NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

Second Assembly
Second Session

Parliamentary Record

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PART I

DEBATES

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

DISTINGUISHED VISITOR

Mr SPEAKER: Honourable members, I draw your attention to the presence in the gallery of Mr D.R. Steele-Craik OBE, B.Ec. FASA, FAIM, Auditor-General of the Commonwealth of Australia. On your behalf, I extend a warm welcome to the distinguished visitor.

MEMBERS: Hear, hear!

FUNCTIONS AND STAFF REVIEW

Mr SPEAKER: Honourable members, I wish you to know that during the first week of this sittings and in the first week of June, a functions and staff review will be conducted in the Legislative Assembly unit by Mr D.M. Blake, Deputy Clerk of the House of Representatives, and Mr L. Munns, a senior consultant in the office of the Public Service Commissioner. I am grateful to the Speaker of the House of Representatives and to the Public Service Commissioner for making the services of these officers available.

MESSAGE FROM ADMINISTRATOR

Mr SPEAKER: I have a message from the Administrator of the Northern Territory:

I, John Armstrong England, the 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 Appropriation Act (No. 2) 1978-79 to apply certain monies for the financial year ending 30 June 1979 out of savings effected in the expenditure on other services for that financial year. Dated this fifteenth day of May 1979.

MESSAGE FROM ADMINISTRATOR

Mr SPEAKER: I have a further message from His Honour the Administrator:

I, John Armstrong England, the Administrator of the Northern Territory of Australia, pursuant to section 11 of the Northern Territory (Self-Government) Act 1978 of the Commonwealth, recommend to the Legislative Assembly a bill entitled the Supply Act 1979-1980 to make interim provision for the appropriation of monies out of the Consolidated Fund for the service of the year ending 30 June 1980. Dated this fifteenth day of May 1979.

PETITIONS

Electricity Charges

Mr ISAACS: I present a petition from 59 residents of the Northern Territory relating to the proposed increases in electricity charges. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. I move that the petition be received and read.

Motion agreed to; petition received and read.

To the honourable the Speaker and members of the Legislative Assembly of the Northern Territory, the humble petition of the undersigned citizens of the Northern Territory respectfully shows that there is widespread 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 uneconomical place in which to live. Small businesses in Darwin are being crippled by the increasing cost 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 failures at the Darwin powerhouse is placing an unreal burden on the 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 every pray.

Netball Centre

Mr DONDAS: I present a petition from 62 residents of the northern suburbs area requesting that a netball centre be included in the proposed Rapid Creek development plans or on another alternative site. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. I move that the petition be received and read.

Motion agreed to; petition received and read.

To the honourable the Speaker and the members of the Legislative Assembly of the Northern Territory, the humble petition of the undersigned respectfully shows that there is only one netball centre in Darwin and that is located at Parap. This makes it extremely difficult for children who live in the northern suburbs to join the netball competitions because, through the lack of convenient public transport, they must rely on parents to transport them to Parap. Your petitioners, therefore, humbly pray that the government of the Northern Territory ensure that a netball centre be included in the proposed Rapid Creek development plans or on the Chrisp Street hockey-soccer field so that facility would be in reach of all the children in the northern suburbs and available for use by primary schools which are not provided with netball courts, and your petitioners, as in duty bound, will ever pray.

Mr EVERINGHAM (Chief Minister) (By leave): Mr Speaker, I seek leave of the Assembly for the Acting Minister for Community Development, the honourable member for Casuarina, to have the carriage of certain business - Motor Vehicles Dealers Bill (Serial 243), Local Government Bill (Serial 280), Control of Roads Bill (Serial 279), Local Government Bill (Serial 287), Cemeteries Bill (Serial 255) and the Araluen Arts and Cultural Trusts Bill (Serial 256) - through the remaining stages of its passage through this Assembly and to answer questions pertaining to the portfolio of community development. I have come to the conclusion, in consultation with my colleagues, that it is in the best interests of education in the Northern Territory that the Minister for Community Development and Education continue to devote his full energies to the portfolio of education, at least until that function is formally transferred on 1 July.

Leave granted.

DISTINGUISHED VISITOR

Mr SPEAKER: Honourable Members, I draw your attention to the presence in the Chamber of Senator Teague, a member of the Senate for South Australia. On your behalf, I extend a warm welcome to the distinguished visitor.

MEMBERS: Hear, hear!

CASINO LICENCE AND CONTROL BILL
(Serial 271)

Continued from 8 March 1979.

Ms D'ROZARIO (Sanderson): Mr Speaker, when it is ratified, the bill, with its schedules which represent the 2 contracts which the Northern Territory has entered into with the hotels group which is to undertake the casino developments at Darwin and Alice Springs, will complete the process of making the way clear for casino licences to be issued in the Northern Territory. It is fair to say that, whilst we have not yet overcome all the objections to the granting of casino licences in the Northern Territory and particularly in the Alice Springs area, the content of the bill itself and the schedules are, by and large, quite satisfactory. The Treasurer, as he was at pains to point out to the Northern Territory community, has gone to great lengths to vet the credentials of the hotels group and the terms of the contract. As I mentioned, there is not much that we can take issue with at this late stage, although I still say, with some reservation, there is still a great deal of resentment in the Alice Springs area to this impending development.

However, the remarks that I would like to make are particularly in relation to the specification of penalties. We were given to understand that the operations of the hotels group and people patronising the casinos would be of a very high standard and subject to much scrutiny and control. It was with some disappointment that I noted that the penalties which the Treasurer has presented in the bill are extremely low indeed when we look at any breach of the terms of the bill that the casino licensees might make. I refer the minister specifically to clause 57 which specifies the penalties. Throughout the bill, there are references to offences which could be committed under this bill and these relate to offences on the part of the casino licensees. None of these clauses, which are sprinkled throughout the bill, provide any penalty at all.

We then come to clause 57 and we find that the penalty for an offence against the act for which a penalty is not provided by a provision of the act is specified in parts (a) and (b). When we look at clause 57 (b), we find that, for an offence, again by the licensee, against a provision of the act, the fine is to be a maximum of $2,000 where the person committing the breach is a body corporate. I think that people would regard this as a very illusory protection, particularly those people who have a conscientious objection to the function of casinos in the Northern Territory.

In the case of a person other than a body corporate committing an offence, we have a fine of $2,000 or imprisonment for 12 months. If it is a body corporate committing the offence, the maximum penalty is a mere $2,000 fine. When we look at the prospective licensee, this amount could be paid out of petty cash. I think it is fair to say that. It certainly will not be a great deterrent. It is fair to say that the Treasurer has said - and I think he is correct - that the casino licence could also be suspended. I would like to point out, and I hope the Treasurer will put me right if I have speculated incorrectly, that the licence could only be revoked in the most extreme circumstances. It is clear that, where ordinary breaches of this act take place, the Treasurer will not resort to revoking the licence of the casino licensee. The other point to remember is that, with the sort of development that the Treasurer envisages, and of which pictorial representations have already been shown to the people in Darwin and Alice Springs, a revocation of the licence will not really be a penalty that can be exercised. This is because we expect there will be a very large investment in buildings in both centres and also because a high level of employment will be created. I cannot see the Treasurer simply saying, should there be offences of such a nature as to require a penalty of more than $2,000, that

he would revoke the licence because this would mean that there would be a number of people who would immediately have their employment chopped off through no fault of their own but through a breach of the act by the casino licensee. Accordingly, I ask the honourable Treasurer to have a look at the level of penalty that he has provided in respect to casino licensees.

I also point out, where it is a patron who commits an offence, the penalties prescribed in clauses 52 and 53 are quite severe when compared to those which can be applied to a body corporate. For a person being on the premises in breach of the directions of the Commissioner of Police, or any other authorised person, the penalty is $500 or imprisonment for 3 months which, in comparison, is quite severe. We then have the same penalty of $500 or imprisonment for 3 months for any employee or agent of the casino licensee who knowingly allows a person to be on the premises when he should not be. For the playing of a casino game by a person under 18 years of age, the penalty is similar - $500 or imprisonment for 3 months. These penalties are quite severe when we look at the penalty that can be applied to a body corporate. I do not think that the hotel group would find any difficulty in finding $2,000 from which to pay its fine. That is a basic objection that I have to this particular bill.

The other questions which I would like to raise with the Treasurer is the level of taxation which is to be raised from these operations in the Territory. I draw to the attention of honourable members that the Treasurer's expectation of a tax on gross profit is in addition, in the Darwin case, to a flat monthly licence fee which does not apply in Alice Springs. The Treasurer specified, again in the schedule to the act, there will be a tax on gross profit and "gross profit" has been defined as "the sum of the amounts wagered less the sum of winnings paid out" which I think is quite a fair method of determining a tax. The reason I raise this, without wishing to anticipate further bills which we might be discussing, is that this is in very sharp contrast to the Treasurer's chosen method of taxing the racing industry. Honourable members will know that, in that particular instance, we have a tax on turnover. I probably will be saying more about that in future bills but I just point out that we do have a more acceptable method which the Treasurer has chosen to use in the case of taxing a casino licensee. I have no argument with gross profit being the basis for taxation. Honourable members will know that, in the first year of operations, the Darwin licensee will be paying 15% of gross profit and, in subsequent years, 20%. The scale of taxation in the Wrest Point Casino is slightly higher but I think that the number of transactions is also higher.

I would like to take issue with the honourable Treasurer on a clause that appears in the contract and about which I am not particularly happy. That is the clause that makes reference to the ability of these contracts to be amended or varied with the consent of all parties. That is in clause 1 of the Darwin contract and a similar one appears in the Alice Springs contract. I make it clear that I do not necessarily object to that clause. However, I did seek, through the minister's private secretary, an opportunity to speak to the Racing and Gaming Commissioner on whether or not the schedules could be amended in this House. Honourable members will recall that, when the Uranium Mining (Environment Control) Bill was discussed last sittings, members were told at a late stage, in fact after the honourable member for Arnhem had prepared amendments to the schedule to that bill, that no amendments could be countenanced because the schedule was, in fact, an agreement.

The question that I asked of the minister was that, having regard to the fact that there were agreements contained in this bill, whether or not

any part of the agreement could be amended in this House. I still do not know the answer to that although I notice, with some irritation, that there is a clause recognising that the contracts may be varied or amended with the agreement of the parties. The basic objection is simply that we are required to ratify these particular agreements by the passage of this bill. It would have been the correct gesture to afford members of the House an opportunity to be involved in the precise terms of the 2 contracts. If the minister had come back to me and said, "No, the agreements are simply not amendable because they are in fact contracts", I would have accepted that as the honourable member for Arnhem had to accept it in regard to the Uranium Mining (Environment Control) Bill. However, I still do not know the answer to it and there is a provision to amend or vary these contracts.

However, I have been through both the schedules and the bill and I think, by and large, the Treasurer has done quite well. I would like to say a few words on what we hope to achieve by these developments. The honourable minister has made great play of the expectation that there will be increased revenue from tourism and we are all aware of the "Outback Billy" campaign which is presently being followed in all centres in the Northern Territory with a view to increasing tourism. I would like to say that I wholeheartedly support the remarks about the airport made by the Mr John Haddad over the weekend at a tourism seminar in Darwin. Other members have raised this question before but I think it cannot be raised often enough because all the good intentions of the government in trying to promote tourism are certainly minimised if tourists are arriving through Darwin Airport. I have spoken before in this place about the first impression that an overseas tourist must receive when he puts down at Darwin Airport. Mr Haddad was speaking specifically in relation to the congestion that occurred with domestic flights that he observed over the weekend. I must say that I endorse those particular remarks and I call on the Minister for Transport to make vigorous respresentations to the Department of Transport for the upgrading of the Darwin Airport.

The minister said that one of the very strict controls that he would be exercising over the operations of the casino was in respect of the approval of games to be played at the casino and the rules by which these games would be played. It appears, from reading the bill, that a game cannot be played until it is authorised and the rules have been approved by the minister. I would like to say that I think this control may well turn out to be illusory because, when we talk about casinos boosting tourism, I think we have to bear in mind that what we are really talking about is that the games be known to the prospective patrons. Certainly, I expect, and I am sure the casino licensee has this in mind, that the rules by which the games will be played will be standard rules. It is a little bit stupid to expect that prospective patrons will come to the casino absolutely schooled about the rules of the game and then have to spend some time working out what the precise rules are that apply to that particular game and that particular part of the casino.

In casinos around other parts of the world, there are basically only 2 variations of accepted casino games. There are some local variations but international visitors are advised not to play these games. The basic accepted games are really modelled on 2 sets of rules commonly known as the American rules or the Continental rules. The Continental rules are fairly standard French rules. It is a fact that, when casinos are used to boost international tourism, international tourists are advised to stay away from those games which offer local variations. Where you have the game baccarat played by 3 different variations - American rules, Continental rules or some other local variation - the patrons are advised to stay away from the table offering the local variation because this is usually a variation which gives a very good advantage to the house rather than to the player.

Whilst we do acknowledge that the rules may in some games affect the odds, what I would like the minister to concentrate upon is not the rules so much, as they are already established, but to be able to specify the odds offered to the punter. I do not know what the minister's experience is with casino games but connoisseurs at the tables tell me that, if you have the choice of playing single zero roulette or double zero roulette, you should go for single zero roulette. That is the one I personally prefer. This is because, in single zero roulette, the odds offered are much better for the individual bettor than they are for the house. Casinos make their money by manipulating the odds and, in the game of roulette, a house advantage is generally kept at 1 to 35 instead of 1 to 36 which are the correct odds. What the minister should be concerned about is the setting of the house advantage because a casino licensee who wants to boost his profits can simply alter the odds. I do not think this is the specific control mentioned in the minister's bill; he talked about the rules which I consider, in some games, to be quite separate from the odds. The minister should be concerned to give the individual staker or bettor the benefit rather than the casino licensee. If a single zero roulette table were offering 1 to 35, which is in itself a very unfair advantage, and the minister found that the licensee had altered the odds to 1 to 34, which is done at some tables, then he should have regard to the level of the house advantage and attempt to give the individual punter the advantage of the odds, at least by reducing the house percentage.

I am not making much of this simply because I think it is a pleasant subject to talk about. I think it does affect the volume of patrons that come to the casinos and any patrons who have experience of casinos in other places will certainly avoid a casino in which the house percentage is set very high. I urge the minister to interpret that his power for approval of rules will also include the approval of the odds because I do not see that those 2 are necessarily the same in all casino games.

With those few remarks, I must say that, when this bill has been passed, the way will then be clear for casino licences to be issued. There is still some concern as to how the casino licences will benefit Northern Territory tourism. These matters can only be overcome with the passage of time and with the casino licensee acting in the best interests of the Northern Territory people. We will only be able to judge the value of the casino licences by the conduct and behaviour of the casino licensees.

Mr HARRIS (Port Darwin): Mr Speaker, in line with the Northern Territory government's initiatives in encouraging investment and tourism in the Territory, it is pleasing to see that, at long last, the casinos will actually become a reality. There has been extensive debate on the subject of whether or not casinos should be established in the Northern Territory and I feel that the minister needs to be commended for his efforts in explaining to the people of the Territory the approach the Northern Territory government has to the establishment of casinos in both Alice Springs and Darwin.

Some of the people of Darwin have been concerned about the siting of the casino. The siting is now being ratified under this bill. I must mention here some of the reasons why I feel that the casino has been sited where it has before making comment on the controls which have been placed on the development itself. The heart of Darwin was very much in the government's mind when it made the decision to site the casino at Mindil Beach. The criteria used in the assessment of sites were many. They included, and I quote here from a circular which was prepared by the Minister for Lands and Housing, "the size of site, engineering aspects, location of physically attractive settings and proximity to the central business district to provide a stimulus to that area". It was for very good reason that the government

considered the central business district. Research in Tasmania has shown that Australia's first legal casino at Wrest Point has had a dramatic impact on the fortunes of Hobart's commercial centre. In Wrest Point's first 5 years, it has been estimated that the company spent $13m in goods and services bought within Tasmania and residential guests spent an estimated $60m in goods and services exclusive of the amount that they actually spent in the Wrest Point casino itself. In other words, in Wrest Point's first 5 years, an extra $73m was ploughed into that community for purchase by the hotel casino management and guests themselves. In the first 5 years, Wrest Point paid out about $25m in wages and naturally from this vast sum a fair fortune would have been spent by the employees in Hobart's commercial centre. In 5 years, there has been an extra spending power generated in that area of approximately $100m or $20m a year.

Darwin's Mindil project will have about 100 rooms, roughly one third of Wrest Point's accommodation, and it is expected to employ about 200 people, just over one third of those on the Hobart payroll. If the casino hotel is as successful as the Hobart one, and I can see no reason why it should not be, then we could estimate pretty accurately that, when it is finished, it will generate extra spending power in our community between $8m or $10m a year. That is 3 years hence but Darwin does not have to wait that long for the spin-off because the conversion of the Don Hotel to a mini-casino is expected to take place before September. Under section 3 (2) of the agreement, the Don Hotel is unable to be granted a temporary licence until the Darwin casino at Mindil Beach has been under construction for a period of at least 3 months. This will commit Federal Hotels to the latter development and also demonstrate their faith in the project. Before the calendar year is out, there will be substantial work carried out on the Mindil site which will create jobs on the construction site and about 100 jobs to staff the Don and, I would imagine, the start of a tourist increase which will develop into a flood by the time the mini-casino opens.

The Mindil caravan park was a disgrace; it had to go. The point to note here is that, if the casino had not been given that particular piece of land to develop, the caravan park would still be there today and would have continued to be an eyesore for many years to come. The general recreation facilities in the area are poorly attended and I include here the beach itself. As far as the natural environment is concerned, any controlled development would do far less damage than the coffee bush which my electorate has been cursed with - with respect, Mr Speaker. Provided the controls as laid down in this bill are adhered to, the development of a casino in the area specified in part B of schedule 1 can only add to our recreation area.

It is obvious that, when we are dealing with unknown returns, and I speak here of the tax payable on the gross profit derived in each month, a review of adjustments is required to ensure that both parties concerned, in this case the Northern Territory government and Federal Hotels, receive a fair deal. The provisions are spelled out under section 12 of the agreement. We also see in section 9 of the agreement the information that the licensee is required to furnish to the minister before being granted a licence. Under section 8 of the agreement, we find the criteria under which the minister may refuse to grant or renew a licence and also the provisions whereby he is able to cancel a licence.

I believe the bill imposes very strict controls on Federal Hotels in relation to the casino development and operations. There are provisions made for flexibility, a necessary inclusion in agreements such as this. No company should be placed in a position where it loses investments because, for one reason or another, it is unable to continue its construction. Likewise, there should be flexibility with the types of games that are played

in the casinos themselves and clause 48 of the bill gives the minister that power. I believe the bill is sound and provides the controls required to give us, hopefully, the best developed casino in Australia and I hope that our casinos will also be amongst the best run in the world. I support the bill.

Mrs O'NEIL (Fannie Bay): Mr Speaker, unlike the honourable member for Sanderson, I cannot speak with any personal experience of these matters so my analysis will be much more academic. I have read this complicated bill fairly carefully and I would like to draw the attention of members, and particularly the honourable Treasurer, to a number of clauses on which I have queries.

I refer first to clause 5, the effect of which is, presumably, to have the minister allow a nominated company to operate effectively for several months even if the Legislative Assembly finally disallows that nomination. Members will notice that the minister, having published a nomination notice in the Gazette, then has 10 sitting days before it must be laid before the Assembly. There is a further provision of 15 days for a disallowance motion. It seems to me that 10 sitting days is far too long and quite unnecessary. If the minister has sufficient information to justify publication in the Gazette, surely he can table it in the Assembly fairly quickly. We know how frequently or how infrequently we sit; 10 sitting days from now would have taken us back to last November. It seems to me that that very lengthy period of time is far too generous and is unfair not only to the Assembly, if the intention is really to allow the Assembly to have a say in these matters, but it also lends an element of uncertainty to the operations of that company. I ask the minister to comment on that.

I notice that he is proposing an amendment to the definition of "officer" in clause 6. I would like to draw his attention also to the definition of "director". The definition reads that a director "includes a director within the meaning of the Companies Act". This is a rather odd way of defining the term because the word "includes" clearly envisages, within the meaning of this act, that the work "director" is wider than that in the meaning of the Companies Act and I would ask him to explain if anyone else is envisaged. If, in fact, he means a director within the meaning of the Companies Act, I would suggest he might consider an amendment to that effect.

Looking further at the question of directors, there is a clause 17 which is to ensure, one assumes, that persons who are ordinarily resident in Australia constitute a majority of the board. However, in my reading of that clause, it does not do that. If there are 6 or less directors, no more than 2 directors may be from outside Australia. Clearly, if the board has only 2 directors, they could be both from outside Australia. I do not think that that was the intention of the minister nor, certainly, the understanding of the public on that matter.

I refer now to clause 45 which takes up a point raised by the member for Sanderson. While we are told that licences may be revoked, it is very difficult to envisage this ever happening, particularly in view of such things as the magnitude of the investment. Clause 45 states: "The minister may grant a licence to any person whom he considers has a sufficient interest in the complex and, on being so granted, the licence again becomes of full effect" - that is, after a casino licence is terminated or surrendered because the company failed to satisfy the provisions laid down in clause 41. Firstly, there is no definition of a "sufficient interest" in the complex and perhaps the minister might enlighten us as to what he considers to be a "sufficient interest".

The second matter is that, where it says "the minister may grant the licence to any person whom he considers has a sufficient interest in the complex", the word "may" clearly gives the minister a discretion as to whom he can grant the licence. The limitation is that the person must have that sufficient interest and, therefore, the re-grant under this clause cannot, presumably, be made to an outside operator who may be skilled or experienced in such operations. It would have to be limited to a person who already has an interest in that complex, whatever that interest may be.

The other difficulty which is apparent in clause 45 is that, although the minister may re-grant the same licence to another person, it is granted in respect of those premises. Those premises will be the property of Federal Hotels and there is no provision for compelling Federal Hotels to sell or lease the premises to the new casino licensee. Theoretically, we could end up with the odd situation of one party having a casino licence but no casino, and Federal Hotels having a casino but no licence. I think this reinforces the argument of the member for Sanderson that those provisions will not be enforced.

I turn now to clause 46 which provides for the payment of fees and for the minister to be able to obtain the recovery of these fees through a court of competent jurisdiction. It has been suggested to me by a constituent that any fees owing could be made a charge on the land and buildings so that, in the event of liquidation, fees due to the Northern Territory government could be thus secured.

Clause 48 (5) allows the minister to require the licensee to publish copies of the approved rules for any authorised game but it does not specify where those copies are to be published. I would think, for example, that it is inadequate to have the rules of the game published on the premises as the public should be made aware of them prior to their entry into the premises so that they can make a decision well in advance.

In clause 49, we have a provision which allows employees and agents of the casino licensee to organise or play any authorised games. This clearly permits employees of the casino to act as urgers by appearing to be members of the public and players. They could thus create an atmosphere whereby an unsuspecting member of the public is encouraged to wager higher amounts than he normally might. We know that this is not an unusual practice in gambling, in auctioneering and in areas of that kind. I would ask the minister to consider this. Perhaps he could consider provisions which direct the employees or agents of the casino to disclose their status to persons participating in a game.

Clause 52 is labelled "Right of entry" in the marginal notes and I would suggest that it should be labelled "Right of exclusion". The casino owner must be able to exercise control and to remove people. However, there is no criterion in this clause as to who may be prohibited or why. Clearly, an extremely skilled gambler who is winning might incur the wrath of the casino and be excluded for the very reason that he is too successful. That does not sound like the free enterprise that the minister constantly assures me he would support.

I now turn to clause 53 which relates to persons under the age of 18. They are allowed to be on the premises of the casino but are not allowed to gamble. I find this quite inconsistent with other legislation of this government because I understand that persons under the age of 18 are not allowed in betting shops. There seems to be one law for the local bookmaker and another for the interstate casino operator.

Clause 54 (1) permits entry to the casino at any time by a member of the police force provided he is authorised by an inspector. Once again, there is no criterion to give a guide as to why such a visit might be made. I would like to see some clear indication in the bill as to what matters the inspector ought to have in his mind when granting such an authorisation.

Turning now to the schedules, on the very first page we have reference to a schedule of facilities. That schedule is the fundamental statement of what is to be provided in the casino. That has not been tabled and I believe it should be. There is no mention anywhere in the bill or in the agreement as to how much the company must spend. Although there have been very large sums mentioned, there is no minimum figure of expenditure mentioned and that schedule of facilities should indicate the exact order of expenditure which this agreement requires. Therefore, I ask the minister to consider tabling that schedule of facilities.

In the agreement in relation to the Darwin casino, there is a mention that a contract for the development of the casino will be entered into by the Darwin builder. There is no definition of who will be "the Darwin builder" or, indeed, the class of people who will be eligible to tender. I would ask the minister to give an undertaking that the Darwin builder will be a building contractor who is normally resident in Darwin or who has been operating in Darwin for a number of years. We all know that the building industry in the Northern Territory has recently had a very hard time as a result of massive cutbacks in spending by the federal government. A job this size is within the competence of local builders and I believe that the minister should indicate that he will ensure that they will get priority for this work.

I was interested also in the comments of the honourable member for Port Darwin in relation to the siting of the casino. As he said, there has been considerable debate and I remember seeing in the paper, some short time ago, a statement to the effect that the casinos, through the Northern Territory government, had handed over a cheque for $700,000 to the Corporation of the City of Darwin. It is hard to see exactly what that was for; presumably it was some sort of compensation for the loss of the caravan park. Certainly, the $700,000 did not realistically relate to the cost of the replacement of the caravan park which we know was estimated at between $1m and $2m. We also know that the city council has indicated that it does not intend replacing that caravan park on another site. What intrigues me is the $700,000 compensation to the city council, presumably for the loss of business and the loss of that land. It is quite a remarkable piece of land and that is why it has been chosen for the casino site. It is normally the case, when people get leases for clubs, businesses or special purposes, that they pay for that land. It seems to me that, in this case, the casino operators are getting that magnificent piece of land for absolutely nothing. I have not seen - and perhaps the minister can inform me - what, if anything, Federal Hotels will be paying the Northern Territory government for the use of that land. The $700,000 presumably relates to the council's operation and certainly not to the large area of land. I would ask the minister to give some consideration to that in reply.

The only consolation that I can offer to the member for Port Darwin is that, in view of the dreadful problems that his electroate is facing with coffee bush, he import a few cattle. I am told it is excellent fodder and I rather like the idea of seeing cattle all over the Esplanade.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, I rise to speak on the Casino Licensing Control Bill. It is well known that the cost of the Darwin casino complex is in the order of $9.5m and will be developed on a 15.1 acre area at Mindil Beach reserve. Federal Hotels will be responsible for the contractual

arrangements and building of the 2 casinos. The one in Darwin will be constructed as laid down in a brochure put out by the Treasurer: the building is to be pyramid-shaped with 5 storeys, 88 double rooms and 8 luxury suites. The proposed plan of the project is a very exciting one and I shall look forward to its completion in the next 3 years. I believe a project such as this will bring about a stimulus to the workforce and it will assist the Territory in creating jobs whilst under construction and also a workforce of 200 people will be required to run and maintain the complex. It will also provide other avenues for resources, materials and equipment to be purchased to help the shopkeepers and stimulate business transactions between the casinos and those business people. It will also stimulate the tourist industry in the Territory which we are trying to promote through the "Outback Billy" campaign. That idea is to be commended because it has created much interest in the Territory, particularly in the small communities.

One thing that does spring to mind when you look at the area where they will build the casino is that the large drain adjacent to the caravan park and beachfront itself is an unsightly mess. I do not think that any work would have been carried out on the beautification of that area for many years to come. This will be quite a costly project and the siting of the casino there will definitely add to the aesthetic value of the area.

This project will also provide to the tourist industry international class resorts in Darwin and Alice Springs. When we look at the accommodation that we have available today for the tourists, we can see that we do lack first-rate hotels and motels. I think that the ones that we have at the moment are of good quality but, if we are to encourage more visitors, we must have more facilities and more accommodation. I do not think that the casino complex will attract all the tourists but it will be there to provide entertainment and an interest for the people who do tour through the major centres. If we talk about tourism, we have to talk about other centres as well which will not have this facility. Some areas are disadvantaged because of the lack of first-class international accommodation.

I believe the potential is enormous and I think that the complex that has been built in Tasmania at Wrest Point has proved a point for tourism in Tasmania. Since its inception, they have increased the humber of tourists 10 to 20 times over and it is on the increase. I have heard that they may be building another casino in Tasmania. I only hope that they have the numbers of people to attract because, if we build 2 and Tasmania has 2 and New South Wales builds 2, we might have more casinos than there are tourists to cater for.

The Hobart experience has proved that this is something that will add to our economy and it will put us on the map so that other countries can look at what we have to offer. When the casino was first mooted in Tasmania, many people in that area objected to this type of gambling. Many church groups, private citizens and others voiced their feelings to the government about the sorts of things it would do to the community. Everybody has a right to complain and, at that particular time, there were no other casinos in Australia. There had been talk about the operation of casinos overseas and those people did show some concern. However, reports made by the government since then have proved conclusively that that operation has been impeccable. There have been no reports of any significant hardship by the Tasmanian people and there has been no increase in crime. As far as I know, there has been no action taken by the police in relation to the operation or management of the casino. That speaks for itself, Mr Speaker. I believe that the Northern Territory is very fortunate that it can benefit from the experience in Tasmania. We are lucky that Federal Hotels has been the successful applicant here. It can bring its expertise

into the Territory and perhaps even improve on it. I believe that, in Federal Hotels, we have a very reputable Australian company.

Turning to the bill, the Treasurer, in his second-reading speech, gave an excellent run down of the contents of the bill. It is quite exhausting to read this bill. I had to go through it 2 or 3 times to comprehend many of the clauses because it is a very comprehensive bill and one which puts tremendous controls over the operation. This is only fair because there has been some ill-feeling over the idea of building casinos in Darwin and Alice Springs. The honourable member for Sanderson seems to think that this is greater in Alice Springs than here but I believe that most people are quite agreeable to the operation of a casino in those areas.

I do not think that I have read a bill which has such controls over a venture such as this. The clauses relating to shareholders of the casino are very strict, particularly clause 22 which relates to foreign shareholders. Under clause 20, the company controlling the casinos shall keep 2 share registers at its office and the registers shall declare the shareholders who hold foreign shares and also the local shareholders. These registers will be made available to the public. This is a bit unusual. They will be displayed at the hotel or the casino and be available for public scrutiny during the ordinary hours of the business. By clause 28, the minister may prevent registration of foreign shares should the amounts of those shares exceed 38% of the issued capital. If ever we had a watchdog on any organisation, I am sure that we have one created over the shareholders of the casinos. Clause 34 gives the power to the registrar, if the shares exceed 38% of the capital, to sell them on the stock exchange as soon as practicable. This is another stringent control which I support.

Clause 41 relates to the suspension and termination of a casino licence and spells out the details of infringements relating to the conduct of shareholders. In every case, the company holding the licence is fully responsible and I believe this is rightly so. In the past, we have seen transactions by companies whereby shareholders have been exploited. In many cases, people have lost quite a lot of money. This has caused quite a bit of hardship to people in the past.

Part III of the bill deals with the control of the casinos. Again, there are very strict controls, particularly relating to the gaming licence and the liquor licence. There are clauses relating to the fees, taxes, authorised games and the playing of those authorised games. Other members have spoken on that and I believe that these will be controlled in the proper manner as laid down by the regulations which will be eventually left to the Administrator-in-Council.

Clause 49 virtually forbids the licensee or any of his employees or agents playing any of the authorised games. This is a must. These people have certain inside information and I do not know what would happen if they were allowed to participate in the games. I believe that is a very important clause in the legislation.

Clause 51 relates to the liquor licence and I believe that the Liquor Act will give complete control over the dispensing of alcoholic liquor. In Australia, we do not have people drinking and gambling at the same time. I believe that they should be separated. In some areas of the world, particularly in Las Vegas, they do drink and gamble at the same time. I believe those rules have been carried right through from the betting shops in the Territory and elsewhere - you cannot gamble and drink alcohol at the same time.

Clause 52 relates to the right of entry. A person can be refused entry if he is classified as an undesirable or has been given some direction by the Police Commissioner. This will allay the fears that an unknown Mississippi gambler might come into town and try to break the bank at the casino.

Clause 57 states that persons under the age of 18 years are not permitted to play any game. It does not really spell out that they should not be there. I do not have any objection to anyone watching the games. It is a bit different when people under the age of 18 are in a place where alcohol is being consumed. If they do not participate, I do not think there is anything really wrong with that as long as they have an adult with them. There is a fairly high penalty but we have to protect both the young people and also the operators of these casinos.

I do not think there is any more that I can say. I think most of the other members have spelt it out. I look forward with real interest to the project. I know that the regulations which will be laid down by the Administrator will provide the mechanism for a properly administered casino and I know that the Territory is really waiting to see these 2 buildings come alive. I have much pleasure in supporting the bill.

Mrs LAWRIE (Nightcliff): Mr Speaker, at last we are discussing the dreaded casino bill which perhaps should have been subtitled "The Upgrading of Darwin Airport Bill" or "The Lowering of the Cost of Internal Airfares Bill" because I think the Chief Minister amongst others, has directed his press statements on the casino bill to the necessary need for these 2 things to happen before the casino has a great likelihood of success. In that context, might I say that many of the hopes raised in the community by the proposal to establish a casino will come to nothing if other facilities are not brought into line to cope with this expected increase in traffic. The casino alone will not generate the amount of money which I believe the Treasurer and his advisers expect and there is considerably cynicism in the community, certainly in Darwin, about the particular proposals which have been put forward.

The honourable member for Port Darwin spoke of the benefits to the central business district which the establishment of a casino at Mindil Beach is likely to bring. I must have spoken to a completely different lot of businessmen in Darwin and I presume that the honourable member for Port Darwin has contacted them and has not assumed their attitude. Many of them have come to me worrying about the effect of the casino on their business, particularly where they are supplying food and entertainment. Many of them see the casino, with its ancillary facilities, as an octopus whose tentacles will strangle their business. This is a legitimate concern and one which I am honour bound to bring forward here. I am rather surprised that no government member has spoken of this concern because private enterprise people are worried - people who have been in the Territory for years, who have built up small businesses and see those businesses threatened by this large multi-purpose concept. Of course, the casino is not simply a casino. Federal Hotels are providing many other things and that is the danger.

I was rather amused at a couple of comments by the honourable member for Nhulunbuy. The honourable member spoke about some of the benefits. Certainly, there will be some benefits from this international-standard casino and international-standard hotel. One must assume that the cuisine and the entertainment will all be excellent. Are they to be promoted by Outback Billy? If ever I have heard a conflict in the 2 interests of tourism, it is there. Are we saying that we will provide in Darwin and Alice Springs, 2 most important towns in the Territory, something which internationally can hold its own, something sophisticated, something really with it and, at the same time, say that weird little character "Outback Billy" will tell us all

about it? If the minister in charge of tourism can appreciate the absurdity of that, he will take steps to ensure that, if we are to concentrate on the international field, we will play down this "Outback Billy" bit. Certainly, we have the outback to offer, particularly Kakadu National Park. We cannot expect to have tourists arriving in Darwin simply because of the attraction of the casino. It is a long way to come to Darwin; they will go to other casinos established in places closer to their homes. Alice Springs, in fact, is likely to get more benefit from tourism than Darwin unless we offer something as well. If it is to be the beauty of the natural region, that is fine but do not encapsulate that in this weird little "Outback Billy" creature.

