over-ripen in a very short time. I believe that this will be a welcome innovation for the people of Nhulunbuy and other outlying areas in the Territory. I compliment the minister for bringing this very important bill to this Assembly.

Ms D'ROZARIO (Sanderson): I would also like to add my commendation to the Minister for Health for having introduced these bills. The question of the availability of fresh foods and their cost has been a source of irritation to many householders in the Top End and in other centres as well. There has been consistent criticism of these 2 elements of cost and freshness. Many of my constituents have complained that the problem of obtaining fresh foods in this town is aggravated by the fact that, if you can get fresh food at all, it is extremely expensive. On very many occasions, the food is not at all fresh. I am sure that many members of the House would have personal experience of having paid quite a large sum of money for fresh fruit and vegetables yet, after opening the package, finding that these fruits and vegetables are infested with maggots, are very stale or have no taste at all - characteristics which would make them completely unsaleable in their place of origin. On behalf of my constituents, I welcome these bills which will ensure that food cannot be sold in the Northern Territory if it does not reach certain standards.

The question of freshness of food is one that I am sure many people in the Northern Territory complain about, and their complaints are quite justified. We know that the nutrient value of some food is diminished by the length of storage. In fact, there are many fruits and vegetables and products of fruits and vegetables on sale in the Territory which do not have the nutrient value that people expect to obtain from these products. Vitamin C has a very short storage life and we do get vitamin C in some packaged foods which are synthetically manufactured. It is not the vitamin C that is found naturally in these foods.

Recently, there has been some further interest in the question of what is popularly known as "junk food". Whilst many dieticians and medical practitioners and dentists would agree that these foods are not bad in themselves, they do question the mode of preparation and the very high content of some elements, especially salt. I hope that this bill can cover the situation where contents such as salt can be shown on labels. This is a very important consideration for those people who have particular dietary complaints. It would enable them to discover whether or not the convenience foods and canned and packaged foods that are so widespread in our supermarkets today will cause any medical harm to them.

A further point of interest is the question of weight reduction. It is well known that most of us take in far more calories than are required to sustain our normal activity patterns. Indeed, the Heart Foundation and other organisations have put a great deal of effort into public education of the normal and healthy weight which should be maintained by persons with specific activity patterns. I hope that the bills will permit the calorie content of foods to be shown on the labels. I am sure that people agree that convenience foods are a fact of life; packaged and canned foods are something which normal households have come to accept as part of their food basket and most people agree that these foods are not bad in themselves. However, the problem of overweight or, in cases such as mine, underweight is of extreme concern to some people. I hope that the minister will

ensure that the regulations will prescribe the showing of calorie content on packaged foods as well.

With those few remarks, I again commend the honourable minister for having presented the bills and I look forward to an improvement in the standard of food that Northern Territorians have to eat.

Mrs LAWRIE (Nightcliff): Mr Speaker, like other members of the House, I welcome the introduction of this legislation. Because an important part of the legislation will be carried out by regulation, I hope the regulations will be available at the earliest opportunity for the scrutiny of all members of this House.

I draw to the attention of the minister a couple of undesirable practices which are being carried on, at least in Darwin, regarding the retailing of perishable foods. Honourable members will be aware that dates are stamped on milk cartons and it is left to the shops to rotate their stocks to ensure that stale milk is not sold as fresh milk. The major supplier in the Darwin area manufactures the milk 3 times a week. Over public holidays and at times when the retail trade has fewer hours, it only delivers the milk to certain outlets. Some of the smaller outlets, the corner shops, which receive a fair degree of trade on public holidays do not receive the freshest milk because this goes only to large distributors. Quite a number of what might be termed "smaller shop keepers" who have a strong conscience about this kind of thing have complained to me that they are unable to secure fresh supplies of milk and that bulk deliveries are only made to the major retailers. This kind of practice is undesirable. Perhaps the minister may turn his attention to ensuring that, where milk is manufactured, all outlets desirous of receiving that fresh milk would be able to as a matter of course.

I have also had complaints from consumers that they have bought what they had expected to be fresh bread and they found it quite stale. They had returned it to the retail outlet from whence it came and were told quite curtly by the manager that there was no compulsion upon him to notify that the bread was not fresh and that was their bad luck. It is this kind of action that fair-minded retailers abhor because it brings into disrepute the retailing in general of what purports to be fresh food and what is found in fact not to be. While there have been complaints over the 20 years that I have been in Darwin about the inability to get fresh fruit and vegetables, we have people growing fruit and vegetables very well in the Territory. I think that a major step forward was taken in the establishment of a public market which deserves public support. There are retailers around who take as first priority the retailing of Territory-grown fruit which is fresher than that brought up from down south. Other than seeking them out by word of mouth, there is little way that the public can know which of the retail outlets is offering the freshest fruit and vegetables, and I think there is little the minister can do in that regard. I do applaud the presentation of this legislation and look forward with some interest to the regulations. I hope that some of the practices at present going on in Darwin will be brought to a halt.

Mr TUXWORTH (Health): Mr Speaker, I thank honourable members for their support of the bills. It is important to point out that some of the points that have been raised by honourable members are not likely to be cured by the introduction of this legislation because they fall outside the ambit of the legislation and are more consumer affairs issues.

The honourable members for Nightcliff and Fannie Bay raised the issue of packaging. I would like to point out, as I did in the second-reading speech, that this bill will require manufacturers to put a date on their packaged goods. We

have a situation where interstate packagers who are required to put a date on their products in their own state can stop the machine for 30 seconds, take the date stamp off and run off a production batch for Darwin. This is an undesirable practice in anybody's language. The manufacturers in the other states say that the product that they are selling is not really inferior because, the moment they identify a batch for Darwin, they deep freeze it. It comes up on the ship or in a truck to Darwin; it is deep frozen and then it is dispatched out of the deep frozen warehouse in Darwin to the corner store.

As someone who has lived here for most of his life and has been brought up on frozen food, I do not find that objectionable. I think it is encumbent upon the companies that use this practice to inform the public of the packaging date or of the recommended date for consumption. Previously, we were not in a position to say to the manufacturer, "For health reasons, you will identify either a consumption date or a packaging date", because the Northern Territory has not previously had the same packaging standards as the other states. So far as consumer affairs are concerned, the whole issue has just gone by the board.

I would say that there would not be 2% of the retailers in the Northern Territory who would rotate their stock - and I was a supplier in the wholesale game for 7 years. I did not find one in the bottom end of the Territory and I am merely presuming that the top end of the Territory has a couple. It is just not a practice that retailers use. It is not because they are not interested, but they find the time involved in it is too consuming and expensive. At the rate they go through their stocks - and more often than not they sell them out - it is just not worth the effort. The honourable member for Nightcliff has suggested that perhaps people like milk manufacturers should be forced to provide milk to corner stores. I do not think that comes within the ambit of this legislation because it could apply to every perishable product in the corner store. It is not just a milk-product problem. That problem applies with every perishable item that is sold in the small stores. They do not have the volume of turnover of goods so they do not get the deliveries as frequently as the big people.

Mrs Lawrie: Milk is pretty basic.

Mr TUXWORTH: I would agree but I think everything that we eat is pretty basic because we need it to live.

One of the honourable members also alluded to junk foods. I would like to say that this legislation will not be a panacea for rectifying the junk-food, fast-food outlets that we have proliferating in the countryside. The only people who can slow those down are the people who consume goods from them. What the bill will be able to do is to allow the Health Department to enforce higher standards in some of the fast-food outlets. That is not an undesirable result at all but it will not enable the department to go to the local hamburger joint and say, "Reduce your salt content and put on another salami and take off a beetroot". This is something that has to be controlled by the consumer himself. I would agree with the honourable member, Mr Speaker. I think the proliferation of fast-food outlets right throughout Australia indicates the laziness with which society is going about feeding itself. It is just too convenient; people are prepared to pay and others are prepared to provide the service. If people are prepared to pay for junk foods, they will get them; when people start to discriminate and require healthy foods, they will get those too. I thank honourable members for their support of the bills.

Motion agreed to; bills read a second time.

FOOD STANDARDS BILL
(Serial 196)

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr TUXWORTH: I would like to point out that there is no explanation needed so far as clause 3 is concerned except to say it should be noted that there is a small error in the definition of "goods for use as food". The word "or" is to be inserted after the word "drug" at the end of the second last line of the definition. This has been discussed with the Clerk and no formal amendment is necessary.

Mrs LAWRIE: I only have one question on clause 3 - the appointment of a government analyst. Is the minister in a position to advise the House that he can, in fact, appoint a person to be a government analyst because, without that appointment, the legislation will not be brought into effect.

Mr TUXWORTH: My understanding is that we already have a government analyst who has a function under other legislation.

Mrs O'NEIL: I would like to ask whether it is necessary to move a formal amendment to change "in" to "an" in the definition of "inspector" or whether it can be automatically adjusted.

Mr CHAIRMAN: That will be accepted as a formal amendment.

Ms D'ROZARIO: I draw the attention of the minister to the definition of "sell" in clause 3: "sell includes barter or exchange". My question to the minister is whether or not the act will operate in respect of those people who produce food themselves and exchange it with a neighbour or so on. I can see a situation arising where we might have foods which are beyond the expiry date of consumption which might be handed over or exchanged to, say, a friend or neighbour. Would the act apply to that situation?

Mr TUXWORTH: I would understand that the words "barter or exchange" would cover that situation. The situation the honourable member alludes to might be one where a retailer of milk who has milk outside the expiry date says to the local pumpkin grower, "I will trade you one for the other". That is selling and there is a liability with it.

Clause 3 agreed to.

Clause 4:

Mr TUXWORTH: Mr Chairman, I would like to point out that there is a misprint in the seventh line of clause 4. This has been drawn to the attention of the Clerk and will be corrected.

Clause 4 agreed to.

Clauses 5 to 23 agreed to.

Title agreed to.

Bill passed remaining stage without debate.

FOOD AND DRUGS BILL
(Serial 197)

In committee:

Bill taken as a whole and agreed to.

Bill passed the remaining stage without debate.

LAND AND BUSINESS AGENTS BILL
(Serial 223)

Continued from 29 November 1978

Mrs O'NEIL (Fannie Bay): Mr Speaker, once again this is a long overdue and very welcome piece of legislation. It has been of great concern to reputable, established real estate agents and to people who deal with them that, in the past, real estate agents, stock and station agents and business agents have not had appropriate legislation governing their operations. Of course, it must be realised that, in the course of their business, they hold large sums of other people's money when they are acting on behalf of people in the sale of land and other property.

There are many aspects of this bill which are very commendable, particularly those dealing with the establishment of trust funds of agents, the auditing of those funds, the establishment of consolidated interest accounts and fidelity funds. Those provisions mirror fairly closely similar provisionsin the legislation governing the operation of solicitors and barristers. They are very welcome. The opposition has a few reservations about certain aspects of this bill. The first one I would like to point out is the inclusion of a requirement for certain educational qualifications to be held both by agents and by agents' representatives before they may obtain a licence or be registered. In the case of people carrying out this occupation, there is not a clear educational requirement that could be reached. If you are talking about solicitors or doctors, you are talking about an educational qualification people know about, and therefore there is possibly no need to define it in legislation. However, in this regard, there are no obvious courses that people might take and I think that the government should at least indicate on the second reading, if not in the bill itself, what sort of educational qualifications are considered necessary for people carrying on these occupations. There is a provision in the bill that it be determined by regulation but I do think people should have at least some indication now of what will be required.

There are 2 other matters that I would like to raise. One is the question of the rights of the members of the public to have a say in the licensing of agents or the registration of their representatives or in the question of those people losing their licences or registration. Conditions are fairly restrictive in that regard. While ordinary members of the public might make an application to the board which is established under the act for the suspension of the registration of an agent's representative or in regard to the granting of licences, they can only do so by leave of the board. I see no reason why a member of the public should not be able to make an application if he has good reason to believe such a person is not worthy to become an agent and be licensed. I see no reason why he should have to apply to the board for leave and then go through the second process of objecting if he does obtain leave. Honourable members will note that I have circulated an amendment to expand the rights of ordinary citizens to approach the board on those matters.

It is even more obvious when you look at the question of the loss of a licence. In those sections, there is absolutely no provision at all which gives

a member of the public a right to apply to the board for an agent to lose his or her licence even though that member of the public might have very good,clear grounds for asking that that licence be revoked. I have also included amendments in the circulated schedule to cover that point.

I would also like to point out that there are some discrepancies between the position relating to agents' representatives, employees of agents, and provisions relating to the agents themselves. It seems that we will be much tougher on the employees than on the bosses. I do not think that is quite right. I draw honourable members' attention, for example, to the situation which exists when the board is investigating an application for the loss of registration of an agent's representative. The board may suspend the registration for a period of no more than 1 month while that investigation is being held. That person would be out of a job for the month and, presumably, would not be paid. However, we do not apply the same stringent condition to the agents when they are being investigated by the board. I can see no reason for that inconsistency. As a matter of justice, both the agents and their representatives should both possibly be suspended or neither of them suspended, but not the one without the other.

There are also discrepancies between the provisions relating to agents and their representatives on the matter of revocation. There is a provision relating to agents' representatives which adds that the board can revoke the registration of an agent's representative for any other reason that he thinks fit. Once again, a similar position is not found in the clause relating to grounds for the revocation of the agent's licence.

I would add that the clause that details the rules of conduct of agents is very comprehensive and very sound. It will ensure that the operation of these businesses will be conducted very well if those rules are enforced. In fact, many of them are more or less ethical matters rather than things that you would expect to find in a piece of legislation. Nevertheless, since such businesses do not have a long tradition which governs ethical matters for the members of the professions, there is certainly no harm in including these matters in the legislation. If an agent breaches those rules of conduct, then he runs the risk of having to surrender his licence.

I will say more during the committee stage of this bill. The bill has the wholehearted support of the opposition and it is in accordance with Australian Labor Party policy. We are very pleased to see that it has been introduced and congratulate those people who were responsible for its introduction.

Mr HARRIS (Port Darwin): Mr Speaker, the greatest benefit the people of the Northern Territory will receive from this legislation is the knowledge that any person who is involved with the sale or leasing of land or businesses will be required to be licensed. In the past, the people of the Territory have had a limited protection in the form of the Real Estate Institute of the Northern Territory which had its first meeting in 1969. Of course, the protection was only limited to those who went to agents who were actually members of the Real Estate Institute of the Northern Territory. Before going any further, I feel that we should thank the Real Estate Institute for its previous protection and for the assistance it has given in the formulation of this legislation.

Over the years, not only in the Northern Territory but in many other parts of the world, we have repeatedly seen where con men have taken people for a ride, particularly in matters concerning land transactions. It is a very complicated area and we need people who are qualified to carry out the necessary requirements of land dealings.

The bill will enable people to have confidence in an agent because they will know that he must be licensed and, in order to be licensed, he must meet certain

criteria which are laid down under part III of this bill. One thing I am interested in finding out concerns the point raised by the honourable member for Fannie Bay, and perhaps the Chief Minister will expand on this in his summary: on what grounds are the education standards to be based? Are these standards, as mentioned in clause 20(c) of the bill, to be set by a panel or are they to be based on standards used in other parts of Australia or elsewhere?

Whilst talking about standards, I feel it is important that we maintain the 3 forms of agents: the real estate agent, the stock and station agent and the business agent. It is obvious that each licence issued will require different educational standards. An agent may only wish to be involved in a certain sphere; an agent may not be able to meet the necessary educational requirements. I feel that, if an agent feels that he only wants to deal in one sphere, he should be entitled to pursue that line. We should enable agents who are capable and meet the necessary standards as set by the board to move up if they wish.

The composition of the board itself, under clause 7(1), does require some comment because I feel that it is perhaps a little inconsistent with a bill we went through yesterday when reference was made in the debate concerning the participation of members of institutes on particular boards. I agree that the Real Estate Institute of the Northern Territory must be involved on this board but not all agents registered in the Northern Territory are necessarily registered with the Real Estate Institute. I understand there is only one such case in Darwin at this time but, nevertheless, there is no provision that agents must be members or registered with the Real Estate Institute of the Northern Territory.

It would appear to me that, if this is the case, provision should be made for any qualified agent to be a member of such a board. Where compulsory membership is required, such as in this case - it does state "members of the Real Estate Institute" - it goes against the principle of freedom of the individual. I do not deny that agents would obviously benefit from being registered with the Real Estate Institute of the Northern Territory. There are definite benefits to be gained. I do feel that, where someone does not wish to become a member of that Real Estate Institute, for one reason or another, if his qualifications are sound, he should be eligible to be chosen by the minister to go onto that board. I mention these points because I feel we must provide that freedom to choose the most suitable person and it may happen that the most suitable person is not a member of the Real Estate Institute of the Northern Territory. It is also pleasing to note that, under section 23, agents who have been operating prior to the introduction of this bill and have proven themselves competent in their particular field will not have additional requirements placed on them.

Speaking about the board, it is interesting to note that 4 members constitute a quorum. We also see that, under clause 15, a member of the board who has a direct or indirect pecuniary interest shall not take part in any discussion. Quite often a legal practitioner is involved with an agent and, because of its size, it would appear to me that there is a possibility that 2 members of the board may have an indirect or a direct interest in a matter under discussion. If this were the case, there would not be a quorum. Should not provision be made for the minister to appoint a stand-in without pecuniary interests? If provision is not made for such an appointment, the deliberations of the board could not continue.

I am pleased to see, at long last, the provisions in section 59 of the bill where auditing is required of various trust accounts held by licensed agents. It is also pleasing to see that agents, in order to provide security to the public, will be required to lodge a fidelity bond. The agent will also, as necessary, be able to draw on the interest-bearing account.

I mentioned at the start that this bill provides protection to those people who require the services of various agents but there is one thing that I would stress - and this point needs to be taken into consideration to get the message across to the people - there should be some education of the public in relation to this particular piece of legislation. The member for MacDonnell yesterday mentioned a layman's version of the Liquor Act had been very helpful to those people who could not understand difficult legislation and I think that, if we are to give the people the full benefit of the protection that we are providing, it will be necessary for us to carry out some form of education.

One other area I am concerned about - and it is not really covered here - is that the public as a whole are a pretty gullible lot. When people are purchasing land in other places, they rely on agents and con men who come up here to sell land. In Darwin, there are many instances of people buying land without seeing it and I hope that, when this education program gets under way, we might try to tell our people to make sure they deal with someone who is licensed in the Northern Territory. I support the bill.

Mr ISAACS (Opposition Leader): Mr Speaker, I wish to enter the debate very briefly to comment on 2 clauses. I would like to comment also on the matter just mentioned by the member for Port Darwin. I think the suggestion he has made is an excellent one. I believe it would serve a very useful purpose to have a small booklet of some sort to explain the key provisions of the Land and Business Agents Act. I think it is a very worthwhile suggestion. I hope the Chief Minister can take time out from his budget papers to accept that recommendation.

As the member for Fannie Bay mentioned, during the last election the Labor Party had, as part of its platform, the licensing of land and business agents and it is very pleasing to see this particular bill coming before the Assembly, taking up those policy initiatives which we started some time ago.

The 2 points I wish to comment on do not go to the import of the bill as such but are of a drafting nature. Clause 15 relates to the matter of interest. I believe that clause is a model clause for all future bills and perhaps the draftsmen might take note because there still seems to be a lack of uniformity in relation to this particular matter. I believe the wording of clause 15, as it stands in this particular bill, does the job precisely as required and this has been raised in many debates that we have had in relation to statutory authorities and other boards which we have set up by legislation. I would hope that that practice will continue now by adopting clause 15 as a model for future boards.

The other clause which I want to comment upon briefly is clause 60. Clause 60 contains a definition of "relation". You recall, Mr Speaker, that in the debate on the Status of Children Bill before this Assembly, I raised the matter that the word "relation" did not tell us a great deal and the Chief Minister produced an opinion, I suppose it was, from his draftsmen that "relation" clearly meant a legal relation and therefore there was no need to go any further. Either they have had a change of mind, which I am thankful for, or else the definition in clause 60 is not required. My own view is that the definition is required and perhaps the Chief Minister might ask his advisers to look once again at the Status of Children Act to see whether or not the word "relation" in that act does require the definition which it has here.

From memory, my suggestion was to insert some words, I think, of consanguinity or something of that sort, to clarify what we were talking about. I raise those two points - one in the hope that the draftsmen might take note of the clause in relation to pecuniary interest and also to ask the Chief Minister to ask his advisers whether or not we do now require another look at the Status of Children Act, and whether or not "relation" does need the definition as provided in subclause 60(2) in this particular bill.

In conclusion, I would simply endorse the remarks of the member for Fannie Bay, that this is a matter which we have sought for some time. It is very pleasing that the government has introduced such a comprehensive bill and the opposition supports it.

Mr STEELE (Transport and Works): Mr Speaker, I rise to support the legislation. The bill is concerned mainly with the sale and leasing of property and is intended to ensure that the public have confidence in the real estate industry. In my term of residence in the Northern Territory - and I have been in about 4 houses between 1970 and 1974 - I must say that my dealings with real estate people in the Northern Territory have been exceptionally good, regardless of any special legislation to regulate their activities. Most of those people are still operating in real estate in the Northern Territory and I support section 23 in this regard because I think it would be extremely difficult for some of those men to go back to school, to meet some very stringent qualifications that are set in other places.

Much to the disgust of Mr Neil Naessens down at the NT News, I will be making a real estate transaction in the near future. I will be bartering my Mercedes for a block of land as soon as I am able to because it seems so awfully bourgeois to have a Mercedes but perhaps not to have an extra block of land.

For many people the purchase of a house is very important; it is the single most important transaction of some people's lives. In most cases they commit themselves to mortgage repayments over a very long period. One house would be the only financial transaction of that size some people would enter into. They are going to have to rely on the integrity and the ability of the real estate agents with whom they deal.

This bill provides for the keeping of trust accounts by agents and the establishing of fidelity bonds. We have also moved to ensure that land agents are suitably qualified either by long experience or by formal qualifications. In this way, it will not be that easy to become a real estate agent and those fears expressed earlier will no doubt be contained somewhat. It was the intention of this bill to include stock and station agents who are major land agents, particularly in the rural sector. However, following representations from pastoral people, the government accepts that this would be most impractical and unnecessary. The Chief Minister might say a bit more on that. Members will be aware that such agents often carry out a large number of transactions involving stock on behalf of their clients, as well as a large number of other functions. To insist that each separate transaction be put through a trust account would result in additional costs for no tangible benefit to the primary producer who would have to meet the costs through higher charges. This does not mean that stock and station agents will be immune from the provisions of this bill. Where stock and station agents wish to involve themselves in land and business transactions and act as land or business agents, they will be required to comply with the bill the same way as those who act solely as land and business agents.

Turning to another type of agent, I have recently been advised that the Commonwealth does not intend to proceed with its federal travel agents legislation. Because of the difference in the nature of business transactions carried out by travel agents and those people covered in this bill, it is not considered practical to include travel agents in this legislation. However, this government will be giving consideration to introducing legislation which would cover travel agents and I will be seeking the views of the industry and other interested organisations before making any recommendations to my government.

Mr Speaker, I regard the bill as a valuable piece of social legislation. It will provide the real estate industry with a framework of up-to-date legislation relevant to the needs of the Northern Territory. I commend the bill.

Mr ROBERTSON (Community Development): Mr Speaker, I rise to support this bill. As some honourable members would be aware, I have had a very brief association with the real estate industry; the real estate industry currently looks after a property of mine in Tennant Creek as managing agent. The thing I would like to do is to pay a tribute to the Real Estate Institute of the Northern Territory for the way in which it has self-regulated its own affairs. This legislation, of course, is seen by the public as a mechanism for protecting the public against malpractices which may occur. I think that most of us who have had dealings over a number of years with the industry in buying and selling homes, which is the greatest investment that any of the normal work-a-day people would ever make, would be quite happy with the standards maintained by the real estate profession. I think that is in no small part due to the efforts of the Real Estate Institute itself. It has organised two divisions in the Northern Territory, one of course having responsibility for the Top End and the other in Central Australia.

I would just like to pay tribute to the way in which they have regulated their own affairs and had their own disciplinary mechanisms such as expulsion from the institute for improper behaviour. This would be a very serious penalty. I think it has been a very successful organisation. I am quite sure that members of the institute will be very pleased to see this legislation enacted by this Assembly. It is not true, as the Opposition Leader would have us believe, that we followed a policy direction of the Australian Labor Party - quite the contrary. There was a previous bill passed through the old Legislative Council quite some time ago which was fraught with a number of administrative difficulties. The previous executive of this Assembly spent many hours trying to prepare a workable version of the legislation as passed by the old Legislative Council. The culmination of a long period of hard work eventually ended up in the province of the Chief Minister. These are the results of years of work and consultation.

I would just like to take up one point raised by the honourable members for Fannie Bay and Port Darwin relating to educational qualifications. The Chief Minister will no doubt correct me if I am wrong but my impression is that it is not a requirement of years of secondary education or matriculation. I think it refers to the type of courses which are offered by the Darwin Community College. The Executive Council, in consultation with the industry, would regulate these as the proper courses. At the moment, the Darwin Community College offers a certificate in real estate. It is a 3-year course of 6 semesters and it is run by a working party of members of the Real Estate Institute of South Australia and the Northern Territory and or lecturers of the Darwin Community College. At present, there are 49 students doing that course at the Darwin Community College of which 21 are in their final year. I would see that type of education as being the required education for the long-term practitioner in the real estate industry.

It may raise the hackles of a number of people who are remote from Darwin. The government will have to be very conscious of the distance difficulties. It is all very fine to have a course operating at the Darwin Community College. We must ensure that people who may wish to get into the real estate industry in Katherine, Tennant Creek, Alice Springs or Nhulunbuy also have ample opportunity. Regulations will have to ensure that a reasonable time is given to those people to gain those qualifications. We will have to adopt a different attitude to those who have direct access to lectures and those who have to complete the course by correspondence. Having done quite a bit of education in the past by correspondence, I can assure honourable members that it is much more difficult to do it by that method. For that reason, the time for matriculation through correspondence is different from that of full-time students.

With those few words, I would like to indicate my support for the bill and my offer of congratulations to the real estate industry for the manner in which it conducts itself and, no doubt, the manner in which it will continue to conduct itself.

Mr EVERINGHAM (Chief Minister): Mr Speaker, it has been interesting to listen to the comments of honourable members. I am very grateful to everyone who has joined in the debate. I can assure them that I will consider these matters during the next couple of days. It is not my intention to have the bill proceed through the committee stage today. I will look at all the amendments that have been circulated and I will probably be giving notice of some amendments of my own on Monday.

I was going to dilate on the educational requirements but the Minister for Community Development has saved me the trouble. I would draw his attention to clause 23 which permits the board to waive in whole or in part the prescribed educational qualifications.

I would also draw to the attention of the honourable member for Fannie Bay the composition of the board. There is provision made for a representative of consumers. Nevertheless, I will still consider her points in relation to access to the board by the public. I thought her point about leave having to be obtained before objecting was rather didactic because usually the leave and the objection are taken at the one time in legal proceedings generally.

As to membership of the Real Estate Institute of the Northern Territory, it would be my personal view that persons engaging in this industry should be encouraged to remain members of the Real Estate Institute. Without the doggedness and perseverance of members of the Real Estate Institute - and a prominent member and past chairman of that institute is sitting in the gallery today and he is probably the person most responsible for this legislation - the legislation would not be before this House, the policy of any party or the work of any executive member notwithstanding.

This legislation was first put before the council by Joe Fisher. It was the result of pressure from the Real Estate Institute itself. I believe that the institute is to be commended because it wants this disciplinary legislation which will enable it to regulate its own affairs and, at the same time, protect the public.

I noted the comments of the honourable member for Port Darwin regarding various seamy connections between real estate agents and legal personnel but I would hope that such a situation would not arise. If it does, I think that we might have to get rid of those persons from the board altogether and appoint new people. Hopefully, that situation will not arise but, if it does, it will bring rather dire results with it. Regarding clause 60, the Opposition Leader raised the matter of the definition of "relation". I suggest that this is a rather different situation. In any event, I will carefully consider the matter.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

INTESTATE ABORIGINALS BILLS

ADMINISTRATION AND PROBATE BILL
(Serial 205)

INTESTATE ABORIGINALS (DISTRIBUTION OF ESTATES) ACT REPEAL BILL
(Serial 193)

FAMILY PROVISION BILL
(Serial 194)

Continued from 23 November 1978

Mr PERKINS (MacDonnell): Mr Speaker, I am happy to welcome the bills on behalf of the opposition. I say "welcome" because the basic purpose of the bills is to ensure that Aboriginal marriages are recognised in the same way that European marriages are in respect of the distribution of property after death. That is the major reason why we support these bills. Aboriginal marriages are now being recognised under Northern Territory law. Marriages under Aboriginal law and tradition have been a fact of life in the Northern Territory for many thousands of years, yet Aboriginal people have not had any recognition for this. Hopefully, this change in the law will also lead to a change in attitudes in the Northern Territory about these kinds of matters.

I believe that the recognition of Aboriginal marriages ought to be extended to other aspects of life in the Northern Territory. Hopefully, this may eventuate if the Northern Territory government is sincere in its efforts to give recognition to the cultural heritage of Aborigines in the Northern Territory. However, I am sometimes concerned about the sincerity of the Northern Territory government when it comes to questions of recognition of Aboriginal culture and customs. I am reminded of the blatant opposition last year by the honourable sponsor of this bill to attempts by an Aboriginal organisation to have Aboriginal traditions recognised in staff awards in the Northern Territory. I refer to the attempts by members of the Central Australian Aboriginal Congress to have recognition of ceremonial leave for tribal Aboriginal people in awards in the Northern Territory. The sponsor of this bill opposed those provisions and that is why I wonder about the government's sincerity.

The opposition welcomes the attempt by the Northern Territory government to recognise Aboriginal marriages. However, I do have a few reservations in relation to some of these bills. In particular, I have a reservation about clause 5(1) of the Administration Probate Bill which relates to a definition of "Aboriginal". An Aboriginal is there defined as "an Aboriginal native of Australia". It is my personal view that this particular definition is inadequate to cover the Aboriginal people in the Territory. I really do not know what is meant by "Aboriginal native". I suppose the sponsor might be able to elaborate on this particular definition. In legislation elsewhere in Australia, particularly at the Commonwealth level, a more adequate definition is used to cover Aboriginal people. That definition refers to Aboriginal people being the descendants of the original inhabitants of Australia. This refers to people, whether they are full-blood or part-blood, who identify as such and who are accepted as such by the community with which they are associated. I believe that that definition would be more adequate to cover the needs and the circumstances of Aboriginal people in the Northern Territory.

I think that the sponsor of the bill is a sensible man and is obviously a man of influence and means. I would like him to see whether the laws in the Northern Territory could have a more adequate definition of "Aboriginal people". We are not only talking about the full-blood Aboriginal people in the Northern Territory; we are also talking about the part-blood people. There are also part-Aboriginals in the Northern Territory who are covered by Aboriginal law and customs and who follow Aboriginal law and customs. There are part-Aboriginal people in the Northern Territory who own land. It is important to take into account all Aboriginal people in the Territory. Whether they are full-blood or part-bloods, they should be given due recognition as Aboriginal Australians. I believe the days have gone by now when you could distinguish between the full-blood and the part-bloods. These are things of the past. We have to look to the

future and ensure that Aboriginal people who are descendants of the original inhabitants of Australia and who identify as such and who are accepted as such should be given due recognition under laws in the Northern Territory. It is hoped too that, if that due recognition is given under laws in the Northern Territory, the attitudes of other people in the Territory will change and they will recognise Aboriginals for what they are, whether they are full-bloods or whether they are part-bloods.

The definition occurs also in the Family Provision Bill in clause 3. Again, I would like the sponsor of the bill to examine this particular matter and to see whether there can be a more adequate definition of "Aboriginals".

The other matter on which I have some reservation, although I can understand its logic to a degree, is in clause 8 of the Administration and Probate Bill. This clause relates to the case where an intestate Aboriginal is survived by more than one of his spouses. His personal chattels are to be divided into a number of parts equal to the number of spouses and each spouse is to be entitled to one of those parts. In European terms, I think I can understand the logic of what the legislation is trying to do. It is obviously designed to ensure that each of the wives is entitled to part of the personal chattels of the deceased. However, I question whether this is really in accord with Aboriginal law and custom. I am aware that there are some Aboriginal groups, particularly in the Centre, which have a custom that, when a person dies, they burn his property. They want to destroy the spirits which are allegedly contained in the personal chattels of that person. If you have this provision whereby the personal chattels are to be divided among the wives, I do not think that you will be really following Aboriginal tradition because that is not what these people do.

The second thing is that, where the property is destroyed according to Aboriginal custom, it would be possible by this legislation for a spouse of the deceased person to take legal action against persons who have destroyed the property. This could relate to such things as spears, boomerangs, artifacts and art work of the deceased. I think the sponsor of the bill ought to take a closer look at this section to ensure that the customs of Aboriginal people are not interfered with by a law of the Northern Territory and that there is ample scope in the law for persons to carry out their customs.

I would like him also to clearly define what is meant by "personal chattels" because this term could actually encompass many things. They may encompass such things as the artifacts or personal Tjuringas or other ceremonial objects of the deceased. This would cause amazing problems if the law provided that the Aboriginal spouses had entitlement to those things when, in fact, the spouses really had nothing to do with particular ceremonial objects.

The opposition does not have any real quarrel with the intention behind these bills. They will mean that Aboriginal marriages will be recognised in the Northern Territory at last for the purposes of the distribution of the property of a deceased person. They will ensure also that a person who is married according to Aboriginal law and tradition may apply to become the administrator of the estate of a deceased Aboriginal. In most cases, there may not be any problems. Where you have Aboriginal people who are not particularly bound by Aboriginal law and custom, there may not be any problem. However, I think that the points I have raised are valid ones and I would be happy if the sponsor of the bill would be able to examine those matters in more detail and perhaps give us an indication of his feelings.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, I would like to refer to the remarks of the honourable member for MacDonnell. If I heard him correctly, he was talking at length about proposed section 67A and said that the distribution of an

intestate Aboriginal's estate to surviving spouses may be against tribal law. He said that, in certain cases, it was a rule to destroy the goods of the deceased Aboriginal and, having regard to tribal law, it was necessary to make further dispositions. On reading proposed section 71B(1) and (2), it appears that the executor of an estate makes application to administer the estate and submits a plan of distribution of goods prepared in accordance with the traditions of the community or group to which the intestate Aboriginal belonged. If this is the case, surely the tribal community will have an overriding say in what goes on. I feel sure it would be stated in the executor's application where the sacred objects would be put in repository and if it was the custom to destroy or otherwise do away with chattels before it came to the point of distribution to the surviving spouses. This bill takes the disposition of property in the purely tribal style into its comprehension as well as allows that, where tribal influence is not strong, each surviving spouse will receive a fair and equitable portion of the deceased's goods.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I am grateful to honourable members for their contribution to this debate. I have noted the remarks of the honourable member for MacDonnell and I am quite happy to propose an amendment to change the definition of "Aboriginal" in clause 5 of the Administration and Probate Bill to exactly the same definition of "Aboriginal" as appears in the Aboriginal Land Rights (Northern Territory) Act 1976. I expect that that would meet everyone's convenience. The definition to which the honourable member for MacDonnell appeared to be referring - and I say "appeared to be referring" because he was a little bit vague - seemed to me to be a definition that is in force in certain legislation in Western Australia. I believe it does have a number of traps in that the opinion of the community in which the person lives is an element and this is fairly hard to gauge objectively. I believe the definition in the Aboriginal Land Rights Act is a better one and, in any event, I think it is probably better that we attempt to standardise the definition if we can. We are quite happy to propose that amendment ourselves.

The second point which the honourable member raised was one in relation to the disposal of chattels by descendants of the deceased in a traditional way. It seems to me that this is a situation for which we cannot really legislate. Quite frankly, if people wish to dispose of these personal chattels - artifacts, spears and the like - in this way immediately upon the death of an Aboriginal person, then I really do not think the curator of estates or the executor or whoever it may be is likely to do anything about it. I would not like to attempt to legislate to cover the situation. I think we are trying to cover the situation really - if I may so style it - of the possible European style of chattels such as a car, some money and things like that. No doubt, as members of the Aboriginal community become more prosperous, they will own landed property and various other goods. I would really be frightened to try to intervene in a legislative way in the possible traditions that vary from place to place in respect of the disposal of the intimate objects associated with a person's life. I hope that what I have proposed is acceptable to honourable members and I would propose to proceed through the committee stage at this point unless there is any violent objection to that course.

Motion agreed to; bills read a second time.

ADMINISTRATION AND PROBATE BILL
(Serial 205)

In committee:

Clauses 1 to 4 agreed to.

Clause 5:

Mr EVERINGHAM: Mr Chairman, I move an unscheduled amendment to clause 5(1) of this bill to delete the definition of "Aboriginal" as it appears therein and to substitute this definition: "'Aboriginal' means a person who is a member of the Aboriginal race of Australia".

Amendment agreed to.

Mr EVERINGHAM: Mr Chairman, I move amendment 37.1.

This is to provide that traditional marriages are recognised for the purposes of the principal act.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clauses 6 to 8 agreed to.

Clause 9:

Mr EVERINGHAM: I move amendment 37.2.

This clause as amended inserts a completely new part into the principal act. This part is to replace the repealed Intestate Aboriginal (Distribution of Estates) Act. It provides that a person entitled to property of a deceased Aboriginal under traditional rules may apply to the Supreme Court for a distribution according to those rules. The court may not make the order unless it is satisfied that to do so would be just, and I think that might well provide the safeguard that the honourable member for MacDonnell was concerned about.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clauses 10 and 11 agreed to.

Clause 12:

Mr EVERINGHAM: I move amendment 37.3.

This amendment is to increase the upper monetary limits on small estates the administration of which does not require a court order.

Amendment agreed to.

Clause 12, as amended, agreed to.

Title agreed to.

INTESTATE ABORIGINALS (DISTRIBUTION OF ESTATES) ACT REPEAL BILL
(Serial 193)

In committee:

Bill taken as a whole and agreed to.

FAMILY PROVISION BILL
(Serial 194)

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr EVERINGHAM: In respect of clause 3, I again move an unscheduled amendment with the leave of the committee, to delete the proposed definition of "Aboriginal" and substitute this definition: "'Aboriginal' means a person who is a member of the Aboriginal race of Australia".

Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4 agreed to.

Title agreed to.

Bills reported.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I will be brief. I want to comment on one aspect of this legislation which I support and which I am pleased to see passed. However, it is, once again, legislation in which we are trying to relate a European system of law to an Aboriginal system of law and trying to integrate them with a degree of justice. I hope we have achieved it in this case.

I was interested in the points raised by the honourable members for MacDonnell and Tiwi on the way chattels are traditionally disposed of. I understand that there are a number of chattels which could not be passed from a deceased husband to his wife because they are not items which, in traditional Aboriginal society, a woman should possess. I agree with the Chief Minister that things would not have monetary value. It did occur to me that, in the case of very valuable bark paintings, there could be a problem because these might not be able to be passed to a woman and yet they could have large monetary value. I raise this point, not because I am opposed to the bills, but because I am very conscious - and I know many other people such as the member for Nightcliff are conscious - of the disabilities that Aboriginal women frequently face in terms of traditional customary law. I would certainly find it very difficult to support - and I hope we never do - the enforcing of the severe restrictions that Aboriginal women face in traditional society.

Bills read a third time.

MINING BILL
(Serial 177)

Continued from 22 November 1978

Mr COLLINS (Arnhem): The opposition has no objection to this bill. Under the old Northern Territory (Administration) Act, the Administrator had the power to delegate his authority. When the transfer of powers legislation was enacted, that same power of delegation was not given to the minister. This bill, of course, relates to the cornerstone of the system of government which we enjoy - ministerial responsibility. Obviously, it is the responsibility of the minister to be absolutely certain that the people to whom he delegates powers are the

proper people to have those responsibilities. If they are not, the absolute responsibility for the conduct of those officers and the decisions they make must rest with the minister. Under the Westminster system of government, it is impossible for the ministers to pass blame onto the public service. This bill does in fact encompass this area of ministerial responsibility.

It is obvious why the minister needs this power. We are all aware, and I daresay that the general public is now aware, of the enormous workload that ministers have to bear with the broad range of responsibilities that each of them has. We have been accustomed of late to seeing little snippets in the Northern Territory News which say, "Chief has busy week" or "Chief has nervous breakdown". I have seen 2 or 3 that slip in on a regular basis. No doubt they are put there by an enthusiastic, loyal and admiring press secretary.

I was also interested to hear the panegyric being delivered the other day by the Chief Minister himself on what an enormous workload and what onerous duties he has. I thought it was a great shame that we did not have a strolling violin player in the House who could have accompanied him while he was making that particular contribution to the debate. Nevertheless, we are all very much aware, and I am not being facetious, of the numerous portfolio responsibilities of the frontbench.

Mr SPEAKER: Is the honourable member speaking to the bill?

Mr COLLINS: I am, Mr Speaker, because this bill relates to the very area that I am discussing - the responsibilities of the ministers and the workload they possess. With the numerous portfolio responsibilities they have, it is essential for ministers to have the power to delegate some of those responsibilities to other people. This is precisely the point I have made. The opposition has absolutely no objection to that at all. The opposition commends the bill.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, I would just like to support the bill and to endorse the remarks of the honourable member for Arnhem. The minister's duties call upon him to travel around the Territory and interstate but, under the existing mining legislation, he does not have the power to delegate authority while he is away. I refer particularly to the signing of mining or exploration titles. It is quite ludicrous that he does not have the power to delegate this authority to his senior officers in the department. That was one of the oversights during the changeover of 1 July because of the sheer volume of legislation. We would probably have top marks in Australia during the last 12 months for the number of bills that have come before the parliament. A minister has a great deal of work dealing with legislation relating to his portfolio as well as administration problems within his department.

I support the bill because it will enable important documents to be processed when the minister is away on other business.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I thank honourable members for their support. While much has been said in a jocular manner about the workload of ministers, I do think the important issue here relates to service to the public. Because of this particular omission in the original legislation, the most trivial paperwork had to be brought to the minister's desk and this occasioned great inconvenience to the community. I had to sign a paper yesterday because Fred Nurk down the track had to have a ministerial acceptance of the surrender of a lease. That is the greatest lot of nonsense I have heard of. The public has been subjected to this for the last 6 months and the sooner we put an end to it, the better.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr TUXWORTH: I move amendment 24.1. This is simply a technical amendment changing lettering.

Amendment agreed to.

Clause 3, as amended, agreed to.

New clause 4:

Mr TUXWORTH: Mr Chairman, I move amendment 44.3.

This is for the insertion of a new clause 4. The amendment contained in this clause is required to overcome an error made in the complementary amendments to the Northern Territory legislation resulting from the Aboriginal Land Rights Act which was passed through the Assembly last year. In the previous amendments to the Mining Act, the Ranger project was included as a schedule to the act. However, it did not take into account a reduction of the original project area which had been made subsequent to the Fox Inquiry in order to create a buffer zone between the southern boundary of the Ranger project and the site of significance to traditional owners. The amendment in clause 4 takes up the amendment to the Ranger project area.

New clause 4 agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

MOTOR VEHICLES BILL
(Serial 148)

Mr STEELE (Transport and Works): Mr Speaker, I seek leave of the House to withdraw Motor Vehicles Bill (Serial 148). Members will recall it was superseded by bill No. 206 which passed all stages in the Assembly during the last sittings.

Leave granted.

PETROLEUM (PROSPECTING AND MINING) BILL
(Serial 204)

Continued from 29 November 1979

Mr COLLINS (Arnhem): Mr Speaker, again the opposition has no objection to this bill. There are 2 amendments provided for in the bill - one to section 23 and one to section 46 of the principal act. The first amendment to section 23 again gives the minister discretionary power for the suspension of work sections of the Petroleum (Prospecting and Mining) Bill. The minister, in his second-reading speech, has detailed the reasons for this amendment being necessary - because of the application of Aboriginal land rights to prospecting licences - and the reasons that the minister has given are perfectly correct. There have been suspensions of work involved in some areas and with some companies because of the Aboriginal Land Rights Act and, under the original bill, the Administrator had power to grant a period of up to 5 years where work could be suspended under the

terms and the covenants that applied to the licence. Again, during the transfer of powers, this discretionary power was not given to the minister.

I would like to make a comment, just in passing, on something the minister said in his reading-speech. He said the passage of this bill will provide the flexibility needed to administer the act in a period when all exploration has been complicated by Aboriginal land rights issues. I have no argument with that statement at all; it is perfectly correct. But, of course, it is a question of there always being 2 sides to the story, depending on which side of the fence you are on. So far as the Aboriginal people are concerned, their demand for and their right to have legitimate land rights has been complicated by exploration issues. Nevertheless, the opposition does support the bill. It allows the minister discretionary power to suspend the work obligations of companies where such work obligations are outside of the province of the normal kinds of things that companies would expect to have holding up their progress in an exploration area.

I would also like to make a few comments about one of the areas that is affected by this bill and that is Mereenie, because of an article that appeared in the NT News yesterday. There is a great deal of talk at times about people leaking information, leaking documents and complicating issues by giving out information they should not give out. It struck me last year as being an amazing thing that Magellan Oil would disclose the highly confidential details of negotiations they were having over Mereenie. I remember quite well that they were rapped severely over the knuckles by the then Minister for Aboriginal Affairs, Mr Viner, who said it was most unfortunate that the comapny had sought to give these details of the confidential agreement to the press and yet, to my amazement, the company again made a press statement in the NT News yesterday which did exactly the same thing. It was also interesting to read what the solicitor for the Central Land Council had to say when he was approached for a comment. He said, "It is not proper for us to say what the terms of any proposal might be". I thought that would have been the proper attitude for the company to adopt also. Nevertheless, more information about the current stage of negotiations which I think should be confidential between the land council and Magellan were made public again yesterday. I think that, particularly in the light of the comments that were made at the time by the Minister for Aboriginal Affairs, that is unfortunate. However, I have no doubt that negotiations that are currently going on between the Minister for Mines and Energy, Magellan and the Central Land Council will eventually prove fruitful for all parties concerned. The opposition supports the bill.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I thank the honourable member for his support. I would just make the comment, though, that so far as the government is concerned negotiation between the company and the Aboriginals is a matter for the company and the Aboriginals and we are not particularly involved in it. I do not particularly condone either side telling stories out of school if that is how it is regarded. I would just make the point - and I am not sticking up for anyone - that some months ago, just before Christmas, the principals of Magellan replied to the criticism that they received about divulging the terms and conditions of their negotiations and their attitude was that they were the principals of a public company with thousands of shareholders and they believed those shareholders were entitled to know. That might be a quite improper stance, but that is the one they take. It is their business and I would not become involved in it. I thank the honourable member for his support.

Motion agreed to; bill read a second time.

Committee stages to be taken later.

PETROLEUM (PROSPECTING AND MINING) BILL
(Serial 179)

Continued from 22 November 1978

Mr COLLINS (Arnhem): Mr Speaker, the opposition has no disagreement at all with the purpose for which this bill is intended. It covers again the discretionary power of the minister to extend, if necessary, licences to explore beyond 10,000 square miles and leases beyond 1,000 square miles. The opposition has no particular worries at all with the object of the bill. We do have a problem, however, with the drafting and I have discussed this with the honourable Minister for Mines and Energy.

The bill amends sections 14(1) and 14(2) of the Petroleum (Prospecting and Mining) Act. In the act those sections read: "The Administrator shall not, without the approval of the Minister, issue a permit if the area of land ..." Because of the Transfer of Powers Act which covered these 2 sections, 14(1) and 14(2) of this act, this now reads: "The Minister shall not, without the approval of the Minister, issue a permit ..." If this further amendment were made, which inserts the words "unless he thinks fit" after the word "not", this section would read: "The Minister shall not, unless he thinks fit, without the approval of the Minister, issue a permit ..."

Although we have no particular objections to the purpose of the bill, we think it could be far better drafted than that because it just makes no sense. I have discussed this with the Minister and no doubt he will want to say something about it.

Mr TUXWORTH (Mines and Energy): Again I thank the honourable member for his support. The honourable member for Arnhem did raise this problem of gobbledegook, as it has been referred to, in this particular amendment. On checking with the department it seems that this was brought to the attention of the drafting people at the time and they said, "While it does sound like gobbledegook, it still says what we want it to say". But I do take the point and I do agree with the honourable member that it would not take us long in the committee stage next week to draft a suitable amendment to make it good, clear English. I would ask that we take the committee stage later.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

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

Continued from 22 November 1978

Mr ISAACS (Opposition Leader): The opposition supports this piece of legislation. It simply seeks to bring the Registration of Births, Deaths and Marriages Act and the manner of making regulations to that act into line with all the other legislation before the Assembly. This bill is required to do that.

I might say, too, that this particular piece of legislation relates again to this matter of the registration of surnames of people who do not register their surnames in the same way that we Anglo-Saxons do. This has caused great concern. The registrar's office and the Attorney-General's Department have been extremely helpful in trying to assist me and 2 constituents who have been seeking to register their child's name for about 9 months now. They have tried to get around the problems which the legislation has brought but have been unsuccessful.

I was pleased, though, that the Attorney-General advised me on Tuesday that so long as they fill out statutory declarations, they will be able to register the child and they certainly will be doing that.

The bill itself is quite unremarkable. It seeks to regularise the regulation-making powers. Instead of having them approved by the minister, they will be approved by the Executive Council. The opposition supports the bill.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

TENANCY BILL
(Serial 199)

Continued from 29 November 1978

Ms D'ROZARIO (Sanderson): Mr Speaker, this bill is very necessary to regulate the relationship between landlords and tenants. I am pleased that the minister has taken the step of completely repealing the old landlord and tenant legislation and providing us with an entirely new bill. As he said, that act had been the subject of many amendments and, since the late forties, more and more anachronisms and anomalies came to light. We are pleased that the solution that he has taken is to present a new bill rather than attempt amendment of the old act.

It is fair to say that each one of us will have had, either by personal experience or through representation, some experience of conflict between landlords and tenants. We all know of cases where acts of vindictiveness on the part of landlords have caused great distress and inconvenience to the day-to-day lives of some tenants. I hasten to say that not all tenants are good and certainly not all landlords are bad but, nevertheless, this bill certainly sets out the ground rules for behaviour of both landlord and tenant.

It is pleasing also to see that the minister has incorporated the recommendations which arose out of the select committee of inquiry that was set up by the previous Assembly. Certainly, the opposition welcomes the provisions relating to the right of appeal to a tribunal which is to be composed of magistrates and having as its president the Chief Magistrate for Northern Territory.

In his second-reading speech, the minister said that many of the provisions of the current bill lean heavily in favour of the tenant. I would like to take this opportunity to point out some areas in which, I believe, the tenant is relatively disadvantaged. I did have the intention of preparing some amendments but, unfortunately, these are not yet ready. I understand from the minister that the committee stages will not be taken until next week.

I first draw the attention of the House to clause 9 of the bill. This clause sets out the matters to be taken into consideration in determining fair rents. The words that cause some difficulty to us on this side are in subclause (1): "The commissioner shall be guided by the need to provide a reasonable return to a lessor having regard to the market value of the premises". It is not clear to us whether what is being referred to in this subclause is a gross return to the lessor or a net return after his expenses have been deducted. If it is in fact the latter, then the question arises as to whether there would be any difference if the interest rate is one imposed by a finance company, which could be as high as 18% or 20%, or whether the landlord was paying a bank interest on his mortgage - a rate which would be around 10½%. These differences in interest rates can result in quite large variations in what is regarded as a fair rent.

The landlord will want to cover his expenses but the question that we ask is whether the cost of the higher interest that has been paid by the landlord will be passed on to the tenant.

A second question that arises is whether the lessor should be entitled to a return of interest on the market value of his premises. When we consider that many premises are quite old and the landlords might have acquired them many years ago at quite cheap interest rates and quite cheap capital value, I wonder whether it is fair for the tenant to now have to pay an interest rate which would be related to the market value of the premises that he is renting. In this respect, I consider that the tenants of old and long-established premises would be disadvantaged by the provisions of subclause (1).

Thirdly, I think that tenants would be relatively disadvantaged by the provisions of clause 10 of the bill. Clause 10 states that a determination of fair rent is effective from the date of the determination or such later date as is specified in the determination. The situation could arise where the landlord has charged in excess of what might later be determined as a fair rent. For example, he could have been charging his tenants $100 a week for the premises and, subsequently, the commissioner may determine that a fairer rent for the premises would be $60 a week. Until the date of determination, the landlord will have been collecting $100 a week despite the fact that the fair rent for the premises may be determined as $60 a week. I consider that the tenant would be disadvantaged if there is a delay in bringing the date of the effective determination forward. In this case, there are no provisions for the landlord to reimburse the tenant in respect of the amount which has been overpaid by way of rent.

Similarly, clause 15 seems to accommodate a situation where the lessor would have been overpaid. Here again, despite the fact that there is a subsequent clause, clause 17, which makes it an offence for the lessor to demand excessive rent, there is no obligation upon the lessor to repay the overpayment. I consider it would have been preferable to have some automatic mechanism whereby the landlord could repay the amount in excess of the fair rent that the tenant had paid. As it stands, the tenant has to approach the commission to initiate some recovery action against the landlord.

The marginal note to clause 17 says that it is an offence to let at excessive rent but in fact the offence is really to let at more than the fair rent which has been determined. That, of course, is a bit misleading because I fear that many tenants who regard themselves as having been overcharged or over-assessed for rental would look at this particular section and feel that they have some grounds for complaint whereas, in fact, they or the landlords would have to obtain a determination of what the fair rents of the premises are.

We come now to the very contentious provisions of clause 37 and those that follow. It is quite clear that clause 37 contains a prohibition on lessors' demanding money for purposes other than rent. There are in fact a number of such types of payment listed in clause 37. At first glance, a tenant may well think that the bill places some prohibition on the demand for bonds. However, when we look at clause 38, this is not so. That clause permits the lessor to demand money by way of a security deposit. It matters little to a tenant what name the lessor gives this payment - whether he calls it key money, a security deposit or a bond - the fact is that the lessor is entitled by clause 38 to demand a sum of money which is not rent for the lease of premises. That situation is, in itself, bad enough; the situation is certainly worse when we consider that this money will be paid to the landlord and the landlord or his agent will retain that money.

If we must have this provision in the bill, it is only fair to suggest to the minister that the lessor should be compelled to keep records of what bonds

are paid to him and also to maintain that money in a separate trust account. The obligation on the lessor would then be to keep records similar to the obligation in clause 66 of this bill to maintain records. Further, I think it would be fair to suggest that the money should not be paid to individual lessors. In my opinion, the money should be paid to the commissioner. I say this simply because the taking of bonds is a practice which is open to widespread abuse already even though they are supposed to be illegal and, secondly, in the event of a dispute, the tenant has to go to the trouble of applying to the commissioner to give a ruling on whether or not the landlord is entitled to keep the bond money because of alleged destruction to the premises or whether the tenant should be given back all or part of the bond money.

There also arises the situation where the landlord may move from the town in which he lets premises and may not appoint an agent. In this case, the tenant has to go to the trouble of locating the landlord. In some cases, it could be very difficult indeed to extract the security deposit out of the landlord if the landlord has moved on.

Mrs Lawrie: Especially if he is overseas.

Ms D'ROZARIO: In the Northern Territory, we do have quite a large incidence of absentee landlords and, as the member for Nightcliff rightly interjects, many of them are overseas.

There also arises the possibility that the landlord might have put the bond money which has been paid in good faith to him by the tenant to some other use and might find himself in a position, even if the commissioner did determine in favour of the tenant, of being unable to pay the money back to the tenant. All these situations make for conflict between landlord and tenant. I think the situation could very easily be overcome by providing that the bond money should be paid to the commissioner and that the interest from these moneys be put to some good purpose which would be of mutual benefit to landlord and tenant. As to the purposes to which the interest money might be put, it could be used to provide some kind of rental advisory service which would benefit mutually both landlords and tenants.

The interest raised from this deposit could also offset the costs which would arise as a result of the administrative arrangements which would have to be entered into. However, if the minister is adamant that his department cannot handle this matter, it is only fair that the interest which accrues from this money, which currently goes into the pocket of the landlord by the provisions of this bill, should at least be maintained in a trust account by the landlord or the agent of the landlord and returned to the tenant. We have to say that, at all times, the tenant is the only person who is entitled to interest accruing as a result of this security deposit because that money is his. The bill contemplates the situation where the money would be returned to the tenant and I have merely outlined the practical difficulties which the tenant might be confronted with in trying to get the money back. But I point out to the honourable minister opposite, who seems to have a wide understanding of legal practice, that it is a fundamental principle of trustee law that the trustee of the money - in this case the landlord or his agent - should not benefit from a trust but that the benefit should go to the person for whom the money is held in trust, which in this case is the tenant.

I turn to the provisions of clause 51 of the bill. This clause provides for the circumstances in which immediate warrants can be obtained for the ejectment of tenants. I fear that this clause, too, might disadvantage the tenant rather than the landlord. It is also my opinion that this clause could be open to widespread abuse be bad landlords. The clause provides that a tenant can be ejected from the premises without any proof or sworn statement or being informed of special

grounds which gave rise to a decision by his landlord to eject him. It is the view of the opposition that, should the applicant for an immediate warrant, which would be the landlord or the agent of the landlord, require such a warrant, then he should also be prepared to swear to the correctness of the facts, particularly the facts upon which the tribunal is expected to come to a conclusion in his favour - that is, to eject the tenant. We believe it is a fundamental right that only in the most extraordinary of circumstances should a tribunal decide the issues which adversely affect a tenant without having given the tenant the opportunity to put his side of the case.

We have all heard or had personal experience of abuses of the landlord and tenant law in the Northern Territory and I feel that clause 51 does not provide sufficient safeguards for the rights of the tenant. The case against the tenant could be heard in his absence; he might even have no knowledge of what the charges are against him, and a warrant for his ejectment could be issued upon the application of his landlord. I feel that, in this particular case, the tenant is again disadvantaged.

Having made those few remarks, I repeat that the opposition does intend to bring forward some amendments which I hope will be considered seriously by the honourable minister. In conclusion, apart from those sections that we have mentioned, we believe this particular bill is certainly an improvement, in style and relevance, on the old one and we welcome its passage through the House with the amendments which we hope it will include.

Mr HARRIS (Port Darwin): Mr Speaker, I rise to speak in support of this bill. Accommodation is one of the most essential items in our lifestyle and Darwin in particular has gone through a very torrid period in this respect. Before the cyclone, there was a lack of accommodation but many would-be landlords felt the return on their investment did not warrant the initial capital outlay. It was very difficult to obtain accommodation from private sources and, by having rent controls at one stage, we found there were people interested in investing money in the Territory who would not go ahead because it was not economically viable. With the removal of rent control, it was felt that perhaps people would be able to make it an economic proposition by increasing rents. In fact, what has happened is that it is a give-and-take situation. By the revocation of this law, the lessor is given an opportunity to raise his rent on the one hand, and then this advantage is taken away on the other hand by provisions that allow for a maximum 10% increase.

I do not believe that landlords in most cases - I know there are some that do - would put their rents up to figures which are beyond the pocket of the average person. It is very difficult when we deal with the low-income bracket because these people, wherever they are, find it very difficult to manage as landlords will not put the rent so low that they can afford the rent. The government, of course, assists in any way it can.

I did a study once on single accommodation and I do not believe, as the honourable sponsor of the bill has put it, that there is no longer a demand for accommodation in this area. I feel there will be a demand, particularly for single accommodation, for many years and I think it is increasing. We should try to encourage investors wherever possible to come into this particular field.

The major changes are that fair rent applications by landlords will no longer be compulsory; all current determinations will be revoked once the new act becomes law. As far as bonds are concerned, it is important that the landlord is given some protection because, if people do break chattels or destroy furniture in the building and leave things in a mess, it is required that these be put back at the cost of the lessee. Some people will say that this is not

correct; I do not believe that is the case. Where people are renting premises, money for their rent would be taken in advance and I know that, in many cases, this is regarded as bond money. I do feel it is essential that they be given the opportunity to have these repairs done or the cleaning that is required to be done. If there is a dispute between the lessor and the lessee as to repairs or cleaning, then the matter has to be referred to the commissioner who will have to assess the property. This delay may lead to court proceedings and the property has to stay vacant. When properties do remain vacant, of course, the landlords receive no benefit.

There are great disadvantages to the property owner not being able to give the tenant notice to vacate if, for instance, he requires them for his own occupation. I believe there are circumstances when a person does require to have his property back. Giving reasonable notice is something which could be accepted by the lessee. Where an employee is given housing by the employer and that employee leaves the position, it may be necessary to provide housing for a new employee. I feel that, if this is the case, then the employer should be allowed to eject that other person from his building.

The other case is with a sale. If a landlord is going through hardships and the sale is necessary for him to get out of those particular hardships, I feel we must make provision so that he is able to do this. The landlord must have some incentive to continue investing money in accommodation and provision must also be made to enable the lessee to appeal against excessive rents which are charged. I believe there is provision for this appeal. There is provision for fair rents still to be made and I support the bill.

Mrs LAWRIE (Nightcliff): Mr Speaker, legislation on landlords and tenants is a bit like trying to arbitrate in a dispute between neighbours over a fence. No one is ever completely right or completely wrong, and it is a very delicate path that one has to tread. It is this delicate path that has been embarked upon by the Minister for Community Development. At least, he has recognised that there is need for regulation in the matter of landlords and tenants: the rents to be charged and the manner in which premises should be let, kept, occupied and vacated.

Like the honourable member for Sanderson, I found a couple of inconsistencies in the bill and I would hope that the minister takes my small criticisms in good part. I think some clauses of the bill state very clearly what has been needed to be stated for some time and I will come to those later. I found clauses 37 and 38, at first sight, to be in conflict. Under clause 37, one is prohibited as a principal agent or in any other capacity from acquiring, receiving etc any bonus, premiums or extra money and then, under clause 38, as the honourable member pointed out, nothing prohibits the "taking by the lessor of a sum of money not exceeding the amount limited by subsection (2) as security to be retained by the lessor and applied at the termination of the tenancy".

I am well aware that certain landlords have had to put up with appalling tenants who have made it their last work to cause havoc and destruction to the premises of which they have been the legal tenants, and no one condones that code of behaviour. It is quite indefensible. Some landlords have been almost put out of business or bankrupted by the actions of a few reprehensible characters. I would not be against the holding of money as security against that type of action if it can be held by a third party in a trust account. I would suggest, with respect to the honourable minister, that it would not take 15 officers of his department to administer such a scheme. The money could be lodged with the commissioner acting as trustee. I would state unequivocally that it would be a fairly simple bookkeeping exercise to record the money held in trust for a particular person in respect of premises owned by another person and, in the vast

majority of cases, one would hope for that money to be paid out again when the tenant vacated the premises. Of course, because it is such a delicate area, there will be times when there will be conflicts and I cannot see any reason why the senior public servants administering this act cannot act as arbitor and, if they have the money in a trust account, they can ensure that the money can be paid promptly and with a minimum of fuss to whichever party is the deserving party.

Having spoken about the problems of good landlords and bad tenants, might I also say that I have had cases brought to my notice of tenants who have been treated unreasonably by landlords and, in some cases, where tenants have been treated not maliciously by actions of the landlord, but by lack of action by their agents and have been caused some distress. When the tenant has thought to approach the landlord to seek alleviation of his distress, the landlord has been overseas. I think the holding in trust of these moneys by a totally disinterested third party would alleviate some of the problems which I have brought to light. I would expect that most members of this Assembly have had similar representations both from landlords and from tenants. There is also, of course, the need to assess fair wear and tear, and what is fair wear and tear in the eyes of the tenant might not be considered as such by the landlord. Again, it should be a simple matter of third party arbitration and I can see no reason why that could not be incorporated in the legislation.

Mr Speaker, I did say that there were some parts of this bill which had my total support and I am pleased to see that we are specifically stating, in clause 65, that a person shall not refuse or procure any person to refuse to let a dwelling house to any person on the ground that it is intended that a child shall live in the dwelling house. Time and time again, we have seen advertisements in the paper "no pets or children". I have had inquiries from people on this vexed subject and now we see stated clearly in the legislation that that is not to be permitted, that premises are not to be refused to be let simply on the grounds that the incoming tenant has children or, in some cases, is likely to have children because I have known of premises being refused to be let to pregnant women. Obviously, they were going to bear children, something which the landlord found quite intolerable. It is an unreasonable proposition and I commend the sponsor of the bill for clause 65 as I think it is a great step forward.

There are other parts of the bill which deserve some comment in committee but, whilst applauding that clause 65, my main problem is with clauses 37 and 38 which are in conflict.

Mr DONDAS (Youth): Mr Speaker, as other members have said, this legislation is long overdue and I was one of the members appointed to the select committee early in 1976 to investigate the Landlord and Tenant Ordinance. The report of that committee was handed down to the Assembly by August of 1977 and here we are, a quarter of the way through 1979, and we are still talking about the bill.

Generally, the bill affords protection for both the lessor and the lessee where it did not otherwise exist and investment in accommodation units should now be more attractive to investors without any reduction in the rights of the lessees. In fact, lessees' rights are now more concise and the bill places them in a better position than they previously were.

The reason why I speak about investment is that most of the people who came up before the select committee were developers and real estate agents. There were very few tenants. That was the unfortunate part about it. Nevertheless, it did come over strong and true that, whilst rent controls were in operation, development of accommodation was going to be neglected by virtue of the fact that there was very little return from investment.

Mrs Lawrie: It had to be a fair rent, you know.

Mr DONDAS: Yes. This is from 1949 to 1971 while the ordinance was in existence. It was never really policed and, consequently, people kept on building and building and all of a sudden, some time in 1971, the axe fell and people were in all kinds of trouble with rent controllers and evictions and all kinds of things. Consequently, this select committee was ordained - and I would say "ordained" - and sent off to various parts.

Mrs Lawrie: An act of God!

Mr Everingham: I wouldn't have said they were ordained.

Mr DONDAS: It might not be the correct word. Nevertheless, there were problems in those days and the Legislative Assembly thought that the best way to tackle those problems was to appoint a select committee.

The honourable member for Sanderson brought out one point when she was talking about interest on the bond money. She inferred that interest on bond money should go into a special trust account and, when the tenant left, he should get the interest and everybody would be happy. However, she did not take into consideration that where a person might have a block of 6 or 8 flats, he would not really have 8 good tenants. He might have only 5 good tenants.

Ms D'Rozario: Why should the good tenants have to suffer?

Mr DONDAS: Yes, but you still have to talk about the investment. That is the point you missed. I think people should be allowed to invest and get money back on their investment.

Mr Steele: It's a dirty word, Nick.

Mr DONDAS: It probably is. That is why this particular ordinance was resurrected because investment was a dirty word.

Mr SPEAKER: Order! Honourable members should listen to the member on his feet. I notice that members on both sides do not like being interrupted and call for the protection of the Chair yet they interrupt members on the other side. I think we should let the person on his feet speak in silence.

Mr DONDAS: Thank you, Mr Speaker. Whilst I appreciate the protection of the Chair, I do not think I really need it, with apologies.

Mr SPEAKER: I was not trying to win; I was just trying to get an orderly debate.

Mr DONDAS: The honourable member for Sanderson made reference to clause 10, where it says "... a determination of the fair rent of or a fair and just price for specified premises, specified premises and goods, the supply of services or the use of land for the hiring of a caravan or a demountable building has effect from the date of the determination or such later date as is specified in the determination". It was felt that this particular clause should be inserted in the bill because, in the old days, if a person was applying for a determination in Alice Springs, it could take some months for the mails to come to Darwin and go back and for the rent controller to make a determination. In that time, either the landlord or the lessee could have been disadvantaged. The reason why they set it from the date of the determination was that, if a determination was handed down on a specific day and then it took a month or 5 or 6 weeks for that determination to finally get to the landlord or the lessee, nobody would be

disadvantaged. The lessee could go to the landlord and say, "You have over-charged me $20 a week for the last 5 weeks. I want my $100 back". If it worked in the reverse direction, the landlord could go along to the tenant and say, "You owe me $20 a week for the last 5 weeks". This is the reason why that is there: to set it from the date of the determination. I feel that is a reasonable provision to be included in the legislation. It comes again in clause 15: payments in excess recoverable.

The honourable member for Sanderson referred to the security deposit in clause 38. A landlord has a terrific investment and many people do not really take this into consideration. He was not allowed to demand any bond money or key money. This bill proposes to give landlords some protection so that people who are not already in the business will be encouraged to invest in it. Today, rents on flats are highly excessive. I do not really think that you could rent a decent two-bedroom flat today for less than $70, $80 or $90 a week. I have heard of some of them being as excessive as $100 per week. In 1976, when the select committee was hearing evidence, the average rent for a two-bedroom flat was only $60. In the last 2 years, by virtue of the fact that there has not been much development of flats in the Darwin area, rents have shot up out of all proportion. People would not invest in that market because they thought the returns were very low. I can see their point but I can also see the point the honourable member for Sanderson has made.

Nevertheless, I still feel that it is the government's responsibility, in accordance with this legislation, to make sure that there is land available for people to build flats. That has been one of our problems in the last 2 or 3 years: there just has not been enough land made available for flats.

Mrs Lawrie: A minute ago you said it was the fault of the Rent Controller.

Mr DONDAS: I did not say it in that respect.

The bill provides for an appeals tribunal. It also provides interest for the lessees and protection in relation to the notice to quit. This was another important matter that was raised in the hearing. Some landlords had tenants who had not paid their rent for 4 or 5 months at a time yet they could not do anything to get the tenants out. You have to take that particular point into consideration and that is the reason why it has been included in this bill. There are heavy penalties provided for a landlord evicting a tenant unlawfully.

This legislation is designed to protect against exploitation by either the landlord or the tenant. This protection has never really existed before. I support the bill.

Mrs O'NEIL (Fannie Bay): It is interesting to note that, of all the various speakers we have heard on this bill, the only one from Alice Springs was the honourable minister himself. Perhaps that explains his comment in his second-reading speech that there is presently a general balance of supply and demand in housing in the main centres. Perhaps that is so in Alice Springs; I hope it is. Judging from the comments of the members for Port Darwin and Casuarina, as well as speakers on this side of the House, it is clear that that situation has not yet arisen in Darwin. Rents are very high and there is a shortage of certain types of accommodation. We must look to this sort of legislation to protect tenants as well as landlords when we do have a shortage of supply. It is for this reason that, although bonds are illegal, it is a very common practice for them to be asked for and indeed paid. Quite frankly, it has been an unenforce-able law and this bill will change that.

Referring to clause 4, I was rather intrigued by the references to holiday purposes. It says that premises do not include premises let for holiday purposes and then defines "holiday purposes" in relation to a tenancy meaning a lease not exceeding 3 months duration. I was a bit concerned that because many tenancies are of the periodic fortnightly type, they might be excluded from most of the provisions of this bill. I have been assured that a periodic tenancy probably would not fall within that category. However, I refer it to the minister because he might like to examine it and assure us that there will be no way in which that definition can be used to evade the provisions of this legislation.

Members will note in clause 8(2)(b) a requirement that the lessor, within a time specified in the notice, shall justify the rent when the lessee has applied for determination. There is no time specified in that and I find that rather inconsistent with subclause (4) which specifies a time of 14 days for the lessee to make further submissions. I would suggest that, in clause 8(2)(b), we could remove "within a time specified in the notice" and substitute "14 days". It would certainly accelerate the processes of determination.

The honourable member for Sanderson spoke at some length on the question of interest rates in clause 9 so I will not expand upon that.

I would like also to express my opposition to clause 15(2) which says that the commissioner may, upon the application of the lessor or the lessee, order that excessive payments be set off against future rents. I cannot see why the lessee would do that. If the lessee agrees to do it, then there is no need for it to be in the bill at all. However, it seems to me that this enables the lessor to evade his responsibility to pay back amounts which he has demanded illegally. I will certainly be opposing that in the committee stage.

I would also like to comment on clauses 13 and 14. It might be valuable if, when a determination is made, this information could be published briefly in the Gazette or made public in some other way. As it is, all the commissioner has to do is to advise the parties concerned. Publication could be quite useful in that it would advise members of the public that certain premises had had a fair rent determined and future tenants would be aware that this provision existed. It might also assist landlords and estate agents to have a public record of what the commissioner sees as a fair rent for premises in a certain neighbourhood for a certain type of dwelling. In fact, it might reduce the work of the commissioner if there was general knowledge of what the ruling rate was so that people would not have to apply to him constantly for a determination.

Clause 18 has a marginal note "transitional". In my opinion, it should be "Bonus for landlords". Certainly, I will be opposing this one. It allows the commissioner, without any investigation, to increase the rental by 10% but not to decrease it. Because of the reduced demand for flats and houses, and the drop in capital value of properties in Darwin at least, there seems to be good reason for allowing a decrease as well. For example, 2 years ago, it was difficult to find a house below $50,000 if it had been properly rebuilt. At present, it is possible to find houses under $40,000, yet the commissioner presumably is not to be able to take this into account according to the so-called "transitional" clause 18 that is very much in favour of the lessor.

Several honourable members have dealt at length with clauses 39 and 40. I support the remarks of the honourable members for Sanderson and Nightcliff. It simply is not acceptable that the landlord may retain not only that money but the interest that accrues on it. In the rather incredible language of this bill, he is allowed to retain it as "a fee for holding the security deposit". I find that absolutely incredible. Because of the Land and Business Agents Bill we passed this morning, the bond paid to an agent would in fact be held in trust but,

nevertheless, he can retain the interest. If it is paid to a landlord, there is absolutely no requirement that it be held in trust, and it certainly should be. If it were paid to the commissioner, it would be a simple matter. The honourable member for Nightcliff pointed out that the minister was quite insulting to his staff when he suggested that it would require 15 of them to manage such a simple task. The commissioner could hold that money and it could be used to offset the costs of settling disputes that might arise. That would benefit both landlord and tenant and that is surely what we should be about, not just protecting the interests of one and not the other.

I draw the honourable minister's attention to the definition of "dwelling house" in clause 41. It does not read very clearly to me but perhaps, with some minor amendments, it might. I would like him to give it some consideration.

There is also a small amendment required in clause 47(2)(h) to change "the dwelling house" to "a dwelling house".

I note in clause 58(3) that, although the costs of a lease instrument are borne by the lessor, stamp duty will still be payable by the lessee. This is an interesting situation. Clause 58 is pretty wide. It does not limit itself to premises which are defined as excluding business premises, guest houses, motels, tourist industry premises and the like. This clause could then be interpreted to apply to all those things and commercial and business premises generally. I think that would be against current commercial practice so I refer it to the minister for his consideration. He might feel it desirable to amend subclause (3) so that it reads, "Any costs incurred in the preparation of a lease instrument for premises shall be borne by the lessor".

Finally, I was also very pleased with clause 65 which other members have referred to. It is certainly in the interests of tenants and it should prevent lessors refusing to rent accommodation to people with children. That would be a very desirable thing because, undoubtedly, it does happen at the moment.

Mr PERRON (Treasurer): Mr Speaker, as you may recall, I was a member of the select committee that examined the Landlord and Tenant Ordinance some time ago. It disappoints me that it has taken until this time for facilities to be available and priorities to be such that we can remedy the matters raised in that report. The whole concept surrounding the initiation of the report was an alarming situation in the Territory whereby it seemed that there was virtually no private capital going into the rental accommodation industry. It seemed to be the result of the provisions of the ordinance. That committee travelled throughout the Northern Territory to take evidence from a whole range of people - lawyers, private developers, real estate agents and government officers who were administering the ordinance. We came up with what I believe to be a very sensible series of recommendations and many of these are reflected in this legislation.

The honourable member for Sanderson said that the method of determining rents in cases that are referred to the commissioner is somewhat unfair. She felt that some regard should be paid to the age of the building and the fact that it might have been built or purchased with funds that had far lower interest than is available today or that finance might have come from more expensive finance company funds as distinct from bank funds. These were the types of matters that the committee went into quite deeply in trying to work out equitable ways of determining a fair rent once we had come to the decision that there should be provision for rents to be determined in particular circumstances.

I point out to her that people are not only renting the premises of the improvements, they are also renting the land and the situation that that land is in. If somebody wishes to rent a house that is on land that happens to be worth

$100,000 or $150,000 because of its location, it is rather irrelevant whether the premises are old or not. If the value of the land and premises is $150,000 then the principle that the committee accepted, and the principle which I would certainly espouse, is that the landlord has a right to a return on that market figure. We should surely not make inquiries as to whether the landlord had inherited the property and therefore he should rent it for almost nil because it did not cost him anything or whether he bought it yesterday for an enormous sum of money. He has a right for a return on it and the land. I think that is very important when we hear cases of seemingly large rents for fairly poor improvements.

The topic of bonds raised a deal of interest and was probably the most vexing aspect that the committee had to deal with. As honourable members know, bonds at this stage are illegal and were illegal at that time. We felt very strongly that they had to be implemented. The incidence of wilful damage and non-wilful damage that a landlord was unable to recover - and still today is unable to recover - was absolutely alarming. We hear of cases where people would deliberately tear legs off chairs and empty tomato sauce bottles around a room when departing from a rented accommodation unit. It was clearly totally unfair and certainly was a major contributing factor towards developers saying, "I will take my money elsewhere than the Northern Territory if that is the government's attitude".

To whom the bond money should be paid was really the problem and the committee did in fact ask virtually every witness before it how he would propose a scheme for the bond money to be administered which would be fair to the tenant and to the landlord. A range of schemes came up very similar to those suggested in the House today. I do not support the system in this bill in toto but it is far more workable than the system of paying it to the commissioner.

I believe the aspect of the bill that will prove difficult is where some tenants elect to place money with an agent. It seems to me, on reading that section of the bill, that the landlord can contact the agent when a person leaves his accommodation and seek that the money not be paid until such time as some arbitration is taken on the matter. For tenants who may be leaving premises to go south, as is frequently the case, if there is any delay at all in paying back the bond money, then those people will have to try to do it by correspondence. It comes back to a stage - and I realise this is not a full answer either - of relying largely on the landlord. I do not think the proposal is ideal but can one imagine a government rent commissioner administering this fund? This act will apply throughout the Northern Territory. It would be rather impossible to have people in Alice Springs or Tennant Creek trying to lodge and recover money from a rent commissioner in Darwin. Even in Darwin now, let alone what it will be in 5 or 10 years' time, the number of people entering and leaving rented accommodation every day is obviously quite enormous and a man would be extremely busy writing out cheques and receipts and visiting premises to make arbitrary determinations. I believe it really would be a most impossible situation.

There are other factors such as the difficulty under the government system of paying out cash; bonds would probably have to be returned in the form of a cheque. Difficulties could arise over weekends and holiday periods when public servants to not normally work. I do not think this rent commissioner could be on call 24 hours a day every day. I do not see that what is provided in the bill is ideal but it is certainly far better than having security deposits lodged with a rent commissioner.

Mention was made of the supply and demand situation of rental accommodation. It certainly has improved a great deal now - and I am speaking of Darwin - over the situation at the time of the inquiry into the Landlord and Tenant Ordinance. I suspect this is not due to some revitalisation of developers suddenly saying it is now profitable although, with the phasing out of the rent controller's very

strict regime, no doubt people have been levying rents which were not determined and not questioned; I suspect much of the reason is because of pressures to comply with lease covenants in the post-cyclone period. There are a lot of people who have built somewhat reluctantly. I believe there is still a fair bit of room for additional private rental accommodation in Darwin and this bill creates an environment that should remove some of the serious iniquities in the present legislation which have existed far too long. I support the bill.

Mr ISAACS (Opposition Leader): Mr Speaker, I too wish to address some remarks to the matter of bond money and I am pleased that the Minister for Lands and Housing sees the problem and has tried to address his mind to the question of how to overcome the difficulties arising from it. It is a very vexed matter and I think one can take up extreme points of view without really understanding what the practical difficulties are.

The simple fact is that bonds in one form or another are being applied at the moment in the Northern Territory. Whether one says they are illegal or otherwise or they should or should not exist, the fact is that landlords - not all of them but many of them - do require a bond in one form or another. It comes then to the point of how to regulate this system properly. I do not believe for a second it is proper, as clause 40 of the bill says, that the interest returned on a bond is to be a fee for the handling of that money. That is preposterous. If the bond is required, as members opposite say and I certainly agree, it is there as some kind of surety for the landlord in case the tenant runs amok, as some do, and damages property. At least, the landlord has some money in hand so that he can repair the damage which has been done.

I do not think there is any argument against the principle of bonds as such. We see the need and we see that this is happening right now in the Territory. It then becomes a matter of how to regulate it properly. The Minister for Lands and Housing turned his mind to it and recognised that the system being proposed in this piece of legislation is not perfect. The blockage from members opposite is that they cannot fathom how a government-run organisation could possibly regulate the matter of bonds, that it would be a huge complex. The Minister for Community Development has obviously done his homework as he always does and tells us that a bonds board of something like 15 people would be required.

Mr Robertson: Check the number of people in the prices and rent control office.

Mr SPEAKER: Order, order!

Mr ISAACS: I am sure the Minister for Community Development would have done his homework. He pontificates about legal matters to such an extent that I was surprised, in fact, to hear him say just a moment ago that he did not have any legal background. He pontificates about legal matters to such an extent that one would think he was a queen's counsel.

Nonetheless, he suggested it would take a committee of 15. Let us see what the comparisons are. In New South Wales, there is a rental bonds board, and New South Wales is slightly more populous than the Northern Territory. It has a rental bonds board of 6. How the Minister for Community Development can come up with a figure of 15, God alone knows. I can only suggest that, for the first time in this Assembly, the Minister for Community Development shot from the hip and he just made up a figure off the top of his head to answer the interjection. In New South Wales, with that huge population, 6 people run it. Quite obviously, with the population we have of 105,000 or so, it would not require 6. Indeed, it probably would not require any more than the commissioner himself.

Having said that and having said that we are not going to need a huge bureaucracy which seems to overcome the Minister for Community Development's difficulties, let us look at the genuine difficulty raised by the Minister for Lands and Housing. He asks, "How are people living in Alice Springs and elsewhere to be accommodated?" In other words, if they have a problem, what are they going to do? They cannot come up to Darwin and see the commissioner or whatever. Where are they going to lodge the money? How are they going to get their money back? I would suspect that,in Alice Springs and the other places in the Territory, they would do just as they do in every other matter requiring payments to the government and the receipt of money from the government. They would go to the Receiver of Public Moneys in any of these towns and lodge their money there. Indeed, this happens in New South Wales. New South Wales is not such a small geographical area that 6 officers in Sydney can run the whole rental bonds board for that state. Quite obviously, the people of Griffith, Broken Hill, Bourke and Wilcannia do not come into Sydney to talk to the commissioner; they go to the state public service representative in their particular town. Quite obviously, the matter can be handled administratively well. It would not take this monstrous organisation which the Minister for Community Development speaks about, and I believe it would overcome the difficultires which the Minister for Lands and Housing genuinely raises.

I do believe the matter of bonds is, as the minister himself says, a vexed one. If it is in the hands of the landlord, it immediately gives that person a very distinct bargaining advantage over the lessee. As the member for Nightcliff was saying, what happens if the lessee pays a bond of, say, 4 weeks' rental which may be around $200 to $220 to the landlord and the landlord goes overseas, leaving an agent here to look after the accommodation and the lessee wants to move? Where is the bond? The bond is in England or in Europe or in Africa or somewhere. The agent does not have it. The landlord has it. It is impossible to get hold of it.

It seems to me that these problems can be overcome. If the bond is given to the landlord, it gives him a bargaining advantage over the lessee. The landlord may know that the lessee wishes to go as a matter or urgency and can just play ducks and drakes with it. I am not saying that every landlord will do that. In my experience, landlords are not necessarily of one political ilk or another; they seem to cover the whole cross section of politics, whether they are good, bad or indifferent. The bond, it seems to me, should be deposited with a third party. The only way it seems that you can ensure that is to put it with a government agent.

I think perhaps the government might consider a bit more carefully on this matter. It understands, as the Minister for Lands and Housing put it, the bargaining lever which a landlord has. The government, however, seems horrified that we are going to establish a large government bureaucracy. I do not think we would. On the contrary, I believe the small number of people required to run it would probably be in employment anyway. Indeed, as the member for Sanderson said, it may well be that a small profit might accrue to the commissioner because he would be in receipt of a fairly large sum of money on which he would be able to get reasonable interest. It may well be that the commissioner could then run a rental advice service of some sort for the benefit not just of lessees but also of landlords. I would ask the government to think seriously about this matter of bonds. I know it is a vexed matter. If those matters which have been raised by government members are the only problems, I think they can be overcome with reference to the way other states, particularly New South Wales, have overcome them.

Debate adjourned.

LOCAL COURTS BILL
(Serial 231)

Continued from page 851

In committee:

Title agreed to.

In Assembly:

Bill reported.

Bill recommitted for further consideration of clauses 3A and 8.

In committee:

Mr EVERINGHAM: I move amendment 46.1.

This inserts the words "of the Principal Act" after "23(2)(d)" in subsection (2).

This is designed to make the meaning clear.

Amendment agreed to.

New clause 3A, as amended, agreed to.

Clause 8:

Mr EVERINGHAM: I move amendment 46.2.

This is a technical amendment.

Amendment agreed to.

Clause 8, as amended, agreed to.

Bill reported; report adopted.

Bills passed the remaining stage without debate.

VETERINARY SURGEONS BILL
(Serial 181)

Continued from 22 November 1978

Mr COLLINS (Arnhem): The opposition supports this bill. The changes the bill makes to the principal act are very slight. As the minister stated in his second-reading speech, the bill is a result of an interstate conference to standardise the provisions made for the registration of veterinary surgeons around Australia. The actual difference in wording in the principal act is very slight and simply brings our standards of registration for veterinary surgeons in line with those elsewhere in Australia. The opposition supports the bill.

Mrs PADGHAM-PURICH (Tiwi): This bill to amend the Veterinary Surgeons Act is not one that needs very much discussion. Any professional body wanting to have and maintain certain standards of conduct must have government legislation to promulgate laws to back these standards so that a continuation in known levels

of education and knowledge can be offered to the public who seek their services. Professional people, like veterinary surgeons, do not advertise their goods and services in the newspapers like shopkeepers. A great element of trust comes into the relationship between clients, patients and the vet. Therefore the public must be fully assured that when they go to a vet they can expect the same high standard of professionalism anywhere in Australia. If this standard is not maintained due to a falling away from the standard that is usually extended to the public and expected by the public, then it is much easier to see where the fault lies if standardisation of academic qualifications is defined by law. This bill has the support of the veterinary profession and I support it.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

POLICE AND POLICE OFFENCES BILL
(Serial 257)

CRIMINAL LAW CONSOLIDATION BILL
(Serial 258)

Continued from 28 February 1979

Mr ISAACS (Opposition Leader): The opposition supports the introduction of these bills and their passage through the Assembly as quickly as possible. Currently, there is a loophole in the law, exactly as the Attorney-General said. If you pass a valueless cheque for goods then you come under the eye of the law and you can be prosecuted immediately for it. If you pass that same valueless cheque with the same intent but, instead of being for goods it is for services, the only remedy that a person has is a civil action. Because of the itinerant nature of people who seem to pass valueless cheques often these civil actions are frustrated by the fact that it is difficult to get hold of these people to pursue the action. It is for that reason that the opposition welcomes and supports the introduction of these pieces of legislation and is eager to cooperate with the government to ensure that the loophole is covered quickly and without fuss.

Although the Criminal Law Consolidation Act amendment appears to be a very ponderous way of amending a law and, indeed it contains one of the longest sentences I have ever seen in any piece of legislation, nonetheless I am advised that it is a reasonable attempt at arriving at a comprehensive solution to the problem. The opposition is eager to cooperate with the government in closing the loophole and, in the event that urgency is not given, we would support a suspension of Standing Orders to enable the passage of the bill immediately.

Mrs LAWRIE (Nightcliff): Mr Speaker, I rise to support the bills. I had intended to be fairly caustic about this legislation and the way in which it was drafted until the honourable Chief Minister cut across my grounds somewhat by almost apologising for the way in which it is worded. He said, "Finally, it should be mentioned that the cumbersome way in which this legislation must be formulated, using 2 bills and amending 3 sections, highlights the inadequacies of the criminal statutes". He went on to say that these bills are an interim measure until the code can be introduced. I accept that assurance in good faith because we have reverted to a most archaic way of legislating to close the loophole.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I am pleased that these bills will be passed with a minimum of fuss in the manner of British Airways. I certainly agree that the new section 213 of the principal act rather resembles a Gortonian sentence but that does not necessarily mean that it is bad. If honourable members think that that is the most curious and archaic language in

the criminal statute, then I suggest that they refer to the section that relates to the abominable crime of buggery, not to be mentioned amongst Christians.

A criminal code is well on the way and I expect to have drafts delivered to the judges of the Supreme Court for a preliminary review in the course of the next couple of weeks. I will be having a look at it myself. A team of 3 has been working hard on it in the Department of Law - Mr Frank Gaffey, Mr Pat Loftus and a consultant from Brisbane, Mr Frank Connolly, a leading barrister at the criminal bar in Brisbane. Because Queensland is the pioneering code state, it seemed best to seek advice from that quarter. In the past, when the federal government attempted to prepare a federal criminal code, it always seemed to seek its advice from the Brisbane bar. I instance Mr Jim Geraughty who was killed unfortunately halfway through working on some federal code and Mr Justice Brennan who was then Mr Gerry Brennan QC also had a part in it.

I expect that this code will be circulated to honourable members. It will not be introduced into this House in May because I would rather it receive wide public discussion and comment. We will attempt to take into account all the criticisms and comments and perhaps introduce it in August. As soon as the judges have had a look at it and as soon as I have had a look at it, I will make sure that it is circulated to all honourable members before it is circulated to anyone else.

Mr SPEAKER: I am satisfied that the delay of one month provided by Standing Order 151 could result in hardship being caused and, therefore, on the application of the Chief Minister, I declare the bills to be urgent bills.

Motion agreed to; bills read a second time.

Bills passed remaining stages without debate.

ADJOURNMENT

Mr EVERINGHAM (Chief Minister): I move that the House do now adjourn.

I would simply like to put forward a request to honourable members this afternoon. I refer them to the date of the proposed May sittings of this Assembly. It has been brought to my attention that one week of the proposed sittings conflicts with the school holidays. It may be that some honourable members, especially those from out of Darwin, might wish to have the date of the sittings transferred so as not to conflict with the school holidays. Unless I hear something to the contrary from honourable members within the course of the next week, I propose to approach you, Mr Speaker, with a view to shifting the date of the May sittings by a week or so to avoid the conflict.

Mr COLLINS (Arnhem): Yesterday, there were some remarks made in this House by the honourable member for Elsey on the subject of the Katherine Rural College. I would just like to add to those remarks. I believe that the formation of the Katherine Rural College is an urgent need for the Northern Territory. It is well known to everybody in this House that the agricultural potential of the Northern Territory is greatly under-utilised and, because of bad management and misdirection, has been abused in the past. I agree also that there is no need for this college to be a high-flown, academic institution. Its real purpose has to be as a practical college for teaching young Territory people how to farm successfully in the Northern Territory. I would like also to support introducing a scheme of apprenticing - I also have reservations about that word - young people with experienced farmers to give them practical instruction on how to farm properly with a view to setting them up as producers themselves. This would need some thought by the ministers on the land policy that would have to be adopted for this particular proposition.

The Territory has many problems. A number of them are serious ones: unemployment, the under-utilisation of the Territory's agricultural potential and low energy resources and the high cost of importing energy resources from interstate and from overseas. There is a crop that is eminently suited to Top End conditions, a crop that, because of recent research and development overseas, has achieved staggering results from an enormous number of uses from stockfeed to producing paper pulp, to being utilised as energy for the production of electricity - that crop is leuceana leucocephala. When I was a lad, it used to be called leuceana glauca but I understand it has had a change of name. There are over 100 known varieties of this particular crop around the world and there is some work being done in the Philippines and in Hawaii on producing commercial varieties of the crop and an enormous degree of success with quite staggering yield results has been achieved already.

Just to talk briefly about the crop itself, it is a perennial legume. The particular variety that I am interested in seeing trialed in the Territory is the salvador type. It grows to a height of 13 feet in 6 months, to 30 feet in 2 years and to a maximum height of 65 feet within 6 years. It is ideally suited to the tropics and subtropics below an altitude of 1,500 feet. It thrives best in a rainfall of 25 inches to 65 inches a year but can be successfully commercially grown on as low as 10 inches of rainfall a year. It is an aggressive and extremely hardy plant. It has enormous tolerances to differences in rainfall, sunlight, salinity, terrain and soil types. It can withstand successfully annual flooding, fire, wind, frost and drought. It can also successfully withstand dry seasons of up to 8½ months in length with no rain whatsoever. If that is not the obvious crop to grow in the top end of the Northern Territory, I have never heard of one.

It has great resistance to pests and diseases. It is also greatly underutilised and not enough research has been done on it. A very interesting report has been produced on this crop and, unlike the honourable member for Tiwi, I will disclose the source of the material that I am going to read into Hansard this afternoon. This has been produced by the American National Academy of Sciences and it is the result of a study that has been conducted jointly by the Philippine Council for Agriculture and the US Academy of Sciences. I'll read some extracts rather than paraphrase what is contained in this book.

> *Of all tropical legumes, leuceana probably offers the widest assortment of uses. It produces nutritious forage, firewood, timber and rich, organic fertiliser. Its diverse uses include revegetating tropical hill slopes, providing wind breaks, fire breaks, shade and ornamentation. Individual leuceana trees have yielded extraordinary amounts of wood, indeed among the highest annual totals ever recorded. Although the plant is responsible for some of the highest weight gains measured in cattle feeding on the forage, it remains a neglected crop and its full potential is largely unrealised.*

Leuceana, being a legume, has very beneficial effects on the soil. It fixes nitrogen in the soil. It has a deep taproot system which allows it to withstand long dry seasons. This helps to break up the soil, improve water permeability and has all kinds of very positive agricultural effects on the soil. The leaves are extremely small which means that they are turned into mulch within a period of about 2 weeks.

Among the uses to which this very versatile crop can be put is the production of paper pulp. This particular report has a page in it that has been produced from leuceana pulp. The crop is currently being used to generate electricity and to power railway locomotives. It is used in drying fish, tobacco and other agricultural products. It is used in processing sugar, rubber and wattle bark. It is also used in tin smelters, bricks, charcoal, kilns and sawmills.

Because it is a perennial crop, it can be harvested at any time of the year. For the commercial crops that have been produced in Hawaii, it has yielded in excess of 20 tonnes of wood per hectare. Just to demonstrate that this is no pie-in-the-sky idea, leuceana is currently being used in the Philippines and Hawaii to generate electricity. The wood is so dense that the charcoal that is produced in the wood has 70% of the energy producing capacity of fuel oil; leuceana charcoal has a heating value of 7000 calories per kilogram, 12000 British thermal units per pound, which is 70% of the heating value of fuel oil. It can be made in simple retorts or pits on a small or large scale and offers a potentially lucrative industry for rural regions where leuceana plantations could be located.

The book also contains quite an interesting story about the use to which countries around the world put charcoal and timber. 55% of all of the wood produced in the world is still being used for the principal purpose of burning as an initial energy source. Brazil's metallurgical industry uses charcoal and it gives the details: "3 million tonnes of charcoal are produced annually in Brazil. This charcoal is used to power 4 calcium carbide furnaces, 10 ferro-silicon furnaces, 100 steel foundries and 2 small blast furnaces for producing pig iron".

This is a long way from being pie in the sky. Because of the comparative cheapness of fossil fuels around the world, in Australia and the United States of America, not enough attention has been given to alternative energy sources such as solar energy or agro-industrial crops such as leuceana. This is the principal reason why not enough research has been done on it.

I would like to stress again that it is not pie-in-the-sky stuff. The crop is being used in various countries around the world, particularly in developing countries, for the production of steel and the generation of electricity. That, of course, is the particular interest I have. The figures I have, and I can be corrected by the honourable Minister for Mines and Energy as far as the Darwin situation is concerned, is that we will need about 60 megawatts of power by 1985, 120 megawatts by 1991 and 180 megawatts by 1996. Roughly, two-thirds of the current expenditure of the Darwin powerhouse at the moment is on fuel.

The production of leuceana for trial cropping could easily be carried out and I would suggest that the most suitable location in the Territory is Tipperary Station. The reason I suggest Tipperary is that, to make the most use of the crop if it was a success horticulturally, the power generating source should be placed close to the leuceana source. Figures are also available as some preliminary work has been done, interestingly enough, in the Territory on the potential of this crop to generate electricity. It has been estimated that 1200 tonnes of leuceana a day would be needed by 1982 on these figures and 3600 tonnes a day by 1988. On the average figure of 20 tonnes per hectare of wood produced, this would require 22,000 hectares of land in 1982 and 66,000 hectares of land in 1988. From an agricultural point of view, I see the greatest potential drawback of this crop is in having such an enormous area under monoculture. Of course, elsewhere in Australia it is quite a common practice. The farming area where I came from has traditionally - and successfully - grown wheat and just wheat in the same area of land for 30 years.

You cannot get away with this these days, of course, without providing some sort of chemical fertiliser. Again, because leuceana is a legume, it does not need nitrogenous fertilisers; it only needs superphosphate. The information I have is that, because it is so hardy and so aggressive, it could get away with one aerial top dressing of superphosphate per year. It needs no land preparation. The original stock is maintained practically forever. In the Philippines, leuceana is grown widely on mountain slopes to prevent erosion and it is utilised by people for fuel-wood. This is for burning in fires to cook food and so on.

In the Philippines, despite the construction of a nuclear reactor which 98% of the population will never get to use as it is directed mostly to the supply of power to the people in Manila, the people still use fuel-wood for their heating, their lighting and their cooking. These stands of leuceana have been cropped severely and continuously for 55 years and they are still as healthy and productive today as they were when they were first planted.

The potential of this crop is enormous. The only reason it has not come to any particular public attention or has been utilised to its full extent is because of the relative cheapness of fossil fuels up to now. I think everybody would agree that we have certainly reached the stage in 1979 where we are going to have to look very closely at how long these fossil fuels will remain at an economic price. What I am suggesting is that, because of the particular suitability of growing this crop in the Northern Territory, because it is ideally suited to the rainfall, the terrain, the soil-type and everything else that we have in the Territory, because I know that small crops of it have already been grown successfully in the Territory, I would suggest to the Northern Territory government, and in particular to the honourable Minister for Industrial Development, that he give directions to the Primary Industries Branch - and funding of course - to begin immediately on a trial crop of leuceana, possibly at Tipperary Station.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, today I would like to make public some comments made to me by people in my electorate who travel to town every day. I am referring to the beautification of the approaches to Darwin. I feel many other people must have travelled out of Darwin some time, especially the 3 honourable members of this House who also live in the Tiwi electorate, and must have seen the same things that I have seen.

The Forestry Branch has done a remarkable job in tidying up the approaches to Darwin - negatively, in clearing the weeds and positively in planting trees. Some years ago, before the present Director of Primary Industries took up office, the front of the Berrimah Experimental Farm sported the best crop of noxious weeds that I have seen around this area. It was the best crop both from the point of view of variety and also lushness. It is a pity we do not have a picture of that; we could have had a picture of the "before" and "after".

There was a report some time ago which did not voice approval of the work of the Forestry Branch in their program of growing cyprus pine and spending so much time and effort on it. This latest work of forestry, while not actually producing an income, is work that is nonetheless very worthwhile and rewarding, especially when the public voices its commendation of it to its elected representatives. It is work which is both aesthetically and agriculturally very pleasing. In a way it is income-producing in that it presents a very important view to tourists if they travel by road coming into Darwin because it makes a much more pleasant approach than it did some time ago.

Finally, I would like to say a word or two about Mr Bob MacNeil. This gentleman before the cyclone - I cannot remember how many years but it was quite some years - established a garden at the Winnellie weighbridge. He did this on his own initiative. He grew the grass; he tended it; he watered it; he fertilised it. He grew shrubs and he grew annuals - all at his own expense - and he also had the beginnings of a bush house there. This is the sort of thing that should be commented on publicly. He is a private individual doing service to the community with no hope of reward, just because he wants to make something beautiful in the community. It is not a small garden - I would say, at a guess, it is about a ¼ acre - that this man, off his own bat, has started and he has continued to tend this garden for the joy of everybody who drives past.

Mr ISAACS (Millner): Mr Deputy Speaker, I saw in the media yesterday a reference to the Lady Nell Seeing-eye Dog School running out of a supply of golden retrievers. This raises the question of facilities for blind people here in the Northern Territory. I wish to give some details to the minister of a particular case. I think it is a remarkable story and I hope the minister can do something about it. However, I do not wish to give details of the family and names publicly. This particular family came to the Northern Territory 11 years ago and, 3 years ago, one member of the family, a young fellow aged thirteen, was shot in the face. The result of this incident was the loss of the sight of both his eyes. Indeed, the fact that the fellow is alive today, in the words of his sister, is a walking miracle.

He was sent south to receive treatment and continued his schooling. He is staying with relations there but that is not the same as staying with his family here. He wants to come back and currently the fellow is quite distressed and depressed, and his school-work is suffering. The facilities are not here for him. I repeat, Mr Deputy Speaker, this young fellow is blind as a result of a very traumatic incident 3 years ago. He has been given an electric typewriter by courtesy of IBM which is an act of great charity by IBM. What he requires to continue his schooling here in the Territory is the use of a reading machine. It costs $30,000 and, of course, that is way beyond his means or that of his family.

I believe there may be a number of residents of the Northern Territory who also suffer similar injury and who, like this fellow, have to go south because there are no facilities here for them. I hope the government might look at this matter. I will give the details to the minister so that he might be able to pursue the matter with a view, if possible, of purchasing such a reading machine. It would not be for the sole use of this one fellow but, obviously, in the event that other people meet with similar accidents, it could be useful for them. It would mean that we would not lose those people from the Territory.

This young chap must have a ton of verve and go in him; he is pressing on although, because he has been in Melbourne for the last 3 years - no offence to Melbourne but he is away from his family - he is suffering depression. He is the sort of person, I believe, that every Territory resident would want to welcome back and see make a contribution to the community. Apparently, the loss of eye-sight is the only defect; mentally he is alert and seeks to continue to play a part in the place which he regards as his home, the Northern Territory. I will be giving details of this to the minister and I trust we can do something to assist this person and others like him.

Mr MacFARLANE (Elsey): Mr Deputy Speaker, I was very interested to hear the remarks of the honourable member for Arnhem today about this despised coffee bush. It may be of interest to the compilers of the Chief Minister's speech on the late Ruper Kentish that the correct initial for Mr Nixon-Smith, the first Director of Agriculture was not J but W - Walter Nixon-Smith. He gave me some seeds of leuceana glauca back in the late forties and I did not have any trouble controlling it. As a matter of fact, I could not germinate it. I do not think it is going to be quite as easy as the honourable member for Arnhem makes out.

Mr Collins: That's not the variety, Mac.

Mr MacFARLANE: As a matter of interest, in the Philippines, virtually the whole of the island Corrigedor is covered in this leuceana glauca and there is only a handful of people on the island. It is there, apparently, to prevent erosion. If it grows wild there, it will grow wild here. I hope it grows wild at Tipperary or wherever the honourable member for Arnhem wants to plant it. It is also true other crops will grow well. This legacy of neglect that we have inherited from the federal government sits very badly on them. Cassava will

apparently grow very freely in the Top End and it will help with our fuel needs, too. A spirit can be made out of it, as it can be made out of sorghum. However, sorghum would not be economic. These are all facets of agriculture which must be practised in the very near future.

One other way of getting the fuel and fertiliser we want is to trade with Indonesia. We had the Indonesian Vice-Consul here today and he confirmed that they do produce nitrogenous fertiliser and they also have LP gas and petroleum products. Presumably, these are available. We know they need beef and that is about the only thing we have to trade at the present time. We know they need rice and all the other things that will grow here on these vast, neglected acres. I would suggest, as I have been suggesting for a long time, that any trade mission which is sent to South-east Asia should concentrate on Indonesia. They are our neighbours; there are 140 million of them. Somebody said 170 million ...

Mrs Lawrie: They've probably shot a few.

Mr MacFARLANE: I wouldn't quibble over 30 million but there are a lot of them and they are close to us and they are there to stay. The sooner we develop trading relations with them, the better for us.

I was very pleased to hear several references - one from the Treasurer and one from the Chief Minister - that this government realises that it must have some control over its resources. The statement by the Treasurer that BHP must consider its hosts when it backloads manganese ore to its foundries was revealing and the statement by the Chief Minister that you do not have to own the banks to control them - as the federal government controls the banks in Australia - was also revealing.

I feel, as I have felt for a long time, that a quarter of a million cattle which are turned off the Northern Territory each year by road, rail, sea and air, in cartons and in quarters, do belong to the Northern Territory fundamentally. I think we should ensure that the Northern Territory gets the full benefit from these cattle. They are a product of the Northern Territory. I am delighted that the Northern Territory has gone ahead to fund Edward Souery and the Tennant Creek abattoirs, although what Edward Souery and Company would require $1m for is very doubtful. They are a very wealthy firm and I think they would need $1m extra like they would need a hole in the head. The government has realised the advantages of having a killing facility there and it is a very good thing. I hope the newspaper article about Meneling requiring, and probably getting, half a million dollars will also be successful. It is another realisation that beef is worth money. In the Northern Territory, beef is about the only thing we have to export at the present time.

I have a reply to an answer here from the Minister for Industrial Development. It is in answer to this question:

> *Will the Northern Territory government promote the sale of top quality Centralian and Tableland beef in the top end of the Territory by amending the method of licensing abattoirs and meatworks to ensure that the local market is provided for?*

The answer is:

> *The honourable member's question infers that the present method of licensing abattoirs and meatworks inhibits the sale of top quality Centralian Tablelands beef in the top end of the Territory. I am unable to identify any aspects of the licensing provisions of the Abattoirs and Slaughtering Act that inhibits that sale. However, if the honourable member cares to put*

forward a specific proposal which could promote increased sales in the Top End, I will undertake to have the matter investigated.

It is true that my question does infer that the method of licensing abattoirs and meatworks inhibits sales because people cannot get their beef killed in Alice Springs, Tennant Creek, Katherine and, presumably, Meneling because these abattoirs are not service abattoirs. You can say that you cannot put too many limits on private enterprise. Can't you? What about the casinos? They are buttoned up tighter than an old lady's shoe. You cannot put restrictions on free enterprise. If it is for the good of the Northern Territory, of course you can. The federal government have not nationalised the banks but they are controlling them.

All we want is a requirement written into this act. Either the federal government or the Northern Territory government has a large stake of $1.25m in Northmeat and perhaps $1m in Tennant Creek. I am not sure if they have money in Alice Springs Abattoirs. They could have money in Meneling. This provision will ensure that people can buy cattle in Alice Springs and have them killed by right, not by favour. The Angliss Abattoirs in Darwin had the same provision in its licensing act. According to the member for Stuart, Centralian beef is magnificent. I am a cattleman and I have been grinding my teeth on rough beef at the Don for 4 or 5 years now. I have had good beef but that was flown from Sydney. It was prime ribs of beef. According to the people from the Centre, the beef down there is good but where is it going? It is going south. Why not let the people of Darwin taste this beautiful beef? They cannot because Mr Whittaker and the previous government allowed free enterprise to do what they like with the beef - buy it how they like, kill it how they like and sell it where they like.

It is a simple provision to write into this licensing act that all abattoirs be service abattoirs. It is only last year that the Israelis wanted a couple of thousand tons of the beef from the forequarters which is usually the hardest beef to get rid of. There was nowhere in the Northern Territory where they could get that beef. They could not buy their own cattle and have that amount of beef off the forequarters; the hindquarters are what meatworks prefer. We lost that particular trade.

There is a definite need for meatworks in the Northern Territory to be service works if the cattle industry is to be run for the benefit of the Northern Territory and not for the few processors, exporters who are making a pretty fair profit. According to an article yesterday in the Sydney Morning Herald - and doing a quick calculation that may not necessarily be correct - 80,000 head of cattle killed at Wyndham and Katherine yielded about $8m profit. There could have been a profit exceeding the price that cattlemen were paid for their cattle. That is not bad business, is it?

This government could be regulating this; I do not say it should because it is free enterprise. The people who will develop the country are not the processors - there are only 4 or 5 of them and their money goes back to Sydney - but the people who live on the land. It is the producers that I am concerned with and they are the people that we must be concerned with. The producers - whether they are farmers, miners, cattlemen or fishermen - are the people who will turn in the money. They are the people who will provide the funds so that the Public Service Commissioner can put more men on over there and in other places. This government must protect the producers and the consumers whether they are Asians or the people of Darwin eating good Centralian beef.

Mrs LAWRIE (Nightcliff): Mr Speaker, I had not intended to speak but it is about time I reiterated a couple of beliefs that I think it is necessary to air from time to time. Indonesia walked into East Timor and took over that country by force. Successive Australian governments, to their eternal shame, paid lip

service towards decrying that act but did little else. The present Chief Minister of the Northern Territory, to his eternal credit, deplored the events that took place and his remarks are in Hansard. Senator Bernie Kilgariff, the senior Country Liberal Party member in the Northern Territory, to his eternal credit, deplored that action and has never deviated from that stand. Senator Bernie Kilgariff has done all in his power to assist in the reunification of families torn apart by the action of Indonesia. Senator Ted Robertson, to his eternal credit, has done exactly the same thing as Senator Bernie Kilgariff. Senator Ted Robertson is the only Australian Labor Party member representing us in the federal parliament. This means, Mr Deputy Speaker, that across the broad spectrum of politics in the Northern Territory people have voiced their displeasure at events in East Timor and I rise to repeat my feelings about it.

My feelings are in accord with those of the 2 senators and with the remarks made by the Chief Minister when he was a backbencher some years ago. What will Australia do if Indonesia or another country does the same thing in Papua New Guinea which, until recently, was a protectorate of ours and for which we still have a particular and abiding concern and certain obligations? The apathy of the Australian people towards events such as this continues to appal me yet I think that it is an apathy engendered by a feeling that they cannot have much say in the event.

I have noticed a feeling throughout the Australian community of intense displeasure and, in some quarters, even outrage at what has happened yet their elected representatives, by and large, have done little. Isolated politicians, particularly those from the Territory, have voiced their displeasure. Australia owes a debt to the people of Timor which it should never have forgotten and which Australian servicemen who served in that area of the war certainly have not forgotten. It is a debt which is not reflected in the attitudes of the Australian governments, both Labor, which was in power at the time, and the Liberal Country Party which followed them. Is it apathy or is it greed or a willingness to sell at any price that makes us ignore those events and remain quiet? Along with the 2 senators and the Chief Minister, I will not remain quiet. I feel a distinct abhorrence and outrage at what occurred in Timor and I think the Australian people should never forget it.

Mrs O'NEIL (Fannie Bay): In the last 10 years or so, there have been many beautiful hospitals built in the Northern Territory. Perhaps they are a little too beautiful and too much for us to maintain in our present financial situation. Nevertheless, we have them and they are very handsome edifices. It is a great shame that, while these buildings have been planned and built in the last 10 years, recognition was not made in the planning for something that has gained more and more recognition during that time. I refer to the desirability of having living-in facilities for parents of young children going to hospital. For such children, it can be a particularly traumatic time; perhaps they are facing a serious operation and they are separated from home and their families. Perhaps, they see mum and dad only for a short period each day. More and more research in hospitals in Australia, and in Britain where this started, has demonstrated that, if facilities are provided so that a parent or some other close person can stay even for a short period in the hospital with the child, recovery is very greatly enhanced because the child is so much more secure, happy and comfortable. It is unfortunate that this progress was not recognised in the planning of the hospitals. However, because the hospitals have such a large amount of extra space, I do not think it is too late for the Health Department to give consideration to setting aside some space to provide rooming-in facilities for the parents of young children going into those hospitals. I hope the Minister for Health is listening. I urge him to see whether his department can reconsider its position on this and make some space available in the hospitals for rooming-in for perhaps a few parents in cases where that might be considered particularly desirable.

Mr STEELE (Industrial Development): Mr Deputy Speaker, I feel compelled to restate a bit of government policy. One would not normally want to restate government policy in the adjournment debate but it seems that the honourable Speaker has some very fixed ideas which I have never tried to change. I have tried to assist him over a long period of time and ...

Mr Collins: Tell us about that million bucks.

Mr STEELE: I was about to. No problems at all.

Firstly, just one statement of fact: 290,000 cattle went out of the Northern Territory last year, not a quarter of a million.

One point I should mention is the money and Souerys. That is a decision of the government. I think most people would realise that a business has to stand on its own two feet. One business should not have to subsidise another and the fact that Souerys do have tremendous backing behind them is an indication that the meatworks in Tennant Creek will survive. The fact that it has backing is a guarantee that it will survive. Without that backing I would be concerned myself, without an in-depth study of the figures, as to the long-term viability of such a project. However, my short-term requirement is that most primary producers in the Northern Territory get out of debt and I am prepared to say that that meatworks will survive over a long period of time and it will assist in taking cattle off producers who are in tremendously heavy debt today.

As far as limits on abattoirs are concerned. I must explain that the 2 loans that are administered for the Katherine abattoirs and the Alice Springs abattoirs are still in the hands of the federal Treasury people. We expect those loans to be transferred over to the administration of the Northern Territory government in due course. In fact, we have been pushing for the administration of those loans so that, if we felt that we had to take a hand in the actions of abattoirs in the Northern Territory, particularly those 2 abattoirs, we would be able to by handling the administration of the finance.

It is a fallacy to say that people in Alice Springs cannot get local meat killed there. Corkwood Bore, a little bit up the road from Alice Springs, kills for local consumption. It does it on a regular basis and has been doing so for several years.

I would like to restate our position on service works. There will be no service works in the Northern Territory in the short term. They are being closed down around Australia. Don Day told me recently they are closing down Homebush in New South Wales. It is costing $34 a head to kill at Homebush when comparatively, in private enterprise abattoirs, it is costing some $11 a head. It is just not a proposition for any government of any political complexion. While the Northern Territory is part of the federation, even though as a Territory not a state - and it is tight; locked up tight as the old lady's shoe - there can be tremendous movement of beef in cartons or on the hoof anywhere across the Northern Territory and across its borders. There is no regulation under the sun that will guarantee the end-result that the member for Elsey desires.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

PETITION

International hotels with gambling facilities

Mr OLIVER (Alice Springs): Mr Speaker, I present a petition from 280 residents of the Alice Springs area expressing support for the proposed establishment of international hotels with gambling facilities in Darwin and Alice Springs. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable Speaker and members of the Legislative Assembly for the Northern Territory, the humble petition of the undersigned citizens of the Northern Territory respectfully showeth that there is widespread support for the government's move to establish first-class international hotels with gaming facilities in Darwin and Alice Springs. Your petitioners therefore humbly pray that all Assembly members take whatever steps they can to ensure the establishment of such complexes and your petitioners, as in duty bound, will ever pray.

SUSPENSION OF STANDING ORDERS

Mr ISAACS (Opposition Leader): I move that so much of Standing Orders be suspended as to enable the Leader of the Opposition to move without notice and have debated forthwith the following motion: "That the Chief Minister be censured for his interference in the disciplinary and other official procedures of the Northern Territory Public Service, and the Assembly calls on the Chief Minister to resign".

We have heard in the Assembly at question time this morning admissions from the Chief Minister of interference not only in appointments but also in disciplinary procedures within the public service. That is an alarming position - alarming not just to members of this Assembly but to members of the public service and to the community at large. Admissions have been made by the ministers themselves that they will continue to interfere with the procedures of the public service, to snoop on public servants, to interfere with their mail unashamedly. This is not only alarming but also dictatorial. Because of the seriousness with which the opposition views the whole matter of political interference in the public service, we believe that a censure motion is required. Indeed, we would be failing in our duty if we did not move the motion. For that reason, I move the suspension of Standing Orders. As I understand it, I do not require leave of the Assembly to do so. I believe the substance of the matter - that is, the interference by the Chief Minister ...

Mr ROBERTSON (Community Development): A point of order, Mr Speaker. The member is canvassing the very issue that he is asking the House to canvass.

Mr SPEAKER: There is no point of order.

Mr ISAACS: The reason for the motion for the suspension of Standing Orders is to enable this very important debate to go on. I am simply enunciating to the Assembly the terms of the substantive motion which I intend to move. I do not believe that any more serious charge could be levelled against any minister. Despite the assurance of the words of the Chief Minister, he is not part of the administrative side of government. He is on the political side of government.

The administrative side of government is handled properly and rightly by the Northern Territory Public Service, and its integrity and its ability to serve governments of either colour depends on the non-involvement of ministers. This government does not understand. It is not a matter of niceties; it is a matter of understanding the proper workings. For that reason, I move the suspension of Standing Orders.

Motion agreed to.

CENSURE OF CHIEF MINISTER

Mr ISAACS (Opposition Leader): I move that the Chief Minister be censured for his interference in the disciplinary and other procedures of the Northern Territory Public Service and the Assembly calls on the Chief Minister to resign.

I indicated my reason for this motion in my speech in support of the suspension of Standing Orders. We have heard today, at question time, the most alarming admissions that could ever be made in any parliament in Australia or, indeed, in the Westminster system.

Mr Perron: You have a lot to learn.

Mr ISAACS: The deputy leader says we have a lot to learn. If we have more to learn from this government, then perish the thought. This government clearly does not understand the technique of government. It believes it can run rough-shod over anybody who dares to stand up against it and that includes its own public servants.

I believe the admissions we have heard from the Chief Minister, that not only is he not prepared to retract anything he has said or done but will continue to do it, must have sent shock waves through the entire public service. It was bad enough on Friday when Mr Vine made his various disclosures; it is worse today with the Chief Minister's attitude of saying, "If anybody stands up against us, we will run over them. If they don't do as we believe they ought to do, out they go".

What was the offence? Let us just dwell for a second on Mr Vine. Mr Vine's offence is that he has breached public service regulations. That is admitted by him and by everybody. What is scandalous about this situation is that a breach of public service regulations has been dealt with not according to the proper channels, by the Public Service Commissioner, but dealt with by the Chief Minister himself. Of course, we have this nicety which the Chief Minister talks about, that he has arranged for the Public Service Commissioner to suspend the fellow. Very well done! But by his own admission the Chief Minister says today that he sought his suspension by the Public Service Commissioner. The offence the man has committed is, without question, an offence but it is an offence that is committed by very many public servants - moonlighters and Lord knows what else that goes on, people employed in the public service who have second jobs. It is a problem that people in the Northern Territory have known about for many years. Mr Vine is hardly Robinson Crusoe in the commission of that offence. That does not lessen it; that does not lighten it. It is still an offence but it is an offence to be dealt with by the Public Service Commission's own procedures. The Chief Minister has personally intervened to ensure the suspension in the first place and, I believe, the resignation of Mr Vine.

I want to read from a letter that Mr Vine wrote to the president of the Australian Journalists Association because it refutes categorically the statement made earlier by the Chief Minister on the resignation letter of Mr Vine. I wish to quote from the second paragraph of that letter:

At the outset I want to make it clear that I was, in fact, in breach of public service regulations, ignorantly so, but nonetheless in breach. Nevertheless, the resignation as such is a blind. I was suspended pending investigation of a charge of possible misconduct and told in no uncertain manner by the Chief Minister that he no longer felt he had confidence in me or could trust me, and perhaps I would like to take my own course of action. As you can see, I had no option but to resign.

Mr Collins: Gave him a revolver and left the room.

Mr ISAACS: Mr Speaker, we have heard today about the investigation of the Office of Information by the third most senior person in the Northern Territory Public Service, the head of the Office of Inter-governmental Relations - whatever he might have to do with the Office of Information - who went to the Office of Information and started to search for sensitive files. It was quite amazing having the answers from the Chief Minister when he justified this by saying that there could be confidential material - cabinet papers, sensitive material. Of course, he did not say whether or not that material was used in the article and, indeed, that his own press officer had cleared the matter. So quite obviously, the document itself contained nothing confidential at all. Indeed, if the Assembly agrees, I would seek leave to incorporate in Hansard the actual article which was written by Mr Vine.

Leave granted.

There's a lovely poster in one of the little outback pubs by the Track between Alice Springs and Darwin which says: "Minimum dress standard is shirt and long socks and shoes".

And under it is a very bosomy blonde in skimpy sweater, long socks and shoes - and nothing else.

In a place like the Territory, and especially Darwin, where people generally aren't too fussy about anything except keeping the beer cold and the wolf from the door, dress could suddenly become a major talking point.

It's all over the proposed new casinos for Darwin and Alice Springs.

Federal Hotels have now signed agreements with the Northern Territory Government for these new gambling palaces and legislation is now going through the Territory's Legislative Assembly.

One of the things still to be decided is the mode of dress, and that won't be done until Federal Hotels and the Government have got their heads together on this crucial subject.

But the Treasurer, the snappy dressing young Marshall Perron, made it plain at a press conference this week that he wants a high standard of dress.

What, asked one reporter, do you mean by high - tuxedo and dinner suit? After all, he went on, how many people in Darwin even own a suit?

Mr Perron said: "Good point. I own one because I'm in this job, otherwise I probably wouldn't and, of course, we wouldn't ask for that sort of dress.

"But the Chief Minister (Mr Paul Everingham) and I were asked to leave the gambling room at Wrest Point in Hobart because we weren't suitably attired, and we didn't have coats on.

"However we were told we could go to the two-up den and found that there were people there in jeans and all sorts of gear.

"But our two-up area will be in the gambling rooms, so that's out.

"What I'd really like is for the people of Darwin to let us know what they think."

Mr Everingham said that, as far as he was concerned, wearing a tie was about as high as you could get in Darwin.

"The place will be airconditioned and there should be no great discomfort with a tie on," he said.

But whether the average Darwinite will cop a tie remains to be seen. One thing is certain - he won't be slow letting the Government know.

The dress issue in fact shows how keenly the Government is taking these casinos.

As Mr Perron says: "We'll have the power to tell them when to empty their wastepaper baskets if necessary".

The Goverrment can approve or disapprove of a shareholding, it can change the profitability of the games in gaming rooms and even watch over the accounts.

And there will be no poker machines.

Federal Hotels have not only gone along with this Goverrment role, but supported it.

Both sides stress that the casinos must be seen to be clean and above board.

Territorians and Territory owned or controlled companies will be offered 25 per cent of the action in Federal Hotels (N.T.) Pty Ltd. and the Government does not have to exercise its right to have this placement made for six years, if necessary.

As Mr Perron says, the Government will not do this immediately. "Community interest and response will largely dictate when we do," he said.

He also had the last words on dress. Territory casual - thongs and beer can in hand - is just not on.

Mr ISAACS: The article itself is inconsequential. It talks about the Treasurer as being a snappy dresser. I would have thought the Treasurer would have been pleased at that one. It was a complimentary article, a lighthearted article designed to boost the matter of casino development in the Northern Territory. I believe the article is a good one and would have achieved its purpose.

The whole matter has been blown up out of all proportion, blown up because of the interference of the Chief Minister himself. The man committed a breach. It should have been dealt with entirely within the procedures laid down by the Public Service Act. But the Chief Minister believes he has to have a finger in every pie; he has to be involved in everything. His ministers are so scared that the Treasurer, who sees the document and should have immediately said, "It has nothing to do with me. Send it back to the Public Service Commissioner" - what

does he do? He runs to the boss. He says, "You deal with it. I can't". There is no doubt that the Chief Minister involves himself in every item of government business and, of course, that is why he is making mistakes. He has made a mistake here; he should admit it. But no, he brazens it out. "I have not made a mistake," he claims, "and I will do it again".

The matters raised by the Chief Minister this morning, his intention to continue these snoop tactics, this business of sending in senior officers to open mail, to delve into files, must send shock waves throughout the whole of the Northern Territory Public Service. Because of that, because of the Chief Minister's disregard for what he terms as niceties, technicalities, legalisms as he always puts it, the Northern Territory Public Service can have no confidence in being able to work for this government with impunity, of being able to offer impartial advice without fear of being blown up by the Chief Minister in the event that they do not agree with his own views. It is alarming. The questions asked this morning by myself and by the member for Nightcliff have revealed an attitude of mind by this government which cuts right across the whole principle of the integrity and independence of the public service. I believe it is a very bad start. Our public service is only an infant, not yet a year old, as the Northern Territory Public Service under this government. I believe the actions by the Chief Minister have destroyed or, if they have not already destroyed, will go very close to destroying the confidence which a public service can have in being able to deal with ministries of either political hue. I think the public service at the moment is fearful of what is going to happen next: what other tactics of this sort are going to be used against it; how else is it going to be treated by a government that believes it can cut across the accepted procedures simply in the name of niceties and having to get the job done.

It is a distressing thing to see the Chief Minister able to make the statements he has in the Chamber and his Treasurer echoing them, believing they are so right. If the Chief Minister has this extraordinary view about the way he can deal with disciplinary procedures in the public service, I would have hoped that other ministers would not agree. But Little Sir Echo was there, telling us all that it is right and they would do it again. I believe the motion ought to be carried. The government members quite clearly realise the immensity of the problem raised. They supported the suspension of Standing Orders to enable the debate to go on. I believe the charges involved and the admissions given are such that the government ought to immediately resign.

Mr EVERINGHAM (Chief Minister): Mr Speaker, the government is opposing the motion of censure. It is surprising that the Leader of the Opposition who always calls for the upholding of our management rules in this parliament has seen fit on this occasion to give us no notice whatsoever of his intention to move this censure motion. But this really does not concern me because it is obvious that after question time the Leader of the Opposition had shot his bolt and this motion is being brought on by him in one last desperate effort to make something out of the Vine affair.

I put it to you and to honourable members, Mr Speaker, that there has been no undue or unwarranted interference in the disciplinary and other procedures of the Northern Territory Public Service by anyone who is not entitled to do so. Just to recap the history we have heard this morning, the material was brought to my attention and we have had the article incorporated into Hansard. Of course, the whole significance of the thing appears to have gone over the Leader of the Opposition's head although I rather think it is because he does not want to see it. It is not the article that concerned me at all, Mr Speaker, and I made that clear during question time. I made it clear that my press officer knew of the article and that he expected it to go through the information office in the usual way. It is the letter that Mr Vine wrote that concerned me - and it is only one

of five letters to editors or feature managers in major news services in each state. I just cannot but reiterate the second paragraph of that letter: "I offer it to you for your usual substantial fee (New South Wales rights only) and you have it exclusively. If you have no objection, I will continue to offer such pieces now and then".

There is absolutely no proof, other than innuendo, rumour and Mr Vine's assertions that he was ever given permission to freelance. By a process of elimination, Mr Speaker, if you accept that neither myself, the Solicitor-General nor my press officer, nor the assistant public service commissioner, gave Mr Vine permission to freelance, then it brings us back to the first person who interviewed him, Mr Peter Simon. It may be possible that Mr Simon gave him permission to freelance but I do not believe so. Certainly, Mr Simon has not said so and I understand that he is a senior executive of the Australian Journalists Association here in Darwin. I am sure that as an officer of the Office of Information, he would have immediately told me when this affair blew up if he had ever given Mr Vine permission to freelance. So I think we can take it quite clearly that Vine did not have permission to freelance.

So this letter comes into my possession. What do I do? Do I take it lightly, Mr Speaker? I immediately call the Public Service Commissioner and the Solicitor-General to my office. I ask them their views of the position. I take advice from them. I act in accordance with their advice. I call in the most senior member of my department's permanent staff present and I then interview Mr Vine. I indicate to Mr Vine, in the presence of Mr Lovegrove, the course of action that is proposed to be taken. This was to suspend Mr Vine pending an inquiry because Mr Vine had continual access to very sensitive material, cabinet documents; obviously, the Director of Information must have access to all the innermost workings of government otherwise he would not be able to do his job.

I certainly admit, Mr Speaker, that this letter caused me to lose confidence in Mr Vine's ability to do his job in the way that I expected. I believed, in common with the advice I received, that a suspension pending an inquiry was a reasonable thing to request and that was requested by my department of the Public Service Commissioner. Mr Vine was suspended by the Public Service Commissioner and at a later stage I decided to send another senior public servant to secure the private and sensitive papers that may have been in the Office of Information. Mr Vine is suspended at this stage and no doubt soon the Public Service Commissioner will carry out an inquiry. If he is an innocent man, as we are told, Mr Vine could no doubt produce the evidence at the inquiry that he was given permission to freelance. But does he wait for the inquiry to give that evidence? No.

Of course, he is just being used as a political tool by the opposition; they don't care about his career. This is the sort of thing where, if the facts were established, you would reckon you would want to see the man get another chance. But no; the opposition uses him as a gullible victim in an attempt to censure and work against the government, and to undermine the morale and the confidence of the public service. Mr Vine apparently decided to play along as the willing tool of the opposition and started writing letters - or did he write them himself, I wonder. Certainly the letter the honourable Leader of the Opposition read from is not his style, when you compare the style in that letter with Mr Vine's letter of resignation where the key paragraph is:

> *I realise that after only a fortnight in the job, this might appear premature but I don't think I am cut out for the role you see in your Director of Information. My life has always been involved with writing and I had hoped that the role here would be a journalistic one.*

Mr Speaker, I really believe the opposition cannot make out any case at all where there has been interference in the public service beyond a warranted degree. It was necessary, therefore, that there be a suspension because the position is a terribly confidential one where the man works almost directly to the Chief Minister through, if anyone, the Director-General. He is a branch head in my department. I defy the Leader of the Opposition or the opposition to produce any evidence whatsoever that the government has acted in contravention of public service disciplinary procedures or any other procedures. We have acted in accordance with the advice of our senior men and I am not hesitant to say that, because I always believe in seeking such advice in any matter and this, obviously, was one where advice had to be sought.

Mr Speaker, I refute the allegations made by the Leader of the Opposition. He has shot his bolt and the time of the House is being wasted by the continuation of this lamentable saga.

Mrs LAWRIE (Nightcliff): Mr Speaker, the honourable Chief Minister has said that Mr Vine is being used as a gullible tool of the opposition. You can certainly count me as a member of the opposition to his government in the tenor of this debate. I would advise the House that Mr Vine is far from being a gullible tool. Mr Vine came to see me at home on Sunday and spent some considerable time with me. I was happy to see him, being fairly distressed by what I understood were the chain of events leading up to his suspension and subsequent resignation. He sought me out - hardly a gullible tool, Mr Speaker.

It is interesting, I think, that I appear to be one of the few people to have actually spent time with the man and heard his side of the story. I was listening to a very bewildered man. There are a few things that the Chief Minister keeps stressing unduly and I think unfairly. The Chief Minister kept saying that he could not believe he would have been given permission to freelance. That was not what I suggested. The honourable Chief Minister has turned my suggestion to what he sees as his particular advantage. What happened, in fact - and I have no reason to disbelieve Mr Vine - is that when he had an initial interview with an officer of the Northern Territory Public Service, he mentioned as journalists do that he would wish to continue freelancing in some capacity. He was not told that that was not possible. I am in no way suggesting that it was said to him, "That is okay; you can". But he had no idea - perhaps he would not have taken the job otherwise - that he could not freelance. When he arrived in Darwin he was interviewed again by an officer of the Northern Territory Public Service and Mr Vine assured me that he again said he wished to freelance, and at no stage was told he could not.

We come then to an area of misunderstanding which has completely passed over the head of the Chief Minister. In journalistic terms to freelance means to be paid AJA rates for those articles that you write. In journalistic terms there is nothing wrong with that; it is perfectly acceptable. What Mr Vine displayed was a total ignorance of public service conditions which would have precluded this happening. And he admits to it. He had only been in the job 8 days. So his offence was one of ignorance and not malice. The honourable Chief Minister has admitted, as we all know, there was nothing in the article that was not public knowledge, and no one is worried about that. The Chief Minister is concerned about the covering letter written by Mr Vine to the various staff members of newspapers around the country but, as I am attempting to point out to those members of the House who have never had any knowledge of the way in which journalists operate, there was nothing sinister in that. He was saying that when he was freelancing, as distinct from when he was acting as Director of Information, he would of course expect to be paid. That is his offence; but it was not one of malice, it was one of sheer ignorance.

The man was bewildered by subsequent events. He freely admits that the article and the letters were written in his office. If he had wanted to hide it, he would have firstly made sure that any article appearing down south would not have been under his name. He would not have written the articles in the office; he would not have shown them to the Chief Minister's secretary and said, "What do you think of that?" The man is not stupid; he is a first-class journalist with 25 years' experience of journalism and none whatsoever of the public service. At all times he assumed, wrongly but in good faith, that what he was doing was acceptable under the terms of his employment. There is not one person who has not agreed that he was in fact wrong and he knows it now. However, he had no idea that it would be seen as a breach of faith, a breach of privilege or a breach of anything else. The man would not have been so stupid as to do it in his public service office and show it to a ministerial assistant had he so believed.

I want to make one thing quite clear: I have faith in the man's credibility as a person and as a journalist. I am sorry that he had only 8 days in the public service and no one took the trouble to explain in detail public service regulations. I do not expect this problem to arise again because, by now, every journalist in the country will know exactly what Northern Territory Public Service regulations prescribe, and that is not a bad thing. It is a pity this man did not know. But I cannot sit here and listen to attacks on his integrity. The man acted, at all times, in good faith and without malice.

I support this motion of censure against the Chief Minister because of the way in which the whole affair was handled. Who opened the mail? Why was it opened? Is it normal procedure in the Northern Territory Public Service to open private mail? Is it done at random or selectively? When the mail was opened by some phantom - no one seems to know who opened it - it was then taken to the Treasurer. Who took it to the Treasurer - a public servant or one of the Treasurer's ministerial assistants? Whoever took it to him should have been appalled that a public servant's mail was opened in this manner and given to him. The Treasurer should have immediately said, "Take it to the Public Service Commissioner" because it is not his affair to interfere in the public service. He passed it to the Chief Minister as most of the frontbenchers and all of the backbenchers would have done because they all seem dead scared of their Chief Minister. If he wants to run a one-man-band, he has to bear the consequences of his actions. The Chief Minister should have known that it was not a matter for him but a matter for the Public Service Commissioner's office. I accept that his Director-General was not in Darwin. Was there no other senior officer of the Northern Territory Public Service? Of course, there was. If there had been involvement by some person handing the mail to a minister, which should never have been done, ministerial interference or knowledge should have ceased there and then. It should have been referred directly to the Public Service Commissioner and officers of his department.

The honourable Chief Minister said that he did notify the Public Service Commissioner but, by his own admission, he took a fair interest in the proceedings. He directed another Northern Territory public servant to stage an ASIO raid in the best traditions of Mr Murphy - I am referring to Mr Murphy, the High Court judge. We had the spectacle of a senior public servant being directed to go to the Office of Public Information to see if there was any sensitive material there. Most of the people working in that office are public servants of some standing. They know public service procedures and it was just an unhappy fact that their former boss did not. I commiserate with them; after years in the public service, fancy coming one day to find your desk being rifled at the behest of the Chief Minister. I think the Public Service Commissioner would have had a bit more sense and knowledge of public service procedures than to act in that manner. I accept that senior officers can ultimately retain control of the files in their department, that goes without saying, but it is up to the senior public servants and the Public Service

Commissioner - that is why we have him. The Chief Minister does not run the administrative arm of government; he only thinks he does. It is up to this Assembly to point out to him, in some detail, that he does not. He has his time occupied running the entire government ministry.

Mr Speaker, the whole affair is appalling. For some reason someone intercepted the mail, opened it and handed it to a minister of Her Majesty's government when he should not have so done. The issue of whether or not Mr Vine should have written the article has been fully canvassed. I hope members on both sides of the House will take my word that I had extensive discussions with the man himself and he was bewildered and appalled at what had fallen on his head because he had no idea that he could not act in the way he did. He made no attempt to hide his actions. It is a sledgehammer to crack a peanut. He should have been reprimanded; it should have been pointed out to him that the way in which he was acting was not tolerable to the Northern Territory Public Service. Instead, we have seen frontbenchers running around the corridors of power with letters emanating from a public service office. I am appalled at the actions taken last Thursday and Friday and I call for the Chief Minister's resignation.

Mr PERRON (Treasurer): Mr Speaker, I am rather surprised that the member for Nightcliff should take such a line on this matter although one is beginning to accept that she is following the opposition just for the sake of opposition, but that is not always the case. Why make a great fuss about how someone came to have a particular letter in his possession? What was in the letter and the implications of the letter seem to have been somewhat disregarded.

Mrs Lawrie: The ends never justify the means.

Mr PERRON: The honourable member for Nightcliff said the gentleman feels guilty and realises that he had done the wrong thing and that it was all because he did not know what the rules were. But she is really trying to attack the government by supporting this motion of censure against the Chief Minister. I do not remember a great fuss being made about how a certain document came into other people's hands in this House. Perhaps the Leader of the Opposition is worried about losing some of his trucks that run around with things falling off the back so that he can attempt as often as possible to embarrass the government.

Mr Vine himself was quoted in the Northern Territory News - and I presume it is correct although that is not necessarily so - as saying that he considered that anything in the Office of Information was public information. If he did in fact say that, I believe it to be the most outrageous statement to have come from that man. If that is the case, surely there can be no complaint about anyone opening a letter from his office because Mr Vine himself considered it public information.

The member for Nightcliff also made a fuss about how he was really only doing it for Australian Journalists Association rates. Surely we are not discussing the price; we are discussing the action and the intent, not whether it was for AJA rates or for some other exhorbitant sum. The point is that an officer of the government was selling information to southern newspapers that was not cleared through the press officer of the minister whose portfolio covered the field about which the article was written.

The Opposition Leader claims that this action will do great damage to the Northern Territory government and to the public service. I believe that is absolute nonsense. The Northern Territory Public Service knows full well that, in the day-to-day administration of the government, it tenders to ministers impartial advice which may express opposition to a course that the government proposes to take. However, once a decision is made, then the duty of the public service is to carry out instructions. We are not talking about an officer expressing an

opposing view to the government; we are talking about an officer selling information for personal gain while he is being rewarded from taxpayers' funds. On his own admission, according to the member for Nightcliff, he even wrote the article in the government's time. One would expect that a man who had been in charge of a section for only a couple of weeks would have had more to do in getting on with the job that he was being paid to do than spending part of the day knocking out something in order to get a quid on the side.

The Leader of the Opposition feels that, when this information came into my hands, I should not have taken it to the Chief Minister but to the Public Service Commissioner. It seemed to me at the time that the officer concerned was a senior member of the Chief Minister's Department. Why should I take it to the Public Service Commissioner?

Mrs Lawrie: The Public Service Commissioner employs him, not the Chief Minister.

Mr PERRON: At the time I was about to see the Chief Minister anyhow. I delivered the information to him and left it for him to deal with. Quite rightly, the Chief Minister sought the advice of the Public Service Commissioner on the course of action to take. I see no impropriety in that whatsoever. Inferences that ministers or the Chief Minister are running around sacking people and ransacking files in government offices are absolute nonsense and the opposition knows it. Unlike the opposition, we regard the implications of the document that came into our hands, from whatever source, to be very serious.

I do not think this matter deserves a great deal of debate because it is obviously put forward by the opposition in a rather facetious manner. The entire concept of a censure motion against the Chief Minister, the inference that ministers cannot take a personal interest in such things as the security of cabinet files and the inference that the Chief Minister cannot properly instruct that action be taken to secure certain documents in a particular place are quite outrageous. It would surely be improper for a minister to pay no regard to the security of these documents. If he had any reason whatsoever to believe there was a security risk to government confidentiality, it would be his duty to instruct senior officers to take action to correct the situation. We are really talking about the normal processes of diligent government action. I think the motion is an outrage and I certainly do not support it.

Mr COLLINS (Arnhem): Mr Speaker, I think if Dr Coombs had been sitting in the public gallery this morning, he would have been a very unhappy man. I am glad the honourable Treasurer did not continue for much longer because, during that speech, the only reason he opened his mouth was to change feet. He certainly made some amazing statements, though certainly no more amazing than some of the things that were said this morning by the Chief Minister.

The Chief Minister said this morning that the opposition did not care about the future of Mr Vine. As far as I am concerned personally, I do not particularly care about the future of Mr Vine. I have never met the man. What I do care very much about is that we should have in the Northern Territory, as in every other state of Australia, an independent, impartial public service that is not subject to political interference from whichever government happens to be in power at the time. Governments change regularly, as the Chief Minister well knows, and more particularly in volatile places such as the Northern Territory. Because of the number of politicians and our small population it is quite likely, and it is becoming more likely with every passing day, that the government in the Northern Territory will change even more rapidly than those elsewhere. The public service needs to have some kind of guarantee that the actions that took place on Thursday and Friday will not occur again. I do not think we can take any confidence from

the debate this morning that it will not happen again. In fact, we had a statement from the Treasurer that these were normal government procedures. If that is the case, I do not think members of the public service will enjoy reading the Hansard of this debate.

I have not particularly enjoyed listening to it because there certainly were some rather amazing statements made this morning. I will give the Chief Minister the benefit of the doubt that when he said, as Hansard tomorrow will show: "I suspended Mr Vine". It was merely a slip of the tongue but, certainly, he did say that. There was another amazing performance from the Chief Minister when he was creating all kinds of loopholes for himself as to why he had come to his decision. I would like to make that point very clear, Mr Speaker. People on the front bench of government must accept a thing called ministerial responsibility. In this House we have had evidence in the past of the Chief Minister's tendency to shove the blame off onto other people and onto public servants.

In connection with another matter, the Chief Minister said in this House last year that, although the minister himself was a very fine fellow, unfortunately he was not very well served by the people who worked for him. We have had another shining example of that same style this morning and it is the style of this government that really worries me and has worried me certainly for the past 6 months - the whole attitude behind this hillbilly approach to government.

The Chief Minister went on at length this morning about all the people from whom he took advice: "I got advice from this one and advice from that one and advice from somebody else and they told me to do this and that". That is fine; of course, he gets advice. He finished it off by saying, "It was my department that recommended the suspension, not me. I am only the Chief Minister. I am only the head of government in the Northern Territory". His very words were: "It was done by my department". I think everybody should be somewhat alarmed at the Chief Minister's tendency - and his track record on this particular issue is a poor one - to duck out from under ministerial responsibility when it suits him.

Another amazing statement was made by the honourable Treasurer in answer to a question this morning when he was asked who opened the mail. It took my breath away. With all the blathering we have heard about the opposition from the other side and for all the smug smiles on the face of the Treasurer, who thinks it is a huge joke, there have been two questions this morning that have not been answered by anybody. Who opened the mail in the first place and why was it done?

The Treasurer explained his version of why it was done and that was another interesting statement. The Treasurer said, "All you people on the other side and everyone else that has criticised us has said that the information in the letter was public information. Therefore, why should anybody really mind if the letter was opened?" The debate in this House this morning is going to make amazing reading tomorrow. If the information is public, why shouldn't anybody have his mail opened and, if it contains public information, why shouldn't anybody pick a letter out of a tray and open it up, if there is nothing in it that is secret? Well, if I was working in the Northern Territory Public Service, I do not think I would have very much confidence in my employer - the public service, not the government, not the Chief Minister, not the Country Liberal Party, but the public service - if I thought that some little man in a room somewhere was taking every thirteenth or fifteenth or twenty-sixth letter out of the file and opening it. Of course, that is not done in the public service; we all know that. Therefore, why was this particular letter removed and opened? That question has not been answered by anybody, except with absolute nonsense from a man who purports to be a minister of the Crown, a responsible man, the deputy leader of the government, when he says, "Well, if it was public information in the letter, why should

anybody mind if it was opened?" What a load of rubbish! The honourable minister's answer would stretch anybody's credibility.

Does the honourable Treasurer, the deputy leader of the Territory government, really expect people to believe that he did not ask the person who handed him that letter, "Who opened this? Where did you get it?" We have all been told about the serious way the government regards this whole business but the Treasurer was so coy that he could not bring himself to ask the person who brought him the letter, "Who opened it?" What absolute nonsense! Does he really expect anybody to believe that? Of course they will not believe it because it is rubbish, and it is not true.

The facts are that the reason the Treasurer was being so coy in question time this morning was because he knows full well that that letter was opened not by a member of the public service but by a ministerial officer, a political employee of the minister concerned. It was a ministerial officer who opened that letter, not a member of the public service. That is why the Treasurer was so coy and so untruthful in his answer during question time this morning.

Mr SPEAKER: Order! The honourable member is introducing matters of censure against the Treasurer. The motion calls for a censure against the Chief Minister.

Mr COLLINS: Mr Speaker, as far as responsible government is concerned, I find it very hard to distinguish between the head of the government and the deputy head of the government. Certainly, the Chief Minister himself made statements this morning which were just as foolish and just as stupid as those made by his Treasurer.

Something else was referred to this morning and, because it was stated during the debate to cloud and confuse the issue, it also deserves a reply. It gets back again to the style of the Chief Minister and his government. It concerns the charges that have been laid against this opposition about things falling off trucks - and we all know that the government was referring to the Caffin report that fell off a truck and how dreadful it is that the opposition had to do things like that. As the Chief Minister knows full well, if he would like to sit down and listen, the Assembly opposition was forced into obtaining information like that. We did not like having to do it; Mr Speaker, we were forced into obtaining information in that way because on the Tuesday following the announcement of the GIO, as the Chief Minister well knows if he would pay attention ...

Mr SPEAKER: Order! The honourable member for Arnhem should not indicate that the honourable Chief Minister is not paying attention. He should stick to the words of the motion which are "the Chief Minister be censured for his interference in the disciplinary and other official procedures of the Northern Territory Public Service and the Assembly calls on the Chief Minister to resign". He is speaking in a very round-about way.

Mr COLLINS: Mr Speaker, the Chief Minister knows full well that as a responsible opposition in this Assembly, we contacted the government and asked for a briefing on this particular document - after all the promises that were made to us by the Chief Minister last year about briefings being offered to the opposition - and we had a number of substantive questions which we relayed to the government for answer. That request for a briefing was denied, refused by the government. It was refused in a fairly cavalier fashion which typified the whole style of this government and the Chief Minister personally. The government will not give the opposition a briefing on the Caffin report and the GIO because the government considers such briefings to be unnecessary. With that kind of response to a reasonable request for a briefing, what else would you expect the opposition to do? We have a duty to debate issues in this House. So let us not

have any more rubbish about documents falling off trucks and so on. If the Chief Minister would alter his style of government, the arrogant and contemptuous way that he treats this opposition and in fact the whole electorate of the Northern Territory and the public service, perhaps such things would not be necessary in future.

We also heard some interesting comments this morning about how dreadful it is to make a few quid on the side. What a dreadful thing for a public servant to want to make a few quid on the side! Well, Mr Speaker, I do not know about the Chief Minister himself but I certainly know there are at least several people on the other side of the House who manage to get a few quid on the side, apart from their parliamentary salaries. So I do not think, to use a very hackneyed phrase, that people in glass houses should throw too many stones. It is unfair to berate this man for expecting to be able to act as a freelance journalist and get a few quid on the side when they themselves indulge in the same practice - at least, several of them do.

Going back to the suspension itself, there are two questions that have not been answered this morning by the government and we want them answered. Why was the mail interfered with? Why was it done and who did it? Was it a member of the public service or was it, as we well know, a ministerial officer - a political appointee of the minister?

Mr ROBERTSON (Community Development): Mr Speaker, in listening to the debate I have been trying to work out precisely what the thrust of it is. It would seem to me that two points have been raised by the opposition and in this case, as usual, I include the honourable member for Nightcliff in that.

I do not really think the tirade of the honourable member for Arnhem is worth probing for the simple reason it does not seem to canvass any of the issues that are substantive to the motion. It would seem to me that the Leader of the Opposition's principal concern was the handling of the matter by the Chief Minister and what is normal practice in the relationship of ministers to senior officials in the public service.

The matters raised by the honourable member for Nightcliff were again irrelevant to the issue but I think perhaps in that case I might make an exception and enlarge a little on them. Her comments involved Mr Vine's understanding of public service regulations and she painted him as an innocent person. I, like the Chief Minister, find it most unfortunate that we stand here and use a person's name over and over again, a person who is clearly going to have to find employment elsewhere. But let us deal with the concern of the honourable member for Nightcliff first, and that is her contention that Mr Vine had no way of knowing that he could not continue freelancing.

Mrs Lawrie: He did not have a choice.

Mr SPEAKER: Order!

Mr ROBERTSON: I cannot remember interjecting once throughout the course of this entire debate, Mr Speaker. I may have during the debate to the motion when the Leader of the Opposition was trying to get two bites of the cherry - and such a small cherry at that, one would wonder why he would bother.

Mr Speaker, I would have thought it was normal journalistic practice - and I am sure journalists would correct me if I am wrong - for a person not to act as a stringer when he is in the full employ of a paper. Mr Vine was clearly in the full employ of the Northern Territory government. The Chief Minister has indicated the level of that salary. Let us look at whether or not Mr Vine had reason to

believe he could proceed with freelance journalism. The honourable member for Nightcliff said he was given no reason to believe otherwise. Let us read out a sentence from his letter to the president of the Australian Journalists Association, Darwin Branch that was quoted from earlier by the Leader of the Opposition. He says: "I tried to explain to him that I was of the opinion" - and that opinion, incidently, was that he was allowed to continue with freelance journalism - "which I still hold, that I had cleared this line of freelance work with him or, if not, with someone close to him or the Public Service Commissioner during the course of protracted negotiations".

So we have a person who claims that during the course of protracted negotiations, quite clearly by implication, he had repeatedly asked for permission to act as a freelance journalist. No one seems to deny that. The facts, then, are these: having repeatedly asked for permission to carry out his activities as a freelance journalist, he must at that stage have already been aware that there was a public service regulation prohibiting that sort of activity. Why would a person constantly request permission to continue with an activity if he believed it was perfectly normal and perfectly proper, if he was in complete ignorance of any such regulation? Quite clearly, on the face of that, it would be nonsense to suggest that he was ignorant of such a provision, otherwise he would have had no reason to ask repeatedly for this permission throughout protracted negotiations. We have heard from the Chief Minister that he certainly did not indicate in the discussions he had in Melbourne that such was proper practice. We have the authority of the Solicitor-General to say that he did not. Now if anyone is going to know - and this would be part of the protracted negotiations, I would assume - a deputy commissioner of the public service would certainly know that such conduct was improper. So he certainly would not have given permission.

So two things emerge. I accept, because I am not going to call the man that word which is unparliamentary, that no one told him he could not do it. But the fact of the matter from his own admission in this letter, or from what is implied in his own admission, is that he must have been aware of that at the time of making the application for the job.

Now let us look at the other issue that was raised by the honourable member for Nightcliff where she insisted that there was nothing wrong with the nature of the article that the person put out. There was nothing wrong with his motive; he believed it was quite proper to carry on with freelance journalism. Well now, if that is true, Mr Speaker, why would he say in the same letter to the president of the Darwin Branch of the Australian Journalists Association: "I showed the article to Mr Everingham's press secretary" - and that has been admitted - "who said that he thought it was very good. I told him I was sending it to southern papers. I did not tell him I was asking for payment".

Mrs Lawrie: Because he is making that quite clear.

Mr ROBERTSON: I quite agree with the honourable member. He has made it quite clear that he deliberately did not indicate that he was going to make a charge in respect of this activity.

Mrs Lawrie: No, it's not ...

Mr SPEAKER: Order, order!

Mr ROBERTSON: I suppose I will have to shout to get over the ratbaggery from the opposition.

Quite clearly, Mr Speaker, he was not prepared to indicate at that stage that he was going to make a charge for his services. Why would someone do that, if they were in ignorance of it being an offence to do so? It would be completely illogical to carry on in that manner.

Going further with this letter: "Late in the afternoon, I personally addressed the letters containing the article to the feature editors of the Brisbane Courier Mail, the Melbourne Herald and the Adelaide Advertiser. I left them with my secretary" - paid for by the taxpayer - "for posting" - paid for by a government franking machine. Now, Mr Speaker, so much for the issues raised by the honourable member for Nightcliff where she seeks to paint the person whose name we have been throwing around as being completely innocent of all regulations. I have demonstrated step by step that that argument must fail.

Secondly - and lastly, I would think - the Leader of the Opposition talks about what is the normal relationship of government ministers to the public service in terms of discipline. I agree with him entirely. It is a matter for the Public Service Commissioner. The Chief Minister has assured us that he went through the Public Service Commissioner and the other most senior officer ...

Mr Collins: Went through him, all right.

Mr ROBERTSON: ... of the Northern Territory Public Service, the Solicitor-General, and based his decision on that advice. He has indicated that the actual request for the suspension went from his department to the Public Service Commissioner who - and only he - can make the decision. I can assure the honourable members in this House and the public that, if the Public Service Commissioner of the Northern Territory, Mr Norm Campbell, does not agree with what any minister puts up, including the Chief Minister, he will tell us in a hurry. That gentleman is no rubber stamp for any minister, I can assure you. Mr Campbell is very firm in the way he operates as, quite properly, an independent statutory officeholder should be. If he did not agree with the request of the Department of the Chief Minister that this person should be suspended pending proper investigation, I can assure honourable members that he would have flatly refused to do so. Quite clearly, not only was the Chief Minister advised by the Public Service Commissioner but the Public Service Commissioner, within his own right, took the suspension action. No one else took that action but the Public Service Commissioner. Subsequently, Mr Vine chose of his own volition to resign rather than see the matter through. One would wonder why he would to that if he was so innocent.

The question I have yet to address myself to is that of ministerial responsibility to the public and public service responsibility to government and the nexus between the two.

Throughout the Westminster system people look to the government for the security of government information and documents. We are fully aware of what it does to business confidence, to national confidence, to interstate confidence, to international confidence when a government which is held accountable by the people cannot control its own internal security. I agree that there are public service procedures to go through but, as the Treasurer has pointed out, how can a minister turn his back when he receives such information? It is a matter of judgment whether or not he says, "I am so disinterested in what I believe to be the greatest risk to cabinet documents that I will send this through the channels to the Public Service Commissioner". On the other hand, does he do what every minister in the Westminster system would do and that is consult with the person who is his leader. I would do it and I say that I have no fear of the Chief Minister. In fact, my survival will probably depend on how few times I take him on in the party room and in the cabinet room, and that

is common knowledge among my colleagues. I have no fear of him and nor have any of my colleagues. But if a major issue arises, of course I will seek his advice.

What is the normal practice in respect of senior officers being interviewed by their ministers, premiers or prime ministers? The cases that readily come to mind are legion. The South Australian premier personally interviewed and personally suspended the Commissioner of Police in South Australia - a Labor government. In the Advertiser of Saturday 3 March, we have a report of the resignation of the chief of SGIC: "Mr Milne said yesterday that the former Premier, Mr Dunstan, had asked him to resign 18 months ago".

There is nothing clandestine about this; there is no erosion of the public service; there is no conscious effort to denigrate the trust between the public service and the Northern Territory government and its ministers. On the contrary, it is normal practice when senior officers are involved for them to be extended the courtesy of an interview at top level. Actual disciplinary action, if any, is properly left to the Public Service Commissioner. The Chief Minister does not even have the power to suspend; the Public Service Commissioner himself did it. The fact of the matter is that interviews of this nature do occur at that level. The former Premier of South Australia has done it twice in the last 2 years. I do not think that anyone would say he is a man who has brought the system of democratic government into disrepute, any more than any person other than an opposition hellbent on being destructive for its own sake. No reasonable person would maintain that this episode is any different to that quite commonly used throughout the Westminster system and demonstrably used by the state of South Australia.

Ms D'ROZARIO (Sanderson): Mr Speaker, the Minister for Community Development accused members of this side of not adding anything to this debate yet he did not do much to answer points that the Opposition Leader raised.

The deputy leader has said that this motion is a facetious one and he stands condemned by those words. It is not at all facetious to raise this question at this time. I hope that those public servants who read the transcript tomorrow or subsequently will share that opinion. It is a matter that we take very seriously. The public service is meant to be a dispassionate and impartial adviser to the government of the day. What we have here, and what the Leader of the Opposition outlined in his motion, is blatant interference by ministers of the government in the affairs of the public service, and that is the matter on which we are censuring the Chief Minister.

The honourable Minister for Community Development made much play, and very pretentiously, about international, national, regional and all other types of security of government documents. The question that Mr Vine has raised in his letter to the Australian Journalists Association is a legitimate one. He has asked what place cabinet files and ministerial matters have in the office of the Director of Information. Here, we raise a very important point. What role does the government see the Office of Information discharging? Is it to be the repository of cabinet files? If so, I think the government shows an extreme lack of technique in how to manage its own affairs. It is quite clear that the Office of Information was never meant to be the repository of cabinet files or ministerial documents which require security.

We had the Minister for Community Development speaking at length about security. Let us have a look at the article which caused this furore. I do not think any member on either side of the House would say that that article was in any way prejudicial to government security. We have also this covering letter which the Chief Minister produced, apparently written by Mr Vine to

various editors around the country. The Chief Minister has made great play of a sentence in that letter to the effect that Mr Vine would offer from time to time a piece for publication in southern papers. For some reason, which he has not explained to us, the Chief Minister interpreted that statement to mean that Mr Vine would somehow offer a piece which was prejudicial to the security of the government.

The whole question turns on a misunderstanding on the part of Mr Vine, as to whether or not he would be permitted to undertake some freelance work. This misunderstanding was admitted by him and certainly understood by every member present here. That misunderstanding should have been cleared up at one or another stage of the protracted negotiations which Mr Vine claims took place in the period which led to his appointment. The misunderstanding could quite easily have been cleared up by the Public Service Commissioner who has extensive administrative experience.

However, the misunderstanding was compounded by the Chief Minister who jumped to the conclusion that that sentence in the letter indicated that Mr Vine was going to offer pieces for publication which would somehow reflect upon sensitive issues which the government had under consideration. I consider that to be a misinterpretation of what Mr Vine meant. If he was under the impression that he could do freelance work, Mr Vine could write on any matter concerning the Northern Territory community that would not prejudice government security. We see the article he wrote was a rather trivial and lighthearted one concerning dress in the casinos. He might easily have gone to the beercan regatta a few months hence and written a nice piece which would have given the public down south some indication of the construction of beercan boats. That would not have been prejudicial to government either.

I do not consider the government has much expertise in the handling of its public service. The government is surely sitting on the edge of a tinderbox. It is well known to me, representing as I do a large population of public servants, that public servants are indeed concerned about the style of this government and its interference in day-to-day matters. For that reason, I support the call that the Chief Minister should resign. He has indeed damaged the morale and the confidence of the public service in his government.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I move that the motion be put.

Motion agreed to.

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

The Assembly divided:

Ayes	Noes
6	11
Mr Collins	Mr Ballantyne
Ms D'Rozario	Mr Dondas
Mr Isaacs	Mr Everingham
Mrs Lawrie	Mr Harris
Mrs O'Neil	Mr MacFarlane
Mr Perkins	Mr Oliver
	Mrs Padgham-Purich
	Mr Perron
	Mr Robertson
	Mr Steele
	Mr Tuxworth

TRADE MISSION REPORT

Mr PERRON (Treasurer): Mr Speaker, I table the report of the Northern Territory Trade Mission to South-east Asia in December 1978. I seek leave to make a statement in relation to the Trade Mission Report and move that it be noted.

Leave granted.

Mr PERRON: Mr Speaker, it was indeed a privilege for me to lead the Northern Territory government's first trade mission into South-east Asia just 5 months after the attainment of self-government. Our visit to the region followed the Territory's first mission to the area some 9 months earlier. The combination of both exercises has seen a start made on the foundation of relationships which, if nurtured, will see the blossoming of a future of great economic activity.

The Territory government has taken the view that we must look to the north for our trade and the message we conveyed in December was that we wished to explore prospects for two-way trade. In all of our discussions, we found a genuine response of interest in the Territory's gaining of responsible self-government. In fact, many of those we spoke with were intrigued that one sixth of Australia had to wait until so late in the century to gain this status. There was enthusiasm for our expression as a young government that, now we had charge of the Territory's destiny, we wished to link ourselves closer to our neighbours.

Our December itinerary took us to 4 destinations: the island republic of Singapore, Sabah in East Malaysia, Kuala Lumpur, the Malaysian capital, and the British Crown Colony of Hong Kong. Their needs and the needs of other nations in the region are largely food needs, particularly protein. Singapore, for example, imports an estimated 90% of its net food consumption, Hong Kong about 85% and Malaysia some 20%. Quality, price and regularity of supply are the principal criteria adopted in their purchases. It is apparent that, if the Territory can satisfactorily meet these criteria, then we could never grow or produce enough to satisfy the market demand. We have a real future as a diversified food basket for the region but, with the exception of beef, it is unlikely that the Territory can assist the market demand for other food products for some time yet except in a very small way. Much needs to be done before we can capitalise on our knowledge. It is one thing to say we can produce and sell hundreds of thousands of tonnes of agricultural produce to our neighbours; it is another thing to do it. The truth of the matter is that our rural economy rides on the cattle industry's back. The statistical summary for the Territory for 1977 shows the grand total then of land under crops as 8,292 hectares - and 40% of that was in sorghum. We do not have a strong agricultural sector. It is an industry in embryo only but the government is determined to do its utmost to encourage its development. It is most certainly in the Territory's interests to do so.

The total population of the 3 countries we visited in December is 21 million people. Two of them, Singapore and Malaysia, combine with Thailand, Indonesia and the Philippines, forming the ASEAN grouping and these latter 3 have a population of 225 million people. ASEAN, the Association of South-east Asian Nations, could be described as a political entity moving ever more strongly towards joint economic goals including questions of trade. Some commentators see it eventually emerging as a bloc somewhat similar to the EEC and the cold winds of its displeasure are already blowing in Australia's direction with the threat of trade sanctions over the cheap airfares dispute. Should such sanctions occur, they could well be counter-productive to the

Territory and undo the good work we achieved during December, especially in relation to beef and cattle exports. It is most certainly the desire of the Territory government that Canberra perceive that our national interests lie in partnership with our neighbours and exercise every endeavour to mute the adversary position now developing.

South-east Asia, so far as we are concerned, is the best market source for the future development of our agricultural, beef and tourism industries. This government is orient oriented. Geographically, we could be termed more Asian than Australian. Indonesia is much closer to the Top End than Tasmania and Singapore is 4 hours' flight time from Darwin, less time than it takes to get to Melbourne.

From the ASEAN viewpoint, there is another problem with Australia and that is our national protectionist policies to Australian industry through tariffs. ASEAN would like to sell more manufactured products to Australia; it would like to see protectionism diminished. The Territory government supports the review of tariffs because the Commonwealth policies in this field are not in our best interests either.

As Singapore and Hong Kong are captive to the need to import food, so is the Territory. We are captive to the need not only to import much of our food but also manufactured goods, including cars, industrial equipment and building supplies. If we must import across vast land distances, then this government sees no reason why many of those imports should not, in fact, eventually come to us across shorter sea distances, particularly when one considers goods imported to the Territory from overseas through other capitals.

I mentioned earlier that our discussions in December were on the basis that the Territory government was keen to explore prospects for two-way trade. The reality of shipping economics is that you need a load both ways to get the full benefit. Someone should remind ANL of that fact. It is also better business sense to engage in partnership in trade rather than one seeking to monopolise the sales position. The Territory, however, has a relatively small consumer market and while we have the potential to make vast sales to South-east Asia, there are restrictions necessarily imposed on how much we can buy in return because of our low population base. Therefore, we have instituted an investigation to determine the feasibility of terminating Asian cargo bound for the east coast of Australia in Darwin, and then utilising empty capacity on south-bound road trains or coastal vessels to get that cargo to its ultimate destination. The organisation of regular shipping between Darwin and South-east Asia and the solution to the question of back-loading will be one of the biggest hurdles we will have to overcome before there can be a take-off in our trade hopes.

Combined with that, of course, is the requirement to obtain expansion in the agricultural sector. However, so far as beef and live cattle are concerned, we have a foot firmly in the South-east Asian door. In terms of immediate prospects for improved trade and of easier conditions of trade, the trade mission's work in live cattle and beef was most successful. In general, the trade mission was effective, firstly, in directing various importers to the economic advantages of imports from the Territory and, secondly, in negotiating reductions in import restrictions, particularly those relating to blue tongue.

In January, subsequent to our visit to Hong Kong, official confirmation came through of a change in policy by the Hong Kong authorities on imports of live cattle from the Territory. Hong Kong's import ban was lifted effective from 1 February. Credit for this major breakthrough largely rests with my ministerial colleague, the Minister for Industrial Development, and the

principal veterinary officer in his department, Dr Peter Hooper. Proposals were put to the Hong Kong veterinary department suggesting modifications to their policy and within the space of 4 weeks, we received the welcome news that Hong Kong was again open to live cattle imports from the Territory. Before the market closed in 1977 Hong Kong bought 16,000 head of Territory cattle in that year. The value of having that market open to the Territory is obvious.

The mission made contact with a number of beef and live cattle importers in Malaysia and Singapore including the state-owned trading companies, Primary Industries Enterprise in Singapore and the National Livestock Development Authority in Kuala Lumpur which has a trading as well as industry development function. The Singapore company proposes importing live cattle from the Territory and so far as Malaysia is concerned, increases in Territory exports arising from our discussions are expected to ensue. No doubt my colleague, the Minister for Industrial Development, will provide more detail on the trading position as developments unfold but honourable members will appreciate from my remarks that market prospects from Territory cattle and beef are now in a much improved position in Singapore, Malaysia and Hong Kong than they were before the trade mission left Darwin.

Tourism and the Territory's geographic position as Australia's northern gateway was given consideration by members of the mission in light of the imminent establishment of international standard hotel casinos in Darwin and Alice Springs. The consensus from industry spokesmen in the region is that the Territory can certainly improve the present 5,000 or so visitors we attract annually from Japan and South-east Asia. Incomes are rising in the region and Hong Kong, for example, is now attracting 27.6% of its visitors from Japan and 24% from South-east Asian nations. That is, more than half Hong Kong's 2m tourists each year are other Asians. A number of factors preclude an immediate mass inflow into the Territory from the growing and increasingly mobile market, not the least of which are air links and our own marketing capacity and ability to accommodate substantial numbers of international tourists. As with cattle and prospects for other commodities, the Territory's tourism industry has a future of unknown but enormous dimensions should it seriously address itself to the question of attracting Asian visitors. It is a challenge that I am sure will be accepted.

It has not been my intention in these remarks to restate the content of our report on the December mission but rather to canvass some wider issues and to provide honourable members with some background to the government's thinking on our trade future. There is certainly no doubt that, as a food producer, we are most welcome to compete further in the market place that is on our doorstep. There is also a realisation that, in the long term, the Territory will become a highly-valued, major food-supplier to the region. Our close proximity and stated endeavour to develop our vast land resources are two factors which found favour with governments and businessmen alike. Later missions must maintain our contacts in the areas visited and, in due course, the Territory must pay regard to developing relationships at government-to-government level with Indonesia, the Philippines, Thailand, Japan and other countries in the region.

I would like to record the fact that, during the December mission, we were most ably assisted by the Australian government trade commission offices in Singapore, Hong Kong, Kuala Lumpur and their representatives in Kota Kinabalu, the capital of Sabah. My 3 parliamentary colleagues on the mission will also, I am sure, fully concur that the government officers who formed part of the team each added his own professional expertise to ensure that our mission ran smoothly and gained the success that it did.

Our mission was not designed as a sales trip with an order book but rather it was aimed primarily as a fact-finding exercise. Nevertheless, we made notable achievements in respect of our cattle industry and we have returned wiser to the requirements of our market targets and to the problems of developing trade between the Territory and South-east Asia. The interest generated in our party and the Territory was genuine. This is evidenced by the fact that our discussions included long sessions with government ministers, senior government officials and businessmen right through our itinerary. Many sought later meetings with us at the conclusion of official engagements and widespread media coverage in every centre gave the Territory continuous exposure during our travels.

I mentioned at the beginning of my remarks that the Territory has made a start in the foundation of relationships and I use the word "foundation" advisedly. South-east Asia is an extremely vital region and its very vitality means that, to trade with it, we have to be very competitive, responsive to questions for more information and decisive when decisions are called for. Almost every week there is a government trade commission from somewhere in the world. Each day there are countless importers and exporters passing through to discuss their own trading demands.

The 3 weeks in December gave myself and my colleagues an insight into the enormity of the trading and tourism future that the Territory can develop with our neighbours even though each aspect of the range of prospects will need to be tailored for maximum benefit. The government's view on furthering our relationships is unequivocal. I would hope that Territorians generally will share our aspirations. During December, the level of the reception accorded the Territory government mission underlined that our neighbours have as much desire to do business with the Territory as we have with them. It is a foundation we should not ignore and I urge all honourable members to study the report and assess the potential themselves.

I move that the report and statement be noted.

Debate adjourned.

NT OMBUDSMAN SECOND REPORT

Mr EVERINGHAM (Chief Minister): I table the second report of the Northern Territory ombudsman. I move that the report be noted and seek leave to continue my remarks at a later hour.

Leave granted.

PUBLIC ROADS ON ABORIGINAL LAND

Mr EVERINGHAM (Chief Minister) (by leave): I wish to make a statement concerning the dispute between my government and the Commonwealth concerning roads on Aboriginal lands. There appears to be some confusion in the public mind about the true issues involved in the dispute. So far, I have not heard any member of the opposition say a word publicly about the issue and therefore I assume that the honourable members of the opposition either do not understand the dispute or consider it of little importance. In fact, the matter is of major importance to the people of the Northern Territory.

As honourable members know, the Aboriginal Land Rights (Northern Territory) Act provides for freehold titles to the areas of land listed in the first schedule to the act to be given to the appropriate Aboriginal land trusts without the necessity for any claims being made to the Aboriginal Land

Commissioner. The areas concerned cover all the Aboriginal reserves existing at the date of the land rights act, together with the Alligator Rivers region land but excepting the Bagot Reserve in Darwin.

Various roads run across all the land and in some cases they provide important communication links. Examples of the roads I refer to are the road from the Gove airport to Nhulunbuy, the road from Western Australia to Ayers Rock through Docker River and the road through Hooker Creek or Lajimanu linking the Tanami road to the Buchanan Highway. These are but a few examples.

The Aboriginal Land Rights Act specifically excludes from Aboriginal land roads over which the public has a right of way. The act is quite specific and I refer honourable members to the following sections:

3(5) A description of land in schedule 1 shall be deemed not to include any land on which there is at the commencement of this session a road over which the public has a right of way.

13(3) A deed of grant under this section -

(a) shall identify any land on which there is, at the time of the grant, a road over which the public has a right of way, and

(b) shall be expressed to exclude such land from the grant.

With a few exceptions when the deeds were drawn public roads were not excluded. My government attempted to negotiate with the Commonwealth over the issue before the deeds were executed by the Governor-General but the Commonwealth's advisers took the view that the roads were not public roads and would not be influenced by any contrary argument.

What the Commonwealth purports to have done, therefore, is to give away to private ownership many miles of Northern Territory roads. If such action were legally correct, it would follow that the roads are no longer public roads. They form part of privately-owned land and they can be closed at any time at the whim and fancy of the private owners. Such a situation is impossible for this government to accept. If the government is to spend millions of dollars in maintaining roads and if the traffic laws of the Territory are to apply on such roads, then clearly they have to remain under the control of the Crown. More importantly, it is of vital interest to all Territory people that important communication links be preserved.

There is a further defect in the land grants. By virtue of the self-government act, minerals in the Northern Territory are owned by the Northern Territory Crown with the exception, of course, of uranium. The Aboriginal land grants, as drawn, purport to reserve minerals to the Commonwealth Crown. The Minister for Aboriginal Affairs accepts that the minerals belong to the Northern Territory and has undertaken, through his officers, that the position in this regard will be rectified if the Commonwealth feels that the deeds are wrongly drawn.

For the above reasons, Mr Speaker, the Northern Territory Solicitor-General advised the Registrar-General that the deeds were not in order for registration and they were rejected. Officers of my government have had talks with the Northern Land Council and the Department of Aboriginal Affairs to see if the difficulties can be resolved, which is where the matter presently rests. Talks with the Department of Aboriginal Affairs are continuing.

We have no quarrel with the land councils in the matter. The right of Aborigines to the land is not an issue and it is not my government's desire to

frustrate or impede the operation of the land rights act. Our quarrel, Mr Speaker, is with the Commonwealth for not taking into account what my government believes to be the clear intention of the act. If our differences with the Commonwealth can be resolved, it is my government's intention to legislate for a restricted permit system in respect of people using the roads. It is not our intention that the roads should be public in the wider sense and we believe that Aborigines should have a say in who uses the roads. At the same time, Mr Speaker, my government believes that ownership of the roads must vest in the Crown.

Mr Speaker, I move that the statement be noted.

Mr ISAACS (Opposition Leader): Mr Speaker, the key to the question that the Chief Minister has raised is not the legal dispute between his government and the Commonwealth government, as he claims in his statement. The key to the question is who is to control entry onto and over Aboriginal land. The key to the question is whether or not this government is going to abide by the law of the land in the Northern Territory which passed through this Assembly in September, which has received assent and came into operation in January, that the final say for entry onto and over Aboriginal land rests with the traditional Aboriginal owners.

It is quite clear from the statement made by the Chief Minister to this Assembly just a moment ago that he wishes to change the rules. It is quite clear from the last paragraph of his statement that he sees a different permit system applying in relation to passage over roads on Aboriginal land from the system which exists by law, assented to and brought into effect in January this year, a system which has operated in the Northern Territory certainly for the last 3 years. The situation has always been that if a person wanted to enter Aboriginal land or traverse Aboriginal land, apart from certain exempt classifications, then permission was sought from the Aboriginal communities through the Department of Aboriginal Affairs and now through the appropriate land councils, and permission to traverse Aboriginal land was at the discretion and the final say of the Aboriginal communities.

We went through some fairly acrimonious debate, I am sure you will recall, Mr Speaker, in discussing this complementary legislation. It had a chequered history through the first Legislative Assembly and then this Legislative Assembly and it was finally agreed that the final say on entry to Aboriginal land rests with the Aboriginal communities through their various land councils. So the issue here is not a legal matter between the Chief Minister's government and the Commonwealth government; it is over that specific question.

Let me quote from the statement just made by the Chief Minister. He says, and I quote:

> *If our differences with the Commonwealth can be resolved, it is my government's intention to legislate for a restricted permit system in respect of people using the roads. It is not our intention that the roads should be public in the wider sense and we believe that Aborigines should have a say in who uses the roads.*

I would like you to notice that gloss, Mr Speaker. It is not a question of who has the final say; he says that Aboriginals should have "a say".

Perhaps in the past he has outlined the matter a little more clearly and indeed, in the Northern Territory News of 22 January 1979, the Chief Minister is quoted as saying:

The government would be prepared to set up a joint body with the land councils to monitor the use of public roads through Aboriginal land.

That is quite a different position, Mr Speaker, from the method of granting permission to enter on and traverse Aboriginal land which we have accepted on both sides of this Assembly.

It is important that people understand what the Chief Minister is seeking to do. There is a neat little legal argument - and I will turn to that in a moment - but the key to the question is the matter of who is to have the final say. The Chief Minister believes, if you read the statement carefully and listen to what he said carefully, that Aboriginal people cannot be trusted. They are going to block off the roads. They are going to chop off vital communication links and, therefore, because they cannot be trusted, the only people who can be are the government. Well, he does live in some kind of an ivory castle, we know, and not too many people are going to agree with him on that assessment. The fact is that over the last 3 years the system has been that Aboriginal communities have had the final say and the system has worked well.

I will just give you an indication, Mr Speaker, of the manner in which Aboriginal people have blockaded people and have cut off or threatened to cut off vital communication links. In 1977, 98 people sought to enter Arnhem Land from Nhulunbuy, either to enter it and return to Nhulunbuy or to pass right through Arnhem Land. Of those 98 applications to traverse Arnhem Land, a total of 98 was granted. That is not a bad record. In 1978, 108 people sought to traverse Arnhem Land from Nhulunbuy, going either to Katherine, to Darwin or merely to enter Arnhem Land and return and of those 108 applicants sought from the Aboriginal communities in 1978 the grand total of 108 was granted. For the 2 years that I have been able to obtain records for applications sought and granted for entry over Aboriginal land in Arnhem Land, the Aboriginal communities have granted 100% of those applications.

The Chief Minister says in his statement that we are not going to allow private people to cut off these vital communication links at whim but the record speaks for itself. The system has worked well. It is quite clear the Chief Minister wishes to change that system so that entry onto Aboriginal land is granted, not by the land council, not by the communities, but by his government. The Chief Minister dabbles in his old profession of law. He is the Attorney-General, so when he contributes to debates on that lofty subject, one assumes that he brings to them the full weight of his legal training. He is often ably assisted by the Manager of Government Business who it seems, after his statement this morning, is seeking a position on the International Court of Justice. But on this occasion he has been assisted in the legal argument by none other than his Treasurer. I wish to look at the legal argument and just show what a lot of nonsense it is and how the Chief Minister ought to know that it is patent nonsense. It sounds glib; it sounds good. But in legal terms - and I am a layman - it is rubbish.

He says that, in relation to entry over roads, there is the matter of the public right of way. He believes these roads which traverse Aboriginal land are those sorts of roads - that is, where the public does have a right of way. I do not have any legal training in relation to what a right of way might be but I have a common-sense view. I would have thought that right of way means that a person can freely go and do something.

I have been able to obtain some advice on the matter. There is the celebrated judgment of Judge Hilbury in 1936 when he says: "The essential quality of acts done as of right has, from the early days in our law, been established

by showing that the acts were done openly, not secretly, not by force and not by permission from time to time given". It is quite clear that for entry onto Aboriginal land, at least from January this year when the complementary legislation came into effect, permission has to be sought. Certainly over the last 3 years, as a policy of the Department of Aboriginal Affairs, permission had to be given before one could traverse Aboriginal land. In the matter of right of way, in so far as free access is concerned, the Chief Minister's argument falls by the wayside.

He says further that, in regard to the spending of money on roads not used by the public, it is anathema to responsible government and the responsibility of the Crown that the Crown should spend money on these roads if they are not to be public roads. The second key argument which he uses is that if the roads are cut off - as he says, "at the whim of private owners"; what he is really saying is, "if the Aboriginal people decided to get narky" - then the traffic laws cannot apply.

Let us examine both those arguments because they are the 2 key arguments which he uses from the lofty height of his great legal position. In relation to the spending of money on roads which are not public roads: is the Chief Minister saying that a road which passes through Arnhem Land or Docker River or any Aboriginal community is no longer a road used by the public? Are Aboriginal people, all of a sudden, not members of the public? Are the Chief Minister, myself and other people who have access to Aboriginal land not members of the public? I would have thought that the answer to that question is patently obvious. Clearly members of the public are going to use the road.

Of course, the hypocrisy in the argument is that he knows, and now every member of this Assembly knows, that there are roads owned by members of the public which are shut off at the whim of the owner. If anybody wishes to go to Gunn Point, he would not get very far. There is a road maintained by the government and there is a boom gate. Who has the key to that boom gate?

Mr Steele: Not me.

Mr ISAACS: I know you don't; you don't own the land. The owner does - a chap by the name of Mr Ah Toy who does have something to do with members opposite. I do not wish to condemn or criticise Mr Ah Toy. I know the gentleman well and it may surprise members opposite to learn that I get on with him reasonably well.

The simple fact is that an example of the precise argument which the Chief Minister uses to say that we cannot allow Aboriginal people to chop off these vital communication links is happening right under their very noses here. They know about it and they allow it to continue. That argument does not hold water.

I would advise members opposite that Aboriginal people happen to be members of the public; they use the roads to travel from place to place, from centre to out-stations and so on. They are entitled to have a properly maintained road system just as Mr Ah Toy is, just as anybody else in the Northern Territory is. I remind members opposite that Aborigines are members of the public and they do deserve to have an adequate road system. The argument that you cannot spend money on roads to which the general public do not have access might sound fine but the fact is that members of the public do have access to them and have had access over the last 3 years. Aboriginal people are members of the public and they use those roads.