It is also a pleasure to advise the House that, in discussing the casino bill, I have had many expressions of concern from young citizens, particularly those in the 15 to 25 age group. Most of the criticism of this bill has come from these people, some of whom are not yet old enough to vote or to participate in the facilities the casino has to offer. They are particularly concerned at the prospect of the Northern Territory basing a large part of its economy on gambling. They dislike it; they believe it it not in tune with what they believe is the Territory way of life and have expressed their concern in no uncertain terms to me. I am a born gambler; I like gambling. In fact, I just offered the honourable member for Sanderson odds on who would get the building contract to build the casino. I think it is only fair and proper to say that there is a section of the Territory community which, on moral, ethical and even economic grounds, does not believe that a casino should be built. Some of them are quite young. Whether they change with the years and come to believe that any money is good remains to be seen but certainly, at the moment, they are worried about the effect of the casino in Darwin.

The honourable members for Sanderson and Fannie Bay spoke about clause 49. The member for Fannie Bay asked why it allows employees and agents of the casino to play any authorised game. It is my understanding that some games must have the participation of casino staff otherwise they simply cannot be played. If that is the purpose of that clause, then I accept it as such. I ask the sponsor to indicate whether there was something further which necessitated the clause being worded in that way. Certainly, I do not have any worries about it as it stands.

Clause 53 (1) states: "A casino licensee shall ensure that no person under the age of 18 years is permitted to play any game in the casino". There is a penalty provided for a breach of this provision, not only for the licensee but also for the person so playing. I am rather cynical about this, having regard to the operation of liquor laws in the Territory. There have been complaints for years about under-age drinking in public hotels and very little seems to have been done. I have asked questions in this House about it and the Chief Minister has indicated the degree of difficulty in obtaining prosecution. One would hope that there will not be the same degree of difficulty in obtaining a prosecution with the operation of this act. People do not expect those under the age of 18 to be able to gamble in a professional gambling house. In the same way, they do not expect them to be able to drink in a public drinking house and so far that has not been enforced. Therefore, I reserve some cynicism about this legislation. I look for an assurance from the sponsor that this will be enforced. On that subject, may I say that the Victorian people do not find the same difficulty in policing their liquor laws. On a recent trip to Melbourne, I was staying in a public hotel in the heart of Melbourne that had lost its licence for 2 weeks for serving under-age drinkers.

I ask the sponsor of the bill to indicate the necessity for clause 59 which, as yet, has not received any attention: "Proceedings for an offence

against this act shall not be instituted without the consent of the minister". Is "proceedings" to be taken literally? If so, the minister could be a fairly busy man determining whether or not proceedings should be instituted.

There will be further debate on particular clauses of the bill. In the second reading, one is only expected to give an indication of support or otherwise. If we are to have a casino, and it is clear that we are, I think the controls upon the operation of the casino contained in this bill are reasonable. Certainly, I would not agree to any watering down of the control. I believe that the bill presents a fair marriage of public interest and private enterprise. Private enterprise is to set up and run the casino but the public purse should get as much as can legitimately be expected from the operation of the casino. However, a lot of detail is left to day-to-day management and that will either make or break this casino. If takings are down and if the expected floods of tourists do not arrive, the minister will be under intense pressure to relax the standards so that the company can make a profit and so that his Treasury can receive some money. One would hope that standards would always be maintained in a manner which allays some of the legitimate fears expressed by members of the Darwin and Alice Springs communities. By and large, if we are to have a casino, this legislation has my support. I do ask for clarification of certain points raised by the members for Sanderson and Fannie Bay and myself.

Mr OLIVER (Alice Springs): Mr Speaker, I rise in support of the bill. This bill has been fairly well covered so far and I would confine my remarks to a few salient features. In Alice Springs, the earlier mention of a casino brought a response that there would be a mass increase in crime, prostitution and drug taking. It was further mooted that the youth of Alice Springs, by virtue of the casino would become inveterate gamblers. By visitation and consultation, I have tried to dispel those fears and I feel I may have been successful in a few areas.

I have lived for some time in Alice Springs. I have raised a family in the town and many of my children's friends have been raised in that town. Although I appreciate the fears and concerns that have been expressed earlier. However, to impute that because a gaming room will be established - and that is all that it is - the youth and the parents will necessarily become decadent is a slight injustice to the people of Alice Springs. I have a great respect for the people of Alice Springs and I am certain that those people are aware of my respect and affection for them. Certainly, sir, I spare no effort on their behalf. I have faith in the people of Alice Springs who are solid citizens in a solid town. If that faith is not enough for some, surely the provisions of this bill should set minds at rest. The casino will be strictly controlled and those bad things need not necessarily happen.

The bill is watertight. I refer to clause 52 that controls the right of entry to the casino. Surely this clause would prevent prostitutes and criminals from being on the premises. The honourable member for Fannie Bay took issue with this clause saying it did not precisely stipulate who or what type of person would be barred admission to the casino. I think it is ideal the way it is. If we designate people who are not permitted entrance, then we will start splitting straws and weaken the control of the casino.

Clause 53 ensures that no person under 18 years of age shall be permitted to play any game in the casino. That is a pretty good protection for our youth. The members for Fannie Bay and Nightcliff both took exception to allowing persons under the age of 18 to be on the premises. I think we should look at this in a broad sense. The casino is part of an international-standard hotel which will cater no doubt for many family groups. It is only natural that children would accompany their parents on an evening's

outing. I took my 12-year-old daughter through the casino at Macau. We did not play at any of the tables but she was most certainly not impressed with what she saw there and I do not think such an experience would have any deleterious effect on a child.

To my mind, the tourist facility is of greater importance than the gaming room attached to it and no doubt will have a greater impact on the town. The hotel casino in Alice Springs will be set in idyllic surroundings, close enough to the town to be convenient for the tourist yet seemingly remote in its own quiet corner. The surrounding land will not be built on, at least not in the time of any member of this House. It is adjacent to the golf course and has a magnificent view of the MacDonnell Ranges. For the information of the member for Fannie Bay, Federal Hotels purchased the land from an existing lessee. I find the thought of the complex very exciting and it will be a real asset to Alice Springs in terms of employment and the spin-off for various industries and commercial activities in the town.

The member for Nightcliff spoke about the misgivings expressed to her by private enterprise in Darwin. She said that the Top End casino could be likened to an octopus, all-enveloping and all-devouring, or words to that effect. No person in Alice Springs has expressed those doubts or misgivings to me. As an indication of the faith in the growth of the town, 2 new high-class restaurants have recently opened and several hotel-motels are modernising and enlarging their tourist capacities, and all in full knowledge of the coming casino complex. I believe the casino-hotel complex will compliment the various businesses in Alice Springs rather than destroy them. I support the bill.

Mr ISAACS (Opposition Leader): Mr Speaker, I will be brief in my remarks. It is the Labor Party's policy that we will support the establishment of casinos so long as the people in whose midst a casino is to be established are satisfied with the good effects of that casino. It is quite clear that, since the announcement was made by the government in relation to casinos, there has been an air of acceptability in Darwin for the idea. The only argument has related to the siting of that casino. I think it can be said with some confidence that the people of Darwin, at least, do not have objections to the establishment of a casino here.

On the other hand, the people in Alice Springs have voiced their objections loudly and clearly. I do not for a moment say that this is the feeling of the majority; I simply do not know. I do know that their objections are held sincerely and that there seem to be many concerned people. It is not true, despite what the member for Alice Springs just said, that these people were saying that a casino would result in massive increases in crime, prostitution and gambling. They have never put it in such hyperbolic terms. What they have said is that there would be an increase in these aspects and they are concerned about the impact. What they have said is that, if it is true that a casino in Hobart has had some effect - and that is a town of some 200,000 people - and if there is to be a casino in Darwin - and we are a town of some 55,000 people - then, logically, the impact on a town of 14,000 must be more significant than on the towns of Darwin and Hobart. I think this is a reasonable argument. They have put that argument forward as concerned people and the government has ignored their objections in a way that imperils the position of members opposite from Alice Springs more than it would otherwise.

The Labor Party has recognised, right from the time the announcement was made, that there would be significant impact and benefits in relation to employment. We can only wait to see what impact will be felt on the

overall business scene in both Darwin and Alice Springs.

I would like to take up 2 other matters. Firstly, it is generally agreed that the facilities at Darwin Airport need to be upgraded significantly. There are no facilities for the international traveller. There are no duty-free stores or other reasonable recreation facilities. It must surely be way beyond time that the facilities at Darwin Airport were upgraded.

Secondly, in relation to the top-class facilities which will be offered at the casino, I can only express my pleasure because I understand that members of this Assembly who do not come from Darwin do require top-class facilities when they arrive for sittings of this Assembly. I understand that one member of the Assembly last evening was on the precincts of the Assembly. It must have been dark because he was looking around for a door, found a door with the word "Stuart" written on it, mistook it for the words "Stuart Arms" and went in there and spent the night. I understand that he complained about the room service but after all what can you expect when the tariff is as low as this one.

PERSONAL EXPLANATION

Mr VALE (Stuart) (By leave): Mr Speaker, I believe that the Leader of the opposition implied that, in fact, I was the person who stayed in one of the rooms on these premises last night. I totally deny that. While I did visit the Assembly precincts fairly late, at about 8.00 o'clock last night, I merely picked up my briefcase and went with the Minister for Transport and Works to his home.

Mr VALE (Stuart): Mr Speaker, when I spoke previously in this House in support of the proposal to establish international-standard hotels in Darwin and Alice Springs with gambling facilities attached, I indicated my support was contingent upon strict legislation to control the gambling activities of the 2 facilities. The legislation presently before this House is more stringent than I had imagined it would be and will go a long way to remove the fears of those residents who believe that Alice Springs or Darwin may become the gambling cities of the southern hemisphere.

Gambling is virtually an everyday practice in many cities and towns all over Australia and, in many cases, without serious social problems. Illegal gambling in major Australian cities, in particular, Sydney, with its attendant problems of crime, drugs and prostitution, shows clearly that illegal gambling is virtually uncontrollable. In fact, the New South Wales Labor government has indicated that these problems can best be solved by legalising and controlling gambling. It is a pity that his political mates in the Territory do not follow Mr Wran's example. Central Australia is entering into a boom development period with the construction of shopping complexes, warehouses, offices, restaurants and motel expansion all now well under way. I believe that the catalyst for this development was the Territory government's announcement that gambling licences would be granted to international-standard hotels in Darwin and Alice Springs and will result in an increase in the number of tourists. In the minister's own words, "this will be the most stringently controlled industry in the Territory - controls ranging from foreign ownership through to 18 reasons for the suspension or termination of the gambling licences".

The legislation and the minister appear to assume that all of the company directors will be male. In referring to penalties, the words "he can prove", "without his knowledge" or "that he took steps" are all used without qualification.

I believe that the restriction to 38% or less of foreign ownership is acceptable and also the fact that the chairman, deputy chairman and the majority of directors must be Australian residents is an excellent move. Similarly, the restriction on voting at company meetings to ensure that decisions can only be taken if approved by a large majority of Australian shareholders will ensure that any foreign ownership will not dominate or overly influence company meetings.

The Treasurer, in his second-reading speech, adequately covered the expected government revenue from these establishments and the types of gambling to be allowed in both premises. I do not intend to comment on this except to say that poker machines or one-arm bandits, as they are called, have not been mentioned. They are unnecessary and I would oppose their introduction. I support the legislation.

Mr ROBERTSON (Community Development): Mr Speaker, I support the legislation. I have gone on record as having supported the concept of controlled casino development in Alice Springs well before the last election. Indeed, my attitude occupied quite a large part of a radio talk-back program I undertook with the person who was a candidate for the Australia Labor Party for that seat. Incidentally, that reminds me of the results of that election, and it is quite relevant. The Australian Labor Party achieved approximately 36% of the vote in the electorate of Gillen. The number of people who signed the petition asking for a referendum on whether or not there would be a casino in Alice Springs is somewhat less than 25%.

Let us look at that campaign for a referendum. Let me say that I give credit to the Leader of the Opposition for admitting that, just because people wanted to sign a petition to have a say in whether or not there would be a casino, that does not necessarily mean that they were opposed to a casino. I give him credit for that. I think even the Leader of the Opposition will admit that there was a large political intent behind the movement against the casino. In other words, almost inevitably the same people who were heading the campaign for a referendum were those people we see handing out voting cards for the Australian Labor Party. I do not think anyone who lives there would deny that. What we had by way of a referendum campaign was a very concentrated effort by about 70 people, which is quite a marshalled effort, door knocking every house in Alice Springs over quite a long period of time. It was an extremely energetic campaign which gained signatures from 25% of the Alice Springs population - from the information I have just received, 1,957 signatures. They were not saying they were against the casino but merely that they wanted a referendum to determine it. Initially, I was moderately concerned about that because I believed that it was a reflection of people saying that they were opposed to it. Had I thought that that many people were opposed to it, it may have been the cause of some concern.

Since then, quite a large number of people have spoken to me about how they were approached. It is a perfectly legitimate way of obtaining a signature on a petition. The question was not posed, "Do you oppose a casino or anything of that ilk?". The question was, "Do you want a say in it". Quite a significant number of people, and I would only have spoken to a small range of people, and I would only have spoken to a small range of those who signed it, have indicated to me that the reason they signed the thing was because they believed, by the way the question was put, that the only way they would be able to get to say, "Yes, we want it", was if they signed the petition. The Leader of the Opposition can scoff but, by scoffing, he is either calling me a word which is unparliamentary or those people who have approached me. I doubt if he would wish to call either of us that. The fact of the matter is that a large number of people approached

me with that explanation. In other words, if you go about collecting signatures to a petition in the right manner, you can get just about anyone to sign it. In fact, if you want to bend the rules of honesty, you can get people to agree with just about anything.

Mr Collins: Now who is making reflections on us?

Mr ROBERTSON: It is not a matter of reflections. I thank the honourable member for Arnhem for that interjection because it brings me to the tactics used by people who have a cause to push. Quite often, you will find people will sign anything as harmless as a petition just to get rid of them.

In Alice Springs, 1957 people were door-knocked to sign the petition in a very intensive campaign by 70 very dedicated people. Let us compare that with what happened just by scattering a few petitions around the town in shops and by a few individuals taking them down to the football and to clubs. We found that 1222 people signed a formal petition and were quite emphatic that they wanted this development to proceed. In addition, there were a significant number of other people who signed a series of petitions that were circulating in Alice Springs but which were not sufficient to comply with Standing Orders of this Assembly. According to the Alice Springs Tourist Promotion Association which co-ordinated that in a very loose way, the pro-casino proposal exceeded 2000 signatures. I have confirmed that figure this morning by a phone call. Unfortunately, because they were not recognised by this Assembly, a number of the sheets have been disposed of and it would be a very difficult thing to prove. The person of high repute that I spoke to this morning - and I do not have that person's permission to name him; he is a person of high repute in the Alice Springs Tourist Promotion Association - assures me that the overall number of signatures is in fact 2000.

What have we got? We have 1957 people who, in many respects, were badgered into signing a petition, not against casinos but merely for a referendum. A component of those people believed that, if they did not sign the petition, they would not have a say. By suggesting to someone at a house door at 8 o'clock at night on a Sunday that, if he wanted a say in it or not, he should sign the petition, it is quite obviously implicit that, if that person were for casinos and did not realise the system of petitions and referendums, and a number of people do not, he would sign it. The fact of the matter is that, in a very quiet way - in fact, the petition had been going some weeks before I became aware of its existence - more people expressed their will to have a casino-hotel development in Alice Springs than the number who actually expressed their will merely to have a referendum as to whether or not they wanted it.

Those people who were motivated in total opposition to the casino development proposal for Alice Springs realised they had no way of carrying the day in opposition so the tack was switched from opposing to a referendum. They realised they were defeated on one hand so they tried another tack. Among those people were quite a significant number who were quite properly motivated by social, religious and theological considerations. To those people, I indicate my complete respect. They are entitled to that view and I am not entitled to criticise them for it, nor do I. I thank those people who took the trouble to write to me even if it was by circular letter. I believe somewhere in the order of 35 to 40 people wrote to me as their elected representative. I have written back to every one of them in detail, spelling out my attitude and the government's attitude to the casino development. I followed that up some 6 weeks later with a copy of the legislation, a complete transcript of the second-reading speech of the Treasurer and further

personal observations. On both occasions, I invited comments back to me as their elected representataive. That is consultation in my view. I received 1 reply. Such is the extent of the concern - 1 solitary reply. I will tell you what that reply was, Mr Speaker: "I still think you are wrong but it will not alter my vote". That is the extent of the concern in my electorate. I can only gauge my reaction in this parliament as a minister, particularly with the responsibility, albeit in temporary suspension, for the welfare for the community.

I base my attitude in supporting this legislation on my own research in my own electorate: 25% of my electorate actually signed a petition; probably another 25% said, "Yes, we definitely want it"; and 40 people took the trouble to write about the matter and, when I responded to this correspondence, I received 1 reply. I think that while there is an area of quite genuine concern from the 3 motives that I indicated previously, including the theological one, it is not nearly as widespread as that small handful of protagonists have tried to paint.

The other point I would like to touch on concerns the Darwin Airport. The same problem is evident in Alice Springs. The fact is that the Alice Springs terminal cannot handle the passenger traffic it now has. I know Darwin cannot either, but at least Darwin has some release from the crush if a plane is late; Alice Springs has nothing. It is 16 kilometres from the township, has no lounge, no bar, no refreshment facilities other than the concession stand and yet it is a town whose life's blood is tourism. As a government, we are doing everything we can to promote enterprise and development within the Alice Springs region and, economically, tourism is its backbone, yet we heard from the Department of Transport a magnificent announcement that it is not prepared to spend any money on the Alice Springs terminal at the moment for the simple reason that it decided 2 years ago not to spend money on that terminal before 1982. It is utterly mindless.

There is no way that this government can overcome the problem other than, as the honourable member for Nightcliff suggested, by more bar-rattling. We have done that ad nauseam without any effective results at all. I have indicated to this parliament before that private enterprise is willing to put its money into the Alice Springs terminal, develop it and then lease it back to the Department of Transport. In time, the asset itself would be handed over to the Department of Transport. Unfortunately, we cannot do this because the bureaucracy within the department or its minister - I am not letting him off the hook - has decided somewhere in that system that they will not spend any money until 1982. It is an absolute piece of preposterous economic nonsense as far as Central Australia is concerned.

After that bit of vitriol - I call it "vitriol" because I am so intensely annoyed about this mishandling of the Commonwealth responsibility for tourist facilities in Alice Springs - I indicate and support the legislation.

Mr PERRON (Treasurer): Firstly, I would like to thank members for the time that they have obviously spent on this important piece of legislation and I am pleased to note the general consensus of support within the House for the legislation and for the principal of casinos in the Northern Territory. I would like to run through matters that members raised in the order they were raised even though they were not in the order of importance or gravity of debate.

The member for Sanderson expressed concern at a statement I made in the second-reading speech that, in approving rules, the minister would have a very large bearing on the odds of the house and that this would affect the patrons, the owners of the casino, and indeed the government with regard to its tax share. I would point out that in games like roulette it would

seem that the approval of rules would not really affect the odds at all because, no matter what rules you bring down, a roulette wheel, by tradition, has either a single zero or a double zero factor to it. The rules go beyond that and those that affect how much you can place on each of the various systems, whilst playing roulette, do affect the odds. In other words, all casinos have maximum and minimum bets. On the roulette wheel, these vary according to the odds - from even money bets, right up to one thirty-sixth. What odds you get and the limitation of minimums and maximums are a very serious part of playing the game of roulette over a period, though they may not greatly affect an isolated bet. I would like to emphasise that the approval of rules is a most vital area of casino control and the government will be paying very close attention to it.

The member for Sanderson also paid some attention to the penalties under this bill. There is a penalty of something like $2,000 or 12 months imprisonment for offences under the bill generally. Within the bill, there is a range of offences for which a casino licence may be cancelled or suspended and I wish to point out that this is quite intentional. It is also the case in Tasmania where they have only a $500 financial penalty. We have raised that figure to $2,000. The reason for this is that the penalties in this type of legislation really need to be fairly draconian unless, of course, the infringement is of the most minor nature. Therefore, there is no provision for substantial financial fines or long prison terms. The real penalty is the cancellation or suspension of a licence and this presents more serious consequences to the operators of a casino. Where a minor infringement occurs, such as the late delivery of a return, then one can turn to the financial penalty. In the event of no return, a financial penalty would be inadequate and the penalty should be the cancellation or suspension of the licence. That is the reason why there is a fairly dramatic jump in penalties and I can assure members that this ability to shut down an operation which may be worth many millions of dollars will act as a great incentive for the companies to do everything in their power to ensure that there are no breaches of the act or the agreements.

The member for Fannie Bay raised a number of points. In clause 5 of the bill, she noted the requirement that certain documents relating to the approval of gazettal of a company should be tabled within 10 sitting days. I take her point and will be proposing an alteration of that 10 sitting days back to 3 and in clause 5 (2) (b) where 15 sitting days is mentioned, we will be reducing that 15 back to 9.

She also commented on clause 17. The clause reads as if the directors of a company could in fact be 2 people with foreign-resident status. In order to correct that, because she is certainly right there - although it was felt that there were some other safeguards in the legislation such as that the chairman of directors had to be approved by the minister - I will propose an amendment saying that the majority of directors of a specified company shall be persons ordinarily resident in Australia. That will cover the situation quite well. As honourable members will realise, the intention is that the control of the companies will clearly be in the hands of Australian or Australian-resident people.

In clause 45, the honourable member felt that an unusual situation could arise inasmuch as one group or company or person could actually have a licence for a casino and no premises and the actual owner of the premises could have what is a casino facility but no licence. I point out that you cannot really divorce the two. Whilst licences have not been drawn up yet, the casino licence will tie itself to the actual premises and the licence will specify the licensees and the premises that are licensed. She will also note that, in clause 45, it says that the minister may grant the licence to

any person whom he considers has sufficient interest in the complex. In considering transferring a licence, the minister would take note that the person had sufficient interest to be controlling the complex or at least controlling the gaming room aspect of the complex. It would be a matter for consideration by the minister to ensure that, before he transferred a licence, the operation could indeed work.

In clause 48 where the minister can order the company to publish rules, the honourable member for Fannie Bay felt that perhaps there would be a further requirement that the minister might order to have them distributed in some way. The minister will be able to do this under the directions to be issued in the day-to-day operations of casinos or under regulations to this act. It could be specified that the copy of the printed rules of the games must be made available at certain places. Normally, I would suspect that that would be within the precincts of the casino complex but the important thing is to make them available to the public while they are there. She did mention that perhaps tourist operators and others would find some advantage in having them and I am sure that the company will go out of its way to promote itself and no doubt will be making these things readily available.

Employees of a casino and their rights to conduct gambling games raised some interest. It was felt that the legislation should not be so broad that the staff of the casino should deliberately mingle amongst the crowd and urge them on to bet more money. I point out that clause 49 (1) authorises the casino licensee, his employees and agents to organise or play any authorised game. As I pointed out in the second-reading speech, this only authorises those persons to play for the house. Clause 50 (2) says, "the Minister may give a direction to the casino licensee to adopt, vary, cease or refrain from any practice in respect of the conduct of the casino licensee's casino operations or the playing of any game in the casino". This means that, as far as the day-to-day operations of a casino are concerned, the minister could spell out the actual actions that staff in a casino could engage in. I am not convinced, at this stage, that there will be a necessity to spell out which side of a table they will be standing on and that they must not mingle with the crowd and so on but I will be holding discussions with the company, the operators and the government's casino inspectorate on this matter. I point out that it is not spelt out in great detail in the act because the act is principally dealing with the principles of control and not the day-to-day operation and running of a casino. There is a requirement to retain some flexibility in that area. There will be a necessity, no doubt, for change from time to time to meet different circumstances but we do not feel it necessary that we should come back to the House every time an operational procedure within the casino is changed.

The right of entry also raised some interest. There was the point that perhaps a person on a tremendous winning streak could be excluded from the casino. Whilst that sounds feasible, it would hardly be very good for the reputation of a casino that is attempting to promote itself not only within this country but world wide. Although we hear mainly of the losers in casinos, there are many winners as well. They are the best possible advertisement for a casino. These people are attempting to promote themselves. I do not see, at this stage, that there is any particular reason to amend this legislation. Again, in the directions and regulations that will be drawn up for the actual operation of a casino, if I am convinced that it is necessary, regulations could be written to ensure that that section of the act was not used to prohibit entry to a person on the sole grounds that he was doing pretty well. If any person who is excluded from a casino feels he has a particular complaint, he will have options open to him. One would be to approach the minister who would order an investigation into the refusal of

entry. He would want to satisfy himself very clearly that justice had been done.

Clause 54 (1) was raised again by the member for Fannie Bay. She asked why a police officer would need the authorisation of an inspector to enter at any time and what were the circumstances under which an inspector would issue such instruction. The internal control of casinos will largely rest with the government casino inspectorate and the casino operators themselves who will have a rigidly enforced internal control system. Notwithstanding that, the Northern Territory Police Force obviously has a right to enter into virtually any premises in the Northern Territory as far as I am concerned, but certainly into any area within a casino, even prohibited areas within a casino. If the police are convinced that there is good reason to enter into top security areas in a casino, I feel that the police should certainly be authorised to enter, notwithstanding the views at the time of even the Gaming Commissioner or the Chief Casino Inspector. I believe that the overriding law enforcement area of the police should have that right, subject to the approval of an inspector. Other than that, a police officer may enter a casino premises under other Northern Territory laws in the course of his duties.

Clause 46 relates to the recovery of fees. It was felt that, rather than just have the government take the recourse of the normal court of law to recover unpaid licensing fees, it should lie as a debt against the land. I think that the way it has been done here will be very effective. Casino companies will be reluctant to go anywhere near a court if they can possibly avoid it. That will have a very sobering effect on any person who might wish to delay fees owed to the government. Apart from that, if the government did feel it necessary to recover such outstanding debts in a court of competent jurisdiction and the court sustained the judgment in favour of the government, there are writs which can be taken out against the company assets to ensure that the government is not sold short. I think we are reasonably well protected in that regard.

The point was expressed that neither the bill nor the agreement indicated the amount of money to be spent in the Northern Territory by the casino operators so what sort of guarantees do we have that they are in fact going to build very substantial complexes? There are a couple of ways that this is being ensured. One is the lease covenants. The lease covenants are being drawn up at present and, together with this act and the agreement, will make up the whole package of what casinos in the Northern Territory are all about. The agreements themselves do specify time limits for development and I have approved preliminary plans for the development of casinos in both Darwin and Alice Springs. The final plans have yet to be signed after this agreement is ratified. However, the undertakings by the companies are very well known. The Darwin and Alice Springs casino projects have had models made for them which most of the public have seen. The companies cannot really get out of their commitments without losing a great deal. We can all rest assured that the proposals that have been publicly exhibited and publicly pronounced will go ahead in that form.

Some assurance was wanted that only local builders will be employed on the job of building casinos in Darwin and Alice Springs. Of course, there is no way that I can give a specific assurance. It would probably be totally unlawful for me to do so and probably against the Trades Practices Act or even the Australian constitution to try to bind a company to using persons who reside in a particular place and write down definitions of what is a local company and what is not. However, we do have on public record the Chairman of Federal Pacific Hotels saying that they have as a

company policy undertaken to use as much local expertise, building and staffing as is possible in both the building and the operation of the casinos. The company has already engaged local engineers on the project. They are part of a national company but they are well and truly established in the Northern Territory and have been for some time. I feel very sure that honourable members appreciate that, whilst specific assurances cannot be given, the intention has been expressed. I would be quite surprised to see this company let its building contracts to other than a Northern Territory builder,all other things being equal. Obviously, the local builders must have the capacity and be within a reasonable price range.

The $700,000 paid to the Darwin City Corporation as compensation for forgoing the caravan park on Mindil Beach was raised. Federal Pacific Hotels will be paying $700,000, the same sum as was paid to the city corporation for the right to the lease at Mindil Beach. The arrangement we had with the Darwin City Corporation was that they would not be financially disadvantaged by removing the caravan park from Mindil Beach. Indeed, we undertook - and the undertaking still stands - that we will provide land for them elsewhere to build another caravan park if they wish to take up that option. Other than that, they can do what they wish with the money; we put no stipulation on it. In fact, if they pay out their debts that they had as a result of running a caravan park at Mindil Beach and invested the rest, they would make something like twice the money that they were making out of Mindil Beach. That is a matter entirely for the corporation and the arrangement between themselves and us still stands.

The honourable member for Nightcliff raised the danger of the casino in Darwin overwhelming other businesses and causing them to lose business. It is a rather subjective judgment either way to argue whether the casino will, in fact, increase the turnover of local enterprises or whether it will take away from them. In the Tasmanian situation, it is quite clear that, in the few years since Wrest Point was opened, the top quality restaurants in Hobart jumped from something like 5 to around 30. At least one local hire car firm has trebled its fleet and there have been new hotels constructed. In the Darwin situation, a large service industry will be necessary to service the very large hotel and its facilities. There are quite a number of facilities other than just the hotel and the gaming room. It is unreasonable to suggest that all those people that come to Darwin because there is a casino here will visit only the casino and stay within its four walls. Quite clearly, they will be looking at other things and they will be buying other things. They will have to be looked after and fed during their stay in the Territory.

The member for Port Darwin has indicated that he has a fairly close contact with businessmen in Darwin and he has not had concern expressed to him that people feel their business will suffer. In fact, people in major hotels here at the present time have expressed that they are looking forward to it as they believe that not all the people coming to the Territory as a result of casinos will necessarily stay there. It will probably be a fairly expensive hotel.

The member for Nightcliff also re-emphasised the fact that there was still opposition to casinos in the Northern Territory and this point is fully accepted. I do respect those who genuinely oppose casinos be it from a deep-seated religious belief against gambling generally or just a very strong conviction. I point out to her that there are still many people in Darwin who oppose the free beach and that does not necessarily mean that it is a bad thing. Indeed, you could even argue that, whilst a particular project - and one might quote the free beach as one - may not even have a

majority support in the community, it does not mean that it should not exist, providing it does not infringe upon the rights of others.

The view was expressed that it was hoped that persons under the age of 18 will be unable to play games in the casino although, obviously, they can enter a casino without committing an offence. It was said that this should be rigidly enforced and that no persons under the age of 18 should ever be caught playing games. Of course, this will be a most difficult area of law to enforce. It must be enforced as rigidly as it can be. However, it is an area of clear difficulty under the liquor law and has been for a long time and no doubt will be for a long time further unless someone advocates that persons under the age of 18 should perhaps wear a stamp on their foreheads indicating their age. It is a very difficult area to police but it will be policed as best as it can. If the honourable member has any great ideas as to how you can pick a guy or a girl who is 17 and looks 23, I would very much appreciate it if she would let us know.

The honourable member for Nightcliff raised the other point that proceedings should not be instituted without the consent of the minister. She will note that this applies only to proceedings against this act. It was not proposed to be involved in the enforcement of other laws. The principle here is to ensure that the industry, as far as its governance under this act and the agreements is concerned, is under the direct influence of the minister and that the minister is completely and totally informed of all breaches, particularly cases involving proceedings against the company or one of its officers. It is vital that we have this close involvement and that the minister is informed at all times about what is going on. One could envisage a situation where breaches which led to prosecution under this act might occur without the minister's knowledge if this was not the case. This is considered to be not on.

The member for Nightcliff also raised the fact that she hoped that if the complex was not a success and did not attract the tourists and patrons that the developers thought that they were going to attract, and it was all a bit of a flop, then there would be a great pressure on us to relax the standards. It would not be the standards that we relaxed, it would be the tax as it would be principally the tax that affected the viability of the operation. If it looked like folding, that is when pressure would be applied to save it rather than at any other stage unless she was implying that, if there were no high-class patrons, clothing standards would be relaxed and people would be allowed to enter in thongs and bathers. I do not think so.

The subject of the Darwin Airport was raised by a number of members. All I would like to say is that it is an important consideration in the government's plan of encouraging and developing tourism in the Territory that the airport be substantially upgraded. As the Minister for Community Development indicated, Alice Springs is much the same situation although I do not think the situation there is as serious as that in Darwin, particularly when one considers the processing of people through the customs area. The Chief Minister, as members of this House will know, has done everything in his power to coerce and badger the federal government, at its very highest levels, into taking steps to remedy the situation which exists in Darwin and Alice Springs at present. I think that one of the ways to apply pressure for such redevelopment is to increase tourist numbers to the point where the facilities must be improved. I certainly hope we have a new terminal long before we start getting large numbers of tourists as a result of the casino promotion.

The Leader of the Opposition raised a number of points about the objectors in Alice Springs which were replied to by the Minister for Education. However, the Leader of the Opposition did imply that the objectors were ignored and I must go on record as denying that. The objectors were not ignored; they were listened to, they were written to and their points were considered very seriously. Because the government chose not to accede to the demands for either a referendum on the subject or a stop to the project altogether, does not mean that objectors were ignored.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 4 agreed to.

Clause 5:

Mr PERRON: I move that in paragraph(2)(a) of clause 5, that the figure "10" be deleted and the figure "3" be inserted and, in paragraph (2)(b), the figure "15" be deleted and the figure "9" be inserted.

Mrs O'NEIL: I thank the minister for those amendments in response to our arguments in the second reading. It makes the possibility of the Assembly having a realistic overview of organisations which might be granted licences a much more realistic one.

Amendment agreed to.

Mr PERRON: I move amendment 70.1.

This inserts the word "Proprietary" after the words "Federal Hotels Darwin".

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6:

Mr PERRON: I move amendment 70.2.

This removes the word "includes" and substitutes the word "means". This more adequately reflects the agreement in respect to liability of the company. The honourable member for Fannie Bay felt that, by deleting the word "includes", it does narrow the definition. "Includes" means the items in (a), (b), (c) etc whereas "means" limits the meaning to that listed in (a), (b) and (c) and that is the intention.

Mrs O'NEIL: I ask the minister to look at the definition of "director" in clause 6 in which the word "includes" is used. I would have thought the proper word would have been "means". I understand his argument about including in the definition of "officer" only (a), (b) and (c). Perhaps that is not the situation with the definition of "director". I would think that the current definition means that it could be a director within the meaning of the Companies Act plus a further class of director.

Mr PERRON: I am not sure that I fully understand what the honourable member is implying other than that a director means a director within the

meaning of the Companies Act. Perhaps one of the honourable members opposite could explain the situation a little more clearly.

Ms D'ROZARIO: What we are asking is that the definition of "direction" in the same subclause be amended in the same way as the honourable minister has amended the word "officer". For the same reasons that he has given, we would like a director to mean a director within the meaning of the Companies Act instead of the definition which is given on page 3 which is that a director includes a director within the meaning of the Companies Act. The definition as given tends to imply that there is some other category of person other than a director within the meaning of the Companies Act which this definition is intended to cover. Would he alter the word "includes" to the word "means" for precisely the same reasons, that is what we are asking.

Mr EVERINGHAM: It seems to me that the definition sought by the honourable member for Sanderson is a narrower definition than the present one. If she wants to let people escape the net, then so be it.

Mrs LAWRIE: Nobody apparently has any quarrel with amendment 70.2. I listened to the sponsor's explanation of the reasons for omitting "includes" and substituting "means" and I agree with him wholeheartedly. What members of the opposition are suggesting to the minister is that, as a logical extension of that reason, he omit from the definition of "director" the word "includes" and insert the word "means" which would bring it into line with the amendment which he has just proposed. If he has some specific reason why that should not be done, I am waiting to hear it. The Chief Minister said that, if the honourable member for Sanderson wanted to allow persons to escape the net, then so be it. I believe that the intention of the honourable members for Sanderson and Fannie Bay was exactly the opposite: to define the meaning of "director" more clearly and closely than it is defined in the bill.

Mr EVERINGHAM: Without having spoken to the draftsmen, it seems to me that they have drafted the definition of "director" to be as wide as possible and to ensure that the fish, if it is playing up, will be caught in the net. If you want to change that - and the honourable member for Nightcliff seems to have this fetish for uniformity and why she should have it I do not really know - if you want to change it to "director means a director within the meaning of the Companies Act" that is the only sort of person that you will be able to get at when you are talking about directors in this particular act.

We now pass on to officer. A far wider range of people could fall into that category than into the category of "director". They have defined what the term "officer" means with considerably more precision. Instead of leaving that as "includes", further on they provide for exceptions. They specify that an "officer" means (a), (b) and (c). I really cannot see any particular logic behind the argument of the honourable member for Nightcliff that just because it says "includes" in the definition of "director", it should not say "means" in the definition of "officer".

Amendment agreed to.

Clause 6, as amended, agreed to.

Clauses 7 to 10 agreed to.

Clause 11:

Ms D'ROZARIO: I ask the sponsor to please inform the committee how it

is intended to repeal the Casino Development Act. My recollection of that act was that, when the Casino Licence and Control Bill had passed through all stages of the House and had received the assent of the Administrator, the Casino Development Act would be repealed. However, this particular bill does not contain provision for repealing the Casino Development Act. I wonder whether perhaps we do require an express provision repealing that act.

Mr PERRON: I cannot specifically answer the honourable member's question. However, I am sure it is not a problem that should unnecessarily hold us up because the other act could in fact be repealed by a bill that could be introduced at any time.

Clause 11 agreed to.

Clause 12:

Mr PERRON: I move amendment 70.3.

This is to change the formula for the granting of a casino licence. This particular amendment straightens up the wording in the clause and more clearly defines that the agreements are, in fact, in accordance with the agreements specified in schedule 1 to the bill.

Amendment agreed to.

Mr PERRON: I move amendment 70.4.

This inserts a statement to cover the legal possibility that a receiver or manager appointed in default of a specified company can adequately enforce the agreements to which he is not a party.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clause 13:

Ms D'ROZARIO: I would invite the attention of the minister to the range of offences which are specified by clause 13 and also, if I may, invite his attention to subclause (1) of clause 16. I am just asking him to note these at this time as I have some further remarks in respect to other parts of this bill. The part that I wish him to note is that subclause 16 (1) provides that any decision arising out of a meeting which does not comply with the requirements of clause 13 will be without any force or effect and shall be deemed never to have been in force. I would just ask him to note this at this stage.

Mr PERRON: I point out to the honourable member that subclause 16 (1) says that the minister "may" declare it to be null and void.

Clause 13 agreed to.

Clauses 14 to 16 agreed to.

Clause 17:

Mr PERRON: I move that after subclause (1), a new subclause be inserted: "(2) The majority of the directors of the specified company shall be persons ordinarily resident in Australia".

The honourable member for Fannie Bay raised the point that, under the existing wording of clause 17, the company might have 2 directors or even 3 directors, 2 of whom could be persons not ordinarily resident in Australia. The intention of the clause is to have the control of these companies with persons resident in Australia.

Mrs O'NEIL: Mr Chairman, I thank the minister for his amendment.

Mrs LAWRIE: I point out that the amendment has largely done away with the greater part of clause 17 which could have been completely rewritten to express it more clearly. I approve of the amendment but it makes the rest of clause 17 a bit stupid.

Amendment agreed to.

Clause 17, as amended, agreed to.

Clauses 18 to 21 agreed to.

Clause 22:

Ms D'ROZARIO: Mr Chairman, I asked the Minister to note before that he had a discretion - which I must say I did mistake for a compulsion - to render null and void a resolution taken at a meeting which was not called in accordance with clause 13. I now draw his attention to subclause 18 to 21. In subclause 18 (3), there is an offence created by a person making a false declaration in relation to the appointment of directors. In clause 21 (1), we have that "notwithstanding sections 17 to 20, failure to comply with sections 17, 18 or 20 or the rendering vacant of an office of director under section 19 shall not render invalid or open to objection any proceeding or transaction of a specified company or any act of a director or the directors, including the director who failed to so comply or whose office was rendered vacant". The point of all this is that the offence created by clause 18 becomes of no consequence when we read subclause (1) of clause 21. I just point out that, whereas previously the minister had the degree of control that he could declare a resolution invalid, clause 21 seems expressly to endorse the actions that might not be taken but which are required to be taken by clause 18. I just point out the difference in approach in these 2 clauses.

Mr PERRON: May I point out to the honourable member that, in clause 18, what is being required is that, prior to a meeting of directors where there is an election to be held, every person who is putting a name forward must provide a list declaring whether he is a person ordinarily resident in Australia or whether there is any trust or agreement with which he is connected with and which is not also connected with Australia. Subclause 21 (1) - before - seems to indicate that the transaction is not necessarily rendered invalid. In other words, the fact that a person was appointed as a director is not necessarily invalid as a result of his not having put in this document. If the matter needs to be gone into a little bit deeper, I would have to adjourn those clauses to a later stage.

Mr ROBERTSON: It would seem to me that, while it is possible to create an offence by a false declaration, there are other parties to contracts other than the specified company. In other words, if a resolution of a board improperly constituted involved a contract with a third party who delivered goods and was subsequently involved in expenditure in providing those goods or services, it would be quite unfair to have a provision within the act which meant that the company providing the goods and service to the specified company would be unable to recover moneys in respect of those goods

and services. The whole idea is to make it an offence to conduct yourself in this way but, nevertheless, protect the rights of parties entering into a contract with a specified company in good faith.

Ms D'ROZARIO: I accept the explanation given by the honourable minister but those precise circumstances which he outlined could well arise in respect of clauses 13 and 16. Depending upon, I suppose, the material in question before the minister he might well decide to exercise that right in clause 16. I do see that the circumstances are slightly different but it is not just the failure to provide a declaration, it is also the making of a false declaration which is specifically mentioned in clause 18 (3). It is not simply the transactions that are rendered invalid, but also the proceedings. If I might just point that out to the honourable Treasurer, it says that it "shall not render invalid or open to objection any proceeding or transaction". A proceeding might also be a meeting of the specified company or a meeting of the board of directors. Whilst that explanation given by the honourable Minister for Community Development is quite acceptable to me, I am pointing out that the same could arise in respect of clauses 13 and 16 and that the approach taken by the minister in clause 16 is quite different from the provisions in clause 21.

Clause 22 agreed to.

Clauses 23 to 29 agreed to.

Clause 30:

Ms D'ROZARIO: We are dealing in clause 30 with the compulsion on the casino licensee to produce documents or other information required of him. I would invite the minister's attention to subclause (4) of clause 30 which provides that "the information provided to the minister in pursuance of this clause would not be admissible in evidence against him in any criminal proceedings other than proceedings under this act". One of the crimes that readily comes to mind and which should be proceeded against is fraud. I ask the minister why he has given such a large degree of immunity from prosecution from that type of criminal offence.

Mr EVERINGHAM: It seems to me to be not unreasonable that this particular clause should read as it does because, if proceedings are contemplated against a person pursuant to the Companies Act or the criminal law, it seems reasonable that those proceedings should be undertaken pursuant to that particular act or that particular law. It would seem unreasonable that this act could be used to obtain information for prosecutions other than under the particular penal provisions of this act. This act is designed to ensure these casinos are conducted in an orderly and legal fashion. Therefore, I see nothing unreasonable in restricting the availability of evidence that is gained pursuant to this act to prosecutions launched under the act. It would seem to me to be giving a fairly offensive weapon to prosecutors to allow them to use this act to go on fishing expeditions that they are not able to do pursuant to other statutory enactments.

Clause 30 agreed to.

Clause 31 agreed to.

Clause 32:

Ms D'ROZARIO: This clause apparently is in the bill in order to satisfy those people who say that these enterprises should not be largely foreign owned. We have a clause which relates to the power of the minister to order

the disposal of foreign shares when they get above a certain acceptable level, 38% of issued capital. The first question that I would like to ask is whether the minister would like to comment on the enforceability of this clause. It seems to me that there are a number of practical difficulties confronting the minister in specifying the number of shares to be disposed of and the persons in whose names the shares are registered.

The second question relates to the specifications in subclause (3) where there are prescribed limitations for the disposal of these foreign shares. You will note, in that particular subclause, 4 paragraphs which allow different periods of time depending upon the volume or the number of shares to be disposed of. I suppose that the most obvious answer which comes to mind is that the minister would not want to be responsible for causing any chaos on the stock-market. It does seem that, particularly when you get up to the 80,000 shares that are to be disposed of, this has to be done not less than 6 months or not more than 12 months within the time of the direction being given. It seems to me that this sort of guideline, whilst purporting to preserve the buoyancy of the stock-market, could have a reverse effect because a person could hold his 80,000 shares until the eleventh month and, if a direction of the minister had been given that he had to dispose of them by the expiration of 12 months then, come the twelfth month, there would still be the havoc that the minister is hoping to avoid. I just wonder what sort of practical enforceability this section might have.

Mr PERRON: I think the hypothetical situation that the member proposes would probably never occur, particularly realising that a person disposing of the shares wants as much for them as he can obtain. Unless he is some sort of financial suicide case, he will sell them over that period at the most advantageous price. Given a period of up to 12 months to dispose of 80,000 shares and considering the fact that there are transactions through the stock exchanges whereby enormous sums change hands, I cannot see any problem at all. Apart from that, even if the shares are not disposed of, there is provision for the disposal of foreign shares by a registrar, whom the minister can direct, if the person is not cooperating and I do not think there are any time limits on that. The registrar shall, as soon as practicable after foreign shares have been invested with him, dispose of those shares by sale on the stock exchange; I do not think that the problems outlined by the member are likely to occur.

Clause 32 agreed to.

Clauses 33 to 40 agreed to.

Clause 41:

Mr PERRON: I move amendment 70.5.

This is to offset any unclear interpretation in the minister's powers by inserting the word "reasonably" in the clause.

Amendment agreed to.

Mr PERRON: I move amendment 70.6.

This is to insert certain words in paragraph (1) (e). The explanation for this is to provide a statement of implication with respect to information that may be required.

Mrs LAWRIE: This is a very important amendment and, quite obviously, the sponsor has not been provided with the background information. I

believe that it makes quite sure that it is an offence if he has requested information that has not been provided and which the specified company is capable of supplying. Those words were not in the bill as printed and this makes a world of difference. I think it is only fair, when proposing amendments that materially alter certain things which may be subject to dispute in a court, to give us the full explanation. I am not particularly criticising the sponsor, but this is a most important point.

Amendment agreed to.

Mr PERRON: I move amendment 70.7.

The subclause is removed as it is no longer required due to a cross-default clause being deleted during the final negotiation of the agreement with the developers.

Amendment agreed to.

Clause 41, as amended, agreed to.

Clauses 42 to 45 agreed to.

Clause 46:

Ms D'ROZARIO: I rise to speak on the question of the recovery of fees due by the casino licensee in a court of competent jurisdiction. This was raised in the second-reading speech and the minister replied to that. I think he said that it was very unlikely that subclause (2) of clause 46 would ever be used because the last thing that the casino licensee would want was for the matter to come before a court. However, I do point out that another effect might well occur and that is that the licence fee might go unpaid if only because it might not be a very economic proposition in terms of both time and money spent to recover this fee. As I understand it, the fee is a flat $2,500 a month. I wish also to remind the minister that, in other sections of the gaming industry, the minister has made known the intention to require operators to post bonds for precisely this reason. I think he has already given some indication that one particular operator had fees of some $200 outstanding and these were not able to be recovered by civil action and that this was the reason for his intention to require these people to post bonds. I wonder what would be the difficulty in requiring the casino licensee to post a bond. I know it might be said that the casino licensee has made a very large investment and, of course, it is in his interest to retain the licence. On the other side of the coin, when it is considered that the amount owing is so small as not to warrant all the fuss and bother, it is usually left unrecovered. I believe that is the case that the minister drew to our attention in respect of 1 bookmaker.

Mr PERRON: There is a fairly significant difference between the 2 situaitions. On the one hand, we have a company which will have something like $15m worth of investments in the Territory and, on the other hand, we have the bookmaker who can live virtually by his licence alone and operate out of a fairly meagre, rented premises. The situation where a person might abscond and leave a debt behind, necessitating the need for a bond, does not exist in this situation. The company will have an enormous commitment to the Northern Territory and an enormous number of ties to the Northern Territory government for its own operations. It is inconceivable to my mind that a company would carry on at any stage leaving outstanding what is a very small area of the company's taxes, as it were - that is, the monthly licence fee. I just do not see the problem arising and, if it did, I do not see the Territory, at any stage, being at risk of losing money as a result of the

ongoing, non-payment of a licence fee, particularly as it would be a tiny portion compared to the gross-profit tax.

Clause 46 agreed to.

Clauses 47 and 48 agreed to.

Clause 49:

Mr PERRON: I move amendment 70.8.

This amendment more clearly states the situation whereby the Lottery and Gaming Act is not to affect the operations within a casino itself.

Amendment agreed to.

Clause 49, as amended, agreed to.

Clauses 50 and 51 agreed to.

Clause 52:

Ms D'ROZARIO: I wish to speak again on the question of excluding people from entering the casino. The minister said in his reply that one of the things a person could do if he thought he had been excluded unfairly was to approach him. The minister could then give such direction, as he saw fit, to the casino licensee. I would just draw his attention to subclause (1) which says quite specifically: "No person has a right against the owner or occupier of a casino, or a casino licensee, to enter or remain in the casino, except by the licence of that occupier, owner or licensee". So it seems that, by this legislation, we are actually giving the last word to the licensee and not to the minister at all. It is quite conceivable that a casino may not be taken as a public place where any person may remain unless he conducts himself in a disorderly fashion. This clause provides exactly the reverse - a person cannot be on the premises without the concurrence of the licensee. The matter of excluding people for unknown reasons, or reasons of which they are not informed, does arise and subclause (1) reinforces that. I am afraid that, even if a person went to the minister and said that he had been unjustly refused entry, the minister would have to say that, according to the legislation, the casino licensee was perfectly within his rights.

Mr PERRON: Mr Chairman, I do not recall having said specifically that the minister would direct whether a person should be allowed in a casino. What I did say was that a complaint could be laid or the matter taken to the minister who would certainly have it investigated by the relevant officers - presumably those of the Racing and Gaming Commission - and, if necessary, raise the matter with the casino management. It is not simply a matter of the bill giving sole and final determination to the casino proprietors; they can obviously be spoken to and asked for justification of their actions.

I point out that gambling is very controversial within the community because of the possibility of criminal elements being involved. The operation may attract undesirables but this government, in seeking to introduce casinos, will go out of its way to ensure that there will be an enormous amount of control over who is to be allowed to participate. The casino licensees will be given a franchise to operate this very exclusive business and a franchise to exclude certain persons, including undesirables - and, in some circumstances, those may be known persons. It clearly gives a company power to run a private gaming room in conjunction with the main

casino. This would be a more exclusive area within the casino where gambling may be undertaken by invited guests of the management. It is usual in such areas to gamble for monstrously high stakes. Obviously, there has to be an authority available whereby the management may refuse entry to that area to any person whom it regards as being undesirable. That authority would extend to the general casino and therefore would involve the general public. I do not see anything wrong in the provisions. I think they are a fundamental part of any attempt to keep this industry clean.

Clause 52 agreed to.

Clauses 53 to 58 agreed to.

Clause 59:

Mrs LAWRIE: I raised a query regarding clause 59 in the second reading and it was not adequately answered in the minister's response. This clause states:"Proceedings for an offence against this act shall not be instituted without the consent of the minister". When the minister replied and sought to give me an explanation, he said that the policing of this act will be strictly under the control of the minister. In one sense that is okay but, when we are talking about proceedings for an offence committed against this legislation, it is in the very worst traditions of Queensland politics for the minister to have the say as to whether or not proceedings should be instituted.

We have to realise that no one is attacking the integrity of the present minister - certainly I am not - but whereas people come and go, ministerial portfolios go on forever. To me it is unthinkable that the minister shall determine, at all times, whether or not a prosecution shall proceed for an offence against an act. Look at some of the offences: "The casino licensee shall ensure no person under the age of 18 years is permitted to play any game". - that is a fairly minor one. If we look at clause 55, we find: "A specified company which contravenes, or fails to comply with, a provision of this act or any direction or notice under this act is guilty of an offence". That one is not so minor. If we look back through the act, we find the following: "People who knowingly furnish false or misleading information, fail to furnish the information required by the minister, make material omissions from requests for information ..." These are fairly serious offences against the act. I feel quite strongly that, if legislators are going to lay down offences against any act, the offence will only be effective in the eyes of the public if it is known that the commission of such an offence will put in train a course of action which will exact a penalty. This is a fundamental principle. A person knowingly committing an offence does so either in the expectation that he will get away with it, and that is normally the position, or knowing that, if he is caught, he will suffer the consequences. I sincerely ask the minister to consider the implications of clause 59.

The minister also said that breaches would occur against the act without the minister's knowledge. I would think so. I do not expect the minister to be standing there watching for breaches or offences to be committed against the act. However, that is not the point in question. It is perfectly logical to expect that the minister may never know when an offence is being committed. It is also perfectly logical to expect that the officers administering this act should inform the minister when breaches occur. I will accept that unequivocally. I think it is proper for the orderly conduct of the whole operation. What I take issue against is the provision whereby the minister, in all cases, is to decide whether or not prosecution proceedings should be instituted. I feel clause 59 would read better by changing

"Proceedings for an offence against this act shall not be instituted without the consent of the minister" to "The minister shall be advised of any proceedings for an offence being instituted under this act". There is a clear difference. I am in total agreement with the minister that he should be kept fully informed as to the operation of this act and as to possible breaches of it. I think that is proper, reasonable and necessary. Surely my suggested amendment would enable that to happen. It would ensure that the minister is au fait with the proper conduct and orderly running of the act without necessarily having to be involved with the determination as to whether or not proceedings shall be instituted. There is a clear difference and I do ask him to consider what I have suggested carefully.

Mr EVERINGHAM: I understood the member for Nightcliff's argument to be that the power to institute proceedings under this act should not lie solely in the hands of the minister responsible for the administration of the act. It seems, firstly, that the member for Nightcliff casts imputations at all those persons who may be charged with the administration of the act for all time. Surely, if the person who will be administering the act is responsible to this House, he will be a fit and proper person and fully able to decide whether prosecutions under the act will or will not be launched. If I had not delegated my authority as Attorney-General, I would personally launch all criminal prosecutions. There is absolutely no difference between the 2 situations. In theory at least, the Attorney-General is responsible for the institution of all criminal proceedings.

Secondly, the member for Nightcliff is creating a storm in a teacup over something that apparently she does not quite understand. There is absolutely no harm, in my view, in leaving the institution of proceedings with the minister administering the act. After all, is he or is he not responsible for the administration of the act? It is a most complex act and I believe the launching of prosecutions should come to the notice of the minister concerned.

Mrs LAWRIE: I have only 2 points to make. Firstly, that is precisely what I said - that the launching of prosecutions should come to the notice of the minister concerned. The Chief Minister did not have the courtesy to listen fully to my speech otherwise he would have heard that. The second point is that I seem to engage the wrath of the Chief Minister quite often. I wish to advise the Chief Minister that, when I am considering legislation for the good order and government of the people of the Territory. I shall raise any point which I think should be brought to the attention of the House. I do not give a tinker's cuss as to whether the Chief Minister likes it or not. I am here to put forward the views of the people of the Territory and I will continue to do so.

Clause 59 agreed to.

Clause 60:

Ms D'ROZARIO: Clause 60 provides an exemption from the provisions of any legislation relating to town planning except in respect of the part of the Don premises that are not to be used for a casino. I just wonder, in view of the fact that the Darwin site is to be granted as a Darwin town area lease according to Schedule 1 and the Alice Springs site is to be granted as a Crown lands lease, whether or not the minister also intends to provide an exemption to the casino licensees from the provisions of the Darwin Town Area Leases Act and the Crown Lands Act for the same reason that he has allowed an exemption from the Planning Act and, if not, why not?

Mr PERRON: There will be no exemption from the administration of those acts. As I mentioned earlier, the lease conditions that the companies will be subjected to are an important part of the control and development of these particular casinos.

Clause 60 agreed to.

Clause 61 agreed to.

Clause 62:

Mr PERRON: I move amendment 70.9.

This amendment is to ensure that the agreements do not infringe upon the Trade Practices Act and is necessary as a result of recent cases in a federal court.

Amendment agreed to.

Clause 62, as amended, agreed to.

Clause 63 agreed to.

Schedules agreed to.

Title agreed to.

Bill reported; report adopted.

Bill read a third time.

LOTTERY AND GAMING BILL
(Serial 259)

STAMP DUTY BILL
(Serial 260)

Continued from 8 March 1979.

Ms D'ROZARIO: The minister has presented this bill with the intention of making some interim amendments to the Lottery and Gaming Act and we are promised that, some time in the future, there will be a total review and that some of these things which we are now amending might become irrelevant at that time. The minister is particularly concerned that 3 things ought to take place by these amendments. One of these, perhaps the most significant, is the restructuring of the fee and tax structure that applies to bookmakers. The second matter is the redistribution of revenue raised by these means which is also quite an interesting subject, particularly from the point of view of the race clubs involved. The third matter relates to the people who have been found guilty of some act which would exclude them from one race club being excluded also from the greyhound track.

The matter which is of most importance to us is the tax structure that we are proposing to amend. Basically, the effect of the amendment will be that the stamp duty on betting tickets will be very significantly reduced but, as a trade off, the turnover tax which has been imposed on bookmakers since 1 July last year will be significantly increased for the majority of bookmakers. Along with this package that the Treasurer is offering the operators in the racing industry, it is worthy of note that opening fees which

are currently paid by off-course bookmakers are to be totally abolished. I am unable to say whether or not the particular method the minister has chosen will do good or ill for the racing industry. I regret not being able to make any remark on this but I am simply not in possession of the information that the minister obviously has. I did seek some clarification from the senior public servant in charge of this particular aspect, the Racing and Gaming Commissioner, but the Treasurer did not think that such a briefing ought to occur. As a result, I am speaking mainly on points of principle rather than the expected effect on this particular industry.

I would like to say, while I am speaking about the matter of informing members of the Assembly what is going on, I was most disappointed to be denied this briefing that I sought. I want to make it quite clear to the honourable minister, in all sincerity, that I certainly was not asking for any individual returns that bookmakers might have submitted in good faith to the Racing and Gaming Commissioner. Specifically, what I was seeking - and I advised the minister's private secretary of the information that I was seeking - was some kind of indication as to how the Racing and Gaming Commissioner had come to the conclusion that some $47,000 would be injected back into the industry and also the method by which he had done his comparisons. I had a good reason for raising the question of how the Racing and Gaming Commissioner could make these comparisons because I understand that, in another forum, officers of the honourable Treasurer's department claimed that they had some difficulty in arriving at just this sort of comparison.

I make clear, in case the minister misunderstood what I was asking for and I hoped that his private secretary would have relayed the message correctly, that I did not, at any time, seek the individual returns of bookmakers nor did I expect to get these. I was given a reason for the briefing being denied and this was that the matter was before the House and that the amendments were being put through in pursuance of government policy. I thought this rather axiomatic. I was under the impression that all bills of the government introduced in the House were in pursuance of one or other of the government's policies. However, I was a bit dismayed to see, in a further statement made by the minister, that he had given as a reason for my being denied the briefing that the information was confidential. I quite appreciate that, but we have been invited to confidential briefings by ministers of government before.

The specific point that interested me was that the minister made the statement that a very detailed analysis had been conducted by the Racing and Gaming Commissioner. We must commend this gentleman for this work because I do not think that it has been done before in the Territory. He said that what emerged from this analysis was the fact that somehow the combined level of fees and taxes expressed as a percentage of turnover paid by the Territory bookmakers was less than the average paid in the states. This was the statement that much interested me. The reason that it interested me is because I have, on several occasions, turned my mind to the comparison of tax on racing and gaming in the states and as it applies in the Northern Territory.

I am looking at the moment at a report published by the Grants Commission and that commission was moved to remark upon the greatly varying scales of licence fees and taxes on bookmakers, their clerks and their agents. If you have a look at the situation that pertains in the states, you see that, for example, on things like the stamp duty on betting tickets, the level of the impost varies from zero to 2.5 cents which is quite a large variation. The tax on turnover varies from zero to 2.5% which is also a very large variation in the scale and the percentage of taxation on

totalisator transactions is an even more significant variation again. For example, on some types of bets it varies from 15% in Tasmania to more than 59% on some types of transactions in New South Wales. I am sure the Treasurer will appreciate that that is a very large variation indeed. The point of all this is simply to say that it is extremely difficult to come to a calculation of the average of taxes and fees on bookmakers in the states expressed as a percentage of turnover. However, it appears the Treasurer would have us believe that the Racing and Gaming Commissioner had no difficulty at all in computing such an average because the Treasurer tells us that he came to the conclusion that this average was approximately 2.25% in the states.

The first question that I was moved to ask is how this average was calculated. Was it calculated on the average of transactions in one of the standard states, for example, Victoria or New South Wales, or was it computed on the average of transactions in Tasmania which is a guideline that the government has used often in deciding on the level of imposts in the Territory. I am not for a moment suggesting that, in fact, Tasmania was the state that the Racing and Gaming Commissioner looked at. I simply do not know; I was hoping to have this cleared up with the briefing that I sought.

The other question to be asked is what particular average was taken. As I have mentioned, they vary very widely. They vary within the one state and they vary even more across all states. A supplementary question to that is what allowance was made for the very large variation in the scale of taxes and fees that are paid and how this relates to the turnover of these particular operators in these states.

These conceptional difficulties with the calculation of such an average which caused me much difficulty caused the Racing and Gaming Commissioner no difficulty at all. He came up with a figure of 2.5%. Apparently, the Treasurer accepted that. However, I might say that other officers of other parts of the Treasurer's department, namely those who prepared the submission to the Grants Commission, took a similar view to that which I am expressing now. At the hearing of the Grants Commission, the officers of the Treasury who prepared a submission stated: "There are problems in calculating the revenue needs for racing. There is no TAB in the Territory and this in itself makes any comparison with the standard states difficult". Might I mention that it is not just the difference in the institutional arrangements - whether we have off-course bookmakers and the standard states have TAB - but there is also a very large variation in the actual rate of taxation.

They then went on to postulate 2 approaches that the Grants Commission may have used and decided that perhaps the first of them, which was turnover per head of eligible population of the standard states, was not a valid measure to use because of the small scale of operations in the Territory and the very wide disposal of these services over a large area. The officers of the Treasury had difficulty in making any comparison and, although they put up 2 conceptional methods for making such a comparison, in the end, they had to reject them both. However, they did come to the conclusion - intuitively, I think - and I would not argue against it, that the overheads and the fixed costs of providing a service similar to that which is provided in the standard states was quite high in the Territory by comparison. I felt the remarks made to the Grants Commission were quite significant and the Grants Commission took these matters further by questioning Treasury officers upon this particular aspect of Territory revenue raising.

The Treasurer said that the analysis that has been conducted clearly showed that, as a percentage of turnover, Territory bookmakers seemed to be advantaged. This was made on the simple basis of the Racing and Gaming Commissioner computing, by some means completely unknown to me, that this percentage was 2.25% in the states. He said that, excluding opening fees, the corresponding percentage in the Northern Territory was only 1.91%. Therefore, it clearly showed that there was some capacity to raise further revenue by just looking at these 2 indices.

The Treasurer - and I must commend him for this - did give some passing reference to the level of costs. He said that the indices provided to him by the Racing and Gaming Commissioner would be misleading if we did not take into account the level of costs. I would suggest that, to be logical and for the purpose of comparison, we should be looking at costs as a percentage of turnover as well. Unfortunately, no figures were provided to us by the Treasurer. Whilst he did acknowledge that this factor might make the indices of the Racing and Gaming Commissioner misleading, he did not provide us with any information that would lead us to a conclusion one way or the other. Amazingly enough, having acknowledged the part that costs might play to a bookmaker's operation, he then went on to say - I am quoting from Hansard: "Therefore, it is proposed that, if betting tax is cut by 80% from 10 cents to 2 cents, this will align Territory tax more closely with the states". Taken on its own, that statement is absolutely correct. However, I would not have used the word "therefore" because it makes the statement a complete non sequitur. In the honourable Treasurer's view, it seems to be just, in the Euclidean sense, QED except Euclid had more justification for saying it.

This brings me to the question of the tax on betting tickets. It is absolutely true that what the Treasurer is doing is cutting this particular impost by 80%. This is an absolutely indisputable fact and it does bring us more in line with the equivalent tax in the states. However, I recall a discussion here about 12 months ago on this very point when the Treasurer intended to increase this tax to 10 cents from 5 cents and, at that time, we pointed out that this was a completely unprecedented rate of taxation in Australia and, in fact, 5 cents at that time was. I consider that the relief being offered to bookmakers from this particular measure is completely artificial. It is artificially raising it to 10 cents, then putting it back to a level below which it was before and saying that in fact this will somehow advantage bookmakers. It is absolutely true that it does but, of course, if the Treasurer next week increased car registration to $300 and the Chief Minister subsequently put it back to $150, we would all be very happy too. The point that I am making is that the tax was artificially inflated and so the results of the reduction will not be quite as significant as we would have hoped.

This reduction is really only a trade off for another type of taxation - the turnover tax. I think it is true to say, from the Treasurer's own figures, that about 67% of bookmakers will experience an increase in this tax from 1.25%, which is the level at which the tax currently stands, to 1.75%. This is as a result of a sliding scale that the Treasurer has introduced. The sliding scale benefits the bookmakers who have large holds on a weekly basis. When the turnover tax was first introduced, the Labor Party had certain objections to it. I think those objections were quite valid and they were well-based on our discussions with representatives of the industry. I am disappointed to see that the Treasurer is compounding these difficulties that the industry presently faces and is, in fact, increasing the level of turnover tax.

What we are looking at - as we mentioned in the earlier debate when this method of taxation was first introduced - is a tax on the volume of transactions. I point out again that this is not necessarily a tax on profits; it is a tax on the gross sum of the amounts wagered, regardless of winnings paid out or any other costs that the bookmaker might encounter in a particular week. In that particular debate about 12 months ago, I did mention in passing that the method of taxing on gross profits might have been a fairer method of taxing the racing industry. Of course, we now have this method of taxing on gross profit introduced in respect of casino licences. This is a far fairer method because the licensee is paying tax only after he has paid out winnings. He does not face the prospect of experiencing a situation, as many bookmakers do, of having a losing week.

I understand that, despite the discussions that the honourable minister has had with members of the industry, bookmakers are still leaving the industry and I believe that there is a prospect of 2 or 3 leaving after these new taxes come into force on 1 July this year. The question must surely arise that, despite all these changes, if bookmakers are still leaving the industry, then there must still be something wrong with it.

I did mention that this package of new taxation methods also included the abolition of opening fees which have hitherto been paid by off-course bookmakers, but this does not affect on-course bookmakers who still have to pay a fielding fee to the race clubs. Just on that question of the service at race clubs, I gather from my infrequent visits to the Darwin Turf Club that last Saturday week there were only 9 bookmakers fielding at the Darwin Turf Club. I think this is indicative of the falling off of services that are being offered by bookmakers and, certainly if the situation were as rosy as the minister likes to paint, we would not be seeing these manifestations of things wrong in the industry.

He has said that this is only an interim review and that, in due course, there will be a full review of the entire racing and gaming industry, the act governing those activities and the level of charges. We might well see that all these taxation rates and so on might again become irrelevant as a result of a new bundle of provisions that the minister might offer.

I mentioned that the Racing and Gaming Commissioner had concluded that the industry would be benefiting from an injection of some $47,000 being put back into the industry. I am not altogether certain how this money will be distributed across the industry but I gather that there are still certain bookmakers who believe that the benefit from these new methods will not be sufficient to offset their costs and they are still proposing to leave. I did happen to see a press release that the minister distributed to the local media here in which he had dome some calculations on how many bookmakers might be affected. Although I do not remember the precise figures, I think it was only a very small number, 2 or 3, who would actually be paying more under this new package of taxation and fee measures, a large number of them would be paying less and some other small number - in the region of 8 or 9 - would be breaking even. I must say that, when we are talking about operators breaking even, that is really not good enough when we consider that the expressed intention of the minister is to promote opportunities for growth in this industry.

Incidentally, may I just make a point which has not been well publicised and does not appear in this particular bill - it does appear in the minister's second-reading speech - that it is the intention of the Racing and Gaming Commission not to issue new licences as licensees leave the industry. I think that this particular policy that the government intends to pursue is, on the whole, a very bad one because the empirical

observation is that people are leaving the industry and, if no new licences are to be issued, then we can look forward to a continually decreasing standard of service being offered. We might well get down to the situation where there are just a handful of operators operating throughout the Northern Territory and who are completely unable to service the number of punters who would wish their services. I ask the minister to give some explanation of why he has foreshadowed the pursuit of this policy and what is the reasoning behind it. It certainly does not appear to be a very good policy having regard to the current state of the industry.

There are some further objectives that are sought to be achieved by these amendments and one of them relates to the distribution of revenue. By and large, I think that the reasons the minister has given are quite good ones. I did not appreciate his remarks upon the operations of clubs in this respect because I think he did not give the clubs sufficient credit for attempting to help themselves. He made 1 or 2 remarks about the government not intending to prop up clubs and how he did not wish to generate the false expectation of government handouts to clubs but, nevertheless, I think we should acknowledge that the clubs are a very vital part of this industry and these sorts of remarks did not do the minister's good intentions much good. Getting back to his proposal to redistribute the revenue raised from racing, I must say that, by and large, I am in agreement with the method that he has chosen - to redistribute 40% in the way of assistance to the industry and for the government to take 60% into consolidated revenue.

The minister did speak about the expected level of the industry assistance fund and I think he said that, on the same revenue base, there would be some $300,000 in the fund next year. I just caution the minister against using the existing revenue base because the revenue base will be dramatically altered in the face of conditions that are not known to us at the moment but may become apparent as time goes on, for example, bookmakers leaving the industry and no new licences being issued. I just caution the minister in providing us with this figure; I hope it reaches that level but somehow I am a bit pessimistic about it getting quite that high.

He also made some remarks upon the application of this fund. I wonder if he might indicate with a nod whether in fact he meant racehorse development as is mentioned in Hansard or racecourse development. Could the minister kindly indicate with a nod?

Mr Perron: I think it is a bad transcription by Hansard.

Ms D'ROZARIO: What a pity, Mr Speaker, I was hoping to launch in to the realities of developing a racehorse stud. I do not think $300,000 would go very far at all. In fact, I would be surprised if it paid the feed bill. However, I do take the point that perhaps what the minister meant was that the funds would be applied to the development of racecourses and I might say that this is an application which is quite common in the states. Where the government raises revenue from the racing industry, it is generally expected that some of the funds at least will be applied to improvement of that industry. We certainly have no quarrel with that.

I am not in a position to either oppose or support the bill because I simply have no basis for doing so. I would say that an injection of $47,000 back into the industry is certainly supported. As I am not in a position to judge the effect of the new turnover tax and as, regrettably, I was denied the opportunity to be apprised of the basis on which this analysis was taken, I am simply not in a position to say that I support this bill wholeheartedly.

Mr PERRON (Treasurer): Mr Speaker, it is a little bit difficult to grasp hold of some of the arguments that were presented there. Many of them were more statements than inquiries.

On the question of not allowing access by the honourable member opposite to an arm of the government's advisers, I do not think that she really was extremely surprised at this.

Mr Collins: We were not surprised.

Mr PERRON: That is excellent - just disappointed perhaps. The point is that legislation introduced into this House does reflect government policy as the honourable member for Sanderson admits. That is the subject of the debate and the opposition is required to take a stance on that - oppose or support or propose alternatives. It is their role to develop their own choices within their own policies and put them forward. If they want access to all the arms of government, then they should try to achieve government. Much of the information that is provided to government or cabinet is confidential. However, if the member wanted specific information on a particular fact or the background to a particular figure, why did she not ask in the normal fashion - a letter or a question on notice? The bill has been before the House for some time between sittings yet it was only a couple of days ago that we were approached for a personal interview of unspecified duration. The request did not really state the detail wanted. If it is what the member has now indicated in this House, clearly it could have been done in the normal fashion. It would have been more reasonable still if the request had been made 3 or 4 weeks ago.