The second legal argument relates to the Traffic Act. The Chief Minister says in his statement that the traffic laws cannot apply. The Treasurer assisted us a great deal when he applied his mind to this very vexed and complex problem. I would like to quote from a press release of 18 January 1979 when he was acting Chief Minister:

> *Mr Perron said that, if public roads were not excluded from the deeds as required by law, the absurd position could arise where there would be doubts as to whether Territory road laws applied. He instanced motor vehicle registration and third party insurance.*

What does the law say? Do the traffic laws apply? After all, the roads have been cut off to the public in a certain way in that they have had to seek permission to use them. Is it true that the traffic laws apply? There are police stations on the various Aboriginal settlements. Certainly to my knowledge, they have commandeered unroadworthy cars and I would have thought that the police were acting under the law. The simple fact is that it is specifically provided in the Traffic Act that roads on Aboriginal reserves are indeed public roads and do come under the purview of the act. Now just in case members are unsure about that, let me lead them to it.

Look at the definition of "public street" in the Traffic Act:

> *"Public street" means any street, road, lane, thoroughfare, footpath or place open to or used by the public.*

It includes a road on land leased under the Special Purpose Leases Ordinance 1953-54 for use as a road but does not include -

> *(a) an entrance driveway,*
>
> *(b) a road or part of a road that is closed under the Control of Roads Ordinance 1953, or under the ordinance as amended, or under the Local Government Ordinance 1954 as amended, or*
>
> *(c) a street, road, lane, thoroughfare, footpath or other place under construction.*

The definition of the word "public" is:

> *... in relation to land that is included in a reserve within the meaning of the Social Welfare Act 1964 to 1969 means those persons who are not prohibited by or under section 17 or 18 of that ordinance from entering or remaining on such land.*

The Traffic Act specifically provides that the laws of the Territory apply to people travelling on or using roads within reserves. As members would realise, the Aboriginal Land Rights Act specifically carried on those particular acts. Section 74 confirms that the act does not affect the application of the law of the Northern Territory to Aboriginal land to the extent that the law is capable of operating concurrently with the act. As I read it, the so-called legal argument is specious; it does not hold water.

As I said right at the outset, it seems to me that that is not the problem. If there is a legal wrangle between the Northern Territory government and the Commonwealth government, it can be sorted out. I would personally prefer to see the situation arise where the Northern Territory government does have the position which the Commonwealth government has in relation to roads.

However, I can understand the Commonwealth government's misgivings. I would have them too if I was dealing with a Country Liberal Party government because I know their attitude on Aboriginal land issues. I know that, in the past, there has always been a CLP policy on Aboriginal matters for the cities and a different one for the bush, but it has certainly been the opposition's view, in watching the CLP government under Chief Minister Everingham, that that attitude has changed over the last 12 to 18 months. It is my belief, on the statements that have emanated from the Chief Minister in his attempts to deal rationally with the matter of Aboriginal land rights and to try to smooth the atmosphere in relation to land rights, that he has performed the job well in seeking to minimise the differences and trying to minimise racial conflict. I believe the policy about which I spoke earlier, of one policy for the bush and one for the city, seems to be changing under this government.

The Chief Minister himself went to Katherine to make clear the facts in relation to Aboriginal land rights. The Minister for Mines and Energy and myself went to Tennant Creek to attend a similar though smaller and less vocal meeting. I think I am correct in saying - and I am sure the minister would not disagree - that by and large what he and I said was not much different. And I think the meeting at Tennant Creek accepted what we were saying. So to a very great extent, I believe this government has played a significant role in seeking to bring the facts out. It has been rightly critical of the Australian government in refusing to publicise the facts in relation to Aboriginal land rights. Minister Viner wrote a series of articles which I am sure no one, bar members of this Assembly, read. The Australian government issued a pamphlet and, if they were lucky, I suppose a dozen or so people might have taken notice of that. They have not been serious in their campaign to ensure that the facts are known in relation to Aboriginal land rights.

The point of what I am saying is this: the Northern Territory government has been pursuing a path which, I say, has been a good path, the correct path in seeking to make public the facts in relation to Aboriginal land rights. But now from the statement just given by the Chief Minister, it is quite clear that that attitude has changed and a policy decision has been taken whereby the final say on entry over Aboriginal land will no longer rest with Aboriginal communities. The government seeks to change that. The Chief Minister himself says there will now be a restricted permit system for people using the roads and as the press statement showed, the land councils are going to be involved in a monitoring system but clearly are not going to be the ones to have the final say.

The Labor Party believes that the system, which has operated by practice over the past 3 years and by law since January this year, is a good one; it has worked well. The Aboriginal people have shown themselves to be responsible in allowing people to enter their land and I believe the position in the centre of Australia is similar, although my deputy leader can expound on that. They have shown themselves to be responsible. They have not cut off these vital communication links - though I have never before heard the road from Western Australia through Docker River being called a vital communication link; I am not quite certain how many people use that road but I would hardly describe it as a vital communication link.

The record of Aboriginal people in this regard has been one of responsibility. We believe the legal wrangle ought to be settled and it can be settled. We also believe it is a smokescreen for the real issue as the government sees it. We believe the system should be as it has been and as we agreed in this Assembly - that is, the decision for entry over Aboriginal land should finally rest with the Aboriginal communities themselves, not with some committee, not with the government but with the Aboriginal communities themselves.

Mr PERRON (Treasurer): Mr Speaker, listening to the Leader of the Opposition in his debate on this statement one has to wade through the haze to find out what he is really getting at. I presume the stance of his political party is that roads on Aboriginal land should not vest in the Crown, with or without a permit system. It appears that he finds that a rather irrelevant question, and that the roads should remain and that public funds should continue to be spent. He believes the traffic laws of the Northern Territory apply notwithstanding other opinions certainly from more eminent people in the law field than himself. But he has not quite come out and said whether or not they believe these roads should vest in the Crown or remain as they are.

As I understand the situation, Aboriginal land under the Aboriginal Land Rights Act is inalienable freehold. It is not a reserve as it used to be at one stage, or at least those portions of lands that were attached as a schedule to the land rights act. The Leader of the Opposition, in giving his interpretation of the law, this layman's interpretation of the law, was saying how roads that are open to the public within the reserve are in fact covered by our road laws. It seems to me that they are not open to the public, although certainly some members of the public from outside reserves can traverse them with permission and persons living on the Aboriginal land can no doubt traverse them without permission, being already on the Aboriginal land. But they are not reserves and they are not open to the public in the wider sense.

I have no particular expertise in the law field either, Mr Speaker. However, I have discussed this matter with various government officers who are experienced in this field and there is, without any question at all, some doubt as to the application of Northern Territory road laws to roads on private land and inalienable freehold land would have to be about as private as you could get. I have always had the understanding that vehicles on private land, freehold land for example, are not covered by normal road laws and that, if you have an accident on private land, it is your own problem and indeed you can drive an unregistered vehicle on private freehold land without fear of being prosecuted and such a vehicle need not carry any third-party insurance. These things concern me a great deal because I believe, on advice, that these laws do not apply to Aboriginal land.

Let us take that a little further and look at the implication, Mr Speaker: if you cannot enforce traffic laws in an area that in some cases has considerable traffic - taking the road from Nhulunbuy to the airport, for example - it would be an outrageous and untenable situation if there were no law requiring a vehicle to keep to the left-hand side of the road, if there were no speed limits, if there were no validity to any road-signs put up, if there were no longer a need for registration of vehicles or no need for those vehicles to carry third-party insurance. Obviously, vehicles could be run on the roads in a terribly dangerous state; their brakes or tyres could be in bad repair.

The Leader of the Opposition is right in one sense: we must regard people on Aboriginal land as members of the public - Aboriginals, non-Aboriginals; they are all the public - and laws need to apply to roads to protect them as well as others. I think it is untenable and I cannot quite understand the Leader of the Opposition's approach to these roads which everyone agrees need to be there and need to be traversed by a range of people - whether it be with permits or without permits. Public funds need to be spent on these roads and considerable public funds, because in many cases we are talking about remote areas and long distances which require very large amounts of capital for construction and maintenance. To advocate that these roads should not vest in the Crown in the normal sense, perhaps with a permit system to restrict the number and types of persons who can use those roads, or to advocate that the road does not vest in the Crown, I think is just ridiculous. I am surprised

that the Leader of the Opposition has continued to take this stance that there is no real problem, that it is just political bickering, because he is very wrong.

Mr Isaacs: I am not saying that.

Mr PERKINS (MacDonnell): Mr Speaker, I must say I am really amazed by the rhetoric which has come from the honourable Treasurer on this subject of public roads over Aboriginal land. I think he is confused, himself, by what is the real issue on this matter.

I do not think there is any confusion in the minds of the opposition members and I would like to say again what the real issue is. This issue was covered by the honourable Opposition Leader and I thought he did a very good job in identifying the real issue of concern. The key to the question is who actually controls entry onto and over Aboriginal land. I would have thought that point was made clear by the honourable Opposition Leader. Unfortunately, the honourable Treasurer did not understand that point. I would have thought he ought to have understood it because it was outlined in a clear fashion by the honourable Opposition Leader.

It is not really a question of the public roads on Aboriginal land. The key to the question is who controls entry onto and over Aboriginal lands. It appears that the Northern Territory government wants to get control of entry onto and over Aboriginal lands and, in the process, to get control over entry permits to Aboriginal land. This means, of course - and this was ably pointed out by the honourable Opposition Leader - that the sponsor of the statement wants to change the rules which have applied to entry onto Aboriginal land for the past 3 years and which were endorsed in the complementary legislation on land rights in this Assembly last year. He wants to legislate to restrict the permit system on roads over Aboriginal land. He uses two arguments to justify the Northern Territory government having control. In the first instance he uses the argument that, if the Northern Territory government wants to spend a whole lot of public money on roads which are not used by the public, then the Crown must have control of those roads. The second argument is that the traffic laws of the Northern Territory cannot apply unless the roads on Aboriginal land are actually vested in the Crown.

In relation to the first argument, I would ask where is the basis for claiming that the Northern Territory government or the Crown has to have control over roads on Aboriginal land if they are going to spend millions of dollars in maintaining those roads. What about the roads over pastoral leases? They are used by the public; they are also used by the pastoralists, and yet they are maintained by the government.

One example used by the sponsor of this statement was a part of the Petermann Highway and I would like to concentrate on this. That is the road which goes from Western Australia to Uluru National Park through Docker River. I think we need to be clear on this issue. An important question - and this is related to the overall argument of the opposition - is how many people use this road. I would say there are not many. I do not know what the justification is to include this as a major communication link into and out of the Northern Territory. The main people who use this road, in fact, are Aboriginal people, the people that commute between Western Australia and the Northern Territory, and also tourists and other people working in Aboriginal communities in those areas.

In the past, tourists and people other than Aboriginals have had to obtain entry permits to travel to Docker River before that area was, in fact, declared

Aboriginal land. This was also before the Aboriginal Land Rights Act and the complementary legislation came into effect in the Territory. In those days, the Department of Aboriginal Affairs issued the entry permits and it was their policy to obtain the approval of that particular community before the permits were issued. This system worked harmoniously and I would say that down in the Centre hardly any permits that were requested were not issued and the people using those roads were quite happy to work under that system. It was very rarely that requests for permits were knocked back. In the case of the road to Docker River, I understand the only time permits were refused was when the Aboriginal people wanted to keep out some miners who wanted to exploit the land over in Western Australia and in areas in the Northern Territory.

In relation to the second argument which has been used by the honourable sponsor of this statement - he was arguing that the traffic laws of the Northern Territory cannot apply unless the roads over Aboriginal land are under the Crown - I believe this particular argument is absolutely deceptive. I think it is clear, under section 74 of the Aboriginal Land Rights Act - and this was indicated by the honourable Opposition Leader - that the traffic laws of the Northern Territory apply to roads over Aboriginal land. It is there in black and white in the legislation. I would have thought that that particular point was made clear by the Opposition Leader. I do not think the sponsor of the statement is in a position to claim or even suggest that roads over Aboriginal land have to remain under the control of the Crown if the traffic laws are to apply. If he continues to do so, then he is only being deceptive and he is misleading the public of the Northern Territory.

The real issue in this debate is who controls entry onto and over Aboriginal land. The question whether the actual control over the land ought to be vested in the Crown or the Commonwealth is a matter for legal judgment and for legal interpretation. As indicated by the Opposition Leader, the key issue in this debate is who controls entry onto and over Aboriginal land. I believe the present arrangements for permits work okay: that Aboriginal people must have the final say over entry onto Aboriginal land. Any other system imposed by the Northern Territory government or the federal government would mean that they do not have any confidence in traditional Aboriginal owners. It would mean also a change in policy. Last year, when we debated the complementary land rights legislation, we all endorsed the principles of the traditional Aboriginal owners having the final say on entry permits onto Aboriginal land.

I was amazed to note that in his statement the Chief Minister went to great pains to say he had no quarrel with the land councils in the matter and that, secondly, it was not the desire of his government to frustrate or to impede the operation of the Aboriginal Land Rights Act. I do not believe those statements for one moment. Honourable members would have read in the press that there has, in fact, been conflict between the Northern Territory government and the Aboriginal land councils over this particular issue. The cause of that conflict was the Northern Territory government itself and the honourable sponsor of this statement. I would blame the Northern Territory government for stirring up the land councils over this issue. It is empty rhetoric to say there is no quarrel with the land councils. When the issue first blew up, the Aboriginal land councils retaliated by indicating that they would not issue any entry permits onto Aboriginal land. If that is not a conflict situation, what is? I do not believe, for one minute, that there has not been a quarrel between the land councils and the Northern Territory government over this matter.

The second part of the statement is also a load of rubbish and I do not believe it for one minute: that it is not the desire of the Northern Territory government to frustrate or impede the operation of the Aboriginal Land Rights

Act. I would have thought the actions taken by the Northern Territory government would indicate that that is, in fact, the actual desire of the government and that it has also been the desire of the government to create some conflict over this particular issue. I believe that what the honourable sponsor of the statement is doing is undermining the land rights of Aboriginal people. He is also trying to weaken the federal Aboriginal Land Rights Act and other legislation which pertains to land rights in the Northern Territory. I believe he is also engaging in a conflict with the Commonwealth and using Aboriginal people as a political football in this matter. This is most unfortunate when you consider that Aboriginal people have been given title to their land, yet they are being used by the Northern Territory government in an argument with the Commonwealth. In this situation, they are the meat in the sandwich.

I do not think this is the proper way for the Northern Territory government to behave. I do not think the honourable sponsor does a service to himself, to Aboriginal people or to non-Aboriginal people of the Northern Territory by trying to make this a political issue. In fact, many of the matters which he raises in the statement are matters for legal judgment. I believe he is again trying to stir up feelings of racial hatred in the Northern Territory and this is most unfortunate. He ought to have adopted a sensible approach to this matter; he ought to have considered the delicate situation of the Northern Territory and the feelings on both sides in relation to Aboriginal land rights.

The key issue in this debate, and I would reiterate it again, is who controls entry onto and over Aboriginal land. I believe that Aboriginal people themselves, in particular the traditional owners, ought to have the final say on entry permits, not the Northern Territory government or the federal government. This was the principle that was endorsed last year in the debate on and the passing of the complementary legislation on Aboriginal land rights.

Mr TUXWORTH (Mines and Energy): I think the debate today has come to an impasse in that we have 2 legal opinions and we poor minnows in legal affairs are trying to decide whose side who is on and what is right and what is wrong. In fact, what we are proposing is that it be left to the legal people to sort it out if it cannot be negotiated. The honourable members of the opposition are trying to lay a political smokescreen. To hide the fact that they do not have a position on this issue themselves, they are trying to beat people over the head with a lot of specious legal arguments that they themselves do not even understand. I do not believe it is acceptable for the members of the opposition to dismiss the legal arguments that have been put up and will be put up by legal people in this issue concerning the right to public thoroughfare and whether the public is protected so far as the laws of the land are concerned relating to motor vehicles on roads on Aboriginal land.

If somebody is travelling with a permit on roads on Aboriginal land, that permit would entitle him to nothing more than driving through that Aboriginal land and not a foot off the road - I would not argue with that for a minute. From Aboriginals in the Centre to whom I have spoken, I gather that the Aboriginals regard the roads as government roads. When I listen to the honourable member for MacDonnell, I sometimes wonder whether I live in the same country as he does because we do not seem to have the same sort of activities in my area that he has in his. Given the fact that we are so close geographically, it amazes me that things can be so different. The Aboriginals in my area accept the fact that the roads have been there for a long time before the issue of land rights was raised and people will come and go over them. They have no quarrel with this. The only thing they ask is that people stay on the road and keep going to wherever it is that they are going. I believe the proposal that the Chief Minister is making will cater for that particular circumstance.

The Aboriginals in my area also feel that, since the roads have been put there by the government, they should be maintained by the government. For that reason, they do not have any argument with the government having control over the roads. They do not understand the argument when legal or technical difficulties arise. After listening to why the roads should not be declared a part of Aboriginal land and why they should be, as a layman, I too find the arguments pretty hard to separate.

Ordinarily, whether the government was dealing with roads on Aboriginal land, pastoral land or any other sort of land, if it was going to put money into the project, it would acquire an easement for the road on which it was to spend money. It has been doing this for some 20 or 30 years. Yet, because it is on Aboriginal land, the principle now becomes abhorrent. I fail to see the logic in all this. After listening to the Aboriginals in my area, I just cannot see why there is such a strong argument against the roads being controlled, supervised and maintained by the government with a complementary guarantee to the Aboriginals that people will not go off the roads that go through Aboriginal lands.

I can cite one example from my electorate. We have a road from the Stuart Highway to Warrabri which is 13 miles long. Unless you live on a cattle station beyond Warrabri, you would have no reason to go onto the road. Anybody who goes out to the Warrabri settlement would probably have to turn around and come back because, if he did not have a permit, he would not be welcomed or expected. On the other hand, if the person has business with or belongs to the properties on the other side of Warrabri, the people at Warrabri would have absolutely no objection to him driving through the middle of the settlement. The only thing they ask is that people do not get out of their cars and make a nuisance of themselves at Warrabri.

The honourable member for MacDonnell said the key issue in this statement is entry to Aboriginal land. Honestly, I think that is nonsense. The key is that, for legal reasons, we have to determine who is to be responsible for the roads on Aboriginal land. We have taken a stance and I do not think it is unreasonable or too late for the opposition to take a stand.

Mr COLLINS (Arnhem): All members of this House would probably appreciate that I have a particular interest in this matter considering the electorate I represent and the fact that 90% of the people in my electorate are black. I anticipate that the honourable Minister for Community Development will participate in this debate because I have seen him writing furiously for the last half hour or so. But this is the Legislative Assembly of the Northern Territory; it is not the Supreme Court. I certainly do not intend to enter into any legal debate with my learned friend, the honourable Minister for Community Development because, if I do that, then both of us will be pretending to be something that we are not.

One matter I would like to raise is why, in fact, Aboriginal land councils have not taken this matter to court. I would like to see them take it to court. In fact, I came to the conclusion late last year that, in order for Aboriginal people generally to get the justice they deserve in this country today, they will have to use the courts. Even though I do not particularly like seeing the legal profession made any fatter or richer than it is, in the final analysis I believe the only recourse for Aboriginal people today is to use the courts. I would like to explain just exactly why they have not done that because it is an argument that has just been put by the honourable Minister for Mines and Energy, and I agree with him. I would like to see the Aboriginal people take this matter to court.

To turn to the statement itself, the Chief Minister says he has not heard one member of the opposition say one word publicly about the issue and therefore assumes that the members of the opposition do not understand the dispute or consider it of little importance. There is no pleasing the Chief Minister. Last year when the Ranger dispute was on, I was making a considerable amount of public comment. At that time, I was accused by the Chief Minister on every possible occasion of interference in matters that did not concern me and of spreading a web of intrigue across Arnhem Land, organising demonstrations at Goulburn Island and all sorts of other things that never happened. There is no pleasing the Chief Minister. The opposition has, in fact, had several meetings on this very subject and we considered that it was a responsible position, in the light of what I am going to say in a few moments, not to enter into it. I think all members of this House, and in fact members of the general public, will appreciate why the opposition has not publicly entered into this debate to put more pressure on Aboriginals, on the Northern Land Council and the Central Land Council, than has already been put on them, not just by this government but by the federal government also.

The Chief Minister says in his statement that the matter is of major importance to the people of the Northern Territory. Speaking on behalf of the people I represent in this Assembly, it is of more than major importance because the whole substance of what we are talking about today is not a question of high-flung legal arguments that nobody in this Chamber has the expertise to judge - a judge of the Supreme Court can do that - it is who is going to be in control of access to Aboriginal land. It has already been said a number of times by the member for MacDonnell that this is the key issue but not one single member on the other side of the House - though perhaps we will hear the member for Alice Springs contribute shortly because of the interjections he has been making; he has a keen interest in it - has said a single word about the Aboriginal viewpoint of what is happening. We have heard all sorts of legal arguments and political arguments but nobody, including the Chief Minister, has bothered to have a look at what is happening from the Aboriginal point of view.

The key issue for Aboriginal people is who is going to control access to Aboriginal land. If that control is going to be with the Northern Territory government, they might as well not register the land titles. They might as well tear them up and throw them away because they will mean nothing. The key issue of land rights, the whole cornerstone on which land rights rest, is access to land and who is in control of it. If it is not the Aboriginal people, then they do not have land rights.

In his statement the Chief Minister talks about giving away control of thousands of square kilometres of land to private owners. What a load of rubbish! The Leader of the Opposition has already touched on this. The Chief Minister knows full well that ministers of government have the discretion to authorise the spending of public money on roads on private land if they consider it is in the public interest. The government also knows that this is currently being done. The government is well aware of the fact that there are roads on private land in the Northern Territory, owned by non-Aboriginal people, that are maintained at government expense. The Leader of the Opposition mentioned one of them, so there is no need to go any further than that; they are numerous.

He goes on to talk about the mineral problem but then he himself, in his own statement, says that the Minister for Aboriginal Affairs accepts that the minerals belong to the Northern Territory and has undertaken to fix up the legislation. So where is the problem there?

He then goes on to say, "We have no quarrel with the land councils in this matter". What a load of rot! Again, it is a deliberate attempt by the Chief Minister to fob the blame off onto somebody else. It is common sense. You do not have to be very clever to work it out. If the Northern Territory government is refusing to register the titles to Aboriginal land, then it is having a dispute with the Northern Land Council because the title to Aboriginal land is the very purpose for which the land councils were set up. Even though the Chief Minister likes to say to the general public that his argument is with the Commonwealth, the fact is that you could easily retitle this statement, not public roads on Aboriginal land, as the Chief Minister has done, but the refusal of the Northern Territory government to register Aboriginal land titles, because that is what it amounts to. You do not have to be a master of logic to work it out: if the Northern Territory government is refusing to register Aboriginal land titles, then they are in dispute with the Northern Land Council.

The final statement is a complete vindication and justification of the stand the opposition has taken on this matter. It has been stated clearly twice already but I will state it again for the benefit of those dimmer members of the front bench who do not seem to be able to understand that we have, in fact, stated our position clearly. The Chief Minister says, "If our differences with the Commonwealth can be resolved, it is my government's intention to legislate for a restricted permit system in respect of people using roads". Why, Mr Speaker? Because such a system, as the Chief Minister knows, already exists and in fact was put into law by the Chief Minister's own government and assented to in January of this year in the complementary land rights legislation. In the words of the Chief Minister himself, a restricted permit system in respect of people using the roads already exists in the Northern Territory. It works successfully. Why is there any need to legislate further to change a system which is in existence, which was legislated into existence by the Chief Minister's own government and which works well? What a load of nonsense! "It is not our intention that the roads should be public in the wider sense" - they are not - "and we believe that Aborigines should have a say in who uses the roads". Well, that's big of you. "At the same time, my government believes that ownership of the roads must vest in the Crown". That is an extraordinary conclusion to this statement which contains a number of extraordinary comments because the Chief Minister himself is justifying in his final statement the system which already exists in respect of roads on Aboriginal land.

I have all the legal arguments here on both sides but I do not intend to use them because they have already been canvassed by the Leader of the Opposition and by members opposite. I am quite happy to say, here and now, that I would like to see the matter taken to court where a decision can be made on it. Why hasn't the Northern Land Council taken it to court? This whole business exemplifies the incredible political dilemma that Aboriginals are in in the Northern Territory today. The facts are that from the very moment Aboriginals were granted land titles in the Northern Territory, there were a large number of people, politicians and others, who could not rest until that control was taken back again, because there are a great many people in the Northern Territory who just cannot handle the concept of Aboriginals owning property.

Mr Speaker, the issue of who has control over Aboriginal land is vital to the whole business of land rights. If the control - and it is certainly inferred in that statement - is going to be taken away from Aboriginals and vested in a committee on which Aboriginals will have representation, ha ha, then land rights cease to exist. The attitude of the Territory government in not registering the titles is then quite proper because they would be completely valueless to Aboriginal people in a practical sense.

The Territory government tells the Northern Land Council to go to court. That was, in fact, an amazing stance. I can remember it well - seeing that in the paper within a few days of this whole business being dumped on Aboriginals - this little cat that the Chief Minister let out of the bag! "Take us to court", he said. Well, there is a problem. The problem is that at least one land council has received a letter from the federal Minister for Aboriginal Affairs asking them not to go to court. I would assume, Mr Speaker, that that same letter would certainly have been sent to the other land council.

So the Aboriginals concerned have got the Chief Minister of the Northern Territory on one side saying, "Take us to court", and the federal Minister for Aboriginal Affairs, certainly a very crucial man to the Northern Land Council, not directing them not to go to court - I will make that clear - but asking them not to go to court. Mr Chaney, the federal Minister for Aboriginal Affairs stated in the press that he would prefer the matter not to go to court but to be negotiated, which is certainly a far more reasonable and humane stance than the Chief Minister took. He has, in fact, written to the land councils and asked them not to go to court. They have taken a very proper attitude to that request from the minister and they have not taken the matter to court. This whole affair typifies, as I say, the political dilemma that Aboriginal people are in. They have the Territory government on one side saying do this and the federal government on the other side saying do not do that, do this. And they are right in the middle.

It is impossible to consider this question of the refusal of the Territory government to register land titles in isolation, if you are going to look at this matter from the Aboriginal point of view. I will tell you what has happened to Aboriginal people in my electorate over the last 12 months. Put yourself in the position of an Aboriginal living at Milingimbi or Galiwinku or Borroloola - I would not like to be an Aboriginal living at Borroloola - and have a look at the events that have happened in the last 12 months. They got land rights a few years ago; now they have self-determination. All of a sudden instead of having DAA superintendents, just in the last few years they have councils that are struggling to make a go of some sort of local government in their communities. They are just coming to grips with that when along comes self-government. Someone comes along and says, "Forget about federal control; you are Territorians now. You are under Territory control and here is a brand new package of legislation for you". Someone stands up in front of them at council meetings and says, "Here are the things we are going to be in control of in the next 12 months". And it turns out it is going to be 90% of the current functions carried out by the Department of Aboriginal Affairs.

I am not saying - and I want to make this clear - that there is anything improper about self-government. I have said this in the House before and the honourable Minister for Community Development knows it. But I am asking this House and the public at large to consider this business here in the context of things that have happened to them politically in the last year. Events are overtaking them and it is all a bit too much for the Aboriginals. First of all they get local government dumped on them. Then they have the Northern Territory government negotiating for Northern Territory control of the Kakadu National Park, Aboriginal land, a phantom national park. Despite all the promises that have been made to Aboriginals at Oenpelli and across the Northern Territory that still has not been declared.

Mrs Lawrie: Shame!

Mr COLLINS: They sign the Ranger agreement. They agree to have uranium mining. There are going to be controls; there is going to be a national park. Well, the uranium mining has already started, Mr Speaker, but the park

certainly has not. So you have the Northern Territory government, confirmed by the Chief Minister himself, currently conducting on-going negotiations for Northern Territory control of Kakadu National Park and despite the answer I got in the negative, do not tell me that that is not holding up declaration of the national park. Of course it is. The federal colleagues of the Chief Minister obviously are going to take into consideration the Northern Territory government's desire to control the park. That also is a question that is receiving a lot of attention in Aboriginal communities. Now we have the latest little effort, the declaration of town areas.

I would like to talk briefly about one particular community of Aboriginals, the people of Borroloola. They got done in the eye by the federal government over Bing Bong Station. In a disgraceful example of collusion between the federal government and the mining company, Bing Bong Station was signed away to Mt Isa Mines in the period between the evidence being presented in front of Justice Toohey and his decision being made. 1973 was the first time that a note appeared on a file in DAA that the Aboriginal people at Borroloola wanted Bing Bong Station because it is crucial to the whole ownership of land there. They have a piece of land in one place, a couple of pieces of land in another place which are completely divided by alienated land which is now owned by Mt Isa Mines. That piece of land was given to Mt Isa Mines because in the far distant future, if things ever become economic, they just might want to put a railway across there to take their ore across and they want to avoid any problems in negotiating with Aboriginal people for a right of way. So they sign it away to Mt Isa Mines in the 6-month period while the Minister for Aboriginal Affairs had Justice Toohey's decision in front of him and would not make it public. So they lose out there.

Now they are putting in a supplementary land claim on the islands they did not get and all of a sudden, with no consultation, with not a single word to the Aboriginal people at Borroloola, bang, it is alienated land; it is now a town for the benefit of the fish and the seagulls that live on the island - the town of Pellew, or whatever they are going to call it - because in the far distant future there just might be a mine if it is ever economic enough for BHP to get it off the ground which all the experts say they will not.

I say again that this refusal of the Territory government to register Aboriginal land titles cannot be viewed in isolation because Aboriginal people do not see it in isolation. As far as the Aboriginal people in my electorate are concerned, the Northern Territory government has declared war on Aboriginals and they are fighting it on a number of fronts.

I wonder who the Chief Minister looked to for advice when he decided to declare town areas to prevent Aboriginals from putting in land claims. We have it from the honourable Treasurer that there is no problem attached to that. In fact we are helping Aboriginals; we do not have to put them through that terribly tedious process of employing lawyers and going to Justice Toohey. All they have to do is write us a letter; put in a needs claim and no worry. Well, I will be interested to see a few of those come in and see the way they are treated.

I wonder who the Chief Minister looked to for advice on the subject. I know the Chief Minister has a number of Aboriginal liaison officers and I know he has an Aboriginal ministerial officer. I do not envy the task of any of those men and women who are going to have the job of going out to Aboriginal communities and telling the Aboriginals that the government they work for is currently conducting a fight with the Commonwealth or whoever in an attempt, in the minister's own words, to formulate a committee upon which Aboriginals will have representation to control access to their land, to control who can use the

road between Oenpelli and Gove. The fact is that there is a restricted permit system in respect of those roads. The fact is that it has worked and worked successfully for 3 years. In my electorate nobody has ever been knocked back and the Chief Minister now wants to change that law.

Mr ROBERTSON (Community Development): I did not intend to speak on this debate. However, it would seem to me that there are at least a couple of things I must say. The first does not relate directly to the statement but to the contents of debates during the last couple of days and, coming from members of this parliament, it is most unfortunate indeed. We have heard asinine, puerile attacks on myself apparently because I take an interest in law. I have had an interest in law in the past and, when I have finished with this place, I intend taking an interest in law in the future.

Mr Collins: Are you talking about yourself or the statement?

Mr ROBERTSON: I am talking about what you had to say earlier. I listened in silence to you.

I find it acceptable that the Leader of the Opposition would launch upon these attacks on myself because I happen to involve myself in legal discussions in this parliament which I feel, as an MLA, I am perfectly entitled to do. I find it very disappointing, however, that the honourable member for Arnhem, whom I understand has some understanding of parliamentary practice, contrary to the attitude of his leader, should also embark upon the same campaign. No one on this side of the House has ever suggested to the honourable members for Fannie Bay or Nightcliff, for instance, that they should not talk upon matters of welfare because they do not hold a degree in social welfare. No one on this side of the House has ever suggested to the honourable member for Arnhem that he should not talk on such matters as mining and environment because he is not a mining engineer or does not hold a degree in environmental science. The Opposition Leader has expounded ad nauseam in this place on economics and accountancy. I would have thought that, if we are to project his arguments, he would have been himself a candidate for the presidency of the Royal Society of Chartered Accountants and no doubt is vying for a seat on the National School of Economic Studies. It has never been suggested by us on this side of the House that honourable members should not say what they think in respect of any provision of law which relates to people nor should such puerile attacks be used as an excuse for ill-information. I hope that is the end of these sort of attacks because I do not launch them and I hope other members will not.

The real issue here is response to advice. This morning and this afternoon we have seen the opposition get itself into a dilemma as to whether or not one should follow advice. The advice of the Solicitor-General for the Northern Territory to the principal officer responsible for the registration of titles was that, in his opinion as Solicitor-General - not the Chief Minister's, nor Cabinet's - the titles were unregisterable in their present form. In his reply, the Chief Minister will no doubt outline the history of the negotiations which went on and how the Registrar-General, upon the advice of the Solicitor-General, a most eminent lawyer, decided that the titles were unregisterable in their present form.

It is one thing to say that government governs; it is another to say that it blatantly ignores its advice. I do not know whether the Chief Minister or Cabinet or government or anyone else has the statutory authority - and the Chief Minister will inform us of this, no doubt - to order the Registrar-General to register the titles which, in his opinion and confirmed by the opinion of the Solicitor-General, are unregisterable.

I fully agree with the honourable member for Arnhem about the dilemma in which Aboriginal people have been placed as a result of rapid change. The honourable member himself would be aware of the approach I used over the community government exercise. We had to rush because we realised the pressures that Aboriginal people are under. For that reason, we have not brought these issues on. The fact of the matter is, of course, that there are pressures in government as well. When someone like the Solicitor-General gives an opinion to a senior officer like the Registrar-General, he has the view of law in mind. As would most senior public servants, he also has in mind the general welfare of the public. When all of these things are taken into account, the final analysis by the Solicitor-General is the pure law of the land. The question was one purely of law and was decided by lawyers. What the opposition is asking the government to do is disregard that advice.

It was indicated to us this morning that the government should have disregarded the advice of the Public Service Commissioner. I think it is an indication to the Northern Territory people of the attitude which would be taken by an Australian Labor Party government. It would seem to me that, if there was an ALP government in the Northern Territory, then the advice of the most senior and qualified advisers would be set at naught provided party philosophy prevailed. They would ignore advice and they would ignore the law itself provided it suited their philosophy.

Unfortunately - and I agree in this instance with the honourable member for Arnhem - the Aboriginal people are quite innocently the meat in the sandwich. The title deeds were drawn up in another place without taking any notice at all of the advice available to this government, without consideration of the position of this government and, worse still, without any consideration of the law. Those titles have come back to the registry office here in a form which, in the government's adviser's view, renders them unregisterable. It would be a highly irresponsible action of any government to overrule that level of advice purely for the sake of political expediency. I regret to say that I believe that that would be precisely what an ALP government would do.

Mr EVERINGHAM (Chief Minister): Mr Speaker, there is really not a great deal left for me to say in reply. The Minister for Community Development has very succinctly put the position in which the Northern Territory government finds itself, a position which is totally unappreciated by honourable members opposite. Although the honourable member for Arnhem may have a glimmering of it, the honourable member for MacDonnell, as someone else said, is walking around in a haze. The honourable member for MacDonnell is confused between Aboriginal land, public roads on Aboriginal land and roads on Aboriginal land. Even though he spoke patronisingly of my honourable colleague, the Treasurer, the honourable member for MacDonnell would do well in taking a correspondence course himself.

We know the wish of the Aboriginal people for privacy in respect of the land which they occupy. We listened today to the rather pathetic points of view put forward - alleged or purported legal arguments - by the Leader of the Opposition relating to public roads on Aboriginal reserves. Of course, we should all know - and I think the Leader of the Opposition realised his mistake whilst he was on his feet - that Aboriginal reserves have ceased to exist. These are roads that traverse private land and, as opposition members said in their argument, the key is who is to be in control of access to Aboriginal land. Certainly, the Northern Territory government does not wish to be in control of access to Aboriginal land. We are acting in accordance with the advice of statutory officers to whose attention the matter was drawn, not by us but by the nature of the negotiations relating to the formulation of the titles.

However, it is access to roads that we are talking about; access to the land itself is quite another thing. The control of entry to Aboriginal land would continue to be exercised by the land councils unfettered by us and in accordance with the provisions of the federal Aboriginal Land Rights Act or the Aboriginal Land Act of the Northern Territory. I recall the Leader of the Opposition referring to Aboriginals as members of the public and, indeed, he struck right home there because that is the thing. I forgot the exact phrase in the Aboriginal Land Rights Act but these roads are open to and accessible by members of the public and, of course, Aboriginals are members of the public. That is what honourable members opposite do not seem to be able to accept: the concept that these roads have always been accessible to and usable by members of the public.

We are placed in a position where we have the advice of the statutory officers acting on their own initiative but certainly with our support because they are acting in accordance with the law as they see it. I have said, and I think the Leader of the Opposition described as much again this afternoon, that it is a tangle. We have our advice; the Commonwealth says it has its advice and the land councils say they have their advice. The place for interpretation of the law is not the Legislative Assembly, as some other honourable member has said this afternoon. The place for interpretation of the law is the Supreme Court. I would importune the land council, if it has a letter from the Minister for Aboriginal Affairs which asks it not to go to court, to disregard that letter because the sooner this matter is sorted out in court, the better it will be for all parties.

It is certainly not a matter of our choosing and it is not possible for the Northern Territory government to take this matter to court. In my view, and I think I am supported in this view elsewhere, the land councils or the traditional owners are the only people who can take the matter to court. The procedure that they would have to use is an application by writ for a declaration or an order that the Registrar-General be directed to register the titles. That would permit argument on the questions of law. Quite frankly, the way this wrangle keeps on going, I really would be grateful if the matter could be litigated without delay. That has always been our viewpoint. You cannot negotiate when you are dealing with a legal position that has been laid down by statutory officers of the Crown; there is no room for negotiation, and we have made this plain. We cannot lean on our statutory officers. I just cannot see any way out of the impasse other than litigation.

I appreciate the position of the Aboriginal people as outlined by the honourable member for Arnhem. I certainly believe they have had a great deal to soak up in the last 2 years. Certainly, they have my sympathy. This matter crept up on me but there it is and there is not a great deal that I or any minister can do about it. We are very anxious to see it resolved one way or the other. We have continued talking to the Commonwealth in the hope that they will see our point of view. We were conducting negotiations with the land councils; we let them know our position as soon as the titles came in and we let the Commonwealth know before the titles were even issued. The Commonwealth walked out on the negotiations and probably thought that, through public opinion, they could coerce statutory officers into registering titles that the statutory officers told them in advance would be unregisterable. The then minister went around the Territory with great fanfare and handed out these titles. In my view, with great respect to that minister, he knew at the time that they could not be registered - not that it makes a great deal of difference to the value of the titles because they are guaranteed to the Aboriginal people by the Aboriginal Land Rights Act itself.

Mr Speaker, this debate has been acrimonious and that is indeed a shame. We have attempted to set ourselves up in some fashion as a tribunal. In my

view, we are not a tribunal for the legal interpretation of matters of this sort. I have attempted to report to the Assembly on a legal position as I believed it was my duty to do. I do not believe this place is a suitable venue for the airing of contrary legal opinions and I would hope that this matter can be resolved in the correct venue with the least possible delay.

Motion agreed to.

ARALUEN ARTS AND CULTURAL TRUST BILL
(Serial 256)

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 introduction of this bill represents the combined efforts of a large number of people in the Territory and particularly in Alice Springs. It also depicts the government's willingness to respond to and work with the community it was elected to serve on constructive and forward-thinking initiatives.

When the Araluen Foundation was first established about 4 years ago, its members took an early decision to establish an arts and cultural centre for Alice Springs without relying on direct government assistance. As members should be aware, the foundation grew from concern over a town plan to turn the old Araluen site into a residential area. More than 1,300 objecting signatures were collected from townspeople calling for the area to be set aside for a performing arts and cultural centre. The objections were successful and foundation members looked towards business houses, overseas embassies and international sponsors for funds, including a wide membership drive throughout the community.

I should mention here the hard work of many people involved in the program towards the development of the Araluen Centre. However, that would take far too long so I will just mention, in passing, the present Mayor of Alice Springs, Mr George Smith, and the foundation president, Mrs Bobbie Tiffin who recently left Alice Springs and without whom this project would never have got off the ground. Indeed, the construction of this bill owes very much their tireless efforts.

Despite the early wish for non-reliance on government funding, it became apparent that if the foundation was to make maximum use of the large area of land at Araluen and the community was to receive the maximum benefit of such a centre, there was the need for direct Northern Territory government support. After initial talks with the government a committee was formed from amongst the board members to liaise with the government. Although I was a former member of that board, I resigned when I believed there would be a possible conflict of interests and, of course, honourable members would now see quite clearly where that conflict of interests could arise.

The government response was rapidly forthcoming and Cabinet instructed me as minister to make arrangements with the Department of Transport and Works in order to expand on the plans of the committee and to translate them into design. For this effort the government drew considerably on the expert report from a firm of architects who are leaders in the design of performing arts architecture. I do not think it would hurt, Mr Speaker, to mention the work that Hassell and Partners have done in the Northern Territory. They are the principal designers, I understand, of professional theatres in Adelaide. Talks have already been initiated with the Premier's Department in South Australia which at the time

had responsibility for the Adelaide Festival Theatre Trust and the new Department of Community Development in South Australia.

This bill is based upon the progressive South Australian legislation which has helped establish that state's reputation for the arts. The government carefully examined the South Australian example and those in other states before drawing up this legislation. In the meantime, the government has continued discussions with the Araluen committee on planning aspects both for the legislation and the design works. I have personally visited the Adelaide Festival Theatre to see the results of their legislation in action.

Before I explain the provisions of the bill, I would like to make a few observations about the present situation of the arts in my own home town of Alice Springs. In the past few years the extremely successfully annual drama festival in Alice Springs has been abandoned as a direct result of the lack of adequate facilities for performances. Despite this, the town's amateur theatre group has competed interstate, taken out prizes for performances in Queensland, Western Australia and South Australia and, of course, makes visits to Darwin. Incidentally, most of these comments could relate to Darwin and I think there is perhaps a model here for Darwin to look at in terms of people getting together, in much the same manner as South Australia clearly did, instead of having the problems we currently have with the city council's proposal, our proposals, art groups' proposals and so on, and everyone going in different directions.

The theatre group in Alice Springs has a long history dating back to the 1930s but today its efforts are still restricted by the size of the 120-seat Totem Theatre and the difficulty that surrounds the use of the Youth Centre Hall which is occupied both during the day and evenings by activities of all groups and types. Such active community organisations as the Folk Club, the Central Australian Arts Society, the Crafts Association, the Musical Society, the Film Society, the Gem and Mineral Club, the Jazz and Ballet Club and all others suffer from the lack of proper facilities and space. It is interesting to note that as long as I have been Minister for Community Development and Cabinet Member for Community and Social Affairs before that, I cannot recall one single application under the community grant scheme from any of those organisations, such has been their self-sufficiency. So I think it is about time the government started to support them.

Honourable members are aware that there are few musical instrument teaching courses available in Alice Springs and no adequate venues for performance. The same, of course, can be said for Darwin. I know this is a pet concern of mine but the best a musically gifted child can hope for in Alice Springs is to join a rock group. I suppose there is also the Salvation Army. There has been an enthusiastic response from one university to provide a lecturer if and when facilities for instruction are made available. That offer was made by the Flinders University School of Advanced Music.

Mrs Lawrie: And to Darwin.

Mr ROBERTSON: And applies to Darwin as well. Further such offers can be anticipated. Within the limits of budgetary considerations such offers cannot be left slide.

The project has the full support of the Alice Springs corporation which has indicated its willingness to relinquish its rights under the present town plan to a portion of the land needed for the development. This has made it possible for the Town Planning Board to proceed with the consolidation of an area of 7.89 hectares fronting Larapinta Drive and Memorial Avenue in Alice

Springs for the necessary single purpose usage, title of the area to be vested in the trust with provision for an area to be set aside for the purposes of a proposed museums and art galleries complex.

It is proposed by the foundation that the complex will consist of an arts and crafts workshop, fully equipped theatre, rehearsal and exhibition space. The government will attempt to satisfy these requirements. As has already been mentioned, land will be allocated to the Museums and Art Galleries Board for a building program and an outdoor display area. In addition, the Central Australian Aviation Museum is located adjacent to the complex. Together these facilities will provide for the people of Central Australia and visitors a unique opportunity for educational, recreational and cultural activities.

I shall now turn briefly to the main provisions of the bill. The bill seeks to establish the Araluen Arts and Cultural Trust Act. The need for this bill arises from the complexity of title, survey and allocation of areas for the particular purposes and also because of the need for considerable government expenditure to help develop these facilities. In view of these factors it was considered necessary to establish a statutory body to be legally accountable for this major development. The trust is charged with the responsibility of encouraging and facilitating artistic, cultural and performing arts activities throughout the Alice Springs region and particularly the control and management of the development of the Araluen Centre.

The act provides for the appointment of 7 trustees, 4 to be nominated by the Araluen Foundation, 2 by the Alice Springs corporation. Initially the minister will appoint the chairman. That is strictly initially, Mr Speaker, only in its first year. After that I think a body like that should appoint its own chairman. Trustees will hold office for 3 years but may be reappointed. Provision has been made for leave of absence, resignation or the termination of office of the trustees. Under the legislation trustees will be required to meet regularly at intervals of not less than three months. The bill lays down the procedure for the calling of meetings by the chairman and for their conduct. No trustee may act in the deliberation of any matter in which he or any other member of his immediate family has a financial interest.

Subject to these requirements and to the Financial Administration and Audit Act, the trust may determine its own procedures. Under the general control of the minister responsible, the trust is empowered to pursue its aims and responsibilities in a variety of ways. For example, the trust may employ necessary staff, provide catering services, rent its facilities, give or contribute to art prizes, enter into contracts with other organisations, sell directly or authorise the sale of goods, acquire patents or licences and accept gifts and grants of cash or property.

I think it is necessary for me to say that a lot of members may have rebelled at the idea of its power to employ staff. Quite clearly, an organisation with the power to receive bequests, grants and donations has a very large degree of flexibility in its own financial affairs. The only constraint will be that it complies with the Financial Administration and Audit Act recently passed by this House. In short, the bill allows for the trust to operate freely, subject of course to normal safeguards. Having regard to the history of the foundation and the government's acceptance of its objects and purposes, such freedom of action is both vital to the raising of artistic standards and to the continuation of the independent self-help tradition already established.

Mr Speaker, the people of Alice Springs have shown their initiative and ability as a community to work together towards the establishment of the Araluen Arts and Cultural Centre. They deserve the support of this Assembly and of the government. I commend the bill to honourable members.

Debate adjourned.

FREEHOLD TITLES BILL
(Serial 211)

Continued from 28 November 1978

Ms D'ROZARIO (Sanderson): Mr Speaker, on behalf of the opposition, I would just like to indicate that this bill is supported. In presenting this bill the honourable minister said that the crucial point of the bill is to permit freehold titles on commercial and industrial land. It would certainly be known to members of this House that, except in the most unusual circumstances, it is not at the moment possible to obtain freehold title on those types of land.

The opposition has always supported the giving of freehold title for residential land and over the years we have come to the conclusion that no good purpose has been served by maintaining leasehold tenure on commercial and industrial land. Of course, the original reason for this type of tenure which applies predominently in the Australian Capital Territory and the Northern Territory, and not in other parts of Australia, was that it was thought at that time that it would provide a greater means of land use control. In retrospect this has not been so and that, of course, is the reason why we support the provisions of the bill which the minister has presented.

It is certainly true, as the minister said, that this bill would place the status and tenure of commercial and industrial land in the Territory on an equal footing with other parts of Australia, with the exception perhaps of the Australian Capital Territory. However, it remains to be seen whether this in itself will give the necessary nudge to commercial and industrial development. The problem very largely with attracting industry and commerce to the Northern Territory, and I am sure the minister would agree, is not simply a question of the tenure of the land but more fundamentally the question of the availability of it. And like other members of the ministry opposite, I too would like to add my call for making industrial lands more readily available in the Northern Territory.

It will not be possible simply to obtain a piece of undeveloped industrial or commercial land on freehold title and I commend the minister for having retained provisions which will make it necessary for the holders of those lands to first comply with development conditions. This is a very important provision for the reason that I have already touched upon and that is the scarcity of these types of land in the Northern Territory at the moment. We would certainly not support any provision which would tend to increase land holding for speculative purposes and we commend the minister for retaining the provisions that the developer must first comply with the improvement covenant and the conditions of the lease before he can convert it to freehold.

I was interested in one comment which the honourable minister made and I would like to set the record straight. He made reference to the bill being, in his words, another step in this government's progressive role to rid our community of the archaic laws and systems which we inherited with self-government. I take some slight exception to the words "archaic laws" in the context of this bill because certainly the honourable minister would be aware that the recommendation to maintain leasehold tenure for commercial and industrial lands and to give freehold tenure for residential lands was a recommendation in the report of 1976 by Justice Else-Mitchell. The reason why I take some slight exception to the phrase "archaic laws" in relation to this bill is that that report as a whole was an extremely thoughtful report upon the reform of land tenure and, in the early days of the enthusiastic reception of this report, it was thought that it might be possible to implement laws which would bring those recommendations to fruition. So what we are talking about are not archaic laws but the

reform of land tenure systems, and the recommendations of the Else-Mitchell Report were certainly not archaic.

The reason that we now support this bill is, as I say, Mr Speaker, that it has not been shown, certainly in the Northern Territory context, that leasehold tenure in any way provides any more effective control over land use. By supporting it we are certainly not casting any aspersion upon the recommendations contained in the Else-Mitchell Report.

Mr HARRIS (Port Darwin): Mr Speaker, I rise to support this bill. The amendments to the Freehold Titles Act before this House are most welcomed by many sections of our community. It is about time that people who hold leases over commercial and industrial land were given the opportunity of converting their land to freehold title if they so wish.

The aims and achievements of the Northern Territory government since 1 July last year have been considerable, both in terms of initiative and also actions. Amongst their aims were the encouragement of trade relations with other countries, the encouragement of tourism and the encouragement of development. Of course in this case, Mr Speaker, we are talking about the method of development by encouraging business people to invest in the Northern Territory. One only has to look at the development which is taking place at the present time in the Darwin area alone to realise that people are getting the message that the Northern Territory is developing and that the Northern Territory has tremendous potential. The other important item that goes hand in hand with development is employment and this is another area that not only the government but the whole community has been involved in. Employment opportunities do come with development.

With the introduction of this bill we now have another act of government which will assist in further promoting business opportunities. Those people who hold leases over commercial and industrial land will be required to comply with the lease covenants before being given the opportunity of conversion to freehold title but at least now they will be given the opportunity to convert that land to freehold title. I support the bill.

Mr OLIVER (Alice Springs): Mr Speaker, this bill is quite a small bill but it is probably one of the most important bills to come before this Assembly. It is the beginning, but only the beginning, to the broader aspects of freeholding land in the Northern Territory and it is also the beginning of a new era of land administration.

The question of development conditions on leases and that sort of thing has been touched on. I support wholeheartedly the philosophy of the honourable member for Sanderson when she said she would not like to see an increase in land speculation, nor an increase in a rash of leased but vacant land.

If I might elaborate a little, Mr Speaker, land is the basic unit on which our civilisation is so solidly structured. There is not one aspect of life in which the answer does not lie in the soil. Whatever mankind does, whatever mankind proposes to do, he needs land on which to do it. Land is valuable. I do not mean valuable in the mere monetary sense but I believe it is valuable in the sense that if it is irreparably damaged or abused beyond usage, then we the people are the sorry losers. I believe in utilising land to the fullest extent for the benefit of mankind but I also believe that that same land must have some protection so that it may be preserved and kept productive, hopefully for all time.

This government or indeed any government merely holds leased land in trust. It is a role of government to use and exploit that land for the benefit of the people whom the government represents. However, it is the duty of the government to preserve the use of that land for the children of those people, and for their children and their children after them. I have said this before in this Assembly, Mr Speaker. I say it now and I will say it again. We, the people, are here for just a minute instant in the passage of time. The land is here for all eternity, Mr Speaker; we are not. In that mere instant of time, with an ill-conceived and an unthinking philosophy of land administration, we can leave our mark but it would not be the mark for which our descendants would thank us.

I have lived a lifetime in the arid and semi-arid areas of Australia, mainly in western New South Wales and Central Australia. I am unaccustomed to living anywhere where the rainfall would exceed 10 or maybe 11 inches a year and in all those years, I have lived very close to the land.

May I give the Assembly a couple of examples of what I consider quite indifferent land administration and, in so doing, I lay the blame at nobody's door. I use the examples to illustrate only the difficulties of efficient land administration.

I am not too sure of the date, Mr Speaker, but shortly after the first world war and probably in a flush of enthusiasm an area of land was thrown open in western New South Wales near a place called Lake Benanee. If honourable members have travelled the Sturt Highway between Mildura and Swan Hill in New South Wales they would have passed very close to Lake Benanee. It is on the south side of the road and is filled sporadically from the Murray River. The land was thrown open for closer settlement and, if my memory serves me right, it was for soldier settlement. A pumping station was installed on Lake Benanee and channels were constructed to take the water out to the blocks for domestic use and stock use. A railway line was also constructed to service this highly improbably productive district. This railway crossed the Murray River and linked up with the Victorian rail system. The blocks would not have been much more than 2,000 or possibly 3,000 acres each. The land unfortunately was undulating sandy rises covered with malley scrub, a bit of tea-tree scrub, a bit of spinifex and that sort of thing. It was not very good land; it was useless for grazing. I am not sure whether the settlers were to clear the land to grow grain or to plant vines, as had been done at Mildura by the Chaffey brothers quite a few years before. Indeed, whatever the settlers were to produce, the blocks proved to be a failure because the country and the climate were completely unsuitable for any purpose to which such a small area could be put. I cannot give the honourable members the amount of country taken up or the number of settlers but I do know that large tract of country eventually reverted to 1 or 2 families. By way of comparison, I was living in the same district on a 40,000 acre sheep property with a 30-mile frontage to the mighty Murray River. I can assure you that even with that area, which was quite reasonable for that district, we were not one of the squatocracy. In those days, if I wanted to take my girl to a dance or the pictures, I would have to trap rabbits to pay my way in.

Coming closer to home, I would refer to the area south of Alice Springs. I think it was in the late 1940s, although the exact date is not important, that a large tract of country was thrown open to settlers. The names of some of the lots come to mind: Ippia Hill, Mt Quinn, Mt Omerod, Middleton Ponds - there could have been a few more but the names escape me. The concept was good: throw land open to settlers that would be utilised and become productive. Again, unfortunately, the areas were too small. The blocks were about 300 square miles each and they consisted of country that the original settlers in

that area considered unworthy of attention. A further disadvantage was the lack of underground water and even today water points are very scarce in that area. These blocks now constitute portions of larger pastoral leases although the Middleton Ponds block is still an individual lease, as an adjunct to Tempe Downs pastoral lease. There is no way, even in these good seasons, that Middleton Ponds could be a viable proposition. No doubt the philosophy of the times had some merit but I firmly believe the government, as land administrator, has a great responsibility to ensure that any land released is of a viable nature.

To further exemplify the difficulties of land administration, particularly in a semi-arid area such as Central Australia, I bring to the attention of honourable members the years between the mid-1950s and 1970 and the years subsequent to that date. As you probably recall, the middle 1950s saw the longest drought in recorded history. I was a pastoral inspector with the Lands Branch in those days and I declared and avowed that no pastoral lease in Central Australia should be less than 1500 square miles. Because of the way the country was then, anything smaller could not possibly be a viable proposition. If they had good seasons, that was when they made their cream but, in dry times, they needed that exceptionally large area.

After nearly 10 years of almost excellent seasons in the Centre, if I was a newcomer to the district I would probably have said that half the area would be sufficient as a living area. Certainly, the body of stock-feed that is generally available there would support that view. However, should dry times again occur, and they most certainly will, those smaller areas of land would not constitute a home maintenance area.

What I have said perhaps digresses somewhat from the purport of the bill but I have said it to express to honourable members something of the complexities of land administration. I seem to have referred so far to rural or pastoral areas but there is no significance in this, only that it is an area with which I am well acquainted; I have used these examples to illustrate the difficulties of land administration. Then again, if one were to move to a more favoured area, the whole outlook of land administration would be completely changed and no doubt would be greatly simplified. It is most important, indeed imperative, that in considering our land administration, the fullest regard be paid to the particular circumstances pertaining to the Northern Territory.

The purpose of the bill is to extend the granting of estates in fee simple to commercial and industrial leases after lease development conditions and covenants have been complied with. The most important result that will arise from the bill is that commercial land held under freehold title may be subdivided into strata title areas. There are many small businesses in large complexes where the land is leased and, once this land is divided into strata titles, then the owner of the business has a freehold piece of land. I support the bill.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

EMPLOYMENT

Mr DONDAS (Youth) (by leave): The Chief Minister submitted a comprehensive policy statement on employment during the November sittings of the Assembly. That document set out facts relating to unemployment in the Northern Territory and outlined some government initiatives designed to provide positive and immediate measures and produce an economic climate which would bring, in the

longer term, a return to full employment. This was followed by a wide-ranging debate to which most members contributed and which canvassed the problems of unemployment with special reference to young people and Aboriginals. Some ideas emerged from that debate on short-term measures which could be considered for future government action.

Unemployment, particularly among the youth, is an emotive issue. However, we must, at the same time, be both compassionate and level-headed in our attitudes. On the one hand we cannot ride roughshod over victims of the recession nor, on the other hand, be seduced by well-meaning proposals which do not offer real or lasting solutions to the problems. Despite the latest unemployment figures, some encouraging signs are emerging in economic and business indicators and there seems to be general agreement that the economy made some progress in the December quarter although questions about inflation, the money supply and interest rates persisted.

Having said that, I believe we should not minimise the magnitude of the problem which faces the Territory community in coming to grips with present levels of unemployment. In a statement in mid-September last year, the then federal Minister for Employment and Industrial Relations noted that, even if new jobs were created at an average of 130,000 each year for the next 5 years, we could expect to reduce the unemployment rate only to about 4.5%. We can, I believe, do better than that in the Northern Territory. Among other things, we must re-examine some of our sectional interests. We are committed to seeking solutions and adopting measures, some of which may run counter to our political or economic dogma or personal interests.

There appears to be one thing on which most of us agree: there is no simple and easy way out of this problem. There are just no quick solutions. Many people are prepared to express concern about unemployment; few are prepared to listen to a solution which might disadvantage them. I do not believe we can influence in the short term all the factors - personal, educational, social and economic - which bedevil this problem. There are some measures that we can take in the short term which may have some mitigating effect. I will be commenting on these and outlining some further initiatives by the government.

Our long-term strategies must continue to be directed towards stabilising the economy and seeking greater commercial and industrial development and greater productivity - in other words, providing an economic climate for a return to full employment. To do this will require not only government action but the understanding and support and probably some changes of attitude among individual Territorians and some of the institutions.

My appointment as Minister for Youth, Sport and Recreation and as minister assisting the Chief Minister on employment matters indicates the importance which the government attaches to applying early remedial measures which, while maintaining our long-term strategy, is directed towards full employment. As part of my responsibilities in the youth area, I will most certainly be concerning myself with the special problems of youth unemployment and I have already initiated action in this area. I see as one of the first tasks of my office the bringing together of all the agencies involved in education, vocational guidance and training, youth and adult employment so that there can be a better understanding of the respective responsibilities of the various agencies and a fuller knowledge of what each is doing in its own particular field.

As a first stage, I have endeavoured to obtain from several of these agencies the statistical data which they presently compile so that I could have available in my office all the relevant information concerning their fields of operations. This could then be collated and disseminated to all interested

parties. Such information would enable the government to obtain a more comprehensive view of the employment situation and will assist it to take further remedial measures within its field of authority and to press on with its long-term strategies. Even a brief examination of some of the statistical material which is at present available can provide important indicators where there are special areas of difficulty and where special measures must be taken.

The latest figures from the Commonwealth Employment Service at the end of January indicate that a total of 4,995 persons, up 211 since the end of December, registered for unemployment benefits in the Northern Territory. 1920 are Aboriginals, of whom 665 are men. Included in these figures are Aboriginals from 4 communities in the northern part of South Australia. The Commonwealth Employment Service has advised me that the contribution from South Australia would be minimal. These figures alone show a disproportionate number of unemployed Aboriginals and suggest that there are special problems associated with the overall Aboriginal employment situation. In the first place, we must endeavour to find out and understand more clearly the factors that are operating to cause this situation. Having done this, we will then be in a position to look at a range of measures which could be developed, many of which can be suggested by the Aboriginal people themselves, to reduce the incidence of unemployment among them.

The wide discrepancy in the number of Aboriginals registered for unemployment benefits in Alice Springs, Tennant Creek and Darwin, and between these centres and Katherine, is also relevant. Out of a total of 1628 persons registered at the end of January in Alice Springs and Tennant Creek, 1168 were Aboriginal, of whom 202 were under 21 years of age and 1113 were men. In Darwin, there were 2,745 persons registered for unemployment benefits: only 347 were Aboriginals, of whom 122 were under 21 years of age and 304 were men. Comparable figures for Katherine were 622 persons registered, 405 of whom were Aboriginal, 75 of them under 21 years of age, and including 371 men. I propose to initiate early discussions with the Department of Aboriginal Affairs to find out what background information they have on this matter and what steps they are presently taking. At the same time, I will be interested to know more about long-term plans that they have to assist Aboriginal communities in developing worthwhile and meaningful employment programs in the community.

Of the 4995 persons registered for unemployment benefit at the end of January, there were 1277 young people under the age of 21, down 23 on the December figure. This group included 185 young people who are classified as school leavers, that is those who have left school within the last 6 months. 144 of this group are in Darwin, 17 in Katherine and 24 in Alice Springs and Tennant Creek.

These figures for school leavers should be looked at against the total figure for school leavers supplied by the Education Department for 1978, including those in year 12, that is the matriculation year. The Education Department has advised me that during 1978, from February to October, 530 students left school. At the end of 1798 a further 500 students, not including 191 who sat for matriculation, also left school. On this basis, some 691 young people left school at the end of 1978, not all of them, of course, to go on to further education or into the workforce. This figure includes only those Aboriginal students attending urban high schools of whom there were some 600 in 1978. At the present time, the department is unable to give me any further details about the reasons for leaving, for example, whether they had reached the statutory leaving age or whether the family had transferred outside the Territory. It will be important to have this sort of information.

According to the Education Department, at the beginning of 1978 there were 283 children in year 11 of high school in the Northern Territory. By August, there were 250 and, in October, 239 students in that group were still at school. At the beginning of the year in February, 241 of those students were in the matriculation class which reduced to 202 by October. In the event, 191 sat for the matriculation, 177 of them for 5 or more subjects. Of these, 111 were successful. It could reasonably be expected that successful matriculation students would go on to various forms of tertiary education, mainly interstate.

I believe we should be examining this data more critically so that we might be in a position to determine the reason for the drop out of a significant number of children in year 12 and to make some attempt at least to find out what they are now doing and what sort of training they may need to prepare them for the workforce. I give these figures to indicate the basic data which is presently available to government authorities and to indicate the very real need which exists for there to be a much closer examination and evaluation of these figures. Following this analysis, we may be better equipped to make a stronger impact upon the special problems of youth and Aboriginal unemployment in the Northern Territory.

I see the collection, collation and effective utilisation of this information as being the most important work of my office. Since my appointment, I have moved quickly to establish a Northern Territory Youth Advisory council which, amongst other things, will provide the means for ongoing participation and consultation with young people to enable their direct participation in the decisions and policies of government. Cabinet has already approved the setting up of such a council together with independent regional youth advisory councils. Officers of the Community Development Department are presently moving through the Territory consulting with young people and young people's organisations to seek their views on the structure and membership involved in both the regional and central councils. I expect the councils to be operating by the end of April.

The Chief Minister wrote to 82 private employers operating principally in the Darwin area in late December 1978 informing them of the government's policy to promote economic growth and initiate action to create additional apprenticeships in the Northern Territory Public Service and to give preference to Territorians in employment. He suggested that private employers might follow the government's lead by making a deliberate effort to increase employment opportunities for Territorians and particularly school leavers. They were asked specifically to advise us of their likely intake of school leavers in 1979, together with any information on apprenticeships, traineeships or other forms of subsidised training which they would be offering over the next 12 months. G.J. Coles advised that, of a full-time staff of 110, they will be employing 34 women and 8 men under 21 years of age. In addition, some 70 students will be engaged for part-time work after school and over the weekends. I will be following up this matter with all those employers and will be extending my inquiries to Alice Springs and other Territory centres.

In his statement, the Chief Minister indicated that preference provisions for Territorians were being applied in government employment. As a direct result of the removal of seniority as a relevant factor in filling vacancies, some 60 persons have gained employment over the past 6 months in the Northern Territory Public Service. As an indication of the government's interest in raising the number of apprenticeships being offered by government departments and authorities, I can report that, for the period 1 July 1978 to 31 January 1979, 166 apprentices were indentured, against 96 in the same period in the previous year - a significant 57% increase. Revised estimates indicate that 130 apprenticeships and 61 traineeships will be offered by government departments and authorities in 1979.

On 2 February this year the government notified its intention of raising the ceiling on exemption levels in the payroll tax concession scheme to be effective from 1 July 1979. The new scheme will lift exemptions at the lower level from $5,000 to $5,500 and at the upper level from $12,500 to $13,750. This is designed to assist small business concerns employing up to 5 or 6 people.

The government has been considering some form of legislation to replace the Apprenticeship Act and to bring it into line with the best practices in the states. Involved in this consideration has been a need to embrace recent developments in industrial training to include provisions for courses outside the traditional apprenticeship trades and to examine the special vocational training needs of Aboriginals. In early November 1978, a training review committee with wide representation was formed, with the approval of the government, under the chairmanship of Mr Mervyn Elliott. This committee has been examining, among other things, industrial training needs and the principles to be included in future training legislation, and its report is presently in preparation.

I have obtained some figures about the involvement of the Darwin Community College in providing this year's training courses for school leavers. In February, 32 school leavers out of a total of 58 students are engaged in 3 courses covering receptionist-typist 16, clerk-typist 5 and steno-secretary 11. The college is in the process of abstracting information in relation to all award courses to find out, amongst other things, those who have come to the various courses as school leavers. I expect to have this detailed information later this week.

In conjunction with the Education Department, the college has been conducting teacher-training courses at Batchelor and steps are being taken to upgrade these courses. Preliminary talks have been held with the representatives of mining companies and with the Department of Employment and Youth Affairs on training and employment in the uranium province to see to what extent the college can provide courses to prepare people to work in that area.

A 12-weeks extensive course for unemployed youth, though not specifically for school leavers, concluded last Friday. 18 young people 17 to 18 years of age commenced the course and by the end 12 had been placed in jobs, several of them while the course was in progress. It is proposed that another course will be held in a few weeks' time.

Plans are well advanced to commence in July 1979 a general study certificate course for Aboriginals in association with the Department of Aboriginal Affairs. One part of this course will be related to the specific problems of Aboriginal communities and the other directed to the needs of urban Aboriginals. I propose to have early discussions with the college to inform myself about their resources, what courses they are offering which might absorb more qualified school-leavers and how they see their role in providing further vocational training for young people, including young Aboriginals.

I have referred earlier to the creation of my ministerial office with my additional responsibility for employment matters under the Chief Minister, together with the early transfer of the education function including the Darwin Community College to Northern Territory government. This will give me the opportunity to bring together all the relevant information and statistical data concerning employment. This will include such matters as education levels of school-leavers, vocational guidance and training and job opportunities both in the public and private sectors. I will be personally involving myself in examining and evaluating all these matters. As an important part of this

process I will be talking to private employers, as individuals and through their associations, to seek their cooperation in opening up new job opportunities. I propose also to have early discussions with trade unions on these matters.

In these ways, I believe that as minister I can make a worthwhile contribution in assisting to devise and apply measures to reduce the incidence of unemployment, in particular amongst young people in the Northern Territory. However, because of its firm belief that a sound economy, involving commercial and industrial development, and a high level of productivity are essential to set the stage for a return in the longer terms to full employment, the thrust of the government's economic strategies must be fully maintained.

Mr Speaker, I move that the statement be noted.

Mrs LAWRIE (Nightcliff): Mr Speaker, in speaking to this statement by the honourable Minister for Youth, Sport and Recreation, might I first of all congratulate him on his elevation - to the peerage, I was going to say - rather to the ministry or the Cabinet, and wish him well in a task that is of very vital concern in a rather sensitive area.

The honourable minister said in his statement, and I quote: "My appointment as Minister for Youth, Sport and Recreation and as minister assisting the Chief Minister on employment matters indicates the importance which the government attaches to applying early remedial measures", etc. Could I say it really does indicate their interest because they have appointed the poor man and given him, I think, only 2 assistants. I think we could assist the unemployment problem by allowing the minister access to a more reasonable level of staffing. While I agree with the comment made at the time by the honourable Leader of the Opposition, that an entire new government department with its departmental heads and advisers is perhaps not warranted, I do think it is totally unfair to expect the minister to perform his function adequately in these areas, to the electorate, to the House and to Cabinet, with such a small number of staff. I hope the people responsible will take heed of what I say.

It has been my privilege to accompany the minister when he has been in my electorate, engaged on duties attached to one of his portfolios, Sport and Recreation ...

Mr Isaacs: With a tape recorder?

Mrs LAWRIE: No tape recorder to my knowledge. And I think the minister displayed in those situations some of the better attributes of government ministers in that he was willing to get out and become involved with the subject matter. The honourable minister, demonstrating perhaps his prime interest in rugby union, was given to confusing the umpires when we were watching an Australian rules match. However, that small problem aside, I was very pleased that, when people voiced their concern about the lack of certain facilities, he came to Nightcliff at the first available opportunity and made himself available to all and sundry who wished to speak to him.

I wish, too, that when the honourable minister is addressing the House he would sack his speech writer, stand up and perhaps with notes give us the same forthright views which I have seen him express in moving around the electorates, because the statement as presented by the minister is little more than a collection of statistics and intentions. We are all willing to assume that the intent of the government and the intent of that particular minister is good but I would have liked more specific details on some of the sections which I am now about to comment on. Could I say that when a minister delivers a statement such as: "Unemployment, particularly among the youth, is an emotive issue.

However, we must at the same time, be both compassionate and level-headed in our attitudes", he seems to be saying "bleed, but bleed carefully". I know the minister has more knowledge and goodwill than the statement which he has just presented expresses.

The honourable minister also said in his statement: "There seems to be general agreement that the economy made some progress in the December quarter although questions about inflation, the money supply and interest rates persisted". Well, that would be the understatement of the year. Right around Australia questions persist in this particular area and are likely to bring down the present prime minister's government. The honourable minister also said he believed "we should not minimise the magnitude of the problem". I plead with him to take advice but speak from his heart, and not agree to reading prepared statements which are so much gibberish when one has a look at them.

I support the minister when he said: "There appears to be one thing on which most of us agree: there is no simple and easy way out of this problem ... no quick solutions. Many people are prepared to express concern about unemployment; few are prepared to listen to a solution which might disadvantage them". Mr Speaker, that is a truthful and honest statement which bears examination by all sections of the industry in the Northern Territory and by union representatives. I am aware that the honourable minister is approaching the unions and has made certain approaches. "Employers, too, have tended to look at short-term profits without looking at long-term consequences". I believe that statement is an expression of the minister's concern at the attitudes right through industry. He has also expressed several times his desire for more apprenticeships to be offered and, in fact, for a wider apprenticeship scheme to be available. I do not think any member would dispute either of those premises.

I have criticised the honourable minister's statement but I am not criticising him. It is his first ministerial statement and was an honest attempt to show goodwill to the House. I criticise his statement because of its over-reliance on statistics; I think the minister mentioned some kind of statistical data on almost every page. He talks about this data being collated and disseminated to interested parties. That could be done by any competent clerk. I do not see that as the prime responsibility of the minister. The minister has other things which he and he alone can do in putting certain propositions before Cabinet to move his government to take positive initiatives in offering certain incentives to business. To me, the mere collation and dissemination of statistics is certainly not the prime objective of the establishment of such a ministry.

The honourable minister spoke of discrepancies in figures from the Commonwealth Employment Service. He said some pages further on, and I quote: "I give these figures to indicate the basic data which is presently available to government authorities" - may I pause there and say that is fine, but it could have been an appendix, not the basis of the submission. I continue: "and to indicate the very real need which exists for there to be a much closer examination and evaluation of these figures". Therein lies my criticism. I agree with that statement but until there is proper examination and evaluation of the statistics, the statistics in themselves are meaningless.

The honourable minister also mentioned a matter of some concern to each member of this House. I quote: "It could reasonably be expected that successful matriculation students would go on to various forms of tertiary education, mainly interstate". Mr Speaker, I am not going to take the time of the House for too long but I must re-emphasise the concern throughout the community that

so often, when young Northern Territorians have finished their secondary schooling, it is necessary for them to go interstate to undertake tertiary education. The Darwin Community College is offering diploma courses in certain areas. I am aware that the minister in charge of education in this House is doing all he can to improve the standard of the courses offered and the accreditation. But I can never let an opportunity pass without reinforcing the community view that it is most unfortunate that Territorians are still going interstate to continue their education. In fact the Queensland University is now not offering certain courses through the Darwin Community College which it did in past years. Law is one such course.

The honourable minister stated that he had moved quickly to establish a Northern Territory Youth Advisory Council. Mr Speaker, I raise this at the moment so that when he replies to this debate or at some future stage, he might give us more details of the composition of the Youth Advisory Council, the way in which the members were appointed and the places from which they came, because the concept of the Youth Advisory Council is admirable but only if in practical terms it carries through the philosophy he is expressing.

He also said that "Cabinet has already approved the setting up of such a council together with independent regional youth advisory councils". Mr Speaker, I ask the honourable minister to indicate to the House at some future date the composition of these approved independent regional youth advisory councils, the type of areas from whence the membership will be drawn, the way in which they are to be chosen and also if young people particularly are to be represented on these youth panels.

The minister stated that officers of the Community Development Department are presently moving through the Territory, consulting with young people and their organisations to seek their views on the structure, membership and roles of both the regional and central councils. Again I ask him if this is advertised through the press, are they calling public meetings, is it popularly known - not only amongst youth who belong to a certain body but the youth at large - that these community officers are in fact engaged in this work? In other words, I am asking for the most general approach to youth rather than on a selective basis.

Mr Speaker, we hear that the Chief Minister wrote to 82 private employers operating principally in the Darwin area, asking for certain information and undertakings - an approach which I support. But the answer from one commercial concern as outlined by the Minister deserves comment. "G.J. Coles advised that, of a full-time staff of 110, they will be employing 34 women and 8 men under 21 years of age". And here is the important bit: "In addition, some 70 students will be engaged for part-time work after school and over weekends". Now, let us not kid ourselves that that is in any way assisting the problem of youth unemployment. These are kids at school who are earning pocket money, nothing more than that. I know a lot of the kids who are employed in this area of the industry; in fact, my daughter has been one from time to time. It has nothing to do with youth unemployment and that must be clearly understood. It is kids working out of school hours, the same way as in the old days the Herald boys used to sell the Herald in Melbourne to get pocket money. It is nothing more than that.

Mr Dondas: It is still training though, isn't it?

Mrs LAWRIE: The honourable minister asks if it is still training. Basically, it is stuffing shelves, putting cans on the empty shelves. I would not say that that is skilled training at all.

In his statement the minister said that the Chief Minister indicated in his earlier statement that preference provisions for Territorians were being implemented in government employment. I must assume that we include the Territory of Papua New Guinea, because people from Papua New Guinea have come to the Territory as flocks of geese, some of whom are highly skilled and whom we value, but it is not without note that the Northern Territory Public Service has a large number of people who have just come from another territory.

I approve and totally support the government's interest in raising the number of apprenticeships being offered by government departments. I am happy to see the minister's statement about negotiations with mining companies and development authorities in that area. When I spoke earlier of this the Minister for Industrial Development signified his interest, a very proper interest, to ensure that where possible young Territorians were employed in any developing industry. It is an unfortunate fact, of course, that many of the people who will be employed by mining company consultants in that area are skilled people, not readily available in the Territory and particularly not available amongst the youth who have not had the opportunity to gain those skills. Nevertheless, I applaud the minister's interest and his statements.

The minister spoke of the early transfer of the education function, including the Darwin Community College, to the Northern Territory government, giving him the opportunity to bring together all the relevant information and statistical data concerning employment. So much of the debates on employment in the Northern Territory, or the lack of employment, gets back to problems associated with education in the Territory - where it is offered, how it is offered. I am most appreciative of the close liaison which of necessity will exist between the Minister for Youth, Sport and Recreation and the minister in charge of education.

I acknowledge the initiative of the government in recognising the need for a special adviser in this area but I think that is only going half way; they have appointed the man but have not allowed him the staff and facilities to adequately cater for his ministry. I hope that matter will be rectified.

Debate adjourned.

HOUSING BILL
(Serial 178)

Continued from 22 November 1978

Ms D'ROZARIO (Sanderson): Mr Speaker, I was quite happy about the provisions of this bill until I was given a copy of the minister's amendments, and perhaps I can raise this matter early in the debate.

Briefly, the bill does but 2 things. Firstly, it changes the formal name of the Housing Commission and, secondly, it provides that water rates on Housing Commission properties be paid by the commission. In exchange for the provision, of course, it is expected that rents will rise by approximately $1.50 per week. As I said, I was happy about these provisions because literally dozens of my constituents have approached me in relation to water charges and the complaint has generally been that the amounts asked are quite large. They are asked for in a lump sum and generally no time is allowed for these people to pay. By and large, I think I have read my constituents' minds correctly in saying that the provision for the Northern Territory Housing Commission to pay the basic water charges is one which will be supported by them.

However, I would like to refer to the amendment that has been circulated by the minister. The amendment alters the commencement clause in the bill. Whereas the bill as it is now printed says that the act will come into operation on a date to be fixed by notice in the Gazette, the amendment now says that the act will be deemed to have come into operation on 1 July 1978. What is, in fact, happening is that the operation of this act is being made retrospective. There is one small problem with that and that is that many people have already been billed for their basic water charge. I can well remember the statement of the Minister for Transport and Works who said that bills will now be sent out to consumers in advance because his department had got over the backlog. Commendable as that might be, the question that now occurs to me is whether or not these people who have already paid this year's water bill will also be charged the additional rent of which the minister has given forewarning.

With those reservations and hoping for an answer from the minister, I say that the opposition supports this bill.

Mr PERRON (Treasurer): I thank the honourable member for Sanderson for her support of the bill. In answer to her query on the retrospectivity of this bill which will come about from an amendment to be moved, in anticipation of the bill being passed the water supply people were asked to withhold sending accounts to Housing Commission dwellers as the commission will be picking up the bill. Those people who have paid - and there certainly have been some - will get an immediate refund from the Housing Commission as soon as this system is implemented. They will merely have to produce the receipt for their account and it will be paid straight away. That aspect has been taken into consideration. It was certainly of concern to me as soon as I saw the proposed amendment and I had that matter clarified.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr PERRON: I move amendment 38.1.

This invites defeat of clause 3 with a view to inserting a new clause.

Clause 3 negatived.

New clause 3:

Mr PERRON: I move amendment 38.2.

This inserts a new clause 3 saying that this act shall be deemed to have come into operation on 1 July 1978.

New clause 3 agreed to.

LOCAL GOVERNMENT BILL
(Serial 191)

Continued from 29 November 1978

Mr PERKINS (MacDonnell): The opposition basically supports the bill because it is designed to give the municipal council wider scope to involve

sporting and cultural bodies in the management of recreational reserves and to permit councils to take over neighbourhood parks. The principal act is to be repealed and then replaced by a simplified procedure whereby a government can hand over control of reserve land to municipalities. The bill also outlines the alternative means of vesting reserve land in the council.

In the case of reserves which the council wishes to retain under its own management - an example given was a playground park - the minister may appoint the council as a trustee of the land by notice in the Gazette. On that particular aspect, the opposition presumes that the minister would be the Minister for Lands and Housing rather than the Minister for Community Development.

An alternative in the bill allows the minister to grant a lease of the reserve land to the council and the council may then, in turn, sublease it - I think for up to 30 years - to a sporting or cultural body or to a commercial enterprise which may want to develop the lease. The purpose would have to be compatible with the original purpose for which the land was reserved.

The opposition does have some reservation about the new initiative which is outlined in the bill which will allow commercial development on crown land vested in a council. We are opposed to this new concept of leasing reserve land to commercial ventures. We believe that reserve land and parks ought to be maintained for the people of the Northern Territory and ought to be for recreation purposes.

The new initiative in the bill will allow commercial enterprises to develop areas which are meant for the people. The opposition is not in favour of leasing reserve land to business enterprises. If there are business interests in the Northern Territory that want to get hold of land to develop for sporting purposes, there is land already available. Why should land be handed over to a council and then the council sublease that land to commercial enterprises? Reserve land ought to be used by the people for recreation purposes. Such land should not be used by commercial enterprises for profit-making.

The opposition basically supports this bill, with the reservation that I have just spoken about.

Mr HARRIS (Port Darwin): Mr Speaker, the big issue that is raised with the introduction of this bill is whether or not councils should have control over their local areas. I believe they should. People have said to me, "They will be able to give away our foreshores and they will be able to give away the land". The council will not be able to just give away land. People who say this are not responsible people. The proposed leasing by the council to any other body, as set out under proposed section 339B(6) is subject to scrutiny. The proposal must be advertised and objections may be lodged with the council. This is laid out under proposed section 339B(7) and 339B(8). The biggest factor in the making of decisions on land usage in local areas will be that, for the first time, the aldermen will be the ones who are responsible - and rightly so. We can rest assured that, under those conditions, aldermen will think very closely about the purposes to which the subleased land will be applied.

There are members of this Assembly on both sides of the House who have criticised the initiatives of councils, and that is their right. However, decisions made on local matters should be made by the local people. Quite often, I do not like decisions made by the council, particularly those pertaining to rates, but that is the local government's decision to make.

The 2 major provisions of this bill are to provide a means whereby lands may be leased to a council, under proposed new section 339B(1) and to enable the council in turn to sublease land under section 339B(5). The lease is to be in the prescribed form and this will be provided by the regulations.

There are several points on which I would like clarification and perhaps the minister will be so kind as to address himself to these points in reply. Will the regulations cover such matters as the survey of leased land? I would think that various forms of ministerial inspections would be required to be carried out. Covenants would also be required and I would hope that, if this was the case, any stipulation as to a covenant would be flexible. Of course, covenants on the original lease to the council would control the sublease also. This would then mean that the council would be unable to give away more land than it actually has.

Lease documents will have to be drawn up. Is it proposed that Crown Law will carry out this particular function? If not, who will carry out this function? I would also like to ask, who will be responsible for paying the necessary fees for lease registrations, etc?

Consequential to proposed section 339B, we have spelt out under subsection (6) who the subleases may be granted to and the purposes for which the land can be used. In general terms, these must be consistent with the purpose for which the land was originally reserved. In that case, I do not agree with what the honourable member for MacDonnell said. It should be noted that council bylaws will apply to land leased under this section. Land may be subleased to commercial interests but only within the bounds of proposed new section 339B(6). The commercial purposes would have to be ancillary to or consistent with the purpose for which that land was reserved.

Under section 339B(11), we see that lease terms are strictly limited to no more than 2 years in the case where a lessee does not have to develop the land and no more than 30 years where the lessee does develop the land. We also see that the lease is determined on the revocation of the reservation. Many clubs around Darwin, and perhaps other areas, have been trying to obtain land for a number of years now on which to develop their own playing fields and club premises. Some of these clubs have many thousands of dollars with which to carry out the initial stages of development. To them, I would also like to give a warning: it is not easy to survive in the club situation.

However, by providing additional recreation facilities, we are able to take a load off the councils' ovals and also their capital. We are, in fact, able to save the ratepayer money because development and maintenance will remain the responsibility of the developing club or association. The clubs will now be able to help provide increased recreation facilities to many residents of their local areas. Many clubs do allow their ovals to be used by people who are not necessarily involved in the activities of that particular club.

There are aspects of which future aldermen should be aware. I can see situations arising which will permit the establishment of a number of licensed clubs in one area. This situation currently exists in Fannie Bay where there are some 8 licensed clubs within an area of 2 square kilometres. Again, this is a matter for local consideration. For this reason, I have been one to support the concept of suburbanised sport. It is felt that, by the introduction of the suburbanisation of sport, we would get away from having many clubs in the one area.

I would like to give some examples of the laws relating to other states. In New South Wales we see that local councils have the power to lease land to sporting bodies or to organisations formed for the cultural welfare of the youth of the community. The normal procedure in that state is to advertise the fact that there is an area of land to be subleased, applications and objections are received and the final signing of the sublease documents cannot take place until the minister has approved.

Victoria has a fairly open system. Their procedure is to lease buildings or improvements for a period of up to 30 years either by auction or tender and, with special authority of the Governor in Council, they may lease for a period of up to 75 years. When considering tenders, they must look to the amount which will be provided for improvements.

The Queensland land legislation authorises subleasing to any organisation as the council sees fit, provided its use is compatible with the purpose of the reservation. Subleasing is subject to approval by the minister of the formal lease document.

South Australia also has lease provisions. It is interesting to note that it only requires ministerial approval for areas over 6 hectares in that state. Anything under that does not require ministerial approval. There are covenants for the erection of improvements, not exceeding 21 years, but leases are renewable. Approval is generally given by a meeting of the ratepayers and a poll may be demanded.

In Western Australia, a lease may be given for up to 5 years. In excess of 5 years, approval of the governor or a poll of electors is necessary unless provided for under some other act. The method of lease is generally by tender.

Finally, in Tasmania, the governor may license a council to dispose of crown land, exclusively for municipal purposes. Despite any conditions to the contrary, the land may be leased for up to 21 years.

I am not advocating that the Northern Territory government make laws for such purposes similar to those in other states merely for the purpose of being consistent. It may be that what is good for people living in South Australia is completely against our way of life in the Northern Territory. I hope the Northern Territory government does not make rules and regulations based solely on the principle that if it is done in another state, we should have it here. We can see from the examples I have just given that the control of leasing and subleasing of land to councils varies considerably throughout the various states. However, the principle to enable land to be placed under council control remains consistent right throughout Australia.

There is a definite distinction between areas of responsibility as far as the different arms of government are concerned. The Legislative Assembly is responsible to all the people of the Northern Territory, not just the people who live in Darwin, Alice Springs, Tennant Creek or any of the other areas. Aldermen and local councils are responsible to people living in a particular area. They are the ones who should decide to what use land should be put in their local areas. As I have pointed out, land leased to a council and subsequently subleased can only be used for the purpose for which the land was reserved in the first place. A decision to lease must be advertised, objections may be lodged and, finally, the minister must approve. I believe this legislation is in line with what people of the Territory have been fighting for for years - self-determination. I support the bill.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I certainly support the simplification of the leasing provisions under section 339 of the Local Government Act for which this bill allows. There are provisions in the act at the moment which councils find somewhat cumbersome and these changes will allow, presumably, an easier process by which the councils may lease land to bodies such as sporting organisations.

However, I would like to support the comments of the deputy leader of the opposition with regard to this new idea of allowing the local council to sub-lease reserved land for commercial purposes. It is a surprising thing; I really cannot see why it is necessary. In speaking to the bill, the minister referred to squash courts. We know there are many organisations conducting these enterprises successfully in the Northern Territory and I am surprised that this government would support the idea that the council should allow other people to take advantage of this act and go into competition with people who have already established, by their own efforts, successful enterprises of this kind.

In taking up some of the points raised by the honourable member for Port Darwin, I would particularly like to look at the question of the public's right to object in writing to a proposed lease. The honourable member gained some consolation from the inclusion of these provisions in the bill. He referred to subsections (7) and (8). I would refer him further to subsection (10) which says that the councils shall consider any objections which they may receive and then make a decision. In other words, the objections do not go to an independent body but the council itself adjudicates on its original decision. I do not think that is quite good enough.

There is, however, as he pointed out, the requirement that the minister may ultimately approve or not approve the lease. The minister responsible for local government has said in this House, and I support him, that he does not see his responsibility as minister extending to the point of interfering with the day-to-day decisions of councils and other local government organisations. I doubt very much whether the minister will overrule a decision of the council of this nature as long as the thing is done in accordance with the act and in a fully legal manner. I would suggest to the honourable member for Port Darwin that he should not take too much consolation from that.

The council can lease reserve land for public purposes and I think people are concerned about this. We think of reserve land as something which the public has free access to most of the time for recreation, for enjoyment and for things of that nature. If such land is leased for commercial purposes, we might find that people do not have access to it any time without payment of a charge. There could be such things as dress regulations, so dear to the heart of our honourable Treasurer, which would prohibit their entry onto such land. I have grave reservations about the inclusion of that little phrase "including commercial purposes" in subsection (6) of new proposed section 339A. With those reservations, I support the bill.

Mrs LAWRIE (Nightcliff): Mr Speaker, to use the words of the honourable member for Fannie Bay, I have grave reservations about the bill in relation to the ability of a council to sublease land with the approval of the minister. Traditionally, land held by municipalities is seen to be held in trust for the enjoyment and recreation of the public. If this bill is passed in its present form, we will be allowing local councils to sublease that land which has been held for the amusement and recreation of the public to private companies for commercial purposes. The fact that they may have to be ancillary to the original purpose of the land so held matters little because sporting purposes,

as the sponsor of the bill fairly pointed out, would encompass such things as a purely commercial bowling alley being placed on such land. We can use the bowling alley as a good example. There is one in the electorate of the honourable Minister for Transport and Industry which was established at not inconsiderable expense and with fair competition for the land on the open market.

I do not see that it is necessarily a good thing for undertakings of that magnitude to be able to be established on land held for the purpose of the recreation and enjoyment of the public. If a municipal council has an area of land which it feels is beyond its means or is causing it many problems with upkeep or maintenance, it can of course surrender it to the government. I have been present when aldermen of the Darwin City Council have expressed an earnest desire to get rid of all the recreation ovals presently under their control - a desire with which I do not agree, because at least whilst those recreation areas are under the control of the council, they are truly public.