On the subject of taxing gross profits instead of turnover, I can only state that with regard to casinos, this government will have a very stringent control on all the cash flows. It will have seals on boxes and be present at all counts. Obviously, that is not the case in the bookmaker's system. There is no possible way that the government could accept the figures presented by a particular bookmaker as his winnings or losings on on a particular day and so a turnover tax has been chosen. One simply does not have the control over bookmakers that is necessary for a gross-profits tax.

It is true that some bookmakers have left the industry and perhaps others are proposing to leave. I do not take the view that, because an industry in the Northern Territory finds itself in difficulty or because some owners sell out, the government is necessarily at fault. For a long time, we have heard that every building contractor, supplier and so on who goes broke, particularly in Darwin or the Northern Territory, does so through a fault of the Northern Territory government. I am afraid I just do not subscribe to that view. Bookmakers are in business and businesses are prone to open and close all the time.

In talking about opportunities for growth, the member for Sanderson implied that I was seeking to direct our efforts towards opportunities for growth in the industry yet, in fact, some bookmakers were declining to field and are pulling out. I do not think that the 2 are necessarily mutually exclusive. In discussing opportunities for growth, I am not saying that the only sign of growth in the racing industry has to be ever-increasing numbers of bookmakers. As a matter of fact, I think that that would probably be deleterious and you could get to a point where you had 200 bookmakers operating part time on a Friday night instead of a system whereby a service would be provided to punters on many nights through the week. She has not actually gone so far as to say that she believes that an increase in bookmakers would be undesirable. I do not accept that and, as I indicated in the second-reading speech, the Gaming Commission proposes to adopt a policy of

not reissuing bookmakers' licences where they are handed in for a period and will regard each application for transfer on its merits. There is an implication, of course, that the government accepts that it might be better to have fewer bookmakers than we have at present and that this might be in the interests of the industry.

I believe the government has acted responsibly in this matter, particularly if regard is had to the information available. The detailed and comprehensive study by the Racing and Gaming Commission into this industry has not been completed. This is part of an overall study that has been done and these are interim measures. The interim measures are a retreat from the former government's position as we will be forgoing something like $47,500 per annum as a result of the restructured tax arrangement. In addition to this amount which we will forgo, an additional $50,000 will go into a fund to benefit the racing industry generally and the racing clubs specifically. That fund will be administered by the Racing and Gaming Commission and the funds will not be distributed, as they have in the past, on a formula of distribution among clubs based on their size or whatever. The needs of particular clubs will be looked at on their merits. In respect of those clubs that require funds for capital development, even though these funds might be quite out of proportion to the number of race days or the number of persons who attend their meetings, the Gaming Commission may allocate those funds.

The government has bitten the bullet on this issue and undertaken to support the industry in the form of forgoing taxation. The situation could be improved somewhat more for the on-course bookmakers and there are moves to reduce the standup fees levied by some clubs. I sincerely hope that they accept their responsibility and look very hard at reducing that standup fee as much as they possibly can, particularly in light of the additional funds they will be receiving from the government under this system. The government is not in this business alone.

Mr Speaker, I was a little surprised that the opposition did not put forward any alternative schemes. I appreciate that they may not have had resources to cost them in a detailed fashion but, 12 months ago, when we altered these taxes for the first time, they were quick to propose that turnover tax was an outrageous way of taxing bookmakers. They opted for the bookmakers preferred scheme of a fielding tax. It seems that they have dropped that concept now. I do not know if they examined it more closely but it certainly has a number of drawbacks. The other alternative is TAB which would seem to be more in tune with Labor's philosophy than any form of taxation supporting off-course bookers.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 8 agreed to.

Clause 9:

Mr PERRON: I move amendment 72.1.

This is a drafting amendment.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 10 agreed to.

Clause 11:

Ms D'ROZARIO: This clause provides a sliding scale for turnover tax. Let me assure the minister that the Labor Party certainly has not altered its view that the turnover tax is not the best way of taxing the racing industry but, as it was not the subject of the bill, we did not traverse all the arguments that we made when the turnover tax was introduced for the first time in the Northern Territory.

My second remark is that the minister seems to have interpreted my remarks made in respect of an alternative scheme of taxation which would be fairer - being a tax on gross profits - as seeming to align the racing industry in some manner with the casino industry. Of course, this is certainly not so. The point I was making in both the casino licence and control debate and in this one is that the method of taxation which the government has proposed to impose upon the casino industry is certainly far fairer. If the government wished to raise larger amounts of revenue from casino operations, it could use the same method that it is using in the racing industry - turnover tax. I have to re-emphasise here that the difference between the 2 taxes is that one is a tax on the volume of transactions less the amount of winnings paid out. It is quite true that bookmakers on the odd occasion do find themselves experiencing a losing week and they pay out more in winnings. I believe that this almost happened last Saturday week at the Turf Club here. Bookmakers on the odd occasion do experience a losing week but, nevertheless, they must pay the government a turnover tax despite the fact that they might have made no gross profit let alone a net profit out of their operation for that week. I am certainly not giving the impression that this is a frequent occurrence but it does happen. If the minister had chosen to use a tax on gross profits instead of a turnover tax, certainly that would part way meet the Labor Party's objections to the method of taxing the racing industry.

The third point that I must take up again is that the particular portion in the minister's speech which interested me was the ease with which he gave us to believe the Racing and Gaming Commissioner had come to an index of the taxes and fees paid by Territory bookmakers expressed as a percentage of their turnover. I do not wish to go through all the arguments that I did in the second-reading speech but the method of computing this is extremely complicated both in the practical sense and, more importantly, in the conceptual sense. As I mentioned, the minister's own Treasury staff found it impossible to draw any comparison and they said as much to members of the Grants Commission. As to the minister saying that I could have got this information by simply putting to his private secretary or to himself that I wanted this specific information or by means of a question on notice, I think the minister should appreciate that the Treasury submission to the Grants Commission came into my hands a couple of hours before I made the request to his private secretary. I had expected to find that the percentage given by the Racing and Gaming Commissioner, the 2.5%, would have been perhaps expanded in the Treasury submission because I did understand that the Treasury officers were to put before the Grants Commission a detailed analysis of all the possible sources of revenue-raising, how much was being raised and the capacity to raise it and that perhaps I might get some further information on how the Racing and Gaming Commissioner computed this average from that source. I say now to the minister that it is not given in the Treasury submission and that is the reason why I made that request to him through his private secretary.

To say glibly that I could have obtained the same information by

putting the questions on notice belies the fact that there are still questions on notice unanswered from 28 November last year. Some of the questions are quite simple; they are not at all as complicated as the ones I am asking. I believe the Treasury officials spent many weeks preparing their detailed submission to the Grants Commission and they could not come up with this information. I certainly did not think that the minister would be able to provide it in the short time available before the sittings if I asked it as a question on notice.

Mr PERRON: I will not spend as long answering this. The figure that I said she could have obtained the background for was the one that the Lottery and Gaming Commissioner had used obviously from a collation of specific figures from some states. That background could have been provided. Apart from that, you cannot relate the Treasury submission to that of the Lottery and Gaming Commissioner in this regard. They are really 2 monstrously different tasks, both aimed in different directions. The Grants Commission's interest into the field of the Territory's capacity is not limited to turnover tax or its form or the fact that it varies between states; it is interested in far broader questions than that. I do not think that it is unreasonable that the Treasury had difficulty in putting together the information they required for the Grants Commission as compared to what the Racing and Gaming Commissioner required to put to us as a reasonable basis of a comparison of costs.

Ms D'ROZARIO: I fail to see why the 2 exercises should be all that different as the minister would have us believe. The exercise undertaken by the Treasury was done for the purpose of obtaining an advance grant from the Grants Commission. However, the whole point that I am making is that the Racing and Gaming Commissioner apparently was able to undertake an exercise comparing the level and rates of taxes in the states with that which applies in the Northern Territory whereas another branch of the Treasurer's own department had admitted that it found this task quite impossible. The Treasurer says that they are 2 different exercises. I do understand that they are 2 different tasks but what I am saying is that, if the Racing and Gaming Commissioner had this information in his possession, why did the Treasury officials say that they did not. Perhaps the Racing and Gaming Commissioner ought to brief the Treasury officials.

Clause 11 agreed to.

Clauses 12 to 14 agreed to.

Clause 15:

Mr PERRON: I move amendment 72.2.

Amendment agreed to.

Clause 15, as amended, agreed to.

Title agreed to.

Bill passed the remaining stage without debate.

STAMP DUTY BILL
(Serial 260)

Bill passed remaining stages without debate.

LEAVE OF ABSENCE

Mrs O'NEIL: Mr Speaker, I move that the honourable member for MacDonnell be granted leave of absence for the duration of this week's Legislative Assembly sittings for reasons of illness.

Motion agreed to.

ADJOURNMENT

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

Mr COLLINS (Arnhem): Mr Speaker, members of the House would remember that, at the last sittings of the Assembly, we passed a complex and important piece of legislation: the Uranium Mining (Environment Control) Bill. That bill was passed through this House after what the press described as "a stormy passage". Members would recall that most of that storm was occasioned by the fact that the bill went through the House under a suspension of Standing Orders. That suspension of Standing Orders was stoutly defended by 3 ministers: the Minister for Mines and Energy who had carriage of the bill, the Minister for Community Development and the Chief Minister. Many forthright reasons were given as to why the bill was urgent: it was essential that it go through as soon as possible; the uranium mine could not be left unattended for one minute; and the opposition was carping at useless points by expecting that normal parliamentary procedures should be followed.

The bill, of course, as all members would remember, was pushed through in one sittings. The Chief Minister himself said and I quote: "If we allow a period of 4 weeks to elapse, who knows what would happen in 4 weeks". That was just one of many comments that was made. It may be of some interest to all members of the Assembly to know that, after that circumvention of the normal procedures of the Assembly which are there to protect the public against hasty and ill-considered legislation, that piece of legislation was assented to at 9 o'clock on Thursday morning of last week, fully 2 months after it passed through this House. I think that that little story does not need any further comment. Perhaps, the minister himself might like to comment.

I do remember, as a matter of interest in passing, the opposition received a briefing on that bill and it was a useful briefing. I am somewhat confused as to what the government's position is on briefings to the opposition after listening to the statements of the honourable Treasurer this afternoon. The Chief Minister, 12 months ago, told us that all cooperation would be extended to the opposition on the question of briefing - I remember it well. My association with the honourable Minister for Community Development in regard to information is always met with courtesy and cooperation. The honourable Minister for Mines and Energy has extended his cooperation - I have just looked it up again in the Hansard from the last sittings - for all possible help and briefings would be offered to the opposition. This afternoon, we heard the honourable Treasurer, the deputy leader of the government, telling us that all legislation that goes through this House is a matter of government policy and we can either agree with or oppose it and to hell with us. I think it is possibly appropriate for the Chief Minister to make yet another statement on where his government stands in giving proper briefings to the opposition on legislation.

The other subject I would like to discuss this afternoon is the question of Nabarlek. It is appropriate that it should be discussed as mining at Nabarlek will probably start within the next 2 weeks. There has been some

exchange between the opposition and the government in the press over the last couple of weeks on the question of Nabarlek and the possible hazards faced by workers in the mine because of the particular nature of that uranium deposit. It is a unique deposit; it is extremely small and is reputed to be probably the richest uranium ore in the world. A report has been produced just recently by the Commonwealth Department of Science and the Environment entitled "Assessment Report on the proposed Nabarlek uranium project in the Northern Territory". It contains matters which have been raised before but it gives further emphasis to these problems in regard to workers' safety because of the imminent start of this mine.

The Nabarlek Environmental Impact Statement had 3 major deficiencies: one was the estimates of radiation levels in the mine, another was the seepage from the tailings once they are put back in the pit and the third was the social, environmental and health impact on Aboriginals in the area. The particular point I will deal with solely this afternoon is the radiation levels and the estimates that Nabarlek gave for workers in the mine.

The mining will be completed before the end of this year which makes the question of whether uranium mining should happen or not in the Territory rather an academic one. The mining will start in a fortnight and the whole mining operation itself will be completed within 6 months. In that time, 494,470 tonnes of ore will be removed and stockpiled for later milling. The mining itself will take only 29 weeks to complete and the proposal is that that will be done with two 10-hour shifts 6 days a week. In the report, on the companies own figures, the Department of Science and Environment says:

> *The company give estimates of exposure to gamma radiation based on the reasonable figure of 5.2 millirems per hour, one metre from a one percent grade ore. They state that the maximum exposure to individuals will be 5,000 millirems over the 29 week period of ore extraction.*

That is significant because 5,000 millirems is the maximum dose rate permitted by the Department of Health's radiation and practice code for one year - the maximum dose! They will receive that maximum dose over 29 weeks in the mine. However, the problem with that is that the average grade of ore at Nabarlek is 1.84% of U308, a remarkably high average. It is very rich ore; the ore itself goes up to 2.5% of U308.

Going on those figures and I am quoting again from the report:

> *The implication of this is that for a worker exposed only to the average grade of ore, that is 1.85%, his exposure time can be no more than 3 hours per day out of his 10-hour shift. The company should demonstrate unequivocally that this will be the case or define with precision the additional engineering solutions which will be applied to restrict exposures to these limits.*

The key question here , a question of great concern to me and to the opposition spokesman on health, is again going back to the dual roles possessed by the honourable Minister for Mines and Energy. My record in opposing uranium mining in the Legislative Assembly is constantly thrown up in my face. The record of the Minister for Mines and Energy can equally be thrown into his face: his slavish support of the industry in the face of all evidence to the contrary and the fact that where questions of mining and health are involved, mining wins out every time. That has been amply demonstrated. In fact, I remember the minister's own statement in the House that he could see no problem, no conflict of interest: "one of the portfolio responsibilities provides the customers and the other one looks after them " - the minister's own words.

Getting back to Nabarlek, the company has a number of proposals to minimise the exposure. They are talking about mixing the ore and they are talking about covering it in interim periods with rock so that there will be no exposure from the ore-face. The fact is that a significant danger of over-exposure to radon gas exists in the Nabarlek mine and to quote from the opening words of the report under the heading "radiation": "The radiation exposure at Nabarlek is of particular concern due to the exceptionally high grade of ore in Queensland Mines deposit".

I hope unions representing workers out there will make absolutely certain it is monitored correctly. This was responsible for the question I asked the Minister for Mines and Energy this morning about the appointment of a specialist physician to monitor for the Department of Health in the Northern Territory, the radiation levels received by workers in the Nabarlek mine. I was pleased to get an answer from the Minister that that situation is well in hand and that an appointment will be made shortly.

There is another serious problem with Nabarlek. The Australian Atomic Energy Commission have recently conducted independent analyses of the ore at Nabarlek and, unfortunately, they have come up with exposure levels that are between 5 and 10 times greater than the figures supplied by Queensland Mines. That should be of some concern when you consider that Queensland Mines' own figures put the exposure that will be received by workers at a maximum of 5 rems per year in the 29 weeks that the mining is to be carried out.

A report was recently published by the United States National Academy of Science which indicates that as more money, more time and more research workers are employed on investigating the dangers of low level radiation, more and more facts are coming to light and more and more concern is being expressed. It was established years ago that there is no such thing as a safe level of radiation - all radiation, even background normal radiation, is dangerous to health. The United States Academy of Science has recommended that no workers in the nuclear industry under 35 years of age should be exposed to radiation levels amounting to greater than 500 millirems per year which is one-tenth of the current level recommended for workers at the Nabarlek mine.

When you combine the fact that research by a very reputable organisation, the United States Academy of Science, has indicated that the current so-called safe levels - which are being changed yearly - of radiation exposure and levels could be up to 10 times greater than they should be - when you put that alongside the fact that the Australian Atomic Energy Commission has figures that show that Queensland Mines' figures are between 5 and 10 times less than they should be, there is certainly a serious potential threat to worker safety in the mine at Nabarlek. That is something that no responsible Minister for Health should push aside in such a cavalier fashion as the Northern Territory's Minister for Health did in the press just recently. It is something he should view with the greatest possible concern. Possibly, or probably, as it would probably be my only recourse, through the unions representing mine workers at the site, I will do the best I can to ensure that the safe levels of radon gas existing in the mine are not exceeded.

As the Minister for Mines and Energy would know, it is not just a question of the stuff blowing away. Radon gas is in excess of 7 times heavier than air and, since it does not just float away, it has to be dispersed with positive ventilation. Again, this report clearly points out that a common meteorological feature of the area is temperature inversion which means that the gas will be trapped in the mine and there could and probably will be dawn peaks of radon gas in the mine which will have to be cleared before any worker can be allowed in the area. Because of the unique richness of the ore

and the high levels of radon gas that will be in the mine, Nabarlek does pose a real potential danger to mine workers. I would urge the Minister for Mines and Energy to study these documents and to be sure that he gets the maximum possible input from the person shortly to be appointed by the Department of Health to oversee the monitoring of radiation levels in that mine.

Mr MacFARLANE: Mr Deputy Speaker, some months ago I accepted an appointment to the CSIRO Tropical Cattle Research Centre Advisory Committee. The chairman is Dr Trevor Scott of CSIRO and the other members are: 2 from the Southern Statistical Division of Queensland - Mr Samuel Bassett and Mr Rob Innes; 2 from the Central Statistical Division of Queensland - Mr Dick Wilson and Mr Ian Robertson; 2 from the Northern Statistical Division of Queensland - Mr Tom Mann and Mr Ian McClymont; 1 from the CSIRO Division of Entomology - Dr R.W. Sutherst; 1 from the CSIRO Division of Animal Health - Dr A.K. Lascelles; 1 from the CSIRO Division of Tropical Crops and Pastures - Dr R.F. Jones; 1 from the Capricornia Institute of Advanced Education - Dr Bryan Rothwell; 1 from the James Cook University, Townsville - Professor R.S.F. Campbell; 1 from the University of Queensland - Professor G.D. Thorburn; 1 from the Queensland Department of Primary Industries - Mr M.R.E. Durand; 1 from the Northern Territory Department of Industrial Development - Mr G.W. M. Kirby; and 1 from the Australian Meat and Livestock Corporation - Mr David Harpham.

When I was down there, it became very evident that, when they talk about the tropics and tropical cattle down there, it is very different to what we need up here in the Top End. This research centre is at Rockhampton which is on the Tropic of Capricorn, the same tropic that Alice Springs is on. Darwin is 1,000 miles from Alice Springs and there is a lot of difference in the conditions. Down there, it appears that the Tropical Cattle Research Centre based at Belmont has done a fair amount of good and it got me thinking that these people probably would come up here to the Top End to extend their work and do somthing for us. However, we need a lot more than just tropical cattle.

North of Daly Waters, when you get into the higher rainfall area, nutrition seems to be the main trouble. It is interesting to note that the CSIRO have been experimenting with urea to make native pastures more nutritious to stock at Richmond in Queensland, which is about level with Tennant Creek. If we could make the native grass in the Top End nutritious to stock, we would solve one of the greatest problems that we have up here.

There are many other problems of course. We have the drought; we have no rain usually for at least 6 months from the end of the wet until about Christmas. This year it will be from the end of March till Christmas and that is a pretty long period. Not only do we have poor native grasses but we have all the other pests which are taken for granted in other places and do not worry them so much. Add these to the problems in the Top End and you have almost an intolerable burden.

Apart from drought and nutrition problems, we have the dingoes. They have them in other places too but they seem to worry the Top End more. One of the troubles up here is caretaker ownership, people who are not using the 1080 control campaign. This makes it very awkward for people who are using 1080 and who are eliminating dingoes or controlling them to reap the benefit of the aerial baiting.

We also have weeds. I notice in the paper that the honourable member for Victoria River is talking about Parkinsonia. That is only one of many. We have Parkinsonia, needlebush, panicitum, parthenium, ngoora burr, hyptis and cyder and so on. These weeds, particularly hyptis and cyder, are growing inside improved pastures and they are cleaning it up. I think CSIRO could

help with this problem as well.

We also have ticks, worms and buffalo fly and the CSIRO are doing research into all these, not very successfully but they are finding out something about them. The point I am making is that conditions down at Rockhampton are very different to conditions in the Top End and there must be an extension of their work up here.

Another trouble the Top End has is fires. This has the disadvantage of ruining much of the best native pastures. Native pastures are valuable; they are better than nothing but, as some people will say, they are not much better than nothing. CSIRO are conducting trials known as the Manbulloo trials out of Katherine. They have had some very pleasing results there but they have shown that phosphorous and sulphur are items which must be supplied as well. I think we could speed up the work.

Another factor in the Top End is the price for cattle which is just about 60% of the ruling price in other places. Whilst our development and maintenance costs are higher and our wages just as high, we get a lower price for our cattle. Again, this is limiting the development of the Top End. As you know, there are only 110 vets north of the Tropic of Capricorn and this includes Queensland and Western Australia. It shows that, although there are a lot of cattle north of the tropic in the Centre, the Tablelands, Victoria River, the north of Queensland and the Kimberleys, we have only a handful of vets to look after them.

One other point that should be raised is that there is research being done on Bali cattle at Bogor in Indonesia. CSIRO set this up under an aid scheme and I think it cost them $18m. Any work we are doing on Bali cattle here - whatever they call them; the cattle they get from the Cobourg Peninsula, Banteng - is being done at Bogor anyway and we are duplicating that work. I notice that Dr Letts' committee has recommended that a fence be put across the Cobourg Peninsula to stop the Bali cattle coming out. It would be a good thing if they sent the Bali cattle over there and put the money saved into research on nutrition.

I do urge this government to take heed of what I have said and try to encourage CSIRO to set up an extension of the Rockhampton base in the Top End to try to help overcome some of the problems we have. Research may possibly do it. If we can concert our rough feed into a nutritious supplement, we would be well on the way. Urea does do this at times; it has done it 1 year in 4 at Richmond. Surely the fact that it will do it once in 4 years alone should be worth research by the CSIRO.

Mr DOOLAN (Victoria River): I have just been looking through the list of questions as yet unanswered and I see some questions from the honourable member for Elsey on which I would like to comment. I agree wholeheartedly that it is time that an inquiry was made into the beef industry in the Territory. He has asked 18 questions and there is not one I disagree with.

One thing that should be looked into in particular is question 2 relating to excessive profits made by Hooker Corporation Limited as quoted in the Sydney Morning Herald on 28 February 1979. Hooker Corporation owns not only stations like Victoria River Downs, Legune and Rosewood but they also own meatworks at Katherine and Wyndham. There are buyers at least in Katherine and I am informed they would be prepared to buy live cattle, have them slaughtered by the meatworks and transport them south in refrigerated trucks. It is too costly to shift them overland to somewhere like Adelaide. If a service abattoir could be arranged whereby the buyer is prepared to buy cattle and the grower is prepared to sell them to somebody other than Hooker -

he cannot at the moment; they have an absolute monopoly - the abattoirs could kill at a price for the grower and he would have at least some option as to whom he was going to sell his cattle. He has none. This would not mean more abattoirs and there is a certain feeling that we have too many already, but what it would mean is that the grower could have his cattle killed and transport them. At the moment, he cannot.

Another question is the use of a special export quota for northern Australian meatworks granted to William Angliss and Company. I do not know just what is happening there. We have a Darwin abattoir which kills no cattle but buys carcases in Katherine and yet it has an export quota. My information leads me to believe that, by devious means, they have transferred it somehow to the Wyndham meatworks. I heartily endorse the member for Elsey's suggestion that there should be an inquiry into the beef industry in the Territory under the Inquiries Act.

Ms D'ROZARIO: Mr Deputy Speaker, I would like to bring to the attention of the Minister for Transport and Works a specific incident in the hope that he will take some action to prevent such incidents occurring in future. The incident relates to a very severe injury occasioned to a primary school child in my electorate last week. This injury occurred as a result of the child stepping off the school bus and into the path of an oncoming car. Without reflecting on whether or not the child was over-excited and should have done something different from what she did, and without reflecting on the actions of the driver, whom I gather was extremely upset by this incident, I would like to say that a similar incident occurred last year when a very young child stepped off a school bus and was bowled over by a car which had overtaken the school bus from behind.

I think it is time we started to look at what could be done to prevent such accidents. I know there is a school of thought that says that children will be children. There is also a school of thought that says that you cannot expect a driver to anticipate every action that a child might take. This, of course, is also quite true. However, some suggestions have been made by residents in my electorate who are most concerned at this particular incident. I think it is worth mentioning some of these suggested solutions to the Minister for Transport and Works.

One suggestion is that the Traffic Act be amended to make it an offence for a motorist to overtake a school bus which has stopped to set down or pick up school children. I think that this has some merit. It would certainly make the proving of the offence much easier. It would simply be a matter of determining the position of the bus in relation to the position of the car that had injured the passenger alighting from the bus. Once this was established as part of the road rules, it might well work. However, I do not think that the matter should rest at that. We should also be looking at some sort of physical restraint upon the actions of children alighting from school buses at approved bus stops.

A suggestion which I would like to commend to the Minister for Transport and Works is really a modification of a suggestion contained in a report entitled "Road Safety Guidelines for Town Planning". This report was prepared as a manual to incorporate road safety principles in both new and existing subdivisions in cities. It is a fairly recent manual which was prepared in August 1978 by the Office of Road Safety in the Department of Transport. I would also like to commend its wide circulation to people in the minister's office and also in the office of the Minister for Lands and Housing.

There is also a method given here for channelling pedestrian traffic

by the erection of fences on footpaths. I do not want to give the minister the impression that all footpaths ought to be fenced, but I would like to suggest that the school bus stops ought to be recessed from the road pavement and the footpath adjoining those bus stops ought to be fenced in such a way as to prevent children from stepping off the footpath in front of the bus. It is a simple matter. What I envisage is an L-shaped fence at which the bus would have to pull up. The short access of the "L" would prevent children from stepping out in front of the bus and the long access would certainly channel school children towards the rear of the bus. Should a motorist be behind the bus, he would be able to see immediately that children had stepped off the bus and that they would be crossing behind the bus.

The main problem is that motorists cannot anticipate the actions of children, even older children. This was the case in the particular incident last week in my electorate and it is unreasonable to expect that a motorist would be able to take remedial action in the event of his suddenly coming upon a child who has, without warning, stepped out from in front of a bus. The suggestion that I have just made for the provision of fences along the bus stops used for school bus runs is quite adequately described in this manual. In actual fact, the proposal given here is for the channelling of pedestrians in areas where urban development has occurred. I have modified this to channel people alighting from school buses in a direction other than the front of the bus.

I commend those 2 suggestions - possible amendments to the Traffic Act and the physical modification of bus stops - to the Minister for Transport and Works. We have now had a number of fatalities of this nature. The accident that occurred in my electorate was not fatal but, nevertheless, resulted in extremely serious injury. I think the child is still in the intensive care unit at the Darwin Hospital. Perhaps the minister could take this matter up in the road safety campaign that his department is currently running. It might go some way towards improving the road safety standards in the Northern Territory and perhaps even save lives.

Motion agreed to; the Assembly adjourned.

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

DISTINGUISHED VISITOR

Mr SPEAKER: Honourable members, I draw your attention to the presence in the gallery of His Excellency Sir Donald Tebbit KCMG, High Commissioner in Australia for the United Kingdom. On your behalf, I extend to Sir Donald a very warm welcome.

PETITION

Katherine Fluoridation

Mr VALE: I present, on behalf of the member for Elsey, a petition from 401 citizens of the Northern Territory indicating that the people of Katherine do not want fluoride added to their water supply. 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 the people of Katherine do not want fluoride added to their water supply. Your petitioners therefore humbly pray that the honourable members of the Legislative Assembly will act to stop the proposed addition of fluoride to the Katherine town water supply. Your petitioners, as in duty bound, will ever pray.

COMMONWEALTH COASTAL WATERS BILLS

Mr EVERINGHAM (Chief Minister) (By leave): Mr Speaker, I wish to make a statement concerning 3 proposed Commonwealth laws: the Coastal Waters (Northern Territory Powers) Bill, the Coastal Waters (Northern Territory Title) Bill and the Fisheries Amendment Bill. The Standing Committee of Attorneys-General is to recommend to the Premiers Conference that the 3 bills be introduced concurrently with similar bills affecting all the Australian states. Perhaps I should preface my statement with the comment that I am assuming the bills will be passed substantially in their present form.

Before 1973, the states of Australia assumed that state boundaries extended seawards for 3 nautical miles, the assumption being that, when self-government was bestowed upon the colonies, the territorial sea of each colony was vested in the imperial Crown and hence in the colonial government. It was therefore considered that each state owned its own territorial sea extending 3 nautical miles seawards of the land mass. In 1973, the Commonwealth put the matter to the test by passing the Seas and Submerged Lands Act which gave effect to the United Nations Convention on the Territorial Sea and Contiguous Zone but which also declared that the sovereignty in respect of the Australian territorial sea and seabed was vested in the Commonwealth and not the states. The states have challenged the validity of the act in the now famous case of New South Wales and Others versus the Commonwealth. As honourable members are aware, the High Court of Australia declared that the act was valid, that the states ended at the low water mark and that sovereignty over the territorial sea and seabed was vested in the Commonwealth and not the states.

In June 1978, at the Premiers Conference, it was agreed between the states and the Commonwealth that the Commonwealth would restore the states to the position they thought they held before the Seas and Submerged Lands Act. The Commonwealth agreed to legislate to give the states express legislative power in respect of the territorial sea and to vest in the states the title to the seabed under the territorial sea. The issue raised complex constitutional problems and, since June 1978, has been the subject of close consideration by the Standing Committee of Attorneys-General and the Special Committee of Solicitors-General.

Since self-government, I have been a member of the Standing Committee of Attorneys-General and the Northern Territory Solicitor-General has been a member of the Special Committee of Solicitors-General. Indeed, we attended meetings during the first half of 1978 even before self-government. At meetings of these committees, the Territory's representatives are accorded equal standing with the representatives of the states. The view of the Territory executive, both before and after self-government, has been that the Northern Territory should be treated as though it were a state for the purposes of the Seas and Submerged Lands Act. Pursuant to this policy, the Northern Territory representatives consistently argued that bills affecting the Territory in respect of the territorial sea and seabed should be substantially identical in terms to those affecting the states and should be introduced concurrently with the bills in respect of the states. We believe this principle has been accepted by the Commonwealth and the Standing Committee of Attorneys-General has now recommended that the Territory and state bills be introduced into the federal parliament.

Briefly, the powers bill gives the Legislative Assembly express plenary power to legislate in respect of the coastal waters as though they were part of the Northern Territory. Coastal waters are defined as being "the territorial sea extending 3 nautical miles from the baselines and include the sea landward of the baselines but do not include that part of the sea which forms part of the Northern Territory". I might say that that definition will be a matter of some debate at the Premiers Conference. The baselines I refer to are to be drawn by agreement between the Commonwealth, the states and the Northern Territory, but where the coast is not indented nor surrounded by islands, the territorial sea will be measured from the low-water mark.

As members know, this Assembly already possesses powers to legislate extra-territorially but the validity of any bill purporting to apply outside the Northern Territory depends upon its subject matter having sufficient nexus to the Territory. The Coastal Waters (Northern Territory Powers) Bill will put the issue beyond any doubt and, in determining the validity of the Northern Territory law purporting to apply in respect of the coastal sea, the nexus principle will have no relevance. The bill also gives the Territory specific legislative powers beyond the limits of the coastal waters but within the adjacent area, as defined by the Petroleum (Submerged Lands) Act, which extends roughly 200 miles northwards of the Northern Territory coastline in respect of the following matters: subterranean mining from land within the limits of the Territory; ports, harbours, shipping facilities and dredging works; and fisheries where the law relates to a fishery which is to be managed in accordance with Northern Territory law under an arrangement with the Commonwealth.

The Coastal Waters (Northern Territory Title) Bill will vest in the Northern Territory titles to the seabed in respect of the coastal sea as though it were part of the land. With the exception of prescribed substances as defined by the Atomic Energy Act, the title to the seabed will include minerals.

The object of the fisheries legislation, so far as it affects the Northern Territory, is to enable the Northern Territory and the Commonwealth

to enter into arrangements in respect of fisheries in coastal waters and in the sea beyond the coastal waters but within the Australian fishing zone. The bill will provide for the setting up of joint authorities between the Northern Territory and the Commonwealth under which a particular fishery will be managed according to Commonwealth and Territory law as agreed. The significance of the proposed bill is that, whereas now the Northern Territory has control over fisheries only within the 3-mile territorial sea, the new arrangement will enable us to apply Northern Territory law, by agreement with the Commonwealth, to the outer edge of the Australian fishing zone in the sea adjacent to the Northern Territory. Conversely, Commonwealth law may apply within the territorial sea but only by agreement. As in the case of the states, the arrangements will not extend to foreign vessels but the expression "foreign vessels" does not include vessels operating under joint agreements between foreign and Australian companies.

As honourable members are aware, my government has not always agreed with the Commonwealth in respect of important issues but it is gratifying to note that, in the present exercise, the Commonwealth has been cooperative and willing to treat the Northern Territory as having the same sovereign autonomy as the states.

TRANSFER OF SUPREME COURT

Mr EVERINGHAM (Attorney-General) (By leave): Mr Speaker, I wish to make a statement concerning the transfer of responsibilities to the Supreme Court from the Commonwealth to the Territory.

The Commonwealth has agreed in writing that the transfer should take place and that it should take place at the earliest practical date. For some months, my government has been pressing the Commonwealth to effect the transfer on 1 July. I introduced the necessary Territory enabling bills, including the Supreme Court Bill, into this House in March. I have recently been informed that it will not be possible for the necessary complementary Commonwealth legislation to be enacted in the present sittings of the federal parliament. That legislation includes the repeal of the existing Northern Territory Supreme Court Act and amendments to, inter alia, the Family Court of Australia Act, the Judges' Pensions Act, the Judiciary Act, the Remuneration Tribunal Act and the Jury Exemption Act. The Commonwealth Attorney-General has indicated to me orally that the legislation will now be passed in the budget sittings of parliament.

At the time I wrote this statement, I thought that it would not be possible to pass the Territory legislation through this House until the Commonwealth legislation had been drafted. However, I think it may now be possible to deal with the Supreme Court Bill this sittings. I am not yet in a position to give the House a firm date for the transfer although I believe it may be 1 October. The government will, however, continue to press for the transfer to take place on the earliest practical date.

Mr Speaker, I move that the statement be noted and seek leave to resume my remarks at a later hour.

Leave granted.

Mr ISAACS (Opposition Leader): Mr Speaker, I will be brief, but I think it is important that a comment be made by the opposition in relation to this matter. I think it is the desire of both parties in this House that the Supreme Court be transferred as expeditiously as possible. However, I think it is most unfortunate that the judiciary has been involved in what can

clearly be seen as a political bun-fight between the Territory government and the Australian government. We are used to the sabre-rattling of the Chief Minister in relation to the federal government on the Territory Parks and Wildlife Service, essential services to Aboriginal communities and the standby generators for Berrimah and so on. The adoption of these stances is a matter of his own judgment and his determination of what is in the best interests of the Northern Territory and his Northern Territory government. I think it is most unfortunate that the judiciary has been embroiled in that sabre-rattling. I remind you, Mr Speaker, of the statement made by the Chief Minister in introducing the Supreme Court Bill and related bills in February this year. He said when referring to the transfer on 1 July: "I have reason to believe that this will receive a favourable response from the government". I can only take it to mean that the Chief Minister had foundation for making that statement and my inquiries to the federal department of the Attorney-General indicated that there was no such foundation and they were somewhat surprised that the Chief Minister should make such a remark.

I think it is most unfortunate and somewhat discourteous to the judiciary that they have been embroiled in the political process from which of course, they must certainly be kept apart. I am pleased to hear from the Chief Minister that there seems to be some measure of agreement as to the commencing date. I look forward to a debate in this sittings on the Supreme Court Bill and the other bills associated with it. I again stress to the Assembly that the opposition, like the government, seeks to have the Supreme Court transferred to the Northern Territory as a matter or urgency. This would complete the third arm of the governmental process - the independent judiciary.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I find the remarks made by the honourable Leader of the Opposition to be extraordinary and totally without foundation. I have not indicated at any stage that I was not firmly of the belief that the federal government did wish the transfer of the Supreme Court to take place at the earliest possible time. I can assure this House that, prior to introducing the Supreme Court Bill into this House, I had had detailed discussions with the federal Attorney-General, Senator Durak, in relation to the transfer of the Supreme Court and I believe that, at that time, he was as confident as I was that the transfer would take place on 1 July. Not only that, discussions were had with the Chief Judge and there has been absolutely no attempt to rattle sabres in this matter. It is extraordinary that the Leader of the Opposition should use such a phrase. I think that the matter of the transfer of the Supreme Court has barely rated a mention in the pages of the popular press. I can only suspect that the honourable Leader of the Opposition is either suffering from hallucinations or referring to something else.

Motion agreed to; statement noted.

AUSTRALIAN AND INDONESIAN SEABED BOUNDARIES

Mr EVERINGHAM (Chief Minister) (By leave): I wish to make a statement to the House in respect of the involvement of the Northern Territory government in negotiations between Australia and Indonesia for determination and delimitation of the seabed boundaries between those countries. By way of background, I would indicate that, in 1971 and 1972, Australia negotiated the seabed boundary with Indonesia relating to the Indonesian Archipelago and what is now Irian Jaya formerly known as West Irian or Dutch West New Guinea. At that time, the area now known as East Timor was under Portuguese control and no boundary was negotiated in respect of common off-shore areas between

Australia and East Timor. Honourable members are aware of the events of the last 3 years in respect of East Timor and no doubt are aware of Australia's recognition of the Indonesian control of East Timor last year.

In December, the Prime Minister wrote to me indicating that the Australian government intended entering into negotiations to complete the definition of a seabed boundary between Australia and Indonesia and invited the Northern Territory government to be represented on the Australian negotiating team. Honourable members will appreciate that this was a major recognition by the Commonwealth of the importance of the area, both the seabed and the waters, to the Northern Territory, both politically and economically. The government naturally accepted the Prime Minister's invitation and an officer of the Department of Law attended the negotiations.

The first round of negotiations with Indonesia was held in Canberra from 14 to 16 February this year. Several matters arose out of the negotiations and Territory discussions with the Commonwealth are still being pursued but I should inform the House that these matters appear to be capable of satisfactory resolution. The Commonwealth government also shares this view for, in March of this year, the Prime Minister indicated that the Commonwealth had found the attendance of the Territory representatives most useful and extended an invitation for the Territory to send an observer to the second round of negotiations to be held in Jakarta later this month. As an indication to the House of the importance which the government attaches to the situation, the Solicitor-General will be representing the government of the Northern Territory at the second round of the negotiations and he will also be accompanied by a senior officer of the Fisheries Division of the Department of Industrial Development.

The area in question is of importance to the economic development of the Northern Territory not only because of the importance of off-shore minerals and the effect that development of such mineral resources would have on the Territory economy but also because of the development of fishing boundaries between the 2 countries. The government recognises the significant contribution that the existing fishing industry has already made to the development of the Territory. It is among the foremost important local industries. The contribution of fisheries to the total value of primary production for the Northern Territory, excluding mining, is of the order of 30% whilst, amongst the states, the fisheries contribution does not exceed 6%. The significance of the industry to the economy of the Territory is therefore unique. The fisheries in waters adjacent to the Northern Territory, including those which are as yet undeveloped, are seen by the government as a valuable self-renewing resource. There is potential for those fisheries to provide the raw material for a diverse and permanent industry.

Because of the importance of seabed and water resources - that is, seabed minerals and the fishing industry - the Northern Territory regards the negotiations between Australia and Indonesia as extremely significant. I will keep the House advised of the progress of these negotiations and the ramifications of the ultimate decision for the Northern Territory. I move that the statement be noted.

Mr ISAACS (Opposition Leader): The opposition welcomes the statement made by the Chief Minister and is very pleased that the Northern Territory government will be present at such a top-level discussion. It is pleasing that the Australian government does recognise the great potential to the Northern Territory in relation to its fisheries and that it recognises its interest in the matter of the seabed delimitation negotiations with Indonesia. I simply want to make one comment about the statement made by the Chief

Minister. One sentence tells the story of East Timor and I believe that that chapter in the history of Australia, indeed in the history of the world, is a very sorry one indeed. I am pleased that the Solicitor-General, a top-level public servant, is going to Indonesia to represent the Northern Territory. I would hope that the Solicitor-General would have the backing of the Northern Territory government to seek assurances from the Indonesian government that those people in East Timor who oppose the Indonesian regime are given assistance and protection and that every assistance is given to those people in East Timor who seek to migrate to Australia.

Mr EVERINGHAM (Chief Minister): I did not intend to reply to the Leader of the Opposition's statement but the record of this House will show that my views on East Timor have been put as unequivocally as those of anyone in the Northern Territory. Nevertheless, I think the Leader of the Opposition misinterprets the status of the Northern Territory at these negotiations. We are there, by invitation of the Commonwealth government, more or less to proffer advice to the Commonwealth negotiators who are negotiating for Australia as a sovereign independent nation. Our advisers will put our views to the Commonwealth but they have absolutely no standing so far as Indonesia is concerned. The views of our advisers may or may not be accepted by the Commonwealth itself. Therefore, it is quite unreal of the Leader of the Opposition to expect not only that our views be put direct - if they were the views that he suggested we should hold - to the Indonesian government, but they should be put to the Indonesian government by a statutory official. If we do hold those views, then they should be conveyed to the Indonesian government at a political level. In any event, I rather feel that the Northern Territory government has not been granted as yet a foreign affairs power and it is one that I am not at this stage seeking.

Motion agreed to; statement noted.

APPROPRIATION BILL No. 2
(Serial 295)

Bill presented and read a first time.

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

This bill comprises the additional estimates for the 1978-79 financial year. The purpose of the bill is to redistribute, by appropriation, sums already granted by the Assembly in Appropriation Bill No. 1 1978-79. The bill is an adjunct to the Northern Territory budget and caters for essential expenditures which can be financed by savings elsewhere in the departmental budget. In other words, the bill will not vary the total of the $350,603,000 appropriated in the original budget. No new tax measures are proposed.

Honourable members will note that the explanatory document accompanying the bill is designed to provide the information necessary for a ready understanding of the purpose and intent of the bill. The introduction into the Assembly of the 1978-79 budget represented a further major advance towards constitutional development. It showed quite dramatically the increased level of financial responsibility now placed with this Assembly. In coming to grips with this responsibility, the government has adopted a flexible approach as is demonstrated in the bill now before the House.

Members of the Assembly are aware that, during previous sittings of the Assembly, I tabled orders made in accordance with section 13 of the Financial Administration and Audit Act which enables the Treasurer or the Administrator acting with the advice of the Executive Council to approve a transfer of funds

and, in doing so, vary the allocations approved by the Assembly. It is my view and the view of the government that this Assembly is entitled to be fully involved in the funding processes of our administration. I have therefore included the 4 orders tabled to date in the bill. This will provide honourable members with an opportunity to debate the appropriation sought by the government throughout the year.

For a variety of reasons, departments will underspend in certain areas in 1978/79. For the benefit of honourable members, I point out that savings within departmental allocations occur in many ways and are not a sign of inefficiency. Savings are made by contract prices for capital works or roads or stores being lower than estimated or by capital works projects falling behind schedule and thereby reducing the funds required for progress payments. Another example would be savings resulting from site investigations proving that a particular bridge or dam or water supply had to be deferred pending alternative site investigation. Delays in the filling of staff vacancies also contributes to savings as do a hundred other topics.

It is an accepted part of the budget process that governments should be flexible enough to move quickly to reallocate resources where underspending against original appropriation occurs. My government has been continually monitoring expenditures throughout the year and, where necessary, has acted to make the best possible overall use of cash resources which have become available because of underspending. The Appropriation Bill No. 2 is therefore an expression of the government's intention to provide flexible financial management in the best interests of the people of the Territory. I now turn to items of special interest in the additional allocation. I will refer to the items under general headings and draw honourable members' attention to the specific details in the explanatory notes tabled with the bill.

Changes in administrative arrangements: as part of the redistribution of funds, the bill provides for the transfer of funds arising out of changes in the administrative arrangements for departments. The Administrator, acting on the advice of the Executive Council, has redistributed some departmental functions. As a consequence, the transfer of appropriations has become necessary and this bill will remedy this situation. The amount involved for the transfer of functions of the Electricity Commission, automatic data processing, land acquisition, industrial training unit and Liquor Commission account for $18m of the total redistribution of $30,291,000.

Staff: the bill provides $690,000 for additional funding to various departments and authorities mainly arising from the transfer of Aboriginal essential services in September 1978 and government regulation of the uranium province.

Government Insurance Office: the Territory Insurance Office Bill is currently in the second-reading stage before the House and will be further debated during this session. The Appropriation Bill No. 2 makes provision for the insurance office to be established.

Tourism: an amount of $92,000 is included in the bill to meet promotional expenses associated with the government's intention to continue a high level of support to this most important industry.

Uranium: as development proceeds in this area of major importance to the Territory economy, the government has provided $100,000 as its contribution to the Jabiru Development Authority and $125,000 for essential police services.

The heading "other services" in various departments mainly provides for community aid projects including Aboriginal essential services, local government, the Smith Street Mall, losses on the Darwin bus services and grants-in-aid. The government has taken the opportunity to assist worthwhile organisations to provide community-oriented welfare, sporting and other social facilities in towns throughout the Northern Territory. An additional $2.5m that was provided for grants-in-aid is proof of the government's strong desire to bring to Territory residents facilities at a level already enjoyed by other Australians.

Police services: my government is determined to upgrade police services in the Territory to a standard compatible with its size and distribution of population. A sum of $572,000 has been provided for the purchase of equipment that is designed to improve the resources available for transport, rescue and criminal investigation.

Mr Speaker, I foreshadow that it will be necessary to pass this bill through all stages during this sittings and I commend the bill to honourable members.

Debate adjourned.

SUPPLY BILL
(Serial 294)

Bill presented and read a first time.

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

Mr Speaker, authority to spend money from the current annual Appropriation Bill No. 1 lapses on 30 June 1979. Legislation is therefore necessary before 30 June to provide for expenditure between that date and the passing of the Appropriation Bill for the coming financial year. The Supply Act normally provides for 5 months expenditure with sufficient funds being provided to ensure the ordinary continuation of civil works programs, road works and normal services of government. The act is, in effect, interim appropriation legislation. The bill before us provides for a total expenditure of $207m which is allocated by division and subdivision to the various departments and includes provision for the transfer of the education function from the Commonwealth to the Northern Territory government on 1 July this year. I wish to emphasise that the Supply Bill is not to be interpreted as anticipating in any way what amounts might be included for any particular service in the 1979/80 budget for the Northern Territory. In normal circumstances, the amount included in the Supply Bill is calculated as a proportion of the previous year's appropriation and not of the forthcoming budget. However, there are special circumstances associated with this bill. These include the transfer of education, one-off payments which fall due in the supply period and revoted capital expenditure which must be paid during the supply period. I therefore caution members against drawing conclusions about the Territory's financial position next year from the figures contained in this bill. Members will note that the bill contains an appropriation entitled "Advance to the Treasurer" from which the Treasurer may allocate funds to meet emergent and unforeseen expenditure which is not specifically provided for elsewhere in the bill. The use of this advance is subject to section 14 of the Financial Administration and Audit Act and an amount of $1.49m has been set aside for this purpose.

I will now comment briefly on some of the expenditures included in the bill. Funding is provided as follows: capital works sponsored by the department - $46.5m; repairs and maintenance, including roads, highways and

buildings - $13.1m; a construction program of the Housing Commission - $14.65m; education - $24.6m; Darwin Community College - $3,8m; Territory Development Corporation - $2.8m; and Territory Parks and Wildlife Commission - $3.75m.

As mentioned earlier, it is necessary to have these appropriations available to government from 1 July 1979 and I therefore foreshadow that it is proposed that this bill pass all stages during this sittings. I commend the bill.

Debate adjourned.

MOTOR VEHICLE DEALERS BILL
(Serial 243)

Continued from 8 March 1979.

Mrs O'NEIL (Fannie Bay): Mr Speaker, honourable members will be aware that this Motor Vehicle Dealers Bill is 1 of 2 bills currently on the notice paper that provide for the registration of dealers. I introduced the first as a private member's bill last November and the bill before us today was introduced by the then Minister for Community Development in February. I believe both bills have advantages and disadvantages and I guess that the best legislation for the people of the Northern Territory would be a combination of the best features of both. However, the government has indicated that it will be proceeding with its own bill.

The fact that both bills have been introduced indicates the concern of the members of this House and of the community generally. There is concern about the situation relating to the sale of motor vehicles, in particular second-hand motor vehicles. There is a great need for legislation to govern this activity in the Territory. It is something which has happened in other states of Australia over the past few years. South Australia introduced legislation as early as 1972 and, subsequently, other states followed suit. In the Northern Territory, we are only just catching up in this vital area of consumer protection. This legislation is supported by the recently formed Motor Traders Association. I have had discussions with this group, as have members of the government, and it is keen to ensure that its industry is properly regulated for the protection of both itself and the consumers.

There are a number of differences between the bill that I introduced, which I believe follows more closely the legislation in other states, and the bill introduced by the government. Some of the areas which have been omitted from the current bill are ones which protect the dealers and I refer members to the lack of provision in this bill for a notice for excluding defects. This is a common practice in legislation in other states. It allows dealers to sell cars more cheaply as long as they advise the purchaser by notice that there are certain items which need repair in the car. Obviously, this affects the price. I can see that such a provision would be of great benefit to young people, for example, who might wish to buy a car which has defects and do it up themselves. I am surprised that the government did not consider the benefit to both consumers and the industry that such a provision would provide.

There are a number of other areas of concern to the dealers which I am sure have been brought to the attention of the minister. One that I would like to talk on briefly is the defined contract. In the Victorian legislation, there is, under the regulations, a standard contract which is used for the sale of vehicles governed by that act. I understand that local dealers, for

their own protection, will be very happy to have such a provision included in the Northern Territory act. It protects the consumers as well. Such a contract would contain various details, including the price and the mileage of the vehicles, and would be signed by both parties. I recommend to the minister that he consider this. I think it would probably require a future amendment. During discussions I had about this bill with people in New South Wales, I was informed that the Standards Association of Australia has a subcommittee dealing with consumer contracts and it could well be that that organisation would be able to recommend a suitable form for that purpose. When you consider the number of sales of motor vehicles in the Territory throughout a year, I think it would be very valuable to have a standard contract for what is, or should be, a standard business undertaking.

One of the things that concerns me about this bill is the lack of any provision which would protect purchasers of vehicles sold for less than the stipulated $1500 price because the warranty provisions do not apply below that figure. I believe that many vehicle are, or will be sold under that price. It would probably come to the attention of the registrar and, in due course, he would look into the licensing of dealers who were taking advantage of the $1500 limit. Nevertheless, I do believe it would be possible in this legislation to have provisions which would help to protect people purchasing vehicles for less than $1500. Certainly there are virtually none in this legislation other than the provision that they must be registerable. In New South Wales, they require a certficiate of inspection for vehicles sold for less than $1500. It is an offence to sell a vehicle for less than $1500 without a certificate of inspection evidencing the roadworthiness of the vehicle. It is very difficult to know exactly how we should approach this matter here. If we require, as this bill does in one clause, that vehicles must be registrable then a further such provision should be inserted.

I have proposed an amendment, similar to provision in state legislation, which would protect persons who purchase vehicles for less than $1500. That amendment provides that a notice should be displayed on the vehicle to indicate the price and other relevant details. The purchasers would then have slightly more protection than they would have under this bill which provides virtually no protection. The dealers have said that they are not happy with such a provision because the buying and selling of motor vehicles is one of the few areas in Australia where the bargaining process applies. They argue that when people are purchasing a second-hand vehicle, they expect to bargain the price down. It could be that the price displayed on a notice would not be the price at which the vehicle was sold. Nevertheless, I think the display of such a notice would be of particular benefit to some members of our community, particularly the less literate. People might well say that the relevant details will be included in the register and indeed they will. But, Mr Speaker, we know that many people will not be aware that a register exists or will not be able to follow the register or demand to see it or even be able to read it. The provision that a notice should be displayed on a vehicle would help those people. Obviously, Aboriginal people would be one class of persons who might benefit by such a provision.

There are further aspects of the bill which I intend to pursue in the committee stage. The opposition supports the bill because we feel very strongly about the need for this sort of legislation in the Northern Territory. However, we do have those few reservations which I have mentioned.

Mr STEELE (Transport and Works): This legislation is 17 years too late to save me from myself and from the compelling salesmanship of - to use his nickname - Tommy the Stallion who used to operate out of what was

formerly Johnson Motors.

The purchase of a vehicle represents a major drain on many peoples' income. The honourable member for Fannie Bay raised the matter of bargaining and I suppose we need protection from ourselves, to a certain degree, because we all look for a bargain. In some cases, greed determines the end result rather than good judgment. The second-hand car business is fairly competitive and the purchaser should have experience in pricing the vehicle, assessing its past history and identifying its mechanical faults. I think that this legislation will provide some sort of a basis for regulating the various aspects of the industry. I have heard of car salesmen being taken to the cleaners. Not too many people realise this but it happens quite often. A fellow will trade a vehicle and it will sit in the caryard for 12 months at great expense to the caryard operator. It is not a matter of defence of caryard operators. I know of one particular case and I am sure there are plenty of others. One particular vehicle sat in the yard for over a year and it cost the fellow a lot of money. Most of the dealers I know - I think all of them at this stage; one fellow has since left the Territory - are fair dinkum. I think it is a gross misrepresentation to identify political candidates by saying, "Would you buy a used car from that person?" The respectable dealers have a voluntary code of conduct which I believe is working fairly well except for the case which we have been reading about in press reports. The dealers have assisted the government in drawing up the legislation and, like most legislation, no doubt there are fine points that will need tidying up in the committee stage. They recognise the need for the legislation and they are happy that their future reputation will be protected by this legislation.

A most important aspect is the bill's relevance to road safety. The bill provides in clauses 48 and 49 that vehicles must be registered in the Northern Territory or be of a standard to be registrable in the Territory at the time of sale. This will put an end to the importation of vehicles from South Australia into Alice Springs specifically for sale to Aborigines. The Northern Territory, with its annual vehicle testing program, ensures a high standard of safety of registered vehicles. Under clause 49, a vehicle sold by a dealer as roadworthy must be mechanically sound. It must have its brakes, tyres, steering, lights, wipers and seat belts tested. These vehicles must be capable of passing an inspection by an authorised inspector under the Motor Vehicles Act. This should put an end to unsuspecting purchasers driving unroadworthy vehicles on the road at risk to themselves and at great risk to the public at large. Together with the statutory warranty, this should lead to a generally high standard of mechanical efficiency of the vehicles, thus contributing to the road safety that we are so desperately striving to attain.

Under clause 20 (8), a person can elect to purchase a vehicle without warranties. A person who signs such a contract acknowledges that he is aware of the actual condition of the vehicle. The enactment of this legislation will put us in line with prevailing legislation in the states. It is a valuable piece of legislation which deserves the support of this House. I commend the bill.

Mrs LAWRIE (Nightcliff): Mr Speaker, I rise to support the legislation with a great deal of pleasure as I would have supported the legislation introduced by the honourable member for Fannie Bay. In the dying stages of the Legislative Council, I introduced legislation which did not pass at that time and which embodied most of the points now before the House. I want to speak in particular of a couple of things which have not been mentioned.

Clause 7 states: "A person shall not in the Territory carry on the

business of a dealer or hold himself out as a dealer unless he is the holder of a licence". There has been considerable concern in the community - and I speak of Darwin, not having any knowledge of what happens in Alice Springs - where people have read ads in the paper which led them to believe the car under consideration is privately owned and the sale is a privately arranged deal. Upon attending that address, they find that the person offering the car for sale is in fact a dealer, perhaps one could categorise him as a backyard dealer. They are constantly offering on suburban blocks car sales which purport to be private deals but are not in fact. The registration of licensed dealers should put an end to that practice which most people find quite unacceptable and which has led reputable dealers to feel that their reputation is being further besmirched by the activities of a few who operate in a most peculiar way and, in some cases, in an underhand manner.

I have been involved in trying to obtain satisfaction for some of my constituents who have bought cars in this manner and, when one is speaking of protection for the consumer and protection for the industry, one has to realise that used-car salesmen, like salesmen in most areas, are skilled at the job of selling. The public deserve a little more protection because, as distinct from the professional dealer and seller, they are always just a little more gullible. It is not their job to buy cars every day of the week and they are likely to get the worse end of the bargain if they are dealing with someone not particularly reputable. I am well aware that car dealers in the commercial sense welcome registration because it will protect them from the activities of an unscrupulous few.

Clause 8 deals with the granting of a licence to people. Paragraph (c) has not received any mention but I think it is worthy of comment: "Having regard to the scope of his proposed business operations and the liabilities he may incur in the course of carrying on business as a dealer, he has sufficient material and financial resources to carry on business as a dealer". Some people say that this Assembly seizes every opportunity to inquire into the financial status of the people whom it is going to licence for a variety of activities. One must realise that further on in the bill there is the right to appeal against the refusal to grant a licence and that right of appeal to a magistrate largely deals with the objections so raised. It has been put to me that anyone can set up business as a butcher or a baker or a candlestick maker without having to satisfy particular statutory requirements so why then should a dealer have to satisfy someone that he has the background and financial capabilities to enter into the industry? Others have put up bond money - bookmakers for example - and, in this rather volatile industry, I am not prepared to uphold those objections. They can be overcome by the appeal provisions. I do think it is a bit amusing, though, that the free-enterprise party put such controls on an industry. Perhaps the person who is taking control of the bill may wish to make some comment on that.

Clause 49 has received comment. That is the clause saying that the vehicles must be in a registrable condition. That, of course, is the essence of the whole legislation and when one reads that in conjunction with clause 20 (8), it becomes obvious that what I tried to do years ago will now be done. A person now buying a vehicle will take it that the vehicle is registrable, that is a condition of the sale. If he deliberately buys a vehicle which is not registrable, there are provisions whereby he must sign a form indicating that he understands this.

I share the concern of the Minister for Industrial Development and the member for Fannie Bay that the less sophisticated members of our society have been pressured into buying absolute bombs which are death traps. One can only hope that, with the passage of this legislation, some form of education can be carried out to make it clear to the less sophisticated, the

less literate - in some cases, people with a very poor command of English but who can still satisfy the requirements to obtain a driving licence - that this particular piece of paper is of prime importance and that, if they sign it and accept a vehicle in that condition, they have waived certain rights which they would otherwise have had under this legislation.

It is not the province of this Assembly to debate whether or not that can be encapsulated in the bill. That would be a fairly ridiculous condition. I only bring it to the attention of the sponsor because, as Minister for Community Development, he is in a position to provide assistance to groups providing classes in basic English and other skills. He could urge them perhaps to incorporate this as part of their course so that people will know what they are signing. It is a sad fact of life that often people will sign any piece of paper without even having read it. If that happens, a lot of the good force of this legislation will be lost. With that small reservation, and I agree that the Assembly members cannot do more than draw it to the attention of the public, the bill has my support.

Mr VALE (Stuart): I would like to add my support to this legislation. There are many motor vehicle dealers in Central Australia and a large majority of these dealers support this legislation. Those who oppose it, and there a few, can only be described as the sellers of unroadworthy bombs. The vehicles that these people sell in most cases bear interstate registration plates. They have not been subject to any roadworthiness checks which, in many cases, they would fail and this in itself is a grave cause for concern. Secondly, these interstate-registered cars are providing other states with registration revenue while using Territory roads.

Clause 48 of this bill is probably the most important. It will ban the sale of interstate rust-buckets and unroadworthy vehicles and provide the Northern Territory with additional revenue. Members of the Motor Vehicle Association recognise the need for government legislation which will control but not stifle this needed industry and legislate for control which will not disrupt or inflate the ruling prices for second-hand vehicles.

Similarly, this legislation, while recognising the need for warranties onsecond-hand vehicles, respects the freedom and right of a person who wishes to purchase a second-hand vehicle without a written warranty. I would think that the warranty levels are probably the most difficult to set for the Territory. Central Australia, in particular, does not enjoy a large number of out-of-town sealed roads. This problem is presently being remedied with a massive road-sealing program now underway in the Centre.

The granting of a dealer's licence does not necessarily mean that a dealer who may go bad remains unchecked. While his right of appeal is protected, the industry's name and consumer's dollar are also protected against this rogue or potential rogue. This legislation will go a long way towards protecting unsuspecting customers from being taken for a ride and will also assist in reducing a large number of motor vehicle accidents in the Northern Territory.

Mr DOOLAN (Victoria River): Mr Speaker, the opposition welcomes the introduction of this bill. I believe that most members of our community are well aware of the irregularities and sometimes outright dishonesty which have taken place on occasions in the sale of vehicles by some, but certainly not all, motor vehicle dealers.

The Minister for Transport mentioned that the newspaper had given some reference to a couple of bad cases recently. I recall that there was one

concerning malpractice of a particular dealer who agreed to sell cars and forward the balance of money received, less commission, to various people who had left their vehicles with him for sale and he subsequently failed to do this. The second drew comments from both the magistrate and the prosecutor. It concerned a vehicle dealer who had sold an unregistered and uninsured vehicle to an Aboriginal who had been arrested for a driving offence. I do recall very clearly that, in the early 1970s, a dealer from Mt Isa transported over a period 3 semi-trailer loads of the most incredible bombs to Wave Hill and sold them. They now rest in peace along the road between Wave Hill and Wattie Creek; most of them did not make the 9 miles between the 2 centres.

Another thing which I observed in my electorate is the number of abandoned motor vehicles around the countryside with the registration plates still on them. Perhaps more attention could be given to ensure the people who abandon vehicles permanently remove the number places because they could easily be taken off and affixed to an unregistered vehicle. This is most noticeable in my electorate.

It is hoped that this bill will prevent many of the malpractices and dishonesty which some of the snide dealers have engaged in in the past. The bill seems to me to be quite fair and just to honest dealers and certainly will assist the public in receiving a fair deal in purchasing secondhand vehicles in particular. I would especially commend clauses 7 to 13 relating to the issuing of licences. These clauses would appear to exclude persons unfit to become licensed dealers whilst remaining more than reasonable to those people who are likely to carry on business as motor vehicle dealers whilst carrying out a service to the public and still remaining solvent. I had intended to comment on clause 48 (1) but I see we have an amendment to omit it. I was going to say that I thought it quite unfair that a dealer could not, if he wishes, purchase a vehicle registered in a place other than the Territory. I do agree that he should not sell one that is currently registered in a place other than the Territory.

The only real criticism I would like to make of the bill relates to clause 44. It states: "Where the commissioner or inspector is empowered by this act to require a person to do anything, the commissioner or inspector may make a requirement orally or in writing served upon that person". I do not think it a terribly onerous thing for the inspector to have to put the instruction in writing. I do not think that an oral instruction from the commissioner or inspector to require a person to do anything is sufficient. I can see no valid reason why any instruction from the official empowered to issue such instructions should not be in writing. Human nature being what it is, people are prone to forget or misinterpret oral instructions and misunderstandings could occur both on the part of the official and the dealer. A written instruction would be much more explicit and less likely to be forgotten or misunderstood. For this reason, I believe that "orally" should be deleted from clause 44. If it remains, I believe it would be quite unfair to motor vehicle dealers and could also be unfair to inspectors.

My final comment is that I would very much like to see in this clause a part of the honourable member for Fannie Bay's bill. It is clause 28 of her bill. This reads: "A dealer may affix or attach to any second-hand vehicle offered or displayed for sale a notice in the prescribed form setting out, with reasonable particularity, any defect that he believes to exist in that vehicle together with, in relation to each such defect, his estimate of a fair cost of repairing or making good that defect". I think that is a very good thing. There is another part: "If, in any notice referred to in subsection (1), the amount estimated by the dealer is the fair cost of repairing or making good that defect, the purchaser may sue for and recover the difference between those fair costs as a debt due to the purchaser from the

dealer". I would like to see the bill presently before the House amended to include this clause at least. The opposition commends the bill.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I will be quite brief in support of the bill. I believe it is very important and I would like to touch on 1 point that the honourable member for Nightcliff raised: the principle of the free enterprise parties sponsoring such strong legislation. I profess to be a sponsor of free enterprise but, unfortunately, all the crooks are not in free enterprise. I think one of the things that this bill is trying to do is to bring back to the field the undesirable activities of many people who are not in the industry or free enterprise so far as selling vehicles are concerned.

Mrs O'Neil: What are they in?

Mr TUXWORTH: There are many people who are not in business at all officially but who are pretty heavily involved in dealing in vehicles that should not be on the road. I bring to the notice of the House an incident that happened recently at Warrabri where an Aboriginal came to me and said, "I have had a hard time. The policeman took my car off me and I can't get home to Yuendumu". I was talking to the policeman and he told me that this gentleman had arrived from Yuendumu in a car that had no brakes, 1 gear, bald tyres and 1 light. How he ever got there is a miracle. Not only was he a danger to himself, he was a threat to the safety of everybody who passed him. It turned out from the inquiries that the policeman made that this man had not bought the car from a second-hand car yard or from the industry but from a person who perhaps should have known that he was selling a mobile coffin. Despite the fact that the man was willing to buy it, it should never have got onto the road, I believe the practice that is about to be encouraged in this bill of ensuring that vehicles are at least roadworthy is one that is to be commended.

The honourable member for Fannie Bay raised the point whether cars sold for under $1500 should have a warranty. I think anybody who has bought a car or sold one recently would realise that you do not get much for $1500; in fact, you do not get much for $3000. To try to enforce a warranty on a vehicle for a lesser amount that that would be extraordinary.

I think the bill is very timely. It is one that the industry was reluctant to agree to in the early stages but they can see that, in the long term, it is in their own interests to have legislation of this nature to protect their own good name as well as to discourage people who are involved in devious practices.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, like the other members who have spoken today, I fully support this welcome piece of legislation. It will be welcomed by the general public and reputable motor dealers as well. In any trade, profession or calling, there are reputable operators as well as others who are perhaps not so reputable and it is always these latter whose operations grab the headlines and whose work people talk about most, all to the detriment of the honest, reputable, professional or trade person.

The Motor Vehicle Dealers Bill has been introduced not only to regulate the sale of second-hand vehicles but also the sale of new vehicles. It is all-embracing and goes along the way towards regulating certain procedures in these sales which have caused trouble to the general public in the past. I say this bill goes a long way because no doubt, as with all legislation which has to keep up with the times to be really effective for the use for which it was introduced, there will be changes as these become necessary.

The definitions in this bill are most comprehensive. They cover all possible types of dealings, dealers and associated things. The subject of administration is clearly and simply covered in clauses 5 and 6 so that there can arise no confusion with interpretation. The licence to operate as a dealer ensures that not only the individual but a corporation has to undergo an inspection as to their capabilities and suitability before being allowed to operate. If the application for a licence is objected to or refused, the applicant does have the right of appeal to a magistrate with a further point of appeal in that the commissioner shall hold an inquiry.

Clauses 14 to 26 set out in some detail what will be allowed by law and what will not. In clause 15, it is stated that the licensed dealer must enter into his dealings register all the details about a particular motor vehicle or car. It has been drawn to my attention that, in California, new cars as well as second-hand cars are required to have all their details registered. It was drawn to my attention that something like this might also be helpful regarding optional extras in new cars. If I could give the example of a Falcon and a Fairmont. The figures that were given to me are only roughly approximate. The basic car details would be something like this: with 4-speed gear box, carpets, bucket seats, radio, it would come to $8306. The options are: airconditioning, $606; a rally pack, $112; sunvisor, $37; seat covers, $96; and roof rack, $81. This gives a total of $9,238 for the Falcon with those extras. If the dealers had to state clearly what options could be bought and their price, this would keep perhaps the ones which are not quite so honest a bit more honest and stop the dealers selling models when the client can often option the car to his choice at a cheaper rate. The Falcon, with the extras and options to take it up to the Fairmont standard, would cost $9,238. The Fairmont ex-stock costs roughly $9,999. There is a $700 difference yet the options should be cheaper in the factory-produced car. This may not be happening now in Darwin but it has been told to me that it has happened in the past on quite a few occasions.

Clauses 16 and 17 state that it is incumbent on a person furnishing information to a dealer regarding a vehicle to make sure that the information is correct. Surely, if the dealer has to work to get correct information regarding vehicles to the public, then he or she must in turn receive correct information.

Clause 20 deals in a comprehensive way with defects, in relation to a warranty, which may become apparent a short time after the vehicle is sold. It is very easy for a competent mechanic who is not reputable to do work on a used car that could show a vehicle to be in A1 condition but, when subjected to a bit of wear and tear on the road, will show the true nature of the shonky work done previously on the car. I know that all buyers must beware of faults in an article before buying but, when an effort has been made to confuse, falsify or otherwise change the true condition of the vehicle before sale so as to tell a lie to the customer, then I believe the customer must be protected.

Clause 29 states that a dealer must clearly display his or her notice to say that he is a licensed dealer. This is similar to conditions surrounding registered business names and other official commissions.

Clause 49 is very important in that a vehicle sold must be registrable and I fully agree with this. This means that it must be in good running condition with none of the defects which would prohibit its being registered. This is a tandem clause with clause 20 that deals with defects. This bill will ensure that safer vehicles are on the road and may bring down our high road toll in the Northern Territory. It must be applauded if only for that. I support the bill.

Mr DONDAS (Community Development): It was originally stated by the Minister for Community Development that this bill had been introduced at the request of the general public throughout the Northern Territory and the motor vehicle dealers themselves and because of the number of complaints that the Consumer Protection Council has received against the motor industry. Originally, the trade desired safe regulation. However, their consensus of opinion was that the concept was not practical and they requested legislation which laid down trading guidelines. This bill sets down trading guidelines and also licences dealers.

The act will be administered by the Commissioner of Motor Vehicles Dealers with the logical appointee being the Commissioner of Consumer Affairs. It is not envisaged that additional staff will be required and therefore he is the logical contender for that particular position. The opposition bill provided for a statutory authority which is expensive, unwieldy and inefficient.

Care has been taken to frame the bill so that only financially sound, fit and proper persons are issued licences. The day of the fly-by-night traders is gone and that perhaps would answer the question that the honourable member for Nightcliff has raised in relation to clause 8. We must take into consideration the vast amounts that are required in modern dealerships to buy stock, spare parts and other things which would make their particular businesses a success.

The major concept in the bill is that an implied condition of the sale of every vehicle is that it be in a roadworthy condition. Minimum warranties are prescribed and the warranties proposed will certainly not distort present market prices and will allow dealers to give better warranties if they so desire. Another important feature is that the purchaser may elect to purchase a vehicle without any warranty, express or implied, provided the parties sign a prescribed contract and the purchaser also signs a declaration to the effect that he understands the conditions of the contract.

The honourable member for Nightcliff also raised a point in relation to contracts. I think that it is very important that we do make sure that the commissioner does make some provision that the people in Aboriginal communities will receive some consumer education in this particular area.

The opposition bill falls short in that there are no implied conditions of roadworthiness. It certainly does not allow the flexibility of the government bill and it will distort the market price of the vehicles. The experience of southern states where warranties are required in relatively low - priced vehicles show that the sale price is inflated by at least $300 to cover this contingency. The opposition bill fails in this area and has made no attempt to rectify the current situation where unscrupulous dealers are importing bombs, particularly from South Australia, and selling these unroadworthy vehicles in the Northern Territory.

Before proceeding with other remarks, I would like to foreshadow an amendment to the definitions. The date of the manufacture of a motor vehicle will need to be amended to bring it into line with a resolution of a meeting of the Ministers for Consumer Affairs - the date of manufacture will be the date the vehicle leaves the assembly line. It is felt that is important because, on some occasions, the vehicles come off the assembly line, sit in the yards for 12 months or 18 months waiting for other little parts or components to be attached before the vehicle plate is put on the vehicle. In time, it is thought that rubber and other items will perish and are capable of falling apart before the vehicle is taken to the showroom for sale.