The Nightcliff sports oval is a very good example of the reasons for my concern. It is not a good example of the way in which city councils should act but I will relate a little of its history. In the late 1950s and early 1960s, the Nightcliff oval was graded and sown by the residents of Nightcliff, and I was one of them. The city council which is the trustee of that land presently carries out a certain degree of maintenance - watering, cutting grass and that kind of activity - and this does cost it money. But this is a truly public oval. It is used by a variety of sports groups and, most importantly, by kids and people in the neighbourhood who do all kinds of things from shift-workers hitting golfballs, to kids flying kites or model aeroplanes, playing cricket and a whole variety of sports which are popular in the Northern Territory. The residents of Nightcliff have expressed several times, when it has appeared that that oval has been at risk, that they will bitterly oppose the handing over of that area to a particular interest or concern. They do not mind being charged entry 1 Saturday in 3 to go to the football but mainly that oval is for the enjoyment and recreation of the public. There are other ovals in that category.

There was a most topical item on the ABC this morning about a southern council which had decided to charge kids for the use of public areas, charging them for playing sport and for other occasional activities, presumably such as flying kites, and the ratepayers were outraged. I hope they tip the council out at the first available opportunity. But unhappily that opportunity will not come in time to redress the present wrong.

Mr Speaker, the honourable member for Port Darwin said that decisions made on local matters should be made by local people and he referred particularly to land. Land is something of great interest in the Territory. Wherever you go, and whichever type of tenure is discussed, you only have to mention land and the whole place is in uproar.

The concern I have with this legislation would be mitigated if, when the council was considering under subsection (10) any objections which it may receive, it had to leave it to the minister. The council could advise the minister, certainly, but it should be for him to decide whether to continue with the proposal to grant the lease or to alter it or to give the whole idea away.

The reason I say this is that any minister of this Assembly has a far wider view of the use of land in the Territory than purely local aldermen or a local council. It may be said that the terms of proposed subsection (5), where the council "may, with the approval of the Minister, grant a lease of the land or part of the land", will ensure his involvement at a necessary level. I wait to be assured of that.

There are other difficulties in the practical administration of some of the provisions of this bill, one of which talks about the advertising of the fact that the council is proposing to grant a sublease. Unless interested parties are able to get details of the proposal, they cannot properly formulate an objection to the proposal. One would hope that the minister will ensure that, before any such sublease is granted, the proposal is definite and complete, and by one way or another the public is given the opportunity to know of the complete proposal. The kind of thing I mean is - as is going to happen in my electorate I believe - that someone may apply for the lease of certain lands to construct a bowling alley - for bowls, I mean; not ten-pin bowling. That may be fine and I have reason to suspect that it will be if the proposal is finalised before it is put up for public notification and objection. It is unreasonable to expect people to have the knowledge to object to a proposal which is only half formulated.

The honourable member for Port Darwin said not to worry if the development of the area to be undertaken by the private lessee or developer was only going to be for 30 years. Well, I can assure him that if you are in the area and it is restricting access to public facilities or causing a nuisance, 30 years is a hell of a long time.

The honourable member for Port Darwin gave us the benefit of his wisdom, too, in getting the relevant legislation from the other states and I noticed that every legislation he mentioned said that ministerial approval had to be given; I think he said that in at least three states the minister signed the lease. I find that a far better proposition. Leasing of public land has to have the close involvement of this Assembly, or of the minister or the Cabinet of the Territory, whether it happens to be in a municipality or not. I simply do not agree that it is good enough to say that the local aldermen are elected to look after it, let them. No, Mr Speaker, land is still so precious in the Territory that it deserves the closest possible scrutiny of the minister responsible.

I am looking forward to the reply from the sponsor of the bill because I am sure he is aware that the concerns voiced in this House are legitimate. People are worried about the leasing of land to which they have had access. I am aware that the Corporation of the City of Darwin complains about stiff water bills and the upkeep of public land. My main concern is that the use of land in the Northern Territory, some of which may happen to occur within municipal boundaries, should be to the best possible advantage of all the people of the Territory and I ask the minister to pay particular attention to ensure that this point of view will be taken into account. I have grave reservations about that clause of the bill and I look for a higher degree of involvement of the Territory government than has so far been expressed.

Mr TUXWORTH (Barkly): Mr Speaker, I had not planned to take part in this debate but in view of the remarks made by the honourable member for Fannie Bay and the honourable member for Nightcliff, I thought I would just make the point that it appears to me that one man's pie is another man's poison. Here we have a situation where a proposal for the council to be able to sublease land is not particularly attractive in the Darwin area but I can certainly say, from my own electoral experience, that the proposal would be most welcome in my hometown of Tennant Creek.

The honourable member for Fannie Bay raised the example of the council possibly subleasing land for people to build squash courts and go into opposition with other squash courts. Where I come from, Mr Speaker, that would be tremendous because it would be the first squash court we would have in the town. So while it might not be terribly satisfactory from the Darwin point of view, it would be most certainly welcome in other centres of the Territory.

I would also put the point, Mr Speaker, that over many years sporting and community bodies in Tennant Creek have been keen to sublease areas of the town's recreation reserve which is now under the jurisdiction of the council, by some agreement with the council - or in those days the government - so that they could develop the areas on which they were involved, go to the bank with a sublease and say, "We have a sublease and we would like to borrow some money to do some improvements". The past attitude of the Department of the Northern Territory was, "We don't do that sort of thing, so you will just have to live with it". Consequently, there was very little development unless it was done on a voluntary basis. So while I appreciate that the honourable members in Darwin might find some concern with the proposal, I think the people in the smaller communities can see some benefit coming from it.

Mr DONDAS (Youth): Mr Speaker, I support the bill, purely by virtue of the fact that the council will be able to give grants of land to organisations for a reasonable period, whether it be a 20-year or a 30-year period. Prior to this legislation coming into the House, the facility has never been available to sporting organisations or youth groups, or any other group that wanted a bit of land in the municipality, to be able to go along to a bank and say, "Look, we have a 30-year lease. How about lending us some money to build on it?" As it stands now, they cannot use the land for collateral and they cannot really develop facilities for their members. On that particular point, I support the bill because it will enable the council to give an organisation a reasonable lease which it will be able to take to a bank as a form of security for that organisation to develop the site.

Mr ROBERTSON (Community Development): Mr Speaker, I believe that honourable members generally have been most constructive in this debate. I really did not think it would generate anything like the debate it has and I think that is excellent.

I can, of course, understand why the opposition would not want to see commercial development take place on this land. I suppose it would be the same reason, Mr Speaker, as the opposition would not like to see commercial or private enterprise take place anywhere: because the opposition, being what it is, has this abhorrence of that terrible phrase mentioned by the honourable member for MacDonnell, "profit motive". However, when it comes from the honourable member for Nightcliff I expect there is probably some merit in her concern, although I doubt if there is any great sincerity in the reference to that matter by the opposition.

However, I think the honourable member for Nightcliff, in speaking to the bill, pretty well negated most of her own argument. Let us look at the sequence of events that transpire when a council decides that a particular area of land is to be subleased - this is assuming it is already granted by the government to it on lease. The council quite clearly must give notice in the newspaper that it proposes to grant a lease and the purpose to which it intends putting it. It is at this stage that people have a right to object and it is after the objections are heard by the council - and it does not need the minister to be involved in it at that stage - that the minister who, as the honourable member for MacDonnell quite rightly points out, would be the Minister for Lands and Housing under the present administrative arrangements gives his consent to the lease being made. In effect, it really is as if the minister is the final arbiter in any such deliberations.

The question of whether or not it is proper for a council to be leasing land for commercial purposes is not all that significant. It does not matter whether the land is leased by the government in the normal manner or whether the government says, "Let us hand this parcel of land over to the local council

in the area and let it do the leasing in order that the revenue raised as a result of the lease fees goes back to the council". It really does not matter whether the government leases the land or whether the council does.

I completely agree with all honourable members who have expressed views about areas which are expressly set aside for the use of the public. I have circulated amendments which indicate that the overriding consideration is consistency of purpose. If we agree that a minister would not allow land to be used for an improper purpose, then it would be consistent to say that, under this act, he would not authorise the lease to be issued by the council.

While, as ratepayers, we are critical of aldermen and aldermen are critical of the way we conduct our affairs, I must admit that I have a little more faith in the aldermanic system - and I say that in all sincerity - than the honourable member for Nightcliff who clearly does not trust them. I believe they are elected by the people of their municipal area into a system which is called "local government". I have used that term before and I make no apology for using it again. If we are going to call it local government, let us do more than pay lip service to the word "government". I believe this is part of the general philosophy of the Northern Territory government in what we have termed a devolution of responsibilities to the councils. Our action in both the local government amendments and the finalisation of the long campaign to present local government on a viable basis to Katherine and Tennant Creek demonstrates that and I think the community government legislation also demonstrates it.

I think there may be need to consider some amendments to this act at a later stage. There should perhaps be a roll-on provision in respect of sporting clubs and other organisations which may have entered into a 30-year lease, spent half a million dollars over a period of 20 years and then found that a significant part of their investment was reaching the end of its economic life. Quite clearly, they would be unprepared to spend large amounts of money in maintenance, and more particularly in capital works, unless there was some fairly firm guarantee that the lease would be renewed. The most logical way to do that would be to say, in effect, "You go ahead and do the work and, having done that, you will have an automatic renewal of the lease".

The honourable member for Port Darwin covered most of the issues raised by the member for MacDonnell. There were a couple of other questions raised, however, by the honourable member for Port Darwin which have not yet been covered. He referred to regulations, by which I assume he meant bylaws. Certainly, there will be covenant conditions and a survey would be conducted, in the normal course of events. I would think the lease conditions would be as flexible as is possible, having regard to the wording of the act. The wording of the act is very clear, particularly in subsection (6) of proposed section 339B which makes it quite clear that the sublease must be consistent with the original purpose of the land. In other words, town planning considerations will come into it.

It is normal practice that the lessee pays fees in respect of conveyancing and lease preparation. I would not anticipate that Crown Law would provide the legal expertise for the preparation of lease documents. Normally, local governments throughout the Territory have their own solicitors. I am also aware that an agenda item for the Local Government Association Conference in Tennant Creek this week is the more rapid flow of legal information. I would assume that the recipients of the land, if the council so chooses, would pay for the preparation and registration of the documents in accordance with normal practice.

The honourable member for Nightcliff mentioned access to development plans by people who may be eventually affected by any development. I completely

agree with what she said. I think that governments of all political colour should ensure that, in respect of notices in the newspaper, plain English language is used, not lot numbers and jargon that the person on the street cannot understand. A general tendency over the last year or so, particularly in town planning matters, has been towards a plainer form of English. As a further extension to what the honourable member for Nightcliff was referring to, I would undertake to have an examination done of the possibility of including a provision similar to that existing in the Licensing Act, compelling the council to make development plans available to people who wish to view them. That has been quite successfully applied in the licensing field; I see no reason why it should not be applied here.

With those comments, I commend the bill to honourable members.

Motion agreed to; bill read a second time.

In committee:

Clause 1 agreed to.

Clause 2:

Mr ROBERTSON: As I indicated the other day in relation to the late circulation of amendments, if honourable members are not happy with it, I would be prepared to stand the bill over. Again, it seems that I had signed the amendments but not given them to the Clerk.

The purpose of this legislation is to remove an inconsistency between section 304 and section 339A. The amendments originally made to section 304 in 1974 included a reference to "land not being reserved under a law of the Northern Territory for the recreation or amusement of the public or for any other purpose". The other section to which I have just referred does not contain that provision. Having regard to the bill before us, where it is guaranteed by law that the purpose is consistent with or ancillary to the purpose for which the land was reserved, it would seem that that conflict should be removed. The words appearing at the moment in section 304 are not only unnecessary but also in conflict with other provisions. In particular, there is the question of their relationship with the Crown Lands Act.

Mrs O'NEIL: I would like to respond to something the minister just said. I would like to accept his offer to adjourn consideration of this bill until we have had a chance to relate the amendment to the principal act.

Progress reported.

LAND AND BUSINESS AGENTS BILL
(Serial 223)

Continued from 1 March 1979

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr EVERINGHAM: I move amendment 48.1.

This ensures that the reference covers the pending changes to laws on mental health in respect to protected persons.

Mr ISAACS: Mr Chairman, I do not seem to have a copy of the amendment schedule.

Progress reported.

PETROLEUM (PROSPECTING AND MINING) BILL
(Serial 204)

Continued from 1 March 1979

Bill passed the remaining stages without debate.

PETROLEUM (PROSPECTING AND MINING) BILL
(Serial 179)

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr TUXWORTH: I move amendment 50.1.

This will omit from clause 3 the words "unless he thinks fit" and substitute "without the approval of the Administrator".

Mrs Lawrie: Don't you want to speak to it?

Mr TUXWORTH: I thought we had quite a long discussion about it the other day. I will just make the point that the honourable member for Arnhem raised the point the other day about the very poor phraseology in the principal ordinance. What we did not know was that the self-government act also changed the principal ordinance and took out half a sentence which made it read the way everybody wanted it to read. We went through that exercise for nothing.

This amendment will reinstate the discretionary provision to grant permits in excess of 10,000 square miles and leases in excess of 1,000 square miles. This is a result of an unfortunate error which occurred in the Transfer of Powers Act. I would draw the honourable member for Arnhem's attention to page 38 of part VIII of the Transfer of Powers Act wherein the words "without the approval of the Administrator" were deleted. This amendment will therefore make section 14(1) read: "The Minister shall not, without approval of the Administrator, issue a permit if the area of land to which the permit would apply exceeds 10,000 square miles". A similar situation exists for section 14(2) in respect of leases. I might also add that normally it is not necessary for areas of this size to go before the Administrator except when they fall on Aboriginal land. However, we are of the opinion that an area of 10,000 square miles is a very large area and that it is fit and proper for it to go before the Administrator and the Executive Council.

Mrs LAWRIE: I think the amendment is, in fact, out of order. I agree with the reason for it but it is my understanding of Standing Orders that an amendment cannot be introduced which negates the purpose of the bill and this amendment does precisely that. The bill, as printed, amends the principal act by inserting "unless he thinks fit". The amendment amends the bill to omit that and say "without the approval of the Administrator". It is perhaps a technicality but I think it is worth mentioning. It is poor government to draft legislation in this manner.

Mr TUXWORTH: To be quite honest, I cannot quite follow what the honourable member for Nightcliff is on about, and maybe that is my fault. I will give her the benefit of the doubt. I would be quite happy to report progress.

Mrs LAWRIE: Mr Chairman, I phrased my feelings incorrectly. I should have called a point of order. I would ask if the amendment is in order because it negates the bill. I ask you to rule on that point of order.

Mr EVERINGHAM: Mr Chairman, it is my argument that the proposed amendment does not negate the bill. Having just read the proposed amendment, I cannot see how it negates the purpose of the bill. It is certainly a change but it is not a negation by any means.

Amendment agreed to.

Clause 3, as amended, agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

ADJOURNMENT

Mr STEELE (Transport and Works): Mr Speaker, I move that the Assembly do now adjourn.

Mr ISAACS (Opposition Leader): Mr Speaker, I want to raise two matters in the adjournment debate. The first is that I read in the Northern Territory News on Friday that Mr Allan Riley had died in Brisbane. Mr Riley was a person who played a very significant role in the cultural life of the Northern Territory. He was a member of the Arts Council of the Northern Territory for some years and was instrumental, I believe, in establishing the school of music at Casuarina High School. I recall attending many concerts and many productions by the arts council and other bodies when Mr Riley was there, either accompanying on the piano or playing some other significant role in the organisation of those sorts of activities.

I believe he will be missed by the children of the Northern Territory to whom he gave such a great deal of encouragement in the music field and he will also be missed, I believe, by the arts council and the arts generally. I was distressed to hear that he had died in Brisbane. I understand he retired at the end of last year and he died a very short time after that retirement. It was an illness which apparently took him very suddenly and I feel it is most unfortunate.

Mr Speaker, I also want to make a comment on an answer that the Chief Minister gave this morning because the answer to the question distressed me somewhat. It was in relation to the opening of mail. I do not wish to canvass the censure motion debate that we had this morning. I only wish to make a comment on the answer which the Chief Minister gave in reply to the question. As far as possible I took down what he said: "I would simply like to say that there will be no retraction of the rights of senior officials in the public service departments to inspect files and, indeed, to open government mail in government envelopes that is going through a government franking machine, if that is considered necessary". I think I have, as far as was possible, the words of the Chief Minister correct.

Mr Speaker, my office uses a government franking machine and I am not going to tolerate anybody from the Chief Minister's Department or indeed from his personal staff, as occurred on this occasion, after hours I believe,

entering my office and demanding the right to go through my files. That is just not on. I wonder if the Chief Minister might at some stage give some thought to that and clarify the matter.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, this afternoon I would like to speak on a matter which has received some publicity lately. It concerns my electorate and the remarks made by the town clerk of the Corporation of the City of Darwin. It follows on from an answer to a question I directed this morning to the honourable Minister for Community Development and also the third part of a public statement made by the Darwin town clerk in which he said: "It was coincidental at this time that the city council was thinking of changing its boundaries". I think I am right in those words.

I assume from that remark that the city council is thinking of enlarging its boundaries, not diminishing its boundaries. I would like to repeat the statement I made publicly that I, together with the people of the rural area, would resist any encroachment of the city council boundaries into the rural area, unless - and I make this proviso - the people there want to be part of the city of Darwin. At the moment a lot of people in the rural area - in fact, I would say most of them - went there from the city because they wanted no part of city life. I know at the moment the city council boundary extends to Farrell Crescent and from there out it is administered by the Department of Community Development, to the 1945 acquisition area which is about the 11-mile. Within this area, from Farrell Crescent to the 1945 acquisition area boundary, the department administers the Local Government Act under the authority of the Darwin Rates Act. The department charges rates in this area and, within this prescribed area, the local government minister has discretion in the rates to be charged, which can be anything up to the amount of rates charged in the city council area. In this local government area there is now a garbage collection which has been going on for some time. The people there were asked if they wanted to be served by the garbage collection and they said they did. So they have been charged city council rates for this garbage collection. I was told that it costs the local government section more to administer this garbage collection than it does in the city council area.

I will just conclude these brief remarks by saying the people in the rural area resist this - I do not know whether it is too strong a word - take-over bid by the city council. It is a case of one group of people saying they would like an area of land where another group of people live without any recourse to the second group of people or their wishes. Until the people in the rural area advise me otherwise by their visits to me, their letters, their telephone calls, I will, with them, resist any encroachment of the city council out into the rural area.

Ms D'ROZARIO (Sanderson): Mr Deputy Speaker, I thought I might respond to the honourable member for Tiwi who might also be speaking on my behalf, as I happen to be a constituent of hers. When she says that people moved into the rural area because they wanted no part of city life, let me assure her that that is an incorrect assumption on her part. The fact is that people living in the electorate of the honourable member for Tiwi, particularly the area she is referring to, do want some part of city life. For example, they want employment opportunities within the city, and I think the honourable member for Tiwi would be fooling herself if she were to suggest that people from that area do not commute daily into the city.

Another part of city life that people in the rural area do want is some types of urban public utilities. People in the rural area have consistently, over the last few years, lobbied for the extension of power and water services and, of course, we have quite an advanced system of telephone service there.

We have our own substation for which we are most grateful. People in the rural area have also lobbied for many years for an improvement in the standard of roads and drainage work.

All this I say, Mr Deputy Speaker, not in any way to denigrate the aspirations of these people but simply to point out that there are legitimate aspirations and I, for one, as a constituent of the honourable member for Tiwi, do not at all feel threatened by a proposed take-over on the part of the Darwin city council.

However, the reason I speak at all is certainly not to canvass this question of whether or not the town clerk or the present Darwin city council has its eyes on us out there. The point I want to raise is that being there, as we are, has certainly created a number of problems, particularly land management problems as the Minister for Lands and Housing would well know and I think the honourable member for Tiwi would also know.

There is no point in knocking over the straw-man, Mr Deputy Speaker. I think the member for Tiwi would do well to canvass within her own electorate how people want these problems to be solved. Of course, the options for solutions are numerous and we have had suggestions from time to time that there ought to be some kind of coherent and articulated program of development of the services there and discussions whether or not there should be controls on the activities of people there. All these problems in that area have caused quite a bit of discussion within the electorate itself. I would be very surprised if large numbers of the electors of Tiwi have expressed any concern at all on the proposed take-over by the Darwin city council, knowing as they do that the Darwin city council can just barely manage the functions that it has at the moment. So I, as a person very much concerned with the problems that exist in the rural areas of Darwin, do commend to the honourable member for Tiwi that she does initiate some discussions on possible solutions for these problems rather than having a go at problems which are just of her own imagination.

Motion agreed to; the Assembly adjourned.

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

MESSAGE FROM ACTING ADMINISTRATOR

Report of select committee on feral animals

Mr SPEAKER: Honourable members I have a letter from His Honour the Acting Administrator which reads:

Dear Mr Speaker, On 3 July 1978, acting with the advice of the Executive Council and in accordance with the resolution passed by the Legislative Assembly on 16 June 1978, His Honour the Administrator, appointed Dr G.A. Letts CBE, BVSc, HACVS, Mr A. Bassingwaite AO and Mr W.E.L. De Vos BA, ACA, ACIS, to comprise a board of inquiry under the Inquiries Act to inquire into, report on and make recommendations concerning feral animals in the Northern Territory.

The board has now completed its inquiry and has submitted its report to me. Under section 4A of the Inquiries Act, the Administrator is required, not later than the first meeting of the Legislative Assembly which commences more than 14 days after he has received a report by a board of inquiry, to lay the report before the Legislative Assembly. However, by virtue of section 34 of the Interpretation Act, the Administrator is unable to do so except with the advice of the Executive Council. In accordance with advice given to me today by the Executive Council, I now have pleasure in forwarding the enclosed report submitted to me by the chairman of the above board of inquiry, Dr Letts, for tabling in the Legislative Assembly. Would you kindly arrange for the report to be laid before the Legislative Assembly on its next sitting day. Yours sincerely, W.E.S. Forster Acting Administrator 7 March 1979.

I table the report of the board of inquiry.

Mr STEELE: I move that the report be noted and seek leave to continue my remarks at a later hour.

Leave granted.

TABLED PAPERS

Report of Parliament House Site Committee

Mr SPEAKER: I table the first report of the Parliament House Site Committee.

Mr PERRON: I move that the report be noted and seek leave to continue my remarks at a later hour.

Leave granted.

Litter Control

Mr EVERINGHAM (Chief Minister): Mr Speaker, I table a report on controlling litter in the Northern Territory produced by Christopher Gilson for the Territory Parks and Wildlife Commission.

I move that the report be noted and seek leave to continue my remarks at a later hour.

Leave granted.

BROADCASTING PARLIAMENTARY DEBATES

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that this Assembly authorise the broadcasting of its proceedings to those officers in the Chan Block occupied by ministerial staff and employees directly involved in departmental activities associated with the business of the Legislative Assembly; that this authority does not extend to the mechanical recording of proceedings broadcast other than for the purpose of the Assembly Hansard section; that the control of the facility be exercised by Mr Speaker who may, at his discretion, terminate the service at any time and will as soon as practicable report to the Assembly his reasons for so doing.

Mr Speaker, my reasons for moving this motion are fairly short. I understand the honourable Leader of the Opposition will move an amendment which would extend the ambit of the possible broadcasting of Assembly proceedings to block 3 and the government would certainly raise no opposition to such an amendment. As you are aware, Mr Speaker, it is proposed, as soon as the Department of Law can vacate the upper stories of block 3 and go to block 2, block 3 will then be converted into suites of offices for the Leader of the Opposition and other members of the Assembly.

It will save a great deal of time for members of the public service and ministerial staff whose work is concerned with the Assembly when it is in session if the proceedings of the Assembly can be transmitted to their offices in block 8 and, in due course, in block 3. At present, it is necessary to keep many public servants here for long hours as the Assembly proceedings go on until the matter in which they are interested may come on. The effect of this motion will be that ministerial staff will be able to contact departmental people in their buildings around the town and have them brought to the Assembly at the time when they are actually needed and ministerial staff themselves will be able to come to the Assembly from time to time as they become aware that they are needed.

This facility is one that already exists in the federal Parliament House where ministers and backbenchers have their offices within the precincts of the parliament itself and, of course, it affords a facility whereby a great deal more business can be transacted as all members and ministers and their staff are not required to be continually present in the Chamber for every individual item of business.

I commend this motion to the Assembly as I believe it will greatly improve the efficiency of the operation of the ministerial staff and the public service.

Mr ISAACS (Opposition Leader): Mr Speaker, I move that the motion be amended in the following terms: after the first paragraph the following paragraph be inserted - "That this Assembly further authorises the broadcasting of its proceedings to offices in block 3 from the date of their occupation by members of the Assembly".

The purpose of my amendment is to afford members of the Assembly exactly the same facilities when they move to block 3 as they have now. Members do have this broadcasting facility in their Assembly offices now and, if we are to move to block 3, then surely members should be afforded the same facility.

I might comment just briefly on the motion moved by the Chief Minister - and I indicate that the opposition supports the motion. It does create some problems in that the broadcasting of the proceedings will be transmitted outside the precincts of the Assembly. I imagine that may well create some problems although I realise that the third paragraph makes it clear that at

all times the regulation and control of the proceedings will be in the hands of the Speaker. So long as that is clearly understood by those people listening, it should not cause any great difficulty. I think it is true that proceedings of the federal parliament are broadcast to the sorts of people mentioned in the motion. The only difference is that those people have their offices in the precincts of the parliament itself. However, I indicate that the opposition supports the motion with the amendment that I have moved.

Amendment agreed to.

Motion, as amended, agreed to.

PUBLIC TRUSTEE BILL
(Serial 244)

ADMINISTRATION AND PROBATE BILL
(Serial 268)

Bills presented and read a first time.

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

The Public Trustee Bill is a major piece of legislation designed to consolidate and update the law governing the Public Trustee's Office. In all states, the Public Trustee is a large organisation providing a very necessary form of legal service to the public. In the Territory, the Public Trustee and the Curator of Estates of Deceased Persons perform similar functions. However, in comparison they provide only a very limited service. This bill, in conjunction with the relocation of the office of the Public Trustee and administrative changes in that office, will remedy this.

The Administration and Probate Bill contains consequential amendments regarding the abolition of the office of Curator of Estates of Deceased Persons. The responsibilities of the Public Trustee and curator are presently contained in a number of acts. The Public Trustee Office is set up under the Public Trustee Act as amended. This allows the Public Trustee to be appointed as an executor or trustee in a will and sets out his powers and duties. In addition, the Public Trustee may apply to manage property of mentally ill persons under the Mental Defectives Ordinance.

Under the Administration and Probate Act, the office of curator is established to administer certain deceased estates. This position is held by the same person who holds the office of Public Trustee. The 2 statutory officers are amalgamated in the one administration. The curator also has responsibility under the Intestate Aboriginals Ordinance to collect, administer and distribute certain estates of intestate Aboriginals. Despite the large numbers of applicable statutes compared to the states, the Territory Public Trustee has very limited powers and the acts governing the office are outdated. The scheme of these 2 bills is to amalgamate in law the 2 offices that are amalgamated in fact. The bill repeals the present acts governing the Public Trustee and sets out, in a comprehensive act, expanded powers and new administrative procedures.

Parts I and II establish the necessary structure. Clause 32 sets out the capacities in which the Public Trustee may act. He will have power to act as trustee both in deceased estates and in respect of trusts inter vivos, power to manage estates of aged and infirm persons, power to act under protection orders over estates of mentally ill persons and power to act as attorney under a power of attorney.

Clause 88 gives him the power to make wills. The power to administer deceased estates both testate and intestate is contained in a number of clauses. It should be noted that clause 53 gives the Public Trustee the right to administer estates under $15,000 in value without applying to the court for letters of administration. He must merely notify the court of his election to administer. Clause 35 gives him the right to deal with the estates under $2,000 without any formalities at all.

There are various clauses in part VI that allow the Public Trustee to be appointed in substitution for executors, administrators and trustees. The power to administer funds raised for the benefit or relief of any person or class of persons is contained in clause 50. The Public Trustee can also perform any other function prescribed by a law of the Territory. The new Aged and Infirm Persons Property Act will be one act to grant extra powers.

Part V of the bill concerns the common fund. The Public Trustee Office has adopted the common fund as the method of investment and accounting. Honourable members may recall a bill passing through this House at its last sittings in respect of the common fund. This method is used by all state Public Trustees in order to gain maximum interest from the funds they hold for investment. All moneys are mixed in a common fund from which investments are made. They are not invested individually unless it is specified in the relevant instrument or ordered by the court. Periodically, a rate of interest is determined by the minister and interest is paid proportionately to the estates. Any excess of amount received over the amount paid will be paid into the consolidated fund. In some states, this excess is held in the Public Trustee Office to offset expenses whilst elsewhere it is paid to consolidated revenue. The common fund will be guaranteed by the Territory. Investments of the common fund are controlled by an investment board.

Part VIII allows the Public Trustee to manage and dispose of personal and real property where the owner cannot be found. These provisions are in addition to the Unclaimed Goods Act. Proceeds from the sale of unclaimed property will be paid to the consolidated funds and, if the owner is later found, he will have a claim on that money.

Part IX contains a number of provisions to make the exercise of the Public Trustee's powers easier and to govern his legal relations with other persons. It also contains provision in clause 74 for charges and commissions to be prescribed in regulations.

In summary, these bills set up a comprehensive new scheme which will be of benefit to the Northern Territory public and is needed here due to the complete absence of any private trustee companies actually based in the Territory. I commend these bills to honourable members.

Debate adjourned.

EDUCATION BILL
(Serial 264)

Bill presented and read a first time.

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

Honourable members will recall that I announced to this Assembly the establishment of an education advisory group under the chairmanship of the Public Service Commissioner in May last year. This group was asked to advise the government on education administration after responsibility transferred to the Northern Territory government. A large number of submissions from

individuals, organisations and interested groups were considered and the report was tabled during the November sittings. That report has since drawn more response which has assisted the government in gauging public opinion of the future Northern Territory education system. The bill has been drafted against this background.

The bill seeks to establish a co-ordinated system of education for the Northern Territory from pre-school through primary to secondary school to post school. The legislation reasserts the right of all children to education appropriate to their individual needs and capabilities. It also recognises the desirability of access to education for all people beyond the compulsory school age.

Members may be aware of the great dilemma which faced government in considering the future administrative form of education in the Territory: to ensure an efficient service while,at the same time, providing the freedom so essential to a progressive and forward-looking system. I believe we have resolved that dilemma in part III where the bill provides that the minister, who is ultimately responsible for the establishment and maintenance of education services, has the advice of 2 councils covering general education and post school educational needs. Members who have followed the consultation process which has been going on over the past year would be aware that this issue - administrative efficiency versus freedom from cumbersome administration at post school level - has caused the most argument. The government has listened carefully to both sides of that argument and has tried to remain as objective as possible throughout the public debate. The objectivity has had its purpose and its reward. We are now in a position to establish a proper system that should meet the points of each argument. I shall speak more on the specific roles of membership of the 2 councils later.

I turn now to the specific provisions of the bill in order. I first draw honourable members' attention to clause 8 in part II which creates the position of secretary to the Department of Education. It is intended that the secretary will play a key role in relation to the 2 main advisory councils I have mentioned and to the minister. It is through this position and through the administratively linked advisory councils that an integrated system of education for the Northern Territory is achieved. I should point out, at this juncture, that the Darwin Community College retains its autonomy and can carry on its activities free from control and supervision by the department and by its secretary within the proposed system. I shall refer specifically to the arrangements for the college when I deal with it in part VI of the bill.

I would like to give honourable members some background on the considerations which led to the government's decision for an integrated system of education. The education advisory group received submissions suggesting a dual system for the Territory - a school system and a post school system. We had to keep in mind many factors. These included the size and distribution of the Territory's population and its needs for technical and further education services against the requirements for an advanced education service. These needs are estimated by the Commonwealth Tertiary Education Commission to be in the ratio of approximately 4 to 1. A further consideration was that, in all Australian states and the ACT, technical and further education is administered through a department. In more than half of these, such education is the responsibility of a single department of education which also administers pre-school, primary school and secondary education. The most recent example in other states is in Tasmania where a division for further education has been established within the Tasmanian Education Department. After considering these facts, the government concluded that the most appropriate course was for a single system with integration of the various levels being achieved through the responsibility of the secretary.

I now move to part III of the bill and to the establishment of advisory councils, in particular the education advisory council and the post-school advisory council. As I have mentioned, the first of these councils is intended to provide advice on general education matters and particularly with respect to pre-school, primary and secondary education. The other council will advise on matters relating to post-school education and training services.

Clause 11(3) provides for 13 members of the Education Advisory Council, not more than 9 of whom may be drawn from interest groups or bodies mentioned in the bill. The government recognises the valuable contribution of these groups. However, no group or body should, in the government's view, be entitled to weighted representation on the council. This has been suggested to me by both the Northern Territory Teachers Federation and the Northern Territory Council of Government Schools Organisations. Equally valid arguments for the increased representation might also be advanced by other groups which have no lesser interest in the education system in the Northern Territory although that interest may be less direct. Some employers, for example, argue that as consumers they have a very significant interest in the development of educational services in the Northern Territory, as indeed we believe they have. The government recognises that there may be people in the community who are not involved in education directly but have a special expertise and can contribute to the council. Provision has, therefore, been made in clause 11(3)(c) for 3 ministerial nominees. In this way, that expertise may be tapped. Alternatively, one or more of these appointees could be from within the profession or from within direct interest groups.

Whereas it is not unusual to find a post-school advisory council or similar body in the states, I do not believe there is any body similar to the Education Advisory Council in any of the states. The Australian Capital Territory Schools Authority does have a council with executive powers. Some states have ad hoc advisory councils to consider particular matters. None have statutory advisory councils on general education matters. The decision to establish the council reflects the government's positive response to the desires of various interest groups and the community at large to allow them to participate fully in the development of Territory education.

The second council, the Post-School Advisory Council, is intended to consist of 5 members, all nominated by the minister. At this stage, I am considering nominating 2 members from inter-state with special expertise in advanced education and technical and further education. It is hoped that 3 suitably qualified and experienced Territory residents could make up the balance. A secretariat provided by the department will service the 2 councils and ensure an effective co-ordination of the system as a whole.

I turn now to the most important role of the Darwin Community College in the system. Part VI relates specifically to the college and has been taken almost verbatim from the existing Darwin Community College Act. The significant changes are in clause 41(3) which provides that the college shall become a statutory corporation within the meaning of the Financial Administration and Audit Act. The financial provisions of the existing ordinance are therefore redundant and are deleted from the bill.

The college's powers under its existing ordinance to assess the needs for education and training services throughout the Territory and to make provisions for those needs have been deleted. These general powers will be vested in the minister who will have a post-school Advisory Council to advise him on these matters. The college will have access to both the Post-school Advisory Council and direct to the minister, depending on the circumstances. It will be for the Post-school Advisory Council to advise the minister on services that the college should provide and what services

should be provided by other agencies. Even those post-school activities for which the Commonwealth asserts responsibility, such as vocational training and adult migrant education, will be subject to the deliberations of the Post-school Advisory Council. The council will advise the minister on which Territory agency is best suited to provide services on behalf of the Commonwealth.

If it is also decided that the college should provide a particular service, the college council will exercise its normal powers over the courses of study and awards. This arrangement will leave the college council with its present powers and an autonomy in the affairs of the college. The college becomes a part of the integrated system by virtue of its relationship to the minister through the Post-school Advisory Council.

I now move to part V of the bill. In this part, special provision is made for handicapped children. I would draw attention to clause 32 which defines a handicapped child as "a child that is handicapped in a way that may affect his educational progress unless he is given special consideration". This definition is important because it is all-embracing. It not only takes into account their physical and mental disability but also recognises that gifted children or, for instance, children with only minor reading problems also need special care. It also encompasses children not of compulsory school age. There are some children who are born with special disabilities and, in some cases, special educational measures may need to be taken from a very early age. The bill allows for this as it does for the ducation of handicapped people above the compulsory school age.

Part VII deals with the registration of non-government schools, pre-schools and post-school institutions and for the government education advisory services to be made available to non-government educational institutions. These provisions have not fomerly existed in the Territory although there has been close cooperation between the government and non-government sectors in the past. Registration has been recommended by the Catholic Education Office and the effect will be to introduce a limited measure of accountability in return for public financial support.

I wish to speak on part VIII of the bill in my closing remarks. I will leave that section aside for the moment. The establishment of councils for government educational institutions is dealt with in part XI. On this question of school councils, the education advisory group report stated: "We consider that, with regard to the diversity of schools in the Territory, it would not be appropriate to legislate for compulsory school councils. What might be regarded as relevant for a large urban school may have no relevance at all for a small school on a pastoral property or indeed vice versa". The report went on to recommend that councils should be optional and that their size and composition should depend on the wishes of the relevant community. These recommendations have been adopted by the government and incorporated in the bill.

The government is aware of criticisms of the Australian education system in recent years, especially with regard to literacy and numeracy. I believe there is a general feeling which may only be a reflection of the present high unemployment figures that schools are not providing students with the skills which are necessary to obtain meaningful employment. Clearly, there are other reasons for high levels of unemployment but the criticism directed towards education is very real and cannot be ignored. I might pause there to say that, in the days of high employment, I noticed that the education system was not thanked for that. However, it seems convenient that, in times of high unemployment, we can blame it. It is for this reason that part VIII has been drafted in such detail.

There is recent educational legislation which makes no reference at all to the courses of instruction which are to be conducted. We are left to assume that the provisions for courses of instruction, assessment procedures and the maintenance of adequate educational standards are contained within some all-embracing phrase such as "the minister may do all such things as are necessary or convenient" etc. The government considers this inadequate and particularly so in light of the very genuine public interest shown in education today. Part VIII makes it clear that the secretary will be responsible to the minister for the curricula in government schools and post-school institutions other than the Darwin Community College and for the standards of education in those schools and institutions. The government believes that the general public is entitled to know where this responsibility lies. It is the general public which is the consumer of the service which an education system is charged with providing.

Finally, I would like to draw the attention of honourable members to the professional staffing of Territory schools. Clause 7 of the bill provides for an arrangement to be made between the minister and the commissioner of the Commonwealth Teaching Service for the provision of teachers, an arrangement which will allow the government the maximum possible involvement in recruitment, promotion, discipline and the determination of conditions of service. Such an arrangement, leading to the establishment of a future Territory teaching service, must be made in full consultation with the profession and its representatives, together with all other interested parties. These discussions are already or, should I say, at last in train. I commend the bill to honourable members.

Debate adjourned.

POWERS OF ATTORNEY BILL
(Serial 265)

Bill presented and read a first time.

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

This bill deals with powers of attorney, as the title would imply. The bill proposes a voluntary scheme of registration for powers and also makes provision for certain powers to endure notwithstanding the intervening mental incapacity of the donor of the power. Under present law, a power of attorney is revoked by the death, legal incapacity or bankruptcy of the donor or donee. Neither a donee nor a third party can always know when a power has, in fact, been revoked.

This bill proposes that powers of attorney and notices of revocation may be registered. Provision is made for notices of revocation to operate as notice to all the world. In this way, donees of powers and third parties acting in good faith are protected and commercial transactions can be completed with greater faith and certainty. Many powers of attorney are granted for limited periods or for single transactions. It would be unnecessarily burdensome to require all powers to be registered. I believe a voluntary system is adequate.

Part III of the bill deals with enduring powers. At present, when a person becomes mentally incapable of managing his own affairs, any existing authorities, including powers of attorney, given by him cease at common law to have effect. There is, however, usually no one point in time at which it can be said that a person has become mentally incapable. The process is often gradual and may take some years. As a result, the legal position of attorneys and third parties dealing with them is a subject of considerable uncertainty. Probably many attorneys now continue to act when in strict law the power has been revoked.

This bill proposes new and important provisions to get over the difficulties I have outlined. The bill provides that if a power of attorney expressly evidences an intention on the part of the donor that the power shall continue in effect notwithstanding its subsequent legal incapacity, then the power, if it is registered, may be exercised by the attorney even if mental incapacity does later intervene. Safeguards to ensure that an attorney acting under an enduring power does not mismanage are provided. Either the Public Trustee or any other person having an interest may apply to the Supreme Court for an order revoking or varying the terms of an enduring power or requiring records to be filed or audited. I commend the bill to honourable members.

Debate adjourned.

AGED AND INFIRM PERSONS PROPERTY BILL
(Serial 277)

Bill presented and read a first time.

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

At present, there is no legislation enabling a person who is incapacitated to the extent that he is incapable of managing his property and affairs, but not incapable to the extent of being insane, to have his property and affairs managed by some other person subject to the control of the court. This bill enables the Supreme Court, on the application of any person including the Public Trustee or of its own motion, to make a protection order with respect to part or whole of a person's property. The court may make a protection order where any person is, by reason of age, disease, illness or physical or mental infirmity, unable to manage his affairs or is subject to or liable to be subject to undue influence regarding his affairs. The court may appoint any person, including the Public Trustee, to be the manager of a protected estate. It may order an investigation into the affairs of a person before deciding whether or not to make a protection order.

A wide discretion is given to the court with respect to the powers to be given to and terms and conditions to be imposed on a manager. Provision is made for the court to vary or revoke a protection order. Safeguards are built into this legislation and managers are subject to the control of the court. The bill proposes a practical and flexible method of ensuring that the property and affairs of not only the mentally ill but also the aged and infirm may be properly managed. This bill will fill an important gap in the existing legislation. I commend the bill to honourable members.

JABIRU TOWN DEVELOPMENT BILL
(Serial 278)

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 effect certain changes to the principal act which was passed by this Assembly in December last year. The purpose of the principal act was to establish an authority to plan and manage the town of Jabiru. The amendments sought by this bill are designed to take account of other legislative developments in the Territory, to broaden the obligation of the authority and to make it clear that the authority is subject in all respects to all laws in force in the Territory where those laws apply to the authority.

Clauses 3, 4 and 5 of the bill are designed to make it clear that, in the exercise of its powers and the performance of its functions, the authority shall comply with the directions of the Northern Territory minister and act in accordance with the provisions of the appropriate Commonwealth legislation where that legislation relates to Jabiru.

The deletion of section 22 of the act effected by clause 6 is designed to place the town planning aspects of the town of Jabiru on the same footing as other town plans in the Territory. The idea is to plug Jabiru town into the new town planning legislation currently being considered by the House. Honourable members will appreciate that this matter could not be covered when the principal act was introduced because the planning bill was still before the House. I commend the bill.

Debate adjourned.

LAND AND BUSINESS AGENTS BILL
(Serial 223)

Continued from 6 March 1979

In committee:

Clause 4:

Mr EVERINGHAM: I move amendment 48.1. This is a change to ensure that the reference covers the pending changes to laws on mental health and protected persons.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5:

Mr EVERINGHAM: I move amendment 48.2.

This change gives effect to the decision to omit references to stock and station agents from the bill where they are acting in their capacities as stock and station agents. The government decided, after submission from the Real Estate Institute and stock and station agents, that land sales by such agents will be adequately covered by the land agent provisions.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 48.3.

The government decided that, as well as allowing trust money to be invested in a bank, it may also be invested in an approved building society. This additional definition is necessary.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 48.4.

This corrects a cross-reference.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 48.5.

This is consequential on the omission of stock and station agents.

Mrs LAWRIE: Is the honourable member quite sure that this proposed amendment does in fact only relate to that. We are talking about negotiation of property sale, purchase, exchange, leasing or other dealings where they are used for rural purposes. Could that not include properties in defined rural areas and would it not be better left in the bill?

Mr EVERINGHAM: I cannot see that the definition could be much broader.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 48.6.

This omits paragraph (b) from subclause (2). It is consequential to the omission of stock and station agents.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 48.7.

This is to ensure that references to persons holding interstate licences are effectual. This is a drafting rather than a substantive change.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clauses 6 and 7 agreed to.

Clause 8:

Mr EVERINGHAM: I move amendments 48.8 and 48.9.

These additional clauses are inserted to ensure that inspectors are subject to the control of the registrar and the registrar himself is subject to the control of the board.

Amendments agreed to.

Clause 8, as amended, agreed to.

Clauses 9 to 13 agreed to.

Clause 14:

Mr EVERINGHAM: I move amendment 48.10.

This is to ensure that quorum requirements are reasonable.

Amendment agreed to.

Clause 14, as amended, agreed to.

Clauses 15 and 16 agreed to.

Clause 17:

Mr EVERINGHAM: I move amendment 48.11.

This omits the reference to stock and station agents.

Amendment agreed to.

Clause 17, as amended, agreed to.

Clauses 18 to 25 agreed to.

Clause 26:

Mr EVERINGHAM: I move amendment 48.12.

Again, this omits reference to stock and station agents.

Amendment agreed to.

Clause 26, as amended, agreed to.

Clause 27:

Mr EVERINGHAM: I move amendment 48.13 for the same reason.

Amendment agreed to.

Clause 27, as amended, agreed to.

Clause 28:

Mrs O'NEIL: I move amendment 58.1.

The purpose of this amendment is to allow members of the public the right to directly object to an application for the granting of a licence to an agent.

Amendment agreed to.

Mrs O'NEIL: I move amendment 58.2.

This is consequential upon the previous amendment.

Amendment agreed to.

Clause 28, as amended, agreed to.

Clause 29 agreed to.

Clause 30:

Mrs O'NEIL: I move amendments 58.3 and 58.4.

These are also consequential on amendments to clause 28.

Amendments agreed to.

Clause 30, as amended, agreed to.

Clauses 31 to 41 agreed to.

Clause 42:

Mrs O'NEIL: I move amendment 58.5.

This gives any person the right to directly object to the application for registration of an agent's representative.

Amendment agreed to.

Mrs O'NEIL: I move amendment 58.6.

This is consequential upon the previous amendment.

Amendment agreed to.

Mrs O'NEIL: I move amendment 58.7.

Amendment agreed to.

Mrs O'NEIL: I move amendment 58.8.

Amendment agreed to.

Clause 42, as amended, agreed to.

Clause 43 agreed to.

Clause 44:

Mrs O'NEIL: I move amendment 58.9.

This inserts the word "reasonable". This amendment is considered desirable by the draftsman and I advise members that a similar amendment will be moved in relation to the cancellation of registration of agents' licences.

Amendment agreed to.

Mrs O'NEIL: I move amendment 58.10.

This gives members of the public the right to apply directly for the cancellation of the registration of an agent's representative.

Amendment agreed to.

Mrs O'NEIL: I move amendment 58.11.

It occurred to me that, while the clause gave certain people the right to lodge objections with the registrar of the board nowhere did it say that, subsequent upon receiving those objections and if they were reasonable, the board must hold an inquiry. Members will note that the amendments that I propose will overcome that problem.

Amendment agreed to.

Clause 44, as amended, agreed to.

Clause 45 negatived.

New clause 45:

Mr EVERINGHAM: I move amendment 48.15.

This inserts a new clause 45 to ensure that when an agent's representative's licence is cancelled or suspended his employer is informed.

New clause 45 agreed to.

Clauses 46 to 49 agreed to.

Clause 50:

Mr EVERINGHAM: I move amendments 48.16 and 48.17.

These allow moneys to be invested in an authorised building society as well as a bank.

Amendments agreed to.

Clause 50, as amended, agreed to.

Clause 51:

Mr EVERINGHAM: I move amendment 48.18.

Amendment agreed to.

Clause 51, as amended, agreed to.

Clauses 52 and 53 agreed to.

Clause 54:

Mr EVERINGHAM: I move amendment 48.19.

Amendment agreed to.

Clause 54, as amended, agreed to.

Clauses 55 and 56 agreed to.

Clause 57:

Mr EVERINGHAM: I move amendments 48.20 and 48.21.

A number of companies have their financial records consolidated outside the Territory. Those companies need not keep a separate set of books for the Territory so long as their consolidated books are adequately audited.

Amendments agreed to.

Clause 57, as amended, agreed to.

Clauses 58 to 64 taken together and agreed to.

Clause 65:

Mr EVERINGHAM: I move amendment 48.22.

This clarifies the intent of the clause: to ensure that the agent does not accept a price lower than that to which the seller agrees.

Amendment agreed to.

Clause 65, as amended, agreed to.

Clause 66 agreed to.

Clause 67:

Mr EVERINGHAM: I move amendment 48.23.

Once again, this omits reference to stock and station agents.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 48.24.

This amendment is consequential on a subsequent amendment 48.32.

Amendment agreed to.

Mrs O'NEIL: I move amendment 58.12.

The purpose of this amendment is to bring this additional ground for the revocation of the licence of an agent into line with a similar provision which relates to the cancellation of registration of an agent's representative.

Amendment agreed to.

Clause 67, as amended, agreed to.

Clause 68 negatived.

New clause 68:

Mrs O'NEIL: I move amendment 58.14.

This once again gives members of the public a right to apply for the revocation of the licence of an agent in accordance with earlier provisions.

New clause 68 agreed to.

Clause 69:

Mrs O'NEIL: I move amendment 58.16.

This is consequent upon our previous amendment.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 48.25.

This ensures that, where the licence of an agent is suspended or cancelled, his employer will be informed by the registrar.

Amendment agreed to.

Clause 69, as amended, agreed to.

Clauses 70 to 72 taken together and agreed to.

Clause 73:

Mr EVERINGHAM: I move amendments 48.26, 48.27 and 48.28.

These include building societies as places where deposits of money may be made.

Amendments agreed to.

Clause 73, as amended, agreed to.

Clauses 74 to 92 agreed to.

Clause 93:

Mr EVERINGHAM: I move amendment 48.29 again.

This is to cover the inclusion of approved building societies.

Amendment agreed to.

Clause 93, as amended, agreed to.

Clauses 94 to 108 agreed to.

Clause 109:

Mr EVERINGHAM: I move amendment 48.30.

This omits reference to stock and station agents.

Amendment agreed to.

Clause 109, as amended, agreed to.

Clause 110:

Mr EVERINGHAM: I move amendment 48.31.

This is consequential again to amendment 48.32 which is a new clause to be inserted as a result of submissions by the Real Estate Institute which pointed out to us that cases may arise where it is impossible to replace a branch manager immediately and, therefore, a period of one month is to be allowed for a new manager to be granted a licence.

Amendment agreed to.

Clause 110, as amended, agreed to.

New clause 110A:

Mr EVERINGHAM: I move amendment 48.32.

This inserts the new clause.

New clause 110A agreed to.

Clause 111:

Mr EVERINGHAM: I move amendment 48.33.

Once again, this is to cater for the amendment regarding stock and station agents.

Amendment agreed to.

Clause 111, as amended, agreed to.

Clause 112 agreed to.

Clause 113:

Mr EVERINGHAM: I move amendment 48.34.

This is moved for the same reason.

Amendment agreed to.

Clause 113, as amended, agreed to.

Clause 114 to 117 agreed to.

Clause 118:

Mr EVERINGHAM: I move amendment 48.35.

This is to cater for the position of an agent who carries on business in more than one place.

Amendment agreed to.

Clause 118, as amended, agreed to.

Clauses 119 to 121 agreed to.

Clause 122:

Mr EVERINGHAM: I move amendment 48.36.

This omits reference once again to stock and station agents.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 48.37.

This amendment is of a more substantive nature and is to ensure that evidence is not conclusive.

Amendment agreed to.

Clause 122, as amended, agreed to.

Clauses 123 to 125 agreed to.

Clause 126:

Mr EVERINGHAM: I move amendment 48.38.

Once again, this omits reference to stock and station agents.

Amendment agreed to.

Clause 126, as amended, agreed to.

Clause 127:

Mr EVERINGHAM: I move amendment 48.39.

This is for the same reason.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 48.40.

This is also for the same reason.

Amendment agreed to.

Clause 127, as amended, agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

PERSONAL EXPLANATION

Mr STEELE (Transport and Works) (by leave): Mr Speaker, in reply to a question from the honourable member for Arnhem this morning, I said there had been no contact with the Northern Territory government by the chairman of the Connellan company in respect of his reported actions in the paper. I must now say that that is not correct; there had been contact with the government through a consultant, Mr Frank Gallagher. That information had not reached me before I replied to the question.

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)

Mrs O'NEIL (Fannie Bay): Mr Speaker, like other members who spoke the other day in this debate, I support these bills. I was almost deafened by the rhetorical applause which was ringing around the Chamber on that day and I must say that I must add to it although, like my colleagues, I have one or two points of difference with the honourable Minister for Lands and Housing with regard to specific aspects of the bills.

I must say I am pleased to see many of the Planning Bill's provisions; it is certainly a vast improvement on the act which it supersedes. I am particularly pleased to see the clause which relates to what we call nonconforming uses, division 1 of part IV. The limitation of 10 years in the previous bill caused great heartache to many people. I am pleased to see that now, in

clauses 67 and 68, we have adequate protection for those people. I was surprised by the comments of the honourable member for Nightcliff on that point as she is normally in the forefront of those defending the civil liberties of people of the Northern Territory. She said that one might even say that these existing lawful uses could be overprotected since one of the objects of the planning scheme is to phase out nonconforming uses. I disagree. If people have erected a building which was lawful at the time they erected it, that should be that and they should not be subsequentially penalised in any way.

I would like to mention the rights of people to object. The honourable member for Sanderson spoke of the need for third party appeals to decisions by the Planning Authority. I would like to give to honourable members an example of why I think that this is most necessary. The Treasurer knows that I have been concerned about the replanning of the land at the former Arafura Hostel site.

Three optional plans were put on display some months ago and the public was invited to comment. Members of the public, particularly those who live in the area, commented on those 3 optional plans. It was not a procedure under the act but they took that opportunity which was offered to them to say what they thought. Approximately 200 people objected to option 3. At the time that those plans went on display the Town Planning Board said that it preferred option 3. A couple of months later they found that the Town Planning Board was going to proceed with option 3. Those residents can now formally object to the Town Planning Board. I am sure the Treasurer will understand that they have very little faith in doing that since the Town Planning Board said at the beginning that this was the option it supported and it persisted with it despite the fact that people overwhelmingly objected to it. People have very little faith in appealing to a board which apparently turned them down once before. It is on occasions like this that an appeal to a third party, an independent tribunal, can be most valuable. People feel that if they can have access to an appeals tribunal, they are likely to receive more justice in circumstances of this kind. I would urge the honourable Minister for Lands and Housing to consider the amendments which I think might be circulating to give third parties access to the appeals provisions in the bill.

There is something else I would like to mention while we are talking on the question of planning and it relates to the existing Darwin Town Plan which was gazetted fairly recently. I have said before in this Assembly that, in my opinion, it is most unfortunate that the plan and its attached schedule were not seen by this Assembly before they became law because the schedule is in the nature of rules or laws governing the people of the Northern Territory and we think the Assembly is the body which has the ultimate right to pass such laws. We have a Subordinate Legislation Committee for the purpose of looking at rules and bylaws and regulations which do not come directly before the Assembly as a whole. Nevertheless, the government has rejected that view and we have the Darwin Town Plan and its schedule which have not been seen by the Assembly but which are now law.

I believe the new schedule is a vast improvement on the draft one which was exhibited some time ago. Nevertheless, I have received some submissions, and I believe the Treasurer and perhaps other government members have too, about one specific aspect of this and I would remind honourable members that the Town Plan existing under the old act will continue to be the Town Plan under the new act. The concern relates to the parking provisions required under the schedule on business 1 zonings. First of all the size of car parking spaces is 5.5 metres long by 2.5 metres wide, so each car parking space takes up a considerable space. If you have shops, for example, in the business area, the ratio of cars to floor space is 1 car space per 14 square

metres. That means that for a shop development in the city area you are going to require a very large amount of parking space. I am told that these provisions are putting at risk some possible developments in the city area. There are similarly fairly restrictive ratios in relation to office developments but they are not quite so bad; I think it is 1 car space per 25 square metres.

The honourable Minister for Lands and Housing is aware of an application for consent use for a very large development by the Paspalis group of companies in Smith Street. That development which is several millions of dollars worth of investment in Darwin, and therefore is very desirable, cannot proceed without the gaining of consent because the developers feel it is impossible to provide the amount of car parking that the current schedules to the Town Plan say is necessary. I have also been told there are possibly other developments, involving millions of dollars, that might similarly be discouraged in the Darwin area. I would like the minister to indicate to us whether the government will consider some amendments to the schedule to ease those requirements for parking.

The question of parking in the city area is a vexed one. We obviously have to have a certain amount of it but then, on the other hand, as the honourable Chief Minister pointed out, we are going into an era when petrol prices will rise considerably and we should not be encouraging people too strongly to bring more and more private vehicles into the central city area, particularly in a geographical location such as Darwin where access is so difficult because it is sited on a peninsula. I feel myself that these parking provisions in the schedule will cause a considerable amount of difficulty. It will perhaps discourage much needed investment and certainly encourage people to bring private vehicles into the city area more than we should be doing if we have an eye to the future problems of energy.

I support the bill. I will have more to say in the committee stage. There are vast numbers of amendments circulating once again; it seems to be an endemic problem with planning bills but I am sure that at the end of it we will have planning legislation that is a very great improvement on that which we have had in the past.

Mr PERRON (Treasurer): I am very pleased to note the constructive approach that honourable members have taken to this bill. It is a very important bill and I know the problems in the existing one because 1 seem to wear them just about every day and have done so for quite a long time. The subject of town planning is, unfortunately, one which often brings a hostile reaction from the community and the reputation is largely but certainly not wholly deserved. I am hopeful that this bill, when enacted together with a number of delegations for decision-making and increased local representation on the planning authority, will begin to wear down the bad feelings which exist and prove that planning controls can be realistic and humanely administered.

I wish to correct a statement I made in the second-reading speech that subdivisional applications for land outside plans would continue to be administered as they are now. This will not be the case and I apologise for that misleading statement. The exception being is freehold land outside the town plan, applications for which will be made to the Minister. At present, freehold land outside a town plan and within a town plan is administered by the Town Planning Board. I point out that following new planning boundaries to be declared over rural Darwin, there will be very little land in the category of freehold land in the Northern Territory outside planning areas.

I also used the words "matters of minor significance" when referring to cases where the minister might use his power to shorten display periods. On reflection, I feel that the words were poorly chosen and as an example of when this action is likely to be used, I cite the case of the display of the Batchelor town plan. I believe it would be an unnecessary delay to display a town plan for 3 months in a town with a population of 250. One month would probably be quite adequate bearing in mind that the community is anxious to have the plan finalised in order to program land release in the area and to let people get on with establishing much-needed facilities.

Under the act, plans and planning authorities will be able to apply to Aboriginal land should the owners request such action. That question was raised by one of the honourable members. I stress to honourable members that, under the bill, planning instruments may range from a comprehensive and detailed town plan, as we have covering Darwin, to a broad simple plan with 2 or 3 zones and no other controls. Each particular area has its own needs, and controls need not extend beyond what is required to protect the interests of residents, to provide information to prospective residents and encourage orderly development. Model provisions will be used wherever practicable to ensure that such matters as zone code, road standards etc will be common throughout the Territory.

Turning to the points raised by individual members, the member for Sanderson feels that ministerial involvement in planning should be restricted to a policy level and objected to the minister being a consent authority. She also felt that, if the provision is to stay, which it is, the minister's decisions should be appealable. Other members, including the honourable member for Arnhem, also expressed this view. The government does not believe it inappropriate to have ministerial involvement in planning decisions in the Territory situation.

The minister's involvement as a consent authority will be limited to areas outside plans where subdivisional activity will be very low and does not warrant the creation of a planning authority or inside plans where the government has a special interest in particular activities. An example of this could be subdivisional development within flood zones as the government alone carries the responsibility for assistance and rehabilitation in the event of flood damage - this is particularly relevant, of course, in places like Katherine. The dedicating of land or altering zones or imposing conditions in relation to defence land or quarantine reserves, the development of land within the flight paths of airports and other proposals which may result in the government having to commit major resources to assist or rehabilitate - all these are examples of the minister's involvement as a consent authority.

The minister's decisions should not be appealable as the office is already one of the most senior positions in the Territory and his decisions may be the result of cabinet or government policy. Only the ballot box overrides these two. I point out that in New South Wales the minister has much wider powers over planning and development applications on a day-to-day administrative level than we are proposing in this bill. Considering the relevant size of New South Wales and the Northern Territory, it is quite clear that the minister in New South Wales obviously has no possibility of being familiar with the local situation and I guess he would have less argument for being involved in a day-to-day administrative level than we would have in the Territory.

The member for Arnhem felt that the minister should not make himself a consent authority overnight. The minister is made a consent authority by a plan or an amendment to a plan. This process involves public display of the proposals and a provision for objection, so the minister cannot make himself a consent authority overnight.

The members for Sanderson and MacDonnell stated that the 3 - 4 composition of the Planning Authority may be going too far with local participation and regional objectives may be disregarded somewhat. I, too, was a little concerned at the level of expertise available at a local level, particularly in the smaller centres like Katherine and Tennant Creek. However, the provision that councils may nominate persons from the general community to the Planning Authority gives them some flexibility and the 3 - 4 composition means that local members would have to vote in a block to go against the core members. In other words, if regional objectives were being overlooked, it would require the whole 4 local numbers to vote together. To defeat it, it would only require one of them to switch sides and the balance would go the other way. If the issue is strong enough for all 4 local members to vote in a bloc, then perhaps it should be carried. I am satisfied that the concept will be a great improvement to the present structure of the Town Planning Board which has far too little local involvement.

Third-party appeals raised a lot of interest among most honourable members opposite Mr Speaker. The government believes that the opportunities for public participation under this bill, together with amendments proposed, are reasonable and would not unnecessarily delay the planning process at significant cost to developers and the community. There is a significant time penalty to all forms of public participation. We have concentrated public participation at the plan-making stage under the bill which means that the process of adopting a plan or amending a plan could be even longer than it is now. Honourable members will be aware that the process of adopting the Darwin Town Plan from the period of display on 1 January 1977 took some 11 months. Once a plan is made, however, the administration and implementation of a plan should be as simple and straightforward as possible with minimal delays.

Under a third-party appeal system, persons with either a genuine interest or just an axe to grind but who have no connection whatsoever to a proposal can frustrate and delay a proposal. We have not chosen in the bill to limit in any way who can object to a proposal. It is fair that any person, Territory landowner, city or country dweller or even a tourist can object to proposals displayed publicly even if they do not directly affect them. However, to allow an opportunity to appeal a decision of a consent authority established to protect the public interest and hold up what might be very expensive development is simply not on. Amendments provide that, at the plan-making level, the authority shall hear objections from landowners if their written applications are not supported by the Planning Authority. The bill, as it stands, gives the Planning Authority the ability to hear any objector it wishes to. Amendments will also provide for an authority to hear an objector to a development application if it feels the action would assist in its deliberations.

Opposition was expressed to the authority taking money and placing advertisements in relation to applications that require public notification. It is proposed to do this as it could be much cheaper for the authority to consolidate a number of public notices. There have been very many cases in the past where privately lodged planning notices were found to be poorly worded and readvertising had to take place at a considerable time penalty. However, to cater for those persons who wish to insert their own notices, I will be moving amendments which will provide an option.

It was asked if, under the definition of "subdivision", the 2 houses per 10 acre block situation which is allowed at the present time would be prevented. The definition of "subdivision" includes the creation of additional dewellings on a particular block of land. This would be a situation that would be included in an excluded subdivision within a plan. In other words, subdivisions which involve placing 2 dwellings on a block of

10 acres or more would be an excluded subdivision and no application would be necessary.

Also included in the excluded subdivision provisions of a plan would be matters such as sub-leasing buildings, strata-titles and a plan saying that subdivisions which do not create any blocks of less than, say, 100 acres can be an excluded subdivisions on the grounds that subdivisions should be able to come down to that very large level without necessarily going through a complicated procedure.

Various members indicated that there would be no controls over subdividing land outside a plan except where the minister declares boundaries. Amendments will make clear that the minister is the consent authority for all freehold land outside a plan, as other land is held under various lease tenures which require ministerial approval to subdivide anyway. The principle of not having a consent authority to handle matters outside plans is not an attempt to gather more ministerial powers or work; it is simply that such areas are remote and have little subdivisional activity. It would be a waste of money and time to require an authority to meet and deliberate on such matters which can be handled at departmental level with the minister being ultimately responsible.

The member for Nightcliff expressed the wish that plans could be made more simple. I certainly share that wish. It was an area I agonised over for some time trying to come up with a new, revolutionary concept to simplify the entire field of planning. But obviously, if the community is to develop in an orderly fashion, with limits on what is done and where so that an individual's environment is protected and people know what their neighbour is allowed to use his land for, a very wide variety of controls has to be adopted.

The honourable member for Nightcliff objected to the definition of "development" being so broad. I point out to her that it is necessary to have the definition so broad because of the very diversity of development. The only consolation is that a plan need not control all the development. In other words, a plan could be a very broad conceptual document controlling a very small portion of what comes under the current definition of "development".

It was believed that there should be qualifications for board membership drawn from various professional institutions. This was a matter raised again by the honourable member for Nightcliff. The point is accepted only in relation to the appeals committee. I also point out to her that, at the original time of advertising for members of the appeals committee, the professional associations unfortunately did not respond. However, we will not go further into that at this time.

In questioning who should be on a planning authority, one has to examine whose interest is being looked after. If in this case it is the community at large, then surely it is the community at large who should have the option of constituting the authority. I accept that engineers, architects, town planners and surveyors are among the community at large and they will have the opportunity of being selected. Their professions really give them no more claim to a position than, for example, does the MBA representing developers, the Real Estate Institute representing what is in demand in the community, environmentalists who feel we are destroying society or the average housewives who comprise an enormous sector of the community. The situation is slightly different in the case of the town planning appeals committee which in this bill is called the appeals committee, as appeals often relate to a disagreement over technicalities and matters of an appellant's rights.

The member for Nightcliff suggested that, under clause 16, the person appointed to a temporary vacancy might hold office for a long time. Under clause 16(1), such appointments are limited to the period of the vacancy. As 2 persons cannot hold the same office, the minister will only be able to appoint a temporary member to the board during the period of vacancy of another member.

It was also suggested that the section dealing with former planning instruments should include all former plans. This question only arises in Darwin because only Darwin has had more than one plan. In fact, it has had 3: the 1966 plan, the one that came into effect on 1 January 1977 and the current one. Each plan recognised and permitted continued uses permitted under a former plan. Therefore, there is only a need really to recognise the latest plan as it recognises in fact lawful activities which were undertaken in conformity with any previous plan.

Criticism was levelled at the varying provisions relating to the declaration of interest by members of the Planning Authority and the appeals committee. It is important to recognise the different roles the 2 bodies have in planning and administration. The Planning Authority functions vary from preparing planning proposals, instituting studies, deliberating on development applications and coordinating planning by other agencies. Its membership largely consists of local members in accord with the principles of community participation. Those local members will, in probably every case, have an interest in the area under consideration. Most Darwin members, for example, will live in Darwin and possibly own land or have business interests in Darwin. To automatically exclude them from any deliberation on a matter pertaining to Darwin would render the authority useless. Under the bill, any decision to allow or disallow a member with an interest to take part in the authority's deliberation will rest with the authority itself. Surely, that is reasonable, particularly considering that many of the board's routine functions are expected to be delegated.

Unlike the authority's broad role, the appeals committee will mostly hear submissions directed to a particular block of land or parcels of blocks or development conditions relating to those blocks. It is therefore appropriate and workable that a member of the appeals committee is specifically prohibited from taking part in proceedings if he has disclosed an interest. The penalty for non-disclosure of interest or contravention of section 122(1) would be removal from the committee. Financial penalties are deliberately not provided. For the honourable member for Arnhem's information, appeals are generally open to the public as it is a quasi-judicial process and justice should be seen to be done unless the appeals committee otherwise directs.

The member for Nightcliff raised a very valid point about the serving of notices on all parties to an appeal. I accept her points and amendments will be introduced providing that the appeals committee will serve notice before the appeal on all persons who have a right to be heard.

The member for Port Darwin outlined problems in the delays and frustrations under the existing system that have been in practice recently. This has been of great concern to myself and to the government. We inherited a system that has thrown up some very complex and unforeseen problems over the past year or two. We have had dual status plans as a result of a decision this government took. We have had an overflow of DRC decisions, some of which were not recorded as well as they should have been. We introduced, during this period, a town planning appeals committee as a new body that had no expertise. In fact, the first hearing or two bogged down in deliberations as to whether or not it had a right or not to hear the particular appeal. We also have had a lack of information on dates when various existing uses commenced and this bears on the validity of those existing uses. Those matters,

together with a hundred others, have really meant that the field of planning has been terribly complex and fraught with many legal opinions over the past year or two.

The honourable member for Fannie Bay raised two points that I will touch on: the Arafura site and car parking. On the Arafura site, I accept that her constituents may feel somewhat aggrieved at the way it was done. I am not sure it was the best although it certainly is going a long way towards maximising public participation. The board put on display 3 options and received many objections to one of them which was also the one that it adopted to put on public display. As the honourable member for Fannie Bay says, those people will now have to formally object and they feel the same board hearing the objections may well overrule them and they are not happy about that. However, one wonders how long it can go on. If they were given a further opportunity, after objecting formally this time, of going to the appeals committee, how long is it going to take us to get these matters resolved and, as it were, get on with the job? I think the argument she put forward, whilst an example of public participation, will not necessarily improve the situation by adding another time penalty to this participation at the level of preparing plans. If all of the objectors to a town plan have a right to go to the planning appeals committee, I can well see that, if it has taken us 11 months to adopt a plan now, it could take us 2 or 3 years to adopt a plan having several hundred people being able to take various aspects of the plan to the planning appeals committee. We would be in a situation where plans were out of date before they were adopted; I think we border on that situation now.

In relation to car parking, this was a most unfortunate problem. I have used my powers under the Town Planning Act to direct the board to put on public display a proposal to amend the car parking schedules to the current town plan. This will enable the matter to be opened up and various proposals to be put forward. In fact, I have directed them to put one on display in the central business district which eliminates car parking requirements by developers altogether. This is somewhat in line with talks we are having with the city council at the present time where the whole issue of central business district car parking has been raised and it is felt that many blocks in the central business district should be able to be developed without providing any on-site car parking. The real solution to the problems is to build proper multi-storey car parks in good central locations to serve the central business district because we will not improve the problem of having 60 or 70 blocks in town, all with tiny car parks on them. It really only creates further congestion in the central business district and the very valuable land should be used for development. Multi-storey car parks should be developed and the developers and businesses which will benefit from those should be required to pay a car-parking rate. This is the situation that applies in other cities. The city council is currently looking at a number of proposals with the government along these lines. In the meantime, the developers are being asked to put in an application to vary the provisions so that their applications for development can be processed.

Mrs Lawrie: How about our kennels?

Mr PERRON: The definition of "kennels" in the current Darwin town plan schedule relates to an enclosure to house an animal. To have one in a residential zone, you would have to apply for permission. It was felt that it is pretty ridiculous to have to apply for permission to build a house for your dog in the backyard. I would hope that such matters are administered sensibly. The definition of "kennels" clearly relates to commercially run kennels of sizeable proportions. If there are any situations where any persons are harrassed in the slightest way by town planning authorities as a result of a structure in their yard which seems to be perfectly reasonable to all

concerned, I would certainly be glad to hear about it and will intervene.

I commend the bill and thank honourable members for their constructive approach.

Motion agreed to; bills read a second time.

DISTINGUISHED VISITOR

Mr SPEAKER: Honourable members I draw your attention to the presence in the gallery of the honourable Roy F. Claughton, a member of the upper house of the Western Australian parliament. I hope his stay in the Northern Territory will be a happy one.

Members: Hear, hear!

PLANNING BILL
(Serial 182)

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr PERRON: I move amendment 47.1(a) and 47.1(b).

The purpose of this amendment is to ensure that subdivisions of freehold land, not otherwise controlled under part V, are controlled under that part. The minister is made the consent authority because of the relatively small number of such subdivisions which does not warrant at this stage creating extra local members.

Part D of the amendments is necessary to ensure that all plans applying to municipalities are regarded as town plans and to carry forward the current provision enabling land to be regarded, for the purposes of this bill, as a town even though it has not been declared a town.

Mrs LAWRIE: I raised a question in the second reading which was not covered in the minister's closing speech. I referred to the need to obtain consent for a subdivider in relation to the cutting down of trees. This may be in conflict with the Surveyors Act which says that licensed surveyors are authorised to do just that. I did ask for clarification but none was forthcoming.

Mr PERRON: I have not referred directly to the Surveyors Act on this. Trees can only be preserved by plans and plans are subordinate legislation to this act and so therefore would be regarded as subordinate to the Surveyors Act. The Surveyors Act would probably prevail. The bills say that a plan may control the cutting down or lopping of trees on land. This raised a deal of response from people in the community. It has been put there primarily so that a plan may recognise a particular tree or group of trees such as the Tree of Knowledge and other banyan trees in Darwin. Plans should be able to recognise specific trees. Even if a certain tree is on private land, a person will require approval before cutting it down. In the case of the surveyor, there are ways to survey around trees perhaps. I do not see a practical problem arising from this point.

Amendments agreed to.

Ms D'ROZARIO: I move amendment 36.1.

This amendment will insert a definition of "public purpose". The definition is consistent with that given in the Lands Acquisition Bill. This bill does contain provisions similar to those provisions contained in the Lands Acquisition Act for the hearing of submissions in relation to land reserved for acquisition by the Territory. The concern was that the Lands Acquisition Act itself contains a provision, in section 89, that land can be acquired under any other law of the Territory. We presume that the provisions of the Planning Bill are to be exercised only in relation to proposals to be implemented for public purposes but, simply to safeguard that particular aspect, I have inserted the definition of "public purpose".

Mr PERRON: Mr Chairman, there is no need for any reference to public purpose to be inserted in this bill. Since the reservation proposals relate to the use or development of land by the Territory, there appears to be little point in saying that the Territory can only use or develop land for a purpose in relation to the Territory. It is a rather circular way of going about it. In addition, persons whose lands are reserved are protected by the complementary bill relating to the Lands Acquisition Act. The effect of that bill is that persons whose lands are reserved, and subsequently acquired, are treated in exactly the same way as persons whose lands are acquired under the Lands Acquisition Act. The amendment is not supported because in fact these provisions relate to the Lands Acquisition Act and purposes of the Territory are public purposes.

Ms D'ROZARIO: Mr Chairman, the explanation of the minister might have satisfied me but, in fact, the same phrases appeared in the Lands Acquisition Act and, in that case, the amendment to insert specific phrases for public purposes was supported. Furthermore, without wishing to offend Standing Orders by referring to other clauses in the bill, while he says that people will be dealt with in the same manner as they would be under the Lands Acquisition Act, the reason I am putting forward this amendment is simply because the Lands Acquisition Act specifically provides that land can be acquired under any other law of the Territory. It is conceivable, therefore, that land could be acquired under the Planning Act in order to implement these proposals rather than under the Lands Acquisition Act. As I say, in the Lands Acquisition Act, the same phrase in relation to the Territory was used and, nevertheless, the amendment was supported by the government at that time.

Mr PERRON: Mr Chairman, the honourable member said that land could be acquired under the Planning Act. The land can only be acquired under the Planning Act by going through the provisions of the Lands Acquisition Act. To say in the amendment moved by the honourable member that public purposes means a purpose in relation to the Territory is doing exactly that. It is saying, in effect, that the Territory can only use or develop land for a purpose in relation to the Territory. The matter that she is concerned about is, in fact, covered.

Mrs LAWRIE: Mr Chairman, might I advise the sponsor of the bill that the members of the community to whom I circulated the member for Sanderson's amendment felt it certainly helped clarify this particular point. I mentioned in the second-reading debate that the bill was unfortunately clear perhaps to the draftsmen and happily to the minister and with difficulty to other people, and I can assure him that the inclusion of this proposed amendment met with the closest approval of people associated with planning authorities, not town planners, who most definitely felt it clarified matters and as a matter of clarification should be included in the bill. Could I suggest that he defer further consideration of this clause in the best interests of getting a Planning Act drafted for the Territory which is readily understood by those who have recourse to it.

Mr PERRON: I do not really concede to the honourable member for Nightcliff that having further definitions included in this Planning Act is really going to make it that much clearer. I do accept the point of what she is trying to get at; it is really an attempt to allay fears. If I recall rightly, with the Lands Acquisition Act, there is still some doubt as to whether there was any necessity to put "for the public purpose" in the act anywhere. However, the point was conceded and evenutally supported by the government.

However, the facts are that the purposes in relation to the Territory which are the functions of government are public purposes. The concern seemed to have been that the government might be able to acquire land and then sell it for some private development. That, in fact, is an option of the government. It comes within the government's role and is still within the purposes of the Territory. This provision, as it is, ties this bill into the Lands Acquisition Act. There is no power in this act to acquire land. It can only reserve land; the land is acquired under the Lands Acquisition Act which covers the public purpose aspect that the honourable members are concerned about. I am not prepared, Mr Chairman, to defer consideration of this. The government opposes the amendment.

Mrs LAWRIE: Does the honourable sponsor of the bill also believe that the specific mention here of "includes the purpose related to the carrying out of a function by a statutory corporation" is adequately catered for or otherwise?

Mr PERRON: Yes, a statutory corporation in the Northern Territory, as I understand it, also has no power to acquire land other than where it has the power to purchase land, as do other people and organisations in the Territory. But certainly, to my knowledge, no authority in the Territory has power to acquire land as such.

Amendment negatived.

Mr PERRON: I move amendment 47.1(c).

Ms D'ROZARIO: I just wanted to say a few words in relation to the definition of "subdivision". I wonder if the minister can give us some explanation as to why he has adopted this definition of "subdivision" and not the one which is given in the existing Town Planning Act. I feel the one given in the existing act relates to the ability of a piece of land to be transferred or leased for periods over 5 years. Although he has given some explanation that certain types of subdivisions, according to this definition in the bill, would be excluded presumably by regulation, I must make the point that, upon the coming into effect of this act and whether or not the regulations have been prepared, many people will find themselves in breach of this particular provision by subsequent provisions of the act. The difficulty arises from paragraph (a) of this definition which states that subdivision is an activity which involves the rendering of separate parts of the land immediately available for separate occupation or use.

I am sure the minister would be aware that there are many types of activities that one could think of where there would be pieces of land available for separate occupation and use. This could extend to such things as farm lands being fenced and separate paddocks being created. Those can be occupied separately and they can be used separately so the word "or" in the phrase "occupation or use" could cause some difficulty. He has already referred to the question of people who have been told they can erect more than one house on blocks of land in the rural area. I accept his assurance that these people will not be prosecuted for breaches of this act.

There are also cases in retail shopping areas, for example, where there would be separate shops which would be available for separate occupation and use. I do feel that this definition, which I must say I have never seen in any other planning act before, raises a number of difficulties. Whilst I accept in good faith his assurance that it is not the intention to cover these sorts of occasions, I do see the difficulty with preparing regulations which would come into effect on the same day as the act would. I wonder whether he could perhaps clear up that little problem for me.

Mr PERRON: The regulations which will have to be prepared for this act to come into effect will cover many of the questions that the honourable member has raised. This particular amendment will allow the definition to coincide with other clauses such as clause 79 which refers to excluded subdivisions. There were problems even in the existing act's definition of "subdivision" because it included such things as subleases of buildings in excess of 5 years. To my mind, it is still silly that subdivisions should include the subdivision of a building in the normal lease arrangement for a period in excess of 5 years. Why couldn't a person sublease a building for 25 years if he wishes to do so without having to do it in 5 lots of 5-year periods? Whilst I appreciate that there will have to be quite a list of excluded subdivisions included in any plan, I feel that this will be able to be catered for. If it is found to be extremely difficult or impractical, we will have to relook at the question of this definition.

Amendment agreed to.

Mr PERRON: I move amendment 47.1(d).

This amendment is necessary to ensure that all plans applying to municipalities are regarded as town plans and to carry forward the current provision enabling land to be regarded, for the purposes of this bill, as a town even though it has not been declared a town.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5:

Mrs LAWRIE: I have a query on clause 5. I did mention in the second reading that this bill binds the crown. I mentioned that clause 79 provides for excluded subdivisions and I asked for an assurance from the minister that the excluded subdivisions would not be government subdivisions and thereby circumvent clause 5.

Mr PERRON: By way of explanation, an excluded subdivision will be done either by regulation or by a plan. Whilst it is not the government's intention to exclude government subdivision from the provisions of this bill, a plan may, for some reason, propose such action and people would have opportunities to object. The "excluded subdivision" is not there to get the government out of its responsibilities.

Clause 5 agreed to.

Clauses 6 to 8 agreed to.

Clause 9:

Mrs LAWRIE: Clause 9 says the minister may appoint a person to be a Territory member of the Northern Territory Planning Authority. Is the minister prepared to give an indication of the qualifications necessary for

the position of a Territory member of the authority and, more importantly, an indication of the method of selection? Will he call for applicants by way of public notice or what?

Mr PERRON: I am not prepared to lay down firm policy on this particular matter. The view taken by the Northern Territory goverment is that it will appoint as Territory members the most suitable persons available. There are a number of criteria that will have to be met. In a practical sense, they will have to have time to be able to travel a great deal and that constraint will eliminate a large number of people. We want people who have quite a considerable amount of knowledge of the Territory scene although not necessarily in a professional field. The Territory government will obviously select the best people available. As a general rule, the Northern Territory government will not appoint public servants to this particular board of 3 persons.

The manner of selection will vary from time to time. It may be advertised or, if there is an eminently suitable person available, it may be more practical to appoint a person without advertising. Sometimes the government has advertised extensively for a position on a board and received next to no response or an unsatisfactory response. In that situation, a minister has had to appoint a person who did not apply. That is certainly his option and it will be the option in this particular case as well. I do not think that the government should be bound to appoint a person who applied just because he applied.

Clause 9 agreed to.

Clause 10:

Mrs LAWRIE: I believe that this was answered in the second-reading speech but, as a matter of record, I would like it again. Under clause 10, the minister may, by notice published in the Gazette, specify any land to be a planning area. I understand that it is not his intention to declare such areas over Aboriginal land at the moment.

Mr PERRON: If an Aboriginal community or Aboriginal traditional owners requested that the government prepare a plan or assist with the administration of the area through a declaration under this act, the government would certainly look very favourably upon such action. However, I do not see the situation arising in the immediate future where a plan will cover Aboriginal land automatically.

Clause 10 agreed to.

Clause 11:

Mr LAWRIE: This is the clause under which the minister may appoint a person to be a local member in respect of a planning area or a local area. The local area seems to be fairly well covered in the bill as to the method of appointment but it is not specific at all regarding a planning area. There is no method of appointment other than ministerial appointment. I ask for an indication from the honourable minister as to how applications will be called for such appointments.

Mr PERRON: In the area covered by the proposed Darwin rural plan, I would expect to advertise in the area seeking nominations from persons who would like to be appointed as a local member. I would also write direct to the 8 or so rural associations asking them to nominate a person. I would appoint members from that sort of selection. However, as the honourable member for Nightcliff is aware, the bill does not provide any specific

procedures that the minister must follow and I do not think that is strictly necessary.

Clauses 11 to 13 agreed to.

Clause 14:

Mrs LAWRIE: I raised this with the honourable sponsor of the bill privately. This deals with vacancies occurring in the office of a local member appointed in respect of a local area. It appeared to relate to casual vacancies but not to initial appointments or the triennial appointments. I did ask the minister to pay particular attention to that but I have not yet been satisfied that that is catered for.

Mr PERRON: It appears to me that clause 14 could cover vacancies after the initial appointment. Such things as council elections and so on are covered under another section. After a term of office has been completed, I understand that the same section would be used to appoint further members.

Clause 14 agreed to.

Clauses 15 and 16:

Mrs LAWRIE: I raised this point with the sponsor of the bill at an earlier time. Clause 16 states that where there is expected to be a vacancy in the office of a member or a member is expected to be absent or unable to act, the minister may, by instrument in writing, authorise a person to act in the office of that member. That is accepted. Subslause (2) and (3) are accepted. At the time when I raised this, the minister agreed that there was a need for the limitation of the time for the person so appointed because we are talking about casual vacancies, I felt there was agreement with the minister that, where a vacancy was not of an ephemeral nature but of a substantive nature, the procedures applying originally to the appointment of the person should then reapply. Clause 16 should properly empower the minister to appoint persons to act from time to time but not where that appointment could be for 2 years or 6 months because the person so appointed under the other clause had had occasion to retire.

Mr PERRON: I am not fully aware of our conversation on this particular subject. What she is concerned about is that, if a member of the board who was nominated by a local authority resigns or dies shortly after his appointment, the minister may then appoint a person, not necessarily a nominee of the local government organisation and this could leave that person the entire 2½ years. That could, in fact, happen. However, the section is primarily there for temporary vacancies and it enables the minister to act quickly. In virtually all cases, there would be no excuse whatsoever for the minister not to seek a nomination from the local government to replace that person if there was to be any length of time involved. I am sure that the local government organisation would make its view very strongly felt if it felt that the minister was circumventing the intention of legislation by appointing his own nominee to the board when it is the option in the legislation for local government to nominate that person.

I accept her concern but do not feel there is a need to specifically write in the legislation that this person shall not act for a period of not more than 6 months or so. According to subclause (2), the minister may authorise a person to act from time to time. That could make it a bit awkward as well. If the vacancy is for any length of time, the minister would seek a further nominee from local government.

Mrs LAWRIE: The goodwill of the present minister is not in question but ministers come and go. At the time of the original discussion, it was certainly agreed that a time limit could properly be inserted in the bill if the vacancy was expected to extend beyond 6 months. The vacancy would no longer be considered as a casual vacancy to be considered and filled under this clause. If the bill is to go through the House today, we do not have time to amend that; if the bill is to go through the House tomorrow, the honourable minister certainly does have the time to propose such an amendment. I understood that such an amendment would be introduced.

Mr PERRON: The officer assisting me with this legislation was also at that meeting taking notes of things we were to change. He also missed this or did not take note of it so I do not think it was accepted or pointed out clearly. The two of us, independently, missed it. We propose to proceed with this legislation. I suggest that we can do so and if, in the course of the next year or two, it is found to be an impractical situation or causes trouble, then the act can be amended. Indeed if a case is put forward that is supported by the government in the meantime, the act can be amended at any time. I do not see the necessity for holding it up today and I do not accept that it should be held over to prepare further amendments.

Clauses 15 and 16 agreed to.

Clause 17:

Mr PERRON: I move amendment 47.2.

This amendment is to enable the deputy chairman to exercise the chairman's function where appropriate.

Amendment agreed to.

Clause 18 agreed to.

Clause 19:

Ms D'ROZARIO: Mr Chairman, I invite defeat of this clause.

The clause is to the effect that the appointment of a person is not invalid by reason of a defect or irregularity in his appointment. I ask the committee to strike this clause from the bill because, where there is a defect or irregularity simply as a result of an administrative error, then what is usually done is that the procedure is simply gone over again. The appointment of the person has been done according to the provisions of the act. By having this clause, we are more or less giving a sanction that a person who has not been appointed correctly can continue to serve on the Planning Authority. My concern is simply that every member of the Planning Authority should be seen to have been appointed in the correct way, according to the provisions of this act, and that no member should be on the authority on sufference. If this were allowed to stand and if, in fact, a person were appointed in some way contrary to the provisions of this act, then that person's nomination would always be subject to criticism and I do not think that is a desirable situation to have. I do not see any necessity for this clause to remain in the bill. As I say, in the event that an irregularity does occur, what simply happens is that the process is carried out again according to the provisions of this bill and the old Gazette notice is revoked. I cannot see any need to have this in the bill.

Mr PERRON: This is a fairly standard clause. Honourable members may have seen it in other legislation. The reason it is put in is so that, if

after a period of time it is found that there was some technical irregularity to the appointment of a member of a board, doubts could not be raised as to whether all the decisions of that board since that time were, in fact, valid. This would involve either immense problems or validating legislation. The honourable member's point is valid that members should be appointed correctly. But this section is only covering the situation where they are not appointed correctly. I expect that the honourable member will be moving this same amendment to every piece of legislation that comes up as I think most legislation relating to boards has a similar provision. On the advice of the draftsman who has advised me, I feel it should stay. The principal reason it is put forward is so that acts of the body are not invalidated in the case of an irregularity. I think that it is a compelling reason, even though it certainly does not forgive any person for appointing someone without having full regard to the law.

Mrs O'NEIL: I thank the minister for his explanation. In my limited experience of legislation, I can frequently remember in bills relating to statutory authorities, clauses which say decisions of the board or the authority are not invalid by reason only of a defect in the appointment of a member. I would think that the interpretation of this clause is slightly different. That is why the honourable member for Sanderson has raised the matter. If the person's appointment is found to be irregular, then that should be fixed up straight away. We are not suggesting that decisions of the board would then not be valid and certainly bills normally have such a clause. But the wording of this clause is different from the ones I have experienced.

Mrs LAWRIE: I do not see that clause 19 causes any difficulty as it is printed. After all, we are all now aware that the appointment of a person as a member is a fairly wide process anyway. There are no qualifications placed on the appointment of the member. However, clause 19 could become quite vital regarding actions taken by members of the Planning Authority who may reason that they were properly appointed to that authority. I would think that they would need a clause such as this to cover actions taken by them in good faith. Clause 19 also says that the appointment is not invalidated by reason only of a defect or irregularity. That would not cover, as I understand it, the position where the person was insane, bankrupt and otherwise ineligible to be appointed. I cannot see at the moment any reason for supporting the amendment as proposed. In fact, I believe that provisions such as clause 19 are in other laws of the Territory.