Honourable members opposite have raised questions which I am sure will be answered in the committee stage. I do thank members for their support and contribution to this very important consumer legislation.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 11:

Mrs O'NEIL: I will take the opportunity to comment on the appointment of the commissioner as raised by the minister in his reply. There are 2 comments I would like to make. One concerns the question of not having a statutory authority. Although that was desired by the trade, we certainly do seem to be establishing them left, right and centre at the moment. When you start paying several hundred dollars a day for sitting fees, they certainly become very expensive so I can appreciate the minister's argument on that one.

My second comment is that I think it is unfortunate that, in this bill, the possibility of the commissioner being able to arbitrate in disputes when that is agreed upon by both parties does not exist. Every dispute which might arise as a result of this legislation will have to go to the courts. The opposition bill, in line with the practice in various other states, gave the commissioner power to arbitrate and I feel that would have been a very desirable thing. It would reduce the costs to the people involved as well as reducing the time factor.

Mr DONDAS: In answer to the honourable member, it is noted that there are limited number of motor traders in the Northern Territory and the government has taken into consideration the findings of the consumer affairs office staff who maintain that they are able to handle the licensing duties. The office also has sufficient professional expertise to handle every aspect of these duties without having to call on outside assistance, apart from the Commissioner of Police who may object to an applicant should he consider him not to be a fit and proper person to hold a licence.

Clauses 1 to 11 agreed to.

Clause 12:

Mrs O'NEIL: I move amendment 78.1.

I am concerned at any legislation where there is a provision for a public officer to completely ignore an application or matter which comes before him. That seems to be the provision of 12 (6) as it stands. I can appreciate that nowhere else is there a provision which states when the commissioner has to deal with the matter but I do feel that the ability which he is given to completely ignore an application, is most undesirable. Therefore, I move the omission of that subclause.

Mr DONDAS: We do not agree with the honourable member. The sole activating mechanism which prevents the commissioner from pigeon-holing an application is the fact that the commissioner must inform the applicant as to the success or failure of the application within 3 months. After that 3-month period, if the applicant has failed, he will then be able to make an appeal.

Amendment negatived.

Clause 12 agreed to.

Clauses 13 and 14 agreed to.

Clause 15:

Mrs O'NEIL: I move amendment 78.2.

It seems to me - and I have had discussions with dealers on this matter - that the engine number is one of the most essential factors which is required to identify a vehicle. It is most important, whenever possible, to have the number prescribed in accordance with the register. The minister may say that it is not always known. Dealers have told me that they have assumed that, where the term "where known" was used, it applied to the body number which is frequently obscured. The engine number should not be obscured. It is obtainable and, therefore, it should be necessary to have it entered into the register.

Mr DONDAS: I agree that it is vital to have engine numbers. In some cases, they are obscured or changed. An old engine might be replaced by a new engine or the number may be partly obliterated when the engine is undergoing mechanical repairs. Sometimes, you might not get the whole set of numbers on a particular engine block; you might only have half of them. We do not support the amendment because there are some occasions where that is likely to happen. If a person has a vehicle that does not have a complete engine number on the block, then he will not be able to sell it. There are other ways of identifying that vehicle.

Amendment negatived.

Mrs O'NEIL: I move amendment 79.1.

I think that the cash price is the most basic element in the transaction and should be entered in the register for the purchaser's record of the transaction. I can see no point for not entering it. Once again, I have had discussions with the traders on this and they have no objection to it. Certainly, there is no requirement that the price that they pay for the vehicle when they purchase it should be entered into the register but the price or consideration for which it is sold to the consumer should be entered.

Mr DONDAS: We feel that it is unlikely that any disputes will arise over the cash price or other consideration given for a vehicle. It is considered that the amendment is not necessary.

Mrs O'NEIL: I find it hard to believe that it would not be relevant if you are determining, for example, which warranty provision should apply or indeed whether warranty provisions should apply or not. In that case, the cash price or its equivalent is absolutely vital, I can certainly envisage a number of cases where that will happen.

Mr DONDAS: I think it is picked up later on in clause 15 (2). If you are referring to a bomb or something that is going off to a wrecker for dismantling, why should you want to include the cash price in that contract when it has been agreed to before you can take it away. You would say, "That is what I am going to pay".

Mrs O'NEIL: Clause 15 (2) reads: "Upon selling or otherwise disposing of a vehicle that is not being demolished or dismantled". It is referring to vehicles that are being sold to consumers presumably for their use.

Mr ISAACS: The minister says that he does not think it is likely to occur and therefore the government thinks it is unnecessary. I would very

much like to hear from the minister what his attitude would be if, in fact, it does occur. It seems to me that, if there is some dispute about it, the member for Fannie Bay's amendment would cover that position.

Mr DONDAS: In light of the fact that several good points have been made, I will agree to the amendment.

Amendment agreed to.

Clause 15, as amended, agreed to.

Clauses 16 and 17 agreed to.

Clause 18:

Mrs O'NEIL: Clause 18 says that a dealer shall not sell or otherwise dispose of to a person under the age of 18 years a motor vehicle without the consent of that person's parent or guardian. I am certainly happy to see this but I understand that such a sale would be illegal anyway because a person under the age of 18 years could not enter into a contract unless of course the item was a necessary item. I suppose it could be argued that a motor vehicle might be necessary for a 17-year-old to get to and from a certain place of employment. I do not oppose the clause but it is interesting when you consider it in the light of the existing legal situation for persons under 18.

Clause 18 agreed to.

Clause 19:

Mrs O'NEIL: I move amendment 78.4.

This inserts a new clause after clause 19 making a dealer put a notice prescribing certain particulars on a motor vehicle for sale. They are not very complicated particulars: the cash price of the vehicle, the distance of its travel, the make, model, designation, type and year of manufacture. Those details will already be in the register but we know there are many people in the community who may not be aware of the existence of a register or be able to follow it. It seems to me that no harm can be done to any person by having this requirement. It could be fairly routinely done and it could benefit a number of people in our community.

Mr DONDAS: The new clause makes it mandatory for this particular information to be placed on a motor vehicle. As the honourable member said, it is information that is already provided in the register. The reason that we do not want it is that some motor vehicle dealers are already placing this information on vehicles. A prospective customer could come along and take this particular notice off the vehicle and then an inspector or someone else could come along and complain that it is not there. We feel that there is enough information being provided in the register. We do not support the amendment.

Mrs O'NEIL: I do not think the argument that somebody might take the notice off is a terribly compelling one. You could make the material of such a nature that it is difficult to remove or you could place it inside the vehicle. Presumably, dealers are running caryards competently and keep an eye on the vehicles. They would notice if it was missing and could replace it. We all agree the information is in the register but I am convinced that many people will not know of the existence of registers or be able to follow them. I feel that this will be of particular benefit to them, particularly

where vehicles will be sold for less than $1500 and therefore not be subject to warranty.

Mr DONDAS: I will still stick to the same argument. If some used car dealers put them up on a voluntary basis, you will find that others will follow suit. We do not want to make it mandatory.

Mrs LAWRIE: There is a point in this amendment which has not been brought out and which was put forward by the then member for McMillan, Tom Bell, unsuccessfully time and time again: the prospective buyer has the right to know the cash purchase price of a vehicle. The motor trade is one which is particularly prone to getting people to buy vehicles on terms which extend the price of the vehicle sometimes in a manner which leads prospective buyers to over-commit themselves. By putting the cash price rather than a deposit, it is clearly known to the intending purchaser whether or not it is within his budget. We have to think of the way in which people go about buying second-hand cars. The cash prices of new cars are commonly known and easy to ascertain but the same does not apply to second-hand vehicles. It is in the interests of all, particularly finance companies who are extending credit to people who are sometimes most foolish, to have the cash price known at the outset. That point always leads me to support such an amendment as proposed by the member for Fannie Bay. To say that it would be available in the register does not cover this particular point at all. In earlier discussions with some dealers, there was a bit of opposition to the idea because people knew from the outset what they would have to pay. Surely this is the purpose of this legislation.

Mr DONDAS: Once again, I support the principle. It is all right for the honourable member for Nightcliff to say that the price of a vehicle can be 'X' amount of dollars and, if it is bought on terms, it will be more. The same thing can happen with houses and other properties. We borrow $42,000 from the bank to build a house and, by the time we have finished paying for that house, it costs something like $280,000. Should the same principle apply to people buying homes; perhaps, in the long run, it should. People often get a shock when they start working out what they have to pay for a house over the long term; it would certainly deter them from finding $42,000 and going into that commitment. The same thing would happen as far as used cars are concerned. A person talks to the salesman and finds out what the cash price of the vehicle is. At the same time, he would say, "I have a trade-in; how much extra do you want with my trade-in?" The dealer might give him a figure and he will say, "I have not got that capital. How much extra will I have to pay over a period of 12 months or 18 months". He already has that information or otherwise he is a fool.

Amendment negatived.

Clause 19 agreed to.

Clause 20:

Mrs O'NEIL: I move the amendment 78.5.

The purpose of this amendment is to change the wording of the clause slightly to bring it more into line with the wording of similar legislation in other states. It has been found there that, with the wording such as that in the bill, a person could return a vehicle to the dealer for some minor repair or to effect some minor changes to it and, during that period, the vehicle could be damaged and the purchaser would not be protected for that damage.

Mr DONDAS: Mr Chairman, we did have some confusion in trying to work out what the honourable member had proposed in regard to this amendment. I am glad that she has offered that explanation because the amendment is designed to incorporate a provision similar to the one in the New South Wales act. I have been in touch with the Commissioner of Consumer Affairs in New South Wales. He advised me that the provision is new and has not yet been tested in court. The object behind the provision is to put the onus on the dealer for accidental or malicious damage to a vehicle after it has been sold and is still in his possession for one reason or another. I also contacted the Commissioner for Consumer Affairs in Adelaide who advised me that South Australia had no similar provision but relied on common law and the insurance cover of the dealer. If they find that a dealer is not covered by insurance, he is told to insure. I have not been able to get the views of the motor dealers here because I have done this during the lunch break.

What we would like to do is rely on our own clause as it stands. In turn, it would rely on the common law and dealers to providing their own insurance cover. When they do not provide their own insurance cover, they have to put signs up saying that the vehicles are left at owner's own risk. It is not uncommon to see such signs at various service stations and parking areas.

Amendment negatived.

Mrs O'NEIL: I move amendment 78.6.

This is to insert a new subclause with the words: "occuring in the tyres, battery or any prescribed accessory of the vehicle". Accessories would be prescribed by regulation of course. This is a provision to protect the dealers from having to cover in the warranty items such as the tyres and battery and the innumerable accessories which the member for Tiwi enunciated in her second-reading speech. If the dealer has to cover these things by the warranty and if they are not excluded by the inclusion of a clause such as this, it would increase the sale price of vehicles.

Mr DONDAS: We want to be able to have these tyres and batteries included in warranty. With second-hand vehicles that cost $3,000 or even $6,000 a person should have that entitlement. For a vehicle that only costs $900 or $1,200, let the onus be on the buyer to negotiate with the dealer as to what type of warranty he wants. It should be a matter of course that any person buying a second-hand car of a reasonable value should have that kind of cover.

Mrs O'NEIL: The result will be that the price of vehicles will be increased by $50 or more to cover things like batteries.

Amendment negatived.

Clause 20 agreed to.

Clauses 21 to 30 agreed to.

Clause 31:

Mrs O'NEIL: I move amendment 78.7.

The view was put that it was unreasonable for the commissioner to be able to take documents and papers for what could be a considerable period and,

while he was in possession of those documents, the dealers would be unable to continue their business. Simply allowing him to keep those documents as long as it is necessary to make copies would solve the problems and would not impede the continuance of business in any way.

Mr DONDAS: Mr Chairman, I do not really see that that amendment does change the original intention of the government. However, I would like to defeat that particular amendment on the grounds that, if an inspector or commissioner desired to hold onto the documents for a court case, then the particular amendment, if successful, would deny them that information for court proceedings. By clause 31 (5) an inspector may make notes or take extracts from or make copies of any books, papers, accounts or other documents produced to him. In other words, he would be really complying with the dealers wish.

Mrs O'NEIL: Surely there are other provisions which allow that, if a document is required as evidence in court, it can be held. I would not have thought that that is what subclause (6) is for because, if it was required for evidence, it could be brought into evidence and not necessarily by the commissioner but by members of the police force who are enforcing this act.

Amendment negatived.

Clause 31 agreed to.

Clauses 32 to 43 agreed to.

Clause 44:

Mrs O"NEIL: I move amendment 78.8.

I move this amendment at the request of the dealers who felt it was unreasonable for an inspector to only have to make the requirement orally and that there would be no harm done if he was required to make the demand in writing.

Amendment agreed to.

Clause 44, as amended, agreed to.

Clause 45:

Mrs O'NEIL: I move amendment 78.9.

This inserts a new provision at the end of clause 45 so that the minister shall table in the Legislative Assembly the report which he receives from the commissioner on the operations of this act. Clearly, there is a lot of interest among members of the Assembly and indeed members of the public on the operation of this act. We are all keen to see it in action and certainly some of us are not convinced that it has everything in it that is needed. I am sure that all members of the Assembly would be pleased to have the commissioner's report tabled for public perusal so that we may see if it needs amendment from time to time or the inclusion of various provisions such as they have in other states.

Amendment agreed to.

Clause 45, as amended, agreed to.

Clauses 46 and 47 agreed to.

Clause 48:

Mr DONDAS: I move amendment 70.10.

This will allow dealers to buy motor vehicles in other parts of Australia but, before they sell them, they must register them in the Northern Territory.

Mrs O'NEIL: I support the amendment. It achieves what I was attempting to do by my amendment but this is much more efficient than mine. I think the dealers should be able to buy in other states.

Amendment agreed to.

Clause 48, as amended, agreed to.

Clause 49:

Mr DONDAS: I move amendment 69.1.

This is designed to bring the definition of "registered vehicle" in line with the policies of the Department of Transport and Works. It is also believed that the fourth schedule is too narrow. This amendment makes it a condition of the sale of a motor vehicle that it comply with all requirements of the Motor Vehicles Act and not just the fourth schedule.

Mrs O'NEIL: I am looking at clause 49. I support the amendment of the minister. I find it an unusual clause in that it does not have a penalty provision in it. Presumably, that is because of the wording and clearly any sale that takes place contrary to clause 49 would be null and void. I would have thought that, to have really enforced this intention to have all vehicles sold by dealers registrable in terms of the Motor Vehicles Act, there should have been a penalty provision included.

I also draw the minister's attention to an earlier provision which we have already passed: clause 15 (2) (c). It seems to me that this envisages that vehicles can be sold when they are not in working condition. I am just wondering if he can enlighten me as to whether it is possible in fact for any vehicles to be sold in accordance with 15 (2) (c) considering that we have now got this clause 49.

Mr DONDAS: I would imagine that 15 (2) (c) would not really pertain to the act by virtue of the fact that they would only be selling a heap of scrap.

Mrs O'NEIL: It does not just refer to vehicles to be demolished or dismantled; it refers to vehicles other than those being demolished or dismantled.

Mr DONDAS: I do not really think that it matters. Looking at 49: "It shall be a condition of the sale of a motor vehicle, other than a commercial vehicle, by a dealer that the motor vehicle is of a standard fit to meet the requirements set out in the fourth schedule as to registration". Clause 15 (2) (c) does not refer to registration.

Mrs O'NEIL: Perhaps the Minister for Transport and Works might be able to enlighten me as to whether you can register a vehicle if it is not in working condition.

Mr Dondas: You cannot.

Mrs O'NEIL: Therefore, 15 (2) (c) in fact will be inoperative.

Amendment agreed to.

Clause 49, as amended, agreed to.

Clauses 50 and 51 agreed to.

Mr ROBERTSON: I was one of those who persuaded the sponsor to remove the words "orally or". I would ask the committee's indulgence to report progress so that we can check the provisions in the Acts Interpretation Act. Obviously, we do not want a position whereby the inspector sends notice in writing by telegram and the dealer says that he did not receive it. It may be necessary to insert a provision pertaining to service of such a notice.

Progress reported.

FERAL ANIMALS IN THE NORTHERN TERRITORY REPORT

Continued from 8 March 1979.

Mr STEELE (Transport and Works): Mr Speaker, I am pleased to continue my remarks. I am sure the report has been well accepted by you all. It is a notable document in many ways and is the first report of a board or commission under the Inquiries Act since the Territory achieved its present measure of sovereignty. On every page that I turn, this report provides stimulating reading. It is well-written, well-presented and is probably unique - certainly in this country. The board has made an important contribution to the potential development of the Northern Territory.

The Territory was fortunate in having available such distinguished and able persons to conduct the inquiry. Messrs Bassingthwaighte and de Vos brought to the inquiry a wealth of experience in their separate fields. The Chairman, Dr Goff Letts, supplied not only an appropriate academic background but also superior experience and understanding of the Territory from his years of work here. It was the boundless energy, enthusiasm, erudition and clear thinking of Goff Letts which made sense out of the most difficult problem of how to deal with feral animals.

The expedition with which this inquiry was conducted at such small cost and the report they produced is a tribute to these gentlemen. Their sense of urgency impelled them to report as soon as possible. The great majority will have no quibble with the findings and the broad principles established in the report. We are obviously faced with the urgent necessity of management and control of feral animals, particularly in the Top End. Every day lost in dealing with the buffaloes, pigs and feral cattle exposes not only the Territory but the whole of Australia to the risk of unthinkable losses through exotic diseases.

The cornerstone of the report and, I believe, the philosophy on which our policy should be developed is the recommendation on page 170. I can do no better than quote it:

> *The Board recommends that the Government adopt two fundamental objectives, equally important and interrelated -*
>
> *To rationally develop the Territory's resources and potential, eliminating unnecessary waste, for the public weal.*
>
> *To protect the environmental heritage, consisting of unique life*

forms, and the land which is the basis for their maintenance and to pursue them in a balanced way.

The definition of individual feral animal policy points should arise from, and be consistent with, understanding and acceptance of these objectives. The Board's view is that domestic and introduced species living in a wild and unmanaged state would be reduced, controlled and eliminated wherever possible. In the process, they should be utilised to a maximum extent by -

Bringing them back under domestication; or

Harvesting and converting them to useful products;

unless this approach is quite unpractical. In other words, make them pay their way out.

The words "eliminated wherever possible", taken out of their context, suggest a philosophy which appears to prevail in some quarters - if it moves, shoot it. Let me assure the members and all those concerned with feral animals that such a philosophy is the very opposite of our approach. We are in the business of development and the broad strategy of bringing this economy from its presently underdeveloped stage is one into which the philosophy of this report fits most readily. The feral animal is a resource and, with cooperation between this government, the Commonwealth, the Aboriginal people, landholders, tourists and the general public we can exploit this resource in a most beneficial way. "Cooperation" is a word; the action it recommends is participation. The report's objectives will be achieved if those in government, the landholders and the public participate in the program of developing this resource.

I believe that the present state of uncertainty surrounding the development of the Kakadu National Park exemplifies my point about the need for cooperation. The board, in its inquiry, was unable to establish precisely what arrangements had been made for feral animal management in the park nor what the Commonwealth intends with regard to the future of Mudginberri abattoir.

The report provides a practical program of action wherever the state of knowledge made this possible. I compliment the board for its clear statement of priorities. Whilst the buffalo, the pig and the feral cattle appear preeminent in these priorities, nonetheless, it is not a buffalo report. It deals comprehensively with the whole of the Territory and proposes practical solutions wherever evidence or the board's own expertise made this possible. Alternatively, further lines of research and experimentation are suggested, where considered necessary, to establish full control and/or eradication of feral animals. Notably the board demonstrates the need to relate such research to specific development and control strategies.

Much attention is devoted to the buffalo. The report considers the history of that animal, its environmental impact and the possibilities it offers. The report demonstrates the way to make effective use of buffalo, provided they are under control. The days of exploiting buffalo in their feral state are numbered. A few people thought that the board would recommend complete buffalo eradication. By contrast, the recommendations provide those persons involved with buffalo with the clearest opportunity and responsibility to harvest buffalo. I believe the concept of zoning is a valuable one. It provides landholders with a choice and enables a flexible approach.

There is a requirement for the commitment of Territory government funds

which, considering the magnitude of the task of dealing with feral animals, is surprisingly modest. In the early years, perhaps $600,000 may be needed. The major proposed strategy for such expenditure is the achievement of an infrastructure of such things as access roads, fences etc whereby private operators can achieve effective management and control.

In considering measures for disease control, the board noted the Australia-wide responsibilities of the Commonwealth in disease control and quarantine arrangements, along with its proposals for Kakadu National Park. It is expected that the Commonwealth, through such agencies as the Bureau of Animal Health, will participate financially as well as physically in the urgent and critical task of achieving more effective disease control. The blue tongue experience demonstrated clearly the ever-present risk of exotic diseases being introduced to Australia. The Commonwealth parliament, through the current visit to the Territory of the Senate Standing Committee on National Resources to take evidence on the adequacy of quarantine arrangements, demonstrates a recognition of the need for Commonwealth involvement.

In this context, I welcome the belated increase in coastal surveillance effort. The board calls for a return to Commonwealth taxing arrangements which evidence showed were important in rural land management and development, which is necessary to ensure adequate control of feral animals. The consequent benefits of improved disease control flow not only to the landholders undertaking the measures for control but to all Australian livestock procedures. It is therefore in the national interest that the landholders most at risk should be encouraged, both directly and indirectly, to undertake measures which will reduce the threat of danger. One way the Commonwealth can honour its moral obligations in this area is to restore the tax concessions as recommended by the Board.

Control of existing disease is an integral part of management. The report recommends the re-establishment of TB compensation payable to abattoirs as a separate policy. This brings me to the recommendation of a feral animal council to implement the 3 objectives of resource development, disease control and environmental protection. The council would be so composed as to provide for participation by government at all levels, by landholders in all parts of the Territory and by those best able to achieve the philosophies identified in the report. Such a council would not need to be large, it would have power to coopt people for ad hoc purposes when dealing with specific geographical, biological or industrial issues. The field force envisaged in the report would require officers of experience in land management and resource management. They would need to be carefully chosen to achieve the full measure of guidance and advice to landholders and land users necessary to secure their participation if an effective management and control of feral animals in concert with other development strategies is to be attained.

The board's evident concern was more for a sustained program of feral animal control rather than a discontinuous, costly and once-over-lightly arrangement and the board's desire to involve industry in a coordinated program would determine a clear set of priorities. In such a process, the opportunity could be taken to establish machinery for routine consultation with the Commonwealth, Aboriginal and other landholders, tourist interests and the general public. All would need to be informed and asked to participate. In turn, such a council would have to be receptive to new ideas and, in setting its program, provide for flexibility of priorities and methods. For example, in the development of the buffalo industry, consideration could be given to marketing promotion schemes such as those recently used successfully for beef promotion by the Meat and Livestock Corporation.

May I allude again to the zoning concept used by the board in dealing

with buffalo utilisation. This, I believe, is a sensible approach with a clear determination to control and manage feral animals for disease, development and environmental reasons, yet leaving the opportunity for choice about intensity of, and use for, buffalo as against cattle on the coastal plains. The report identifies that there are opportunities for enterprise and one hopes that these chances will be taken up.

The government is prepared to advise and guide those able and willing to organise their resources and efforts in an efficient way for their own and the Territory's good. Indicative of the government's reception of the report is the action I have taken to have the Primary Industry Division survey and assess the feasibility of relocating Bali cattle at Beatrice Hill. This could be done, at small cost, with positive results.

As yet, the government has not made any decisions on the report of the Feral Animals Inquiry. However, I can say that most of the comments I have received have supported the thrust of the board's recommendations. I will listen with interest to the views of honourable members in this debate and I hope to be soon in a position to put proposals to Cabinet based upon this valuable report. I am sure all members will wish to join me in thanking the members of the inquiry, the public servants who supported it and the public who contributed through the giving of evidence. I believe the Territory will benefit as a result of this inquiry's wisdom.

Mr DOOLAN (Victoria River): Mr Speaker, I would join the minister in congratulating the authors of this report. I read it with a great deal of interest and I found that it is a most informative document. I believe that congratulations are due to Dr Letts, Mr Bassingthwaighte and Mr Bill de Vos. I have heard the proposal put forward by people, speaking with some authority, recommending the total extermination of the buffalo and I was a bit disappointed when I heard this. I was most relieved to learn that this report has not, in any shape, recommended that this be done. It has recommended extermination in certain areas and I believe this to be a very good thing. All in all, it places emphasis on the control of herds and on a more commercial use being made of buffalo herds.

I feel that the total destruction of buffalo would be a tragedy and I know that I have many supporters in this view. However, if the control program is instituted, and this is sensible, we should use feral animals as a resource. I have recommended at least twice before in this House that, if any extermination program or extensive control program is to be undertaken, we must make very sure that we have mobile abattoirs to utilise this buffalo meat - if only for pet meat. It would be a terrible shame to see buffaloes shot out in large numbers or even, for that matter, donkeys, which can also be used as pet meat. We should even make some use of pigs.

I am a little surprised to find no mention of Newcastle disease under the section headed "Diseases". It only appears in appendix 6 and mentions only that it affects poultry and birds. I am reliably informed that this disease would result in the total extermination of all poultry in Australia should it enter the country. This is a distinct possibility as it could be brought to the country by the Vietnamese refugee boats. I also know that our chief expert on exotic diseases in the Northern Territory is probably more concerned with the entry of Newcastle disease than he is with foot and mouth or other possibly more drastic diseases like rabies. I was a little bit surprised that there was not more mention of Newcastle disease.

The other thing that I was just a little bit disappointed with was the very brief mention of the feral cats. On page 74, it says:

Domestic cats seem to adapt readily to life in the wild in terrain which ranges from the spinifex desert near the Tanami to the stone country of the Alligator Rivers. A specimen taken in Arnhem Land weighed over 13 kg. It is not possible to estimate numbers and little is known of their habits and effects on the environment, although conservationists voice strong disapproval of them, on the basis that they are introduced predators.

A recent interstate study (Coman and Brunner 1972) was carried out in Victoria in the Eastern Highlands, the Western District and the Mallee. The results from 80 sets of stomach contents indicated the cat is an opportunist predator and scavenger, taking whatever is most readily available. Over all localities, small mammals represented are 85% of the diet (by volume) with rabbits and mice predominating. Birds averaged only 3.5% of diet (by volume). A limited range of samples from the Northern Territory also indicated that birds were not a major dietary significance, with reptiles, insects and native rodents being the most common components.

Recommendations:

At this time so little is known of the cat's environmental impact in the wild that the only sensible recommendation must be directed towards the further study of its biology, effect and control.

Other work would claim higher priority.

I do not dispute this, Mr Speaker. I hope that the recommendation for further study of its biology and control be undertaken and my feeling on the matter is that I can see no place at all in nature for feral cats. I would like to see them given a higher priority fo extermination. A cat is without doubt a predator and a dangerous one at that. I do not think the feral cat would have very many friends around the country.

I believe this is an excellent report and its sources are to be commended. I certainly hope that it does not just remain an excellent report and trust it will result in vigorous action being taken.

Mr COLLINS (Arnhem): Mr Speaker, I also welcome the production of this report. It is a matter that I have particular interest in, both because I am opposition spokesman on the environment and because I did work on feral animals for 4 years with the Northern Territory Department and subsequently with the CSIRO.

There have been some criticisms made of this report, some of which I think are justified and some not justified. I want to touch briefly on some of the latter. Some people have criticised this report for containing nothing new. I do not think that is a just criticism. I do not really see how the committee could come up with anything new in the time allocated. I think the value of this report is that it specifically deals with the problems of the feral animals and brings together in one document all that is known about them in the Northern Territory in the time allocated to the inquiry. I think that is of great value. The dangers that feral animals pose, not just to the Territory but to the whole of Australia, particularly in relation to foot and mouth, are well known and documented. Nothing needs to be said about that.

I have some minor criticisms of the report. I have read it very carefully. It is a shame that a report that has been so excellently produced and printed -

it is a very attractive report in the way it has been prepared and was obviously fairly expensive to prepare - was not better proofed and drafted. There are some very fundamental drafting and proofing errors in the report and I think it is a shame that a document that otherwise is so good, has been marred by this.

The reference section in the back - a vital section in any scientific report - is inadequate. For example, no page numbers are put next to the journal references. This is an abnormal thing to find. It saves people a lot of unnecessary hacking through large journals looking for the references if page numbers are included. Most of the books which were listed had no publishers names. Again, one would expect to find these in a report. Some of the references, in fact, were undated which makes this stuff very difficult to check afterwards. There are some basic typographical errors in the report which detract from the otherwise excellent production. It is a pity that more time was not given to the final stages. One of the obvious ones is on the opening page: "His honour, the Administrator of the Northern Territory, in accordance with the resolution of the Northern Territory Legislative Assembly of 16th June 1968, and pursuant to Section 4A ..." This would give people the impression that Dr Letts took 11 years to put this together. There are other examples like that through the report.

In consideration of the very good graphics that the report adopts, it is a shame that some of the photographs are not of better quality. Perhaps this was because they were taken from slides. Some of the photographs, particularly those of buffalo, are not of very good quality.

Another criticism I have of the report is that, despite the fact that there are numerous tables throughout the report, only 3 of them are numbered. Again, the whole purpose of any report of this nature is for people to be able to retrieve information from it quickly. It would have been much better if all the tables had been numbered for quick reference. This has not been done.

The major criticisms I have of the report concern the chapters on economics. The people who wrote the report state that they only had access to the very limited economic advice available from the Northern Territory department. They thanked and commended the department for giving them the help they needed but Dr Letts himself commented on the fact that they did not have very much economic expertise. When you consider that the problem of feral animals is one of disease and that the control of such a problem is absolutely a question of economics, it is a great shame that the committee could not have availed themselves of expert economic advice from outside the Territory. I think that the 2 chapters dealing with economics could have been better done.

One comment that I would like to make on the report deals with the section on research. There seems to be a slight conflict here. The research program that the committee has laid out on feral animals is very comprehensive indeed. There are 3 categories in order of importance. Some of these research projects from my own experience, are very large ones indeed. It would require many staff and many graduate staff to carry out the research effectively. Many of these research projects have been allocated to the Northern Territory Parks and Wildlife Service. It is a fact that, at the present time, these research programs would be completely beyond the capacity of the Northern Territory Parks and Wildlife Service. What I do hope is that it will result in long overdue upgrading of the research staff available in all areas of agronomic and feral animal research in the Northern Territory. It is greatly needed.

One of the serious deficiencies in pest control in the Northern Territory is in the weed section. In my years with the department, the situation often occurred where not one staff member was a graduate officer. At present, the department has only one and, with the aid of a very meagre field staff, it is his duty to control weeds over the whole of the Northern Territory. Examples have been given in the House earlier today of weed eradication programs that have been started and then stopped. All the work that has been put into the programs has gone completely down the drain as the weeds have re-established themselves. The committee noted the danger of beginning feral animal control without continuing the program to its end.

The weed section of the Northern Territory Primary Industries Branch is a shining example of the false economy of not pursuing programs. For example, consider the case of pigs which pose quite a large problem in the Northern Territory. While I was with CSIRO, I was engaged in a tuberculosis survey on pigs on Elizabeth Downs Station. We shot 1,500 pigs in a period of 3 weeks and, despite the fact that a survey had shown that we established in excess of a 90% kill, 3 years later the pigs had completely re-established themselves to their former numbers . It is obvious that, in dealing with feral animal control, the recommendation of the committee that any eradication program, once it starts, should be carried through to its completion is a very important one which should be noted.

The monitoring of the population numbers, composition and distribution of feral buffalo is given a high priority classification. This is a big job. Vegetation regeneration study is also a very large research program indeed and has been given a high priority. It is allocated to the National Parks and Wildlife Service.

"Changes in the Territory environment since the first settlement associated with grazing and feral animals". That will take some doing. "Cooperative investigation and demonstration of controlled buffalo management". I am pleased to see these because they might put some positive emphasis on the long overdue upgrading of research staff in the Northern Territory.

This brings me to another criticism of the report. After detailing all of these research programs, on page 180 of the report where the committee is talking about the appointment of staff which will implement the recommendations of the report, they talk about the necessity to have 8 people and they recommend that "a" biologist would be desirable. I do not think that that is strong enough. I would consider that, on a feral animal control force, a biologist would be absolutely essential. In fact, I do not even like the term "a" biologist; I think there would be a need for more than one biologist but certainly the need for "a" biologist would be essential not desirable. I am surprised when the committee had given such a lot of space in the report to quite detailed research programs that, on the actual body that is to implement these research programs, a biologist is only considered desirable and not essential.

There is another deficiency in the recommendations. The problem of feral animals certainly is a disease problem and a problem of economics but it is also a problem of the environment. I believe that the inclusion of a representative of the Environmental Council or such other environmental group or collection of groups as the government considers appropriate would be advantageous on that council. The committee recommends a government representative, a grazing representative and so on but there is no mention of any environmental representative. I think that the government should choose a suitable person from an environmental body for inclusion on that council.

Having said that, I would like to touch on some of the recommendations

of the report that I think are particularly important. Another criticism I heard of the report was that it was a buffalo report. This has already been touched on by the Minister for Industrial Development. I do not think that that is a valid criticism. Certainly a lot of space is given in the report to the problem of buffalo but that is only because the problem of buffalo is so great in the Northern Territory. They are extremely destructive to native wildlife, particularly birdlife, water fowl and to the flora of the Northern Territory. I believe that the report has only dealt in detail with buffalo as it should have. I support the recommendations of the committee in respect of buffalo. I am pleased to see that they do not advocate complete destruction of buffalo. They certainly do advocate it in particular areas but they do see the need for retaining some buffalo for commercial and tourist purposes. I support that.

A recommendation close to my heart is that the economic and marketing and weeds units of the Primary Industry Division also needs reinforcing. The overhauling of the weeds section is long overdue. It is in a very bad state and, considering the problem of weeds in the Northern Territory, it should be urgently reinforced with more graduate and field staff.

"Public exhibits of certain feral animals: buffalo, Bali cattle, Timor ponies and deers should be set up as an adjunct to the tourist industry and for historical reasons". I think that is an excellent recommendation. They are all animals that have enormous public appeal. Bali cattle are extremely attractive animals as are deer and buffalo. I think that that is an excellent suggestion which should be followed.

"The objective in defined areas of conservation significance, for example, parks and santuaries,should be reduction and, as far as practicable, elimination of feral buffalo". I completely endorse that. I think there is no place within a national park proper, where conservation is the key, for having buffalo at all. They certainly do have tourist attraction but, where conservation is the aim, feral buffalo have no place.

"The buffalo taken in the course of the program should be used commercially as far as possible". That is a recommendation that will also have to be followed closely. They are an enormous monetary and food resource and it would be tragic if they were wasted. I think that is a popular Mafia expression.

"Where buffalo herds are retained within or in any close proximity to conservation or elimination areas for tourist purposes or food production, they must be subject to an adequate degree of control in terms of fencing and managements". That coincides with what I have already said.

The other recommendation that I think the government should look at closely in cooperation with the National Parks and Wildlife people is: "In the interest of the park management plan and the elimination of the feral buffalo from the air, every effort should be made to keep the Muginberri abattoir operational during the course of the next 3-4 years. Even if a degree of operational loss was experienced, benefits in regional employment and buffalo control could be substantial". I must agree.

"Once agreement on a park elimination plan has been reached between the owners, the National Parks and Wildlife Services and the Territory government, supervision of the program should be in the hands of the Territory Feral Animal force, with the oversight of the Feral Animals Council. Division of responsibility and direction in this one part of the overall program would be

administratively foolish". Again, that is a recommendation that should be followed. I must again comment that I believe that a biologist on the actual control force is essential and a representative from environmental groups on the council is essential.

The board endorses the moratorium on shooting of Bali cattle and Timor ponies: "A substantial fence about 11 kilometres long should be erected across the neck of the Cobourg Peninsula as soon as possible to prevent the movement of Bali cattle and other large feral animal out of or into the sanctuary". There is an interesting historical note attached to that that this idea was first suggested by Captain J. Lort Stokes in 1846. The mills grind very slowly in government.

"An effort should be made to catch and relocate under strict control a small breeding colony of Sambar deer from the Cobourg Peninsula on a government experimental station in the Top End". Again, this is a recommendation that should be followed.

I support also the committee's recommendation in respect of dingoes. I too believe that the Dingo Repeal Ordinance is anachronistic and should no longer be on the statute books. The problem with dingoes should be controlled in an overall plan to control all feral animals in the Northern Territory.

In conclusion, I would like to say that I welcome this report. I look forward to seeing many of the recommendations, particularly the ones that I have mentioned, implemented by the Northern Territory government.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I too would like to lend my support to the report. I believe that it touches on a few things that are dear to my heart and I will very briefly discuss them.

It is interesting that, when we talk about feral animals, everybody seems to have a different idea of what a feral animal is. If you are in the Top End which is being ravaged by buffalo, then buffalo are feral animals; if you are from the Centre, they are pets and you should look after them. If you live in New South Wales which is being overrun by kangaroos, then they are feral animals; if you live in a city, they are not feral animals at all. Different people have different views on what in fact are feral animals and whether they should be controlled and how they should be controlled. The basis of the report goes back to basic ecology and having a balance of life forms and managing whatever we have to get that final result.

One particular thing that interests me is the quarantine aspect of the report. I note with interest that several diseases have been touched upon as possibly being spread by feral animals throughout the Northern Territory. I watch this with interest because there are people who say there are more than reasonable precautions and controls available to stop the spread of any exotic disease throughout the Northern Territory, should it be introduced, whether it is spread by feral animals or by animals that are managed. The reason that it interests me - and I might be naive in this - is that we have been trying for many years in managed herds to try to stamp out some diseases such as TB and brucellosis. We are making some progress but not all that much in some quarters of the Territory. It raises the question of just what hope we would have of controlling any exotic outbreak in the event of its getting onto the shores of the Territory given that we have buffalo, pigs, camels, dogs, wallabies etc roaming uncontrolled from one end of the Territory to the other. Even when control measures are taken, the possibility of complete control and extermination is pretty remote. It makes me ponder just what actual chance we have of ever controlling any outbreak of exotic disease however fine our intentions may be.

I thoroughly endorse the recommendations of the report that refer to management from the point of view of getting some return for the control of the animals. I cannot see the point in the futile killing of some animals when they could be used for food. Timor ponies, Bali cattle and donkeys could be sent south to be displayed in zoos. I commend the report.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I would like to commend the 3 members of the committee of inquiry into feral animals. They have produced a very readable report. It has its failings as the honourable member for Arnhem has pointed out - failings in the proof reading and so on - but these errors are human. I believe that not only the committee but also its support staff should be commended for producing what is certainly one of the finest reports I have seen put together in any sphere at any time.

The honourable member for Arnhem, amongst other things, indicated that he considered the economic aspect of the report deserved a great deal more attention than it has received. I could not agree more with him that the economic side of the depredations of feral animals and their possible uses should receive considerable attention. Naturally, now that the government has the report, it will be able to have it economically evaluated. In fact, when the report first came out I gave it to the unit in my department which has some economic expertise to commence an evaluation.

I recall the honourable member for Arnhem also making mention of the need for more staff, especially in the wildlife section of the Territory Parks and Wildlife Commission. There is a possible need for more staff in the commission and it just strikes me as curious that, now that the Northern Tertitory is funding the Territory Parks and Wildlife Commission, it has found it possible to have a staff review carried out by the Public Service Commissioner's Office whilst, under the Commonwealth reign, it was impossible for the Wildlife Section of the Department of Northern Territory or the former Reserves Board to obtain necessary increases in staff. Rather than provide additional staff which were needed, the Commonwealth chose to set up its own National Parks and Wildlife Service to duplicate the efforts being made in the Northern Territory. We see this continuing despite the present federal government's commitment to rationalisation of government services and, indeed, austerity.

Talking about a biologist, the members of the inquiry would be at least as well qualified to comment on the desirability of the need for a person of those qualifications as is the honourable member for Arnhem. I certainly note his remarks and I am sure that, when this report is being fully evaluated after the comments of honourable members, his remarks will be taken into account.

I think I should place on record the views of the Territory Parks and Wildlife Commission on the report. These have been conveyed to me because I am responsible to this Assembly for that commission. I would like to at least convey a few short pages of views which were passed on to me by the Chairman of the Territory Parks and Wildlife Commission.

The Territory Parks and Wildlife Commission has accepted the report in principle but it believes there is need to examine the major recommendations and their implementation in some detail in collaboration with other agencies and parties involved in the problems of feral animals. The report presented is a very significant document and it does attempt to provide some strategies to control feral animals in the Territory and to draw some economic benefits from the elimination of such animals from the environment. The report points out that the Northern Territory is unique by world standards in its feral animals problems which, in terms of beef production, represents a net annual loss of over $12,000,000 without accounting for environmental damage and

disease costs.

In the report, it is recommended that there are a number of government departments and other interested bodies concerned with the feral animal problem and it is recommended that a Feral Animals Council should be established to enable representation by all interested parties in the control and economic use of feral animals in the Territory. In this recommendation, it is recognised that feral animals represent a very serious threat to the pastoral industry through their capacity to rapidly transmit exotic disease through the land and their competition with domestic animals for pasture. It also recognises the depredation of the land, which can be quite severe, caused by the presence of feral animals both on pastoral lands and lands set aside for conservation and the benefit of the community.

A further consideration is that, in reduction and possible elimination of feral animals, there is an opportunity to take an economic harvest from the meat and other products. The capacity of the government to effectively control feral animals throughout the Northern Territory is inadequate at present and submissions will be placed before the government to remedy this situation. However, it is pointed out that the control of feral animals on alienated land to increase productivity is not a sole government responsibility and the major responsibility rests with the land user. Similarly, it is not the government's responsibility to maintain herds of feral animals on crown land for the benefit, for example, of a pet meat industry.

The report comments and makes recommendations on the problems of all feral animals in the Territory including buffaloes, pigs, brumbies, cattle, rabbits, donkeys, camels and even the insignificant sparrow receives a mention. Measures recommended for various aspects of control of these animals include surveys and investigations to determine the extent of the problem and means of controlling or utilising the animals where possible.

The report refers to the creation of a Feral Animal Field Force within the Territory Parks and Wildlife Commission which would implement policies and programs established by a proposed Feral Animals Council. The report gives extensive consideration to the buffalo problem in the Northern Territory and recognises the importance of the problem both to the meat industry, the pastoral industry and the environmental and disease problems associated with buffalo. It does propose a system of land zoning throughout the coastal plains which includes buffalo utilisation areas, buffer zones, managed buffalo parks and a recognition that other areas may be buffalo elimination areas. This compromise recommendation requires considerable examination by all interested parties.

Departmental officers and officers of the Parks and Wildlife Commission are presently examining the report and its implications with a view to providing a submission for the government in the near future. The commission expects this submission to provide a policy basis and a program for the control and use of feral animals in the future. The Board of Inquiry commissioned by the government to examine the feral animal problem in the Northern Territory has, in the opinion of the commission, provided an extremely valuable report of the cohesive nature which has long been required in the Territory. It is the intention of the commission to act quickly to implement policies developed as a result of the inquiry.

I would like to comment on what the honourable member for Arnhem said earlier in what I thought was quite a good critique of the report as far as it went. He said that it stated many things that we already knew; it

brought them all together. I think this is one of the things that we really have been searching for. There are 2 fundamental objectives in the report and these are recommended to us. I have absolutely no hestiation in personally accepting the recommendations to rationally develop the Territory's resources and potential, eliminating unnecessary waste for the public weal and to protect the environmental heritage, consisting of unique life forms and the land which is the basis for their maintenance and to pursue them in a balanced way. I believe that those 2 objectives can be the cornerstone of the government's policies which can be formulated as a result of this report.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, in company with other honourable members who have spoken this afternoon, I have the highest praise for this report. It is a most comprehensive book and, in the future, it will be used as a standard textbook on the question. It was brought out in a very short time and the quality of its production is excellent. The first night I took it home 2 people wanted to borrow it. That shows you how popular it is. I told them where they could get a copy.

I do have some comments to make on the content of the report, some of them are favourable and some of them may be unfavourable. On the first page, I think that those 2 objectives are highly desirable. I like the word "balanced": to protect the environmental heritage in a "balanced" way.

We cannot go back to before 1770 when there were no feral animals in Australia. In a way, we have to learn to live with feral animals now by bringing them back into domestication or by getting rid of them in a harvesting or a controlled way. It must be in a balanced way.

It says down a bit further: "In the reduction process, the feral animals should be utilised wherever possible". I would like to be assured that, in the reduction process, efforts will be made to use the animals, not just let them be shot and left to rot as I understand 1,240 buffalo carcases were recently. I know these buffaloes were shot in an inaccessible place so perhaps it was not economical to bring the bodies out for somebody to make use of them. On present pet meat prices, those 1,240 head were worth $86,800 in meat alone, not counting the hides. If science has reached the stage where it can sterilise male blowfiles so that when they mate with females they will produce infertile eggs, I feel that somehow science should be able to encourage those buffaloes to come out of inaccessible places so that they can be shot and used.

On page 70, the report talks about bringing the feral animals back into domestication. I would like to make a point of that. I will touch on that later.

It goes on further in the summary to say: "A review of rural land policies is recommended". I would heartily agree with this. On page 171 it says: "At the moment, the rural lessee does not have the feeling that he is protecting his own interests". I think this may be because the rural lessee feels that he does not have a security of tenure that he would like and perhaps not enough encouragement is given to the rural lessee by an active, progressive land-usage policy. I am not talking about handouts or loans; I am talking about something active and progressive regarding the use of land.

It goes on further to say that there should be greater cooperation between parties that are interested in feral animals to develop and implement sounder policies and that a Feral Animals Council should be established. While this council is being established, I would like a moratorium declared

on the killing of animals - I am talking about the wanton destruction of animals - until somebody has made up his mind on what is to be done with these animals and how they are going to be used for the best benefit to everybody.

Going down further, this council would provide regular advice to the Chief Minister on the environmental effect of feral animals and controlled methods to be adopted, including contract removal of buffalo. This is the first time that I have mentioned it but buffalo seem to be singled out. I know they do damage to the country, probably more than many animals, but donkeys, camels, brumbies and feral cattle are not mentioned. I think they could all be mentioned there along with the buffalo.

It is recommended that the membership of the council should be 5 persons. The word "would" is used and I think the word "could" could be used instead. The council is to consist of a Parks and Wildlife Commission person, a primary producer person, an Aboriginal person, a Primary Industry Division person and a Lands Department person - making a council of 5 people, 3 people of whom would be public servants, 1 a primary producer and the Aboriginal could either be there as a primary producer or a person on whose land the feral animals would be. I think that is a very unfair composition of that committee. At least, there should be an equal number of primary producers or people who will use these feral animals together with public servants. We all know the history of committees that public servants dominate; they do not seem to get anywhere very quickly.

Going down further, there is a recommendation that the valuable resources of banteng cattle, Timor ponies and Sambar deer should be protected. I would like to see this done immediately so that no more bantengs are shot and no more Timor ponies are shot because it is not very long ago that great numbers of them were shot. About 4 years go, I made inquiries about buying some banteng cattle. The price quoted to me by Animal Industry was about $1,000 each. That shows you how valuable they are.

Going down further, they say that zoos and animal parks should have standards prescribed to meet the licence requirements. This would be in order; I think that all zoos and animal parks should be controlled by regulatory processes. I think private people should be included there because there are some private people who like to keep animals too.

It says that a project should be undertaken regarding the buffaloes to assess the numbers and distribution of the population accurately. I would like that to be done before the buffalo are shot out completely and to count them while there is still some to count. Industrial Development has as its mark a buffalo with horns on; if any more buffalo are shot out, they will soon have to change their mark because there will not be any buffalo left. The report keeps mentioning that the buffalo should be used wherever possible. I would like to be assured that somebody, not only a public servant but somebody in the primary industry field, will say whether the buffalo can be used commercially when they do have to be destroyed.

I come now to what I think is a very contentious decision made by the committee. They have 3 zones: a central utilisation zone, a peripheral elimination zone and a buffer zone. The buffalo elimination zone includes the Darwin, Batchelor and Adelaide River regions. That is a region where there are many small farmers. I know 3 farmers in the Batchelor district who have buffalo on their properties - there are probably many more - and these farmers are actively using the buffalo on their properties in one way or another. I do not think an arbitrary decision should be made without

consultation with the primary producers that all buffalo will be eliminated from that area - controlled yes, but not eliminated.

I agree with the decision that the tuberculosis compensation scheme should be extended to include buffalo carcases condemned at meatworks. It seems rather an anomalous situation that you can be paid for a buffalo killed on your property if it has TB, but not when it gets to the abattoirs.

I agree with the recommendations wholeheartedly that piggeries, no matter how small, should be subject to official surveillance to keep a watch on any disease that may break out.

Rabbits: I do not think anyone has started to actively breed rabbits. They would have to be strictly controlled. I see that a moratorium has been declared on the shooting of Bali cattle and Timor ponies and I think it is about time too.

The subject of fencing is mentioned in several places - fencing the neck of the Cobourg Peninsula. On the surface, I think this is a good idea. It may not be as useful as some people would like to believe because there is the history of the dingo fences throughout Australia. They do tend to keep the dingoes out in some places but not entirely.

In the summary, they talk about Bali cattle and Timor ponies. They say that they should be relocated in other suitable places where the genotype can be preserved and subjected to further investigation. That is the only time in the book that the valuable genotype of any feral animals is mentioned. It is worthwhile noting that, not only is it important to consider the genotype of the bantengs and the Timor ponies, but also the other feral animals. I will exclude cats because, in company with the member for Victoria River, I do not think they have a purpose in life. I think that it is very important to consider that, if animals have lived in the wild under feral conditions for some time, there must be something that that animal has to enable it to live like that for so long. Whatever it is, this should be investigated before they are completely removed.

Touching on the donkeys, it says that a survey should be undertaken by the Northern Territory Parks and Wildlife Commission. I hope that this is a survey and not a shoot out.

Camels: control should be carried out again. I hope it is not carried out by Wildlife as a shoot out.

We come now to the elimination of feral goats. I keep a lot of these feral animals at my place and I know what devils they can be. Goats can be a nuisance. I have seen the pictures here and I fully believe what the goats have done but, with the price goats are bringing these days, when you can get $40 for some little scrubby half-grown thing from Western Queensland, I think that some consideration should be given to live-catching them and selling them.

We come now to cats. As far as I can see, cats do not serve any useful part in anybody's place. If people like little furry things to pat , they can get some other animals that are a bit more useful about the place. I was surprised that feral dogs were not mentioned in more detail than they were. In fact, I do not think they were mentioned. I think it was dingoes that were mentioned.

On the subject of costs and benefits, I see that the extra effort expended will include buffalo, pigs, feral cattle, rabbits, donkeys, Bali cattle,

Timor ponies, deer, dingoes, goats and camels. I am wondering where the money will come from in respect of the dingoes - probably in selling their scalps though that would not seem to be very much. I cannot really see why dingoes are included among feral animals. It is my understanding that the dingo has been in Australia from between 10,000 and 12,000 years. If he is a feral animal, who brought him here and what domestic situation did he run away from?

If we turn to page 106, we find a table expressing feral animals in cattle equivalents. The dingoes are mentioned and I would query this because it is my understanding that dingoes are not feral animals. It has been said that they are an exotic feral animal but I think that is splitting hairs a little bit. As far as I can see, dingoes are not feral animals. It is mentioned that dingoes make depredations on horses, cattle, goats, sheep or whatever you happen to be keeping. It is mentioned that dingoes are predators in drought times and in times of nutritional stress. The work done by Laurie Corbett is mentioned. I think this work was done about 7 or 8 years ago in the Alice Springs area or in the north of South Australia. I think an opposite view was taken by Laurie Corbett: "Ironically, the dingoes also take advantage of good husbandry practices such as weaning, attacking calves when they are removed from the protection of their mothers. Their impact is more severe when circumstances favour them, for example, in times of drought or nutritional distress. I think that Laurie Corbett proved that the dingo was far from being a detriment to the pastoralist in time of drought. By killing the undernourished calves in time of drought, they gave the cows a chance to pull through that particular stressfull time. According to Laurie Corbett, post mortems performed on dingoes revealed that only 5% to 8% of their stomach contents were sheep and cattle. The rest was made up of native animals.

Mr Collins: You can buy them for $60 a head at Purich's kennels.

Mrs PADGHAM-PURICH: No, $50 but I do not sell to everybody, Bob.

On page 122 they talk about side benefits relating to the eradication or elimination of buffalo, namely the elimination of feral pigs in the area. This would depend on a number of things such as what would happen to the buffalo after it is shot. If it is just shot and left like those 1240 buffaloes were, I cannot see the feral pigs being eliminated. I can see the feral pigs breeding up. We hear a lot about the control of buffaloes but we do not hear very much about the control of feral pigs. In many ways the pigs present more of a problem than the buffaloes do.

Feral cattle: I think this does show a biased view on the part of the committee. I think they were all cattle people as they certainly were not buffalo producers. One of the greatest challenges within the ambit of this inquiry is to find ways to return the 15% of the Territory cattle herd, which is at present wasted and a disease problem, back into the production line. There is no mention about "shooting, killing, trapping, poisoning" them back into the production line. I would like to see the same words used with the cattle as were used for getting the buffalo back into the production line.

On page 128, the committee talks about the donkeys in the Victoria River district. A control program which accounted for 30,000 donkeys would cost $48,000. I have not worked it out but I would like to know how far $48,000 would go in trapping them and selling them down south having regard to the fact that donkeys bring $250 each in Victoria.

The general policy outlined on page 70 is the whole nub of the report - to bring the feral animals back into domestication and to harvest them and

convert them into useful products. The main recommendations would be for a more rational use of the land in the Northern Territory. We should bring back the feral animals into domestication but, at the same time, forget about the cats. As I said earlier, they are no use to anybody. Digressing a little bit, I think that more attention should be paid to what the city people do with their dogs and cats. They should not let them run loose in the bush. The cats should all be sterilised in the city and there should be stricter controls on both dogs and cats because dogs and cats running loose in the bush bring the primary producers all the trouble. I would like to see the feral animals harvested wherever possible. I hope that a lot of consideration is given to this report.

Mr VALE (Stuart): The honourable Minister for Industrial Development made the point that this is not a buffalo report. Many of us might have thought that that would become its preoccupation. In the Centre, we may have been more inclined to call it the "Eradicate the Camel Report" since they pose more of a feral animal problem in Central Australia. The board's terms of reference range through such diverse areas of concern as the environment, disease and commercial harvesting. None is more important than the term of reference relating to the threat to our present level of agricultural and pastoral development. Cattlemen and even interstate wool growers will be vitally interested in the developments and possible action that might result from this study. It opens the way for various state governments to examine more closely their own feral animal problems. In this respect, with such a wide-ranging investigation, the Territory has led the way.

In implementing the recommendations, we will be hard pressed to do without the cooperation of both the Queensland and Western Australian authorities in respect of the Barkly Tablelands and the Victoria River district. Some might argue that over-the-border cooperation may be less important and probably less available in the Alice Springs areas. Since we are one of the more remote parts of Australia, we are very much on our own. That is why I would particularly like to address some of my remarks to the feral animal situation in the Centre.

On page 65 of the report, we learn the known distribution of rabbit warrens in one small part of the Alice Springs district. Frankly, the plan looks like a large paddock with a massive case of measles. The rabbit warrens were plotted some 8 years ago but, from a reading of the report, we have no reason to discount the possibility that a similar situation still prevails in many areas. Our cattlemen are now recovering from one of their most historic and severe slumps. If the rabbit plague continues, and indeed the report acknowledges it will, the industry has a long way to ge before it can control everything but the weather.

It is when the climate does turn for the worst over an extended period that the pastoral industry is least equipped to cope with other problems such as the havoc caused by the more notable feral animals. The industry is increasingly endeavouring to put itself on the sort of footing that will enable it, next time round, to maintain some level of self-respect in drought conditions. What the cattleman will not need at that time is rabbit populations at their present levels cleaning out the last remaining stock feed. For this reason, I wholeheartedly endorse the board's recommendation that programs should be drawn up now for concentration of efforts on the badly affected properties. The recommendations assume that owner cooperation is assured. In this regard, I would simply state that all owners must cooperate in this eradication program. Those who do not will surely bring the collective wrath of the industry and the district down on their heads because the weak link they will thus present can be the undoing of any program for eradication.

I mentioned the camel earlier. While they are harder to find, and thankfully fewer in number, the pastoralist in the Centre would be better off with even fewer of them. They too become a worse pest in time of drought and, over the years, have caused the death of hundreds of cattle through the damage they have done to watering points. This is particularly evident in the more accepted desert regions in Central Australia. The report recommends control programs on the margins of pastoral leases as problems arise. Control and not eradication is essential because the camel is now vitally important to the tourist industry in Central Australia. "As problems arise" I believe we should place even more urgent stress on this than the board believes is necessary. We could do this with some form of recurrent, population-control program.

Other feral animals of major or lesser concern to the Alice Springs district are handled more generally in the report. It will suffice for me to mention the sparrow. I know many Territorians have fond memories of them from when they lived in other parts of Australia. The sparrow is an acknowledged pest, a nuisance in built-up areas and a threat to native bird life. Relatively recent arrivals to the Territory may have some difficulty understanding the board's attention to it. The fact that the board did study the sparrow serves to show the depth to which the board took its work.

Most Territorians have at times probably displayed a fondness for many of the animals referred to in this report and, for this reason, there may be marked resistance to the implementation of some of the recommendations. There may be resistance for rather less sentimental reasons too and some of these may be qualified. It pays us, therefore, to remain mindful that the effort to be expended as a result of this report will be an investment and that benefits will accrue for many centuries.

Finally, Mr Speaker, I congratulate Dr Letts and other board members on a most comprehensive report.

Mr STEELE (Transport and Works): Mr Speaker, I do not propose to waste too much time of the House in reply except to say that I believe the report has been very well accepted. The findings from the debate are too numerous to summarise in any proper way and would take quite some time. I believe that members have spent a fair bit of time in their analysis of the report. I do take a couple of the points that the Member for Arnhem raised such as the effort required on research will be of such a magnitude that it will have to be very carefully programmed. The other point he raised, which was very important I think, is the maintenance of programs of either control or eradication. Once a program is commenced, it should be maintained.

The definition of "feral animals" had a couple of people treading around a little. You and I, Mr Speaker, might say that something without a brand was a feral animal but I do not think that is quite right. If you travel extensively enough through the pastoral areas, you will find that there are plenty of clean-skinned cattle running through the ranges. We only hope that they are now worth enough for people to put those cattle through a meatworks so that they are eliminated as a disease control problem. We all know that we face, in the years to come, the likelihood of a reduction in markets. If these problems are not grappled with, we will be facing an economic disadvantage. The government undertook to examine this question late last year and, as a result of this debate and the report, the government will decide its future policies. I thank members for their contributions.

Motion agreed to; report noted.

ELECTRICITY COMMISSION BILL
(Serial 254)

Continued from 1 March 1979.

Ms D'ROZARIO (Sanderson): Mr Speaker, on behalf of the opposition, I wish to congratulate the minister on bringing forward this very small but very significant amendment. With the benefit of hindsight, it seems that we were somewhat "slack", to use the colloquial word, in our consideration of the principal act before 1 July last year. Some of the things that the minister is hoping to achieve by these amendments were known to individual members of this Assembly and certainly to the then minister who had responsibility for electricity - I think it was the present Treasurer. Whilst these amendments might seem to be quite insignificant, I think they will have very far-reaching effects indeed for the future electricity generation of the Northern Territory.

Having regard to recent events to which the minister has spoken in the press and also the tenor of these amendments, it is time to think now in terms of a Northern Territory energy commission rather than the Northern Territory Electricity Commission. I have prepared a series of amendments which will bring about this particular change in our entire attitude towards the Electricity Commission. I sincerely hope that the minister will not impede the passage of my amendments.

When I said perhaps we had not looked closely enough at the original bill when we were looking at it some 12 months ago, I really meant to relate it to the fact that, at that time, it was known that the commissioner designate was participating in some investigations relating to the prospect of the Northern Territory purchasing hydro-electric power from the Ord River scheme. At that time, that prospect was greeted with some excitement and enthusiasm amongst some people in the Northern Territory. It was known to individusl members; it was certainly known to me because, when I made a press release on the subject, the commissioner's press secretary rang me and asked me to say no more about it because the commissioner was involved in delicate negotiations with people in Western Australia. That was a request with which I happily complied. It was known that the commissioner was participating in these investigations and, certainly, in the view of the opposition, he was doing the right thing. We are very pleased to note that the functions of the commission and the powers of the commission which we are hoping to amend by the passage of this bill will give some sanction to those actions taken by the commissioner designate at that time.

I refer particularly to paragraph (m) in clause 3 of the bill which will give the commission the function to consult with Commonwealth and state authorities as well as with any person on any matter relating to fuel, power and energy which has the potential to be used in the Northern Territory. This is precisely what the commissioner was doing 12 months ago. We are very pleased to validate, as it were, those actions of the commissioner. He certainly took the right steps and we applaud his actions in that regard and we look forward to the negotiations being fruitful. I gather the minister might have some further news on that.

We know that one of the objectives that we hoped to achieve by passing these amendments is that the cost of electricity might be reduced and thereby promote local industrial growth. The minister made some passing reference to this particular matter and we do know that, at one stage, the Electricity Commission was hopeful of attracting what would have been a fairly large

venture into the Northern Territory, namely an aluminium smelter. I think that the amendments that the minister has put forward are certainly very welcome.

It also seems, again with the benefit of hindsight, that the members of the Assembly who considered the bill 12 months ago did not foresee the possibility of the commission having to engage consultants. This again is a power that many commissions do have and it is essential sometimes to their effective operation. We know that recently the commissioner was obliged to secure the services of a firm I think based in Western Australia, Herts McClelland and Partners, in respect of some work that was done on assessing the viability or the need for obtaining gas turbine generators which are now to be installed at Berrimah. All these actions were taken in good faith and quite correctly and that is the reason why the opposition supports this bill.

Just recently, I heard the minister speaking on a radio show in which he outlined some of the results of recent negotiations between himself, the commission and the government of Western Australia. The matters that the minister raised in that particular radio interview do bear speaking about in this debate because they will have quite far-reaching effects for our Northern Territory outback and some of the small settlements. As you would know, Mr Speaker, it is extremely expensive to supply services to some of these communities. The specific matter which the minister was speaking about is the prospect of the Northern Territory participating in a study conjointly with the Western Australian government on the provision of power supply to remote areas. The minister spoke of the increasingly bright prospects for the development of solar generation units and how these could assist in the provision of a power supply to remote areas in the Northern Territory. I was very interested to hear that the cost of this particular source of power looks like coming down very dramatically within the next 5 or 6 years. The minister said that, at present, we have a cost per kilowatt in the vicinity of $10,000 but that there was a very good prospect that, with the work that has already been undertaken in the United States and Europe, the cost in the mid-1980s might be as low as $500 per kilowatt. This is a very exciting prospect for the Northern Territory because it does indicate that certainly this government - and the opposition is happy to cooperate with this venture - does see the possibility of solar power being not only viable but also economic. This is something that we look forward to with enthusiasm and I think that might also be the view of some people who have been very pessimistic about the use of solar power as a source of power supply for remote areas.

We do applaud the recent events where the minister and the electricity commissioner have had extensive discussions with people in the Western Australian government. There are certainly some similarities in what the Western Australian government hopes to achieve by its participation in this study and these have been noted by the minister and by others who have taken an interest in this matter. Western Australia is a very large state with a comparatively small population and, in that respect, it is certainly very much like the Territory. It also has a very large concentration in one geographical area and a wide dispersal of very small units of population and that is also something which it has in common with the Northern Territory. Any study that the Western Australians might do with a view to providing their remote settlements with a power supply would certainly be very useful in the Northern Territory context.

Before today, I did not realise that the Western Australian equivalent commission is known as the Energy Commission and not the Electricity Commission. I was under the impression it was called the Electricity Commission but that is not so. I think that, since we are now looking at broader sources of power, including wind power and solar power, and the prospects of the

Electricity Commissioner participating in the exploration of gas and coal reserves, we should give what I consider to be a correct start to this commission and look towards calling it the Northern Territory Energy Commission.

Mr BALLANTYNE (Nhulunbuy): I would just like to say a few words on the bill. It will expand the functions and powers of the Northern Territory Electricity Commission. As explained by the minister in his second-reading speech, there was little opportunity during the drafting of the bill to consider future problems of producing electricity in the Northern Territory. Since then, it has been found that there are problems facing us in the future and they should be given a very high priority.

When the inquiry into the public electricity supply of the Northern Territory was made in June 1977, one of the paragraphs in the final report related to an earlier report of May 1956 on the electricity supply. It drew attention to the need to proceed with planning immediately on preliminary designs for a future power station in Darwin for the Public Works Committee hearings and also environmental impact statements, cabinet submissions and negotiations for a coal contract. Moreover, although it was not spelt out, the committee of inquiry did foresee the problems facing power generation and the need for the utilisation of energy sources other than oil.

Clauses 3 and 4 relate to clauses 13 and 14 of the principal act. Clause 3 expands the functions of these positions and clause 4 increases the power of the commission. As the principal act stands now, there is no provision to allow scope for the commission to look at all the prospects of energy sources and enter into negotiations. I believe that such powers are given to other state electricity authorities and they are continuing to look at the future needs of energy resources and power generation.

Clauses 14 (3) (b) and (c) in the principal ordinance gives the commission permission to spend up to $100,000. The commission is limited in its expenditure so that there is no need to fear that the commission will go off at a tangent and spend money on oil and gas fields, timber forests, coal fields or even try to build reservoirs. Money expended in excess of $100,000 will require the approval of the minister. With these new powers, the commission will be able to keep in step with new technology and play a part in the use of newly-developed energy resources. The main aim, of course, will be to manufacture, transmit and reticulate the cheapest possible electrical power or energy for the people of the Northern Territory. The honourable member for Sanderson spoke on other parts of the bill which are relevant. I support this bill wholeheartedly.

Mr ISAACS (Opposition Leader): Mr Speaker, I wish to add a few comments to those already made by the members for Sanderson and Nhulunbuy. I too support and welcome very much the widening of the powers and functions of the Electricity Commission. Indeed, when you read the second-reading speech of the minister, it is quite clear that he has in mind an expansion of the functions and powers of the commission towards its being truly an energy commission. Indeed, he uses the word "energy" on many occasions. As the member for Sanderson pointed out, the Western Australian authority is known as an energy commission. When we established the Electricity Commission, the opposition said that the entity ought to be called an energy commission.

Certainly, with the widening of its powers, I think it is timely that we do change the name of the commission from Electricity Commission to Energy Commission, recognising the wider powers and, as the minister himself says, the future progress of the Territory towards self-sufficiency in energy

resources. I believe that to call it the energy commission now would be to more properly name it. In addition to that, it would overcome the confusion that certainly exists in the people's mind today. What is the authority called? You go to pay your bill in Cavanagh Street Darwin and it is called Elecom; you go elsewhere and people refer to it as Elcom. I certainly know that trade people call it NTEC. If nothing else, to call it the Energy Commission would overcome that problem; they cannot call it Elcom or Elecom.

Mrs Lawrie: Econ.

Mr ISAACS: That makes me shudder. I think that leaves only one way to call it and that would be NTEC.

One item which I would like to comment upon is the proposed paragraph (zb) which will be added to section 14 (2). This provides for the commission to obtain equity in any venture or any company engaged in a venture relating to the investigation, prospecting, surveying, exploration and mining of any material which is capable of being used or has the potential to be used in the generation of electricity. There are a number of ventures which spring readily to mind and I look forward to seeing the Energy Commission or Electricity Commission, if the government will not accept our amendment, obtaining equity in exploration ventures, one of which is going on right at this moment. It may be interesting to see what the Electricity Commission does in that regard.

The only other item that I would like to mention in relation to the bill is something which is hot off the press right now and that is the Electricity Commission's decision to purchase the standby generators for the Berrimah substation from Stahl Laval. I am sure the very mention of the name Stahl Laval will make people wonder because they are the manufacturers of the equipment which is breaking down so readily at the Stokes Hill power-station. I do not want to enter into the argument as to whether or not the recommendation is correct. I will need to look at that more carefully before I am able to make a judgment on it. I am sure though that the Electricity Commission made the decision on the basis of all the available evidence open to them.

The reason I raised this is because I have just had the opportunity to look at the stop press of today's Northern Territory News where the Minister for Mines and Energy must be a little bit touchy. He said that there is no impropriety in calling for tenders or letting contracts when the financial arrangements have not been completed. I do not think anybody has ever accused the minister of impropriety in that regard. He must be somewhat touchy. Certainly, it must be a strange situation where the minister awards a contract and the funding arrangements have not yet been completed in so far as that particular person is concerned, and that came from the minister's own mouth this morning. It is quite clear from his answer that these arrangements have yet to be finalised. I think it would be an interesting thing for the taxpayers of the Northern Territory to know whether we are to carry the can or whether the Australian government is going to carry it.

I conclude my remarks by again emphasising that the opposition supports and welcomes this bill. It does give the Electricity Commission wider powers; it gives it power to enter into the whole field of contracting, engaging consultants and obtaining equity in ventures. I believe it will be all to the good of the people of the Northern Territory to allow their Electricity Commission or, as I hope it will be called, the Energy Commission to do these things on their behalf.

Mrs LAWRIE (Nightcliff): Mr Speaker, the legislation has my support. I see it as acknowledging the fact that the Energy Commission or Electricity

Commission, whatever it is to be called, not only has the job of supplying power to the people of the Territory, intermittent as that supply has been in the past, but of necessity have to gauge future needs and plan accordingly. Certainly, the bill before us relates specifically to those functions.

I want to make a couple of points on the bill. In clause 4, proposed paragraph (za) states: "to engage under contract such professional, technical or other assistance as the Commission considers necessary for the performance of its functions". I do not know how many members of this Assembly are aware that the commission has consultants working on its behalf at the moment at very high fees. It takes me back to the days of the dreaded Darwin Reconstruction Commission when consultants had a field day. I am not opposing any suggestion that the commission may need the power to have these specialist consultants but that does not mean the commission should use consultants instead of an adequate recruiting program to maintain its own level of expertise. I have serious doubts as to the expertise presently available within the commission.

Since the taking over of the commission by the statutory authority, there have been fairly significant staff changes. There are many chiefs and, it would seem, not enough Indians to do the very detailed work which is entailed in the proper planning for the commission and the keeping of the Darwin powerhouse operative. If the honourable minister calls for the figures, if he is not already aware of them, he will see that the middle range of engineers, the specialist workers, has suffered a decline in numbers. Those people working at the powerhouse and in the Electricity Commission in Darwin are under severe strain. There are simply too few of them. Management, as always, has well looked after itself but the technical people supplying the expertise have seen their numbers depleted. Perhaps, in the future, the honourable minister might supply us with this information. If necessary, I will put the questions on notice.

The commission at the moment has consultants doing the job that its own staff should be doing, but they are not there. As I said, the top echelon has looked after itself very well as they always do. I support the proposed amendments of the opposition to give a clear indication that it is not simply a commission to supply electricity but an energy commission. I believe this to be in the best interests of the Territory. I support the bill through the second reading and shall support the amendments.

Mr TUXWORTH (Mines and Energy): Mr Acting Speaker, in reply to the honourable members, I would like to touch on several points that were raised. I would like to go back to the principle behind the amendment which will give the commission the power to hold in its own right the title to reserves that will generate, in one way or another, electricity. At the moment, the commission does not have these powers vested in it. I do not think it is a reflection on the Assembly when the bill was passed early last year. I do not think it shows any form of negligence and I do not think the members of the House were "slack" when they let it go through without this clause in it.