Mr ISAACS: Mr Chairman, I would like to comment briefly on this because when I initially read the bill I was in agreement with the member for Nightcliff and the minister. After some discussion and investigation, I think the matter as put by the member for Sanderson is correct. The Education Bill presented by the Minister for Community Development this morning has the sort of clause that we are all talking about. It is clause 55 of that bill and I am not canvassing the bill. It simply bears out precisely the point the member for Sanderson makes. There is no clause in that bill which mirrors clause 19 of this bill. The member for Fannie Bay was speaking about similar statutory authorities and the sort of clause we are referring to does go to matter of decisions and acts of the authority not being invalidated by reason of defects in appointments. I do not recall any clause in any of the bills that we have seen before this Assembly that is the same as clause 19 of this planning bill. The sort of clauses we have come across are like clause 55 of the Education Bill. I think the point made by the member for Sanderson is correct. What is being sought is to ensure that decisions made by the authority are not invalidated simply because of a defect in the appointment of a member. With regard to the validity of appointment, it seems to me somewhat pointless to have a procedure to appoint people and then in the same act say, "If you don't go through that procedure, don't worry. You are still

appointed validly".

Mr ROBERTSON: Mr Chairman, the Leader of the Opposition raises a very good point. I think that perhaps this is the correct one and all the rest of them are wrong. I am quite serious about that and it is something we can look at. Let us look at it in two ways. Firstly, what it says is that the appointment "is not invalid only by reason" which means that the actions taken by that person - because the appointment is not invalid - cannot be invalid. So you have covered both. But further than that, with most statutory authorities, we are involved with the payment of fees and allowances from taxpayers' money. If he is not a valid person on the committee, I would think you would get into serious trouble in relation to the payment of fees. I would suggest that this is the correct version and the others may be questionable.

Ms D'ROZARIO: Mr Chairman, I am not quite sure whether the Minister for Community Development meant that clause 19 should be the one that we should have in all our acts or clause 55 as in the Education Act. Nevertheless, the reason I raise this at all is that the appointment of people to authorities, particularly statutory authorities that deal with land and so on, must always be seen to be an action that has been done correctly and the public can have confidence that the members have been appointed correctly and are acting with the full authority of the powers vested in them by this bill - for example, in respect of clause 14 which says that the number of candidates that the local authority nominates must not exceed by more than 2 the number of vacancies.

If they did not comply with that and they simply put up a name and said that is the person, there might be quite a bit of objection and criticism on that person's appointment and that appointment would be considered irregular under the terms of this bill. Nevertheless, that person could sit, if clause 19 is allowed to remain, as a member of the Planning Authority, despite the fact that that person was not correctly appointed from the start. I am not speaking as the minister was, about people who are found several years hence to be appointed irregularly because in that case, of course, the correct clause to have in here would be that the decisions were not affected by that person's appointment. Here we have simply the appointment of a person being spoken about and not the decisions taken by him believing himself to be correctly appointed to the Planning Authority.

Clause 19 agreed to.

Clause 20 agreed to.

Clause 21:

Mr PERRON: I move amendment 47.3.

This amendment is necessary to correct a drafting error.

Amendment agreed to.

Mr PERRON: I move amendment 47.4.

This omits subclause (5). By way of explanation, subclause (5) which limits the age of a person being appointed to one of these boards to 65 years is in some legislation. It usually pertains to an officer of the government being a member of a board or, in some cases, chairman of the board. Since the appointment of members will be by the minister from the community at large and there is a limited term to their appointment for 3 years, then there is no necessity for this particular subclause.

Amendment agreed to.

Ms D'ROZARIO: I move amendment 45.1.

The effect of this amendment is simply that a person who has been nominated to the Planning Authority by a local authority of which he was at the time an alderman or member should cease to hold office on the Planning Authority if he loses his position on the local council or local authority. The reason I put this amendment is simply that, if we are to give any credence to the clauses that we have already passed relating to local representation on the Planning Authority, then I think it is only fair that once a person is no longer a member of the local authority, he ought then to stand down also from the Planning Authority.

I might say that this discussion has been raised in the past in this House in relation to an Assembly nominee on the Darwin Reconstruction Commission and the same sort of arguments that were canvassed then by the opposition certainly apply in this particular case. If the idea of this bill is that membership on the authority should heavily favour local representation, as I believe it to be, then I think that once a person is not re-elected or for some other reason loses his position on the local council, he sould also lose his position on the Planning Authority.

Mr PERRON: I feel the matter is already very well covered though I take the points put forward by the honourable member for Sanderson. The bill, as it stands now, provides that the minister "shall" remove a member, not "may", if he was an alderman and lost his seat and the local authority has requested his removal. The only dispute is whether or not the local authority should request it. I think that is perfectly reasonable. Because of the fact that members of the board nominated by a council may be non-aldermen and the council may well feel that the person should remain on the board because of his past experience or whatever, it would be quite silly for the minister to be compelled to remove him from the board and then find that he is among the nominees put forward by the council to put him straight back on it. I feel the fact that we have the wording the minister "shall" remove him on request really covers the possibility of a minister leaving a person there for a long time after he had failed to gain re-election as an alderman against the wishes of an authority.

Mrs LAWRIE: I think that is what the honourable member for Sanderson is worried about. Shall the person to be appointed to the authority in the first instance necessarily be an alderman?

Mr Perron: Maybe not.

Mrs LAWRIE: Well, nominated by the aldermen. All the honourable member for Sanderson is attempting to do is to say that, if he were nominated under section 14(1) by the local authority of which he was a member and, since his appointment has ceased to hold office as an alderman or member of the local authority which nominated him, he should be removed. I do not feel that one should wait for a request for his removal - as he was appointed, so he shall be removed. If one is to pay credence to elected persons of a local authority, once they are no longer elected, they should cease to hold the position.

Mr PERRON: I accept completely that there is no second prize in these elections. This hypothetical person who may well be an alderman may not have been put forward by the authority because he is an alderman. Presumably they have regard to the man's background and expertise and there is no assuming automatically that the person should be stricken from the board because he no longer holds this supposed eligibility criterion that he once held. Surely

it is the city council of the day, the new city council in this case or the old one if it was a by-election, which makes the decision to ask the minister the day the poll is declared to remove him, and the minister "shall" remove him. I really think there will be no problem.

Mr ROBERTSON: I think there is another issue involved here and that is continuity. I can envisage the position where 3 aldermen who lose their seats happen to be the 3 aldermen who are on the Planning Authority. You may have a town planning exercise going on at the time of an election which simply means that you cannot function until such time as the polls are declared or even after the polls are declared. You have a time gap between the person losing his seat and the council renominating. I think you need a provision like this to give continuity to the activities of the authority between the time of the declaration of the poll and the time that the council decides whom it wants to replace the previous members. It is not just that people lose their seat; the new council may wish to replace them anyway. I do think this is designed to give some continuity to the operations of the authority.

Mrs LAWRIE: The honourable Manager of Government Business has just fallen into the trap he so carefully sets for others. If we have 3 aldermen on the local planning authority and they are not re-elected, haven't the people spoken? They do not want them there. They have lost confidence in those people. Therefore, the amendment of the honourable member for Sanderson becomes all the more acceptable and feasible. If one is to talk in political terms of aldermen or legislators of a desire for continuity, don't we all have it? But it is not up to us, Mr Chairman; it is up to the people. I too think that my service entitles me to certain continuity but they may not think so. I think the amendment proposed by the honourable member for Sanderson is democratic - unfortunate, perhaps, for the people who may not be re-elected. I think the Minister for Community Development gave us excellent reasons why we should accept the amendment. He said the people could not continue to act until such time as the polls were declared. I think, in fact, that is wrong because members continue to act until such time as the new members take office and there is no gap in the life of an alderman, a member of the Assembly or any other elected position. I support the amendment.

Mr ROBERTSON: I think the honourable member for Nightcliff has missed my point about continuity. I will not canvass it again because I would say she is the only person in the room who has missed the point. I take her up on one issue. I like continuity, too, and indeed at the next election if I get turfed out, there will be continuity - provided the Chief Minister does not sack me in the meantime. Ministers continue after the declaration of the polls and until such time as the new Executive Council is sworn in. That is normal practice. Why should it not apply here.

Ms D'ROZARIO: If I might just expand a bit on the reason for putting forward this amendment, it really turns on what the minister expects the local members on the authority to do. If he expects them to give some indication of the local community's wishes and assumes that they can do this because they are elected representatives, then I think my amendment is perfectly reasonable. If, however, he is saying that people are put on the authority and they just happen to come from an area and they do not necessarily reflect the local community's views, then of course he can appoint whomever he wishes. The question is what he expects these people to do.

The further question is what the local council which nominates these people expects them to do. Do they expect to get from the members they have nominated to the Planning Authority some feedback as to how they should act? I have certainly heard it put that local members who have been appointed to the Town Planning Board - certainly Darwin members - have seen themselves

as being appointed to the board in their own right and with no compulsion on them to report back to the council. I have certainly heard that view expressed. If that is the view, then it does not matter. You can take 7 people out of the Territory; you can constitute them as the Planning Authority. I understood from the second-reading speech of the minister that he wanted to have some local community input into the Planning Authority and, if that is so and if he assumes that people elected to the council are the ones who have some idea of what local community needs are, then my amendment would have to succeed.

Mr PERRON: Mr Chairman, I do not see that anything new is being introduced in this. What objection is there to the situation whereby a new local authority after an election may ask the minister to remove a person and the minister "shall" remove him. If it was "may", I could see substance in all the argument. There is no "may"; it is a "shall". Mr Chairman, I cannot accept that the amendment would be an improvement at all, in justice or otherwise.

Amendment negatived.

Clause 21, as amended, agreed to.

Clause 22 agreed to.

Clause 23:

Mr PERRON: I move amendment 47.5.

This inserts a penalty at the end of the subclause. The penalty provision is to encourage members to disclose their interests.

Amendment agreed to.

Ms D'ROZARIO: I move amendment 36.3.

The effect of this amendment would be to prevent a member who had a pecuniary interest in a matter that came up for discussion at a meeting of the authority from taking any further part in the deliberations. The words of the amendment are consistent with the equivalent clauses in relation to members of the appeals committee. I heard the honourable minister give some thought to this question in his reply to the second reading. His arguments as to why the pecuniary interest clauses are different seemed to be that the 2 authorities had different roles to play. That is not disputed. Nevertheless, it is not a question of whether or not a person lives in Darwin or has property in Darwin.

Mr Perron: It is an interest.

Ms D'ROZARIO: The minister says it is an interest, but interest is defined in a subsequent section. What we are talking about is a person who has a pecuniary interest in a specific matter which is under consideration by the authority. Clearly, this is not meant to cover people who simply live in Darwin or have a house in Darwin or anything like that because, in that case, nobody could act. What we are talking about is a specific matter, a specific proposal that would be within the authority's power to consider. I must say again that the opposition has what some people might refer to as a fetish on this matter but we consider it to be extremely important in any matter dealing with public and private lands, disbursements of money and such similar things, that people who have an interest should not be part of the decision-making body for the consideration of that matter.

Mr PERRON: The amendment is opposed on the grounds that members of the authority in possibly most cases will have an interest in the matter and, for honourable members' information, the words "pecuniary interest" which are in the column as the description of the clause will be changed. I believe that is a formal amendment; the word "pecuniary" can be deleted from it because it is not directly relevant. An interest does not have to be a pecuniary one. Your brother or your mother or your sister or whoever might live next door to you may not represent a pecuniary interest but certainly an interest that should be declared if that particular land is under consideration by the authority. It is quite clear to me that to compel local members not to hear a matter before the authority if they have an interest would make it unworkable. Our differences obviously relate to what is an interest. To my mind, an interest in the Darwin town plan would certainly exist if you lived in Darwin or owned land in Darwin or a business in Darwin or indeed had relatives who did. The person could not take part in deliberation and the Darwin authority would therefore be defunct. There is nothing wrong with the situation that prevails with the Town Planning Board at present: a member who has an interest discloses it before the board and the board decides whether that interest is liable to prejudice that person's views. There are interests and interests and the board collectively should decide on a matter such as this.

Mr ISAACS: It is a shame that the Chief Minister is not in the Chamber because I understood that he had given a direction in relation to this particular matter. I recall debating the Land and Business Agents Bill where the opposition raised the matter of the pecuniary interest. In that particular bill, clause 15 made it quite clear that, where a person had an interest, he declared that interest and took no further part in any of the deliberations. It doesn't really matter to me what the functions are. It is a matter of principle. The principle simply is that, if you have an interest in the matter, you should not take part in deciding matters by which you will be affected and by which you may gain some advantage.

Mr PERRON: It is very relevant what the functions are. I accept the point completely in the case of the appeals committee because its functions are such that it will be dealing with particular blocks of land or particular development applications. If a member has an interest in any way, this bill provides that he shall not take part.

Looking at the functions of the Planning Authority, I take the example of the adoption and consideration of a town plan for Darwin. You could not deny that a person who owns land and lives in Darwin has a direct interest in a matter before the board. If we adopt the opposition's proposed amendments, probably none of the members could participate.

Amendment negatived.

Clause 23, as amended, agreed to.

Clause 24:

Mr PERRON: I move amendment 47.6.

This amendment is desirable because the interests of members which they should be required to disclose need not necessarily be pecuniary interests.

Amendment agreed to.

Clause 24, as amended, agreed to.

Clauses 25 to 29 agreed to.

Clause 30:

Mr PERRON: I move amendment as circulated 47.7.

This is to make it clear that government members will not receive remuneration for being board members. It will be general policy that public servants would not be appointed to this board. If one were, this is to clarify that he would not receive fees.

Amendment agreed to.

Clause 30, as amended, agreed to.

Clause 31:

Mr PERRON: I move amendment 47.8.

Clause 31, as amended, agreed to.

Clauses 32 and 33 agreed to.

Clause 34:

Ms D'ROZARIO: I move amendment 36.4.

The reason for this amendment is that it will obviously be necessary for planning instruments to also prohibit some types of development. The words of the subclause at the moment are simply that a planning instrument "may permit or control". It might be thought that the word "control" is sufficient to prohibit but, if the minister were to check this point, he would find that there are legal opinions to the effect that a control cannot extend to absolute prohibition of some types of development in relation to consent. It is also quite clear from the current Darwin Town Plan that there are indeed prohibitions on development also included. I simply include that word "prohibit" to clear up the matter.

Mr PERRON: The view that the honourable member is putting forward is accepted. However, it is covered. The definition of "control" includes prohibit.

Amendment negatived.

Mr PERRON: I move amendment 47.10.

The words "or a minister" are unnecessary.

Amendment agreed to.

Clause 34, as amended, agreed to.

Clause 35:

Ms D'ROZARIO: This is a clause which we spoke about at length in the second reading, whereby the minister can by a planning instrument be declared to be a consent authority. I accept that the minister has already told us of one particular category of applications in which he will be the consent authority - freehold subdivisions in areas not covered by planning instruments - but I might ask under what other circumstances he sees the consent authority as being the minister and not the town planning authority.

Mr PERRON: I did cover this in my reply. I touched on such matters as land subject to flooding on the grounds that the government is responsible for either assistance or rehabilitation or salvage exercises. A plan may declare a minister to be a consent authority in that type of situation where the government believes it has a direct interest notwithstanding what the planning authority puts forward.

Another one I mentioned was land in the flight paths of airports. The government may take a view contrary to local opinion. It may be that people are happy to have a variety of uses in flight paths which the government feels may be totally undesirable. The other one was uses dealing with defence land - the alteration of zones over defence land, restrictions on development on defence land or variations of boundaries. The government may seek that these matters be referred to the minister for approval before being varied or implemented.

Clause 35 agreed to.

Clause 36:

Ms D'ROZARIO: I move amendment 36.5.

This is the clause that has caused quite some concern. It is not that the community is suspicious; it is just that section 89C of the Lands Acquisition Act says: "Nothing in this act affects the acquisition of land by the Territory under any other law of the Territory". Although the minister has said that, in fact, what this section is doing is reserving land and not actually acquiring it, nevertheless I do feel that subsequent sections in this bill could actually be used to acquire the land for the purpose for which it is reserved.

If the minister is quite certain that this is quite well covered in the Lands Acquisition Act, I would ask him to admit that clause in reference to public purposes because it is a matter of concern to the public. There are other acts under which land can be acquired.

Mr PERRON: I refer the honourable member to subclause (2). Perhaps this will not completely satisfy her: "A planning instrument that reserves land under this bill shall contain details of the proposal under which the land, if acquired, will be used or developed". I think that will act to allay the fears of many people in the community that land is being acquired for some government or private enterprise project that is strongly objected to. I imagine that the reason that the land is reserved in a plan will have a very big bearing on whether the reservation survives the pre-acquisition hearing which it will have to go through under this bill. The public will have to be informed of what the land is proposed to be used for. The self-government act declares the extent of the Northern Territory government's functions, and all of them are public purposes.

Amendment negatived.

Clause 36 agreed to.

Clause 37:

Mrs LAWRIE: In discussions with the minister, I asked him to indicate what he might mean by a set of model provisions for planning instruments.

Mr PERRON: To allay the honourable member's fears, model provisions from which authorities in various centres throughout the Territory may seek to adopt model codes will cover such things as zoning codes. We would like to

see residential, industrial and rural codes to be similar, but not identical, in each place in the Territory. Of course, a rural code in Alice Springs would be quite different to a rural code in Darwin.

Road standards might be another example. If there are a series of road standards starting with highways through urban roads, country sealed roads, to country unsealed roads and dirt tracks, provisions under plans may require various subdivisions to be done to certain road standards. I am not saying that the same road standards should apply in each centre in the Territory but road standards to apply in a local area should be selected from a set of road standards. I am not suggesting in any way that model provisions would require, for example, that car parking provisions in Alice Springs would be the same as in Darwin. I am not suggesting at all that we try to get total uniformity in that type of area. However, matters such as the size of a car parking area and the size of areas adjacent to car parking areas for turning circles etc should be uniform throughout the Territory because the dimensions of vehicles, to my knowledge, do not really change. Some Alice Springs guys might disagree.

Clause 37 agreed to.

Clause 38 agreed to.

Clause 39:

Mr PERRON: I move amendments 47.11 and 47.12.

The purpose of these amendments is to enable any person to apply to the authority for the making of a planning instrument. It will most often be used, of course, by private individuals who wish to alter a planning instrument relating to their own land. However, it also clears the way for other individuals or groups, professional or special interest associations, to promote planning instruments or amendments to planning instruments even though they do not own land.

Ms D'ROZARIO: When I first saw subclauses (3) and (5) of this clause, I was unable to see their application and now, with the deletion of the words "of which he is the owner", I can only slightly see better what the minister is getting at. The question I have to ask him is whether he sees this clause being used as an alternative to a development application and, if so, what procedures there would be for inviting submissions and objections to that application. He has just said that he sees this subclause (3) being used by people who might want to alter a planning instrument in respect of their own land. Of course, that would be what I consider, and what I think this bill envisages, to be a development application. The other question I would like to ask is whether or not the authority will have any regard to whether a person is the owner of the land or not, because I can also see some situations - and, indeed, I know of some - where people totally unconnected with the land, perhaps with a view to buying it, have presented plans for the development of land and submitted them without any knowledge of the owner of the land. I do see that the authority could perhaps be seen as sanctioning the development of land without the consent of the owner of the land, perhaps with some speculative purpose in mind on the part of the person who put the application in.

Mr PERRON: Mr Chairman, I did think I would get overwhelming support for at least this one. What we are really doing here is deciding who can apply for amendments to a town plan - talking in the old language. We are really providing that the authority can consider an application by any person, landowner or otherwise, because we feel some groups could have an interest in land - not privately-owned land; we might be talking of reserves or foreshores

or whatever - and seek that a plan be changed.

I do not see people taking action under this section instead of making a development application because, in fact, this would be a lot slower for a start. Once the authority decides to accept the view that the plan should be amended, it then has to prepare and exhibit a draft planning instrument which in most cases will be a 3-months exercise, the same as it is to adopt a plan. In most cases, it will be to amend the plan and invite objections etc.

I accept that it does not particularly prevent a person or a group from applying for a change in the plan without the owner's knowledge. However, I think this would be covered because the authority will be looking at these and can reject them. With 7 people on the authority, I think it is unlikely that a man will have his land re-zoned under his feet without his knowing. It has to go on public exhibition; people can object. I think to require the owner's consent might be a bit difficult because a group for example may propose and it may be accepted that a sizeable proportion of urban land be re-zoned. I do not know that they should have to get the consent of every owner in that section to propose the re-zoning. I think it is the type of thing the authority can handle quite adequately.

Ms D'ROZARIO: I did not mean to indicate my opposition to the provisions that the minister has provided but I merely wished to indicate that there could be some circumstances in which the authority might be embarrassed. If the authority will know about it, well and good. I do accept that you cannot ask the permission of every owner of land if you have in mind some broad approach to a particular question. But I do know specifically of a case where - and this was in the days of the Darwin Reconstruction Commission - a person who had in mind to buy a piece of land approached the commission, got an indication of what sort of development the commission would entertain and went so far as to get one of the commission draftsmen to draw up the actual proposal - all without having approached the owner at all. The owner, of course, was outraged when he heard that the commission had not only said it would like this development very much but had assisted the applicant to prepare the application. This is the only reservation I am raising for the consideration of the minister but I certainly do not indicate any opposition to the amendment he has put.

Mrs LAWRIE: I only rise to indicate my support generally for the proposed amendment. In reply to the member for Sanderson, he outlined the point I was about to make which, in fact, does enable a person to apply for a change of zoning. There was a fair bit of confusion because of the peculiar language used in the bill, which mentions "draft plans".

Amendment agreed to.

Clause 39, as amended, agreed to.

Clause 40:

Mr PERRON: I move amendment 47.13.

This amendment makes it clear that the announcement that a draft planning instrument is being prepared is an invitation to the public to give its views on what that instrument should contain.

Mrs LAWRIE: This is the amendment which I was hoping to see. It is a matter which concerns me because, in his second-reading speech, the minister said, "Prior notice of the planning instrument must be given to the public who may then submit their views". But as I said at the time, there was a requirement to do the former but not the latter. This has now been included by

this amendment. It has my full support.

Mr PERRON: The honourable member for Nightcliff can claim full credit for it.

Ms D'ROZARIO: I would like to commend the minister for this amendment but I would like to draw to his attention that there is an error in the cross-referencing of the original bill where clause 40 says, "Upon receiving a direction under section 39(1) or making a resolution under section 39(3)". I think the subclause referred to is actually 39(4). I just draw that to the attention of the minister.

Mr PERRON: My communication system tells me that the honourable member is right and the reference to 39(3) in clause 40 should, in fact, be 39(4). I move that as an amendment without circulation.

Mr CHAIRMAN: That will be noted as a formal amendment.

Amendment agreed to.

Clause 40, as amended, agreed to.

Clauses 41 to 44 agreed to.

Clause 45:

Mr PERRON: I move amendment 47.14.

This is a formal drafting amendment only.

Amendment agreed to.

Clause 45, as amended, agreed to.

Clause 46:

Ms D'ROZARIO: In view of the fact that amendments 36.1 and 36.5 have already failed, I withdraw amendment 36.6 which was consequential on those other 2 amendments which have not succeeded.

Clause 46 agreed to.

Clauses 47 to 49 agreed to.

Clause 50:

Mr PERRON: I move amendment 47.15.

The bill as printed encourages but does not require the authority to hear persons who make submissions. However, it has been decided that it should be made clear that the authority should hear persons before it declines to accept a submission and this amendment will achieve that purpose.

Mrs LAWRIE: I ask the honourable sponsor why it was necessary to redraft the entire clause. Would it not be better to retain clause 50 as it is printed, with the substitution of the word "shall" for the word "may", first occurring? In what way does the redrafted clause improve on the clause as printed, other than that particular substitution of one word?

Mr PERRON: For clarification, clause 50 actually stays as it is; the amendment as moved is an insertion of a new subclause.

Mrs LAWRIE: Has the honourable sponsor of the bill any objection to the formal substitution of the word "shall" rather than "may" in the first line of clause 50 which would then be, "The authority shall invte a person who has made a submission" etc. It would seem to be more logical.

Mr PERRON: I believe the amendment should go forward as it is. There is a slight difference. The situation is that clause 50 gives the authority the right to hear any person who has made a submission, tourist or otherwise. The amendment says that "The authority shall hear persons who have made objections under section 49," which I think is the section dealing with the making plans. It shall hear him "in support of his submission if the person (a) is the owner of land to which the draft planning instrument in respect of which his submission was made relates" and it proposed to overrule his objection. In other words, there is a landholding requirement. However, they may hear any objector.

Ms D'ROZARIO: I just want to indicate my support for this new subclause because, as the clause stands at the moment, the authority need not hear even an owner of land if it proposes to dismiss the objection. The new subclause does compel it to give the person another hearing. I do support this new subclause and I think perhaps, if the honourable member for Nightcliff could just have a brief look at clause 50, as it is printed, and the new subclause, she might also support the amendment.

Amendment agreed to.

Clause 50, as amended, agreed to.

Clauses 51 and 52 agreed to.

Clause 53:

Mr PERRON: I move amendment 47.16.

This is only a drafting amendment.

Amendment agreed to.

Clause 53, as amended, agreed to.

Clauses 54 to 59 agreed to.

Clause 60:

Mr Perron: I move amendment 47.17.

This is again a drafting amendment.

Amendment agreed to.

Clause 60, as amended, agreed to.

Clauses 61 to 66 agreed to.

Clause 67:

Mr PERRON: I move amendment 47.18.

This is a drafting amendment again.

Mrs LAWRIE: I have no objection to any of the proposed amendments to clause 67 but I do wish to make a comment. The honourable member for Fannie

Bay took issue with my saying that, where we are dealing with lawfully existing uses being protected, one could say that these provisions would allow for over-protection since one of the objects of the planning scheme is the gradual phasing out of nonconforming uses. I certainly do not deviate from that position but I do wish to make clear to the honourable member that I think to take the line that nonconforming uses shall be protected at all costs really does away with the idea of town planning and it is the Progress Party line which I find particularly abhorrent.

Ms D'ROZARIO: I just want to draw to the attention of the honourable minister that perhaps the definition of "former planning instrument" may cause some difficulty. That is because, quite apart from the problem which the honourable member for Nightcliff has mentioned, it is defined in terms of a planning instrument which applied to the land immediately before the date of the commencement of this act. Of course, if we look at the definition of "planning instrument", we find this has quite a precise meaning. It means the regional plan or a town plan made under section 61 of this act. In fact, there will not be any because no planning instruments have been made under the terms of this act. I do think there might be some problem with that definition because certainly the way it is written now does not seem to protect the 4 Darwin town plans that we have had before nor the town plans for Katherine, Alice Springs and Tennant Creek. None of these plans have been made as planning instruments under this act. I think perhaps if we could just remove that phrase "planning instruments" and find some other phrase which would cover the objection, that might suffice.

Mr PERRON: The reference to the date of commencement is not the date of commencement of this act or the date of commencement of the current planning instrument. The honourable member's points are covered in clause 162 and onwards. These relate to the picking up of existing town plans and even town plans which may have been considered by the board but not yet exhibited. However, I will bear the honourable member's comments in mind, but I indicate too that there is no problem.

Mrs LAWRIE: I am unhappy about that. I did raise this earlier too. The term "former planning instrument" should apply to all former plans and not just the one which applied to the land immediately before the introduction of the new one. Any existing building, work or use may have been nonconforming but still lawful by virtue of a plan prior to the one applying immediately before the introduction of the new one. I did ask the minister to check that because it is a most important point. I support the reservations of the member for Sanderson. We are all trying to achieve the same object but I feel there is a deficiency in the bill.

Mr PERRON: The point was checked when it was raised. It only relates to Darwin because Alice Springs, Katherine and Tennant Creek are the only other planned towns in the Territory and they all have their original plans. In Darwin, the most recent plan does protect the nonconforming uses that applied before. I am not sure whether there would not be complications in recognising all the former plans. In fact, the most recent one does protect nonconforming uses and we are recognising the recent one.

Ms D'ROZARIO: I did understand that the date of commencement referred to in this clause is the date of commencement of a planning instrument. It still concerns me that what we are trying to do is to confer upon existing town planning schemes the status of planning instruments and, in so doing, we are using the phrase "planning instrument" which is a term that does not appear in the previous act. It appears only in this bill and it means a planning instrument which has gone through the procedures laid down in this bill. That is my only reservation. I am not arguing whether or not the plans ought to be carried forward or anything of that sort. Perhaps we could use the term

"town planning schemes" under the former town planning act.

Mr PERRON: I do feel that the transitional part will cover this. Clause 167: "The town planning scheme in force immediately before the commencement date shall be deemed to be a planning instrument made under this act and may, subject to this section, be amended or repealed by planning instrument made under this act".

Amendment agreed to.

Clause 67, as amended, agreed to.

Clauses 68 and 69 agreed to.

Clause 70:

Mr PERRON: I move amendment 47.19.

As with amendments to the following 3 clauses, these amendments are designed to change the requirement that the appeals committee had the function of granting extensions of time to nonconforming existing uses. This function will now be done by the authority with an appeal to the appeals committee.

Amendment agreed to.

Clause 70, as amended, agreed to.

Clause 71:

Mr PERRON: I move amendment 47.20.

Amendment agreed to.

Clause 71, as amended, agreed to.

New clause 71A:

Mr PERRON: I move the amendment 47.22.

This inserts a new clause after clause 71. It relates to the planning authority now having the function to look at extensions of time for nonconforming uses.

New clause 71A agreed to.

Clause 72:

Mr PERRON: I move amendment 47.23.

The word "commission" should in fact read "Commonwealth Act".

Amendment agreed to.

Clause 72, as amended, agreed to.

Clauses 73 to 77 agreed to.

Clause 78:

Mr PERRON: I move amendment 74.24.

It was pointed out in the second-reading debate that some aspects of part V of the bill required amendment. This amendment is designed to make it clear that all freehold subdivisions are controlled under Part V. For the subdivision of freehold land not subject to a planning instrument or not part of an area declared under clause 78(3), the minister is the consent authority. It also provides for specific prohibitions on the attempted sale of freehold allotments which have not been created by an approved subdivision where approval is required.

Amendment agreed to.

Clause 78, as amended, agreed to.

Clause 79 agreed to.

New clause 79A:

Mr PERRON: I move amendment 47.25.

This inserts a new clause after clause 79. The reason is the same reason as that for the previous amendment.

New clause 79A agreed to.

Clause 80 agreed to.

Clause 81:

Mr PERRON: I move amendment 47.26.

This omits subclause (2). The clause as printed requires the Surveyor-General to lodge the plans with the Registrar-General. However, section 101 of the Real Property Act provides that the subdivider lodge the plans and this subclause is therefore not necessary. If I recall correctly, the honourable member for Nightcliff had something to do with that as well.

Mrs LAWRIE: Clause 95 refers to the registration at the office of the Registrar-General of a copy of the plans for the authorised survey and clause 81(2) is acting in partnership with that clause. I understand that we are now removing any other reference in this bill to such registration and relying upon another Territory act. Clause 95 refers to this registration. May I ask the honourable member if there is some great problem in relying on another act for that particular procedure. As the honourable sponsor of this bill is well aware, I distributed both the bill and the amendments hell, west and crooked in the hope of getting the best possible legislation. This point was specifically raised. People dealing with town planning matters would be very happy to see everything in the one act. It was put to me that it would be preferable not to omit subclause (2) because there is another reference in this bill - clause 95 - dealing with the registration at the office of the Registrar-General of the plans of the authorised survey. I acknowledge that this may be covered in another act but I do not see that it was necessary to omit this clause when it makes it clearer to people who are buying copies of the legislation and who are not in our fortunate position of having copies of all legislation.

Amendment agreed to.

Clause 81, as amended, agreed to.

Clauses 82 to 85 agreed to.

Mr PERRON: I move amendment 54.2.

This is consequential upon the previous amendment.

Amendment agreed to.

Clause 86, as amended, agreed to.

Clauses 87 to 89 agreed to.

Clause 90:

Mr PERRON: I move amendment 47.28.

The amendments are designed to permit a consent authority to amend an application before giving consent and to correct a small drafting error. The interests of the public are protected by the restriction embodied in subclause (1A) and (1B) of the amendment.

Mrs LAWRIE: This is a particularly clumsy piece of drafting. The original clause 90 was certainly not acceptable, where "a consent authority may determine a subdivision application (a) by granting consent, either conditionally or unconditionally, or (b) by rejecting it". I did raise with the minister the problem of the inability of the authority to suggest an amendment to the applicant which would make it more suitable. The possibility of simply accepting or rejecting did not seem to be very feasible. The words "either conditionally or unconditionally" did not seem to fit. I appreciate that he has attempted in the introduction of this amendment to cover the points I raised but in the proposed amendment 1(b), this is what the consent authority can do: "It may determine the subdivision application by amending the application in such manner as it sees fit and granting consent, either conditionally or unconditionally, to the application as so amended", or it can reject the application.

I appreciate the point he has mentioned under 1(a), that a consent authority shall not amend it substantially without the need for it to be on public display again. How can a consent authority amend a person's application? Surely, it should only be able to refer it back to the applicant with a suggested amendment. It says quite clearly that it may determine the subdivision application by amending the application "in such manner as it sees fit". It is there that I think it is clumsy drafting and unacceptable. I agree with the intent but, as it is expressed in that manner, it is not acceptable.

Mr PERRON: I understand that the section has been put in there to expedite matters rather than be arbitrary about them. If an applicant for subdivision had his application amended and approved by the authority in a way that did not suit him, he is certainly aggrieved but he is not compelled to undertake action in light of that consent. In fact he has opportunity to appeal on this, being the applicant, and he can appeal either in whole or about particular conditions. I understand it gives the authority the power - perhaps after discussing it with the gentleman; these things are administrative - to alter the application, approve it and then send it back to him. There are some terrible time delays in planning. If it has no power to amend the application and can only consider the one before it - it may be a small detail of changing a couple of boundaries on a couple of lots - it writes back to the gentleman saying, "We are not pleased with it at all; please move this boundary 10 feet and we will approve it", he resubmits another application and so the exercise goes on. I am sure the intent there is clearly to expedite proceedings. I do not see any harm in it because if the authority does vary his application in a way he does not like, he can object strongly or tear it up or not take any notice. It is not compelling him to take a particular action.

Mrs LAWRIE: I too would like to expedite the whole procedure. It has been bogged down for years.

The honourable minister has raised exactly the same problem that I have in another sense in as much as he has agreed that they may in fact alter it in a way unacceptable to the applicant and, when they return it, he may then not proceed with it. Certainly, he is under no compulsion to proceed with it but he will be held up for a long time while he resubmits it and perhaps while he appeals. That is precisely what I am trying to get over and what the minister is trying to get over.

Would he consider an amendment to insert "after consultation with the applicant amending the application in such manner as it sees fit"? In that way we are agreeing that all parties concerned shall do all possible to expedite the matter and, of course, there will be some times when they will never agree and it will have to go to appeal. We are trying to ensure that it is not simply rejected and it is amended in a manner which is suitable to the applicant and the authority and, without aggrieving persons who have an interest because, if it is a substantial amendment, it would have to be resubmitted. I agree with that. However the way it is expressed, it can cause problems to the applicant where it can be amended without his knowledge. He will object and hold it up and that is most undesirable.

I am asking the minister to consider a formal amendment by insertion of the words "after consultation with the applicant." It would then read, "after consultation with the applicant, amending the application in such manner as it sees fit". I agree there may be certain times when they will not agree. That is not our problem; we are trying to get the most expeditious manner of approving plans when people can be in agreement.

Mr PERRON: I am reluctant to accept that formal amendment for this reason: I can see problems arising where officers of the department, for example, have been talking to a gentleman about his application that is going before the authority and views are expressed to the authority which could well represent the views of the subdivider and perhaps influence the decision somewhat. If the authority has to consult with the subdivider in this case, it means that, in most cases, it has to put him off for 6 weeks or 2 months till the authority meets again. Hopefully, it will not be that long in the future; hopefully, some of these will be done by delegation. The application comes before the authority; it looks at it and decides that it would not approve it without amending it. It cannot amend the application without consulting with the applicant so it adjourns the matter while it invites the applicant before it at the following meeting which is probably 4 or 6 weeks away. I do not see the problem arising where the authority just arbitrarily amends the application because it can, in fact, even with the honourable member's formal amendment, approve conditionally without consulting with him and that will be a fairly wide discretion. If the situation causes any fuss, the minister has certain powers under clause 7 in this bill whereby he can advise pretty strongly that the authority should take particular course of action.

Amendment agreed to.

Mr PERRON: I move amendment 47.29.

This is consequential on the earlier amendment.

Amendment agreed to.

Clause 90, as amended, agreed to.

Clause 91:

Ms D'ROZARIO: I move amendment 36.8.

This amendment foreshadows the intention to amend subsequent clauses to allow for third-party appeals. We have already had an indication from the honourable minister as to what he thinks about this question. Let me just say that the amendment itself provides that, where the consent authority has made a determination, it shall issue a notice of its determination to every person who made a submission under clause 88 of the bill. Because this is quite critical to the question of third-party appeals, can I just say that I listened very carefully to what the minister said in his reply and I would like to take this matter a little further.

The minister said that it would lengthen the process for bringing into operation a planning instrument if we were to permit third-party appeals. I say again, as I said during the second reading, that the government itself introduced in its 1977 legislation third-party appeals which had not hitherto been a feature of town planning legislation in the Northern Territory. Clearly, the government at that time was happy to have third parties with a right of appeal to the appeals committee.

Further, the question of public participation is somewhat diminished if we do not permit third-party appeals. I want to say something more about this in the amendments relating to actual development applications but this one relates to subdivisions so, if the minister could see his way clear to allowing third-party appeals to subdivision applications at this stage, that is all this amendment is trying to do. Of course, the question of third-party appeals will be raised later but the substance of the amendment is simply that, in order to have the opportunity to appeal against a subdivision decision on the part of the authority, the authority should notify its decision to every person who has made a submission.

Mr PERRON: As the honourable member says, the amendment relates to third-party appeals and makes the minister's decision appealable. Both of these matters have been somewhat covered but, to bring a slightly different slant on the subdivision one, subdivision is not in fact land use under the planning process; it is the size of land which is going to be used for something. As plans will prescribe various types of subdivisions and people will be largely aware of the minimum size of subdivisions allowed in certain areas, they will be aware at the time of the adoption of the plan and the time the plan is on display that their neighbours are able to subdivide to 1 acre or 10 or 20. I do not see that there is a particular need for third-party appeals so that, if a board comprising local members again approves a subdivision, an objector should be able to delay the process and take it to an appeals tribunal. I do not see that they would have any interest really that they should not have expressed at the time the plan was being changed or adopted.

Ms D'ROZARIO: To take up the honourable minister's point, on the other hand an applicant would have had an equal opportunity to put his case before the same 7 members of the same Planning Authority with 4 people who purportedly represent local interests. The circumstances for both objectors and the applicant are identical in the case where the Planning Authority hears the application. If the objectors are aggrieved by the decision of the authority, they have no further recourse under the provisions of the bill as it stands. However, if the applicant is aggrieved, he has the right to appeal. There is something basically unfair about that. If the minister says that the guidelines will be well set out and established and it will be known in advance what is acceptable, then why give even the applicant the right of appeal? My contention is that, if the applicant has a right of appeal, then so too should the objectors.

Mrs LAWRIE: I support the remarks of the honourable member for Sanderson and her proposed amendment. As she says, why have an appeals board at all if people who have expressed an interest do not have a right to appeal, and that description could fit objectors as well as the original applicant. I might point out too that, under clause 90 which we have passed, when a consent authority rejects an application, it is under no compulsion to tell the applicant the reason for the rejection to allow the applicant to formulate a proper appeal. Unhappily, I let that slip through without mentioning it because it was brought up in the second reading. The honourable minister might think about it as we struggle through committee and recommit the clause. As far as clause 91 and the proposed amendment are concerned, the points made by the honourable member for Sanderson are quite valid.

Mr PERRON: Just to take the honourable member for Nightcliff's point in reverse, one of the amendments I am about to move says that where a right of appeal against a determination exists, it must indicate that right.

Mrs Lawrie: On what grounds?

Mr PERRON: I cannot answer that offhand although there is a section somewhere in the amendments where we refer to the authority giving reasons for its decisions. However, in relation to the subdivision applicant, it is being expounded that there is no difference between the status of the subdivision applicant and an objector. There certainly is. The subdivision applicant has his money tied up in it for a start, which is not an insignificant matter to be dismissed. I believe he deserves the right to object - not only whether or not his application is supported but on the conditions imposed upon him. In most cases, these will probably not affect the objectors but the applicant may object to the size of the stormwater drains he is being asked to put in or the size and standard of roads or electricity reticulation. It may be impressed upon him that he should put in full sewerage and underground reticulation in an area where it is clearly unnecessary.

Mrs Lawrie: No one is arguing with that.

Mr PERRON: Therefore the applicant for this approval does have greater rights and the government has recognised that and allowed him an opportunity to appeal which the objectors do not have in this same situation. Sooner or later, we have to draw the line as to where the whole exercise of public participation stops. It has to be drawn somewhere; we have drawn it here.

Mrs O'NEIL: The honourable Treasurer just hit the nail on the head when he said the decision is basically that the government wants to draw the line here. Members of the opposition and the independent member do not want to. It is a question of opinion about how much public participation there should be in planning.

I would like to take up the point he raised about financial involvement and the fact that an applicant might, indeed, be making an application that involves considerable investment. I would point out that it can also very well have a similar effect on the people who object. The success of his application might well affect them financially. It might decrease the value of some development or land of theirs also. I think that is something which should be considered by the minister.

While I am talking on this matter of appeals, he said in his reply to the second reading that there could be a great time delay in cases where there are large numbers of objections, because there would be so many objections and so many points of view that it would take many months and perhaps even years. My experience - and I think the minister would confirm this - recently is that, when there are large numbers of objections to a particular development,

they are objecting usually to 1 particular aspect or maybe 2; sometimes they object by way of a petition. It certainly would not take a very long time when you have objections which are being made to only 1 or 2 points of the proposal.

Mr PERRON: This could go on and on, Mr Chairman. In relation to a subdivision application affecting the financial values of neighbours, I cannot think of an instance where it would cause a downward valuation because a subdivision application is cutting up land. In all situations that I know of, the smaller the parcel that you subdivide land into the higher the value the land has. More than likely, the success of a subdivision application will only enhance surrounding values yet, at the same time, it will not require those adjoining landowners to subdivide as none of our proposals or plans require people to subdivide where they do not want to.

On the last point, it is true that quite a number of people object to some proposals; they sign a petition and so on. If they all have a right to appear before a planning appeals committee, they would have a right to appear in person. They could all go and express their views individually. It could certainly take a very long time. I was rather amazed at the time it took to hear the people who wished to object to the last Darwin Town Plan. With people going away on leave and the board having to adjourn down the track to hear other matters, it is a very long and tedious process. I just do not see the justification for it. People do in fact have another form of appeal; it is not in legislation but it is there - a political appeal. People say they have no right to object to this or that but in fact they do. Many people do object. Letters to ministers are objections and letters to their own local members are objections and, in many cases, those letters can bring action.

Amendment negatived.

Clause 91:

Mr PERRON: I move amendment 47.30.

The honourable member for Nightcliff has pointed out that this paragraph is administeratively unworkable. She has gone to some trouble to point this out for which we are grateful. She has also suggested alternatives and the easiest appears to be for the paragraph to be admitted entirely. Appropriate administrative arrangements between the authority and the Surveyor-General will be instituted to ensure that the Surveyor-General is able to satisfy himself as to consent as he is required to do under clause 81.

Amendment agreed to.

Mr PERRON: I move amendment 47.31.

I point out to honourable members that this amendment requires consent authorities to give reasons for their decisions and also requires consent authorities to advise applicants whose proposals have been overruled that a right of appeal exists.

Mrs LAWRIE: In proposed subsection (2)(b), I think this should simply indicate that the right to appeal exists rather than as it is drafted since there is only one ground for appeal. Again, I think it is drafted in a clumsy manner.

Amendment agreed to.

Clause 91, as amended, agreed to.

Clause 92 agreed to.

Clause 93:

Mr PERRON: I move amendment 47.32.

This is an amendment to make it clear that the deemed refusal of an application under subclause (3) permits the applicant to appeal to the appeals committee.

Ms D'ROZARIO: I did have an amendment circulated which I will not move now since it has been overtaken by another one. But I do want to make one point in relation to subclause (3) which has a "deemed to be refused" phrase in it. This particular subclause, despite the minister's amendments, will cause quite a bit of concern to a number of people. What is being postulated here is that, if an application is not determined within 12 weeks, then the application is deemed to have been refused and the applicant can then take his course of either appealing or accepting that as a decision. Certainly 12 weeks seems to be a very short time, having regard to the number of matters which have been specified in a clause which we have already passed and which the Planning Authority will have to take into consideration. The matters that would have to be considered would have to be referred to other government departments and so on, and it does seem that the allowance of 12 weeks is quite short considering the comprehensive investigation that is going to go into these applications. Of course, we have subclause (4) which says that, in the finish, the Planning Authority may still give a determination regardless of the fact that the applicant has gone ahead and instituted an appeal. I do think that is a waste of time because appeals can be quite an expensive process; appellants generally do go to solicitors to appear for them. I think there might be a needless loss of time and money as a result of the proovisions contained in subclauses (3) and (4).

Mr PERRON: The clause has been put in to give some hope to applicants that they will not be kept around for 2 years and longer without real decisions as to where they really stand. Unfortunately, that has happened on some occasions. After 12 weeks from the date of application, by the time the gentleman did lodge an appeal with the appeals committee, it would probably be another 2 or 3 weeks. It would be unlikely that anything would happen before 15 or 16 weeks. The Planning Authority, no doubt, if it got anywhere near the 12-week period and was afraid of being dragged into the appeals committee, would seek to liaise pretty closely with an applicant to ensure that the applicant is happy about the way things are going and to point out that it has reasonable excuse for requiring a little longer time. I would rather not increase the 12-week period although I appreciate that it will put a lot of pressure on the department that will be handling this. If you increase it any more, you are liable to have people use the time that is available. I am pleased to say, though, there have been cases of subdivisions that have been submitted and approved within a fortnight. They have been pretty rare but, hopefully, will not be in the future.

Ms D'ROZARIO: I am delighted that what might occur as a result of this time limit is that the applications will be handled rather more quickly than has been the practice in the past. The question I am asking the minister is: does he think this is a reasonable time, having regard to the matters which have had to be considered under previous provisions of this bill in relation to subdivision applications? He said that it might give hope to applicants that the matters will be determined within 12 weeks. I think that is a false hope in many ways because, when you look at the 12 or 16 considerations that have to be taken into account, the authority will not be in a position to do this on its own. In other words, it will have to liaise with other authorities

as well and await information from them.

It is a false hope. If it were a question of a large proportion or the majority of applications being determined within 12 weeks, I would say that that was a reasonable time limitation. However, I would say that this is not the case. All it will do is simply generate work for the appeals committee rather than cause the applications to be determined within 12 weeks. Looking at the matters that have to be considered, it would be nigh impossible to get an answer out within 12 weeks.

Mr PERRON (Treasurer): I understand that the departmental officers are happy enough with the 12 weeks. It was actually shorter in the first draft of the bill. The department feels that it can handle the matter. Something which has a bearing on this is that that there are matters which the subdivision applicant has to provide on his prescribed application. The form may require that the subdivision applicant must provide data such as contours, drainage plans and proposals for electricity reticulation, culverts, crossings etc on his application. In fact, a great deal of work may be done before an application is lodged. This 12 weeks starts from the time the application is lodged. We are taking the view that subdividers should in fact do a lot more work on land than they have in the past before it is permitted to be subdivided.

Amendment agreed to.

Clause 93, as amended, agreed to.

Clause 94 agreed to.

Clause 95:

Mr PERRON (Treasurer): I move 47.33.

This amendment will enable better administration. It will simplify the procedures whereby roads vest in the Territory. We have had some difficulty with the existing system under which roads vest in the Territory when a subdivision is approved. All roads in a subdivision that are to be public roads must vest in the Territory. The amendment will provide that the roads, if it is deemed necessary, may vest in the local authority.

Amendment agreed to.

Mr PERRON: I move amendment 47.34.

Amendment agreed to.

Clause 95 as amended, agreed to.

Clause 96 agreed to.

Clause 97:

Mr PERRON: I move amendment 47.35.

This is a drafting amendment only.

Mrs LAWRIE: I just indicate my support for this. It is a bit more than a drafting amendment as it enables the machinery of this bill to function much more smoothly.

Amendment agreed to.

Clause 97, as amended, agreed to.

Clauses 98 to 102 agreed to.

Clause 103:

Mr PERRON: I move amendment 54.3.

This provides for applicants to have the option to place advertisements themselves where public advertisements are necessary.

Amendment agreed to.

Mr PERRON: I move amendment 54.4.

This is consequential upon the previous amendment.

Amendment agreed to.

Clause 103, as amended, agreed to.

Clauses 104 and 105 agreed to.

Clause 106:

Mr PERRON: I move amendment 47.37.

This omits paragraph (c). It will more clearly allow the consent authority to weight up the relative merits of all factors in considering applications. There was objection to the use of the word "best".

Amendment agreed to.

Mr PERRON: I move amendment 54.5.

This will allow the authority to invite an objector to appear before the authority in support of his submission.

Amendment agreed to.

Clause 106, as amended, agreed to.

Clause 107 agreed to.

Clause 108 negatived.

New clause 108:

Mr PERRON: I move amendment 47.39.

This amendment is similar to amendments made in part V of the bill. It gives the authority the power to amend an application before giving consent, enables the authority to re-display an amended application and requires an authority to give reasons for its decision.

Mrs LAWRIE: I do not agree that it is proper drafting to say that the consent authority can amend the application in such manner as it sees fit. Does the honourable minister think it proper to have legislation specifying that an authority can amend an application of a private person or company in such manner as it sees fit. I do not think it is proper for them to have the right to do that without consultation and approval.

Mr PERRON: While principles such as "You can"t go amending my application without consulting me" sound great, it is terrible when you hear them to the point where they do harm. I believe that this is a way that the authority can amend an application and approve it to expedite the matter. So long as I am the minister, I certainly would be happy to intervene if I heard of cases where the authority amends an application in a manner which is clearly redefining the rights and obligations of the person concerned in an unreasonable way or that the clause was used in a way to frustrate rather than to assist the processing of applications. The honourable member's proposal would end up delaying the process because the authority would have to call the applicant before it. This could cause considerable delay and defeat the purpose.

New clause 108 agreed to.

Clause 109:

Ms D'ROZARIO: I invite defeat of clause 109.

I have an amendment which will allow the notification of persons other than the applicant of the decision of the authority. I would like to draw a distinction here from an earlier similar amendment that I moved unsuccessfully. This notification relates to a development application whereas the previous one related to a subdivision application. I must stress, particularly in relation to this class of applications, that the government was satisfied that third-party appeals were acceptable in its forerunner to a subsequent amendment to introduce third-party appeals for development applications. I know that the honourable minister has not accepted third-party appeals in respect of subdivisions. I point out that, in the existing act, in relation to subdivision applications, we did not have provisions for objecting to applications, let alone third-party appeals. Thus, in the case of subdivision, we are not losing a lot. In the case of development applications, we are losing from what we had because the previous legislation, the existing Town Planning Act, does allow for third-party appeals.

Mr PERRON: I understand there have been no third-party appeals under the existing system to date. I accept that, at the time of introduction of the appeal system, the government let the provision for third-party appeals apply. However, we do reserve the right to change our minds from time to time. We have in this case and I do not think many people will be grossly disadvantaged. There have not been any third-party appeals to my knowledge.

Amendment negatived.

Mr PERRON: I move amendment 47.40.

This omits subclause (2) and substitutes a new subclause. This enables the authority to issue an instrument of determination setting out the reasons for its determination and indicating that a right to appeal exists where it does.

Amendment agreed to.

Clause 109, as amended, agreed to.

Clause 110:

Mr PERRON: I move amendment 47.41.

Amendment agreed to.

Clause 110, as amended, agreed to.

Clauses 111 and 112 agreed to.

Clause 113:

Mr PERRON: I move amendment 47.42.

This is a drafting amendment.

Amendment agreed to.

Clause 113, as amended, agreed to.

Clauses 114 and 115 agreed to.

Clause 116:

Mr PERRON: I move amendment 47.42.

This is a drafting amendment.

Mrs LAWRIE: I rise to mention the concern felt by professional people that persons appointed under subclause (1) should be from a panel of persons provided by such bodies as the Institute of Architects - bodies of people with professional qualifications who are bound to abide by a code of ethics. These bodies have said that they would be happy to put up a panel of names to the minister from whom he could choose. If they did not put up those names, then the minister would be free to appoint such persons as he saw fit but who had the necessary qualifications. I know the Institute of Architects and other people would much prefer an appeals committee to be drawn from professional institutions.

Amendment agreed to.

Clause 116, as amended, agreed to.

Clause 117:

Mr PERRON: I move amendment 47.44.

This is to ensure the deputy chairman has the power to exercise the functions of the chairman in the chairman's absence.

Amendment agreed to.

Clause 117, as amended, agreed to.

Clause 118 agreed to.

Clause 119:

Ms D'ROZARIO: I would just like to ask the minister why, in the case of the appeals committee, there is a term of appointment for 5 years when the term of appointment of members of the authority is 3 years. Having regard to this question of continuity which has already been raised, why was the term of appointment not uniform for both the members of the authority and the members of the appeals committee?

Mr PERRON: In my mind, the appeals committee is a superior and a quasi-judicial body. Its chairman is a legal practitioner of some standing. It

would be a bad step to synchronise the appointments of the 2 groups. They need not necessarily be synchronised even if they were the same term. I do feel the appeals committee is the sort of committee where we should strive as much as possible to retain members for long periods of time so that they gain experience in the field. With the authority, it would not be unhealthy to have a regular turnover of members.

Clause 119 agreed to.

Clause 120:

Mr PERRON: I move amendment 47.45.

As the members of the appeals committee and the planning authority in general will not be public servants, I do not see that an age limit should necessarily apply. As well, these are term appointments so there is no possibility of people going on for the term of their natural life. I do not see any need to have an age limit on the appointment of people to these positions. Indeed, many people beyond the age of 65 would possibly be ideal candidates.

Amendment agreed to.

Clause 120, as amended, agreed to.

Clause 121:

Mr PERRON: I move amendment 47.46.

Amendment agreed to.

Clause 121, as amended, agreed to.

Clause 122:

Mr PERRON: I move amendment 47.47.

This inserts after the word "appeals" the words "or other proceedings".

Amendment agreed to.

Clause 122, as amended, agreed to.

Clause 123:

Mr PERRON: I move amendment 47.48.

This is to correct a drafting error.

Amendment agreed to.

Clause 123, as amended, agreed to.

Clauses 124 to 128 agreed to.

Clause 129:

Mr PERRON: I move amendment 54.6.

This clause provides that the appeals committee shall serve notices of

an appeal on all the parties involved.

Amendment agreed to.

Clause 129, as amended, agreed to.

Clauses 130 and 131 agreed to.

Clause 132:

Mrs LAWRIE: I have spoken about this a couple of times. In clause 132(1b), I would have preferred the insertion of the words "relevant".

Mr PERRON: I raised this matter with our advisers. There are a number of pieces of legislation under which documents may be taken possession of for such a purpose as an appeal. There is also a section in the Lands Acquisition Act which did not provoke a similar objection. I understand the procedure is the same as a subpoena in a Supreme Court. There is really no necessity for the word "relevant" to be included in the clause.

Clause 132 ageeed to.

Clauses 133 to 136 agreed to.

Clause 137:

Mr PERRON: I move amendment 47.49.

It is not intended to prescribe a procedure for the conduct of appeals. This is best left to the appeals committee itself.

Ms D'ROZARIO: Mr Chairman, if I understand the amendment correctly, the honourable minister is deleting (1)(b). The clause will now read that the practice and procedure relating to the hearing of appeals shall be as prescribed, whereas it is not intended to have the practice and procedures of the appeals committee prescribed. Perhaps he meant to omit (1)(a).

Mr PERRON: The honourable member for Sanderson is in fact correct. I would seek the indulgence of the committee to alter the amendment so as to omit subclause (1)(a) and also omit the words in (1)(b) "if no practice or procedure is prescribed".

Mrs LAWRIE: Perhaps the honourable minister could tell us what is the present provision for the hearing of appeals. I am wary of leaving the entire conduct of the appeals committee to be determined from time to time. I am unhappy that a substantial change to the proposed amendments is to be made at this time without that knowledge. It is not a formal amendment; it is a direct reversal of what the minister circulated.

Amendment withdrawn.

Further consideration of clause 137 postponed.

Clauses 138 and 139 agreed to.

Clause 140:

Mr PERRON: I move amendment 47.50.

This inserts a time period in this clause in pursuance of an agreement with the member for Nightcliff.

Amendment agreed to.

Clause 140, as amended, agreed to.

Clause 141 agreed to.

Clause 142:

Mr PERRON: I move amendment 47.51.

This is to make it clear that cross-examination of persons at appeals can only be on the basis of their giving evidence.

Mrs LAWRIE: I agree with the amendment but I am talking to clause 142 in general. It is peculiar drafting. The ground of an appeal is that the person is aggrieved yet, under clause 142(e), the committee is permitted on such terms that it thinks fit to alter the grounds of the appeal. There is only one ground for appeal and that is aggrievement. I do not understand why it is drafted in that manner.

Amendment agreed to.

Clause 142, as amended, agreed to.

Clause 143:

Mr PERRON: I move amendment 47.52.

This amendment is desirable to put beyond doubt the status of a decision of the appeals committee on a development or subdivisional appeal.

Amendment agreed to.

Clause 143, as amended, agreed to.

Clauses 144 and 145 agreed to.

Clause 146:

Mr PERRON: I move amendment 47.53.

This and the following 4 amendments are technical or drafting amendments only.

Amendment agreed to.

Clause 146, as amended, agreed to.

Clause 147 agreed to.

Clause 148:

Ms D'ROZARIO: I think that the general reasoning behind this clause is very good because it means that any person can ask for and get a planning certificate from the planning authority. What I would like to point out - and I am sure the minister is aware of it - is that there is no well-defined and conclusive system of land use recording in the Northern Territory. The effect of this clause is that whatever is said in the certificate is presumed to be conclusively true and correct in favour of the applicant, and that might be fair enough as far as any dispute between the applicant and the authority is concerned. In the absence of a land use recording procedure, it does have

some implications for the private citizen who wishes to prosecute against an alleged offence for a breach of the Town Planning Act. It now appears that, even though the information given in the planning certificate might be incorrect, the effect of this clause is to presume it to be correct.

There are many parcels of land in the Northern Territory where the legality of the land use has been argued and questioned over a number of years. Of course, nobody will know whether or not the applicant had a right to undertake development or to have that land use on his land unless a court decides. We do know that it was a court decision that threw out a Darwin town plan in 1968. Whilst I think that the holder of a planning certificate can be very well off as far as the authority is concerned, I do not think it is very fair on the private citizen who might want to initiate prosecution for an alleged breach of Planning Act.

I do note that subclause (3) says that a claim against the authority can be treated under the Claims By And Against The Government Act but I doubt that that would comfort the private citizen who was trying to work his way through a prosecution for a breach of the Planning Act.

Mr PERRON: Mr Chairman, in response to the honourable member's genuine concern in this regard, I note under 47 which is really what 48 is talking about, those things that will be incorporated in a planning certificate. It is primarily a statement of the status of land at present. It is a statement as to whether a planning instrument applies, whether the land is reserved or acquired or whatever, any restrictions that apply to a particular block of land, whether a subdivision application has been determined recently and whether any subdivision applications have been made. It does not really say what the land was used for at any particular time in the past; it is more a statement of its status today. I appreciate that the status of land today is somewhat dependent on when a particular use started and I appreciate that the government does not have records of the various uses. It is a frightful thought to suggest that we try to adopt one and keep one that is up to date, that is comprehensive. It would be next to impossible to record the date that a person changed the use of land on every block in Darwin, for example, for the next 10 years, knowing how fine some of the changes in the use of land can be under planning schedules these days. I do not think there will be too much problem because the authority may issue a planning certificate. I presume it may refuse, as well, if the information being asked is such that the authority feels it will be doing a lot of guessing and given the fact that a person has a claim against the government under this bill if the planning certificate is wrong. I hope the problems that the honourable member suggests do not arise and I appreciate her concern in raising them.

Clause 148 agreed to.

Clauses 149 to 161 agreed to.

Clause 162:

Mr PERRON: I move amendment 47.54.

This is a drafting amendment.

Amendment agreed to.

Mr PERRON: I move amendment 47.55.

This is again a drafting amendment.

Amendment agreed to.

Clause 162, as amended, agreed to.

Clause 163:

Mr PERRON: I move amendment 47.56.

This is also a drafting amendment.

Amendment agreed to.

Clause 163, as amended, agreed to.

Clause 164:

Mr PERRON: I move amendment 47.57.

This is a further drafting amendment.

Amendment agreed to.

Ms D'ROZARIO: Mr Chairman, I would just point out to the minister that I think there is another error in paragraph (c) of clause 164. The word "board" occurring for the second time, I think should read "authority". Perhaps he can check that with the draftsman. It reads "proceedings commenced before that date by the board" - that is the existing Town Planning Board - "and pending immediately before that day shall be deemed to be proceedings pending on that day by the board". That should be "authority" rather than "board".

Mr PERRON: Mr Chairman, I understand that the honourable member is correct and would seek to propose an amendment without circulation to change the word "board" to "authority" second occurring in paragraph (c) of clause 164.

Amendment agreed to.

Clause 164, as amended, agreed to.

Clauses 165 and 166 agreed to.

Clause 167:

Mr PERRON: I move amendment 47.58.

The Alice Springs Town Plan, for example, only has effect by virtue of the second schedule of the Town Planning Act. The schedule therefore needs to be preserved until the town plan is altered or replaced to bring it more up to date.

Amendment agreed to.

Clause 167, as amended, agreed to.

Clauses 168 and 169 agreed to.

Clause 170:

Mr PERRON: I move amendment 47.59.

This is a drafting amendment only.

Amendment agreed to.

Clause 170, as amended, agreed to.

Clause 171:

Mr PERRON: I move amendment 47.60.

This is a formal amendment again.

Amendment agreed to.

Clause 171, as amended, agreed to.

Clauses 172 to 174:

Ms D'ROZARIO: I have a question on paragraph (a) which says, "A proposal to amend the town planning scheme under section 38A of the former Act shall be dealt with (a) as though it is a proposal to amend a town planning scheme under section 30(1) of that Act". The exhibition period for an application under section 38A under the existing Town Planning Act is 28 days but the exhibition period specified in section 30(1) of the existing Town Planning Act is 3 months. Does that mean that in fact people who have initiated amendments to the town planning scheme under section 38A would now have to display or exhibit their proposals for 3 months instead of the 28 days?

Mr PERRON: I see that section 30(1) has a 3 months' display period for a change of zone. I move that we defer further consideration of clause 173 to look at this matter further because it will have some implications for current applications.

Clauses 172 to 174 postponed.

Clause 175:

Mr PERRON: I move amendment 47.61.

This is a drafting amendment only.

Amendment agreed to.

Clause 175, as amended, agreed to.

Clause 176 agreed to.

Clause 177:

Mr PERRON: I move amendment 47.62.

This again is a drafting amendment.

Amendment agreed to.

Clause 177, as amended, agreed to.

Clause 178 agreed to.

Schedule 1 agreed to.

Postponed clause 137:

Mr PERRON: Mr Chairman, the committee will recall that I sought to withdraw an amendment that was circulated and to move one without circulating it. The amendment that I withdrew was 47.58. The honourable member for Nightcliff asked what the existing situation is and, as I understand it, under section 61 of the Town Planning Ordinance, at the hearing of an application before the appeals committee, it says that the procedure of the tribunal is subject to the Valuation of Land Ordinance 1963 within the discretion of the tribunal. The tribunal is not bound to act in a formal manner and is not bound by any rules of evidence but may inform itself on any matter in such a manner as it thinks fit, and the tribunal shall act without regard to technicalities and legal forms. The proposed uncirculated amendment, which provides that the practice and procedure relating to the hearing of appeals shall be as determined by the appeals committee, is certainly very much the same.

Mrs LAWRIE: The simplest way would be to leave the clause as printed which is, "The practice and procedure relating to the hearing of appeals shall be (a) as prescribed, or; (b) if no practice or procedure is prescribed, as determined by the Appeals Committee".

Ms D'ROZARIO: Yes, I do accept it. I just did not quite follow the minister's explanation in reference to the tribunal but I have here in reference to the procedure of the appeals committee in section 38D(5)(b), "The procedure of the committee is within the discretion of the committee", which I would have thought would have satisfied the honourable member for Nightcliff.

Mr CHAIRMAN: Could the honourable Treasurer explain the amendment to the committee?

Mr PERRON: Yes, Mr Chairman, I propose that clause 137 stand as printed and I withdraw all previous amendments.

Clause 137 agreed to.

DARWIN TOWN AREA LEASES BILL
(Serial 183)

In committee:

Clauses 1 to 3 agreed to.

New clause 3A:

Mr PERRON: I move amendment 57.1.

This inserts a new clause after clause 3 to ensure consistency of interpretation with the Planning Act.

New clause 3A agreed to.

Clauses 4 to 7 agreed to.

Clause 8:

Mr PERRON: I move amendment 57.2.

This is a drafting amendment only.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clause 9 agreed to.

New clause 9A:

Mr PERRON: I move amendment 57.3.

This inserts a new clause after clause 9. This amendment is necessary to correct a drafting and typographical error in the principal act which has only just come to light.

New clause 9A agreed to.

Clause 10:

Mr PERRON: I move amendment 57.4.

This amendment is necessary to ensure that consolidation subdivisions are covered as well as subidivisions in the opposite direction.

Amendment agreed to.

Mr PERRON: I move amendment 57.5.

This amendment is to ensure consistency with part of the Planning Act.

Amendment agreed to.

Mr PERRON: I move amendment 57.5.

This is to re-state the provisions of section 29(2) of the current act so as to ensure that the leases under the act continue to be as close as possible to freehold title. This is in line with government policy.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clause 11 agreed to.

Title agreed to.

SPECIAL PURPOSES LEASES BILL
(Serial 184)

In committee:

Clauses 1 to 4 agreed to.

Clause 5:

Ms D'ROZARIO: I just wondered what is intended by the new section 9A to be inserted by clause 5, which enjoins a lessee of a special purposes lease from subdividing the land or making an application to subdivide the land. I am sure the minister would know that special purposes leases are used for a variety of purposes outside of town areas. They can also be used for residential purposes outside of town areas and wayside inns down the track are all conducted on land held under special purposes leases. I wonder why it is intended to prevent the subdivision of land held under special purposes leases. It would be a simple matter if there was some clearly defined

category of land use which was undesirable to subdivide but the special purposes leases cover a wide range of uses. Certainly, in my electorate, I am aware of a special purposes lease which was subdivided according to the kind of definition in the bill which we have just dealt with. It was a consolidation of 2 parcels of land on a special purposes lease and that consolidation would now be considered a subdivision under the bill that we have just passed. I ask the minister why he is including this provision to prevent subdivision of land held under special purposes leases.

Mr PERRON: That is the first time I have heard of a special purposes lease being subdivided even if it was a consolidation. It has been my understanding that you cannot even transfer a special purposes lease; it has to be handed back and regranted by the minister. Special purpose leases are drawn up for special purposes. A parcel of land is drawn up and conditions are written across it pertaining to that particular parcel of land. If a person wished to subdivide it, he would have to hand it back to the government and 2 special purposes leases would be reissued with new boundaries or one special purpose lease and the subdivided portion hived off in some other form of tenure. Special purposes leases are given for particular purposes and that is the only way they can be changed. The reason for the section is so that no person who has a special purposes lease can apply to the authority to circumvent the intention of the government in its initial issue of that special purposes lease.

Ms D'ROZARIO: I can understand the feelings of the government for what uses it will tolerate on a special purposes lease. Nevertheless there are cases - and I know of one which I would be happy to tell the minister about - where in fact 2 parcels of land were consolidated on the 1 special purposes lease. Outside of town areas, it is known that there are lands held on special purposes leases for residential purposes. If he checked, he would find that places like the Hayes Creek Inn and certain other developments down the track of that nature are held on special purposes leases.

It is quite conceivable that the form of development itself, not whether or not the lessee should subdivide, does lend itself to subdivision. For example, the lessee of land on which the Hayes Creek Inn is situated may well want to excise from that particular lease the portion of his own residence. There is no suggestion that the development itself does not lend itself to subdivision. That is the reason why I raise this question. I do know of one particular organisation which has consolidated on a special purposes lease.

Mr PERRON: I would tend to refute that the example the honourable member gave is an example where the development lends itself to subdivision. The government issuing a special purposes lease for a roadside inn may indeed wish it to remain as a whole and not have sections of it subdivided or have 2 portions of the lease owned by different persons. Anyone outside a plan would have to apply to the minister as a consent authority for subdivision and that would be much the same as applying to the minister for a change in the lease or handing back the special purposes lease and receiving another special purposes lease with a portion of the land excised.

Clause 5 agreed to.

Title agreed to.

CHURCH LAND BILL
(Serial 185)

In committee:

Bill taken as a whole and agreed to without debate.

CROWN LANDS BILL
(Serial 187)

In committee:

Clauses 1 to 7 agreed to.

Clause 8 negatived.

New clause 8:

Mr PERRON: I move amendment 55.2.

This ensures that the definition of "town site" in section 25CA of the act is consistent with the Planning Bill.

New clause 8 agreed to.

Clause 9:

Mr PERRON: I move amendment 55.3.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 10:

Mr PERRON: I move amendment 55.4.

This is to ensure that the word "subdivision" means the same in section 25D (aaa) as it does in the Planning Bill.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clauses 11 and 12 agreed to.

Clause 13:

Mr PERRON: I move amendment 55.5.

This is a drafting correction.

Amendment agreed to.

Clause 13, as amended, agreed to.

Clauses 14 to 17 agreed to.

Clause 18:

Mr PERRON: I move amendment 55.6.

Amendment agreed to.

Clause 18, as amended, agreed to.

Clauses 19 to 22 agreed to.

Clause 23 negatived.

New clause 23:

Mr PERRON: I move amendment 55.8.

This amendment arises from the need to correct a reference to the Administrator in Council.

New clause 23 agreed to.

Clauses 24 and 25 agreed to.

Title agreed to.

LANDS ACQUISITION BILL
(Serial 188)

In committee:

Clauses 1 to 4 agreed to.

Clause 5:

Mr PERRON: I move amendments 56.1. and 56.2.

This and the next amendment will ensure that the new clause limiting the operation of part IV of the Lands Acquisition Act to unreserved land is clearly put into part IV of the act.

Amendments agreed to.

Clause 5, as amended, agreed to.

New clause 5:

Mr PERRON: I move amendment 56.3.

This will ensure that the power of the Lands Acquisition Tribunal to hear a pre-acquisition hearing and objections under the Planning Bill will be exactly the same. The proposal does not alter the power of the tribunal.

New clause 5 agreed to.

Clause 6 agreed to.

Clause 7:

Ms D'ROZARIO: The effect of this clause is that the owner of land shown as reserved land under a planning instrument can serve a notice on the minister requesting that the land be acquired and then, in proposed section 48B, we have "the Minister shall within 2 months of receiving the notice acquire the land". Following that, in section 48C, the provision is that: "If the minister fails to comply with section 48B in relation to any reserved land" certain things have to be done. What is the purpose of having an implied compulsion on the minister in 48B and then allowing that the minister need not comply with that provision and that, in any case, the land vests with the crown. I would have thought that it would have been sufficient for section 48B to have said that the minister "may" within the 2 months of receiving the notice acquire the land. It does seem a bit inconsistent.

Mr PERRON: If a person's land is reserved by a plan and that person serves a notice on the minister to acquire it, the minister "shall" acquire it. If the minister does not, the land automatically vests in the Northern Territory. This is of benefit to the person seeking acquisition because he is then entitled to a range of benefits and funds under the Lands Acquisition Act. I think the situation is really a compulsion on the minister to act because it is difficult to impose penalties in that situation.

Clause 7 agreed to.

Clauses 8 to 11 agreed to.

New clause 11A:

Mr PERRON: I move amendment 56.4.

This amendment tidies up the act by omitting matter that was overlooked when the act was passed.

New clause 11A agreed to.

Clause 12 agreed to.

Title agreed to.

BUILDING BILL
(Serial 189)

In committee:

Bill taken as a whole and agreed to without debate.

FREEHOLD TITLES BILL
(Serial 190)

In committee:

Bill taken as a whole and agreed to without debate.

UNIT TITLES BILL
(Serial 192)

In committee:

Bill taken as a whole and agreed to without debate.

URANIUM MINING (ENVIRONMENT CONTROL) BILL
(Serial 250)

Continued from 28 February 1979:

Mr COLLINS (Arnhem): Mr Speaker, the honourable sponsor of the bill foreshadowed in his second-reading speech that he would seek suspension of Standing Orders to push this legislation through the House at this sittings. The Chief Minister has talked about good government in this House. None of the members opposite, including the Chief Minister, would know the meaning of the word.

The way in which the government has treated the whole business of the mining at Ranger is a disgrace. This is the second piece of legislation to come before this House in connection with Ranger and it is being treated in

precisely the same manner as the first piece of legislation was. It is being pushed through this House on a suspension of Standing Orders. The honourable sponsor of the bill said in his second-reading speech that this was an important piece of legislation. During the briefing that the opposition was given on Friday, it was described as a vital piece of legislation. I do not think there is any argument from either side of the House that it is both those things. It is a piece of legislation that will control the environmental protection of an area that is to be placed under a great deal of stress from a mining operation for the next 40 or 50 years or however long it will take to both mine and clean up the area after the mining is finished. The government itself has spent 6 months preparing this piece of legislation. It is not a minor bill; they have spent 6 months preparing it. We had no idea that this bill was even in existence until last week. What has taken the government 6 months to prepare, we are supposed to consider in 4 days. Mr Speaker, it is a disgrace. I will speak more on this particular issue on the motion to suspend Standing Orders. I will move now onto the bill itself.

All members of the opposition take their role in government very seriously; I think our track record over the last 18 months shows that. I think it has been demonstrated again this afternoon that the opposition in this House plays a very vital and important role in constructively amending legislation so that Territorians get the best possible legislation. We cannot possibly be expected to do this if we are given the kind of consideration by the government we are given. This bill is just another shining example. To be considered properly, this bill cannot be simply read and criticised. I would say that there are few bills that are tied in with so many other bills as much as this particular piece of legislation is.

I might say to the honourable sponsor of the bill that, although I personally spent all day Saturday and Sunday working on it, I have not given it one tenth of the attention it should be given. This bill has to be read in conjunction with the federal Atomic Energy Act, and the 4 amendments to that act since the last consolidation have not been consolidated. It has to be read in conjunction with the "Authority to Mine" under section 41 of that act. It has to be read in conjunction with the amendment that was entered into between the Northern Land Council and the government. It has to be read with consideration of the Fox Report. It has to be read in conjunction with other acts that it brings into full operation - that is, the Northern Territory Soil Conservation and Land Utilisation Act plus its amendments, the Control of Waters Act plus its amendments, the Mining Act, the Mines Regulation Act and all of the regulations under that act. That is half the pile of the legislation that needs to be looked at in order to properly criticise this piece of legislation. How this government or anybody else expects any opposition to do that in 4 days, I don't know.

On top of that, the opposition has drafted a few amendments to try to make this a better piece of legislation. But, Mr Speaker, we were told today - and we were not told this on Friday - that there is little point in putting these amendments up. It is only an academic exercise. Because the federal government, under the Atomic Energy Act, has control of uranium mining in the Northern Territory, all the amendments that we make in this House have to be approved by Mr Anthony. In order for this bill to be shoved through this House by tomorrow night, it is impossible for Mr Anthony to properly consider the amended bill and give approval to it. The honourable Minister for Mines and Energy said today, "Certainly, we will give you a draftsman to help you draft your amendments but it is unlikely that you will get them prepared because Anthony has to agree to them".

Not only is this bill being pushed through to this House, it is a fait accompli. The honourable Minister for Mines and Energy keeps shoving down our neck what a dreadful thing it is to have to kow-tow to Canberra and I notice that the government is certainly prepared to take Canberra on in relation to Aboriginal lands rights issues and fight them tooth and nail. However, when it comes to mining, the opposition cannot even make amendments to their legislation. That is a disgrace. This is an academic exercise. We cannot get these amendments up because Anthony has to approve them first and there is no time before tomorrow night.

Mr Speaker, I will put again now a proposition I put to the honourable Minister for Mines and Energy on Friday. It is an important bill; it is a vital bill. We have just had a draft amendments which obviously mean that Nabarlek is now going ahead, which is a funny way to announce it to the world but there it is. What does it matter if there is a vacuum for 4 weeks? There will be no more damage done in the next 4 weeks than there has been in the last 3 months. This bill, in my opinion and in the opinion of the opposition, is important enough and vital enough to warrant a special sittings of the Legislative Assembly to consider it. The Standing Order that provides for legislation to lay on the table for at least a month is there for a very good reason: to avoid hasty and ill-considered legislation. This is a vital, complex bill. I am personally prepared, and the opposition is prepared, to wait the 4 weeks and to have a special sittings of the Legislative Assembly so this bill can be properly criticised and proper amendments drafted to give the people of the Northern Territory the best legislation possible.

The opposition has tabled a reasoned amendment which, in effect, negates the whole of this bill by saying that we consider that there is no reason why this bill should be restricted to uranium mining. Instead of being entitled "Uranium Mining (Environmental Control) Bill" why cannot this bill be entitled "Mining (Environmental Control) Bill". The reason I say this is very simple. According to the sponsor of the bill, the reason for the very existence of this legislation is to act as a vehicle for the legislation we passed through this Legislative Assembly last year: the Soil Conservation and Land Utilisation Act and the Control of Waters Act. They are both mentioned specifically in this bill and this bill will enable those pieces of legislation to be enforced. Those pieces of legislation apply to the whole of the Northern Territory - not just to uranium mining but to all mining operations in the Northern Territory. Therefore, why should not the vehicle which is going to give force to those other 2 bills be considered in exactly the same way? It would not require a very major amending job to make this bill the Mining (Environmental Control) Bill instead of the Uranium Mining (Environmental Control) Bill.

The opposition has some qualms about the appointment of inspectors. The crux of the bill is clause 18; this is where the provisions of this bill are implemented and where the controls are put by the inspectors. Inspectors have the power under clause 18 to cause a stoppage of work in the particular section of the mine that is causing trouble etc. What is an inspector? The definition of "inspector" is contained in the definition section under clause 2: "Inspector means a person appointed as an inspector under the Mines Regulation Act". I have the Mines Regulation Act here. I am very familiar with the act and I am very familiar with the procedures for the appointment of inspectors in that act. The opposition is not at all happy about having mining inspectors in control of a piece of environmental legislation. The operations at Ranger are so large - and I do not think the honourable Minister for Mines and Energy will counter that particular statement - that they easily warrant the appointment of inspectors under this act on its own. There is no reason whatever why these inspectors cannot be employed by the Mines Branch but they need to be people who are specifically qualified in the area of environmental control of mining, not machinery inspectors.

All the powers for determining the qualifications and experience of these men rests with the minister. As the minister again said in the second-reading speech, he has very sweeping powers under this bill. In fact, after reading this bill, I can now easily understand the trepidation of the Ranger mining company in regard to this bill because the major qualms the mining company would have are the same qualms environmentalists have, depending on which side of the fence you are standing on. Along with this bill, the mining company does not get a gilt-edged guarantee that Mr Tuxworth will be Minister for Mines and Energy forever and one of these days there might be, horror of horrors, an environmentally-conscious Minister for the Environment, and some of the powers that are contained under here are very sweeping.

I do not think there can be any real qualms about supporting such an amendment. As I said before, we have no objection to these men being employed in the environmental section of the Mines Branch; we are asking for the minister to consider the need for these people to be specially qualified in environmental protection, not in mine safety or anything else, because this is an environmental control act. We already have a Mines Regulation Act which is quite adequate. The inspectors under that act are fully empowered to enter the mine and regulate the mine. This act should have its own inspectors appointed by the minister with the necessary experience and qualifications, satisfactory to the minister - we are not arguing that point - in environmental control and mining. This would need a new section in the bill on the appointment of inspectors.

During the briefing session we had on Friday, the gentlemen who were present at that meeting indicated they would be happy to amend the bill in order to put a provison in clause 5 enforcing the instruction of employees on the limits to access to Aboriginal land. The key issue as far as the Aboriginal people at Oenpelli are concerned is the direct pressure they are going to get from the 3,000 or so people who will be living on their land at Jabiru. What pressures are going to be put on people with legitimate recreational interests? The Aboriginals want something put in this legislation that will compel the mine manager to instruct employees concerning the restrictions that there are, as a matter of fact, on access to Aboriginal land. I understand the government is going to amend this particular clause.

Clause 10 appies to the dust standards that will be instituted and I am hopeful that these dust standards will be rigorously enforced. I am particularly hopeful that they will be enforced in respect of another mining operation in Australia that has something in common with the uranium mining at Ranger because the board of directors of Peko-Wallsend and the board of directors of Hardies Asbestos have someone in common. The record of the asbestos mine in New South Wales should be well known to a great many of the general public now because last year the ABC did quite a considerable amount of research and publicity on that tragic story of the Aboriginal people employed in an asbestos mine. I will be devoting the whole of an adjournment debate to that subject at a later stage. Hardies are very anxious and eager to discuss the $17m they made last year in profits; they are not very anxious to discuss the number of people they killed doing it. And kill they did, by having no dust controls in their operation whatever; by having dust levels in their mine that were 3,000 times above the safe limit set in asbestos mining in the United States - something that the company knew since 1930 but which was very carefully concealed from the employees. I am pleased to see clause 10 in this bill and I hope it is rigorously enforced.

The whole of clause 13 has a few problems. Under subclause (3), "The Minister may refuse to determine an application under subsection (1) unless plans, reports, specifications, designs" etc are submitted to him. We will be proposing a number of amendments to that subclause which will include the necessity for the person applying to submit an environmental impact statement.

The government itself has conceded the importance of these documents and we have suggested in the amendments that the environmental impact statement should contain the same conditions as are contained in the government's own Planning Bill that was introduced very recently into this House, which I think has a very adequate definition of an environmental impact statement. The same thing could be applied to this bill.

The discretion in the bill again lies with the minister to determine how satisfactory or unsatisfactory an environmental impact statement is. If it is a small operation, obviously the minister can use his discretion to permit the company not to have to spend the thousands of dollars that may be necessary on a large environmental impact statement. In the view of the opposition, there is no mining operation in the Northern Territory that should not have some kind of formal statement from the company on the impact on the environment of that operation. If the government concedes the necessity to do that in the case of town planning, then surely in the case of a mining operation it should apply even more. I would expect to see that amendment supported by the government.

As the minister himself has pointed out, in subclause (4) it says "(b) if the effect of the refusal would be to prevent mining authorised by or under another law in force in the Territory". Of course, this is another law in force in the Territory, Mr Speaker; this is the authority under section 41 of the Atomic Energy Act that gives the companies the power to mine. It is a law in force in the Northern Territory and, of course, as the honourable minister himself said, he cannot use this piece of legislation to prevent the mining altogether. It is echoed again in clause 15(2) - exactly the same wording and provisions - that the minister cannot revoke an authorisation granted in respect of a mine if such revocation cuts across another law in force in the Territory permitting the mine to go ahead.

I would like the minister to expand on clause 14(e) when he replies: "(e) the lodging with the Minister of security in such form, in such amount" etc. It is already an obligation on the company to lodge security with the federal government. Again, it is probably easy to understand why Ranger would be upset about having to lodge securities with 2 governments instead of one. Again, it is entirely up to the discretion of the minister exactly what degree of security must be lodged and I would be interested if the minister could enlarge on the parameters that will be used to decide this because, certainly, it cannot be a question of picking a number between 1 and 10. There has to be some reasoned parameters for putting this amount of security on the mining company. I understand the Leader of the Opposition will probably be touching on this particular area when he speaks.

Paragraph (f): "the manner and standard of construction of dams and retention ponds". I will touch on this a little later when I speak on the schedule to the bill. The schedule, of course, is lifted straight out of the Atomic Energy Act, the authority to mine under section 41, and is full of holes and horrible drafting. It is something I have been aware of for some time; I criticised it at great length last year because I don't think the Ranger agreement is a terribly good agreement, environmentally or for the Aboriginals or for anybody else. It has some rather startling loopholes in it which I will touch on shortly, particularly with respect to the construction of retention ponds and dams.

I have spoken on clause 15(2) already. It is the same clause that disallows the minister from preventing mining from taking place.

Clause 16 is the spirit of the bill. I am pleased to see it in there.

"In exercising any power or performing any duty under this Act, the Minister shall have regard to the desirability of protecting the environment of the region from any harmful effects of mining". I stress again that this bill is an environmental bill; it is not a mining bill. It is concerned with the protection of the environment. That is where the key to the whole bill lies - in clause 16.

Clause 17 - we are asking for an extension of that clause which will be called 17A involving the duties of the inspector. One of the things that the public is worried about is how much the consumers, the people that are going to be fishing and camping and enjoying the facilities of the national park out there, are going to be able to affect the operations of this act. This proposed amendment does not contain any stringent conditions; it simply imposes a duty on an inspector. The amendment simply means that if a member of the public goes to the inspector with a formal complaint and says, "Look, there are a few fish floating belly up in the Magela; I think there must be something wrong", then that inspector is compelled under this amendment to investigate the complaint. Again, it is an amendment that the government should be able to support. There were some queries raised in connection with this at the briefing on Friday and again the gentlemen at the briefing indicated that they were prepared to amend the clause.

Clause 18 is where the whole crux of this bill rests: the implementation of all the provisions by the inspectors on the site out there. Under clause 18(1)(a), for the purpose of ensuring that the act is not breached, they can cause "the cessation of work in the mine or part of the mine; or compliance with this Act, the authorisation or the relevant law". If that happens under this bill as it presently stands and the inspector says, "Now, stop that. You are doing it the wrong way", the company can appeal to the Director of Mines and the Director of Mines, without any further reference, as the bill stands, can confirm the order of the inspector, vary it or revoke it completely. Clause 18(6): "Where a direction under subsection (1) has been referred to the Director of Mines under subsection (2), the Director of Mines may permit mining to be carried on in contravention of the direction on such terms and conditions as he sees fit". I understand there is going to be some amendment there on the question of appeals from a direction of an inspector.

One of the problems with this is - and I will demonstrate this again in a minute - that it should not be encumbent upon the opposition or anyone else to run along behind trucks waiting for something to fall off them. As far as possible, providing security is not breached, there should be open government. There is a lot of blather about how dreadful it is that things fall off trucks and there is a lot of blather about breaches of security. The facts are - and the track record of any government will show it - that where information is suppressed, it is not usually for the reason of security; it is because the disclosure of that information would prove politically embarrassing to the government and economically embarrassing to the company concerned.

To give an example of what I mean, I have here an ancient document that fell off a truck at Gove. It is a well-known document; it is the minutes of a meeting that was held at Nabalco with representatives from the Northern Territory government and it clearly contains the kind of thing I am talking about. It would be nice if we did not have to depend on this kind of document to expose it. Ranger does not have to do this because Ranger will be operating in this new era of environmentally-conscious mining companies that are just as anxious as we are to spend as much money as possible to make sure that the environment is protected.

I refer to a meeting at Gove on 28 June 1974 between officers of the company and the government. Mr Finger opened the meeting with 3 general comments: "In discussion with departmental officers, one gains the impression

that Nabalco feel that some pollution is inevitable as a consequence of their operation. I prefer to state that, although some discharge is inevitable, there should be no pollution". Hear, hear! Mr Finger. Mr Doettling of the company stated that originally there were 2 pipelines, one for mud and the other for seawater to dilute the mud. The situation was perfect. However, when the company doubled their capacity, both lines were used for red mud instead of the sea water. This situation, I might add, went on for an entire year.

Mr Lake of the Commonwealth government said that he hoped it would be a different story now and it would be greatly to Nabalco's and the department's disadvantage if the public knew the degree of pollution that was occurring at present. Mr Baisedon, whom I knew well, a chemist with what was then the federal department and is now the Northern Territory department, stated, "If the original undertaking and sufficient seawater mixed with the red mud had been adhered to by Nabalco, then irreversible damage to Drimmie Arm would not have occurred".

I will skip over some of this because of the problem of time. Mr Finger - and I commend the man unreservedly for his behaviour at this meeting - said that news releases by Nabalco which required correction by the department were causing embarrassment to both sides and suggested regular visits by Nabalco's PR staff to the department's PR officers and collaboration on important press releases to avoid embarrassment to either side. There was general agreement that closer personal contact and collaboration was desirable.

Mr Finger then raised a further point by asking Nabalco if they had given thought to employing an environmental officer. Considerable discussion ensued on the difficulties and qualifications of such a position and Mr Coogan of the company said that creating such a position would have considerable economic impact, that it would cost the company $50,000 to house a staff member and $300,000 a year to maintain him. He suggested that perhaps the best way was to retain their present environmental consultants to make visits to examine and report on environmental matters 3 or 4 times a year or more often as and when required.

There is further mention of the red mud leases which is also interesting. It involves Mr Finger again. Mr Finger said it was of considerable concern to him to find that Nabalco was in fact in the process of constructing a bund in SPL 226 without any legal right to do so and without the Mines Branch's formal approval of a construction plan. Mr Taylor of the company said that it would have been impossible to have completed this building by the time it was required if work had started later. To hell with the law and the environment so long as the job gets done! That was the main consideration.

Returning to the larger area required for the longer term, Mr Finger suggested that, in view of the Woodward Commission report, Nabalco should commence discussions with the Aboriginals on their requirements for the southern red mud lease. Mr Coogan of the company then said that the government had agreed to grant new areas when the need arose, and it was Nabalco's attitude that the government should take the initiative in dealing with Aboriginals. Mr Finger said that, on reflection, he agreed "but I also feel that Nabalco should enter into the discussions with Aboriginals on this matter". Again, I would like to commend Mr Finger for his behaviour during that meeting and the comments that he made. But it does indicate the degree to which the public needs proper access to pollution control and environmental control in mines. We should not have to depend on documents like this; there should not be any need for it.

What I am proposing is that this bill be amended so that, where

inspectors need to discipline the mine and the mine complies with that instruction, there should not be any need to advise anybody about it. Where there is an appeal against that decision by the inspector and where that direction of the inspector is altered or revoked completely, that matter should be reported to the Assembly. The reason is very simple: we have a Sessional Committee on the Environment specifically set up to watchdog the operations of that company and that mining operation. They cannot do their job if they are not properly advised when the situation arises that might warrant the attention of that committee. I am asking that the bill be amended to provide that, where an inspector's decision is revoked or varied by the director or the minister, the Assembly be advised within 3 sitting days, a report be tabled on that particular act and the minister report from time to time on the operation of this entire act - one report every 12 months at least.

I am very pleased to see clause 21 and I would like to say, generally, that I am pleased with this bill: "Notwithstanding any other law in force in the Territory, a prosecution or proceedings for an offence against this Act, any authorisation or the relevant law may be commenced at any time after the commission of the offence". That places no limit on that amount of time after the company has ceased its operations that they can be compelled to take action under this act. It is a commendable clause.

Clause 24 also deserves commendation; it is the joint liability of both the manager and the owner of the mine. Mr Speaker, as time has almost run out ...

Mr SPEAKER: Time has run out.

Mr COLLINS: ... I would like in conclusion to move this amendment.

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

Mrs O'NEIL (Fannie Bay): Mr Speaker, I move that an extension of time be given to the honourable member for Arnhem so that he can move his very brief motion.

Motion agreed to.

Mr COLLINS: Mr Speaker, I move an amendment to omit all words after "that" with a view to inserting the following: "the bill be redrafted so that its contents relate to environmental protection in regard to mining generally throughout the Northern Territory and not only to uranium mining".

Mr ISAACS (Opposition Leader): I am surprised that nobody is jumping to his feet on the other side.

Mr Speaker, as the member for Arnhem indicated, the opposition regards this piece of legislation as an important one. Indeed, many of its provisions do not require a great deal of criticism. As the member for Arnhem said, it is a reasonable bill. The purpose of the amendment is to widen the provisions of the bill so that it does not simply apply to uranium mining but to mining generally throughout the Northern Territory. It seems to us an appropriate thing that, if the government is to introduce environmental control legislation, it ought to apply to mining throughout the Northern Territory and I don't see anything in the remarks of the minister in his second-reading speech which gainsays that. Clearly, the government is acting under instructions from its mates in Canberra and it is going to push this legislation through - legislation relating simply to uranium mining. I do stress that it should give urgent consideration, as it seems to give to other things, to

introducing environmental legislation relating to mining throughout the Northern Territory.

One of the matters which was touched upon by the member for Arnhem is who is in charge of the bill and the matter of inspectors. It is a piece of environmental legislation. The minister in charge of the bill is the Minister for Mines and Energy. The minister in charge of the environment, of course, is the Chief Minister who now deigns to grace the Assembly with his presence after 4 hours' absence. I don't know where he has been. I suppose like Tiberius on the Isle of Capri, he has been in his hideaway in block 8 plotting the downfall of the Aborigines in Borroloola.

Mr SPEAKER: Order! The honourable member should speak to the bill.

Mr ISAACS: Yes, I am certainly speaking to the bill. I am explaining my attitude in relation to environmental legislation.

The fact is that the minister in charge of the environment ought to be the minister in charge of the bill. It is a piece of environmental legislation. It is important therefore that the comments made by the member for Arnhem in relation to inspectors be taken to heart by the government. The inspectors should be people who have training and expertise in the matter of environmental control. I don't know the mines regulations as well as the member for Arnhem, or indeed as the minister, but I don't recall there being any requirement for those inspectors to have environmental training or expertise. If they are to inspect mines on behalf of the director in relation to this particular piece of legislation, clearly they are going to need some kind of environmental control background. I think it would have been more appropriate if the bill had been carried through by the Minister for the Environment. It certainly would have given us on this side a better indication that the government was serious about protecting the environment in relation to mining.

There is another matter in relation to clause 15 which gives me some cause for concern simply because I don't quite understand what it is driving at. Clause 13 gives the minister the right to approve authorisations only if he is satisfied that the grant of the authorisation will assist in protecting the environment from harmful effects of mining and that certainly is a very strong clause. Then clause 15 says that the minister may revoke an authorisation granted in respect of the mine if he is satisfied that the revocation of the authorisation will assist in protecting the environment from harmful effects of mining. I am not quite sure that I understand how, if he is granting an authorisation which will assist in protecting the environment, the revocation of that authorisation is going to assist in the protection of the environment. Perhaps, the minister might puzzle about that and tell us just what it does mean.

The other matter I wish to speak about is a matter touched upon by the member for Arnhem relating to the requirement of mining companies to lodge a security deposit to ensure, if the company goes bust or whatever, that there is money available for the cleaning-up operation to be carried out after the mining operation ceases. As the Chief Minister apparently understands, I have had a holiday in California - he was pleased to relate that to the public at large - and I have seen the effects of mining in California where, in the past, there has been no requirement for these sorts of deposits. When mining companies have gone bust, as they are wont to in the free enterprise society of America, there have been large ugly holes left in the ground and they are very close to public roads. You do not have to go across to America to find that sort of thing happening.

That has happened in Australia; it has happened in the Northern Territory not so very far from here - at Frances Creek and, to a lesser extent, at Mount Bundey. Certainly, the effects of the mining at Mount Bundey are nowhere near as severe as they are at Frances Creek. That kind of lasting destruction of the environment is there as an eyesore and as a monument to that disastrous mining operation. We should be able to take some steps to overcome that. It seems to me that consideration has to be given to the size of the deposit required and I would be interested to hear the minister's reply in relation to the size of the deposit that will be required to ensure that a cleaning-up operation can be put into effect so that the people who will be cleaning it up are in fact the people who have caused it - that is, the mining companies themselves. The taxpayers and the community at large are not the ones who should have to suffer the despoliation and the eyesore that is left.

In conclusion, the bill itself, in the very short time we have had to peruse it, appears to be quite a strong piece of environmental legislation. One thing which distresses me, though, is that it appears that it is a completely academic exercise for us to either debate it, move amendments or suggest constructive criticism to the minister because we know that it just does not matter what we say. We do not have the ear of the Minister for National Resources in Canberra. It appears that the Minister for Mines and Energy does because, about half an hour before the legislation was debated, we had an amendment schedule placed in front of us. Apparently, he has the ear of that minister and, of course, we do not. It appears that it does not matter much what we say; it does not matter much what we do. Our amendments are not going to get through, not because we cannot argue as well as members opposite or because our argument has less impact or less rationality, but simply because the Minister for National Resources in Canberra has not heard our argument and, therefore, we are not going to be able to get his approval.

That is an incredible position for this Legislative Assembly to be in. We are debating a most important and critical piece of legislation for the future of the Northern Territory. It seems that we are not just a subordinace legislature; we are a legislature whose views frankly do not matter a darn. Even if members opposite are persuaded by the arguments which we are putting up - and a number of the amendments that the member for Arnhem has circulated are not contentious at all; some are, and I would not expect all of them to get the universal support of members opposite but some should - it is all to no avail because the word has come down that only the amendments circulated by the Minister for Mines and Energy are going to get through. That is not simply a discourtesy to this Assembly; it is an abuse of this Assembly because it says, "We are just not going to listen to what you are saying".

I believe the suggestion put forward by the member for Arnhem is a very sensible one. He suggests that we allow the Standing Orders to take effect - that is, not to have the motion for the second-reading passed until 4 weeks has elapsed after its first being put in this Assembly. We could then have a special sittings to debate it. It certainly seems to me that no harm will come from that and yet a great deal of good will come of it. Nonetheless, I doubt that we will see that happen. The minister for Mines and Energy has already indicated that he is going to suspend Standing Orders to push it through, either tonight or tomorrow, so clearly that sensible course of action which the member for Arnhem suggested will not be followed.

I strongly support the amendment to redraft the whole bill, to throw it back into the melting pot and have it apply to the environmental control of mining operations, not just of uranium mining but of all mining operations throughout the whole of the Northern Territory.

Mr EVERINGHAM (Chief Minister): Mr Speaker, could I ask your ruling as to whether, if I spoke now, I would be speaking in relation to the amendment only or in relation to the amendment and the second reading.

Mr SPEAKER: Honourable Chief Minister, my ruling is that you would be speaking to both the amendment and to the motion.

Mr EVERINGHAM: Mr Speaker, we have heard the personal attack on myself by the Leader of the Opposition and it seems to me that this is the sort of level to which the opposition has descended. The whole thrust of the opposition's movements against the government in the last few weeks have been to attack me, in however infantine a way it may be, and now we hear that I am like Tiberius. Apparently, block 8 is now regarded as somewhat akin to the Isle of Capri and I sit over there, lusting after young boys - that is the inference. I say it is a slimy inference from the Leader of the Opposition because he well knows the classical illusion that he made reference to and his attacks are contemptible. Certainly, I would never attempt to descend to the level of innuendo and infantile reflection that he does.

This piece of legislation is a very strong piece of legislation and the Leader of the Opposition himself felt constrained to describe it as such. This piece of legislation has been prepared by the Northern Territory government because the responsibility for environmental control in respect of uranium mining has been devolved on it. I do not hesitate to say that there is not a stronger piece of environmental legislation in force anywhere in Australia.

Mr Collins: So we don't have to debate it.

Mr Speaker: Order!

Mr EVERINGHAM: This piece of legislation is the result of the over-riding by the Northern Territory of the attacks on our prerogative of providing strong environmental legislation to control uranium mining by mining companies who felt their interests threatened. I acknowledge that mining companies have the right to criticise this kind of legislation and, certainly, their justifiable criticism will be taken into account and has been taken into account by this government.

The Commonwealth government itself has found this legislation rather unacceptable to its desires. Over a long period now - a couple of months - we have been negotiating with the Commonwealth to see that we were able to introduce strong legislation to ensure that uranium mining in the Northern Territory had the maximum measure of safeguards. We have spurned many suggestions from the Commonwealth that this legislation should be weakened in various ways. We have made provision that we can take bonds from companies that are going into the uranium mining business and the bonds will be at the minister's discretion. I can assure you that that has caused a lot of fluttering in the dovecots of Canberra and the dovecots of the mining companies in Sydney and Melbourne.

This legislation is suitable in its application only, I believe, to the uranium mining industry. The government has work afoot to prepare environmental legislation which will be suitable for protecting the environment in the community generally and with mining at large. This particular piece of legislation is to ensure that a substance that has particular attributes which may be dangerous or deleterious is kept under control to the best possible degree. I would like to canvass this bill which I have heard honourable members opposite criticise. I would just like to ask you, Mr Speaker, to see if you could possibly conceive of a stronger, more arbitrary piece of legislation.

This legislation - and I have grave doubts about its democratic efficacy - has no reasonable system of checks and balances in it to protect the interests of the people, of the mining companies and, for that matter, of the environmentalists. It will be my objective in the course of the next couple of months to endeavour to produce amendments to this bill which will provide a system of checks and balances. This legislation makes the minister all powerful over the activities of the companies. At one stroke of his pen, the minister can cut off the livelihood of 1000 men; at one stroke of his pen, the minister can cut off the income of public companies.

This piece of legislation, I do not hesitate to say again, is the most powerful, forceful and authoritarian piece of environmental legislation ever introduced, to my knowledge, in an Australian parliament. In some ways, the Northern Territory government can be proud of this because it is taking a very stern approach on behalf of the Northern Territory people but, on the other hand, I am worried because this piece of legislation is a bit too strong for democracy. That is the aspect that I will be looking at. We have had to prepare this with a reasonable degree of haste and I will be looking to insert a system of checks and balances in it over the next couple of months. The honourable member for Arnhem who shouts out "rubbish" and sits over there like a cabbage has not attempted with his amendments to insert a system of checks and balances. He has attempted to make it not only authoritarian but also dictatorial.

Let us look at this piece of legislation, and we will start with clause 4: "No person shall mine land for prescribed substances except in accordance with any requirements imposed under this act and the relevant law". Clause 5: "The owner or manager shall not permit a mine to be worked unless a person whose qualifications and experience satisfactory to the minister is carrying out the duties of environment protection officer in relation to the mine". That means that, at least in respect of each mine, there must be one environment protection officer and that person must be in the employ of the company.

Look at clause 6: "The manager of a mine shall instruct all staff under his control in (a) the need to protect the environment; (b) the need for and nature of any monitoring programs required under any law in force in the Territory or any prescribed agreement relating to the mine; and (c) the responsibilities, duties and powers in respect of the mine, of persons under or pursuant to this act, any authorisation, the relevant law, the Environment Protection (Alligator Rivers Region) Act 1974 of the Commonwealth and the Atomic Energy Act 1953 of the Commonwealth". This means that every employee of every mine must be instructed, under this statutory duty of the mine manager, in all these requirements. Where else in Australia does such a requirement exist? Not only that, but the minister may prescribe and direct the manager as to the type of instruction that should be given.

By clause 7, the minister may require the manager to submit to him such plans of the mine as are specified in the notice. In other words, the minister can demand anything from the mine and make his examination and that of his officials upon it. There is nothing that can be kept secret from the minister and he can make such subsequent directions upon that information that he drags out of these private companies as he requires.

Clause 8: "The owner or manager of a mine shall not construct or use any works, processes or equipment with respect to mining except with, and in accordance with, the conditions of an authorisation". We can see that everything that is to be done in the mine is to be done in accordance with an authorisation that is to be granted by the minister. Clause 9 says much the same in accordance with explosives used in the mine.

By clause 10, the minister can lay down the law in respect of dust levels and there are no criteria to say that his dust levels must be what mine owners would like; it is what the minister prescribes. The minister may direct that the owner and manager employ dust control measures at all times.

Clause 11 relates to rehabilitation. The minister may direct the owner or the manager, or if the owner or manager cannot be found, any person who at any time was the owner of the mine, to rehabilitate any environmental or surface damage that has been done. This is extraordinary legislation. For protection of the environment, it really could not be bettered in any place in Australia.

Clause 12 sets out special requirements in respect of the Ranger project. This is to reinforce the agreements that have been entered into and the licence which has been issued under the Atomic Energy Act under which the Ranger partners will carry out their mining.

Clause 14 is perhaps the one which really makes the whole mining operation one where the government can carry out any act to secure the public interest: "Without limiting the power of the minister to impose conditions on an authorisation, conditions which may be so imposed include conditions with respect to": the control of dust, the manner and standard of construction of buildings and equipment; the measures to be taken to protect the environment during the construction and operation of the mine; where the working of the mine involves the construction or use of an explosives magazine, the location, manner and standard of construction of the magazine; the use of buildings, equipment, dams and ponds; the manner and standard of construction of dams and retention ponds; the management of seepages from dams and ponds; the rehabilitation and revegetation of the site; and so on and so on.

This bill makes the mining companies, in respect of uranium, the creatures of the government in much the same way as the banks have been the creatures of the government since the passage of the Banking Act. I just cannot conceive of a stronger, more efficacious piece of legislation. My only concern is that it does not, at this stage, provide what I believe are reasonable rights of appeal for the mining companies against its effectiveness. I believe that my colleague, the Minister for Mines and Energy, has some amendments but, as far as I am concerned, when you look at this bill from the environmental protection point of view, there just could not be a stronger piece of legislation. I have no hesitation in commending this bill from the environmental protection point of view.

Mrs LAWRIE (Nightcliff): Mr Speaker, sometimes things not said are as important as things that have been said. The honourable member for Arnhem and the Leader of the Opposition both mentioned specifically a fact which certainly appals me: they have been advised that no opposition amendments to this legislation will be considered because there is no time to consult with a minister in another place, Mr Anthony, to see whether he approves or not. I listened intently whilst the Chief Minister spoke and, at no time, did he refute that statement. Thus, I must accept that it is fact and, having accepted that, say that I am appalled that this insult to the people of the Territory is being perpetrated in this House.

I find it almost unbelievable that members of the Country Liberal Party government can introduce legislation to the Territory House, pretend that it is Territory legislation and then say that it cannot be amended because they do not have time to refer amendments for the approval of a federal minister. People like the later Mr Justice Ward and the late Tiger Brennan must be revolving rapidly in their graves if that is so. The previous member for Port Darwin, Mr Withnall and the previous Majority Leader, Dr Letts, would

not have entertained such an idea. I wonder at the Cabinet of members opposite that they could entertain such a preposterous notion. To have it put forward that no amendments can be considered because somebody else in another place might not like them is absolutely horrific and appalling. I was waiting for the Chief Minister to make some statement on that aspect but, by his silence, I construe that what the Leader of the Opposition and the member for Arnhem said is in fact true.

The Chief Minister said that, under this environmental legislation - which he feels is strong, pithy, of great assistance to the protection of the environment and undemocratic - with stroke of his pen, the minister can cut off the profits of the company and the jobs of a thousand men. Under 2 clauses of this bill as presented, the minister is prohibited from doing just that. Clause 13(4)(b) states that the minister shall not refuse to grant an authorisation "if the effect of the refusal would be to prevent mining authorised by or under another law in force in the Territory". As the honourable member for Arnhem said, such a law is covered under section 41 of the Atomic Energy Act. He cannot refuse to grant an authority under clause 15(2) of this bill: "The minister shall not revoke an authorisation granted in respect of a mine if the effect of the revocation would be to prevent mining authorised by or under another law in force in the Territory". For that, read section 41 of the Atomic Energy Act. The minister does not have the power to stop mining.

I am surprised that that slipped the attention of the Chief Minister. It might be that, like so many of us, the Chief Minister has not had time to turn his undoubted talents to proper perusal of the bill and the Chief Minister has a special responsibility with regard to this legislation because it is dealing with environmental control. If my previous comment is correct, I can assure the Chief Minister that I commiserate with him because I have had 4 days to look at this. I support the proposition of the honourable member for Arnhem and the Leader of the Opposition that the least this particular legislation deserves is to be stood over for 4 weeks as prescribed in Standing Order and for this House to reconvene then for full consideration of the legislation. I have advised the senior members of the mining company affected that that is my attitude and they certainly appeared to agree with me.

The Chief Minister himself admits that the mining people are upset at certain aspects of the bill and certain ramifications. The Chief Minister is upset. The Chief Minister has said that, over the next few months, he wishes to introduce checks and balances. I think that, if we wait for the 4 weeks, he may well be able to get those checks and balances drafted and we would all be able to give due consideration to the problems which the mining companies see in this legislation. We should all be able to give it the consideration which is its due. I oppose a suspension of Standing Orders to put it through at this time. I do not believe that the company will be unduly affected if the legislation does not go through immediately. I do not believe that the environment will suffer unduly if the legislation is stood over for the 4 weeks. It is a great pity that the second piece of legislation which is specifically concerned with the uranium province and which has excited the attention of people all around Australia is likely to be put through with a suspension of Standing Orders. The previous piece of legislation was the Jabiru Town Development Bill which is already being amended this sittings. Members spoke of the undesirable features of putting through complex legislation without time for proper consideration.

The Chief Minister seemed surprised, when reading through this legislation, at the constant reference to the protection of the environment. I do not see why; it is an environment bill rather than a mining bill. The honourable Chief Minister and every other speaker has drawn the attention of the House to the wide discretionary powers given to the minister. I agree with the

member for Arnhem and others that it is no wonder the mining companies are worried; they have precisely the same worries as members of this House. With such a wide discretion, it could be interpreted by successive ministers in a manner which would not have the approval of people legislating at the present time. It is poor that a bill can be so loosely drafted to give that wide discretion. The Chief Minister apparently agrees with this point of view.

Having regard to certain comments made by members on both sides of the House, and particularly reinforced by the argument so forcefully put by the Chief Minister, we should have the extra time to consider this legislation in detail and see what checks and balances need to be introduced to ensure the orderly development of uranium mining and environmental control. With or without specific approval of Mr Anthony, it is Northern Territory legislation dealing with the Territory and is being enacted in this House.

With regard to the time factor in consideration of the bill, I will read one section of the schedule. Let us see if we should legislate in haste or whether all members should have the time to consider the legislation. Paragraph 14 of the schedule to the bill reads: "Unless otherwise approved by the Supervising Authority, the total mass of sulphuric acid emitted from the acid plant to the atmosphere and the total mass of acid gases expressed as sulphur dioxide emitted from the acid plant to the atmosphere shall not exceed the values specified in paragraph 60.82 and paragraph 60.83 of Part 60 of Title 40 - Protection of Environment - Federal Register Vol. 36, No. 247, Thursday December 23, 1971, Washington, D.C., or such other lesser pollution values as can be achieved by the use of best practicable technology". Are we going to pass this? How many members know what I have just read out? It is incredible, Mr Speaker. The honourable sponsor of the bill might have recourse to this document. If so, would he table it so that we can all benefit from the same information.

I was pleased to attend the briefing session on this bill on Friday and the minister kindly made his officers available. They said that no amendment to this schedule could take place but they gave us to understand that amendment to the body of the bill certainly could be entertained. We are told at this late hour that no amendments from the opposition side will be entertained. It is one thing to say that the schedule will remain as printed; it is another thing to present such a highly complex document without the supporting cross-references so that members can assure themselves of just what they are passing in legislation affecting the Northern Territory.

I think that one cannot properly say whether the bill will be advantageous to the protection of the environment or not because it is entirely at the whim and the discretion of the minister. I reserve judgment on its operation but I do certainly express my opposition to a suspension of Standing Orders to put it through and to the totally untenable proposition that no amendments can be entertained because a federal minister has not had time to consider them.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I would like to open my remarks by making the point in this House - and it has been made before - that, as far as the mining of uranium goes, if the Commonwealth so wished, it could remove the whole issue from the floor of this House and proceed federally without any comments from us except perhaps from the public arena. That proposition was never acceptable to us as a government. We have fought over a long period to have uranium mining an issue that should be subject to the Assembly of the Northern Territory so that the people can scrutinise and be involved to the fullest extent. I make that point because honourable members seem to forget that if the Commonwealth at any time so wishes, it can tell us to take a running jump. It can supervise the mining of uranium anywhere in Australia, not just in the Northern Territory, under the Atomic Energy Act.

We would not have any input. I do not believe it would be good for the Northern Territory if such a thing happened.

The honourable member for Arnhem made a great deal about the haste with which the bill was introduced. I would agree that there was haste. The bill was formulated after much consultation between the federal government and ourselves.

Mr Collins: Not with us!

Mr TUXWORTH: I would make the point that the government, as soon as it was able, made officers available to brief honourable members to any degree that they wanted. We had nothing to hide because we believe that the bill is a good piece of legislation.

The honourable member for Arnhem said that this bill will set the pattern for uranium mining for 40 years. That is rubbish. Anybody who says that would have to be the goose of the week. The truth is that that bill can be amended at any time in the 40 years by anybody. That bill sets the pattern for the commencement of uranium mining in the province during the next 12 to 18 months. The honourable Chief Minister has already made the point that there are things in this that will be changed but that does not mean that we should just stand by idly and do nothing.

The honourable member for Arnhem made the point that this bill has to be read in conjunction with other legislation. I think it is pretty fair to say that you could say that about any piece of legislation which goes through this House. We just dealt with one this afternoon which had 10 cognate bills attached to it. It is not unreasonable that this bill be read with complementary legislation.

Mr Collins: We had 3 months to look at it!

Mr TUXWORTH: If the honourable member felt that he needed help from advisers in comparing this bill with any other legislation, he had only to ask. He didn't ask me; I don't know whether he asked the Chief Minister or anybody else. If he had wanted advice to be able to cross-reference this bill with other legislation, he most certainly could have got it.

The honourable the member for Arnhem made the point that the bill should be named the mining control bill instead of the uranium mining control bill. The Chief Minister has already made the point that there is general environmental legislation coming forward that will cover mining and other activities in the Northern Territory. I would make the point that, in the new mining legislation that is being drafted at the moment, there will be a very comprehensive environmental section. When it gets here, the honourable member can play with it to his heart's delight. That legislation will not be ready in the short term and this bill is needed now to allow the commencement of mining.

The honourable member for Arnhem and the Leader of the Opposition made the point that environmental inspectors should be some sort of supreme beings who are not attached to the Mines Branch. They should not be mining people and they should not be this and they should not be that. Environmental inspectors are not people who shuffle around through puddles and take deep breaths of the air and look into the sky to see whether there is a dust haze - that is too late. The environmental inspectors are technical people attached not only to the Mines Branch but to just about every branch of government. They have an expertise in a particular field and will be able to make inspections that will prevent environmental damage rather than tell us afterwards how much damage has been caused. The honourable member for Arnhem said

that he did not think that environmental inspectors could be engineers.

Mr Collins: I didn't say that!

Mr TUXWORTH: We are talking about people who will be involved in the supervision of the membrane in the dam, the control of waters, the flow of waters and the amount of contaminants that can be released into them at any one time. These people are engineers by profession. That is their expertise. In this country, we do have engineers who are specialists in dust prevention, dust collection, dust extraction and dust measurement. We can call them environmental officers; we can call them anything we like but, in real life, they are engineers. They get a degree in engineering and they specialise in one aspect of mining or environmental control or another. We also have environmental geologists who have a special expertise in the environmental side of geology which is designed to prevent and forewarn people about the consequences of any particular action rather than come along behind the damage to tell us how much has happened.

The honourable member for Arnhem also said that he was happy to see an amendment that will force the company management to inform employees of their position so far as access to Aboriginal land is concerned and their relationship to the community so far as Aboriginal legislation is concerned. I believe that that is most important. I do not think that it should be confined to employees of mining companies; it is something that could be introduced into Northern Territory schools as a subject and it would not be too soon if it started tomorrow. It would do a lot of good in the long term. This is the first time that this has been done. The honourable member raised it during the briefing, the point was conceded and it is going to be done.

The honourable member for Arnhem also made a rather loose comparison between the management of Hardies Asbestos and Ranger. I do not have any particular knowledge of how the boards of directors of either of those companies were involved in killing their employees. Perhaps the honourable member has but he most certainly did not present any proof here this evening. I think it is a pretty loose and low way of trying to build up his argument because there is not a great deal of strength in it.

Mr Collins: I used it to commend the bill.

Mr TUXWORTH: The honourable member also felt that any proposals in the uranium province should be the subject of a town planning order or at least a planning order. I would assume that this is an order that would be made under the legislation that went through the House today.

Mr Collins: I didn't say that.

Mr TUXWORTH: The government's attitude is that any company that moves into the mining of uranium or the mining of most products has to tender to the federal government an environmental impact study. As a government, we have our opportunity to be involved in that exercise. I cannot see any point in duplicating the environmental impact considerations as the honourable member has outlined.

Honourable members on the other side also made reference to security and the duplication of bonds. I would like to make the point that the bonding system is nothing new in the Northern Territory. For a long time, companies have been required to put up bonds for work that they perform. This bond is held against the company and, after its work is completed, the bond is either released or it is retained to rehabilitate or do whatever has to be done to the area. I would probably sign 2 or 3 letters a month to banks authorising them

to release bonds that have been collected by the Mines Department against work that is being done by mining companies. What we are proposing is nothing new; the companies may have reservations about it but I believe their fears are largely unfounded. I do not think that the issue is really as strong as the honourable member suggests.

The honourable member also mentioned schedule 1 of the bill. He commented that the Ranger agreement was not as strong as he would have liked and that he felt something stronger was due. That is what this bill is all about. We did not think the Ranger agreement was terribly satisfactory as the enforcing agency from our point of view and that is why we have gone for this legislation: to give the Northern Territory government the power to be involved in the enforcement of environmental conditions, some of which are included in the Ranger agreement and others that are not.

The honourable member also raised the position of the inspector and his duty to investigate and report anything that happens to be brought to his notice. We already have a situation in Northern Territory law where inspectors are compelled to investigate and report to the Director of Mines about anything that is brought to their attention. I do not see all the reports of things that go on but occasionally I seek a report on something that has been brought to my attention. I can assure you that there are many reports. They are not plastered over the front page of the papers and they are not on the radio but inspectors are certainly writing reports. If the honourable member, at any time, feels that there is something he should be aware of about any particular incident, he can always ask to see the report. I don't give an undertaking that he will get it. If there is any reason why he should not have it, I would say to him that he could not have it. Normally, I would be happy to let him have a copy of a report.

I would also touch on the point that the bill is very wide-ranging in the powers that it gives to the minister. There is no doubt about that. I would put it to members that, while the powers are sweeping, they do have some constructions in that the minister has to work in tandem with people like Mr Bob Fry, the supervising scientist, and his group who will normally set the standards for environmental control in the region. As the minister, I do not profess to have any particular expertise in standards of environmental control. I can assure members that I will be getting my advice from people like Mr Fry and the department which has its own people to advise on particular matters.

Mr Collins: What is the Chief Minister going to do?

Mr TUXWORTH: The honourable member for Nightcliff raised the point that a refusal to stop mining is not possible because the bill specifically prevents the Northern Territory government from preventing mining. That would be true. Under section 41 of the Atomic Energy Act, we would not have that capacity. Under section 35 of the Northern Territory Self-Government Act, as it pertains to environment, we would most certainly have that power.

Mr Collins: No, you wouldn't!

Mr TUXWORTH: I would like to finish off by clarifying the point that the honourable member raised in so far as the consideration of his amendments is concerned. I would like to refute categorically that I told the honourable member that he could not have amendments and that they would have to go to Canberra before they could be passed.

Mr Collins: Oh boy, I need a tape recorder.

Mr TUXWORTH: The honourable member came to me this afternoon and asked if he could have the loan of a draftsman to draft some amendments. I said, "It is all right with me but you are leaving it a bit late". Members were briefed last Friday. They could have had any help they wanted in the ensuing period. They know that the bill will not go through the committee stage until tomorrow. As it has turned out, it has not been too late for the honourable member to prepare his amendments because there was not much in them. I was making the point to him that it was pretty late in the day to be making amendments - not that they were too late and not that they would not be considered. He has made his amendments. They will be considered tomorrow in the committee stage along with everyone else's amendments.

Mr Collins: By Anthony?

Mr TUXWORTH: I did not say to the honourable member that anyone's amendments had to be cleared by Anthony.

Mr Collins: Do they have to be?

Mr TUXWORTH: The truth of the matter is that the whole bill can be knocked out by the federal government if it so wishes because it relates to uranium.

Mr Collins: Thank you, Mr Tuxworth.

Mr TUXWORTH: I did not make any specific mention of the honourable member about his amendments not being able to go through because they had to go to the minister in Canberra. That is nonsense and he knows it.

Mr Collins: I have it written down.

Mr TUXWORTH: I can only say that the amendment proposed by the honourable member is hollow and is just a time-wasting device. I commend the bills to honourable members.

The Assembly divided:

Ayes 7	Noes 11
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 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.

Mr SPEAKER: Being an absolute majority, I declare the ...

Mr ISAACS: A point of order, Mr Speaker! I thought the procedure of debate on motions for the suspension of Standing Orders had been settled in the Assembly. As I recall, there was a ruling by yourself, Sir, in the last sittings. The ruling you gave was that, on the motion for a suspension of

Standing Orders, debate would ensue and, when the motion was put, so long as it was supported by an absolute majority of members, then the motion would be carried. Of course, under Standing Orders no leave is required so the motion was properly put by the minister. The member for Arnhem stood to debate the matter. The member for Arnhem was expressing an intention to debate the matter as are a number of other members on this side. I suggest then, Mr Speaker, that the ruling you made in the November sittings be followed and you allow the debate to ensue on the matter of the suspension of Standing Orders.

Mr SPEAKER: There is some substance in your argument but the honourable member was too slow getting to his feet.

Mr COLLINS: Mr Speaker, I must protest. I was prepared for the debate; I stood immediately to my feet.

Mr STEELE: A poing of order, Mr Speaker! Dissent from the Speaker's ruling has to be in writing, Sir.

Mr COLLINS: Mr Speaker, I am not dissenting from your ruling. I am simply disputing the statement that I was not on my feet. I stood up.

Mr SPEAKER: Does the honourable member for Arnhem still wish to debate the suspension of Standing Orders?

Mr COLLINS: Mr Speaker, I would like to debate the motion to suspend Standing Orders.

Mr SPEAKER: I will give you the opportunity now.

Mr COLLINS: Mr Speaker, before any members on the other side stand on points of order, I would like to make the point now that, in order to debate this suspension of Standing Orders in relation to this particular bill, there is a need to canvass broad issues providing they relate to all of the acts that are covered by this particular bill - and these are numerous. The principal act is the Atomic Energy Act which is specifically mentioned in this bill and has paramountcy over this bill.

I oppose completely for a number of fairly substantial reasons the suspension of Standing Orders to put this bill through. In fact, the motion to suspend Standing Orders should not have been put if the argument of the Chief Minister prevailed because the Chief Minister put an excellent argument for the bill to remain on the Table for a minimum of 4 weeks in compliance with Standing Orders. I have made a note of some of the arguments that the Chief Minister, the minister in charge of the environment, put in relation to the qualms that he has about this bill going through at this sittings. The Chief Minister said that, in the preparation of this bill, the government had taken the views of mining companies and the federal government into consideration.

The point I am making is this: the Westminster system of parliament which seems to come under an unreal amount of abuse from the government states that the opposition has a positive and constructive role to play in the government of any place where the Westminster parliamentary system exists. Our track record over the last 18 months shows clearly that we have in fact played a constructive role in amending legislation and again I have no lesser authority for this than the minister who has carriage of this bill, the honourable Minister for Mines and Energy, who said that I raised a number of very relevant issues in the briefing on Friday which were taken on board by the government, accepted and will be included in this legislation. The

honourable Minister for Mines and Energy spoke to the debate not by answering the questions I raised but by putting words into my mouth that I did not say and by raising the questions himself and attributing them to me and then answering them - as the Hansard tomorrow will clearly show. The honourable Minister for Mines and Energy makes the point that the opposition had raised a number of good amendments at the briefing on Friday after I might add - because of the pressure of other business in this House - I had only had time to look at the bill the night before. After 2 or 3 hours of brief and hasty consideration, I had in fact come up with a number of amendments to make that a better piece of legislation and those were accepted by the government on the following morning. That point was made by the honourable Minister for Mines and Energy himself.

The Minister for Mines and Energy stated that, at the briefing on Friday, he said he would help me cross-index information. I would like to put to the Minister for Mines and Energy that I am perfectly capable of carrying out such a task myself. I do not need help from the minister or his department in order to think; all I need and all the opposition needs is a little bit of time to do it. I do not need a synopsis of legislation prepared by the honourable Minister for Mines and Energy or cross-indexing done for me to prepare amendments for this bill. I simply need, and the opposition needs, the one month that is allowed for in Standing Orders. That is why I am opposing the suspension of Standing Orders.

I would ask the Minister for Mines and Energy, to use his own arguments, if the opposition and the honourable member for Nightcliff, after 1 night's consideration of this complex bill that took the government 6 months to prepare, could come up with amendments that were satisfactory to the government which they accepted and they will put as their own amendments, how much better legislation would come out of more consideration of this bill. If you, Mr Speaker, or the government can dispute the logic of that, I would like to hear about it. I will stand on the record of the opposition in this House, particularly in the areas of town planning and local government; we have been able to give the Territory better legislation by amendment and we would have been prepared, had we been given the opportunity, to have done it in this case.

The reason that the Chief Minister gave for the suspension of Standing Orders in his speech was amazing. Apart from the kindergarten way in which he treated the bill, which showed clearly to this House and to anybody listening that he had probably barely read the thing even though he is the environment minister - all he did in fact was to read the bill when he gave his speech - he said that the bill is so good that the opposition need not look at it. He also said, quite erroneously, that the legislation was so good that, with one stroke of his pen, the minister could put a thousand men out of work and stop the income of the company. I have made careful notes of those statements by the Chief Minister and they will appear in Hansard tomorrow.

Mr Robertson: Come back on track.

Mr COLLINS: Mr Speaker, I am speaking to the suspension of Standing Orders because these are the very reasons which the Chief Minister gave in justification for his government pushing this bill through. It is so good. Then, he refuted his own argument, almost in the same sentence, by saying that there were serious reservations on the part of the government about the degree of checks and balances in this bill. As I interjected at the time, the opposition has serious reservations about the checks and balances in this bill. In fact, the Chief Minister described it as being "strong, stern, authoritarian" legislation which gave him some room for qualms about it. In his words, it is almost "dictatorial". There is a word that describes all of those things and the word is "fascist". Mr Speaker, we also have reservations that this bill

does smack of being a fascist bill.

The Chief Minister again spoke of the possibility of this bill even being, in his own word, "undemocratic". If all of those reservations and arguments, which strike at the very heart of the parliamentary system we are supposed to be working under, are not reasons for considering this bill more properly, I have never heard them. The Chief Minister put the best argument that I have heard for considering this bill for at least a month. He has serious reservations. What a load of nonsense it is, and what an irresponsible attitude for the head of government to say, "Well, let's not worry about it; let's push this undemocratic, stern, authoritarian bill through the Assembly and we will amend it in a few months' time".

Because of the style of this government, because of the enormous workload that this government is forcing on everybody - and could I just give one example: last year, the Western Australian parliament put through 63 bills in 12 months and we put through 221 in the same period. We are spending far too much of this House's time ....

Mr ROBERTSON: A point of order!

Mr SPEAKER: What is the point of order?

Mr ROBERTSON (Community Development): If the honourable member talks about wasting the time of the House, I think it would be appropriate if he confined himself to the subject matter at issue and that is the suspension of Standing Orders. I really do not think that the number of bills the state of Western Australia puts through, where they have had a parliamentary system operating as a state for decades, has anything to do with the suspension of Standing Orders.

Mrs LAWRIE (Nightcliff): May I speak to the point of order, Mr Speaker?

It seems perfectly relevant to talk about the way other parliaments act regarding procedures. What the honourable member ...

Mr Robertson: It has nothing to do with the number of bills.

Mrs LAWRIE: The honourable member for Arnhem is alluding to the practice which is becoming frequent in this House of suspending Standing Orders for the passage of bills. My understanding is he will show that we are passing a large number of bills in undue haste. That is the point in his objection to the suspension of Standing Orders and I respectfully suggest that he is in order.

Mr SPEAKER: The honourable member for Arnhem will please confine his remarks to the suspending of Standing Orders.

Mr COLLINS: Mr Speaker, if I may continue, the substance of my opposition to the suspension of Standing Orders is that far too much legislation is being pushed through which has been ill-considered and which is then put back before this House for unnecessary, time consuming and expensive amendment. We have had shining examples of that this session. The motive of the opposition in opposing the suspension of Standing Orders is from a very sincere desire to give the people of the Northern Territory the best legislation that we can. It is a disgrace to push through a bill about which the head of the government himself says he has serious reservations and which he thinks might be undemocratic. This opposition to the suspension of Standing Orders must be successful if this attack against the Westminister system of government is to be stopped. We are seeing far too much of it in this house.

The Chief Minister has actually foreshadowed in his speech that in a few months' time, at the next sittings of the Legislative Assembly, we will have this bill back in front of us again. Wouldn't it be better for the good conduct of this House to consider this legislation for the period of time allowed under Standing Orders to make the necessary changes that the Chief Minister wants to make? The opposition is just as concerned about the lack of checks and balances as he is and we are just as concerned to amend that ourselves, and we are quite capable of putting up constructive solutions to that problem. However, we simply do not have time. I spoke today to the honourable Minister for Mines and Energy who took my breath away with the statement he made just a few minutes ago. The honourable Minister for Mines and Energy not only told me that Mr Anthony - and he named the gentleman - would have to approve these amendments of mine, he used an extremely colourful and very unparliamentary expression to describe the difficulty I would have of getting Mr Anthony to approve these amendment in time for the committee stage of this bill. I would love to repeat it but I can't.

Mr Speaker, for the reasons I have stated and for the reasons that the Chief Minister has stated, I oppose the suspension of Standing Orders.

Mr EVERINGHAM (Chief Minister): Mr Speaker, if I may speak in support of the motion to suspend Standing Orders, the position is this: despite the emotive remarks of the honourable member for Arnhem opposing the suspension of Standing Orders, a decision has been taken by the Commonwealth of Australia that the commencement of mining operations in respect of uranium will take place in the Northern Territory and construction has commenced at least at Ranger. Work is being undertaken and it is necessary that the Northern Territory environment be protected.

Mr Collins: For 4 weeks.

Mr EVERINGHAM: This bill is to give this government the powers to see that the Northern Territory environment can be protected under orders made by this government. If we allow a period of 4 weeks to elapse before there is legislation on the books, who knows what could happen in that period of 4 weeks?

The honourable member for Arnhem went on with a great deal of song and dance about a blood-red billabong out in the Ranger area only a few weeks ago. He was proved to have made a false representation by a party of pressmen who visited that billabong and I understand the honourable member for Arnhem has not seen that billabong in quite some time but he, nevertheless, said that its colour was blood-red.

Mr Collins: I said nothing of the sort!

Mr EVERINGHAM: A pressman attached to the Australian Associated Press was reported in the Canberra Times as saying that the Coonjimba billabong's only pollution was that it contained $2 notes. I just wonder how much we can accept of what the honourable member for Arnhem says. On this point the honourable member for Arnhem tends to emote.

Provision has to be made in the law for the Northern Territory to ensure the protection of the environment and I believe that law must be brought into effect as soon as is reasonably possible. We have construction going on, authorised by the Commonwealth. We must be able to ensure that the construction, as well as the mining, is carried out in accordance with good environmental principles. The whole purpose of the passage of this legislation is to give the Northern Territory government the teeth to do it. Certainly, I agree that this legislation may not be perfect in all respects but it will at least give

us the power to see that what is done is done in accordance with good environmental principles and I have no hesitation in supporting the suspension of Standing Orders so that we may protect the environment.

Mr COLLINS (Arnhem): Mr Speaker, I wish to make a personal explanation.

Mr SPEAKER: There is a question before the Chair.

Mr ISAACS (Opposition Leader): You have just taken my breath away from me. Mr Speaker, the member for Arnhem, as I understand it, was seeking leave to make a personal explanation because he has been misrepresented. It does not enter into it whether there is a question before the Chair or not; he has to make his point as soon as he can without interrupting the member speaking. The Chief Minister sat down; the member for Arnhem rose to make his personal explanation because he felt, I would imagine, that as usual the Chief Minister has misrepresented his position. He sought to correct the record as quickly as possible. Surely, Mr Speaker, if somebody could find the relevant standing order, he would be doing me a favour but, certainly, it is there and the Manager of Government Business knows it.

Mr SPEAKER: The way I interpret it, standing order 50 applies: "having obtained leave from the Chair". The member for Arnhem did not obtain leave from the Chair.

Mr Collins: I sought it.

Mr SPEAKER: You sought it but did not get it. You will get it when there is no question before the Chair if you seek it then.

Mr ISAACS (Opposition Leader): Mr Speaker, if I may speak to the suspension of Standing Orders, I would imagine that when the suspension of Standing Orders is sought by any government, there is an obligation on the government to explain why the suspension of Standing Orders has to take place. There is a provision in Standing Orders that urgency can be granted by you, Sir, when hardship is involved. Nobody claimed today that hardship is involved so you were saved from the problem of deciding whether or not we ought to have the bill dealt with immediately. It is a matter of the government moving for the suspension of a very worthwhile and reasonable standing order - that is, that 4 weeks must elapse between the moving of the second reading of the bill and the question being put.

One thing we have not heard from the Minister for Mines and Energy in his second-reading speech or from the Chief Minister in his diatribe or from the Manager of Government Business when he moved the motion - he was so coy about it that he did not even want to speak to his motion - is why the haste. The Chief Minister got somewhere near it. He said that we must have some teeth to protect the environment. Good Lord, what has been going on for the last 4 months in the uranium mining area? Does he mean to say that nothing has been going on there? The Chief Minister told us that something had gone on and, normally, I would be disposed to believe him; I am not so certain these days.

I have seen it with my own eyes and I know the member for Arnhem has seen Coonjimba. The fact is that construction work has been going on in the Ranger area. Nobody can tell me that the 4 weeks or even 2 months till the next sittings will turn Ranger Mines into a country-eating demon, that in 2 months it will do irreparable damage to the environment. It is a company with some reputation; it is not a company that I agree with all the time and it is not a company that I would trust on its own to look after the environment but I would be prepared to put a wager that, over the next 2 months, Ranger Mines

will not be doing things that will irreparably damage the environment. After all, the major problems which we on this side of the House and those people who oppose uranium mining see as the main damage to the environment is not so much the construction work but the actual mining and milling. Nonetheless, construction work has been proceeding. We cannot introduce this legislation before construction commences; it is going on right now.

The government would do well to address itself to that particular question; I do not think this is an answer. There is no requirement for haste. No reason at all has been put forward why the normal Standing Orders should not prevail and that a month or 2 months should not elapse to allow proper consultation to allow members to provide the sort of amendments which the Chief Minister apparently wants. It destroys confidence for mining companies and for environmentalists alike to see legislation introduced into the Assembly and passed, apparently with the imprimatur of the legislature, but to know, in the words of the Chief Minister, that, in 2 months' time, it will be changed.

How much confidence can anyone have in a government which operates in that way? The Chief Minister says the legislation needs amendment. Nonetheless, they are going to introduce it in haste. They are going to suspend Standing Orders and have the legislation passed. I repeat that construction work has been proceeding in that area for some time. People have been employed there; work has been going on. I do not believe that Ranger Mines or any mining company involved in uranium mining will do the sort of damage in 2 months which apparently the government fears. It is a bit strange to be putting that point of view. Quite clearly, it is absurd to be arguing the way they are. I believe they are acting at the behest of someone. Lord knows why - they certainly have not come forward in this Assembly to say so.

The arguments put forward by the member for Arnhem are sound. There has not been any case made out by government members to show why Standing Orders ought to be suspended, why the normal procedures should not be allowed to take their course. For that reason, members of the opposition oppose the suspension of Standing Orders.

Mr ROBERTSON: Mr Speaker, in closing the debate, I agree entirely with at least one thing that the honourable Leader of the Opposition has said and that is that the arguments put forward by the honourable member for Arnhem are sound. Indeed, I believe that is all they are. What really intrigues me is that we have heard, over the last few weeks, the honourable member for Arnhem's great diatribes and drivel to the press blaming this Northern Territory government as being the agency responsible for the filthy red pollution which apparently got into a lagoon which he claims he visited. His words in those press releases were that this government had failed in its duty to make sure that those mining companies, those evil beasts, had carried out proper environmental controls. In response to that type of admittedly false information to the press, we see the government trying urgently to give itself the mechanism to do the very things that he has said in the media we should already be doing.

The whole thrust of this attempt not to allow the passage of the legislation through at this sittings is indicative of the whole of the Labor Party's attitude to mining and to free enterprise in general. We heard the Leader of the Opposition during this debate refer to the horrible mob in the United States, those free enterprise people. We heard yesterday the honourable member for MacDonnell use that terrible phrase "the profit motive". I really think that is the essence of it.

On a number of occasions in this debate, we have heard people laud the Westminster system. Well, so do I. The fact of the matter is that Standing Orders provide - as do all parliaments throughout the Westminster system - the express provision for their own suspension. If the system which has evolved over the centuries had not taken into account the necessity at times to suspend Standing Orders, and indeed the desirability of it, then you would not find Standing Orders themselves providing for their own suspension.

Mr COLLINS (Arnhem): Mr Speaker, could I receive the direction of the Chair as to when I can seek leave to make my personal explanation.

Mr SPEAKER: When you obtain leave from the Chair.

Mr COLLINS: When can I ask for it, Sir?

Mr ISAACS: A point of order, Mr Speaker! The point of order is that, under the House of Representatives Standing Orders, a member must make a personal explanation preferably during the course of a debate in which he has been misrepresented. I am reading from the "House of Representatives Short Description of Business and Procedures" put out by the Australian Government Publishing Service. I read from page 54 of that document: "A personal explanation in relation to a personal matter arising from an incident in debate when in relation to a member's speech should, if possible, be made during the debate in which the incident occurred or the speech was made, either on the day on which the misrepresentation occurred or at a later sitting when the debate is resumed". For that reason, I take the point of order. I believe the member for Arnhem ought to be given the opportunity to make his personal explanation during the course of debate as happens in the House of Representatives. I understand that our Standing Orders take effect from those.

Mr SPEAKER: There is no point of order. The reason is on page 54 of the document from which the member just quoted: "The primary requisite is that he obtain the concurrence of the Chair, preferably in advance of his rising. If when the member rises to ask formally for leave of the Chair there is a substantial objection from other members, leave may then be refused". In my opinion, the honourable member was being facetious.

Motion agreed to.

PERSONAL EXPLANATION

Mr COLLINS (Arnhem): Mr Speaker, I seek leave to make a personal explanation.

Leave granted.

Mr COLLINS: I claim to have been misquoted and misrepresented by the honourable the Chief Minister and, subsequently, by the honourable Minister for Community Development. I will reply only to the misrepresentation of the Chief Minister. The Chief Minister stated 2 things that were completely incorrect. First, he said that, in the press or elsewhere, I had described Coonjimba Billabong as being blood-red. I did no such thing, Mr Speaker. Secondly, the Chief Minister actually said authoritatively that I had not visited Coonjimba Billabong. For the benefit of the Chief Minister and the House, I have been visiting the Ranger area and working in the Ranger area regularly since 1967. I make a practice, as I stated in the press, of visiting the mining area on every visit I make to Oenpelli. I did, in fact, personally inspect the site of the erosion and subsequent damage one month before I made the statement.

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

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

Bill read a second time.

Committee stage to be taken later.

ADJOURNMENT

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

Mr COLLINS (Arnhem): In New South Wales, over a large number of years, a mining operation was carried out to extract asbestos and turn it into all the things for which asbestos is used, from sheet asbestos fibre to brake linings for motor vehicles. James Hardie were the proprietors of that mine. Hardies are very proud and eager to discuss the $17m that they made in profits last year but they are not terribly anxious to talk about the people they killed while they were doing it. The harmful effects of asbestos fibre on people have been known since 1901. Positive proof was established in 1930 that asbestos was carcinogenic. Despite the enormous bulk of the evidence available on the subject, the company quite deliberately suppressed that information and did not give it to the employees in the mine, part-Aboriginal people. Because of the location of the mine, it was difficult to employ white people and, as a result, approximately 300 Aboriginals worked in the mine. Some of them became severely ill and the mine workers themselves became alarmed when they started to realise that a disproportionate number of them were dying at an unusually early age.

There has been a great deal of well-established research on asbestos mining, particularly in the United States of America. That research has established that approximately 45% of workers in the asbestos industry will contract diseases and sicknesses caused by their occupations and approximately 30% of those people will die from cancer. Honourable members will probably be aware that the ABC, as recently as last year, conducted a series of radio and television disclosures of the tragic story of the asbestos mining in New South Wales. One of the directors of the mine is also a director of Peko-Wallsend, the company which is engaged in mining uranium at Ranger.

It is not just the mine workers and the people living in communities associated with asbestos mines who are at risk. The ordinary man in his own home is at risk if he works on asbestos sheeting. In the United States of America and in the United Kingdom, asbestos sheets are compelled to carry a notice specifically warning people that asbestos fibres are carcinogenic and advising them of the dangers involved in working with it. It has been proven

in the United States of America that, in an enclosed space, it is sufficient to work on asbestos sheeting with a power saw for only 2 hours to run a severe risk of contracting cancer.

In the mine at Baryulgil, the company had set itself a safety standard of 4 fibres per cubic centimetre of air. In 1974, when this was tested by the New South Wales Dust Board which works for the mines section of the government, it was found that there were 285 fibres of asbestos per cubic centimetre instead of the 4 that the company itself had set. There were absolutely no dust control provisions being made in the mine or in the surrounding area. In the United States, the Americal government has set a safety standard of 0.01 fibres per cubic centimetre in an asbestos mine or mill. The amount of pollution that was surrounding the workers in this asbestos plant was 3,000 times the safe degree of fibres per cubic centimetre set by the US government.

The workers in that mine were never told of the dangers of asbestos dust. In fact, the company, in its efforts to suppress any fear or alarm that might have been caused by first reports, issued an inter-office memo which said that the use of respirators should be discouraged even under circumstances where the pollution exceeded the limits that the company itself had set. Further, in the small community adjacent to the asbestos mine and mill, the company dumped a pile of pure asbestos dust in the playground of the school. The children had played on this asbestos dust for years and it has only just been removed by the Mines Department of the New South Wales government. That deliberate treatment of its employees by the mine management is a public disgrace. In fact, it goes further than that: it is an extremely tragic story for the large numbers of Aboriginal workers who have been severely affected as a result of its operations. In the community adjacent to the asbestos mine - almost the entire male working population was employed in the mine - the average life span is 48 years of age.

It had been established and publicly put abroad in the United States as far back as 1930 that asbestos is an extremely dangerous substance. There is even a considerable public risk involved in people working asbestos in their home. Each sheet of asbestos fibre in the United States and the United Kingdom, by law, carries a warning to this effect. Such warnings are not used in Australia, unfortunately. The company is involved in a fight with the NSW government to prevent that kind of warning sign being put on its products.

It is interesting to look at the composition of the board of directors of the company. We find that the chairman of the board, Mr John Reed, is one of the most powerful men in Australian business today. He is a close friend of the Prime Minister, Mr Fraser, a director of BHP, a director of Avis Rent-a-Car and no doubt inevitably and eventually he will become a knight. These influential men in high places have known about the dangers that the operation of their mine posed for the workers in that mine, dangerous to the point of causing death and sickness. It has been established overseas now that, because of the poor controls that were exercised in the mining industry in years past and because it takes a considerable amount of time for cancers to become evident, approximately 30% of the workers in overseas asbestos companies have died from cancer. Over the last few years, a number of workers in the mine have died from other causes, road accidents and so on, and autopsies have been performed on these people. In 3 recent cases, each of the people positively diagnosed by autopsy had asbestosis which is a serious lung disease; it is fatal and is caused by working in conjunction with asbestos.

It has been clearly shown by mining companies around the world that environmental protection and the health and safety of their workers run a very poor second to the profits that the company has to make. There has to be a responsible balance between the 2 areas, and I do not think that is a point

of view that will be seriously disputed by anybody. I do not think the fact that a company can make $17m in one year is justified at all if even one worker dies as a result of that operation with the company knowingly providing working conditions and safety conditions that are going to cause that man's death. It is a disgrace when the company embarks on a deliberate program of positive suppression of information, when they go to the point of producing a video tape and film for their workers which has been roundly condemned by the New South Wales Mines Department as being misleading and containing a lack of information.

In conclusion, I would say that nobody can take comfort from the track record of mining companies and it is essential that legislation be enacted to compel those companies to abide by environmental safety standards and health safety standards for workers.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

MESSAGES FROM THE ACTING ADMINISTRATOR

Mr SPEAKER: Honourable members, I have 3 messages from His Honour the Acting Administrator which I will read:

Message No. 7

I, William Edward Stanley Forster, the Acting Administrator of the Northern Territory of Australia, pursuant to section 11 of the Northern Territory (Self-Government) Act 1978 of the Commonwealth, recommend to the Legislative Assembly a bill entitled the Territory Insurance Office Bill 1979 to establish the Territory Insurance Office to carry out certain insurance business and other related activities in the Territory and for other purposes.

Dated this seventh day of March 1979.

Message No. 8

I, William Edward Stanley Forster, the Acting Administrator of the Northern Territory of Australia, pursuant to section 11 of the Northern Territory (Self-Government) Act 1978 of the Commonwealth, recommend to the Legislative Assembly a bill entitled the Legislative Assembly Members' Superannuation Bill 1979 to establish a contributory superannuation scheme for members of the Legislative Assembly, and for related purposes.

Dated this seventh day of March 1979.

Message No. 9

I, William Edward Stanley Forster, the Acting Administrator of the Northern Territory of Australia, pursuant to section 11 of the Northern Territory (Self-Government) Act 1978 of the Commonwealth, recommend to the Legislative Assembly a bill entitled the Supreme Court Bill 1979 to create a Supreme Court of the Northern Territory of Australia in place of the Supreme Court previously established by the Northern Territory Supreme Court Act 1961 of the Commonwealth.

Dated this seventh day of March 1979.

PETITIONS

Casino on Mindil Beach

Ms D'ROZARIO: Mr Speaker, I present a petition from 1,647 citizens of the Darwin area concerning the proposed construction of a casino on the Mindil Beach recreation 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 to; petition received and read:

To the honourable Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of the undersigned citizens of the Northern Territory respectfully showeth that there is widespread opposition to the government's decision to allow construction of a casino on

the Mindil Beach recreation area. Your petitioners believe that it is wrong to allow commercial interest to take over Mindil Beach. The area should be a green belt for use as public park land by the entire Darwin community. The siting of a multi-storey complex in this area is likely to lead to severe erosion of the beach caused by alteration of wind and water currents. Your petitioners therefore humbly pray that the honourable members of the Legislative Assembly will act to stop the casino being built on this beach and your petitioners, as in duty bound, will ever pray.

Casino on Mindil Beach

Mr PERRON (Stuart Park): I present a petition from 1,124 residents of the Territory concerning the proposed construction of a casino adjacent to Mindil Beach.

Mr Speaker, I move that the petition be received.

Motion agreed to; petition received.

Loiterers on Katherine streets

Mr HARRIS (Port Darwin): On behalf of the member for Elsey, I present a petition from 155 citizens in the Katherine area expressing their concern at the loiterers in the town area. The petition was circulated in Katherine on Tuesday and Wednesday of this week. It contains the signatures of not only all businessmen but also Aboriginal leaders and prominent residents, including the mayor of Katherine. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders.

I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of the undersigned residents of Katherine respectfully showeth that inconvenience is being caused to persons going about their legitimate business in the main street of the town by the presence of loiterers on the footpaths, particularly near the hotels, shops and public conveniences. It is understood that the members of the police force do not have the necessary powers to require loiterers to move. Your petitioners therefore request the government to remedy this deficiency in the law and your petitioners, as in duty bound, will ever pray.

HEALTH CARE SERVICES

Mr TUXWORTH (Health): Mr Speaker, responsibility for most aspects of health care services in the Northern Territory passed to the Northern Territory government on 1 January. The objectives of the Northern Territory government in this field are clear and comprehensive. They are that all Territorians, irrespective of race or economic status, are entitled to the best health care that can be provided and that wherever people live in the Northern Territory they should have equal access to these services. To achieve these objectives, and in keeping with the growth of the Northern Territory and its increasingly significant contribution to the Australian economy, development of these services must be continually reviewed to ensure that their quality is consistent with the best Australian practices and standards.

The Northern Territory government recognises the massive responsibility which it has assumed in taking over these provisions and the development of

health services in an area the size of the Northern Territory, with small scattered communities and with a significant component of the population presenting special problems and needs. It is a formidable task but I believe it can be tackled more realistically and more effectively through local political control, responsive to community needs and with maximum community involvement in the administration of services.

Central to the thrust of the government's policy is its commitment to the policy of regionalisation, involving 3 largely autonomous health regions centred around Darwin, Alice Springs and Nhulunbuy. As part of the application of this policy, further decentralisation of decision making will be developed in areas such as general management, hospital administration and aerial medical services, It is proposed, also in line with this policy, to develop 2 subregions based at Katherine and Alice Springs to service people in the sparsely populated central areas of the Territory. Locally based aircraft will make the subregional hospitals forward bases of Darwin and Alice Springs hospital.

Casuarina Hospital is to receive its first patients in February 1980. The bed capacity of the Darwin Hospital will then be reduced to 60 beds, operating only psychiatric, geriatric and rehabilitation services. The government believes that the contribution which communities can make to the management and support of hospitals has not been sufficiently recognised and tapped. During 1979 it is proposed to introduce legislation for the establishment of hospital management boards having considerably expanded administrative powers to replace the present advisory boards.

Among the measures designed to improve the health of mothers and babies in the Northern Territory has been the establishment of special obstetrics and gynaecology units at the Darwin and Alice Springs hospitals. In addition, specialists from these hospitals will continue the practice of regularly visiting the smaller hospitals.

Provisions are being made to improve interpreter services available at all health outlets and particularly at the major hospitals. Additional and improved interpreter services will be provided for Aboriginals. It is proposed that a small general hospital be established at Jabiru to service the people of the uranium province.

The Northern Territory has one of the most comprehensive data banks on Aboriginal health in Australia. This information is often misapplied to prove poor Aboriginal health in the Territory whereas we believe it should be used as a guide to Aboriginal health standards in Australia as a whole. The fact the Aboriginals have a level of health considerably inferior to the rest of the community is a continuing cause for concern to this government.

Among other measures the government will be considering, firstly, a more effective cooperation with the Department of Education in respect of school health education programs; secondly, the possibility of introducing small abattoirs for rural settlements; and thirdly, the continuation of the school milk scheme and the provision of nutritional supplements through all health centres.

Major problems which I will be discussing with my colleague, the Minister for Youth, Sport and Recreation, include the development of more effective vocational training programs for young Aboriginals and the provision of more job opportunities in Aboriginal communities. It is proposed to draw Aboriginals into areas of management and policy formulation through the establishment of health subcommittees of settlement councils and by the formation of a Territory-wide Aboriginal health council. Because of the contribution which health

workers can make to an improvement in health standards in their own communities, present training courses for Aboriginal health workers will be developed and expanded.

It is proposed that the range of specialist services available at the 2 main hospitals will be gradually built up to the stage where comprehensive services will be available. However, some referral service is still required where specialist services are not presently available in the Northern Territory.

The Commonwealth's Isolated Patients Travel and Accommodation Assistance Scheme facilities, more commonly known as IPTAAS, facilitates the referral of patients for whom specialist services are not available in the Territory to specialist centres elsewhere in Australia. This service is at present under review by that government. The Northern Territory government has asked the Commonwealth to include in the scheme certain off-shore islands which are situated less than 200 kilometres from the nearest specialist centres. The Northern Territory government will continue the travel scheme provided specifically in the Northern Territory which provides air fares in case of inter-hospital transfer and in certain exceptional cases for out-patient treatment. We will also be examining the scheme to update it to meet present requirements.

Honourable members will be aware that the Northern Territory government has taken over from the Commonwealth aspects of plant and animal quarantine on an agency basis. Other quarantine arrangements will be retained by the Commonwealth. However, it will be necessary for the Northern Territory to assess these measures regularly to ensure that they meet Territory conditions and requirements. It is proposed that the entomological work of the department be extended and that the comprehensive immunisation program be maintained and extended as the need arises.

With the support of other Territory and Commonwealth authorities and in cooperation with voluntary agencies, it is proposed to provide additional assistance to the aged in their homes and to ensure that there is an adequate provision of flats and other special accommodation for those elderly persons who are still able to live independently in the community. In addition, with the opening of the Casuarina Hospital we will be providing nursing home accommodation for the chronic sick and incapacitated and hospital accommodation for the acutely ill at the Darwin Hospital. In using a ward at the Darwin Hospital for nursing-home care of geriatric patients, we have considered the plan developed some years ago to build a geriatric nursing home in honour of the former mayor of Darwin, Mr Harry Chan, in the grounds of the Casuarina Hospital and the government has decided at this stage to name the ward the Harry Chan ward.

Special emphasis will continue to be placed on measures designed to improve the health of mothers and babies in the Northern Territory. The infant mortality rate amongst Aboriginals which is above the Australian average continues to be a major cause for concern. The 1978 statistics show a down-turn in the mortality rate and the government is committed to reducing the figures still further. I might make the comment that the down-turn this year shows the lowest factor ever recorded in the Northern Territory for Aboriginal infant mortality. Environmental conditions are major factors in influencing the Aboriginal infant mortality rate and because of this the government is determined to improve conditions in Aboriginal communities, particularly water supply and sewerage disposal, as a matter of priority.

It is planned to reorganise the health inspector service and to encourage local authorities to assume responsibility for significant aspects of the service. Informal discussions have already taken place with the Darwin and Alice Springs corporations to this end. In the meantime increased education will be directed to environmental matters in cooperation with local government authorities to improve standards relating to caravan parks, food shops, eating houses, hotels and motels.

As part of the government's overall employment policy to give preference to local residents we will ensure that priority in all Health Department training programs is given to local residents. The Aboriginal health worker training program designed to enable Aboriginal people to manage their day-to-day health care will continue to be given top priority. A comprehensive training program for Aboriginal hygiene workers to enable them to provide advice on basic environmental service in their communities will be established. A start will be made on an Aboriginal dental workers training program with schools based at Darwin, Alice Springs and Nhulunbuy. The dental therapist course conducted by the South Australian School of Dental Therapy will continue to be supported by encouraging young Territorians to undertake this course.

The nursing education program will be kept under constant review and early consideration will be given to the establishment of a post-basic midwifery training program. The nurse aide training program already established at the Alice Springs Hospital will be extended to Katherine and Nhulunbuy when appropriate clinical experience is available at those centres to support such a course. The radiographer training program at Darwin Hospital will be strengthened and extended.

Because the government recognises the importance of professional hospital administration in the management of hospitals, we will examine the feasibility of introducing training for hospital secretaries and will assist Territorians to study health administration at interstate centres. In this way we will assist in the maintenance of a high standard of hospital administration. It will be the policy of the government also to continue to provide post-graduate scholarships to maintain a high level of expertise in the various disciplines.

The government is concerned to raise the standard of dental health for Territorians and has taken steps to strengthen the Department of Health's dental establishments. In this part of its total program for developing effective dental services, the government proposes to equip the remaining 9 larger schools with dental surgeries over the next 12 to 18 months and provide in-built dental facilities for all new schools with enrolments of 500 or over. As well, the government will continue to program the screening and treating of all school children by the school dental service and the rotation of dental surgeons through rural areas. At the same time it will encourage and foster the establishment of private dental practices, including orthodontists. The reduction in the waiting period for elective dentistry to a reasonable period is an early objective.

By agreement with St John Ambulance Brigade, the service will be extended to Tennant Creek, Katherine, Gove and Alice Springs replacing the present hospital-based services. The government supports the expansion of this service in order to provide a single authority combining first-aid training, local participation and the provision of an integrated network of ambulances available for accidents, transport of the sick and during natural disasters. Consideration is also being given to providing ambulances to appropriate rural settlements.

An integral part of the preventative work of an authority concerned with health matters is the provision of community health services. The government proposes to extend its chain of community health services, both urban and rural, and to offer a range of preventative and primary-care services to meet local conditions. This could include home nursing, welfare work, clinical psychology and chiropody. It will not do this in opposition to the work of private medical and para-medical practitioners but to support and supplement their work in particular areas.

The provision of readily accessible health services to a widely scattered population requires an effective communication network. The government will ensure that all aspects of health communication are kept under regular review.

An occupational health section is presently being developed and will monitor all aspects of industrial health in the Northern Territory.

In order to replace the existing outmoded mental health legislation, the government has produced a comprehensive bill which will be introduced into the Assembly today.

The government intends to progressively register all para-medical practitioners in the Northern Territory and will commence this program by introducing shortly bills to enable the registration of chiropractors and physiotherapists.

The government believes that the Nomad aircraft which the Aerial Medical Service operates are not the most effective to service a network of widely scattered medical centres in the Northern Territory environment. The replacement of the Nomads by faster aircraft is being examined. A final decision on the replacement is dependent on finding a buyer for the present Nomad aircraft which appear to be better suited to the quarantine surveillance role.

I began this statement by referring to difficulties the Northern Territory government will face having accepted responsibility for the delivery of health services to the people of the Northern Territory. No other arm of government administration touches the lives of people in quite the same way as does the health services. Bearing this in mind and considering the unique demographic features of the Northern Territory where approximately 25% of the population are Aboriginals, it is no wonder that this is considered a most sensitive, important and demanding portfolio responsibility. Because we are a new government with opportunities to develop new approaches, I believe we can meet this challenge. It will be my task and that of my department to demonstrate, in practical terms, that this can be done.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I move that the statement be noted and seek leave to continue my remarks at a later date.

Leave granted.

SUPREME COURT BILL
(Serial 200)

CRIMINAL LAW CONSOLIDATION BILL
(Serial 284)

SHERIFF BILL
(Serial 285)

INTERPRETATION BILL
(Serial 286)

Bills presented and read a first time.

Mr EVERINGHAM (Attorney-General): Mr Speaker, I move that the bills be now read a second time.

These 4 bills are cognate and relate to the proposal to establish a new Supreme Court of the Northern Territory under Northern Territory law. As part of responsible self-government, the Territory already has its own parliament in substantial control of state-type executive functions of government in the Northern Territory. We have come a remarkably long way in a short time since self-government was first proposed by the Commonwealth. However, the Territory cannot be said to be truly self-governing until responsibility for the third and

only remaining major arm of government, namely the judiciary, is fully assumed. The Territory already has responsibility for the lower courts. I believe that responsibility for the Supreme Court should be passed to the Territory as soon as possible. I have indicated to the Commonwealth that my government wishes to assume its rightful and proper responsibilities on 1 July this year. I have reason to believe that this will receive a favourable response from the Commonwealth.

The Supreme Court Bill is of major importance to all Territorians. The bill has been introduced into these sittings in order to give all interested parties ample time to fully consider and comment on it. Discussions have already taken place with some interested members of the community but further comments and constructive criticism are welcome. The Territory is fortunate in having a bench of high quality with a chief judge who is held in the highest regard. The bill envisages that the existing supreme court judges under the federal act will become judges under the new Territory act. Discussions, on a confidential basis, have already been held with the judges in this regard. Appropriate guarantees as to terms and conditions of service have been given and are reflected in the bill. An appointment of the first Chief Justice of the Northern Territory Supreme Court would be necessary to take effect from 1 July and this would be the present incumbent, the Chief Judge and Acting Administrator at this moment, Mr Justice Forster.

The bill proposes the establishment of a Territory court of appeal in a similar manner to the states. There are, however, considerable administrative problems associated with establishing a Territory court of appeal. I have given an undertaking to the Commonwealth government that the provisions of the Supreme Court Bill relating to the court of appeal will not be brought into operation until the Commonwealth has agreed the time is appropriate or until statehood, whichever first occurs, and that in the meantime Territory appeals will continue to lie to the Federal Court of Australia. The bill accordingly contains a severable commencement clause with respect to the court of appeal. Transitional provisions have been included in the bill.

Perhaps I will just go back to that point. At most, there will be 4 judges on the bench of the Northern Territory Supreme Court. In practice, probably there will be only 3 because 1 of them will be the Aboriginal Land Commissioner and, to that extent, he will be required to retain his federal commission. To establish a court of appeal would require, in practice, more than 3 judges. With an actual bench of 3, I think it is impracticable at this time to constitute our own court of appeal because, although it is legally and technically possible, we would not want judges sitting on appeals against their own decisions. It has been done but it is a very undesirable practice. To a large extent, the bill has been modelled on the existing federal act with this in mind although the opportunity has been taken to introduce some progressive new provisions such as pre-judgment interest.

The staff of the Supreme Court will become Northern Territory public servants. Because of the expanding judicial powers proposed for the Master of the Supreme Court, it has been thought desirable to include some special provisions as to his office. There is an on-going project to review the rules of court with a view to simplifying procedures. Hopefully, this will be completed by 1 July but it is a very large task.

The Criminal Law Consolidation Bill proposes the repeal of those sections in the act which relate to the court of criminal appeal. These provisions reflect the old South Australian system which is largely irrelevant to the Northern Territory. The bill is not intended to come into operation until the provisions relating to the court of appeal under the Supreme Court Bill also come into operation.

The Interpretation and Sheriff Bills propose minor amendments consequential upon the introduction of the Supreme Court Bill.

Before closing, I would like once again to commend and praise the work put in by a staff of the Department of Law in preparing this legislation, especially the Supreme Court Bill which is a most important piece of legislation. Once again, I do not think it is improper for me to mention Mr Graham Nicholson, the Crown Solicitor, as a person who has contributed very greatly to this exercise. It is really remarkable how much the staff of the Department of Law seem to have at heart the establishment of a Northern Territory Supreme Court. There are other people, of course, such as the draftsmen and the Solicitor-General who have put in a great deal of work on this. I commend the bill to honourable members.

Debate adjourned.

CASINO LICENCE AND CONTROL BILL
(Serial 271)

Bill presented and read a first time.

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

This bill and the agreements which accompany it form the last legislative step by the government in its moves to license casino operations as part of international standard tourism complexes in Darwin and Alice Springs. Great care has been taken in the framing of the bill and the agreements.

Honourable members will recall that on 20 September last year, on the introduction of the Casino Development Bill, I made lengthy remarks on the economic benefits that these would bring to the Territory, specifically as a catalyst to our tourism industry. During that speech I mentioned that strict controls would regulate this new Territory industry and the bill and agreements now before the House encompass those controls. As specified in the Casino Development Bill, the agreements negotiated with Federal Hotels require the ratification of this Assembly. Clause 11 of the bill provides for that ratification.

The combined effects of each single control measure will be of great consequence. The Territory government will have effective and direct command over casino operations to a point where I would consider this new industry to be the most stringently controlled of any in our community. The penalties are severe. The agreements specify 11 grounds under which casino licences may be cancelled or not renewed. They include default by the companies in complying with the agreements themselves and conviction of the operating company or its directors of any offence relating to gaming or wagering. The bill specifies 7 further grounds on which a licence may be terminated or suspended. Suspension or termination orders may be issued if directors or officers of the company including the secretary, receiver, manager or a liquidator are appointed without ministerial approval. Similarly, power to issue such orders under clause 41 exists in the event of a failure by a company to disclose a substantial shareholder - that is, one who holds 10% or more of issued stock. The same penalty is provided if such a person becomes a substantial shareholder without ministerial approval or if he varies his interest without approval.

Clauses 55 and 58 detail penalty provisions for offences under the legislation. If a company is convicted of an offence, each of its directors is deemed guilty unless he can prove that it occurred without his knowledge or that he took steps to prevent commission of the offence. Fines of $2,000 and 12 months' imprisonment are provided for.

Mr Speaker, the bill and the legal agreements are documents which need to be read together to enable a clear understanding of the control provisions laid down. Definitions at the commencement of the bill and at the commencement of each of the agreements which form schedules to the bill are integral to understanding those controls. There are 2 agreements: one relates to Darwin and the other to Alice Springs, and both the agreements and the bill specify 4 companies. The 2 operating companies in the Territory are Federal Hotels Darwin Pty Ltd which will hold the casino licence in Darwin for both the interim Don Casino and the Mindil project and Federal Hotels Alice Springs Pty Ltd which will hold the casino licence in the Centre. Both of these companies are wholly-owned subsidiaries of Federal Hotels Northern Territory Pty Ltd which in turn is a wholly-owned subsidiary of Federal Hotels Limited, a company incorporated in Victoria. Should these company names alter or should the Federal Hotels Group at any time amend its corporate structure, other companies may be gazetted as specified companies at any time and thereby fall within the ambit of this legislation.

Part II of the bill details measures which aim at ensuring that no member company of the Federal Hotels Group as outlined above will fall under the control of foreign ownership, either through shareholding or manipulation of votes at a company meeting. Foreign ownership of any member company of the Federal Hotels Group will be limited to no more than 38% of the issued capital of each company. No resolution or decision at a company meeting shall have any force or effect unless 62% of the votes cast in favour are cast by resident Australian shareholders and if more than 40% of those present who vote at that meeting are foreign shareholders, 70% of votes cast in favour of a resolution must be cast by resident Australian shareholders. The chairman, deputy chairman and the majority of directors of each company must be Australian residents unless otherwise approved and each person proposed as a director must make a declaration prior to his appointment concerning any relationships he may have with overseas interests. New shareholders will be required to lodge a statutory declaration detailing the beneficial owner of those shares and share registers will be maintained in the Territory by Federal Hotels for free public inspection during business hours. There is a similar provision for trustee ownership of shares - that is, there will not only be separate share registers for both foreign and Australian resident shareholders but a third register of trusts which will be open for public inspection and show the beneficiaries of any trusts which hold shares.

The minister will have power under this legislation to demand in writing from any person information or documents which relate to relevant matters outlined in the bill. Full compliance will be necessary. Shares in respect of which such information is sought will have no voting rights until this occurs. Within one month of assent being given to the act, each of the specified companies will be required to lodge a return of the names and addresses of all shareholders. Clauses 32 to 35 provide machinery for the disposal of foreign shares should they ever exceed the 38% requirement as laid down in clause 22.

Part III of the bill deals with control of casinos and provides that a licensee will pay fees and taxes, the amount of which is specified in the agreements. Games cannot be played in the casino unless the rules are approved by the minister. Honourable members will note that the rules under which a game is played affects the odds. This section is of particular importance because it will have an effect on the patrons' chances, the government taxes and the licensee's profitability. Rules may be varied by direction at any time and the minister will have the power to direct the company to publish copies of approved rules.

Clause 49 subclause (1) provides for casino licensees, employees and agents to organise or play authorised games but this does not give them the right to bet or wager. It will legally enable them to play for the house only.

Under clause 50 wide-ranging powers are given the minister to issue directions on the accounting methods used for casino operations, the supervision and control of casino operations and the production of information on those operations at any time.

The casino licensee and the Commissioner of Police will have power to issue written directions prohibiting anyone from entering or remaining in a casino. This measure will be used to ensure that patrons comply with a reasonable standard of conduct and to refuse entry to known undesirables. Persons under the age of 18 years will not be permitted to play casino games.

The effect of clause 60 is that the Planning Act or any other law relating to town planning does not apply to the area specified in the agreements except to that part of the Don premises which is not used for the purpose of a casino licence.

Under the agreements the minister may at any time within the next 6 years require Federal Hotels NT Pty Ltd to offer 25% of its shares to individuals or companies resident in the Northern Territory. The terms on which the shares would be offered will be agreed on at the time between the minister and the companies concerned.

Both agreements are broadly similar in effect, although different timing factors are involved in each case. The Darwin agreement deals in addition with the temporary casino licence to be granted for the Don Hotel while the main development at Mindil is under construction. Under the agreements the company has agreed to have constructed in Darwin and Alice Springs substantial tourist developments and other amenities to international first-class standards within 37 months from the date of the agreement in the case of Darwin, and within 25 months in the case of Alice Springs. All plans for these developments are subject to the approval of the minister in his absolute discretion. In addition, the companies have undertaken to reclaim and landscape the Mindil Beach site and also certain adjacent land and the plans for this are again subject to the minister's approval. The granting of casino licences for each site will take place when the developments are completed within the stipulated period. However, the companies will be allowed extensions of time in respect of events beyond their control. In the meantime, however, when the Don Hotel has been improved and upgraded in the manner approved, a temporary licence will only be granted 3 months after construction has commenced at the Mindil site and will terminate as soon as the casino licence is granted for the completed development on that site.

As referred to earlier, in addition to powers under the bill the government has extensive powers under the agreements in relation to the games to be played in the casinos, the supervision and control of casino operations, the manner in which the accounts of casinos are to be kept and information supplied to the minister, and the conduct of employees and patrons of the casinos and hotels.

The control measures on actual casino operations are spelt out in clause 9 in the Darwin agreement and clause 7 in the Alice Springs agreement. Among other things they specify that casino licences cannot be granted until the companies have submitted to the minister for his approval written rules on the casino games, the manner in which the accounts are to be kept, and rules for the conduct and attire of patrons. The agreements also provide that no further casino licences will be granted by the government for a period of 15 years after the grant of these licences. This is a measure for the protection of the operator's investment and should not be construed as an intention of the government to license other operators at the expiry of 15 years.

The agreements contain extensive provisions limiting the companies' rights to assign or mortgage their interests in casinos and the relevant real estate and giving the minister power to control the terms on which and the person to whom they do so. The agreements, as mentioned earlier, also specify various events upon which the minister may cancel or refuse to issue or renew the casino licences and terminate the agreements.

A significant feature of the agreements is that any mortgagee taking possession of the casinos or a receiver and manager appointed by a mortgagee would be subject to proper controls by the minister in obtaining a casino licence and running the casino operations.

There is one other relevant matter which I should refer to and that is the matter of licence fees and taxes. The projected viability of both the Darwin and Alice Springs operations are dissimilar and for that reason there is variance in the 2 agreements at least in this major respect.

In relation to the Don licence and the Darwin licence, which is in effect the Mindil project, the government will receive a monthly licence fee of $2,500. It will be reviewed at the end of the third year after the granting of the Darwin licence and thereafter subject to annual review. During the first year of the Don licence a 15% tax on gross profit for each month will be paid. After 12 months and for the rest of the life of the Don licence and for the first 3 years of the Darwin licence the tax levy will be 20%. In the case of Alice Springs the tax rate will be 15% on gross profit provided that in the first 12 months of the licence the monthly payment is $8,333 and thereafter a minimum each month of $8,333. Gross profit in the terms of the agreements means the total amount wagered less only the amount paid out in winnings.

Review periods for taxation and licence fees are provided for in the agreements. It has been estimated that should the Don licence be granted later this year, as is expected, income to the government for 1979-80 would be in the order of $400,000. In a full year the Don would be expected to return in excess of $700,000. Combined revenue in a full year from the Alice Springs complex and the major Darwin development is estimated to be approximately $1.25m. Given the extra costs to be faced by the government in the establishment of a casino inspectorate, the operation even of the Don for part of next financial year would provide the government with a net gain, probably about three quarters of the revenue estimate.

During the preparation of this bill and the agreements reference was made to the Tasmanian situation where a casino has operated for about 6 years with an unblemished record. The Tasmanian legislation was a most useful guide but I believe that our officers have made improvements in respect of the degree of government control. It is tighter legislation than the Tasmanian legislation but it is considered workable and provides those safeguards we believe the community would expect.

In closing, Mr Deputy Speaker, I would like to commend the chairman of the Gaming Commission and officers of the Department of Law for their dedication and the many hours they spent in negotiating the agreements with the agents for Federal Hotels. I commend the bill to honourable members.

Debate adjourned.

LOTTERY AND GAMING BILL
(Serial 259)

STAMP DUTY BILL
(Serial 260)

Bills presented and read a first time.

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

The principal effect of these amendments to the Lottery and Gaming Act and the Stamp Duty Act will be to revise the fee and tax structure for Northern Territory bookmakers. Honourable members will be aware that last July the government introduced a turnover tax of 1.25% on bookmakers and increased betting ticket tax from 5¢ to 10¢. These bills provide for new rates of turnover tax and an 8¢ reduction in ticket tax to 2¢.

Honourable members will recall that in September when I introduced legislation to establish the Racing and Gaming Commission, I informed the House that the government intended following the Neilson Inquiry recommendation to repeal the Lottery and Gaming Act and replace it with new legislation. Before such a course is taken the newly created commission has to address itself to a full review of the existing position. These bills now before members form part of the results of the first stages of that review.

The Racing and Gaming Commission has been charged with the responsibility of implementing the government's policy of pursuing opportunities for growth in the racing industry as well as introducing adequate controls. Arising from this policy the interim chairman of the commission, as he then was, was asked to review the fees and taxes for bookmakers as well as the disbursement of funds to racing clubs and to recommend action to the government in these and any other urgent matters.

Over the past 4 to 5 months, the commission has had many discussions with bookmakers and race clubs alike. As a result, the information collated has allowed for the position to be subjected to searching analysis. This is a step in the right direction. The government has established a professional approach in its relationship to the industry and is moving as rapidly as prudence will allow to correct this sad neglect of administration of the industry which predated self-government.

The bills contain 4 main points: firstly, a revised fee and tax structure for bookmakers, including an 80% reduction in betting ticket tax; secondly, a new formula for distribution of revenue to industry and the government; thirdly, provision for barring persons from a racecourse or dog track; and fourthly, provisions for approval of taxes from bookmakers' bonds.

The analysis of fees and taxes revealed a need to spread the burden in a fairer fashion. It was found that the combined level of fees and taxes paid by Territory bookmakers was less than the average in the states expressed as a percentage of turnover. In the states, the average is approximately 2.25%. In the Territory, the figure for licensed or off-course bookmakers from licence fees, ticket tax and turnover tax is 1.91% and, with the inclusion of opening fees, it is 2.31%. Registered on-course bookmakers are paying government fees and taxes which represent about 1.84% of turnover. Despite the comparison which favours Territory bookmakers, an appraisal of their financial position was misleading until their general operating costs was taken into account. Market fluctuations, charges for race description broadcasts met by off-course bookmakers and stand-up fees paid to clubs by on-course bookmakers form a significant proportion of their operating costs. Market fluctuations and

broadcast charges are a consequence of operations far removed from the Australian racing scene and stand-up fees form a significant proportion of club revenue. Therefore, it is proposed that, if betting ticket tax is cut by 80% from 10 cents to 2 cents, this will align Territory ticket tax more closely with the states. It will also alleviate inequalities with bookmakers on lower ticket investment averages resulting in improved cash flows.

Opening fees which cost shop bookmakers $80 each local race day will be abolished. Licence and permit fees will not change. Complex changes, however, are proposed to turnover tax. This necessary rationalisation results from the total view taken of the imposts faced by bookmakers. Turnover tax will be adjusted to suit different circumstances and thereby create a more equable distribution of taxes. For on-course bookmakers, turnover tax will rise from the existing flat rate of 1.25% to 1.55%. For off-course bookmakers in Darwin and Alice Springs, the flat rate will be replaced by a sliding scale. The tax rate will reduce as turnover increases. Details of the scales are listed under clause 11 and the range is from a high of 2.25% on turnover up to $15,000 reducing to 1.5% for amounts over $25,000. Of these bookmakers, 14 or 67% have holds of less than $25,000 weekly. The scale will act as an incentive to those bookmakers. For country bookmakers operating outside the 50 kilometre radius from Darwin and Alice Springs turnover tax will increase to 1.55%, the same as for on-course bookmakers. Based on revenue estimates for this financial year, the net financial gain for Territory bookmakers from these proposals would be $47,000 or 5.6%.

The second major point of the bills is to establish a new formula for distribution of revenue. The formula used by the old Betting Control Board will be dispensed with. Under that system, charities were paid a proportion of revenue from the racing industry but the government has taken the view that it is illogical for charities to be subsidised directly from the operations of racing and gaming. Government funds which flow to charities are to be separated from the racing industry and, in any event, allocations are far greater than are derived from taxes under the existing provisions.

The formula proposed is that ticket tax, as stamp duty, will no longer form part of a distribution pool. Ticket tax will now be a minor proportion of the collection and will be paid direct into consolidated revenue. The new pool will consist of revenue from licence and permit fees and turnover tax. 40% of that income will be paid to an industry assistance fund to be administered by the Racing and Gaming Commission and 60% will go to the government. If this financial year's estimates are used as a guide, the new formula will produce a net increase of 20% in funds distributed to the industry. This financial year, fees and taxes collected by the government and returned to the industry will amount to approximately $250,000. Under the new formula, on the same revenue base, the industry will receive approximately $300,000 through the industry assistance fund.

Clause 8 of the bill provides for the commission to administer this fund. The money will be used for various purposes, including racecourse development, stake subsidies and administrative and special purpose grants. It will provide a boost to the future development of the industry but I do stress that it is not this government's intention to prop up clubs. They will be expected to conduct their affairs in a professional and efficient basis.

Before moving to the 2 other major points I mentioned earlier, I should state that the new financial provisions relating to taxes and fees and distribution to clubs will not take effect until 1 July this year. These steps are only part of a policy of rejuvenation of the racing industry. The commission is about to undertake a major review of the industry and the existing act. I would expect that the commission will be in a position to make recommendations to the government in line with this policy direction before the end of this year.

Most bookmakers and race clubs were given the opportunity of studying the concepts for restructuring the taxation provisions and the formula for distribution to the industry. The consensus was one of general agreement with the principle. However, the bookmakers expressed the wish that tax levels be reduced. In fact, tax levels were reduced from the level that was shown to them at the time their reaction was sought.

The third major provision relates to the barring of persons from a racecourse or dog-racing ground. At the moment in Territory law there is no legislative support for a club which bars a person from its ground. As a consequence, the police are not empowered to remove such a person if requested. Obviously, this is a most undesirable state of affairs and clause 15 of the bill will rectify this. Clubs which issue ban notices will notify the commission of their action and, in turn, the commission will have the power to circulate that notice to every Territory track or course as appropriate. Where the commission has served a notice on an individual, the police will then have the power to remove that person from a ground or track. This will eliminate the possibility of a known undesirable ignoring the club notice without fear of penalty.

The fourth major provision concerns bookmakers' bonds. Each bookmaker must lodge a bond with the government. However, as things stand, there is no recourse other than civil action for the recovery of unpaid taxes. Last year, one bookmaker left the Territory owing $200 in taxes and to date civil action has failed to recover that amount. The bill will close this loophole.

I must stress to honourable members that the government is not satisfied that the industry is well managed. The government, through the commission and the measures I have outlined, is keenly interested to see that position corrected. There is every reason to expect that, following the commission's major review, the government may consider further changes to both the taxation system and the revenue distribution scheme encompassed in these bills. As the responsible minister, I will await the commission's report later this year with much interest. The legislation now before honourable members will provide a more equitable system for the next financial year and it is up to the industry to demonstrate its ability to manage its affairs responsibly.

Mr Speaker, I should foreshadow that the Gaming Commission will adopt a policy not to reissue bookmakers' licences in the event of existing licensees leaving the industry. This action is designed to improve the holds of remaining bookmakers.

I also want to place on record that clubs who seek assistance from the fund to be administered by the commission will need to fully justify their requests. The government and the commission are not interested in generating an expectation of handouts. I commend the bills.

Debate adjourned.

LOCAL GOVERNMENT BILL
(Serial 280)

CONTROL OF ROADS BILL
(Serial 279)

Bills presented and read a first time.

Mr ROBERTSON (Community Development): Mr Speaker, I move that the bills be now read a second time.

Honourable members would be aware of the initiative taken by the Corporation of the City of Darwin to establish a pedestrian mall in Smith Street, Darwin.

It is an initiative which has the support of the government. The purpose of these bills is to provide adequate legislation covering the development of the project and to make amendments to the Local Government Act and consequential amendments to the Control of Roads Act. As the proposed changes to both laws are more directly concerned with the subject of local government than that of roads, I am introducing the Control of Roads Bill on behalf of my colleague, the Minister for Lands and Housing.

Pedestrian malls have been established in many major centres throughout Australia. The Corporation of the City of Darwin has taken the initiative for the establishment of the first pedestrian mall in the Northern Territory and to this initiative the government is happy to respond. As I expect most honourable members are aware, Alice Springs has what is called by some a mall but it is more in the nature of a restricted thoroughfare than a fully-fledged pedestrian mall.

The government's cooperation with the Darwin City Corporation in regard to the proposed Smith Street Mall is taking 2 forms. The government has committed itself to assisting the corporation in the funding of the mall and discussions are now taking place as to the nature of this financial assistance. The government's second commitment is to ensure that the Smith Street Mall and any other mall can be established without undue complication and then can function on a sound footing, whilst at the same time giving every opportunity to affected landholders to have their interests protected.

Detailed procedures already exist under the Control of Roads Act for the closure of a road or part of a road. Under these procedures the holder of an interest in land affected by the proposal to close a road or part of it is given ample opportunity to object to the proposal and this objection could cause the plan for closure to be amended and, whether amended or not, it can result through determinations of the Minister for Lands and Housing in a landholder receiving compensation for certain rights or certain rights being assured. Under the Local Government Act the municipal council can recommend the use of this procedure for the closure of all or part of one of its roads and thereupon the Minister for Lands and Housing can retain that land for any purpose of the council. Upon a council road being closed, however, there is a technical problem about the precise way that the minister is to dispose of the land to enable the council to pursue that purpose.

I doubt if it is necessary for me to explain the suggested courses of action under the existing legislation which could enable the land comprising the closed road to be vested in the council as a pedestrian mall. It suffices to say that clause 6 of the Control of Roads Bill now before members solves the problem by introducing a new section in the principal act, section 25A. I refer honourable members to subsections (1) and (2). Proposed section 25A goes on in subsection (3) and (4) to deal with an agreement that could be made by a council directly with a person who has an estate or interest in the land affected by the declaration of a pedestrian mall. The effect of such an agreement would be to grant rights in relation to the pedestrian mall to the person with whom it is made. These rights would, of course, be principally rights of way. These provisions relating to agreements made by councils offer added protection to landholders to that already provided by the Control of Roads Act and permits greater flexibility in allowing competing interests to be satisfied, settled and, if need be, adjusted from time to time.

Although there is no reference to pedestrian malls in either the Local Government Act or the Control of Roads Act, it can be argued that under that legislation a council could prevent or restrict the passage of vehicles along a pedestrian mall by means of obstructions or barriers. Nevertheless, the opportunity should now be taken to make this authority quite clear and this is what is done by proposed section 25B.

I now turn to the Local Government Bill. Section 5 completes the process by specifically providing a council with authority to make bylaws regulating or prohibiting vehicular traffic on pedestrian malls. This is subject to the terms of any agreement of a kind to which I have just referred.

I understand that the plans of the Darwin City Corporation for the creation of a mall in Smith Street between Bennett and Knuckey Streets are well advanced and that it wishes to start work on the construction of the mall as soon as possible after the wet season ends. The government wants to do all it can towards this worthy project and wishes the corporation well with it. We seek the support of this Assembly to that end.

Because of the concern of the Darwin City Corporation to commence the project immediately after the wet season, members asked my concurrence to seek urgency or the suspension of Standing Orders in order to have this bill passed through all stages at this sittings. Quite clearly, I am unprepared to do so in a bill of this nature. Of course it will eventuate that, in order for the corporation to use the maximum time available in the wet season, certain preliminary works will have to start between now and when the Assembly again considers this bill. I hope that honourable members will not regard that as an usurpation of the rights and privileges of this parliament.

Nevertheless, I do not think any member here would be opposed to this very vital project of the city council to ensure that the central business district of Darwin, which after all is the lifeblood of any city, is able to compete properly with regional shopping centres which are being constructed throughout the city. I know that many business people have invested millions in the Smith Street area and the central business district and I think the move of the city council is to be commended in providing a shopping venue and a parking venue which in the longer term can compete on equal terms with the rather magnificent establishments created by organisations like G.J. Coles in regional shopping centres.

Therefore, Mr Speaker, if work of a limited nature, by partial closures which is as far as the corporation can go at law, does occur in Smith Street, I would ask honourable members not to take it as a slight on their right to consider this legislation. I commend the bill to honourable members.

Debate adjourned.

TERRITORY PARKS AND WILDLIFE CONSERVATION BILL
(Serial 282)

TERRITORY DEVELOPMENT BILL
(Serial 283)

Bills presented and read a first time.

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

These 2 short bills are similar in nature and seek to establish 2 landholding corporations independent of the Crown to hold land for the Territory Parks and Wildlife Commission and the Territory Development Corporation respectively.

The landholding corporations proposed would hold title to the land but would not have any functions of management or control. There are plenty of precedents for this type of operation in commercial practice. In my view it is desirable that land coming within either the province of the existing commission or the existing corporation should not be treated as crown land. It is possible

to argue that this is the effect of the two principal acts in that land vested in either the existing commission or the existing corporation is presently held independently of the Crown. However, this is a matter not free from legal doubt. These bills should remove any doubt in this regard.

The bills, if passed, will have the effect that all land currently held by the existing commission and the existing corporation will automatically vest in the 2 new landholding corporations respectively. Future land to be placed under the control of the existing commission and the existing corporation would be vested in these landholding corporations. I commend the bills to honourable members.

Debate adjourned.

MOTOR VEHICLE DEALERS BILL
(Serial 243)

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 government's concern with the issue of consumer protection is well known. This has been shown by the recently proclaimed Consumer Protection Act. However, our concern has always been tempered in light of our overall policy of encouraging private enterprise and economic growth in the Northern Territory. This bill gives the consumer a considerable degree of protection and achieves this without being so restrictive as to stifle legitimate business and interfere with the normal market forces within the Territory.

The bill responds both to representations from the motor vehicle dealers themselves and concerns expressed by consumers for some regulation of dealing in motor vehicles. Honourable members may be aware that the motor vehicle dealers in the Northern Territory have formed an association with the object, among other things, of self-regulation of the industry. However, they realise it is not possible to do this effectively until such time as government control over those areas gives them a proper vehicle for control. Only reputable dealers abide by the rules of the association.

Mr Speaker, before I give details of this bill I should say that I am aware there is another bill on the notice paper which deals with this same subject. The government gave quite a deal of consideration to the adaptation of the opposition's bill. However, because of considerable differences on matters of principle and the variance of opinion on administrative arrangements, the government decided to proceed with its own legislation. We did consider it very seriously but it was considered far more convenient to the House to introduce separate legislation than attempt a wide-ranging amendment program. The government acknowledges the attempt of the opposition to introduce legislation in the best interests of consumers in the Northern Territory. I believe the government bill is more comprehensive and less restrictive than the other proposed. I will try to illustrate my belief by drawing attention to the major provisions of this legislation.

The bill provides for a commissioner of motor vehicle dealers who will regulate and license motor vehicle dealers. It is intended that the current staff of the Consumer Affairs Branch will carry out the regulatory duties required by the bill. Care has been taken to frame the bill so that only financially sound and proper persons are issued with dealers' licences. The Commissioner of Police may object to an application for registration. Provisions regarding the licensing of motor vehicle dealers are set out in clauses 7 to 13 of the bill.

Dealers will be required to keep a register of all new and second-hand dealings in motor vehicles. This register will record the make and model designation, type and year of manufacture where it is known, registered number, engine number, kilometre reading and the name and address of the person from whom the vehicle was purchased. If a dealer demolishes or permanently dismantles a motor vehicle he must also record this fact in the dealings register. I would assume that the most common purpose for that is to assist police in inquiries concerning stolen vehicles and particularly interstate stolen vehicles.

The matter of warranty is covered in clause 20. Briefly, this provides as follows: for demonstration vehicles the remaining balance of the manufacturer's warranty or 3 months or 5,000 kilometres, whichever is the earlier; for second-hand vehicles priced from $2,000 to $4,999, 2 months or 3,000 kilometres, whichever is the earlier; for second-hand vehicles priced at $5,000 and above, 3 months or 5,000 kilometres, whichever is the earlier; for second-motor cycles priced between $700 and $1,499, 2 months or 3,000 kilometres, whichever is the earlier; and for second-hand motor cycles priced at $1,500 and above, 3 months or 5,000 kilometres, again whichever is the earlier. Mr Speaker, these warranties will not distort present market prices, and this is an area that we were greatly concerned about with the opposition's proposals. A dealer can give better warranties if he wishes. An important feature of the bill is that where a purchaser decides to buy a vehicle without any warranty, it is necessary for both parties to sign a prescribed contract with the purchaser also signing a declaration to the effect that he understands that he is buying a vehicle without warranty.

Moving now to another point, the Commissioner of Motor Vehicle Dealers would have the power to revoke a dealer's licence but only after he has held an inquiry. A dealer whose licence has been revoked may appeal to a magistrate for rehearing of the inquiry. This ensures that the dealer's licence is not revoked without proper regard to all the circumstances of the case. The bill also provides for the display of licensed dealers' numbers, inspection of records and annual publication in the Northern Territory Gazette and a newspaper of a register of licensed dealers in the Northern Territory.

Mr Speaker, 2 very important provisions of the bill are contained in clauses 48 and 49. Clause 48 prohibits the sale in the Northern Territory of a vehicle registered in a place other than the Northern Territory, while clause 49 requires that all vehicles sold meet the requirements as to registration set out in the fourth schedule of the Motor Vehicles Act. In other words, Mr Speaker, it stops both the practice of dumping unsaleable southern bombs in the Northern Territory and the selling of unroadworthy vehicles in the Northern Territory.

I think I should mention that when this bill was being framed both the Motor Vehicle Traders Association and the Consumer Affairs Council provided invaluable advice on the practical applications of its provisions, particularly on the issues of warranties and roadworthiness of vehicles. I believe the resulting bill regulates the sale of motor vehicles in a practical and sensible way. It provides consumer protection and at the same time allows motor vehicle dealers to trade fairly and in competition as befits a free enterprise society. I commend the bill.

Debate adjourned.

MENTAL HEALTH BILL
(Serial 273)

Bill presented and read a first time.

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

Honourable members will be aware that the existing Northern Territory legislation relating to mental health, that is the Mental Defectives Act, has been the subject of a great deal of criticism over the last few years. That criticism has been well founded. The Mental Defectives Act is an anachronism which should have been dispatched to the archives years ago. That is the purpose of this bill before us and I am particularly pleased to be able to present to this Assembly this much needed piece of legislation.

At long last, the law of the Northern Territory will recognise mentally ill people for what they are and not some form of second-class citizens with less rights than most criminals. In preparing the bill, it became evident that on many issues relating to the mentally-ill there is no clear consensus of opinion. Although every effort has been made to prepare legislation which accords with the views of the majority of people. I still expect some provisions of the bill will attract criticism and comment. I not only expect such criticism and comment, Mr Speaker, but welcome it and if it becomes apparent that amendments should be introduced, then I will gladly do so. This is not the sort of legislation that should be viewed on party lines and I hope that all honourable members will examine and consider the bill purely on its merits.

Turning to the content of the bill, Mr Speaker, the basic approach taken has been to remove the care of the mentally-ill, so far as is practicable, from the police and courts and put it where it should rightfully be, in the health system. Unfortunately, the health system we have at present is not equipped to care for all mentally-ill people in the Territory and consequently the bill must take this fact into account.

Similarly, we must also accept that the best means available for protecting the rights of the individual is by way of the courts and this too must be reflected in the bill. I believe the bill effectively ensures that the courts will serve as protectors of the individual rather than simply as a means of having people committed to institutions as sometimes appears to be the case at present.

Essentially, the bill provides for the admission of mentally-ill persons to hospital either voluntarily or compulsorily and specifies the procedures which must be followed to ensure that no one will be kept in custody unless this is clearly in his own interests. The conditions under which a person can be taken into custody, either with or without a warrant, are set out in clauses 7 and 9 respectively and I feel sure that honourable members will agree that those conditions will ensure that only persons genuinely in need of help will be forced to accept it.

Similarly, the provisions relating to the initial referral of patients to a magistrate for assessment and to the review of patients by the court are specifically designed to ensure that no one is kept in custody for any longer than is absolutely necessary. The longest period that anyone can be detained before becoming subject to the scrutiny of the courts is 3 days. The longest period between the review of any particular case by the courts is 6 months. There may be some people who would consider even these periods to be excessive. However, I believe they are reasonable in view of the practical circumstances which exist in the Northern Territory. Whilst the person is held in custody, the treatment he receives must also be sanctioned by the courts by way of an order under the provisions of clause 14.

As I indicated earlier, the intention of the bill is to establish the courts as the protectors of individuals who are unfortunate enough to be mentally ill and I believe this aim has been accomplished. I do not feel it necessary to explain the bill at great length. It is simple and straightforward, and honourable members will be well able to judge its merits for themselves.

I mentioned earlier that I expect some criticism on various aspects of the bill and I am perfectly willing to take any amendments where the need for such is brought to my attention. In fact, it is already evident that some minor amendments will be needed. However, I do not propose to detail them at this stage, as they do not affect the basic principles incorporated in the bill. I trust that honourable members and the community generally will examine the bill closely and approach me with any suggestions they may have on how the bill may be improved. I commend the bill.

Debate adjourned.

LEGISLATIVE ASSEMBLY MEMBERS' SUPERANNUATION BILL
(Serial 281)

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 presenting this bill, I only regret it is a contributory superannuation scheme because it will mean that, if honourable members wish to join it at this stage and put themselves back in the position they would have been had there been a superannuation scheme that commenced either on 1 September in 1977 or 1 September 1974, it will take a colossal amount of delving in the chaff bags to find the wherewithall.

At the November sittings, I tabled a report from the Remuneration Tribunal on a pension scheme for members of this Assembly. The report was debated and speakers indicated their support of the principles enunciated in it with 2 variations. The variations proposed were that all time spent as a member of the Legislative Assembly be taken into account when determining the quantum of pension for a retired member and that pension schemes should be related to spouses not merely widows. I indicated that I accepted the Assembly's endorsement of the report as a direction by the Assembly to proceed to the drafting of the necessary legislation. This bill gives effect to that direction.

The report, while detailed in most respects, provided no clear guidelines in respect of some important details such as the assessment of levels of payment in respect of service flowing from membership of the Assembly - that is, a minister, speaker, leader of the opposition and so on. Another example is the situation when a retired member, who is in receipt of a pension, successfully contests an election and then again becomes a member of the Assembly. An examination of all the state legislation relating to parliamentary pensions was undertaken and the most suitable and sensible methods were taken from that legislation. I hope honourable members will agree that that is so.

I will give a brief outline of the principles of the bill. I have no doubt my remarks will be supplemented by detailed studies from each honourable member. The bill will establish a body called the Legislative Assembly Members' Superannuation Trust to administer a superannuation fund for members and former members of the Assembly. The moneys of the fund will consist of members' contributions, moneys paid to the fund by the Territory and interest and other income earned by investment of moneys of the fund. The trustees will be the Speaker, 2 members of the Assembly, one representing the government and one representing the opposition, and the permanent head of the Treasury Department. Every member of the Assembly will be required to contribute to the fund. Each will contribute 11.5% of his basic salary. A member who receives additional salary as a minister or from an office of the Assembly may make an 11.5% contribution to the fund from that additional salary.

The bill provides for an automatic right to a pension for a member who ceases to be a member for any reason after 15 years' service. A member who has served at least 10 years but less than 15 years will be entitled to a pension if he is not re-endorsed by his party, if he is defeated in an election or if he does not stand for re-election for reasons considered sufficient by the trustees. Additionally, he will have such an entitlement if he resigns from the Assembly for reasons considered sufficient by the trustees. A member who serves for less than 10 years and ceases to be a member for reasons other than death or illness, on ceasing to be a member, will be repaid his contribution plus interest at a rate to be determined by the trustees.

The pension rate paid to a retiring member is calculated at the rate of 46% of current basic salary plus 2.4% of that salary for each year of service over 10 years to a maximum of 70% of current basic salary. It does not sound as good as the public service superannuation scheme to me. In respect of members who have received additional salary, a multiplying factor is included related to the amount of additional salary in respect of which he paid contributions. Provision is made for the adjustment of the level of pension to accord with any variation in the basic salary paid to members.

The bill takes note of current membership of the Assembly since the 1974 elections. A member who has served since that date may elect to pay his contributions for the total period of service and is given time to pay that contribution. The period of service in respect of which contributions are paid will be taken into account in determining eligibility and quantum of pension. In respect of new members, provision is made for the admission of a certificate from an approved medical practitioner that the member is capable of serving for 15 years. If before that time such a member retires on health grounds, he will be accorded a pension entitlement as though he had served for 10 years.

Provision is also made for the conversion of a pension to a lump sum payment. This may be done in respect of all or part of the pension. This is essentially a payout at the rate of 10 times the annual pension entitlement with decreasing levels of payment after the age of 66.

The bill provides for the payment of a pension to the spouse of a deceased former member at a rate of five eights of the pension paid to the former member but not less than 40% of annual basic salary. Provision is also made for dependent children to be paid an allowance.

I have outlined the main provisions of the bill and, obviously, honourable members will wish to study the bill in detail. The bill is a reasonable and sensible reflection of parliamentary pension schemes applying throughout Australia and, for the first time, will provide for a pension for persons who make a career of service to this legislature. In common with all honourable members, I consider this to be a most important step. The lack of any form of pension scheme must be a strong disincentive to persons of ability who are otherwise attracted to service as a parliamentarian. It is my hope that the establishment of a pension scheme for members of the Assembly will give further encouragement to enable people to seek a parliamentary career so that standards of parliamentary service in the Northern Territory may be maintained at a high level. I commend the bill to all honourable members.

Debate adjourned.

LOCAL GOVERNMENT BILL
(Serial 287)

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 legislation is designed to give local government councils greater freedom in carrying out work in and around the community. It allows councils to carry out work on behalf of the government and paid for by the government.

As the legislation now stands, the council may carry out work with the approval of the minister outside the municipal boundary only on the condition that that work is of substantial benefit to the municipality. By deletion of the words "substantial benefit to the municipality" and replacing them with the phrase "not detrimental to the interests of the municipality", we will effectively remove the technical barrier to more efficient government than would otherwise be allowable. The work carried out may be of benefit to the citizens of the Northern Territory as a whole although not necessarily of direct benefit to the municipality concerned. At the same time, it will give councils the opportunity to carry out maintenance or improvements of their surrounds such as the beautification of approach roads to towns and other work in the interests of the general tourist trade. I commend the bill to honourable members.

Debate adjourned.

TERRITORY INSURANCE OFFICE BILL
(Serial 262)

COMPENSATION (FATAL INJURIES) BILL
(Serial 270)

MOTOR ACCIDENTS (COMPENSATION) BILL
(Serial 272)

MOTOR VEHICLES BILL
(Serial 275)

Bills presented and read a first time.

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

The government is introducing these bills in the best interests of all Territorians. The purpose of the bills is to provide for the better protection of Territorians and for the development of the Northern Territory. If development is to be achieved, the Territory needs to have access to and retain here as much locally generated capital as possible. Development will not take place without capital to finance it. It is a source of concern to the government that millions of dollars of insurance premium income is sent south each year. In Queensland especially - but indeed in every state of Australia - the community is well aware of the benefits which occur as a result of large amounts of developmental capital being available in that state from the activities of the long-established state government insurance office. There would be few major developments which have taken place in the thriving state of Queensland where the State Government Insurance Office has not been involved in some of the funding. Indeed, just to mention a less well known instance of its involvement, in Brisbane the SGIO theatre is an ultra-modern community facility which provides, amongst other things, a home for the Queensland Opera and the Queensland Theatre Company.

More importantly, the activities of the government insurance office or the Territory insurance office, as it will be known here, support and complement the activities of local private enterprise and the accumulation of capital here will enable the expansion of the activities of locally-based private enterprise by making available to it sources of loan and investment funds not previously available in the fairly tight finance market which exists in the Territory. There are many in the Territory who wish to borrow but the sources of funds are few. The government, in 1978, took action to establish the Territory Development Corporation which is an avenue of funding, especially for resource oriented industries. There are not, however, unlimited funds available for the purposes of the Territory Development Corporation. The Territory Insurance Office will complement its activities by entering into the lending business at the earliest possible date.

It is not our intention, at this time, to introduce legislation to establish workmen's compensation as the exclusive preserve of the Territory Insurance Office but this may have to be done in May. We are at present, however, negotiating with the Insurance Council of Australia with a view to ensuring two things: real competition in workmen's compensation and the investment in the Territory of as much capital as possible. We have done this hoping our negotiations will be successful and so that the insurance industry will see that we are genuine in seeking a resolution that is in the best interests of the Territory.

I should point out to honourable members that insurance companies do not necessarily invest their profits as is the current misconception. Their declared profits properly go to their shareholders by way of dividends. It is their flow of premium income and especially their reserves which form the basis of their investment funds. Our estimates are that the Territory Insurance Office should have reserves of between $12m to $14m available within 2 years for investment in the Territory if the Territory Insurance Office has an exclusive right to transact workmen's compensation business. Without this, the funds readily available for investment within 2 years are likely to be in the order of $6m. Whatever the result, these moneys will be there to enable the Territory businessman, tourist operator and agriculturist to develop, to expand, to earn income, export or otherwise, and thereby to create jobs.

The Territory Insurance Office will establish as soon as possible a loans department which no other insurance company in the Territory has and which will handle applications for finance here in Darwin - not in Adelaide, Melbourne or Sydney. In the course of the last couple of weeks, I have had searches carried out through the titles office system and have used a computer program to establish that there are 10,804 registered bills of mortgage in the Northern Territory. Bills of mortgage are vehicles whereby people or companies secure the repayment of a loan from a borrower. In other words, it is the protection afforded to the lender. We took a sample of 2,000 of these mortgages at random and we checked how many of the 2,000 mortgages were held in the name of the 23 authorised insurers operating in the Northern Territory. We found that there were 5 in 2,000. That indicates some idea at least of the level of investment by the general insurance industry - the general insurance industry, not the life insurance industry - in the Northern Territory. This is a situation that must be rectified. I cannot substantiate this - it is just a guess based on my previous experience - but of those 5 mortgages, probably 4 out of the 5 are for staff housing.

Not only will the Territory Insurance Office support free enterprise by way of investing in locally based free enterprise, it will help it by making moneys available to institutions such as the Home Finance Trustee, to boost the expansion of the private housing industry. As in Queensland, Territory Insurance Office funds will be available to local government and semi-government instrumentalities to help them in their capital requirements. The Territory Insurance

Office itself will be run on a normal business basis outside the public service using private accountants, auditors, solicitors, loss assessors and, wherever possible, private medical practitioners. This will provide valuable experience for many people in these fields who will, for a change, be dealing with the head office instead of acting in some cases merely as a post office for southern firms.

Although I think, in hindsight, a Territory Insurance Office would have inevitably been established simply because there is one in every state in Australia, I suppose the genesis of all this came about when in March 1978 the Australian Government Actuary produced his regular report into third-party insurance in the Northern Territory. This report, based on 1976 data, recommended dramatic increases in premiums for compulsory third-party insurance. For example, the premium payable for a private car was recommended as $154 or more than 50% above the level set by us less than 6 months before. The schedule of premiums was also to be by a long way the highest in Australia. The Australian Government Actuary was concerned that even the recommended premiums would not be enough to meet the losses expected to be incurred in this business. He recommended that we commission him to undertake a further study, this time into the 1977 industry figures, but these statistics are still not available. It is freely predicted that the claims experienced during 1977 and 1978, when available, will indicate that the premium for a private car under the existing system should now be $200 or more and next year perhaps up to $250. Even with these levels of premium, the actuary told us that insurance company losses were still mounting.

As soon as I read this report, I arranged for Mr Sid Caffin, an eminent actuary and himself a retired Australian Government Actuary, to conduct an investigation into third-party insurance in the Northern Territory. He was asked to come up with proposals for an alternative compensation scheme which might produce a cost structure which we could reasonably contain.

At the same time the current system of workmen's compensation was causing us a great deal of concern. When we took over the wider range of state-like government powers on 1 July 1978 it was obvious that the scales of workmen's compensation premiums then applying in the Territory were a significant disincentive to business activity generally. They were a far greater disincentive than payroll tax in most industries.

Looking then more closely at the workmen's compensation system we found that, although a multiple of companies were offering their services, the competitive rates of premium which might have been expected, particularly in respect of smaller businesses, were not available because of the heavy overheads generated by such a wide participation in such a small market. We looked at Queensland where, in contrast, all workmen's compensation cover is provided under the auspices of the State Government Insurance Office and has been for over 40 years. The success there demonstrates quite clearly that there is no substance in the industry claim that in this field lack of competition would cause higher premiums.

I might qualify that by saying that some firms do benefit by reduced premiums for workmen's compensation. These firms are the very large firms with such a large wages bill and such requirements for other insurances that they can bargain effectively. Generally speaking, small businessmen who are supporting the Territory as well as those who might be anxious to start operations here are tremendously disadvantaged. Small fishermen, for instance, must pay 36.5% of each employee's wage in workmen's compensation premium each year if held to the schedule of premiums recommended by the Insurance Council of Australia in Darwin.

On the other hand, Mr Speaker, the Queensland rate for fishermen is 3.96% of those wages. Consequently, there is a disinclination to base any small fishing activity in the Northern Territory. Queensland has been able to reduce its premiums by 10% in each of the last 2 years - that is generally and not just larger employers - and the board refunds annual surpluses to policy holders based on merit and a safety bonus scheme. I am informed that Queensland employers are at such an advantage over industry in other states in terms of this form of cost that workmen's compensation insurance is now a prime incentive to capital investment and plant relocation in Queensland.

It has yet to be demonstrated to me that, across the whole range of sizes and types of businesses, it is fair that the cost of workmen's compensation to a firm or industry should depend upon its bargaining power. Indeed, one notices that the many advertisements we have seen in the papers in the last few weeks stress freedom of choice rather than fierce competition. My government is dedicated to supporting and encouraging all local industry and not necessarily penalising the small at the expense of the large. I believe it is our duty and responsibility to see that all sectors of industry get the most equitable deal possible in what is an area of insurance universally forced on employers by statute in the community interest.

Mr Caffin produced his first third-party report in early August 1978. In a nutshell, what he said was that premiums could only be properly set if the scheme offered some fixed maximum schedule of benefits. It became clear to me that substantially more background work had to be done before we could decide on either a new form of third-party insurance or the means of its administration. As the government could not delay the implementation of the Australian Government Actuary's recommendations any longer, the new premium levels came into effect forthwith.

I announced on 17 August last year that the course was taken with great reluctance. My words at that time were: "The government has already commissioned an investigation to explore new methods of structuring third-party premiums and payouts in the Territory. Mr S. Caffin, the former Commonwealth actuary, is heading the investigation. Some of the options being looked at include putting a ceiling on compensation payouts to accident victims or paying damages claims in yearly instalments instead of lump sum payments". I went on to say that the insurance industry so far had not made a real effort to educate the public or seek improvements.

Mr Caffin was instructed to carry further the proposals made in his third-party report and to undertake an analysis of possible premium levels within the options available. In the meantime, there was a High Court case decided in New South Wales which might have substantial ramifications on the level of future third-party payouts. The court decided, in effect, that payments were to be made on the basis of gross salary before taxation was deducted instead of on the net salary after deduction of taxation. It is becoming quite clear to me that, with the general escalation of claims and the possible effects of that case, the capacity of the community to pay common law awards of damages to road accident victims was threatened. We were not alone in that realisation. Soon major reports and inquiries into motor vehicle compensation were released in 1978. They were the Minogue Inquiry in Victoria and the Pearson Royal Commission in the United Kingdom. Both recommended a limitation of lump sum payments in certain circumstances with the major part of compensation to be paid by periodic payments.

Mr Caffin took such material into account and also looked closely at adapting the no-fault system applying in Tasmania with which he is very familiar. Mr Caffin made his further report as recently as the end of January. Even more recently, the South Australian government has announced the main finding of a

state government committee on third-party insurance. It resembles the conclusions reached by my government upon which the current proposals are structured. We also looked at third-party schemes in other states, territories and New Zealand. We found that the movement towards a state instrumentality carrying on third-party insurance was universal because, with any reasonable controls on premiums, the risk generated for profit motivated companies caused them to seek to remove themselves from that field. In short, it became abundantly clear that schemes of compensation for victims of motor vehicle accidents were completely unsuited to private sector insurance participation.

In order to appreciate fully the problems associated with third-party insurance, it is necessary to look briefly at the nature of an insurance contract. Insurance has been described as a system in which a number of persons, each of whom is subject to a particular type of risk, contribute to a common fund to compensate those among them who suffer a loss arising from the risk. In practice this is accomplished by entering into a contract with an insurer who assumes the risk of such loss in return for a premium paid by the insured. There is thus a pooling of funds of a considerable number of individuals in the hands of insurance companies.

The philosophy behind compulsory third-party insurance as it now operates in the Northern Territory is that innocent victims of motor vehicle accidents are able to seek damages for injury and loss suffered where the injury or loss arose out of the negligent conduct of another motorist. The negligent driver is, in turn, financially protected under the terms of compulsory third-party insurance policy held by the vehicle owner. The system is based on the common law tort of negligence which now includes the doctrine of contributory negligence.

Any general insurance company can become an authorised insurer with the approval of the Administrator. At the present time 24 companies have been approved to transact third-party insurance. As I understand it, all except one of these have entered an arrangement under which they pool their risk and premium income.

Well over 90% of third-party cover is arranged at the motor registry as part of the registration process. Classification of the vehicle and hence the appropriate premium is readily determined from the current registration records. This means that the administrative costs of issuing third-party insurance policies are minimal.

Accounts for the whole of third-party business transacted in the Northern Territory are not prepared. However, regular investigations into the experience of this class of general insurance are made by the Australian Government Actuary on behalf of the Registrar of Motor Vehicles with a view to estimating the adequacy of the maximum rates of premium prescribed under the regulations. The report prepared by the Australian Government Actuary is based on the annual statutory returns submitted by authorised insurers to the Registrar of Motor Vehicles. The report by the actuary dated 14 March 1978 shows that a loss was made by all authorised insurers combined for each accident year since 1966. The loss for 1976 which is the latest year for which information is available was $2,110,000 resulting in an accumulating loss at 31 December 1976 of $5,748,000. What are the reasons for this large loss and the resulting large increases in premium rates which have had to be introduced?

In 1976 in the Northern Territory there were 15 deaths per 10,000 motor vehicles registered compared with only 5 deaths per 10,000 in most states. There were 237 injuries per 10,000 motor vehicles registered in the Territory which is about twice the injury rate in all states except New South Wales and South Australia. These rates provide the best available measure of the relative level of claim rates likely to be encountered in each state and territory.

A further important reason for the serious financial condition of third-party insurance in the Northern Territory, Mr Speaker, is the failure in the past of all authorised insurers to provide reliable annual returns to the Registrar of Motor Vehicles which would have demonstrated the high claim rate and high average cost of a claim for this class of general insurance business. The existence of a high claim rate and high average cost of a claim causes special problems for the Northern Territory. Large and frequent claims have to be carried wholly by the relatively small number of motor vehicle owners in the Territory. A $.5m award adds $10 to every premium in the Territory. Frequent requests for increased rates of premium obviously result in public dissatisfaction over the higher charges imposed, however realistic in practice these are. All companies charge the maximum allowable premium.

The current third-party system is, therefore, unsatisfactory for at least the following reasons: (1) the inevitable prospect of ever-increasing premiums; (2) the complex, expensive and delayed court proceedings adding to the suffering of victims in the years prior to receiving compensation; (3) the disadvantage to claimants in awe of the huge resources of the defendants; (4) the large legal costs adding up to perhaps 30% of the third-party scheme; (5) the open-ended, once-and-for-all lump sum settlements which, on the one hand, sometimes become out of date with inflation and, on the other, sometimes provide substantially more than beneficiaries need in the event of the early death of the disabled person; (6) the huge amounts included in awards for hospital and rehabilitation services which might be paid for in some other way without such a drain on the ordinary motorist; (7) the general fear of legal proceedings adding psychological strain to victims, particularly those who have no rights to compensation on their own account; (8) the serious criticisms of the lack of precise data relating to the calculation of profit or loss with insurance companies in this field which renders the calculations a less than absolute exercise; (9) the effect on general insurance premiums where cross-subsidisation of compulsory third-party insurance takes place; (10) the fact that only those road victims who are able to demonstrate they were in the right can be compensated; and (11) the monumental losses which are accumulating to the insurance companies.

To overcome these problems, Mr Caffin has recommended a scheme which, within a premium of $120 for a private car, provides benefits in the form of medical care and rehabilitation of victims, weekly payments, for life if necessary, for disability and dependancy and lump sum payments for death and loss of faculties.

He advocates the abandonment of the system where such compensation is secured by a common law negligence action in favour of entitlement extending to all Territorians on a no-fault basis. New Zealand's accident compensation also rejects the adversary approach. It does not apportion blame. Injured persons do not have to prove that someone else was to blame for an accident before they obtain compensation. Indeed, this system arose partly out of concern at the failure of the common law to cope with industrial and road traffic accidents. Inherent in the English common law which New Zealanders, along with Australians, Americans and many other nations have inherited was the notion of legal liability based upon fault. It denied an accident victim any remedy unless he could prove that others were legally responsible for his injuries.

Since releasing our new proposals we have heard criticisms of the apparently low benefit payments. You cannot make a silk purse from a sow's ear, Mr Speaker, and what you pay for is what you get. The payments are constructed around a weekly benefit for a family man of about 80% of average Territory weekly earnings if he is unable to work. In other words, it provides an average payment for an average premium. Of course, the man or woman on $350 per week would be disadvantaged; but to balance this, so would the pensioner having to pay an above average premium to allow the high-wage earner full compensation. For this reason,

Mr Caffin proposed a supplementary cover which might be purchased by Territorians who are in above average circumstances and who prudently wish to guarantee the continuation of this standard without burden on the general community.

An alternative which will be considered before the scheme is finalised is the inclusion of a benefit which could be assessed by the board - and reconsidered by the tribunal, if necessary - for pain, suffering, loss of amenities or capacity to enjoy life. The New Zealand scheme provides for such an amount to be assessed, again on a no-fault basis, but I certainly do not indicate that it should be on a no-fault basis here.

The 1978 annual report of the New Zealand Accident Compensation Commission points out the agonising required of government under that scheme in seeking a balance between the every-man-for-himself and the state-meeting-every-need extremes of philosophy. Community moods will change but we in the Territory have already seen the reaction provoked when the public are asked to pay more than they are prepared to support.

I have already announced the formation of a representative committee to examine the no-fault, fixed benefit approach to motor accident compensation, the terms of reference of the committee having already been tabled. That committee will seek the reaction of the public generally to the right to and the particular level of benefits for motor accident victims and how these benefits should be paid for. I understand the committee is proposing to commission the McNair Anderson survey people to conduct a survey throughout the Territory to try to ascertain attitudes. I believe this is certainly a very progressive move on behalf of the committee and one that I commend. In the meantime, Mr Speaker, the Motor Accidents Compensation Bill will be before this House for consideration by members and their constituents.

Whilst the study which resulted in these proposals was proceeding, the government was faced with the need to make adequate provision, and no more than adequate provision, for the insurance of the risks which it faced on its own account. This included insurance of buildings, public liability and so forth. Some states fully insure this type of risk; others meet the cost of claims on an emerging-cost basis. The Territory being so small runs a risk in not making provision for insurance in this area and, consequently, some form of fund was required almost immediately those risks were assumed from the Commonwealth. Indeed the Commonwealth, as a part of our financial arrangements, agreed to set aside for us a substantial annual payment of $400,000 per year to cover our premiums under this heading. Such coverage in government has no profit-making potential and the lowest real cost of insurance possible must be sought.

Bearing these factors in mind, it was quite clear that we should examine the possibility of creating a Territory insurance office, both for our own needs and so that, in the interests of the government and Territorians who are obliged to take out compulsory insurance, expenses could be kept to a minimum and equitable rates of premium offered. There is not one part of Australia, Mr Speaker, except the Northern Territory where an insurance office created by government action does not exist. Important reasons include a wish to provide a competitive influence on rates of premium charged by private insurers, to make sure that statutory insurance requirements are always available cheaply to all firms and persons requiring that cover and to provide governmental cover.

Accordingly, we asked our consulting actuary to prepare a parallel report on the feasibility of setting up a Territory insurance office and he did. In that summary, the government was faced with 3 correlated problems: firstly, a system of third-party insurance under which only some victims were compensated and where premiums were about to move out of the reach of the average Territorian; secondly, an immediate need to provide a system of break-even coverage for

government risk exposure; and thirdly, the workmen's compensation system under which premiums were a disincentive to a reasonable business activity, at least in some fields.

We decided that a Territory insurance office should be established for at least these purposes. Our resolve was reinforced by our actuary's positive recommendations as to the viability of such an office.

The Territory Insurance Office, it was decided, would have the power to enter other fields of general insurance in a fully competitive way with private insurance companies, in each case with prior ministerial approval. Accordingly, careful consideration was given to placing the Territory Insurance Office in a competitive and not in an advantaged position as compared with the private insurers.

In achieving this, honourable members will note that the bill contains the following features: the Territory insurance office is bound to follow sound insurance principles and not adopt practices which insurance companies cannot by their nature adopt; staff employed are to be outside the public service; finance generated by compulsory insurance as managed by the Territory Insurance Office cannot be used to subsidise other forms of general insurance so that artificially low premiums can be offered in competition with private companies - in other words, the present householder will not be required to pay for the reckless driver; commercial accounting practices are to be applied by the office; the office is to use private auditors and is to pay for auditing; profits, if any, are to be creamed off and not used to subsidise the activities of later years; the Territory Insurance Office is to pay all Territory rates, taxes and duties and to pay the equivalent of income tax to this government; if ever money is paid to the Territory Insurance Office under government guarantee of policies, this is to be repayable to the government as a debt; moneys required to establish the office are to be on a loan basis and not as a grant and the office is not to be subsidised by the taxpayers of the Territory; the office is to make use of local private loss assessors, legal practitioners, medical practitioners, and so on; existing policies of insurance are to run their course so that, for employment reasons, the run down of private business and the build up of office business is relatively evenly spread over a full year; and, more generally, the board of the office will be subject to any written direction by the minister in the conduct of its affairs, with one important exception which I will deal with later on.

I now turn to the bill to establish the Territory Insurance Office. This bill is to create a Territory insurance office and to clothe it with certain powers, functions and responsibilities. Clause 4 is the usual establishment clause for a statutory authority. Clause 5 sets out the functions of the office. The first 3 are the initial areas for the office: government insurance, workmen's compensation and motor accident compensation. The fourth allows the government to make use of the investment expertise of the office if required. The function of general insurance can only be undertaken to the extent allowed by the minister. A primary function of the Territory Insurance Office will be the promotion of industrial and road safety.

Clause 6 sets out the powers which the office will have in furtherance of its functions. These powers are enabling only. Honourable member will note, in particular, the power of the office to become actively involved in the rehabilitation of disabled persons. Clause 7 creates the link which establishes the office as an instrumentality of the Crown. Clause 8 obliges the office to follow sound insurance principles in the performance of its functions.

Clauses 9, 10 and 11 establish the board to conduct the affairs of the office. The board will have a majority of appointed members with tenure up to

3 years. Clauses 14 to 18 provide for the operations of the board, including the necessity for members to disclose their interests and withdraw where there may be a conflict. Clauses 19, 20 and 21 empower the board to employ a general manager and other staff, including consultants, with the general manager and a deputy general manager being public servants on secondment if required. The general staff of the office will not be public servants.

Clause 22 enables the office to receive the various moneys to which it might be entitled. Clause 23 restricts the power of the office to expend money and in particular obliges the office not to apply the proceeds of compensation scheme premiums to subsidise other sections of its activities.

Clause 30 provides the guarantee by the Territory of policies issued by the office. This is, of course, a last resort clause because the office is bound to follow sound insurance principles, for example, in providing prudent reserves for contingency, reinsuring and so on. It is most necessary to guarantee payments under the long-term compensation schemes on an investment basis. Money paid to the office under guarantee is repayable to the government as a debt.

Clauses 31 and 32 are self-explanatory. Clause 33 provides for annual reports by the board, including the auditor's report on the accounts to be laid before this Assembly by the minister promptly after receipt.

I turn now to the new motor accident scheme itself in the Motor Accidents (Compensation) Bill, serial 272. Clause 3, in providing that the Crown is bound, subjects all government vehicles and those owned by government authorities to a premium under this scheme. This will enlarge the pool of money available for distribution.

Clause 4 contains important definitions: "Accident" is widely drawn so that it includes, for instance, car accidents in the driveway of a person's home, on a property or off the road in a multi-terrain vehicle. "Resident of the Territory" requires careful understanding in conjunction with clause 8 as it leads on to entitlements to the privilege of immediate no-fault payments. "Spouse" is quite wide to fit the Territory situation. The de facto relationship qualifications are the same as those which apply under Commonwealth Public Service superannuation legislation. Disputes as to rulings of the board in relation of these definitions may be taken to the tribunal if required.

Clause 5 removes the right to initiate actions in negligence as a means of victims securing compensation for motor accidents. That right is replaced with the benefits later in the bill. Honourable members will note that the clause does not seek to remove the rights of visitors to the Territory or the common law rights of Territorians outside the Territory.

Clause 6 provides indemnity by the Territory Insurance Office to Territorians who are sued for negligence by non-Territorians either in the Territory or in some other part of Australia. Clause 37 allows the office to cause actions to be brought in such cases and to pay all costs.

Clause 7 makes it clear that Territorians are entitled to benefits not only in respect of accidents in the Territory but for those occurring elsewhere involving a Territory vehicle. Thus a Territorian driving interstate and running off the road near Mount Isa and hitting a tree would be entitled to benefits through our scheme. If he could sue another party for negligence in Queensland, then that damages benefit would be in addition to the no-fault payments already received. The level of the award would no doubt take account of such benefits received and make reimbursement to the office of medical and other expenses paid.

Clause 9 excludes certain people who have increased the risk to themselves from incapacity benefits. They are still eligible for medical payments by the

Territory Insurance Office and for Commonwealth Social Security pensions. If they are killed their dependents remain eligible for the death benefits under clauses 21 to 25.

Clause 10 disqualifies persons committing certain criminal offences from other benefits under the bill. Those persons must rely on current Medibank and Commonwealth Social Security benefits. The clause also provides that persons entitled to workmen's compensation as a result of an accident must look to that scheme for compensation.

Clause 11 causes weekly benefit payments to run from a week after the accident on the basic that the person so disabled will be hospitalised for at least that period and that people in employment would have at least that sickness benefit entitlement from their employer.

Clause 12 places the determination of benefits in the hands of the board of the office. Appeals lie to the tribunal under clause 27.

Clause 13 provides for set weekly payments for three grades of disability depending on the family and income circumstances of the victim. A person is classed as fully disabled if it is impossible for him to continue in the same job. For example, a radio announcer who loses his voice would be fully disabled but a chicken sexer who loses his voice would not. Medical officers are very experienced at assessing broad bands of disabilities, as this is exactly the system which now applies to servicemen under the defence services retirement benefit fund. Periodic reassessment is provided for so that the person close to the threshold of a particular classification can be moved if warranted by a deteriorating or improving condition. Partial disability weekly benefits terminate with a lump sum by clause 15, depending on the loss of limb or faculty. Eligibility for Commonwealth Social Security pensions remains in appropriate cases. It is the amount of these disability payments which will be vital to the level of contribution by motorists to support this type of scheme.

Clause 16 covers the circumstance where a dependent child or spouse is incapacitated but later ceases to be dependent. For example, a child maturing and marrying would then be classed as a head of a household and would then be reclassified.

Clause 17 indexes all weekly incapacity payments on an annual basis.

Clause 18 covers the payment of medical and rehabilitation expenses to a fixed maximum of $10,000 or a higher figure in special circumstances at the discretion of the board. In any case ordinary Medibank and Social Security coverage takes over beyond any such limit and in effect subsidises the scheme although the average case would be well covered. Hospital costs are not payable. This means that standard hospital services in the Territory, or interstate if necessary services are unavailable in the Territory, must be provided free of charge to the victim without cost to the scheme. In effect, this means that the Territory and indirectly the Commonwealth will secure less revenue from hospital services and face an increased shared operational funding liability. It is estimated that the governments will need to pay at least $200,000 per annum extra to hospitals and this will reduce every premium by about $5.

Clause 19 provides additional benefits of a capital nature to $15,000, again exceeded in special circumstances at the board's discretion and, of course, if there is dissatisfaction, then the claimant may appeal to the tribunal.

Clauses 20 to 25 cover death benefits. Clause 21 provides for the benefit to a dependent spouse. The board could declare a person a dependent spouse even if he or she was the highest earner in the relationship if the income of the

deceased was substantial. In the formula it is only the income which stops - that is, not interest on shares or rent and so on, which forms A in the formula and B is the entire joint income.

Clauses 22 to 25 are straightforward. Again it is the ability and preparedness of the community to pay which will determine the amounts of these benefits from time to time.

Clause 27 establishes a tribunal of a single judge to determine appeals from decisions of the board and references from the board. In the normal course of events an aggrieved person would demand a review of the general manager's decision by the board. Then, if unfavourable, he would refer the matter to the tribunal. I would expect that the single judge would hear the parties who may have legal representation promptly and less formally than the Supreme Court. The tribunal cannot exceed the powers of the board and could not, therefore, make findings inconsistent with the levels of benefits therein. Rules for the tribunal's procedures will be formulated in due course.

Clause 31 prevents, in particular, the minister - and this is the point I made before - from giving directions as to entitlement to or level of benefits to the board under his general powers of direction to the board under clause 7 of the Territory Insurance Office Bill. Subject to appeals the board will be absolutely independent here, and properly so.

Clauses 34 to 37 cover procedural matters. Clause 38 provides a transitional arrangement for the year during which the no-fault system will run alongside the rights under existing policies with private insurers. No-fault payments will be made to every Territorian victim from 1 July 1979. Under this clause, those who have a specific right of action against someone covered by private company policy may, and when directed by the board must, carry through such action. If successful, the amounts already paid by the board under no-fault are a first charge against the award. If unsuccessful, costs will be reimbursed and the no-fault benefits run on. Actions proceeding before the nominal defendant at the change-over date are protected in the Motor Vehicles Bill.

The Motor Vehicles Act requires amendment in consequence of the move to the no-fault scheme under a single insurer. Part V of the present act provides the current insurance arrangements. It relies on a concept of authorised insurers who are only able to write general insurance in the Territory if they accept third-party business. So much for the anxiety of the insurance companies to be involved in all the business. It also provides for such things as a nominal defendant where the driver to blame in an accident cannot be traced and makes certain other arrangements surrounding the general concept of compensation only being payable when negligence is proven or admitted.

Subject to suitable transitional arrangements, the new compensation scheme removes the need for these provisions altogether. Accordingly, the Motor Vehicles Bill repeals part V and replaces it with the contribution payments required to support the compensation scheme previously dealt with under the Motor Accidents (Compensation) Bill. In achieving this clause 6 introduces a new second schedule into the act in which the contributions payable upon the registration of different categories of motor vehicles are assessed. That schedule will replace premiums now set by regulations under the Motor Vehicles Act.

Proposed new section 48 also provides that the contribution will contain an amount to be paid to insurance companies who can prove that they have suffered losses in the past under this form of business.

Proposed new section 47 provides that the compensation contribution levels set in the schedule must apply for at least 12 months after which the minister may vary them. In practice, any variation in contribution rates will be decided only after recommendations of the board have been studied.

Consequential amendment is also required to the Compensation (Fatal Injuries) Act. These amendments are covered in the bill serial 270. The Compensation (Fatal Injuries) Act is designed to provide a right of action to the immediate relatives of a person who is killed due to the negligence of some person in an accident. Because the concept of fault is to be abolished in relation to accidents involving motor vehicles in favour of automatic compensation provided under the Motor Accidents (Compensation) Bill, it is no longer necessary to preserve the right of action in those cases.

It has been said that, in introducing legislation such as this, this government is adopting a rather radical approach. I do not believe that there is any other approach, subject to the recommendations of this committee, that the government could have taken to bring this situation to the forefront of the minds of the people of the Northern Territory.

Before commending the bills to all honourable members, I would like to pay particular tribute to a senior member of the staff of the Northern Territory Treasury, Mr Otto Alder, who has assisted me throughout the preparation of this legislation. Mr Jim Dowling, our chief draftsman, has also been a tower of strength. Mr Alder provided the framework of this speech and I really do not know where the Northern Territory would be without such stalwarts working for it as Mr Alder. I commend the bills to honourable members.

Debate adjourned.

PAYROLL TAX BILL
(Serial 288)

Bill presented and read a first time.

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

This bill is designed to achieve 3 purposes: firstly, to give the Commissioner of Taxes the power to delegate functions within the administration of the Payroll Tax Act; secondly, to increase the threshold where payroll tax becomes payable in small organisations; and thirdly, to introduce grouping provisions.

The general exemption from payroll tax is now $5,000 per month or $60,000 per annum. Unless this exemption level is reviewed periodically, its real value diminishes. For example, where once 6 employees could have been utilised without any payroll tax being paid, there may later be only 5. This amendment raises the exemption a full 10%. As that rate is higher than the average wage movements during the last 12 months, this will result in a real measure of relief to small businesses. Over 200 employers who are gaining partial payroll tax exemption in the Territory at present will gain direct relief from this amendment. Almost all of these employers will gain over $40 per month as a direct payroll tax saving.

Payroll tax began to be avoided by many employers in the states when the prime rate was increased to 5% of wages and general extension levels were increased to make the savings to small enterprises worthwhile. The easiest form of avoidance attempted was to split a company into companies or to create a new company every time threshold was approached. The higher the threshold,

the larger the number of employees in each company in a splitting arrangement. With a relatively high threshold of tax, the registration cost of creating each new company is more than offset by the tax saving.

The New South Wales Tax Commissioner cites the example of a case where 1 large company was split into over 200 subsidiaries of convenience and the computerised record system created a new company for registration every time a liability for payroll tax loomed. Employees were always uncertain as to their employer. Thus, the intention of providing relief to small businessmen began to be subverted because avoidance by the larger employers could only lead governments to increase other fixed charges which bear disproportionately on the small.

Faced with this dilemma the state governments could do one of two things: they could abolish all exemptions, perhaps with a very slight reduction in the prime rate of payroll tax to make legal avoidance impossible, or they could vigorously prevent the artificial use of company structures to provide payroll tax advantage. New South Wales was the first to opt for the latter in what became known as legislative grouping provision. Under these provisions, companies which are either related in terms of the Companies Act or commonly controlled or which make common use of employees are designated a group and only one member of the group may claim the general payroll tax exemption. The Commissioner of Taxes has the discretion of deciding if specified companies are in fact linked as a group.

Every state in Australia has adopted the same course in an almost identical way. Grouping provisions were not introduced into acts covering Commonwealth territories for the Commonwealth was relatively unconcerned with protecting such relatively small revenue sources.

The extent to which avoidance of payroll tax exists in the Northern Territory is not known. It is not evident from returns which employers could be grouped although 13 obvious groups have been noted, each with 2 to 12 entities. There is no doubt that astute accountants could advise clients to arrange their company affairs so as to minimise taxes payable and that the increase in splitting in the Territory would have been inevitable. Indeed, in the extreme, it could be possible for all such tax to be avoided in the Northern Territory had not this action to introduce grouping provisions been taken. Money lost in this way is not compensated for in the special Commonwealth grant made on the Grants Commission assessment. It would represent a reduction in reasonable Territory revenue effort.

It is true that some Territory firms will be disadvantaged because of the grouping provisions. I believe it is fair to say, however, that this disadvantage must be considered against the background of economies of scale which have been and will continue to be accessible to them as members of a group in their competition with others. As payroll tax is deductible for Commonwealth company income tax purposes any extra burden on such firms is reduced significantly.

I turn to the bill. In clause 4, and as a preamble to other clauses, it is necessary to include a number of new definitions to cover the new concept of grouping. Clause 5 brings in the power of delegation. This is required for the smooth administration of the act, especially when staff perform duties in Alice Springs and elsewhere on behalf of the tax commissioner.

Clause 6 effects the increase in the general exemption from payroll tax to assist small employers. By clauses 7 and 8, sections 10 and 11 of the act are replaced by 3 new sections to adjust the deduction entitlement at the end of each year in the new situation where groups are recognised. Honourable members will recall that, during the year when employers put in their regular returns.

they are allowed, under section 8 of the act, to make a deduction. These new sections cover the circumstances where there are wide fluctuations in business activity during the year or where an employer ceases operation, commences operation or becomes a group member during the year. In such cases, the commissioner is able to allow suitable adjustments of payroll tax paid or payable so that there is fair treatment when looked at over a full year. Clause 7 also includes the increases in exemption level from $60,000 to $66,000 per annum.

The grouping provisions are introduced as a new part IVA by clause 11. The sections concerned are those which apply in a standard manner in the states. I will run through these new sections to explain their effect as simply as possible: 17A defines business as a commercial activity; 17B groups corporations deemed to be related by the Companies Act; 17C groups businesses which share employees; 17D groups businesses with degrees of common control; 17E classes related groups as a single group; 17F allows for alternative declarations of group membership; 17G deals with the establishment of a beneficial interest under trust or control purposes; 17H is an important section under which the commissioner has the power, in special circumstances, to exclude a member from a group and thus reestablish the full rights of that enterprise to general exemption; 17J enables one member of a group to be the designated employer for the granting of the single right to general exemption on behalf of the group; 17K is the annual adjustment section required in relation to groups generally; and 17L is also an annual adjustment section, this time in relation to tax payable when members of a group cease to pay taxable wages or interstate wages during a financial year.

Clause 12 introduces consequential amendments to section 19 in the circumstances where further assessment is required. Clauses 13 and 14 are again consequential covering the effect of grouping on liquidators and trustees. Clause 15 extends the power of the commissioner to cancel registration for payroll tax purposes in respect of those employers who ceased activity before the commencement of this act. I commend the bill to honourable members.

Debate adjourned.

MOTOR VEHICLES BILL
(Serial 266)

Continued from 28 February 1979

Mr ISAACS (Opposition Leader): Mr Speaker, I rise to indicate that the opposition supports this legislation and also supports the granting of urgency to ensure that it passes without undue delay. The present law is causing hardship as a result of a decision by the Chief Judge of the Northern Territory in relation to the dispute which arose in the taxi industry some time ago. It is about 9 or 10 months since the dispute first arose although it has not been litigated until recently.

If an owner has his car destroyed by way of an accident or whatever and wishes to transfer the plate from that car to a new car, the current law in the interpretation of the Chief Judge states that that just cannot be done. Clearly, that is not the sort of thing we want in the industry. I am advised that this bill will remedy the problem. For that reason, the opposition supports it. We do not want to see the industry dislocated simply because of a defect in the law which does not go to any point of principle.

Mr DONDAS (Youth): Mr Speaker, this appears to be a common-sense piece of legislation. It seeks to amend the Motor Vehicles Act to empower the registrar to legally sanction and approve the transfer of licences on public and private

hire-cars and to validate such transfers from 1973 to the present date. It seeks to regularise an established practice consistent with existing policy.

I will reiterate briefly the background that has necessitated the introduction of this legislation. A recent Supreme Court ruling and subsequent legal advice has indicated that the Registrar of Motor Vehicles does not have the power to authorise changes of particulars on motor vehicle registrations. This is at variance with what has become established practice whereby the registrar when requested by the licence holder to record a change, either concerning his vehicle or perhaps a change of vehicle, would do so. While the present act is silent on the actual powers of the registrar to authorise these changes, consecutive registrars since 1973 have acted in accordance with their understanding of the intent of the legislation.

This situation had not been raised prior to the taxi dispute case heard in the Supreme Court in June to November of 1978. The honourable Justice Forster in his judgment referred to the Chin versus Davis case and indicated that the scheme in part III of the Motor Vehicles Act appears to be that motor vehicles are licensed and that one licence may only be granted with respect to one motor vehicle. He further said he did not consider that the power to alter a vehicle with respect to which a licence is held is a power which must necessarily be included within the powers given to the registrar.

Subsequent advice from the Department of Law summarised the judgment and, on the general applicability of the ruling, said that the nub of the matter is that his honour found that, as a matter of law under the existing legislation the Registrar of Motor Vehicles does not have the power to substitute one vehicle for another in a public or private hire car licence. If he purports to do so, he is acting ultra vires. If he purports to do so with the knowledge that he lacks the power to do so, he may well be personally liable in an action brought by an aggrieved person. Therefore, what had previously been accepted as a normal and valid practice by the registrar and the industry had to be discontinued.

Consequently, this amendment is required to allow the registrar to do what has been done in the past in a legal manner. It does not seek to validate illegal actions by the registrar in the past because members will appreciate that registrars have always acted in accordance with the intent of the legislation applicable at the time.

My colleague, the Minister for Transport and Works, has indicated that several people have been denied their livelihoods in operating public or private hire car licences because the legislation has not yet been amended. Prior to the law case which I referred to the registrar would have validated a change of vehicle or a change of the particulars of a vehicle on those licences. They are now being denied this normal practice because it has been pointed out that such action by the registrar is illegal. Because of the hardship being caused to these holders of public or private hire car licences, I see it as essential that this piece of legislation should proceed with all due haste and I support my colleague's request that this be treated as an urgent bill, as has the Leader of the Opposition.

In considering the introduction of the legislation the government had 3 real options available to it. One option was to allow the registrar, by the introduction of legislation, to effectively deal with all future situations but this would not eliminate the possibility of the registrar being liable for authorised changes previous to the introduction of the legislation but after 1973. Another option was to amend the Motor Vehicle Act to authorise the registrar to approve changes and at the same time remove the possibility of the registrar being sued for his previous actions, even though they were taken

within the intent of legislation. A further option, which was the option favoured by the government, was to introduce this legislation which is before the House, validating the action of previous registrars and making provisions within this legislation to allow the registrar to act within the intent of the previous legislation.

To conclude, Mr Speaker, I would briefly outline situations that could arise within the current legislation framework. A licence holder who depends on a licence for his livelihood may be involved in an accident and may request permission to substitute another vehicle. This is currently not permissible. A licence holder is currently not able to replace a vehicle which has deteriorated through normal wear and tear, even in accordance with the desire to maintain a high standard of safety and appearance. A registrar may be obliged to take a vehicle off the road if its condition is below standard and, at the same time, refuse permission for it to be replaced. Obviously, this is not the intention of the legislation. A particular section of the Motor Vehicles Ordinance, section 27C(2)(a), allows the holder to lease the licence under a memorandum of agreement contained in the regulations. The registrar is required to approve the agreement. He may be obliged, at some later date during the currency of the agreement, to cause either of the parties to the agreement to be in breach by being unable to authorise a suitable substitute vehicle. In all cases where the licence holder or the lessee has a vehicle put off the road, either through accident or below standard condition or whatever, there is no alternative available to substitute another vehicle. His licence then becomes inoperative which inconveniences the licensee, the public at large and also denies the person the ability to earn a living through his chosen work. The only other avenue available to an operator is to take a chance on securing a licence by submitting the highest public tender and, in accordance with section 27A(6) of the Motor Vehicles Act, this is effectively an approval by the Minister for Transport and Works to release a further licence where there is a need. I support the bill.

Mr SPEAKER: Honourable members, I am satisfied that the delay of one month provided for by standing order 151 would cause hardship. Therefore, on the application of the Chief Minister, I declare the Motor Vehicles Bill 1979, serial 266, an urgent bill.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

LOCAL GOVERNMENT BILL
(Serial 191)

Continued from 6 March 1979

In committee:

New clause 2A:

Mr ROBERTSON: Mr Chairman, the committee will recall that the discussion was in relation to the insertion of a new clause 2A and the committee requested time to consider an amendment that related to the removal of certain wording from section 304 of the principal act. Perhaps the committee might indicate if it still has any difficulties with that?

Mrs O'NEIL: I would refer the minister to the amendment schedule. The first part of amendment 42.1 certainly makes sense and is necessary to the bill. The first part is the removal of the words "not being land reserved under a law of the Northern Territory for the recreation or amusement of the public or for

any other public purpose". But having removed that, I cannot understand why it is then necessary to insert a further subsection into section 304 to say, "The provisions of subsection (1) do not apply to land held by a council under section 339A or 339B". Can he explain that to me, please?

Mr ROBERTSON: The reference here to subsection (1) is not a reference to subsection (1) in the circulated amendments. It is a reference to subsection (1) of section 304 of the principal act.

Mrs O'NEIL: Section 304 of the principal act will then read, after we omit those words, "A council may manage, improve or lease for a term not exceeding 50 years lands and other real or personal property acquired by or held by it in trust or under its care". That is fine. But why is it then necessary to insert the proposal in subsection (2) of the amendment that the provisions of subsection (1) which I have just read out do not apply to land held by council.

Mr ROBERTSON: Again, it is simply a matter of preventing the possibility of litigation involving the use of a lease or trust under sections 339A or 339B, by making sure they do not refer to section 304 of the principal act. It is to make sure there is no possibility of litigation arising. It is not considered that there is a difficulty in law with this, but it is simply to prevent capricious action being launched. It is simply a safeguard. At least, that is what my notes from the drafting staff say. I admit it is a very complex manoeuvre and, if the committee thinks it has had trouble coming to grips with it, you had better believe I have been worse off. It really has been a most difficult manoeuvre to follow. The need for the removal of the words "not being land" etc in the first part does not cause the committee any problem. That is quite obvious but the removal of any cross-reference between 339A and 339B back to that section, which could open it up to litigation, is also considered highly desirable.

Mrs O'NEIL: I thank the minister for his explanation and I accept his assurance that it is necessary.

New clause 2A agreed to.

Clause 3:

Mr ROBERTSON: I move amendment 42.2.

This is purely a correction of an incorrect reference.

Amendment agreed to.

Mr ROBERTSON: Mr Chairman, in respect of clause 3, subclause (1), the word "they" on the end of the second line clearly should be the word "them". I would submit that as a formal amendment.

Clause 3, as amended, agreed to.

Clause 4:

Mrs LAWRIE: Mr Chairman, I am somewhat worried about clause 4 which to my mind could allow land vested in the council prior to the commencement of this act to be subleased and yet the minister in his speech said that this was not so.

Mr ROBERTSON: Yes, Mr Chairman, I was quite right in my speech; it is not so. Land already vested in the council, that is prior to the commencement of this act, will be still vested in the council consistent with the tenor in which

it was originally vested. It will be subject to the principal act, as amended by this act, but not subject to this act.

Clause 4 agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

TENANCY BILL
(Serial 199)

Continued from 1 March 1979

Mr ROBERTSON (Community Development): Mr Speaker, a bill such as this always raises intense interest among consumers. Having regard to that and to the political philosophies which exist on both sides of the House and the significant difference between them, I think the bill was debated during the second reading in the best possible spirit. I took very careful note of the comments made by the opposition and had them thoroughly investigated. Honourable members will notice that a number of amendments have been circulated. These amendments attempt to pick up, as far as possible, most of the concerns of the opposition party and the honourable member for Nightcliff.

The government had taken the decision to have a firmer control on the bond issue than was reflected in the bill. The cabinet decision clearly indicated drafting instructions in respect of those controls but for some reason they were overlooked in the office and by myself. The responsibility for that is quite clearly mine. However, we have attempted to pick these up.

The member for Sanderson raised a query as to whether or not the interest would be net or gross. I discussed it with the officers and people who are experienced in this field and the construction that is placed on that section is that it will be net. That does not mean the rent will be higher; in fact, it really will not affect it at all. Net means that you do not have to have regard to the increase in value of premises when you are speaking about the interest rate. To put it another way, the expense for maintenance of a good quality 3-bedroom house at $45-50,000 is about the same as a very good quality $80,000 house. If you calculate fair rent on a net interest return, it is the view of the officers that it would give a more equitable and a more just figure on which to work, having regard also to the various other provisions in that section which govern the determination of a fair rent.

The other query raised was that there was no mechanism for recovery of excess rent charged between the time the rent was charged and the time the tenant appealed to the commissioner for a determination of fair rent. The references appear in clause 15. In clause 10, the bill talks about the date of the determination; it does not say the date of the application. There is nothing to stop the commissioner determining the rental to commence as and from the date of occupation. We will take an example of the lessor charging the lessee $100 and a fair rent is subsequently determined by the commissioner as $60. Quite clearly, the tenant has paid the lessor an amount of money in excess of what is fair and reasonable.

There has to be a procedure for recovery and that is found in clause 15(1) and (2). Basically, it says that the excess can be recovered in a court of competent jurisdiction. In addition, the lessee can go to the commissioner and apply to have the money offset in future rentals. If the lessee so elects to have it offset in future rentals, quite clearly, it would remove the need for any action in law.

The only other major concern, apart from bonds, was one of philosophy: whether or not it is appropriate, in the economic climate of the present situation of supply versus demand, to bring in this legislation. Certainly, I would be the first to admit that things have changed quite significantly since the select committee of inquiry investigated rent and accommodation throughout the Territory. The risk area is Darwin; I do not think anyone can deny that. As uranium mining and tourism really start to get going in the Northern Territory, pressures will start to increase and we will have to ask ourselves about the effect of legislation like this. It would seem to me that pressures would increase at a far greater rate, at least on the rental housing sector, under a rigidly controlled system rather than a redress-of-wrong system. What we have to do is get the industry not into the business of saying "I am going to rip the public off", but into the business of recognising that there is a demand and being in a position to satisfy that demand with confidence.

On the question raised by the honourable member for Port Darwin, it would perhaps be worthwhile to have a look at some figures. I had one of my staff do a little homework in the newspaper room. Over previous years, judging from advertisements in the NT News, the average was about 3 flats for rental, about 3 houses for rental and about 6 other types of accommodation offered each day. Friday is the day on which most people advertise their accommodation. It is interesting to note that on Friday 23 February 1979 the NT News real estate section indicated that there were 13 flats for rent, 6 houses, 17 hostel or bedsitters and 6 share rooms. On Friday 16 February 1979 there were 12 flats, 4 houses, 13 hostel or bedsitters and 6 share rooms. These figures do not include caravans or temporary accommodation advertisements. Twelve months ago on 21 February 1978, there were 8 flats available, 5 houses, 16 bedsitters and 3 share rooms - an increase of about 60% in the corresponding period. On Friday 14 February 1978, there were 9 flats, 7 houses and 21 hostels. In respect of flats, there has been an increase of 25%. At the same time 12 months ago, there were 3 more houses than there were this year. The general trend is that accommodation is more plentiful in the rental market now than it was 12 months ago. I think the pressures I referred to earlier will gobble that up. It certainly is the intention of the department that the Consumer Affairs Branch will monitor very critically trends in rental accommodation, prices and demand. An exercise over about 12 months should reveal whether or not this move has been a correct one. I believe it has been. I think the evidence indicates that there is even now a lessening in demand but this will be gobbled up.

The other contentious area was the question of bonds. If any question exercised the minds of the select committee, it was this question. There is little doubt that, at the end of about 5 or 6 months deliberation, we really did not have an answer. I accept that a complete laissez-faire system places the tenant at too much risk. I do not believe we should impose upon our public service the type of proposals advocated by the Leader of the Opposition. I do not think we should go into the New South Wales system. The honourable Leader of the Opposition pointed out that the New South Wales system operates on 6 board members. Well, he was not even right about that, much less anything else.

The New South Wales system is that all bonds on accommodation throughout the state have to be sent to the bonds board. It is done by mail; there are no offices anywhere in the state so you have to send it by letter. Instead of there being 6 members handling this, the board comprises 4. This is the Registrar of Cooperative Building Societies as chairman, the Rent Controller, the deputy under-secretary to the Treasury and the minister's nominee - 4 senior officers. The amount of money handled by those 4 senior officers, just to give you an idea of how much it would take of their time, was about $26m. That is the current amount being held from the free enterprise system. The board itself, incidentally, believes it will make a profit but let us look at our bureaucracy. I mentioned 15 and it was. As the Leader of the Opposition knows, on a quick

reflection back to the heyday of the prices and rents controller's office under the Department of the Northern Territory and a wildly-based guess, I think you will find I was not too far out.

In these days of computer accounting and highspeed ledger machines and so on, the amount of people needed is not necessarily reflected by the volume of work coming through. Staff are needed because of the multiplicity of functions. The Leader of the Opposition proposed this all-encompassing bonds board with 6 people, based on the New South Wales system which he said is slightly bigger than the Northern Territory, expecting that one could do it in the Northern Territory. The reality is, of course, that you need a number of people to do functions. Instead of there being 6, as suggested by the Leader of the Opposition, the true figure is 47. That is the staff of the New South Wales Bonds Control Board. In addition to that, it has its rent advisory committee which was also suggested by the honourable Leader of the Opposition. So I really cannot understand where the honourable Leader of the Opposition got that figure. We all know he is intelligent. There is no question about that; that has never been in doubt. He is a very bright boy; he constantly reminds us so. I suppose he is something like a Christmas tie - bright but useless.

Mr Collins: Where did you get that one?

Mr ROBERTSON: They're beaut books - "2001 Insults". I like the hilarity, Mr Speaker; it does break things up. I looked up my book this morning, just for one especially to suit the honourable Leader of the Opposition and I thought that had his fitting to a tee.

Mr Speaker, I do thank honourable members for their consideration of the bill. I am sure if there are any other queries honourable members will raise them during the course of the committee stage. It will take a little while so, with that, I commend the bill.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr ROBERTSON: I move amendment 63.1.

This arises out of the concern of the honourable member for Fannie Bay about the difficulty in defining what "holiday purposes" are. It has been accepted that that is almost impossible. I really wonder how much easier it would be to define what "tourist purposes" are, but it does at least remove one difficulty in interpretation. It consequentially means the only definition we need to worry about is "tourist purposes". Again, of course, we can get into difficulty there. The commissioner will have the power of making up his own mind, based on judgment, as to what really are legitimate tourist purposes. The 2 flats I have at Tennant Creek in partnership are in fact in a residential H zone which is "land for tourist purposes" and it is that sort of thing I think we need the Commissioner for Consumer Affairs overseeing so that people do not use loopholes like that.

Amendment agreed to.

Mr ROBERTSON: I move amendment 63.2.

This is simply to clean up the provision, having removed the other subsection.

Ms D'ROZARIO: Mr Chairman, I would just like to put forward for the consideration of the minister at some later time the question of caravan parks being excluded from the definition of "premises". I must say, when I first read his proposed amendment 63.2, I thought we were going to subject caravans to rental determination. Of course, that is not so but I would point out to the minister that there are very many people who live in caravans as a permanent residence. I myself, in my electorate, have 5 or 6 dozen electors, if not a few more in recent weeks, in the caravan park on McMillans Road. These people are on the electoral roll so one can assume they are permanent residents of Darwin. It would be useful, I think, at some later stage to consider the extent to which people use caravans as permanent residences and also to give those people the right to have their rents determined under this act.

Mr ROBERTSON: I thank the honourable member for her comment. The committee may like to know that the Commissioner for Consumer Affairs is in the gallery and without taking up a lot of the time of the committee, if there are any comments like that, I am sure he will take them on board and give them consideration.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clauses 5 to 7 agreed to.

Clause 8:

Ms D'ROZARIO: I move amendment 51.1.

The object of the amendment is simply to place a time limit within which the lessor must respond. At the moment the limit is at the discretion of the commissioner. However, there are prescribed limits sprinkled all over the bill so I think it not unreasonable that we specify a time limit of 14 days in this subsection.

Mr ROBERTSON: The government opposes the proposed amendment brought forward by the opposition. Concerning the time limits or constraints referred to as being sprinkled right throughout the bill, I think she is referring principally to minimum time periods for notices which must elapse before an action being brought. I spoke to the commissioner about this one with a view to accepting the amendment. He assures me, from his own knowledge, having regard to the vastness of the Northern Territory and the difficulty in communication, it could well work to the disadvantage of both sides. The commissioner's view, and I accept his view, is that it would be better for him to make a judgment decision on each individual case as to what time period will be necessary for justice to be done rather than us arbitrarily impose it here without regard to the varying circumstances.

Amendment negatived.

Mr ROBERTSON: I move amendment 66.1.

The reason for this amendment is that representations received from industry were very, very critical of this proposition. I forgot to mention in summation, incidentally, that I should thank the various interested organisations, including the Darwin Unemployed Workers Unions and Master Builders Association and, of course, the Real Estate Institute along with a number of private firms. With the exception of the Welfare Union, they were all violently opposed to a provision whereby the business affairs of a private citizen would be laid bare before a person simply because he made application in this manner.

Information concerning one's personal financial dealings would be of no benefit to any case that a tenant would wish to put up. The tenant does not need to know the size of the overdraft or the mortgage of a lessor in order to help with his argument. It would simply be laying bare the commercial soul of businesses and individuals unnecessarily.

Amendment agreed to.

Mr ROBERTSON: I move amendment 66.2.

This is merely to clean up clause 8 as a result of the omission of subclause (4).

Amendment agreed to.

Ms D'ROZARIO: I move amendment 51.2.

The effect of this is to omit subclause (7) of this clause. The clause, as it presently stands, says that the commissioner may not make a determination on his own motion. I believe it is desirable in some instances to permit the commissioner to make a determination, notwithstanding that a lessee has not applied to him. There are some cases where this would be desirable: for example, where a lessee may consider his rent unduly high but may not be in a position to make a formal application to the commissioner. In such a case I think it should be open for the commissioner to investigate it, even though the lessee has not made a formal application to the commissioner.

Mr ROBERTSON: My clear recollection, having written almost every word of the original draft of the select committee report by hand, was that the select committee was quite determined that the commissioner should have the power of doing this on his own motion. It would be an administrative direction that he would not do so unless the gravest concern was there that it should be done. I wonder if the Chief Minister's recollection is the same, he being a member of that committee.

Mr Everingham: I can't remember.

Mr ROBERTSON: I personally have no objection to it. The government accepts the amendment.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clause 9 agreed to.

Clause 10:

Ms D'ROZARIO: I move amendment 51.3.

The minister said in his summing up that nothing in this clause prevented the commissioner from backdating his determination but I think, upon further reflection, that in fact a determination is quite specifically spelt out and the clause reads that it has effect from the date of the determination, or such later date as is specified. It does not say such earlier date. What I have done here is to suggest an amendment that the date of determination be back-dated to the date of application. It indicates that where a landlord has collected an excess of rent or a sum of rent which the commissioner then determines is not a fair rent and that a fair rent is somewhat lower, then the lessee can recover the excess amount. I listened to the minister's explanation

and if he were prepared to accept an amendment that the words in the last 3 lines read "has effect from the date of the determination or such earlier or later date" as are specified, or "such other date" or words to that effect, then I would be quite satisfied to withdraw my amendment and have those words put in.

Mr ROBERTSON: I really have difficulty understanding why the opposition cannot see what this means. I would also ask the opposition to consider the converse of their proposal. Imagine if the $60 and $100 were switched around; would they be so anxious to have it back-dated to the date of the application.

Mr ISAACS: Let us not be silly about it. Quite obviously, the decision is in the hands of the commissioner. If he makes a decision, that is final. The way I read clause 10 is, in fact, the way the member for Sanderson reads it. I would see no scope whatever in clause 10 for the commissioner to back-date it. If that is the case - and that is certainly how I read it, because we are talking about the date of the determination - I would imagine that the date of the determination is the date on which the determination is made. If that is the case and we want to take into account clause 15, where we are talking about excess payments, if we want to make any sense of that, I think the simplest answer is to delete from the second last line "later" and insert "other". That gives the commissioner the scope; we are not trying to hamstring the commissioner but it lets him make the decision.

Mrs LAWRIE: Mr Chairman, I want to speak to the amendment moved by the honourable member for Sanderson. The honourable sponsor of the bill asked the opposition to turn its mind to the reverse effect, where the commission might determine that the rent was unreasonably low. I have no difficulty with that. I think the commissioner who is going to be exercising this function should have a discretion. In all other things he has to take note of hardship caused to either party so he should have the discretion to determine the date of the application of his determination. I agree that the bill, as printed, certainly limits him to only varying the rent either way from the date of the original application. I think it is a prerogative that should be given to him.

Mr ROBERTSON: Can I just clarify this. Is the Leader of the Opposition proposing to alter the word "after" on the last line of the amendment 53.1?

Mr Isaacs: No. What I am proposing, if I might just clarify it - if the member for Sanderson withdraws her amendment, I would be moving that in the second last line of clause 10, the word "later" be deleted and the word "other" inserted.

Mrs LAWRIE: I would draw the attention of the committee to the fact that that would have a different ramification altogether. It could then mean that a determination was made to vary the rent even before the date of the original application. It extends the argument to which the honourable sponsor of the bill took some exception. If the amendment of the honourable member for Sanderson is defeated and if the amendment of the Leader of the Opposition is accepted, it means that the commissioner has the power to order a variation retrospective to any date, even before the application.

Mr ROBERTSON: I completely accept what the honourable member for Nightcliff says. This is why I wanted to go back to the honourable member for Sanderson's amendment 51.3 which omits "has effect from the date of the determination or such later date as is specified in the determination" and substitutes "has effect from the date of the application made under section 8 or such 'other' date". If we amend it in this way, the commissioner is guided at least by the date of the application. That is a way of solving the problem. I am just trying to clarify what the member really wants.

Ms D'ROZARIO: Mr Chairman, I think that if what we are trying to achieve is the application of the fair rent from any time between the date of the application and the date the commissioner makes his determination, then the way my amendment is written is the way I would like to see it in the bill. What it says is that it can have effect from no earlier date than the date of application but it can have effect from a later date if the commissioner so determines. The period of back-dating is limited to a time between the date of application and the date the determination is handed down.

Mr Robertson: Yes, that is all right.

Mrs LAWRIE: I only rise to ask the honourable sponsor of the bill is he would prefer the amendment which he was suggesting, which was "other" date.

Mr Robertson: No.

Amendment agreed to.

Mr ROBERTSON: I move amendment 63.3.

The purpose of this amendment is to prevent us getting into the very position we are trying to get out of - the position of having every property in the Northern Territory under rent control. If over a period of 50 years each property in the Northern Territory comes under the scrutiny of the commissioner, quite obviously there would never be an out; they would have to remain under rent control all the time. There would be little point taking legislative action to remove them conpulsorily and a universal rent control would then creep in over a long period, in the same manner as if you had not, in fact, legislated to overcome that problem.

Mrs O'NEIL: I can appreciate the problem the minister raises. I support the general argument; I just think the term of 6 months is too short. We would make it 12 months, perhaps, whatever an average tenancy is in the Northern Territory. 6 months is a very short time. The change in value of the premises should not be significant in a 6-months' period. I would ask him whether he would consider extending that.

Mr Robertson: I have no intention of reconsidering.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clauses 11 to 13 agreed to.

New clause 13A:

Ms D'ROZARIO: I move amendment 51.4.

This is to set up a register of premises in respect of which the commissioner has made determinations. If landlords and tenants had access to the register as I am proposing in subclause (2), they would be able to see whether or not their current rent was in keeping with rents of similar premises and properties in their area. They might be quite satisfied with the rent they are paying and not apply to the commissioner unnecessarily. That is the reason for the amendment. I hope the government will support it.

Mr ROBERTSON: Mr Chairman, I assumed that that was the reason for this amendment, not the way many people would see it - as one of the grossest intrusions into a person's privacy that I have ever seen. It was not intended

that way, nor do I think it would become that, but I am saying that people would see it that way. Someone need not go to the Commissioner for Consumer Affairs' office to search the register for a street number; all he has to do is ask the commissioner whether the place is under rent control. This is cluttering the legislation up needlessly and we will not support it.

Mrs O'NEIL: I certainly support it. I can see that it would be very useful not just to tenants but also to landlords and agents to have an idea of what the commissioner sees as a fair and reasonable rent for a type of premises in a certain area. I am not completely sure that the argument of the minister is valid. Perhaps he can point out somewhere where it says the commissioner can disclose the information he receives to members of the public. I do not think it is there. It would be entirely at his discretion and people would have no right to have access to it. I can see it as being very useful for people working in this field.

Ms D'ROZARIO: I regret that the minister has placed upon this amendment the interpretation that he has. Really, I can see no difficulty with it. We are talking about the concept which is essentially related to the value of premises. In fact the previous clause, which we have already passed, compels the commissioner to take into account such things as market value. I am sure the committee would know that any member of the public can search the records of the Valuer-General at any time to obtain the values of property. This is just a more simple concept related to that.

The other point is that many premises are advertised with the monetary value of the rental. What difference does it make if people know what rent applies to a particular premises. After all, they do not know the name of the tenant. It is simply a register to assist all sectors of the renting community - landlords, tenants, leasing agents - with a guide to fair rent.

Mrs LAWRIE: Having listened to the honourable sponsor of the bill, I am unsure whether he is taking particular objection to proposed section 13A(1) or proposed section 13A(2). If he is objecting principally to 13A(1), would it suit his objection to at least keep in 13A(2) and perhaps insert the words, "This register shall be available at his discretion for perusal by the public". It would then not be a matter of automatic public knowledge, but the knowledge would be there and could be given "at his discretion".

Mr ROBERTSON: I thought I made it clear at the outset of this amendment that I did not place any secrecy or privacy connotation on it. It is just that, in our view, it is quite unnecessary. If someone writes a letter to the commissioner saying, "I wish to lodge an application for determination of rent in respect to a certain premises", the commissioner will write back to that person and say it has already been fixed. If the member for Nightcliff is talking about discretionary power, the commissioner already has that discretionary power. There is no need to put useless words in legislation.

New clause negatived.

Clause 14 agreed to.

Clause 15:

Ms D'ROZARIO: In his summing up, the minister said there were provisions to recover excess rents paid. I knew this provision existed in clause 15 but, as the bill stood without the amendment that we passed to clause 10, it would have applied only from the date of determination. What we were trying to say is that there was no mechanism for recovering rents which have been paid prior to the determination if they were subsequently determined lower.

Clause 15 agreed to.

Clauses 16 and 17 agreed to.

Clause 18:

Ms D'ROZARIO: I invite defeat of this clause which has a marginal note "transitional".

It is my view and the view of many others that this clause is not necessary to make the transition from the act which we are repealing by this bill and the operation of this new act.

In fact all it is doing is allowing, for a period of up to 12 months, a lessor to charge rent 10% in excess of what the tenants are paying already. The other objectionable aspect is that this provisional determination, that is the rent plus 10% of what is being paid, is not subject to appeal. It is our view that when this act comes into operation people can have recourse to its provisions without clause 18 and that clause 18 will just provide a system whereby landlords can collect what is, in effect, a bonus for no particular reason.

Mr DONDAS: I disagree with the honourable member for Sanderson. I think this particular clause is a very important provision. Subclause (4) says, "Where the commissioner has made an order under subsection (3); and is satisfied that immediate payment of the difference between the total amount of rent paid under the provisional determination and the amount payable under the final determination during the period during which the provisional determination was in force could cause hardship..." That does not only work for the landlord; it also works for the tenant. In other words, if the tenant has had a determination in his favour, he will get his money back. Subclause 18(6) says, "A person shall not demand or receive as rent, or as a price for the use of premises, an amount which exceeds the amount specified in a provisional order made under this section". I think clause 18 should be in there.

Mrs O'NEIL: I was interested to listen to the honourable minister's reply to the second reading when he demonstrated by reference to newspapers over a period of 12 months that there could well be a greater supply of premises to let in Darwin at this time than there was 12 months ago. That being so and the law of supply and demand being what it is, it is quite possible that, in that system, rents could fall somewhat rather than rise and yet we have in this so-called transitional clause no provision for the commissioner to determine rents downwards by up to 10%, only upwards.

Mr ROBERTSON: The government will not support the invitation for the defeat of this clause. Quite clearly, "transitional" has nothing to do with the transitional period between the demise of the old act and the commencement of this one because it talks about "from the date of commencement of this act". This is to provide for the unlikely event of a flood of applications by either party. Having regard to the history of rent increases in the Northern Territory due to the very low staffing of the rent controller's office and the fact that there has been an arrangement whereby the industry has cooperated very well, this clause will allow for a settling down period. It is not envisaged that it will be used very much at all. It is there in case the commissioner wishes to quickly dispose of an initial flood of applications. I do not really see that it will do any harm; I can only see it doing good. It will only last for 12 months anyway.

Mrs O'NEIL: If the minister does particularly want clause 18, why is it only providing for increases of up to 10% and not a variation either way?

Mr ROBERTSON: The commissioner may exercise a function under this section. If he wants to use the rest of the act as far as the determinations go, he can use it to lower the rents. This only applies if he wishes to use it. There is no compulsion for him to increase it by 10% or any part of 10%. He can make a properly based determination if he wants to. He may use this provision if he wishes, during the 12 months' period.

Amendment negatived.

Clause 18 agreed to.

Clauses 19 to 37 agreed to.

Clause 38:

Mr ROBERTSON: I move amendment 63.4.

This merely removes the word "and" to allow for the insertion of the words "and the payment of any unpaid rent". This is to allow for the person who skips the country still owing rent. Bond money will be available for that purpose.

Ms D'ROZARIO: The opposition supports the amendment. If the purpose of the bond is to guard against damage to premises, even where bonds are excessive the tenant can always frustrate the purpose of the bond by skipping off without paying his last few weeks' rent.

However, it is disappointing that the minister is not taking up the suggestion of the opposition and the method that we are proposing for the control of these deposits. The committee will note that I have an amendment to this clause in which subsections 8(1) and (2) were essentially the same as the existing clause but I added a paragraph whereby the bonds will be paid to the commissioner. The minister has given some indication as to why he cannot accept that proposal. He said that greater minds than ours have turned their attention to this problem and have not come up with something that is fair to both tenants and landlords.

I thought my amendment was quite moderate because what has been looked at in a number of the states, and certainly in Canada and the United Kingdom, is a system of rental insurance. These places are considering the complete abolition of bonds and suggesting instead that landlords take out rental insurance to ensure against wreckless damage done by tenants. It was admitted by both sides in the second reading debate that the tenants who do cause damage are certainly in the minority. By and large, the bulk of landlord and tenant relations is quite good. My amendment was not very radical at all. It was simply an intermediate step between the system of bonds, as we know it in Australia, and a fairer system of rental insurance until the rental insurance scheme has been sufficiently investigated to make it implementable. I put this amendment that the commissioner be the holder so that, if there were any dispute, the commissioner could decide on it - as indeed is provided in this bill. However, I support the amendment.

Mrs LAWRIE: I have only one problem with this. Unless we are to go to the trouble of having a determination made by the commissioner for the payout of bond money, nowhere does the bill mention fair wear and tear. If it is not in the contract for the occupation of the premises, I fear that 31(1)(a), by the words "make good any damage to the premises", may not take into account fair wear and tear. If it is covered in another part of the bill, I will be happy to be advised by the sponsor. I have not found it and I am worried that, in the absence of such words in a normal tenancy contract, the wording of the bill could be interpreted in a manner which could be unduly harsh.

Mr ROBERTSON: It is certainly covered in the implied conditions; there is no doubt about that. If it is not in the contract between the two, the implied conditions take over. The responsibility of the lessor to the lessee is quite clear in the implied conditions 1(c) in schedule 4.

Ms D'ROZARIO: Whilst the honourable member for Nightcliff was asking that question, I had already turned to the implied warranty in schedule 4. I wonder whether 1(c) of that schedule relates only to the period of the tenancy. It says "during the tenancy", whereas clause 38 as it stands says that the money will be applied "at the termination of the tenancy". There is a difference there. The landlord could well argue that, once the tenancy was terminated, any damage, including what might be called fair wear and tear, would be paid for by the tenant.

Mr ROBERTSON: Having regard to amendments still to come, the lessee has the right to object to the commissioner. I accept the point that there is some doubt about that. I will ask my officers to look at it with a view to making an amendment at some later time. In the meantime, I am quite sure that the commissioner will monitor any such behaviour.

Amendment agreed to.

Mrs O'NEIL: I would invite defeat of clause 38 with a view to inserting a new clause. The opposition has offered to the government in the form of amendments proposed by the member for Sanderson and myself 2 options to the one that exists in the bill. The member for Sanderson's amendment provides for the bond moneys to be paid to the commissioner and held by that office. The government has indicated that it is not prepared to accept that amendment.

The amendment which I will be proposing, if clause 38 is defeated, allows for the bond money to be paid into trust, as indeed to the amendments of the sponsor of the bill. The essential difference is that this and subsequent amendments of mine would not allow the landlord or agents or whoever was holding that money in trust to benefit by retaining the interest on those bond moneys. I do not think that people who are acting as trustees should benefit from the trust. As I understand it, that is a fairly basic provision in trustee law and that is the purpose of my inviting defeat of clause 38.

Mr ROBERTSON: It is very interesting to hear the honourable member for Fannie Bay accuse the New South Wales Treasurer of being a criminal because he charges interest in respect of trust money. In fact, he made a whopping great $1.25m profit out of it. The government will not accept the amendments. We believe the system being proposed by the government is the most appropriate method of conducting the operation of trusts. It includes the power for the commissioner to direct how trust moneys are to be handled. I think that is most certainly more desirable than asking the commissioner himself to act as a banker.

Ms D'ROZARIO: I certainly did not hear the honourable member for Fannie Bay refer to the New South Wales Treasurer as a criminal. What the honourable minister has failed to distinguish is that the subject of my amendment, which I did not move, was a modification of the system that they use in New South Wales. The New South Wales system operates by its own act and that act clearly recognises that, whether or not bonds are legal, they change hands. In recognition of that fact, the New South Wales government decided to put bond moneys to constructive use. The act provided that the only person who could hold the interest from the bonds would be the Rental Bonds Board and the act further provides what that board can do with the interest. I really do not think the member for Fannie Bay was making any adverse reflection on the New South Wales Treasurer.

The member for Fannie Bay is putting an alternative proposal: if the bond money is to be held in trust, the bond money is then recognised to belong only to the tenant and, if any benefit arises out of that bond money, it rightly belongs only to the tenant. That is the distinction between the 2 proposals. I am surprised that the minister cannot see that.

Mr ROBERTSON: Mr Chairman, I can assure you I can see it; there is no question about that. It was not meant seriously at all, because I am very familiar with it. The New South Wales act does provide for the control of bonds but the point is she stated it as a matter of principle, that they should belong to the person in whose name the trust is held. I agree, with the exception of this type of thing where law around the country provides otherwise. In this case, clause 40 expressly provides otherwise. It is a difference in philosophy, I am afraid. The reality is this: it costs a lot of money to maintain trust accounts; I think any solicitor, any accountant, any real estate agent, any person who maintains trust accounts will tell you so. It is an expensive business; there is no question about that.

But let us look at the situation from the point of view of the tenant. The average tenant who occupies a flat at $45 a week does so for a year. At 10% that is $4.50. It means a lot more for a real estate agent who has to employ 1 or 2 full-time staff just to run the trust accounts. I am aware of a firm in Alice Springs which does just that. The girl does virtually nothing else; she may occasionally relieve on the switchboard. That is an expensive business. All these $4.50s added together, which mean nothing to the individual tenants, do mean something to keeping that girl employed. That is the philosophy behind it. I am afraid the opposition and we will never agree on these sorts of issues, so I would suggest we put the clause.

Mrs LAWRIE: Mr Chairman, I do not quite understand where all these $4.50s are coming from because the bond money is going to be considerably more than that.

Mr Robertson: I am talking about the one person.

Mrs LAWRIE: This morning the Chief Minister outlined the reasons for a government insurance scheme and explained that any profit at all from such a scheme will accrue to the Territory and be used for Territory development. I agree with the point expressed by the sponsor of the bill that we are going to have a large number of relatively small amounts of interest individually, but collectively perhaps quite a large amount. If that interest is to be earned, I see it is in line with the philosophy as outlined by the Chief Minister for the Government Insurance Office for that interest to be put to work for the Territory. Of the proposals put forward - that of the sponsor of the bill and the two of the opposition - I infinitely prefer the one that says bond moneys should be held by the commissioner in a trust account and any interest can be used as the commissioner directs, and I think it would be for the Territory's benefit.

Might I also say that I do have a philosophical objection to private persons having to part with, say $200 and at the end of a specified time, if they have been exemplary tenants, they get the $200 back. They could have invested that money and received interest in government bonds or short-term security. But they could not benefit from this interest because somebody else has got it. I honestly believe they have been robbed. I am talking about the private citizen. I do not wish to enter into a dispute because it is not the purpose of these amendments to discuss good tenants and bad tenants, wicked landlords and good landlords. I think that is irrelevant but having agreed to a philosophy of bond moneys, I say that all possible interest from those should be used to best serve the Territory as a whole or the industry as a whole. It should be used to serve the industry, but not individuals.

Mr ROBERTSON: Mr Chairman, sometimes I really do have trouble. I cannot for the life of me follow this logic. She tells us about this person who puts in $200 and it sits there for a year, and a year later this person gets the $200 back. What the blazes is going to happen if he sends the $200 to the Commissioner for Consumer Affairs who, in the proposition the member put, is going to use the accrued interest for other purposes. The person is still being robbed. The only difference is that it is the government doing the robbing instead of private enterprise, which would perhaps suit the other side a little better because it alienates more people from government.

The logic behind what the Chief Minister was saying this morning is based upon the amount of money from the insurance industry left in the Territory. Residential accommodation providers in the Northern Territory are, by and large, Territory businessmen, Territory residents. They are people who, like the Chief Minister and myself, own flats. There is no secret about that. It is money which is ploughed back into the Territory - not like the general insurance companies who have 5 in a thousand of their mortgages in the Northern Territory and turn nothing back into it. We are talking about business people who live here, invest here and get their returns here and then reinvest here. That is a vast difference.

Mrs O'NEIL: I would finally like to comment on something which the Manager of Government Business said a short time ago. He was talking about the costs of running trust accounts. I agree that it may cost a certain amount of money - certainly not the amount of interest that would accrue with substantial holdings of flats but, nevertheless, it does cost money. I would consider an amendment to my amendment to include that, if I thought it had any chance of getting through. I would simply like to point out to the committee that the minister was quite happy to have the provision for the interest to be held as a fee for the holding of security deposits long before he ever accepted the idea that the money should be held in trust.

Clause 38, as amended, agreed to.

Clause 39:

Mr ROBERTSON: I move amendment 39.5.

This amendment has been adequately covered, I think, in the committee. It is the mechanism proposed to be set up by the government for the control of bonds under the act.

Mrs O'NEIL: The opposition thinks this is a vastly superior system than the one which was originally in the bill as circulated.

Mrs LAWRIE: I only have one query. "The lessee may pay the money to the lessor, land agent or such other person as the commissioner in writing may approve for that purpose". Would that cover the case of a tenant putting up the bond money where the landlord does not have an agent? Can the tenant still pay the bond money to a registered land agent, rather than directly to his landlord?

Mr ROBERTSON: Yes. It certainly would mean that. And further, I think the commissioner has the power to direct that that occur. When it says "another person", of course, the Acts Interpretation Act would include bank. So the commissioner could say to a landlord, "If you are going to charge a bond, old friend; you will deposit it in a trust account".

Ms D'ROZARIO: Mr Chairman, I just want to express my support for what the honourable minister is trying to do. The committee would be aware that both the honourable member for Fannie Bay and myself had prepared amendments to clause 39

which were consequent upon our amendments to clause 38 being accepted but, of course, they were not. But the mechanism of holding the bond money in trust accounts is certainly supported by the opposition. Unfortunately, it still does not get to the question of interest. As we have already canvassed this question, that interest on these amounts can be quite large, it does seem a little strange that a landlord can get the full sanction of the law to collect the maximum amount under this provision and then, for the very act of having done that - which would be considered quite undesirable in other places - he is rewarded further by being allowed to retain the interest on those sums. I think, as the minister says, this is a basic point of philosophical difference with us, but we must make this point. At the moment bonds are supposed to be illegal. Here we have gone completely the other way. We have legalised them and we have also given landlords an incentive to collect them.

Mr ROBERTSON: Mr Chairman, I do take the points the honourable member is raising. We will undertake to examine the position of individual landlords in respect to those provisions and, if it is considered wise in policy, we might look towards correcting it in the future - if correction is indeed warranted. But certainly, I undertake to have an examination made of individual deposits of that nature.

Amendment agreed to.

Mr ROBERTSON: I move amendment 63.6.

Amendment agreed to.

Mr ROBERTSON: I move amendment 63.7.

This simply inserts the same words which have been re-occurring, including the words "agent or other person".

Amendment agreed to.

Mr ROBERTSON: I move amendment 63.8.

This is for the same reason.

Amendment agreed to.

Mr ROBERTSON: I move amendment 63.9.

Again, this is for the same reason.

Amendment agreed to.

Clause 39, as amended, agreed to.

Clause 40:

Mr ROBERTSON: I move amendment 63.10.

Again, this inserts the same words in clause 40.

Amendment agreed to.

Clause 40, as amended, agreed to.

Clauses 41 to 46 agreed to.

Clause 47:

Mr ROBERTSON: I move amendment 63.11.

The reduction in this period here may raise some hackles, I would imagine. This is, of course, the provision relating to the premises being reasonably required for sale. The figure given is a minimum; it is not a maximum. It does not say that the commissioner must tell him he must get out in a period of 4 weeks or 8 weeks or whatever. The Real Estate Institute pointed out that due to an increase in efficiency, particularly in the Registrar-General's office, and efficiency in the overall system of obtaining consent of the Administrator and so on, the average conveyancing is now taking in the order of 30 days, between the signing of the contract and settlement.

When the select committee looked at this matter it had regard - and I quite clearly recall the discussion - to the length of time that was being taken in conveyancing, which at that time was 10 to 12 weeks, and 8 weeks seemed to be an appropriate period. It now seems that because of this efficiency 4 weeks is a more appropriate period. But, remember, it is the minimum period that can be given.

Amendment agreed to.

Clause 47, as amended, agreed to.

Clause 48:

Mr ROBERTSON: I move amendment 63.12.

This is obviously a drafting error.

Amendment agreed to.

Clause 48, as amended, agreed to.

Clause 49:

Mr ROBERTSON: I move amendment 63.13.

Again, this is to correct a drafting error.

Amendment agreed to.

Clause 49, as amended, agreed to.

Clause 50 agreed to.

Clause 51:

Mr ROBERTSON: I move amendment 63.14.

This is a re-draft of the previous clause 51 to make the meaning clearer. The draftsman felt on review that the way it was originally worded was awkward and, by redrafting it, he could make it a little clearer to the public what the clause means. I agree with him; I think his second version is an improvement.

It allows the tribunal - and remember this is a stipendiary magistrate - to deal with a professional non-payer, if you like, in the same manner as if he was knocking the place around. The only way he could be satisfied, in my view, that

the person was a professional non-payer is if that person had been before him on a number of other occasions on application for ejectment. Of course, the usual thing happens: he comes in on the day of the application with a cheque and then he is back again in another couple of months. It allows the tribunal to say that is enough of that, and issue the order anyway.

Mrs O'NEIL: What disturbs me in clause 51 - and I am prepared to be corrected - is that it seems to me that the lessee has no opportunity to have his side of the case heard. I feel that is a little unfair. Perhaps the minister can clarify that for me.

Mr ROBERTSON: Mr Chairman, there are a number of actions heard before tribunals where the person does not appear and the matter is dealt with as if he had been there. But quite obviously, the tribunal, comprising a stipendiary magistrate, is going to have to be very satisfied that proper service was made of the notice to quit. The chances of the person not being informed are very, very remote. If the person happened to be out bush and the notice to quit was put under the door, I agree that it is possible. But then, of course, that can happen to a summons that you want to defend in court when you have 8 days to appear. You are out bush; the summons is put under the door or, if it is an ordinary summons, it is sent by registered post. It is possible to have judgment given against you and you have to go through a whole rigmarole to get out of it. I agree it is possible but I do not believe there is any way, legislatively, of overcoming the problem of someone consciously smashing the lessor's place down. It is only in the most severe circumstances that this method would be used as an action in ejectment.

Amendment agreed to.

Clause 51, as amended, agreed to.

Clauses 52 to 57 agreed to.

Clause 58:

Mr ROBERTSON: I move amendment 63.15.

Again, this is the result of a concern raised by the honourable member for Fannie Bay, where she quite rightly pointed out that it is normal practice for the lessee to pay the fees in respect of registerable instruments. This, of course, is purely a reference to the type of lease that is prepared roneod style by real estate agents and it is to make sure they do not charge $10 a throw for a roneod piece of paper.

Mrs O'NEIL: I just wondered whether the honourable Minister for Community Development is going to take the opportunity to say something about how the opposition is always acting against the interests of business in the community.

Amendment agreed to.

Clause 58, as amended, agreed to.

New clause 58A:

Mr ROBERTSON: I move amendment 63.16.

It is quite obvious that this is a further consumer protection measure.

New clause 58A agreed to.

Clause 59:

Mr ROBERTSON: I move amendment 63.17.

This is purely to correct a drafting error.

Amendment agreed to.

Clause 59, as amended, agreed to.

Remainder of the bill agreed to.

Bill passed the remaining stages without debate.

WORKMEN'S COMPENSATION BILL
(Serial 228)

Continued from 29 November 1978

Mr EVERINGHAM (Chief Minister): Mr Speaker, in the absence of the honourable Minister for Industrial Development who introduced this bill and in view of the transfer of responsibility for workmen's compensation from his ministry to mine, I seek leave to take over the carriage of this bill.

Leave granted.

Mr COLLINS (Arnhem): Mr Speaker, obviously it will not come as any surprise to the honourable Chief Minister that the opposition is supporting this bill. All honourable members would be aware of the history of this particular bill. It is an initiative that was first taken when a similar bill was brought into this House by the opposition. The opposition welcomes the government's adopting of the opposition's initiatives. In fact, the opposition not only welcomes this move but recognises the sheer necessity of it.

The bill is only half the package of legislation that the opposition proposed last year to overcome problems that are being suffered by workers in the Northern Territory and the opposition looks forward with a great deal of interest to the fate of the other half of this particular package, that part dealing with leave of absence.

The bill makes a number of amendments to the Workmen's Compensation Act. It increases the penalty provisions for contravening the act in line with inflation, increasing costs and so on, and at the same time also increases the minimum indemnity, which is set in the principal ordinance at $40,000, to a level of $200,000 to bring this into line with the kinds of compensation awards that are made these days by courts. There are also amendments to the tribunal's reference of injured workers for medical examination and so on.

The main purpose of the bill, apart from those fringe amendments, is to set up a new office for the nominal insurer in the Northern Territory to overcome the major problem of long delays which have occurred in some cases in workers getting workmen's compensation. We have, as honourable members are aware from a great deal of recent publicity, 23 insurance companies operating in this field in the Northern Territory and in the past there have been delays where the nominal insurer has had to wait until settlement was made before he could get the money back from the insurance companies who had their particular percentage of that settlement levied on the basis of how much business they had written up the previous year.

This bill overcomes that problem. It sets up a nominal insurer's office that has a trust fund with a floating sum of $50,000. I think the original sponsor of the bill suggested this in his second-reading speech. It should be adequate for most circumstances. There is allowance in the bill for money to be paid into that trust account from consolidated revenue should such a course

of action be necessary. The bill overcomes a serious problem that has been faced by some workers in the Northern Territory with long delays in workmen's compensation payments and the opposition wholeheartedly supports the bill.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 11 agreed to.

Clause 12:

Mr EVERINGHAM: I move amendment 64.1.

The purpose of this amendment is to provide a power for the nominal insurer to delegate his powers and functions under the legislation. Such a delegation would be possible under the Interpretation Act in the absence of a specific power in this legislation. However, the proposed amendment will provide a greater degree of flexibility in administration and is in accordance with normal practice in relation to statutory authorities.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clause 13 agreed to.

New clause 13A:

Mr EVERINGHAM: I move amendment 64.2.

The proposed new clause is merely to provide a change in terminology to take account of the corporate rather than individual nature of the nominal insurer as it is structured in the bill.

New clause 13A agreed to.

Clauses 14 to 19 agreed to.

Clause 20:

Mr EVERINGHAM: I move amendments 64.3 and 64.4.

These amendments are very similar and provide for a renumbering of certain provisions of the proposed schedule to the act in order to avoid potential confusion arising from a double use of small (i) and (ii) in the same paragraph.

Amendment agreed to.

Clause 20, as amended, agreed to.

Clauses 21 and 22 agreed to.

Clause 23:

Mr EVERINGHAM: I move amendment 64.5.

The purpose of the amendment is to ensure that the new nominal insurer proposed in the bill prepares a complete estimate of the liabilities imposed on the nominal insurer's fund arising from events which occur before the legislation is brought into operation. The present subclause (3) would not be

effective to include liabilities which have arisen or might arise under section 9B of the Workmen's Compensation Act since these liabilities are at present enforced against the nominal defendant named by the Workmen's Compensation Tribunal and not the present nominal insurer. In future such claims will be a liability of the nominal insurer's fund.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 64.6.

The purpose of this amendment is to provide a more effective method of apportioning liability, to provide money for the nominal insurer's fund to satisfy liabilities arising out of events before the commencement of the legislation. The present subclause (5) does provide a method of apportioning such liability amongst approved insurers and exempt employers. However, the amendment provides a clearer indication as to how this is to be achieved and sets out the obligations of the nominal insurer, approved insurers and exempt employees.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 64.7.

This is consequential on the previous amendment.

Amendment agreed to.

Mr EVERINGHAM: I move amendments 64.8 and 64.9.

The purpose of these amendments is to clarify the meaning of certain references used in the transitional clause.

Amendments agreed to.

Clause 23, as amended, agreed to.

Schedule agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

EXPLOSIVES BILL
(Serial 220)

Continued from 22 November 1978

Mr COLLINS (Arnhem): Although there are people in the community who think that other people, particularly politicians, would benefit by having a bomb put under them, I think that generally this is an undesirable practice. The major provision of this bill is to place fireworks under the control of the Explosives Act for obvious reasons of public safety. The opposition wholeheartedly supports the bill and commends the strenuous efforts of the honourable member for Alice Springs in having his initiative adopted. We have also examined the amendments and we support them.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, the main purpose of the bill is the control by regulation of public displays of fireworks and the illegal manufacture of fireworks and other explosives. In his second-reading speech, the minister mentioned that explosives are manufactured by a certain ethnic group. I am sure this is done to celebrate some special occasion but sometimes these things can

be quite lethal. Gun powder or other materials can flare up and cause very serious harm to somebody. I note that instances of this in the past have caused quite a lot of damage to persons. We would not like to see here what happened on 5 November when Guy Fawkes attempted to blow up parliament. Strangely enough, my birthday is on that day and I always enjoyed attending bonfires and letting off fire crackers in my earlier days. I can still remember that there was a certain amount of danger in handling those fireworks, particularly if you manufactured one of your own.

Some concern has been expressed about the manufacture of fireworks. Even the ones we have had in the Territory in the past have had some inferior materials. I could relate the story of an incident that happened at Nhulunbuy a couple of years ago. They had a fireworks display and one of the pyrotechnics operators - a very experienced man - lit a sky rocket and, within a fraction of a second, it took off and hit him in the face causing very serious injury. I believe that was caused by inferior material. This is why we must regulate the manufacture of fireworks. I am sure that shooting enthusiasts will not be affected by this. I know that any future fireworks displays will be looked at very seriously. We do not like to stop any of these fun activities but, hopefully, these new amendments will ensure that proper inspection will take place before any fireworks displays are held.

Ms D'ROZARIO (Sanderson): Mr Speaker, I too would like to extend to the honourable member for Alice Springs my congratulations on seeing his suggestions taken up in legislation. We tend to adopt a rather jocular attitude towards this matter because we think it is all connected with good fun.

I notice a clause enjoining people from throwing, igniting or exploding fireworks at specific times and other than in accordance with the provisions of the bill. Of course, the people who most enjoy fireworks are the young children. One or two weeks ago, some event - I think it might have been in connection with the anniversary celebrations in Western Australia which included a gala fireworks night - was cancelled because the technician had died preparing the fireworks. This is the sort of accident that can occur to people who are experienced in handling fireworks, so we have to be all the more careful about children handling fireworks. It is well known that every cracker night there are a number of accidents ranging from fairly minor ones to blindness, loss of fingers etc. In all sincerity I congratulate the member for Alice Springs for initiating this amendment.

However, I would like to commend a suggestion to the honourable Minister for Community Development. Clause 10 says that a person shall not throw, ignite or explode fireworks other than at a specified time or other than in accordance with the provisions of the bill. In the lead-up to cracker night, I ask him or his department to prepare some sort of public campaign to get this message through to the kids because they are unfamiliar with the laws that we pass here. They probably have no idea at all that there is a bill to control fireworks before the House at the moment and they are the ones most likely to offend. I ask the Minister for Community Development to warn the children well in advance of cracker night that there are new regulations pertaining to the igniting of fireworks.

Mr OLIVER (Alice Springs): Mr Speaker, I was not going to speak on this bill but it is really gratifying to see this come into being. As I recall, in my maiden speech I made reference to somebody calling me crackers.

Mr Collins: I remember it well.

Mr OLIVER: That was quite true. A certain person at the motel I stopped at apparently read the paper or heard the news item. Every time I came down for a meal, it was always "Hello, Mr Crackers".

Mrs LAWRIE (Nightcliff): Mr Speaker, I rise only to indicate to the minister, because he seems to be getting a one-sided opinion leading towards the banning of fire crackers, that I certainly do not support that view. Regulation and control of explosives is one thing but the over-use of legislation to stifle an interest which has been enjoyed by people for thousands of years certainly would not have my support. Of course, every cracker night there are accidents and, notwithstanding the regulations, some shops sell crackers to kids in advance of the proper date. We already have provisions to control that. The only answer might be to police what we have and not have 19 members going overboard about kids letting off crackers on cracker night. I wish to indicate my displeasure at the tenor of the debate which seems to be saying that the legislature is going to move with all its majesty and glory to ban kids from having fireworks. I certainly do not support that.

Mr TUXWORTH: Mr Speaker, I thank the honourable members for their support. I would just make the point that I have listened to the debate too and I did not get the impression that the honourable member for Nightcliff obviously has.

Motion agreed to; bill read a second time.

In committee:

Clause 1:

Mr TUXWORTH: I move amendment 39.1.

This is a technical amendment.

Amendment agreed to.

Clause 1, as amended, agreed to.

Clauses 2 to 5 agreed to.

Clause 6 negatived.

New clause 6:

Mr TUXWORTH: I move amendment 39.3.

This new clause comes about as a result of representation by the Minister for Community Development who is himself a keen gun club man. He pointed out that the restrictions in the original clause 6 would have precluded gun club people from having access to powder for reloading. This new clause rectifies that situation.

New clause 6 agreed to.

Clauses 7 and 8 agreed to.

Clause 9:

Mr TUXWORTH: I move amendment 39.4.

This omits the words "or gunpowder". The sale of fireworks will not be controlled by licence to sell because of the short period they are normally available to the public. Gun powder, however, will be sold subject to a licence.

Amendment agreed to.

Clause 9, as amended, agreed to.

Remainder of the bill agreed to.

Bill passed the remaining stage without debate.

PLANNING BILL
(Serial 182)

Continued from 7 March 1979

In committee:

Postponed clause 172 agreed to.

Postponed clause 173 negatived.

Postponed clause 174:

Mr PERRON: I move amendment 65.1.

The amendment means that outstanding applications under section 38A and section 38B of the current Town Planning Act will be treated as though the bill had not been passed. This is the easiest solution to what will be a relatively small problem as there are usually only 3 or 4 of these matters outstanding. However, they should be cleaned up fairly quickly because we do not want these matters to continue for too long under the current act.

Ms D'ROZARIO: Yesterday I raised the matter of the extended exhibition period. As the exhibition period is the same for section 38A or 38B applications, the minister has done what he intended to do.

Amendment agreed to.

Postponed clause 174, as amended, agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

URANIUM MINING (ENVIRONMENT CONTROL) BILL
(Serial 250)

Continued from 7 March 1979

In committee:

Clause 1 agreed to.

Clause 2:

Mr COLLINS: I move amendment 61.1.

This is to insert after the definition of "authorization", the following definition: "environmental impact statement, in relation to mining, means an environmental impact statement within the meaning of the Planning Act in relation to that mining". This amendment, as were a number of others, was prepared consequential to the reasoned amendment, that this bill relate to all mining operations and not be restricted to uranium mining.

I was interested to hear yesterday from the Chief Minister that environmental legislation - and I would assume he would have carriage of the bill - to control mining other than uranium mining is also in the pot and we should see it sometime. I will be very interested to see what degree of control, impositions, powers of ministers and otherwise are exercised in relation to this other mining and in what way they differ from the proposals we have in this current bill.

The sponsor of the bill said yesterday that in relation to this amendment I was proposing that orders under the Town Planning Act be served on mining companies. I made a note of the honourable minister's statement; I have it here in front of me: "Town planning orders would be served on the company". Well, of course, it was nonsense to make that statement, as I explained then and I will explain again now. The purpose of this amendment is merely to bring the production of an environmental impact statement into the requirements under the bill and I thought that an adequate definition of "environmental impact statement" would be a similar definition to that contained in the government's own recent legislation, the Planning Act. Rather than define it ad nauseum, it was thought by the draftsman, and I agreed with him, that it would be easier to put it in the bill in this way. It is not relating in any way at all to any orders under the Town Planning Act to be served on a mining company or any other such nonsense. I was merely saying that we considered the definition adequate for an environmental impact statement. There is a subsequent amendment that relates back to this one, by putting it in the definition section of the bill.

I would look forward during the committee stages of this bill, Mr Chairman, to comments from the other side, not only in relation to this clause but to all clauses. I look forward also to seeing the member for Tiwi being given the opportunity to use some of the materials she prepared to make a speech in the second-reading stages of this bill yesterday. I was absolutely horrified by the gross discourtesy that her own government showed her on that occasion by chopping her off as she was about to rise and closing the debate. I know from the Chief Minister himself, as he stated on another matter, that he considers the honourable member for Tiwi, as of right, should speak on all matters relating to uranium mining in her electorate. I trust she will use some of the material; no doubt she spent a great deal of time and trouble in preparing it and was not allowed to use it by the sponsor of the bill in what I considered to be an incredible discourtesy to one of his own party. I hope the member for Tiwi does speak on this.

Mr TUXWORTH: Mr Chairman, the government will be seeking the defeat of the amendment proposed by the honourable member. As the honourable member said, this amendment relates to a further amendment which will seek to incorporate in the bill requirements for environmental impact statements to be submitted in conjunction with an application for an authorization. There is a current requirement under federal legislation for environmental impact statements to be submitted to the Commonwealth. The Territory government has access to this and no reason can be seen for having a further requirement under Territory legislation.

In any event, Mr Chairman, the Territory is working on preparing its own environmental legislation of a general nature, as has been announced in the House, and the new Mining Act itself will have an environmental section. This bill is not a suitable vehicle for an intrusion into that area. Clause 13(3) of the bill is more effective in my view than the proposed amendment because it requires more detail from the companies than would normally be tendered in an environmental impact statement. On those grounds, I will be seeking defeat of the amendment.

Amendment negatived.

Mr COLLINS: I move amendment 61.2.

This is to amend the definition of "inspector" in the definition clause of the bill. The reason the opposition is moving this amendment is that we are not satisfied that a sufficient degree of control has been put on the kinds of qualifications that inspectors possess under this bill. An inspector is defined in the bill as a person being "appointed as an inspector under the Mines Regulation Act". The opposition believes the impact of this bill is very important. It relates to what, I have no doubt, will be the most significant development in the Territory for some considerable time and we feel it warrants the appointment of inspectors under this act.

I would refer again to the remarks made yesterday by the honourable Minister for Mines and Energy on the comments I made about this definition. The honourable sponsor of the bill said it was ridiculous of me to be so horrified about inspectors being employed by the mines branch. That statement horrified me because I had, in fact, specifically referred in my speech to the fact that the opposition had no objections whatever to these people being employed by the mines branch. In fact, it would be up to the administrative discretion of the minister as to where they were employed. We merely think that a greater degree of import should be given to the definition, to define precisely that these inspectors are not simply ordinary mines inspectors in the normal sense but are responsible for the implementation of not a mining bill but an environmental bill. As I said yesterday, I am still rather in the dark about why this bill is not being carried by the honourable minister in charge of the environment as it is likely to be the most significant environmental area for the Territory for some years to come. I am bemused as to why the Minister for Mines and Energy should have carriage of the bill.

I believe the amendment that the opposition is proposing has many advantages over the provisions that are already contained in the bill because it does provide for at least some very broad parameters to be given to the kind of qualifications that are necessary. It places the emphasis on the fact that these people need to be worried about the environment. It is not possible to define exactly the kind of qualifications necessary. It would be ridiculous, for example, to put a requirement that people should be university graduates or anything of that sort, graduates of a particular discipline, because I personally know several environmental engineers who are not. Again I must refer to the nonsense that was spouted by the honourable sponsor of the bill yesterday who, in fact, treated all of the matters I raised in a fashion that I have become used to; when he has not any answers to questions that are raised, he poses his own questions, puts them in the mouth of somebody else and then answers his own question! This particular amendment we are proposing was another example of this.

The amendment states: "'inspector' means a person appointed as an inspector under this Act", and there will be a subsequent amendment relating to this definition. It means that the emphasis on the appointment of this inspector must be an environmental emphasis and not necessarily a mining emphasis.

Mr TUXWORTH: Mr Chairman, in speaking against the proposal by the honourable member for Arnhem, I would just make the point that there are several areas in the bill that do emphasise the fact that the environment is of prime importance and that it is the prime consideration to be taken into account by the minister during his deliberations.

I would like to elaborate, if I may, on the inspectorial aspects of the bill because I feel the honourable member may have misconstrued the intent of the provisions relating to inspectors. The government is going to have a total inspectorial staff of 56 people directly involved in the environmental

regulatory services in the Alligator Rivers region and I will just run through them for the benefit of the honourable members. The Department of Mines and Energy will have 3 engineers, 3 senior technical officers, 3 geologists, 2 technical assistants, 2 project officers and a draftsman. The land conservation section will have 7 soil scientists and 1 technical officer. The water resources division of the Department of Transport and Works will have 6 engineers, 4 scientists, 3 senior technical officers, 11 technical officers and 8 technical assistants. The total is 56 who would be on-ground personnel in the field as far as possible. They would also be supported by a further 18 support staff who would include typists, labourers, administrative and clerical officers.

In addition to this, the government will also have access to the office of the supervising scientist who has his own staff of scientific people to give advice. The government also has access to the expertise of the Snowy Mountains Authority so far as the engineering side is concerned, and I would make the point that the Snowy Mountains Authority people are already working in the office of the supervising scientist and we have already hired them on an outside consultancy basis to advise us even at this stage. There would also be consultants from outside, some from overseas, who will advise the government on particular aspects of the whole operation. So I think it is fair to say that the inspectorial side of the operation is going to be well catered for.

It is also important to note the requirements under this legislation that persons with appropriate qualifications in mining engineering, design and mining operations hold positions as inspectors and this is in addition, of course, to having a sound appreciation of mining environmental matters. Inspectors appointed under the Mines Regulation Act carry out these functions in mining other than uranium; they do this already and they are considered the most appropriately qualified. In view of that, Mr Chairman, I would seek defeat of the honourable member's proposal.

Mr COLLINS: Mr Chairman, I would like to thank the honourable Minister for Mines and Energy for his detailed explanation. In consideration of the fact that clause 18 is the nexus of this bill, because it involves the implementation of all of these things under the act, what a pity it is that the honourable Minister for Mines and Energy could not have made this information available before. I do not think I need to go into any long-winded explanations on this or any other clause considering we have had only 4 days to do the work on this, as to why the opposition had not managed to get this sort of information.

Amendment negatived.

Mr TUXWORTH: I move amendment 62.1.

This amendment incorporates in the act a definition of "Nabarlek project area" as it is defined in survey plan S79/16. The survey plan, I would add, has also been agreed to by the NLC in their agreement with Queensland Mines.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 and 4 agreed to.

Clause 5:

Mr COLLINS: I move amendment 61.3.

This inserts in subclause (1) after "experience" the words "relevant to environmental control of mining and". This foreshadows a new clause in amendment 61.4.

I have already explained the reason for proposing this. There is no need to go over it again.

Mr TUXWORTH: Mr Chairman, I would like to seek the defeat of this amendment. The reason for this is that the wording is too narrow. I could cite one instance: a hydrologist who does not have any particular expertise in environmental mining may be a very important contributor to environmental safeguards in the region. The wording as it exists provides for a person with broader qualifications and experience than the narrow experience proposed in the amendment, relating only to environmental control of mining. The existing wording is also laid down by the Commonwealth in the determination of their environmental requirements for the Ranger project. For this reason, I seek the defeat of the proposal.

Mr COLLINS: Mr Chairman, I have to say again that the honourable Minister for Mines and Energy has just delivered another load of nonsense. I would like the honourable minister to get it through his head that I am not suggesting that hydrologists, engineers or any member of any other discipline are not qualified to deal with environmental matters. Of course hydrologists will be necessary. Of course engineers will be necessary. What I am saying, for the benefit of the honourable minister again, is that the whole purpose of this entire bill is environmental control. I am merely seeking to have that emphasis placed in the relevant sections of the bill. As the minister knows full well, I do not want to restrict the discretionary power of the minister in any way. He still has complete control and discretionary power under the amendment that I am suggesting. I merely want the emphasis on environmental protection that could apply to any discipline, engineering, hydrology or otherwise, put in the relevant provisions of the bill.

Amendment negatived.

Mr TUXWORTH: I move amendment 62.2.

Clause 5 establishes the requirements for the employment of an environmental protection officer who is suitably qualified and experienced. The proposed amendment provides for appointments of deputy environment protection officers and thus allows for contingencies such as leave, resignation etc of the environment protection officer.

Mr COLLINS: I would simply like to say that this provision of the bill was discussed at length at the briefing session we had on Friday and the opposition is in full support of it.

Amendment agreed to.

Mr TUXWORTH: I move amendment 62.3.

This is to delete subsection (2) which is no longer required because of the earlier amendment we just approved.

Amendment agreed to.

Clause 5, as amended, agreed to.

New clause 5A:

Mr COLLINS: I move amendment 61.4.

This is to insert after clause 5 the following new clause: "5A. The Minister may, by instrument in writing, appoint a person with qualifications

and experience relevant to environmental control of mining and satisfactory to the Minister to be inspector". I would simply say - and it does not hurt to say it again and again in the case of the honourable Minister for Mines and Energy - I am not seeking by this amendment or the previous amendment to interfere with the discretionary powers that the minister has in any way. I merely want the emphasis on environmental protection to be put in the appropriate clauses of the bill.

Mr TUXWORTH: At the risk of repeating myself, I too believe the emphasis should be on the environment. However, we believe that is suitably covered and I will be seeking the defeat of this proposal by the honourable member.

Amendment negatived.

Clause 6:

Mr TUXWORTH: I move amendment 62.4.

This clause is similar to provisions of the Ranger agreement, providing for appropriate instruction of employees in environmental matters, monitoring programs, obligations, duties and powers of all those concerned. The amendment is designed to cover the Aboriginal aspects of this clause and to ensure that suitable instruction is given to people involved. I believe, in all fairness, this was instigated by the honourable member for Arnhem.

Mr COLLINS: This amendment did indeed come out of the briefing session that we had on Friday. The Oenpelli people have directly expressed to me on many occasions, in fact Aboriginal people all across the Territory have expressed to me on many occasions, that their prime source of concern is access to their land by people they do not have control over. I think it is appropriate to put it in writing in the bill. It does not alter the provisions of the bill in any dramatic way; it merely puts in writing that there is an obligation on the management to inform all employees at the mine that there are, in fact, restrictions to the access that mining employees may have to Aboriginal land. This, as I say, is a matter of considerable concern to the people at Oenpelli who are going to be affected most directly by this mining operation. The opposition supports the amendment.

Mr ISAACS: To clarify clause 6, the opposition supports this matter which the Chief Minister himself alluded to yesterday in his speech. Clause 6(1) says, "The manager of a mine shall instruct all staff under his control" and so on. The problem, as I see it, is that we are asking the manager to do something which quite obviously he cannot do. He has a thousand people under his control. I would just ask the minister whether or not it means that the manager has to do it or if somebody he appoints is able to do it. If it does mean that, that is fine; but quite obviously, the manager is going to have to ask somebody else to give these instructions. In fact, it may be different people. Somebody will be giving information on the need to protect the environment; maybe somebody else will be telling the various staff about the Aboriginal Land Rights Act and so on.

Mr EVERINGHAM: I suggest, Mr Chairman, that it is a statutory duty imposed on the manager. So long as the statutory duty is discharged by the manager, I do not think it matters whether he personally carries out the instruction or not.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clauses 7 to 9 agreed to.

Clause 10:

Mr COLLINS: Mr Chairman, I spoke yesterday in the adjournment, at the invitation of an honourable member opposite who wanted to know more about the subject I raised in the second-reading speech, concerning the control that had not been exercised in respect to dust levels in an asbestos mine in New South Wales which resulted in serious occupational health problems for approximately 300 Aboriginal people who worked in that mine. It is interesting to note in respect of this clause that, if it had not been for the presence of that mine in the area which was a depressed economy area, most of the Aboriginal people would have been unemployed, a status in life that they would cheerfully swap at any time for asbestosis or cancer.

As the honourable Minister for Community Development probably realises, this was the particular clause that I spoke on in the second-reading speech yesterday, the comments on which were completely misconstrued by the honourable Minister for Mines and Energy who just cannot be listening. I spoke at length, Mr Chairman, not to condemn this particular provision, as the honourable minister stated, but to applaud it.

Clause 10 agreed to.

Clause 11:

Mr TUXWORTH: I move amendment 62.5.

Clause 11 is a critical clause in that it enables the minister to require the rehabilitation of mined areas. The amendment removes the word "restored" which is unnecessary and possibly misleading and leaves the word "rehabilitate" in the clause.

Amendment agreed to.

Clause 11, as amended, agreed to.

Clause 12 agreed to.

Clause 13:

Mr TUXWORTH: I move amendment 62.6.

Clause 13 establishes the mechanism for applications, grants and refusals of authorisation and ensures that the minister has adequate information and other data available before making a decision. The amendment provides for applications for authorisations to be made in writing and for such authorisations and refusals also to be in writing, which is a much better way than the verbal arrangement.

Amendment agreed to.

Mr TUXWORTH: I move amendment 62.7.

This is a repetition of the previous amendment. It provides for applications for authorisations to be made in writing and the authorisations and refusals also to be in writing.

Amendment agreed to.

Mr COLLINS: I move amendment 61.5.

This is to amend clause 13(3) to omit "may" and substitute "shall". It acts conjointly with a further amendment to follow.

Mr TUXWORTH: I would seek defeat of this proposal because, under the provisions of the legislation, the owner of the mine will be required to seek, from time to time, particular authorisations relating to specific projects. The owner of the mine will apply for certain authorisations before mining can commence and apply for others at a later date as appropriate. The amendment suggested would require that all authorisations must be made as soon as the person is granted any mining lease or other authority to mine, and for that reason I seek defeat of the proposal.

Amendment negatived.

Mr COLLINS: I move amendment 61.6.

This is consequential on the previous amendment. The amendment inserts after the word "unless" the words "an environmental impact statement in relation to the mine". I have stated the reasons clearly enough already for wanting this put in. But I might add that the honourable Minister for Mines and Energy has been guilty of the same sin of omission that the honourable Chief Minister displayed yesterday in debating this bill. He has made great play of the fact - well, according to him the fact - that this clause requires greater control than simply an environmental impact statement. The clause appears to me to be giving the honourable minister, with no particular standards or anything else applied to the material he can ask for, the discretion to ask for it or not ask for it.

Mr TUXWORTH: As I have stated in reference to the previous amendment, this requirement is an unnecessary duplication. The requirements of clause 13(3) are already adequate to cover what the honourable member is after.

Amendment negatived.

Mr TUXWORTH: I move amendment 62.8.

This amendment to subclause (2) removes an ambiguity in the drafting. I think it is pretty clear to anybody who has looked at it.

Mr ISAACS: It is a shame that the journalists are not here at the moment because I have just been given a copy of today's NT News and it prints in fairly significant terms a statement from the Chief Minister yesterday which I believe to be incorrect and I would hope the Minister for Mines and Energy would be able to correct it, so that the newspaper might do the community the service of ensuring the right information is available.

The third paragraph of an item on the front page of the News which is headed, I might say in fairly bold letters, "Government Slams Own U-Bill", talking about this particular bill ...

Mr CHAIRMAN: Order! Can I ask the Leader of the Opposition if this is relevant to the clause.

Mr ISAACS: It is precisely relevant.

The third paragraph reads, quoting the Chief Minister: "It made the Mines and Energy Minister, Mr Tuxworth, more powerful than any company and he could at the stroke of a pen cut off the livelihood of 1,000 men or cut the income of companies". In view of this amendment where it reads: "The Minister shall not refuse to grant an authorisation if the effect of the refusal would

be to prevent mining authorised by or under another law in force in the Territory unless the refusal is a refusal referred to in subsection (3)", would he assure the House that the statement quoted in the NT News is not correct and he does not have the power to cut off the livelihood of 1,000 men or to cut off the income of companies.

Mr TUXWORTH: Mr Chairman, the honourable Leader of the Opposition has an advantage on me. He read out the article rather quickly. I was trying to keep up with it as he went along. I have not seen it and I am not in a position to say yes or no.

Mr ISAACS: Well, I will ask again. The answer I am seeking is, I believe, to render a public service. Maybe the Chief Minister might like to answer it, I do not know; but the import of what the Chief Minister said yesterday and what is in the newspaper article today is that the Minister for Mines and Energy is able to make an order which will stop mining. What I want from the minister, or the Chief Minister, is an indication to the House - and hopefully it might get broadcast around the place - that that is not so.

Mr EVERINGHAM: I am certainly not prepared to indicate that that is not so. It is my belief that the Minister for Mines and Energy is in a position to force the cessation of mining.

Mr COLLINS: I say again that this is entirely relevant to clause 4. Could I suggest to the Chief Minister and the honourable Minister for Mines and Energy that they get their acts together. I do not particularly want to have to go through the business of reading from the honourable Minister for Mines and Energy's second-reading speech but perhaps the honourable minister in charge of the environment should have been listening when this bill was being introduced into the House and the provisions were being explained. The Minister for Mines and Energy categorically stated, not once but twice, that he could not stop mining. In fact, he made some play on this. He said that federal legislation was paramount, which indeed it is, in the form of the Australian Atomic Energy Act. Surely I do not have to go to the trouble of reading out the relevant sections of that act. I would suggest that the Chief Minister and the Minister for Mines and Energy should at least have some degree of consistency between them.

Mr EVERINGHAM: Could I suggest that the Atomic Energy Act relates to the mining at Ranger only.

Mr COLLINS: Could the honourable Chief Minister please answer the question for the benefit of the public at large? It is an alarming statement in the newspaper. It completely and categorically contradicts the honourable sponsor's own second-reading speech where he stated that he did not have the powers the Chief Minister referred to yesterday. Could the honourable Minister for Mines and Energy explain whether he has the power or not.

Mr CHAIRMAN: I ask the member for Arnhem to remain seated. We have an amendment before the Chair. We are discussion newspaper items which are not relevant to this particular clause.

Amendment agreed to.

Clause 13, as amended, agreed to.

Clause 14:

Mr COLLINS: This was also a point raised yesterday during the debate. It was fudged to such an incredible degree by the honourable sponsor of the bill

that we again require some explanation from him. Clause 14(e) says: "the lodging with the Minister of security in such form, in such amount and expressed to be for such term as may be specified in the conditions to which the authorisation is subject to secure compliance with this Act, any authorisation granted in respect of the mine and the relevant law".

The honourable Leader of the Opposition spoke on this clause yesterday and related the experiences that he had recently had in California. He spoke also of the number of mining projects in the Northern Territory that stand abandoned and unrepaired today. Rum Jungle dumps its annual quota of pollutant every wet season into the Finniss River. Could I please have some amplification from the Minister for Mines and Energy as to what kind of security will be imposed on the company by the Territory government, what parameters the Territory government will set and the amount of money that the company will have to lodge with this government.

Mr TUXWORTH: The department is already imposing bonds on companies for work that is carried out in the field. I do not see that that position is likely to change. Every exercise that goes on is looked at individually and the amount of the bond is related to that particular exercise. Essentially, the bond is to deter the company from doing wrong.

Clause 14 agreed to.

Clause 15:

Mr COLLINS: Clause 15(2) reads: "The Minister shall not revoke an authorisation granted in respect of a mine if the effect of the revocation would be to prevent mining authorised by or under another law in force in the Territory". Without making any reference whatever to any newspaper article, in relation to the statement that the minister in charge of the environment made yesterday and again one minute ago in this House that the minister had the power to stop mining in the Northern Territory, could the Minister for Mines and Energy tell me and the general public which is correct?

Mr TUXWORTH: The Chief Minister was right a moment ago when he said that the Atomic Energy Act applies to Ranger. However, there are other uranium mines in the Northern Territory and that could apply to them.

Mrs LAWRIE: I would point out that the minister may not actually refuse to permit mining or to permit mining to continue if it is otherwise authorised. In other words, although he may attach onerous conditions to the grant of an authorisation to mine, the bill cannot be used to prevent uranium mining altogether. They were his own words.

Mr COLLINS: Could the honourable Minister for Mines and Energy answer the question.

Mr TUXWORTH: I will answer the question a second time. That part of the speech related to the Ranger exercise which is covered by the Atomic Energy Act.

Clause 15 agreed to.

Clause 16 agreed to.

New clause 16A:

Mr TUXWORTH: I move amendment 62.9.

This new clause asserts, in respect of the Ranger and Nabarlek areas, that primary regard be paid to the agreements and environmental considerations. It relates to schedules 1 and 2.

New clause 16A agreed to.

Clause 17:

Mr TUXWORTH: I move amendments 62.10, 62.11 and 62.12.

Clause 17 refers to further matters which the minister may take into account in considering whether to grant an authority. Power is also provided for the minister to seek advice. These amendments correct a drafting oversight and carry through consequential amendments.

Amendments agreed to.

Clause 17, as amended, agreed to.

New clause 17A:

Mr COLLINS: I move amendment 61.7.

This inserts a new clause after clause 17. It reads: "17A. An inspector shall, upon receiving a complaint from a person that the owner or manager of a mine is contravening or not complying with this Act, investigate that complaint". This amendment was prompted by two things: first, requests from members of the public; secondly, the Mines Regulations Act contains provisions that place a written compulsion on an inspector to investigate complaints that are made to him by employees of the mine. Despite the still continuing confusion of the Minister for Mines and Energy sponsoring an environment bill, this is an environment bill not a mining bill.

In the case of the uranium operations, the effect of mismanagement of a mine, poor machinery control or poor pollution control will extend outside the restricted areas and will involve areas where members of the public will, hopefully, be enjoying the benefits of the Kakadu National Park. The new clause provides that, if one of these members of the public happens to come across some bright red water - or, as the site manager for Ranger described it, bright brown or mint-sauce coloured water - and takes a complaint to an inspector, the inspector would be compelled to investigate the complaint.

Mr TUXWORTH: I oppose the amendment. There is no justification for the amendment because every complaint is already investigated by the department. This has been the practice now over many years and I cannot see what the honourable member hopes to gain from the amendment.

Mr COLLINS: I must make the obvious comment that, if every complaint has been investigated by the branch for many years, it has not done so particularly well.

Now that we are getting towards the end of the amendment schedule, people listening to the debate or reading the debate may forgive me for a certain lack of enthusiasm in moving these amendments. It is fairly obvious that not one of them was able to get the necessary approval from Mr Anthony, as I was advised would be necessary yesterday. I did a little scratching around in my wastepaper basket at 7 o'clock this morning and came up with the note I wrote in connection with these amendments immediately after I had that conversation. Not wishing to interrupt the proceedings of the House by talking, I handed this written note to the Leader of the Opposition. It says: "Response from Tuxworth to request for draftsman for opposition amendments - yes, we can have draftsman but there isn't much point. All amendments must be approved by Anthony. Tuxworth says we have as much chance as ..."

Mr CHAIRMAN: Order!

Mr COLLINS: Mr Chairman, it was probably fortuitous that you cut me off at that point.

Amendment negatived.

Clause 18:

Mr TUXWORTH: I move amendment 62.13.

Clause 18 provides powers for inspectors to order compliance with directions and, in extreme cases, to order cessation of work. Directions are subject to an appeal to the director of mines and the minister. Subclause (6) is designed to enable the status quo to be maintained pending the resolution of the appeals. The amendment ensures that powers are limited to this interim period.

Mr COLLINS: Mr Chairman, this was also a matter that was canvassed at the briefing on Friday. It goes part way to solving the problems that were raised by the opposition and by the honourable member for Nightcliff.

I understand the change that this makes to the bill. It provides the director with an interim power, under clause 6, until that is confirmed by his confirmation, variation or revocation of the instruction of the inspector. This has caused some degree of concern amongst a great number of people. Clause 18 is the nexus of this bill. It is the clause whereby all the provisions of the bill must be implemented by the inspectors. An inspector may cause work to stop in the mine if he thinks the act has been contravened. The mining company then has the power, under this clause, to appeal against that direction from the inspector and, where such an appeal is made to the director of mines - not to the minister - the director can confirm the direction of the inspector. I must add that the direction of the inspector could be extremely serious where a major problem was occurring in the mine.

Yesterday, I spoke about problems in connection with environmental pollution in another mine. It could be a minor thing but it could also be a very major thing that the inspector is taking this action over. If the mining company appeals to the director against this direction from the inspector, the director of mines can confirm it, vary it or revoke it and, as it originally stood in clause 6, could then allow the mining to continue in contravention of such directions on such terms and conditions as he saw fit. We were told on Friday that where a direction was varied or revoked by the director of mines or indeed by the minister, there would be some kind of legislation drafted to make this whole thing a little bit tighter in the Mines Regulation Act. I think I am correct in saying that.

Mr TUXWORTH: The proposed amendment allows redress for a company that feels it has had a very harsh order put on it unwittingly or unreasonably. It gives it recourse to continue what it is doing until the director has had a chance to investigate the situation and confirm, vary or revoke the order given by the inspector.

The other point raised by the honourable member is that in the new Mines Safety Control Act and Regulations which will come into effect in the next 6 to 12 months, this same matter has arisen and it has been covered. Given that the inspectors on site will also be working in conjunction with the supervising scientist's office, I would anticipate that this sort of conflict between the inspector and the company would be almost negligible. It if does occur, then it can be handled fairly quickly.

Amendment agreed to.

Mr COLLINS: I move amendment 61.8.

This inserts a new subclause (9): "Where the Director or the Minister has, under this section, varied or revoked a direction given by an Inspector, the Minister shall, within 3 sitting days of the variation or revocation of the direction, table in the Assembly a report on the variation or revocation". There is another clause which ties in with this one which will follow shortly. The reasons for this should be very clear to all honourable members. This Assembly has its Sessional Committee on the Environment which is designed to act as a watch dog on the degree of environmental protection exercised in the Kakadu National Park, particularly in respect of uranium mining. There is no need to take up the time of the House with the saga of the red mud at Gove because it is only one of many such stories. Personally, I do not like to have to resort to getting documents from trucks or anywhere else to get to the grassroots of a problem. But there is not one member on the other side of the House, including the Chief Minister, who would have the temerity to oppose the argument I put yesterday. Governments and mining companies, not just in Australia but internationally, do not seek to keep this sort of information confidential because its disclosure would breach any security but, in most cases, merely because it would cause either political or economic embarrassment to the government or the company concerned. I am very concerned that the public have the greatest degree of confidence in the operation of this act.

Where an inspector imposes a direction on a company and the company complies with such direction, there is absolutely no necessity for such a matter to be debated in the Assembly. It would be impossible to draft legislation which would determine the degree of the variation or revocation involved but it would be a simple step to have such variations or revocations referred to the minister as a routine matter and he could then table his report in the House. Certainly, there would be no necessity whatever for that report to be debated but merely brought to the attention of the House so that the Sessional Committee on the Environment could, if necessary, investigate the situation where the action of an inspector was overridden, to determine if the revocation or alteration was proper. It is not an unreasonable demand to expect that this report could be placed before the House within 3 sitting days after the minister had become aware of the revocation or variation of an inspector's direction.

Mr TUXWORTH: I seek the defeat of the proposed amendment because there is no justification for the inclusion of such a provision. It adds nothing to the aims and objectives of the bill. We have a Sessional Committee on the Environment whose function is to keep abreast of the things that are going on. Any information that it needs from my department, it will most certainly get. I cannot see the point in the amendment.

Mr COLLINS: The Sessional Committee on the Environment does have that power. If he does not want it included in the bill, the sessional committee will simply have to ask the minister, as a matter of routine, for reports on revocations or variations of directions from inspectors.

Amendment negatived.

Clause 18, as amended, agreed to.

New clause 18A:

Mr COLLINS: I move amendment 61.9.

This states: "The Minister shall, from time to time, but not less than once in every calendar year, table in the Assembly a report on the operation of this Act". The reason for this is very simple. I can assure the honourable

minister that almost the entire electorate of the Northern Territory is watching Ranger for all kinds of reasons. A great many people interstate are watching Ranger and the development of uranium mining generally. It would be commendable for some compulsion to be placed on the minister, though I have no doubt that I will receive an assurance that the minister will do this in any case. The amendment is so minor that I really do entertain some slight hope that, at long last, we will have an amendment that just might make it.

Mr EVERINGHAM: This is not a minor amendment. I think it is a very important amendment to provide for the minister to report to this Assembly on the operation of this act at least once a year. I believe it is a significant amendment and the government accepts it.

Mr COLLINS: I have to come clean with the Assembly; I do not think it is a minor amendment either. I was being deliberately humble in the hope that, considering the style of the government opposite, it might be agreed to.

Mr TUXWORTH: I agree with what the honourable member and the Chief Minister have said. I would also make the offer that, if honourable members have cause to seek a report more often than once a year, I will endeavour to see that it is brought before the House.

New clause 18A agreed to.

Clauses 19 to 25 agreed to.

Schedule 1:

Mr TUXWORTH: I move amendments 62.14 and 62.15.

Amendments agreed to.

Mrs LAWRIE: Mr Chairman, before we move on, I have a couple of comments on the schedule itself. Paragraph 3 says:

> *The Joint Venturers shall explain, to the extent relevant, the environmental requirements of this Authority, the Plan of Management for Kakadu National Park (when adopted) and the provisions of all applicable laws relating to the preservation of the natural environment.*

I would draw the attention of the committee to the fact that I refer to Kakadu National Park as a "phantom" national park because this supposed declaration of a park area has been going on since the early 1960s. Every government has supported it; very few have done anything about it.

I asked a question of the Chief Minister earlier this session as to when the Kakadu National Park would be declared. Following declaration under a federal act, it will take some time for a plan of management to be drawn up and adopted. I am most distressed to be passing legislation in this House which refers to the plan of management of the Kakadu National Park when we do not have the park proclaimed and we have no chance of getting a plan of management till that happens. I would expect that all honourable members would share my concern although nothing very much appear to be happening.

Mr COLLINS: There are a number of aspects of the schedule that I would like to talk about. The joint venturers are to instruct management and operating staff to the extent relevant in connection with the Atomic Energy Act. I think it would be of some benefit to the people of the Northern Territory to have some parts of this act explained as it relates to this section. It has been

put to me that, although it is unlikely that it would ever be invoked as far as the operation at Ranger is concerned, this act could clearly prevent an inspector from carrying out his job.

I do not know how many honourable members have read the Atomic Energy Act but, beside this act, any undemocratic, stern or authoritarian legislation the Chief Minister might seek to pass in this House pales by comparison. Section 43 of the Atomic Energy Act which has to be explained so carefully to the workers in the mine reads: "A person shall not obstruct or hinder a person in the exercise of a power or authority conferred on that person by or under this part". Members will know that the Ranger proceedings are going on under an authority under this act and you cannot obstruct or hinder them. The penalty is $1,000 or imprisonment for 6 months or both, but that is child's play.

Section 44 says: "A person who, whether lawfully or unlawfully, has knowledge of or access to or has in his possession or under his control a photograph, sketch, plan, model, article, instrument, appliance, notes or other documents or any information which is capable of conveying or is or includes restricted information shall not, with intent to prejudice the defence of the Commonwealth, publish it ..." The penalty is imprisonment for 20 years.

Clause 45 says: "A person shall not, with intent to prejudice the defence of the Commonwealth, acquire a photograph, sketch ... which is capable of conveying or includes restricted information: Penalty - imprisonment for 20 years".

Section 47 reads: "On the prosecution of a person under the preceding sections, it is not necessary to show that he was guilty of a particular act tending to show an intent to prejudice the defence of the Commonwealth and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case, his conduct or his known character as proved, it appears that he acted with intent to prejudice the defence of the Commonwealth: Penalty - imprisonment for 20 years".

Section 48: "A person who has knowledge of or access to or has in his possession or under his control a photograph, sketch, plan, model, article, instrument, appliance, note or other document or any information which is capable of conveying or includes restricted information" - I won't read all this out.

Mr Tuxworth: Thank God for that!

Mr COLLINS: I do feel, in response to that interjection, that there are people in the Northern Territory who would be interested in reading this in the Hansard.

Mr Dondas: That is not a Territory bill.

Mr COLLINS: I am speaking to the schedule which is part of the bill.

"... shall not publish it without authority or communicate it or give it to a person, use it or retain it in his possession or control ... fail to take reasonable care of it or so conduct himself as to endanger its safety: Penalty - imprisonment for 7 years".

Section 47: "A person who is or has been a contractor" - which I would suggest should be of some interest to the contractors who will work at Ranger - "or any other person that has restricted information which has come to his knowledge, in his possession or under his control by reason of his being a contractor, unless the commission ..."

Mr ROBERTSON: A point of order, Mr Chairman! I think that everyone in this House has by now lost track of what the man is raving about. Could he please tell us what is relevant in this diatribe of nonsense out of some federal act to this place at 6.30 pm.

Mr CHAIRMAN: There is no point of order.

Mr COLLINS: Mr Chairman, shame on the Minister for Community Development for watching the clock.

I am appalled by the cavalier fashion with which the honourable minister wants to treat this bill. It is important to consider what is the case if somebody even so much as receives a document or any information from Ranger in connection with the operations out there. Section 49(2) covers that: "A person shall not receive a photograph, sketch, plan, model, article, instrument, appliance, note or other document or any information, knowing or having reasonable grounds to believe at the time when he received it, that it is communicated to him in contravention of this act: Penalty - imprisonment for 7 years". I believe any resident of the Northern Territory, and particularly the elected representatives of the Northern Territory people, should have some degree of concern about the provisions of this act which will apply at Ranger. As I said before, any other piece of legislation pales by comparison. Contractors particularly should have a look at this act because they get a mention.

Section 58 tops the lot: "A person who does an act preparatory to the commission of an offence against this part is guilty of that offence".

Mrs LAWRIE: I draw the attention of the committee to paragraph 6(b) on page 14 of the schedule:

> *The Joint Venturers shall require that the officers, servants and employees of the Joint Venturers and of their contractors and sub-contractors do not introduce or permit or suffer the introduction of flora or fauna exotic to the Alligator Rivers Region onto the lands designated for inclusion in stage 1 of the Kakadu National Park and lands intended for later declaration and inclusion as part of the Kakadu National Park, save such flora and fauna as may be permitted under the Plan of Management or pursuant to regulations made under the National Parks and Wildlife Conservation Act.*

I make a plea on behalf of the mining company and the joint venturers. They are told in no uncertain terms that they should abide by the provisions of this act or heaven help them. Their employees and contractors will be put under onerous conditions which are not applicable in any other part of the country, with a prohibition on the introduction of exotic flora and fauna. You cannot take a cat; domestic pets are out. It is very important that the joint venturers and their employees know, as soon as possible, what they will be permitted to take into that area. Yet they cannot know until we have a plan of management for Kakadu National Park. On behalf of the mining companies - and I have spoken to several of the principals about this - I would ask that the Minister for Mines and Energy take such action as he can to ensure that the plan of management is drawn up and adopted.

Mr EVERINGHAM: Referring back to the diatribe from the honourable member for Arnhem, through all the verbiage I gathered that he believes the Atomic Energy Act overrides the provisions of this legislation. The authorisation issued to the Ranger partners under the Atomic Energy Act of the Commonwealth requires compliance with applicable law which includes this particular piece of legislation once it becomes an act. I certainly doubt whether the Ranger production processes, papers and documents are restricted information under the Atomic Energy Act.

Mr COLLINS: I am surprised that the Chief Minister does not want this schedule debated and criticised in this House. If he is in any doubt about the poor drafting of this schedule and about the fact that there are so many loopholes that you could drive a Mack truck through it, I would refer him to his Solicitor-General who has very firm ideas about the subject, which coincide in many ways with mine. I am surprised that, as the minister responsible for the environment, he is not anxious to have the deficiencies of this schedule debated in the Northern Territory legislature.

I would refer to paragraph 11:

> *The tailings dam, water retention ponds and evaporation ponds shall be designed and constructed in accordance with good engineering practice.*

Whatever that is, because it is not defined as "best practicable technology" is defined.

> *No construction of the tailings dam shall commence until the Joint Venturers have submitted to the Supervising Authority a design study report and management plan containing detailed plans and specifications for the construction and use of the tailings dam and other water storages and the management of seepage and have received the Supervising Authority's written approval thereto.*

The whole point of all this is that, although this schedule calls for all kinds of detailed plans, it places absolutely no legal compulsion on the mining company to comply with those plans. This is something that became very evident last year. I was interested to hear the comments of the Solicitor-General on this on Friday because he agreed that the schedule contains absolutely no compulsion whatever. The company can draw up all these plans under this schedule, submit them to the supervising authority, have them approved and then go ahead and build the dams and the retention ponds whatever way it likes. I do not have to tell the Minister for Mines and Energy of the vital role that these dams and retention ponds will play in the operation of the mine and the safe environment practices that they involve.

Paragraph 10 of the schedule received some degree of attention from the honourable minister yesterday when he talked about engineers being required to inspect the impervious membrane to ensure that it is still operational. He knows full well that the joint venturers are compelled under the schedule to investigate the use of an impervious membrane but they are under absolutely no compulsion whatever.

I do not want to go ad nauseum through all this. In fact, this is the last comment I will make on the schedule: I am surprised that the Chief Minister, despite the hour of the day, is not interested in having criticism of this schedule, which is poorly drafted and contains many loopholes, debated in the legislature of the Northern Territory.

Mr EVERINGHAM: At no time have I said that I am not interested in listening to criticism of the schedule. I refute the misrepresentation of the honourable member for Arnhem. If I said that the honourable member for Arnhem uses excessive verbiage, I was referring to his reading out vast slabs of the Atomic Energy Act which all of us can find, if we want to read it, in the Commonwealth statute.

Mr Collins: Members of the public can't.

Mr EVERINGHAM: How many members of the public are here? It is a well-known fact that these particular environmental controls set out in the schedule

- at least this is certainly my understanding - were originally the brainchild of Mr Stephen Zorn. Phrases like "the best practicable technology" are Mr Zorn's phrases. We are now attempting to pick up the mistakes which that allegedly learned gentleman perpetuated in the original agreement.

Mr Collins: That's correct. He had no severer critic than me.

Mr TUXWORTH: I will just touch on a couple of points raised by both honourable members. Firstly, in relation to the government's interest in the declaration of the Kakadu National Park and the preparation of a plan of management, this government has been fighting for a long time to see something happen about Kakadu, particularly its declaration and the plan of management. One of our main interests earlier in getting hold of Kakadu was to do something with it. One of the things we found, as we kept on dealing with the incompetents in the Australian National Parks and Wildlife Service, was that they are just beyond belief.

Mrs Lawrie: It should not stop the declaration, though.

Mr TUXWORTH: The honourable member says it should not stop the declaration. They cannot even get around to declaring it and activity on the plan of management is even tardier than the declaration. A year ago, when I was involved with the national parks, I was pressing the director for a draft plan of management that had been promised. I found out, quite inadvertently, when I was in Canberra on one occasion that they did not even have somebody putting anything together, let alone a draft. We were just being lead along like a row of ducks.

The honourable member for Nightcliff also made the point about having pets in the region. She touched on the fact that, until the national park has a plan of management and pets are declared under regulation, you cannot take pets in there.

The honourable member for Arnhem dwelt for some time on the Atomic Energy Act in a rather emotive way. I would just make the point that that act was drawn up in the late 1940s during the years of the cold war when we were mining uranium to make bombs. Only a few countries had uranium and one nation had the technology to make the bomb. That was the atmosphere in which that legislation was drawn up and it certainly would not apply today.

Mr COLLINS: Doesn't it?

Mr TUXWORTH: Mr Chairman, I think the committee has discussed this long enough and we should move on.

I move amendment 62.16.

Amendment agreed to.

Schedule 1, as amended, agreed to.

New schedule:

Mr TUXWORTH: I move amendment 62.17.

This amendment includes a schedule setting out the Commonwealth environmental requirements for the Nabarlek project arising from the company's final environmental impact statement.

Mr COLLINS: In reply to a few things that have been thrown at me from the other side of the House, I do not apologise for speaking to this amendment

nor for the time taken to put this bill through the committee stage, for the simple reason that the opposition was determined to give this bill a greater degree of consideration and attention than the government was. I have one question to ask on this amendment: can the honourable Minister for Mines and Energy stop the mining at Nabarlek?

Mr TUXWORTH: The minister could stop mining on any mine in the Northern Territory if he wanted to.

New schedule agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

LIQUOR BILL
(Serial 267)

Continued from 28 February 1979

Mrs O'NEIL (Fannie Bay): Mr Speaker, the opposition supports this simple bill. It will allow the deputy registrar in Alice Springs to have the same powers and functions as the Registrar of Liquor Licensing in Darwin. That clearly is very desirable. I certainly thought it was the intention when we passed the initial bill.

The second aspect of the bill relates to the problems being faced by holders of licences covering roadside inns. The provisions of the act as it was passed disadvantaged some of those people. I understand their licence fees would have been considerably higher than they have been in the past. I certainly understand the arguments that the minister put up in the second reading.

Mr SPEAKER: Honourable members, I am satisfied that the delay of one month provided by standing order 151 could result in hardship being caused and, therefore, I declare the Liquor Bill 1979, serial 267, to be an urgent bill.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

SPECIAL ADJOURNMENT

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that the Assembly, at its rising, adjourn until Tuesday 15 May at 10 am.

In support of this motion, Mr Speaker, might I say that I have fixed that date, which I think is a week later than was originally planned in consultation with you. I have done this, Mr Speaker, since no honourable member has approached me since I mentioned the matter last week and therefore I assume, and I think you can too, that that date must be suitable to everyone.

I would also suggest that it might be advisable if honourable members bore in mind the fact that the next sittings could go into 3 weeks. I think that you, Sir, are expecting something like that and I believe the Assembly staff anticipate that, with the number of bills and other matters on the notice paper and with the general business day, it is likely that we may take more than our usual fortnight.

Motion agreed to.

ADJOURNMENT

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

Mr DOOLAN (Victoria River): Mr Speaker, I will not take up more than a minute of the Assembly's time but I would like to say that I have a medical certificate covering my absence until April. However, I saw no point in sitting around at home when I may as well come and sit in here.

I would like to go on record in publicly thanking the people, particularly of my own electorate, who sent messages to me whilst I was ill and travelled in some cases long distances just to say "hello". It was almost overwhelming. While I would have expected members of the opposition to come and visit me or get in touch with me, which they did in large numbers, I do appreciate the messages that were sent by members of the government.

Mr COLLINS (Arnhem): Mr Speaker, I am speaking in this adjournment at the request of the Aboriginal people of Borroloola. Several meetings have been held recently at Borroloola, the most recent one on Monday last. The Aboriginal people of Borroloola are still in a considerable state of shock as a result of that meeting. I want to make it clear to the House that I have been asked by the Aboriginal people of Borroloola, and particularly the chairman of the Borroloola Council, to bring this matter to the attention of the Legislative Assembly.

For some strange reason governments and mining companies both seem to take the attitude that there can only be two positions to adopt: either you look after Aboriginal interests and abandon mining interests or you look after mining interests and abandon Aboriginal interests, and there can be no conjunction of the two. Of course, this is complete nonsense as all honourable members of this House know.

The people at Borroloola are extremely upset in that, although they made it clear to the Northern Territory government through its departmental officers 5 weeks ago that they would be quite happy to see mining go ahead at Borroloola, providing some sort of reasonable dealing could be made with them so far as land is concerned - fair dealing and negotiations in good faith, instead of the kind of negotiations that are being conducted at the moment - that advice to the Northern Territory government has been ignored. The people of Borroloola are in a state of shock. They have been treated rather roughly at the hands of a number of people over the last few years and they have lately had to suffer from the hands of the Northern Territory Chief Minister.

Mr Speaker, I believe the Chief Minister has deliberately and cold-bloodedly misrepresented the position of his government over the question of the declaration of town areas. For example, the town of Katherine, which I suppose should give you some satisfaction, Mr Speaker, is now bigger than the city of Darwin ...

Mr Perron: It's not, you know.

Mr COLLINS: ... 4,600 - I have the regulations here in front of me.

Mr Perron: Have a look at what sort of boundary it is.

Mr COLLINS: However, that is not my particular concern, Mr Speaker. My particular concern is the plight that the people of Borroloola are in and the misrepresentation by the Chief Minister as to the reasons behind the moves of the Northern Territory government. In support of that statement, I wish to

read to the House the minutes of a meeting that took place a few weeks ago and was referred to this morning by the Chief Minister himself. I have been authorised by the Aboriginal people themselves and, in fact, requested to do this. The meeting was held at the Northern Territory Aboriginal Liaison Office. Present were Mr Lovegrove, Mr Graham Nicholson, Mr Conoran from Crown Law and 3 representatives of the Northern Land Council. The minutes read as such and I have been told by a gentleman who was present at this meeting that the minutes are an extremely accurate, although restrained, account of the proceedings of that meeting.

"Mr Lovegrove opened discussion by advising that Cabinet had recently met and had decided that the Sir Edward Pellew group of islands would be declared a town area. He said that he felt it would be better if those present knew the intention of the government in this matter before the Borroloola people were advised at the meeting to be held in the coming week". Disgraceful! "Mr Nicholson suggested that the government intended to ensure that the control of the area was preserved for the Northern Territory government and was not retained by Aboriginals. Mr Eames said that the NT government could consider declaring all unalienated areas in the Northern Territory as town areas to preclude any further land claims. He added that the NT government had given no indication that it might take this action in the past and, as the federal Minister for Aboriginal Affairs said this morning, it had indicated to the contrary. Mr Teitzel suggested there were some illogical elements about this move. He asked how many people would be involved in the establishment of a town in this region. Mr Nicholson said that at a recent meeting in the same office other interests had been mentioned. He stated that the reasonable expectations of Aboriginals would still be considered. Mr Lovegrove emphasised that the declaration of the town area would not include islands referred to by Mr Justice Toohey. Mr Eames asked when the decision to declare the area a town area had been taken. Mr Nicholson said he was not sure of the date but it was during the recent sittings of Cabinet. Mr Nicholson said the decision had been taken in view of the Northern Land Council's decision to take out a writ concerning these islands. He also added that it had been taken in view of the intentions expressed by Aboriginals in relation to the area".

"Mr Teitzel said that, in view of the decision to run a further land claim in the region, this action by the Northern Territory government was unfair". Considerable restraint! "He pointed out that the Land Rights Act does not expressly preclude a second claim over the area. Mr Nicholson stated that legal advice in the possession of the government was not in accord with Mr Teitzel's view. Mr Eames said that he considered the action by the government to be subterfuge. He said that the action was an attempt to preclude further debate and it was intended to preclude further deliberations by a superior court. Mr Eames further said that the decision was outrageous. However, there did not seem to be much point in expressing his opinion to those present".

"Mr Nicholson emphasised that the decision taken did not preclude other means of obtaining land on, for instance, special purposes leases. Mr Teitzel asked for a copy of the report of the other interests in relation to the town planning schemes for the areas. He pointed out that the NT government action might not be valid and that the Borroloola people might wish to challenge the action. He also asked if the town plan intentions for the region were made in lieu of decisions in relation to other towns in the area".

"Mr Lovegrove asked that the matter be treated as confidential and we should not advise the Borroloola people prior to the meeting of the coming week. He said that it would be most unfortunate if the Borroloola people were to learn of these developments through the press. Mr Eames said that he could not give an assurance on this matter in view of the fact that the decision would lie with the Northern Land Council as to how it wished to publicise the matter. Mr Lovegrove pointed out that the reason he was advising those present

of the decision was so they would not be kept in the dark and find themselves in the embarrassing situation of having the decision sprung upon them during the meeting". To hell with the Aboriginals, of course, providing other people were not in the dark!

"Mr Eames stated that the decision would not come as a complete surprise to the Borroloola people who were getting used to this sort of thing. Their experience in recent years had been of one action like this after another. Mr Nicholson assured those present that there is, in fact, an intention to establish a town in the region in association with proposed port facilities and that the action could not simply be seen as an attempt to curtail Aboriginal aspirations. Mr Eames emphasised that the action was just a ruse. The matter of a township on the island had never before been discussed. He said that the action, however, was not surprising and he knew that something like this was likely to happen".

"Mr Lovegrove said that, in its discussions, the NT government had always advised Aboriginal people that it saw their situation in relation to the islands on a needs basis and that this had been reflected in reports on discussions by Mr O'Brien". I must say, Mr Speaker, I have known the gentleman myself for many years and considering his years of experience working with Aboriginal people, saying that the needs of Aboriginals could only be served on a needs basis reflects an entirely new attitude on his part. "Mr Eames suggested that the needs of Aboriginals were traditionally seen to by the government after everyone else's needs had been considered. Mr Lovegrove said that this was an unfair observation and that Aboriginals' needs were considered along with everybody else's needs".

"Mr Nicholson then said that he felt that suitable types of tenure on the islands could be found for Aboriginal people. Mr Eames advised that the government could afford a considerable degree of largesse in the matter. Mr O'Brien asked what areas would be settled in the new township. Mr Nicholson said that he was not in possession of this information". At this point it was generally agreed that there was nothing more to be discussed and the meeting broke up.

At the meeting on Monday where the Aboriginal people, last and least no doubt in the eyes of the Territory government, were finally told about this after everyone else had had their private briefing, the Aboriginal people put a proposition to Mt Isa Mines. The attitude of Mt Isa Mines and the Territory government was a disgrace. It was a pretence of negotiation, a pretence of consultation. What the Aboriginals were met with was no, no, no, no, no. In fact, the company was not even interested in discussing the options.

The Tuesday meeting at Mt Isa Mines McArthur River camp was important in regard to the government's and Mt Isa Mines' answers to Aboriginal proposals for land settlement in the Borroloola area. The proposals were - and I am reading from the minutes of that meeting - that Mt Isa Mines return McArthur River Station, Tawalla and Bing Bong Stations, bar portions required for the mining, the town and the infrastructure, with a guarantee that Aboriginals would not attempt to prevent Mt Isa Mines' development and access through the town common to the Sir Edward Pellew group of islands; that the NT government consider the declaration of Borroloola as a closed town; and that the NT government grant leases over the islands to Aboriginal people including those areas of interest to Mt Isa Mines. The details of those proposals, their strengths and weaknesses are discussed elsewhere but the chief bargaining process of the Aboriginals was based on the fact that the Aboriginals did, in fact, have a right to negotiate with Mt Isa Mines over the need for a corridor through the town common.

Mr Speaker, unfortunately - and I might be misquoting the press; I do not have a copy of it here - I understood that the press yesterday stated that Aboriginals in the area are opposed to mining. I wish to categorically state that that is not the case; it has never been the case. Five weeks ago, Aboriginals put proposals to the NT government that as far as they were concerned, the mining could go ahead, providing some real negotiations started and the negotiations were in good faith, which they certainly have not been up to date.

At a meeting on Tuesday 6 March, the NT government's and Mt Isa Mines' answers came back to the Aboriginal people: that the NT government did not intend to close the Borroloola township; that a town area is going to be declared over the Pellew Islands, over all islands other than Western and Vanderlin Islands, as the NT government considers it has a right to dispose of the crown land - since a court hearing had already been heard and had nullified the Aboriginal legal action over the islands, said Mr Creed Lovegrove - and that Mt Isa Mines will not part with any of the 3 cattle stations they own as their representative, Mr Channel, said the Aboriginals already had enough land, and the Aboriginals should respect the right of Mt Isa Mines to the cattle station areas and the Aboriginal land areas would be respected by the company.

This statement should be seen in light of the fact that the Borroloola town common which the Aboriginal people own is 1,300 square kilometres and the Mt Isa Mines cattle stations alienate 8,300 square kilometres. Mt Isa Mines is prepared to accede to the legal right of Aboriginals to enter their pastoral properties - well, that's big of them, seeing it is already in law - and they can be spoken to about protecting sacred sites. The NT government is prepared to allow Aboriginals to apply for leases on the island - well, that's an amazing statement too, considering they also possess that out of right. These leases will be applied for along with European interests and the applications will be considered on their merits.

There were absolutely no concessions or compromises given to the Aboriginal people; every single request for a negotiable position was knocked on the head and Mt Isa Mines and the NT government simply said, no, no, no to everything the Aboriginals put up.

Mr Martin Ford delivered a statement at the meeting from the Minister for Aboriginal Affairs, Senator Chaney, that he was waiting - that is Mr Chaney - for the results of the meeting so that he could decide on a course of action over the corridor. He also said that Senator Chaney had telegrammed Mr Everingham saying he was concerned over the lack of consultation by the NT government in regard to the declaration of the town areas.

Well, we on this side of the House are very familiar with the lack of consultation by the Chief Minister on everything. Of course, as far as the Aboriginal people are concerned, everything rests with the federal minister. Despite the willingness of Aboriginals to concede the mining, the negotiations were a complete waste of time and no one was prepared to negotiate with them. The mining company had the money; the Territory government had the powers, and now the Aboriginals have got nothing.

Mr HARRIS (Port Darwin): Mr Speaker, the other day I asked the Minister for Lands and Housing about the application for land made by the Northern Darwin Rotary Club to build an equestrian and rodeo centre and I would like to speak on this in the adjournment today to give a few details about this project.

In July 1977 an application was made to the Lands Branch for a portion of section 1195 which is between the gaol site on the Stuart Highway, bounded by the Berrimah Experimental Farm, and the abattoirs. In August application for a

grant of some $50,000 for development was made to the Rotary Trust Fund which had been set up after the cyclone. In February 1978 a lease application and a sketch plan of the development, together with the costs and a statement of financial capabilities, were submitted to the Lands Branch. In April 1978 a letter from the Department of Finance and Planning said that no action could be taken until a town plan had been approved. In May 1978 a letter was sent from the Rotary Trust requesting assurance that the land would be available, so that the grant could be made. A meeting with the town planning unit to discuss the trust's grant situation resulted in a letter from Mr O'Brien dated 9 June 1978, stating that the project would not fail for lack of a site. In July 1978 the trust set aside an amount of $30,000 for this development. The amount it set aside was subject to obtaining the lease of a piece of land and the establishment of the necessary trust to administer it. In July 1978, as a result of requests from the planning unit, a committee inspected a proposed alternative site in the Holmes Jungle area. The committee unanimously rejected the Holmes Jungle site and so advised the planning unit. The reason for objecting to this site was, first of all, that there was no power, no water and no access. It was felt that it was absolutely necessary to have a development such as the equestrian centre in an area that would be easily accessible to all people. In November 1978 a letter was received from the Lands Department stating that the application portion of this section 1195 would be resumed. In November 1978 a letter was received from the Lands Department stating that application for rezoning to permit the proposed use should be submitted. No further official advice has been received.

Mr Speaker, the proposal has been formally supported by the Darwin city council. It has been supported by the Darwin Police and Citizens Youth Club, various Darwin pony clubs, the Rotary Clubs of Darwin and Darwin South and most of the equestrian organisations in the Darwin area. It would be developed by Rotary at the club's cost as a community service project. The only possible cost would be in the provision of access, and electricity and water connections. It is most important that a venue for use by equestrians and other community groups be divorced from any pony club stabling or agistment area so that equal opportunity may be had by all. There are arguments against this. The area is required for the use of the public and, if you have agistment in that same area, you have all sorts of problems with maintenance, flies, etc. This is obviously the big stumbling block and is behind the thinking of the people in the planning section. They cannot separate horse agistment and stabling from horse show activities.

The proceeds from the Darwin rodeo will provide the capital to develop and maintain the area. Charges to other groups using the facilities would be minimal and would cover cleaning and maintenance. The grant of this $30,000 from the Rotary Trust is, at the moment, in danger of being lost because they wish to wind up the trust. If this project does not get under way soon, the Darwin North Rotary Club will not be able to obtain that money. The trust will not approve the grant of that money unless it is satisfied that the proposed site is suitable and viable. They will not approve its expenditure in the Holmes Jungle area.

The area proposed by the Darwin North Rotary Club is, in my opinion, ideal. It is a good buffer zone between the gaol and the road. With the abattoirs close by, it also has provision for the loading and unloading of stock. The various Rotary clubs have shown that they are all able to finish what they have set out to do. After the cyclone, this particular trust assisted with many buildings in the Darwin area. They built a magnificent showroom at the showground for which they provided some $80,000. The YMCA camp at Talc Head was also assisted to the tune of $60,000. The old age pensioner's flats and the Masonic Lodge in Stokes Street were also assisted. The Nightcliff Youth Centre also obtained money from this trust.

A development of this nature has been necessary for some time. The money is available; the plans are ready. The work could start tomorrow. The only thing holding up this project is the availability of land. We have been pushing for development and this form of development would be an asset to all the people of Darwin. Might I suggest that we accept the offer of the Darwin North Rotary Club to provide a needed facility in our community and help them obtain the land they require.

Mrs PADGHAM-PURICH (Tiwi): Before I start, I would like to correct a small injustice that the honourable member for Port Darwin did to Rotary. The cost of the building out at the showground was not $80,000, but over $100,000 - in fact, it was nearer $120,000.

Since about 1965 or 1966 there has been a zoo sanctuary at Yarrawonga Park out at the 13½ mile in the rural area. This was started by Dr and Mrs McKenzie and was a continuation of a santuary they had at Pee Wee Camp on East Point many years before. Following the acquisition of the 32-square-mile area in 1973, this Yarrawonga Park sanctuary passed into the care of the Northern Territory government. It is administered very ably now by wildlife officers in a way with which no fault can be found at all. These officers have worked very hard in presenting the bush animals to the public in the best and most interesting way they can. They are very helpful to members of the public, to groups who come to stroll around and also to people who bring in orphans, sick bush animals and also other animals, reptiles or birds for identification.

This brings me to my point: the purpose of this zoo and others like it. I do not like to keep wild bush animals in captivity even though I have a few in my care now. I think my views would be held by the wildlife officers at any zoo sanctuary where animals are kept in restricted conditions. I keep my animals for particular reasons which are private. The animals are kept in zoo sanctuaries for the benefit and enjoyment of the public.

Before going further I would like to say that I see a place like Yarrawonga Park as a staging place in the public appreciation of bush animals. It presents a place close to Darwin where people can visit at convenience, where they can take visitors, where tourists can come and where children can come without the necessity for long or tiring bus or car trips. But I see this sanctuary as a staging place for our enjoyment of bush animals, not in time but in degree. I think the idea first of all is to encourage an interest in bush animals in the minds of people, especially children. If these people are not lucky enough to have any bush animals themselves, or even if they are, they can go to Yarrawonga Park to see the animals at close hand and talk with the wildlife officers there.

When people have been introduced to the fauna in this way, the next place to see the animals is in a natural setting, such as an open zoo. I know there are many people, including wildlife officers, who would be very interested in seeing a sanctuary like this in an extended wildlife situation at a place like Fogg Dam, for instance, which is further out of Darwin. Animals and birds could be seen there in natural surroundings, perhaps in not such concentrated numbers as in a small zoo but in relation to other birds and animals. Appreciation of bush animals, which are one of our primary resources to be nurtured and husbanded for the future, should proceed ideally from a personal appreciation to a wider appreciation for the mutual benefit of both humans and animals.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I have been brought to my feet by some of the statements of the honourable member for Arnhem regarding the position at Borroloola. This is a position that I am not unfamiliar with because I have visited Borroloola at least half a dozen times since I have been in this job. I have spent a couple of nights with the people down there, camped

with a swag on the riverbank with them, eaten with them and talked to them generally. I got to know them at least a little bit although it is very difficult to really get to know people when you are just flying in, spending no more than 24 or 36 hours, and then flying out again.

I think we should start the Borroloola story at the beginning. I very seriously doubt that the honourable member for Arnhem is speaking on behalf of all the people of Borroloola. He might be speaking on behalf of some of the people at Borroloola; he might be speaking on behalf of Mr Leo Findlay who is a self-appointed spokesman for the whole community.

Fourteen or more years ago, Mt Isa Mines commenced exploratory work in respect of a mineral deposit I referred to this morning at the McArthur River site which is quite a distance upstream from Borroloola. The Borroloola township is one of the oldest proclaimed towns in the Territory and had its heyday of prosperity around the turn of the century. There are many Aboriginal people living around Borroloola town and a number of Australians of European extraction.

Borroloola town itself is subject to flooding and the Northern Territory government at the present time is in the throes of developing a new town plan which has been discussed on a draft basis with the people of the town. In some few months, I hope that new town plan will be ready and we will be able to make arrangements to shift the town gradually up onto a hill across Rocky Creek and provide it with newer and better government facilities such as a permanent police station, residences, etc. Out through the mouth of the river are the Sir Edward Pellew Islands.

Over the years, Mt Isa Mines has acquired the 3 cattle stations to which the honourable member for Arnhem referred. I think it is quite true to say that the Aboriginal people at Borroloola were very interested in acquiring Bing Bong Station some time ago but the Aboriginal Land Fund Commission "ginned" around for so long - to use an expression - for about 3 or 4 years over buying Bing Bong Station that the owners of the station, apparently in desperation, sold it to Mt Isa Mines. I can understand the frustration of the Borroloola people about that. The Northern Territory government has certainly spoken to Mt Isa Mines about the possibility of selling the station property to the Aboriginal people.

It is untrue to say, as the member for Arnhem suggested, that Mt Isa Mines is not running cattle or indeed using these properties as cattle properties. The converse is very decidedly the truth. In fact Mt Isa Mines - and I have seen this myself - has built vast new yards made of steel pipe as against bush timber. They have carried out considerable improvements and, indeed, I even believe they are going to put in something in the nature of a caravan park on one of the stations at some place called Bessie Springs which will cater for the number of people who are passing through the area. Mt Isa Mines is fairly serious about its diversification in this area. Mr Challon, referred to by the honourable member for Arnhem, seems to have a full-time job running the 3 cattle stations.

Mt Isa Mines did spend a number of years and a great deal of money in attempting to prove these mineral deposits at McArthur River. Then came the passage of the Aboriginal Land Rights Act and the Aboriginal people at Borroloola made claim to land in the area including the Sir Edward Pellew Islands, the Borroloola town common and so on. Their claims were heard by His Honour Mr Justice Toohey last year and he made his report to the Minister for Aboriginal Affairs. The Minister for Aboriginal Affairs is still sitting on that report and recommendations, and has been sitting on that report and keeping the Borroloola people in suspense, the Northern Territory government in suspense and Mt Isa Mines in suspense for the last 8 months - I think it could be now close to 12 months.

However, people have seen the report now and we know what the recommendations are. It is common knowledge that the Aboriginal people were awarded the Borroloola town common and they were not awarded some of the islands in the Sir Edward Pellew group. I cannot, from memory, state whether it was recommended that they be awarded or that they had established traditional ownership to the majority of the islands or the minority of them. But suffice to say that Mr Justice Toohey found he was unable to locate or name a traditional owner for Centre Island where it was proposed, I think, to locate the town and port for the McArthur River development. The Aboriginal people made a claim in respect of the Sir Edward Pellew Islands and it appears that their claim, at least in respect of part of them, has been unsuccessful. It is only on that part of the group of islands that the Northern Territory intends to set aside an area for the port and the town. Of course, it is fortuitous that one of the islands, and maybe the only one for all I know - I think there are 2 or 3 altogether, perhaps half a dozen or more in the group - is the one that was proposed as the site of the town and port, in all the planning that had gone on many years ago.

The honourable member for Arnhem said that this would be cheating the Aboriginal people of Borroloola of their just due. In fact, he said it was taking away from them the chance to take proceedings to a higher court. Well, Mr Speaker, the Northern Land Council, through its solicitors, has had many months now to take the proceedings to a higher court. Nothing has transpired and, in fact, I do not think any lawyer would seriously argue that there is any prospect of action being successfully taken to upset the Land Commissioner's recommendations which are essentially a ministerial matter and not a justiciable matter.

He also said they have been cheated because they have commenced a second land claim. Well, Mr Speaker, I put the question seriously, if the second land claim is unsuccessful, do we then have to wait until a third has been made and so on? I believe it is in the history of justice that a person normally has one chance to establish a claim and if he is unsuccessful, then that is the end of it. I understand there is considerable doubt as to the validity of the second claim over the same land in any event.

All I can say is that any application by the Borroloola people for vacant crown land in that area which does not form part of the recommendations of His Honour Mr Justice Toohey will be very sympathetically considered by the Northern Territory government. The Northern Territory government would certainly support the Borroloola people in making representations, and indeed I would suggest it has supported the Borroloola people in making representations, to Mt Isa Mines about Bing Bong Station especially. I am not so sure from my discussions with the Borroloola people and those of my officials that they care too much about Tawallah and the other station; I think it is Bing Bong that especially sticks in their craw because they almost had it in their fists but the Aboriginal Land Fund Commission did not come good with the money. The owner, not unnaturally, wanted to sell and so he sold to Mt Isa Mines which had the money.

To say, as the honourable member for Arnhem said, that the Borroloola people are not opposed to mining is, I think, gilding the lily because the matter of mining has never really come up in so definite a way with the Borroloola people. The mines are not on their land. What is required is a corridor from the mines mostly through other people's land to Centre Island and where the Borroloola people come into it is that the projected corridor, if it followed the most convenient route, would cut across the Borroloola town common which is the subject of Mr Justice Toohey's recommendations. That is the negotiating point of the Borroloola people and, naturally, they are - as anyone should - going to make the best possible negotiating point of it. They have this common and the mine needs a corridor. Of course, the Northern Territory would like to see such a large development take place so it would

like to see the corridor too. That is the point where we have been for I do not know how many months. The matter just cannot be resolved because, for a start, the Minister for Aboriginal Affairs will not make a final decision in relation to the land claim recommendations and no one, in my view, is prepared to move until there is some certainty. The Aboriginal people want to know what they are sure to get and Mt Isa Mines also wants to know.

Mr Speaker, it is not a good situation at Borroloola. I believe the morale of the people there would be deteriorating simply because of the uncertainty. I would like to see the matter resolved and certainty obtained. I would say this, to make it clear to honourable members, we do not propose that the corridor or the port be given to Mt Isa Mines. The corridor and the port land would remain the possession of the Northern Territory government and we are scrutinising very seriously and earnestly the Mt Isa Mines' proposals for the future development of the land.

As I have said, we have been to Borroloola a number of times and the question of an open or a closed town arose. I went there some months ago - it must have been September or October last year - with my colleague, the Minister for Community Development, and Mr Lovegrove, Mr McHenry - there may have been one or two others - and we had a full-scale meeting with the Borroloola community council. We explained to them the concept of community government as the Northern Territory legislation was then in the process of passage. They seemed very interested in this and they asked us whether we would be prepared to close the town. We said we would not because it was on an important road link and there were at least 30 other people living there to be considered and that in any event, if the people there cared to constitute themselves into a form of local government, obviously, as a majority they could see that the town was run to suit their own interests. This prospect appeared to appeal to them quite a good deal at that time. I do not know how keenly it has been followed up but it would seem to me that the creation of local government within the existing old Borroloola town area would be a solution which would give the majority of people there control of the situation and they could run the town, generally speaking, to suit their own interests. It is certainly a serious problem.

I regret the position that these people are in because the federal bureaucracy and ministers will never act. We have the same position there as we have with the Kakadu National Park: we cannot get action out of anyone. I feel pretty much as frustrated as those people down at Borroloola do.

Motion agreed to; the Assembly adjourned.