One of the realities of the present energy crisis is that we are now living in a world where we have to look after ourselves. Our original power-generating operations in the Northern Territory were all built on the premise that oil would go on forever, that all would be sweet and rosy in the garden and that we would just keep on building diesel-generating powerhouses ad infinitum without any regard for the future. We have been pulled up very abruptly in our tracks and we now not only have to guarantee reserves of material that will generate electricity but it is also becoming very important that we have possession of those reserves to use as we would like. It has a

two-fold advantage. Firstly, it would enable us to plan our generating operations with the knowledge that we have guaranteed reserves over many years. Secondly, it would enable us to generate at a price we know the community can afford.

One of the things that the commission does not have is the capacity to own reserves of coal, oil or gas in its own right. Most of the state electricity commissions do have these reserves and this capacity and this has been the case for many years. In Victoria, where they have had brown coal for nearly 30 or 40 years, they still have another 90 years of reserves up their sleeve. The electricity commission in Victoria owns the coal resource and it has no worries about where its next boatload of fuel is coming from. That is a very comfortable position for any commission to be in.

Western Australia has many problems similar to our own. The Western Australians do not have that sort of security themselves and this is one of the reasons that they are turning to the nuclear phase which they hope to have in operation by about 1995. This mechanism will guarantee to them a supply of power. At the moment, they use coal, oil and gas and they regard these as temporary energy sources. When I say "temporary", I mean that they are in the 15 - 20 year span. For that reason, they had to hedge their bets to come up with more stable supplies. While we are not at the stage of moving into nuclear power, we most certainly do have an obligation to hedge our bets and make sure that we do have reserves and we are in control of them. This is the major premise of the bill.

Honourable members also raised the issue of changing the name of the commission to an Energy Commission and I would just like to touch on that for a moment. The Energy Commission of Western Australia is an energy commission because it retails not only electricity but also gas. It has control of both retail applications in the state. Prior to the 2 units being brought together several years ago, it was just the State Electricity Commission. When the gas and the electricity units were merged, it became the Energy Commission. One of the reasons that they merged the 2 operations in Western Australia was that they could see that it was a futile exercise for a gas operation and an electricity commission to be competing against each other for the consumer's dollar, particularly considering that they were competing with a resource that was becoming in short supply. They have carved the state up in such a manner that the gas people supply energy in some areas and the electricity people do it in others. We are not at the stage of being an energy commission. I look forward to the day when we become an energy commission and we can start to retail gas to the public. Then we would have a case to become an energy commission. In Western Australia's case, the word "energy" in the "Energy Commission" is derived from the fact that the commission is supplying the market with 2 different products.

The Leader of the Opposition said that I was a bit tender about something that was written in the press today concerning the letting of a tender for the new generators at Berrimah. I found that most interesting because this morning, in answer to a question, I informed the honourable Leader of the Opposition that we had let the tender, although the financial arrangements had not been finalised, and that we were negotiating with the Commonwealth over the matter. I heard on the news at lunch-time that the honourable member made a comment to the effect that it was a rather strange procedure for the government to enter into a $4m contract for the letting of tenders when the finances were not yet finalised. He must have said that after he asked me the question. When I got back from lunch, the press asked for a comment on what the Opposition Leader had said. My attitude is that what we have done is quite normal. The final arrangements for the payment of the tender have not been finalised but the government is committed to pay it. There was no doubt that we had to let

the tender if we wished to achieve our targets and have the units in situ by November or December this year. If there is anything odd or peculiar about that, I apologise to the honourable members.

The honourable member for Sanderson touched on the application of the hydro and the RAPSI scheme which is being introduced in Western Australia. I think the RAPSI scheme is quite unique and I would go so far as to say that it is at least 2 years in front of anything else of that nature that is being done in this country. The Western Australians have addressed themselves to the reality of being unable to supply power to remote areas at a reasonable cost in the next few years. For over 12 months, they have been trying to attract people in the solar energy field into the supply of prototypes for implementation in remote areas. They have had a great deal of difficulty getting people to accept and place tenders with the government for the supply of the equipment. It seems that most of the 100 companies in this field are overseas. There are a couple of local ones. These 100 companies are very close to achieving a breakthrough in the technology. They are so close to the breakthrough that they do not want to tender for the supply of the equipment in case they miss the mark and the good name of their firm is damaged. They are staying away from the prospect of supplying the equipment in preference to finalising what they believe is a breakthrough.

The Western Australians tell us that they have just spent 12 months working their way through these 100 companies asking them to tender. Out of the 100, only 2 are prepared to supply equipment for a fixed price on a tender. I might add that it is a very early stage of development. The Western Australians believe that they have 3 years of field work in front of them before they can make a decision as to whether this material will be satisfactory. They believe that, if it will not work in Western Australia with its climate and conditions, then it will not work anywhere. They are also of the opinion that, if they go through their field trials now, they will have completed them in the early 1980s when they expect the price of the solar hardware will have come down drastically from what it is today.

We are in a very similar position to the Western Australians. We have a terribly heavy cost burden on us to supply power to remote areas. If we can find a way to help reduce that cost in the long term, I think we are bound to try and do it. The capital cost for us to become involved at this stage will be much larger than we would like, but it is a phase that we have to go through sooner or later to see whether it can be applied. The Western Australians are saying that, however great the breakthrough is in the solar technological field, the fact remains that we have to stick it in the field to see whether the bird droppings, the dust, the humidity, the cloudy days etc really allow these things to work. There is only one way to find out in the final analysis, whatever your laboratory people tell you, and that is to stick it in the field. We are keen to join with the Western Australians in this project. It is intended that we have 3 of the units throughout the Territory - one in the north, one in the south and another in a remote area - so that, in the event of the breakthrough coming in this technology, we will be riding the top of the wave to move into it quickly.

There is another aspect that we seem to overlook. While we are very quick to compare the cost of the solar energy against generating it with diesel pack, the reality is that the diesel may just not be there in 3 or 4 years. We may have absolutely no alternative but to go for solar and wind power and live with whatever fruits we get from it. I would agree with honourable members that we are making a move in the right direction. I thank honourable members for their support of the bill.

Motion agreed to; bill read a second time.

In committee:

Clause 1:

Ms D'ROZARIO: I move amendment 81.1.

As I foreshadowed in the second reading, this is to alter the name of the Electricity Commission to the Energy Commission. In fact, the other 4 amendments listed on schedule 81 are all to that effect. I did listen to the minister replying to this particular suggestion. He regarded this particular move at this particular time as quite unnecessary because the Northern Territory Electricity Commission is only concerned with the retailing of electricity and not gas. However, I would like to put to him that we know that the Electricity Commission is assessing the potential value of the gas field which has been identified in the Palm Valley Basin. The commission has some plans to pipe this gas from the Alice Springs region and bring it to the Top End and presumably retail it as an alternative source of fuel. I do appreciate that these events are not simply just round the corner. The building of the gas pipeline, if it does go ahead, will be a very large capital project and a very expensive one. We might not see the benefits of this particular energy source for quite some time.

However, I do still think that the commission could quite rightly be called the Energy Commission simply because the commission will be going into wider fields than it has hitherto been in and also because of the impending participation of the Northern Territory in the remote area power supply investigation with the Western Australian government. As the minister has said in his reply, it does seem that the solar and wind units will be the ones that we will be looking to in the medium term as a means of providing power to remote settlements. He has himself said that diesel might not be with us in so short a period as 3 or 4 years. Although it is quite true, and I accept his explanation that in fact the Western Australian commission does retail both electricity and gas, this is not a sufficient reason for us not to go ahead with these amendments at this stage.

Mr TUXWORTH: I invite defeat of the amendment at this stage. Taking up the point made by the honourable member concerning the gas in the Centre and the interest of the Electricity Commission in this product, we are talking about the Electricity Commission looking at the product for its use to generate power and not from the point of view of resale to the consumer.

Amendment negatived.

Clause 1 agreed to.

Bill passed remaining stage without debate.

MOTOR VEHICLE DEALERS BILL
(Serial 243)

Continued from page 1251.

In committee:

Recommitted clause 49:

Mr DONDAS: Mr Chairman, after taking into account remarks made by the honourable member for Fannie Bay, the government has decided to amend this particular clause to cover the contingency she mentioned. I invite defeat of clause 49.

Clause 49 negatived.

New clause 49:

Mr DONDAS: Mr Chairman, I move amendment 82.1.

When the honourable member for Fannie Bay brought this to my attention, I said that nobody would be that interested because it would only be a pile of scrap. However, we have taken into consideration that there are other vehicles which could be involved.

Mrs O'NEIL: It is true that the amendment goes to those points which I raised which means, in effect, that not every vehicle sold by a dealer has to be registrable. It might well be that there are people who wish to buy vehicles that are not registrable for certain purposes, for example, to do them up. Nevertheless, we should all have reservations about my provision which allows people to sign away their rights and that is what 2 (c) does. There is precedent, of course, in this bill in clause 20 (8) which we have discussed earlier. The opposition will support this amendment. I believe that that provision, in addition to clause 20 (8), is one which members of the Assembly will be looking at very carefully when we receive reports from the commissioner annually in the Assembly on the operation of the act.

New clause 49 agreed to.

Bill reported; report adopted.

Bill read a third time.

ADJOURNMENT

Mr ROBERTSON (Gillen): Mr Speaker, I move that the Assembly do now adjourn.

During question time, a question was asked of me: "Is the minister aware that lecture notes publicising various forms of sabotage of public facilities and public utilities are being distributed in the Darwin Community College?" I indicated that I did not consider that it would be proper in question time to answer that question in any detail. I have now had a chance to think about the position and, realising the sensitivity of this subject, which involves an investigation by officers of the Territory and Commonwealth Police Forces, I must be extremely careful that what I say will not prejudice the rights of any person or persons involved in the investigation. Of course, there is also a question of so-called academic freedom.

However, this subject matter has been reported on 3 consecutive days in the Northern Territory News. I have received expressions of concern from the community about what is going on. As a result of that, I think the community is entitled to know at least what the minister thinks even if, at this stage, I do not have formal government backing. Due to time and work-load, I have not addressed this problem to my colleagues. I do think that my attitude, at least in a preliminary way, ought to be expressed. I think people are entitled to that. More particularly, or equally, the people involved at the Darwin Community College are entitled to know what I think. It is also to be borne in mind that I am, as minister, responsible for community development as well which involves the field of welfare, the subject of these lectures as I understand it.

Mr Speaker, it is not my practice to read speeches in this House but,

because of the sensitivity of this matter and because I may become somewhat distracted by interjection, I would ask your approval to read a statement which I have prepared. I will break off from that to deal with various pieces of material which have been presented to me.

The material with which I have been supplied in this matter would appear to be part of that used in connection with a course for obtaining an Associate Diploma in Community Work at the Darwin Community College although some of the subjects to which part of it relates are also relevant to an Associate Diploma in Welfare Work at the college. I would assume that they are duly accredited. I have endeavoured to arrange the material given to me in some sort of numerical order, relative to the syllabus of the Associate Diploma in Community Work and, in particular, as set out in the accreditation proposal which I also have. Having gone through it this afternoon, I find that any sort of chronological order is impossible and that will become obvious as I work through these notes.

The mass of material which has been given to me is quite confusing. Some of it is comprised of numbered lectures, some is headed lectures that are unnumbered, other material is clearly photostat copies from lecture papers expressing various views on the social welfare field and other extracts are roneoed or photostat material from unidentifiable sources. A number of facts are obvious in respect of the material. I do not, by any means, have in my possession a complete set of lecture notes - and that is important - relating to any one subject or in any one semester of the course. There appears to be notes of lectures on various subjects in different semesters so it is difficult to establish any clear pattern in the material. These apparently represent different lectures at different stages of progress. It is frequently difficult to ascertain from the notes who is the lecturer in relation to a particular course and to whom the lecture notes relate. There is a considerable body of material other than specific notes which has been provided to me. It is not clear from the face of it how much of this was in fact given in lectures and indeed to which particular lecturer various photocopied items of material are connected.

At first glance, the thrust or significance of the contents of the material is confusing in parts, particularly in respect of what appears to be earlier lectures, the contents of which would seem to be largely an outline of the functions of the social worker. Other materials appear to be rather pragmatic appraisals of the problems of the social worker in practice without advocating any particular radical, political course of action in respect of those problems although in all cases, what may be described as an activist approach is urged or emphasised. Other material is devoted to the reporting of terrorist activities in different parts of the world or actions akin to terrorist activities which are almost invariably reported or commented upon in terms by persons overtly sympathetic to the cause and actions of terrorists.

Significantly, other material strongly argues against individual acts of terrorism. It is more than of passing interest to note that the basis of the condemnation of individual acts of terrorism is from a ideological standpoint and not a legal one. That reference is to Trotsky. I think that the volume presented as reading material, and certainly this is referred to in other lecture notes , is Leon Trotsky's book "Against Individual Terrorism". The paragraph which appears at page 9 would probably typify the philosophy behind the book and this is material provided at the Darwin Community College to students:

> *We are opposed to terrorists acts. If we are opposed to terrorists acts, it is only because individual revenge does not satisfy us. The*

account we have had to settle with the capitalist system is too great to be presented to some functionary called a minister.

I would assume that leaves me open to some sort of action. No, it does not actually because Trotsky is against individual acts of terrorism so perhaps we blow up the whole of Block 8 instead.

To learn to see all these crimes against humanity, all the indignities to which the human body and spirit are subjected as the twisted outgrowth and expression of the existing social system in order to direct all our energies into a collective struggle against the system: that is the direction in which the burning desire for revenge can be found at its highest moral satisfaction.

The document, of course, does not advocate individual terrorism because Trotsky is against individual terrorism; it advocates mass terrorism - a lecture note.

Finally, there is a detailed description in practical and operational terms of how to carry out terrorist activities in pursuit of political aims. I have already referred briefly to this and will do so at a greater length now. The book is called - and this was reported in the press so it is nothing new to the community at large - the "Red Book for Social Change". The thing that bothers me about the whole thing is the complete lack of balance - admittedly, I do not have all the notes. What this little darling of a document does is to set out methods of terrorist activity by way of explosives, fires and it goes even further to identify targets. It is rather a frightening document to me. I realise the people doing these courses at the Darwin Community College are adult students and, as such, are in a position to make a judgment of their own, provided that sufficient material is made available by the lecturer in a balanced manner. This is the sort of philosophy that this document contains: "Once you have served your apprenticeship in minor illegal actions, major 'criminal' acts is the next step in radical practice". It defines principal targets as US owned property both corporate and private that should be prime targets, and US bases. Obviously, whoever wrote this and the person who distributed it so freely is against the United States; that is all right, that is his business.

Then we go on to how to get rid of the Yanks: smoke and fire, diversions using spontaneous mixtures which when exposed to air will set fire in a spontaneous manner with extreme heat. Chemical warfare; how to make chlorine and inject it into the airconditioning ducting in major buildings. It says that you should not do it if the building is packed. In other words, you only selectively kill with chlorine; you don't want to cause a panic. I suppose it gets back to the opposite of Trotsky. He wanted to kill the masses; these people just want to kill individuals. Incidentally, it says, "Do not use explosives unless you are an expert because you might kill yourself instead of the other person". Great stuff!

It goes on further to prescribe methods: how to get involved with someone at a construction site; how to get that person in the cause so that person can teach you how to blow other human beings up. This is in the name of welfare, the subject of human compassion - interesting.

In the case of documents which purport to be notes pertaining to specific lectures, it is obvious that the lectures in this course are given by different lecturers. Mr Speaker, let us get to an appreciation of the material and this is my view of the material and what is wrong with it. Unfortunately, lack of time and other work has prevented me from analysing in any great depth and with any great deal of reflection the mass of material

that has been handed to me on this matter. However, my examination has revealed what I believe to be a very clear pattern and one that is very disturbing indeed. Despite the innocuous nature of some material, the overall aim of the exercise seems to be to me to be quite clear.

The way the course is presented is that it is directed purely to inculcate in the students that the whole purpose of the social worker and welfare worker is to destroy the present social order and to replace it with another order that is in line with the type of system advocated by terrorist elements of the far left. Whilst it is stated from time to time in the material that this is only one of the consequent possible solutions to the present state of society as they see it and the oppressiveness of the present regime, not only in Australia, the whole emphasis is upon radical solutions. The whole overwhelming tenor of the material is that the real and proper role of the community worker, if not indeed his whole or essential role, is to be part of a movement to effect the achievement of the radical left wing social order through his or her position as a community worker and by utilising the issues that fall for him to deal with. The bulk of the lectures are written in that vein and, by and large, the illustrative material re-emphasises that. Moreover, there is no doubt that the impression conveyed, and intended to be conveyed, is that the source material included in the bibliography - which I will read in a moment - is the only really authoritative material in the related subjects. Needless to say, this is heavily weighted to the radical and the left wing.

Let us have a look at some of the documents which are essential reading in this section of the course for the welfare workers who have to look after our children and people in need: "Black Resistance", "An Introduction to Marxist Economic Theory", "Marx for Beginners", "East Timor - Indonesia's Vietnam", "Hidden Injuries of Class", "Against Individual Terrorism", "Mozambique", "The Politics of Misrule in America", "Cause of War", "Blook in My Eye", "The Wretched Earth", "A Dying Colonialism", "Rule of the Sword" - it is just so completely unbalanced to me. I really do find it disturbing. All of the material is in the same terms, in the same manner.

This is done to the total exclusion of proposing any other real role for the community worker. In some ways, some of the material would help a student become a more effective social worker with or without the ideology urged but the whole course is submerged in the underlying concept that the radical, socialist, political structure is the only really desirable one for the social worker to pursue. No other political framework is advanced by way of a desirable comparison with which the student can satisfactorily work. Nowhere is it suggested that they should work as dedicated professionals in the present democratic structure of society. Indeed, as has been seen, their task is to be seen in their professional capacity as social workers to further the course of the movement to bring about a radical, socialist order of society by any appropriate means, and to them that means any appropriate means.

It is the balance that I am talking about. I speak about this from my political and ideological philosophy. I have one and I admit it and I am proud of it. What I am getting at is the lack of balance that social workers are being taught in that institution for which I have an enormous respect and a great deal of pride. There is no counter-balancing view offered. The only method available to the social worker and community worker that the Department of Community Development employs is the radical, destructive method of operation. It does disappoint me to have to bring this to the attention of the House in this manner. I have not finished with what I had written here but I think I have said sufficient to give an indication at least to the public of my concern of this type of direction in the training of people who are required to work in the field in contact with other human beings.

Mr COLLINS (Arnhem): Mr Speaker, it is impossible in 15 minutes to offer any kind of balanced, reasonable assessment on a 16-semester course at the Darwin Community College and I will not even attempt to do so. I think that the Minister for Community Development and Education, if he is so concerned about this subject, considering the fact that this sittings is going to continue for 3 weeks, should have done the community college the justice and himself the justice and the people that are expecting to have some sort of faith in him as Minister for Education after 1 July the justice of considering all of the lecture material. I could have provided him with it, if he had wanted all of it, before he embarked on his criticism of the course this afternoon. He said a few interesting things. He keeps on talking about all of the material. He said a number of times "nowhere is it said". He said a number of times, "There is no other view in the material", and numerous other things. He admitted himself that he has not read the material for the entire course.

The particular section of the course that we are dealing with in this debate this afternoon is 1 semester out of a total course of 16 semesters. That is what this material is dealing with and I don't think that the minister would strain anyone's credibility into thinking he could have done the slightest justice in an afternoon, along with all of the other business of the House that he has been dealing with, in analysing a 16-semester diploma course at the community college. I think the minister has fairly successfully condemned himself completely with his performance here this afternoon. I think that any Territorian who is sincerely interested in education is going to have severe doubts in the minister's credibility in handling that portfolio after 1 July. The minister talks about a lack of balance in the material. The minister himself of course has shown that he is unbalanced this afternoon in flipping through 1 semester's worth of material out of a 16-semester course and then giving an analysis of that course and a condemnation of it.

I would just like to refer to some of the materials that the minister is quoting from. This is the famous "Red Book for Social Change" that people are writing letters to the paper about. It has been around for some considerable period of time; I have several copies in my office, along with a whole lot of other stuff. I quote from the preface of the book which is not part of a lecture notes; it is merely part of an enormous amount of supplementary materials provided to stimulate thought and debate:

> *This country with its institutions belongs to the people who inhabit it. Whenever they shall grow weary of the existing government, they can exercise their constitutional right of amending it or their revolutionary right to dismember it or overthrow it.*

John Tomlinson? No, Abraham Lincoln. The first inaugural address. It is out of the red book. Ever heard of the Americal Revolution, Mr Minister?

Let us have a look at some of the other materials in this outrageous document. The minister, of course, was careful in his balanced criticism to give none of the other side of the story. It gives a number of options that can be adopted by people in a community to make social changes. The course of lectures in this 1 semester is entitled "Social Change". I quote from the red book:

> *Violence in Australia is actually encouraged as long as it makes a profit for someone. The slaughter on the roads is accepted and the media are flat out persuading people to drink more and to drive bigger and faster cars. Violence is an essential ingredient in spectator sports such as boxing and football. School cadet squads, though they are recognised by the top brass as militarily useless, continue to condition our children to use and accept violence. On TV screens,*

thousands of people die violently every year while real love and affection are rarely shown. Censorship attitudes to film and TV reveal that the establishment considers love to be obscene and violence natural. The Liberal government tries to frighten us with imaginary threats of leftwing militancy, sections of the police force are now equipped with armalite rifles and the army is forming special squads to deal with internal enemies. As well, there is concrete evidence of joint army and police anti-terrorist exercises.

I would say that is a very truthful and thoughtful statement. To get to the horrible parts of this document, chemical warefare: chemical warfare deals solely with the production of rotten egg gas! This brings back memories of childhood. I remember my last year at Newcastle Boys High School. On the night before the last day of term, a gang of boys broke into the school and manufactured gallons of rotten egg gas - you are taught to do this in a chemistry course at high school; no doubt it will be banned after 1 July - and put it in the school. The school had to be vacated the next day because of it. This was a long time before this book was produced or anything like it. Chlorine - third year chemistry! Defoliants - read the papers.

Criticism was made that the courses contained material to manufacture bombs. It contains absolutely nothing of the sort. This is the reference to explosives:

It is most important to remember that the use of explosives is not a matter for unskilled people. Explosives are widely used in quarrying, agriculture, clearing, mining and building. They are therefore relatively easy to get hold of.

The setting of charges, detonators etc must be learned from experts. The experts can be found amongst the aforementioned trades who can also supply the necessary materials. If you are prepared to go in for this type of action, contact somebody totally trustworthy who works with explosives and make sure you get plenty of practice.

I am quite sure that, when they produce this authority, the bloke will instantly comply. The lecture notes themselves are outlined and the course itself is outlined by the head of the department, Mary Gardiner, in this document: "The segment on contemporary social movements is a course to trace all methods of social change in the community from protest to revolution". In order to look at contemporary social movements, we first need to ask a few questions. What are social movements, why do they appear and under what conditions do they succeed or fail?"

Lecture 10 from the course contains basically what the course is about. For the benefit of the minister, John Tomlinson gave this lecture:

You will have found, by this time, that you have got a mass of material of questionable value which deals with everything from a paraplegics revolt through parliamentary forces to paramount terrorism. You have got a little handbook on do-it-yourself terrorism and, when you start reading it, you will find really it is a basic community organisational how-to-do-it book. There are plenty of this style of book about brought out by reputable publishers and they have been around for a long time; they are not good sellers. They are worth buying if you see them for they will often give you ideas for strategy and tactics or help you understand community issues which you overlooked, misunderstood or, more frequently, insufficiently analysed.

It goes on to describe the course in detail. I wonder if the minister

has read that particular document. I quote again from John Tomlinson's lecture notes:

> *There is an assumption of mindlessness on the part of people who find themselves in crowds. My personal experience is that there are tremendous difficulties in getting a mass of people or even a small proportion of a mass of people to do anything which they were not prepared to do. If you cannot talk one girl into coming to bed with you, do you think you could talk all the girls in a class into coming into bed with you.*

Hardly revolutionary; just a fact of life. Some of the material provided: "Implication of government restraint and budgeting of social services", from America. As the minister correctly says, there is masses and masses of material attached to this course, all of it of a very challenging and stimulating nature.

Leon Trotsky which we have already had quoted here this afternoon:

> *Trotsky's opposition to individual terrorism did not flow from pacifistic, moralistic or ethical aversion to violence under any circumstances or from reformist allusions about the possibility of political, social revolution. Rather it flowed from an understanding of the basic ineffectiveness of individual terrorism as a strategy for social change. Time and again he reiterated 3 main themes in his argument: first, the terrorist's acts can only eliminate individual members of the ruling class and not the ruling class itself ...*

I assure the minister that I can put his fears at rest. As he was not part of the Russian Revolution, he is in no danger from this document whatsoever. I am running out of time.

To conclude, a parallel example of this kind of over-reactionary nonsense has also occurred just recently in a similar democracy to our own - Queensland. Before I get on to that, I will refer to the NT News of yesterday which published a letter from a Mr Ray McHenry - not I hope, the minister's right hand man, the head of the Department of Community Development. Among other things, he says, and the minister has told us, that welfare is all about caring and looking after people. We have the head of the Department of Community Development talking about Mr Tomlinson at a time when the education function is about to pass to the Northern Territory government: "It is vital that action be taken and the corrective action must be swift and final".

It is interesting to compare this and I quote from the Brisbane Courier Mail of 3 May this year:

> *The Premier, Mr Bjelke-Petersen, yesterday criticised a Griffith University lecturer, Dr Ross Fitzgerald, for advocating violence as a way to change the state's political system. Mr Bjelke-Peterson told state parliament that such statements were the reason the government took a stand on certain issues such as street marches. Replying to Mr Armstrong, National Party, Mulgrave, Mr Bjelke-Peterson said it was very difficult to prevent such statements.*
>
> *Early last week, Dr Fitzgerald said violence was becoming the only way of effecting change available to sections of the community. He said that it was not just the erosion of civil liberties or the widening gap between city and country, but a deep disillusionment with the political system. Mr Bjelke-Peterson said that it was a shame that a*

doctor should come out and say the only way to get a change was through violence. "It was regrettable that a person of obvious abilities in certain fields could make such statements", he said.

Dr Fitzgerald said yesterday Mr Bjelke-Petersen's remarks had grossly misrepresented his position. "In fact, I am totally opposed to violence", he said. "The whole point of my statement was to alert people to the possibilities of what could happen unless the workings of the Queensland political system reverted to a democratic form".

The parallels between that Dorothy Dixer and this morning's Dorothy Dixer and the situation involving that question is very clear. Personally, after reading the lecture notes and the very challenging and stimulating course that is being offered to these people, I have no doubt they will turn out better people for it. The only thing I am worried about with this course is that, because of its complexity and the volume of materials that needs to be read, I think it is going to be a very difficult task for the people doing that course to attain their diploma. I wish them all the best. I have no doubt that Mr John Tomlinson, when he prepared this material and these notes, did so in an effort to stimulate discussion, criticism and debate. I am sure that he is delighted that this debate has extended outside the bounds of the community college into the Legislative Assembly. I am sure that the debate this afternoon and any further contributions that might be made to it - and I am looking forward to hearing some more - will act as excellent source material to add to the already large amount that is available for the rest of this course. I wish all the students and the lecturers well.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, this afternoon I would like to bring before the notice of the members of the Legislative Assembly an incident that happened in the Tiwi electorate at Howard Springs last Sunday. Members in the House have expressed their concern and care for the environment and for the delicate nature of the ecological situation in some places. What happened on Sunday should be noted here. It happened on section 278 which is along the Howard Springs Road, and is currently held by Forestry. If the honourable member for Sanderson was home, she probably would have heard the noise of motor racing from about 6.30 in the morning until about 3.30 in the afternoon. I have received complaint from 3 people in Langton Road and also from other people who live in the Howard Springs area.

My particular concern is that, although Forestry own this land, it is a low-lying area. Dutchy's Lagoon is on section 284. It is not owned by the government; as far as I know, it is owned by a private person. The lagoon goes through block 15 and it also goes through block 18 of section 285. The lagoon also extends to another part of 285 going subsequently through to section 278. This is the section on which a motor race was allowed to be held last Sunday. I know the public servant who gave the permission for the race to be held but I would like to deplore the depredations on this particular section by this motor race and I hope these sort of things are not allowed to continue.

In the proposed plan for the rural area, there were 7 zones worked out. The Minister for Lands and Housing had full consultation extending for about a year with representatives of groups in the area. It was worked out that in none of these 7 zones would motor racing - other outdoor sports were allowed - be allowed as a permitted use. It was to be allowed in zone 5, which is over 50 acres, as a consent use. It was to be allowed in zone 6 which is the zone for noxious and hazardous industries, with consent use. It was to be allowed in zone 7 which is open space with consent use. Here we have a public servant allowing motor racing to be held near a rural built-up area out in the Howard Springs area. I think the general public who live in the rural

areas have made it quite clear that they do not want motor sports and, if they are to be held, they want them to be held in very restricted areas and certainly not where people live on 5-acre blocks.

I have not commented on the dust situation, which I believe was pretty bad out there, but the noise went on from early morning until later in the afternoon. A point I would like to mention is - I do not have any basis to say this, but I think I am probably right - that these rallies are held by people who come out from the city to do their car racing in the country. I would like them to hold their car races and all their rallies in the city where the people belong and where the car races and rallies belong. This would give the people living in urban situations the benefit of all the noise and disturbance.

Mrs LAWRIE (Nightcliff): Mr Deputy Speaker, I have read the letter in the paper written by one Ray McHenry. He posed certain questions that deserve some answer in this Assembly. He asked under what given right do academics feel they are able to preach bloody revolution, using the taxpayers' money and under what guise are these community welfare course lectures being undertaken. I must advise the House that the Department of Sociology and Anthropology of the Darwin Community College has an advisory group which meets from time to time to discuss the content of the courses and what lectures should be undertaken. I am a member of that group. It is drawn from a wide cross-section of the Darwin community. The people involved are members of the community, staff, students and other lecturers. It is a little unfair to simply criticise the community college unless you realise that there is an advisory committee and the advisory committee has known for some time of the lectures.

There is no-one in this House more aware of the problems of political violence, of sabotage, of terrorism, than I am. Some of my closest friends are military advisers to the Israeli Government and if you really want to know about terrorism and sabotage, just ask them. The point is that, in my opinion, John Tomlinson and his lectures are not much danger to anybody. I have argued with John personally on this. I have said to his face, "You talk a lot John, but that is about the end of it".

The Minister for Education did have the grace to say that the students attending these lectures were not children and were deemed to be mature. In his letter, Mr McHenry expresses his fear that students are being exposed to the type of material put forward by John Tomlinson. One would hope that, in a tertiary institution, extremes of opinion are put, as well as the majority of material which is fairly middle of the road, to enable people to arrive at their own conclusions and to perhaps end up as I am, abhorring extremes of right and left. One cannot pretend that these opinions do not exist. One cannot shield tertiary students or anybody else from the facts of life. I think that is unreal.

I am not worried about John Tomlinson and his lecture notes any more than I am worried about extreme right-wing views. I do not like them, but the more that people know about them the better. That is the strength of democracy. Democracy will not survive if we stop allowing people to voice these views in an institution such as the Darwin Community College. I take far greater exception to the incredible screaming of violence on the television - often when it is well known that impressionable young people will be watching. Some of the corny, canned shows we import from America and some of our own shows, to our shame, are much more violent and abhorrent than the course of lecture notes. Their impact is greater; it is visual and the audience is non-selective. If you are going to talk about taking away a respect for freedom and a respect for rights, and I think that that has been implicit

in some of their remarks, then look at the television set sometimes and see what is offered in the guise of children's entertainment. Look at the entertainment screened when vulnerable and impressionable young kids are known to be watching. I think that is the big difference between the lecture notes given at the Community College and the other form of indoctrination through the magic box.

Far greater philosophers than I have defended the right of people to speak openly and freely as a necessary safeguard in a democracy. We all know what John Tomlinson's views are on certain things. He is not the one posing the threat. That responsibility belongs to the quiet one, the sinister one, working quietly and deliberately to undermine one particular society. They are the people we have to watch. They are the people that occupy the time of Commonwealth police and other law enforcement agencies. I know we have got to have law enforcement but I do not think any intelligent agent worries too much about the vocal person like Mr Tomlinson. They are looking for others who are not vocal.

It is surprising that the debate was initiated in this House at this time. Apparently, there is an investigation underway. I rose to defend the community college which, as an institution, is being fairly bitterly criticised. I think it would have been nice for the people to have spoken to the head of the Department of Sociology and Anthropology. If they did speak to her, then they would perhaps have felt that it was almost impossible to contemplate sedition or terrorism being preached as a way of life at the college. Perhaps they would have put these lecture notes in a better context. Mary Gardiner's name has been mentioned before. She is an intelligent, warm, delightful and sympathetic person. She is highly educated, highly motivated and she would make an excellent politician - better than 98% of us. Mary Gardiner and the senior staff of the college are not fools.

I can only say that the community college has endeavoured at all times to interest the community in its affairs. The tone of the letter from Mr McHenry suggests otherwise. That is not true. They call these meetings to discuss the various courses and not everybody bothers to turn up. Many people pay lip service to community involvement in education and there, I think, the minister will agree with me. They pay lip service until they are asked to become involved and then they shy away.

In conclusion, I think most of John Tomlinson's notes are a lot of rot. I have told him so to his face at various functions and I am happy to say so again. I know John does not believe me. He thinks I am some kind of pacifist but I do not worry in the least about the effect of his notes on his students who receive a wide variety of material and who have to make up their own minds as to the value of that material. It is not for us to do it for them.

Mr PERRON (Stuart Park): Mr Deputy Speaker, I raise a matter this afternoon on behalf of the Chief Minister who had to be in another place. Mr Deric Thompson is to retire today from the Australian Public Service and I would like to have recorded here an appreciation of the services of that man to the Territory although that service was in fact, a number of years ago. Members will no doubt be aware that Mr Deric Thompson is the brother of the present Clerk of the Assembly. Deric was also the first Clerk of the Legislative Council for the Northern Territory. Deric Thompson served the Legislative Council in that capacity from 1948-1960 with the exception of the period 1950-1952. He was also official secretary to the Administrator. Many, if not all, present members of this House have had the pleasure of meeting Deric in his capacity as an officer of the Ceremonial and Hospitality Unit of the Prime Minister's Department during his visits to Darwin and other parts of the

Territory. I am sure members will endorse this appreciation on the occasion of the retirement of a public servant of the highest calibre after a long period of service.

Members: Hear, hear!

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

ABORIGINAL INVOLVEMENT IN ADMINISTRATION OF JUSTICE

Mr EVERINGHAM (Attorney-General) (By leave): Mr Speaker,I wish to make a statement in relation to Aboriginal involvement in the administration of justice. In the Administrator's speech to this Assembly on 12 September last year, the government's intention to introduce legislation to establish courts for Aboriginal communities comprising Aboriginal justices of the peace, advised by stipendiary magistrates, was outlined. Since that statement, there has been consultation with a number of Aboriginal communities. These included Yirrkala, Port Keats and Santa Teresa. The discussions disclosed a wide range of expectations and requirements for involvement of the communities. In conjunction with this consultation, there was discussion amongst the various Northern Territory departments involved and comments were received on the proposals from other interested parties such as Aboriginal Legal Aid.

Mr Terry Seidal was brought from Broome for discussions. Mr Seidal is a magistrate working in Broome. For the past 2 or 3 years, he has attempted to involve Aboriginal communities in the work of courts of summary jurisdiction. Mr Seidal's experience and wide-ranging knowledge was of great benefit and I would like to thank the Western Australian Attorney-General for making his services available.

At all stages of these discussions, the Chief Magistrate, Mr Galvin, and magistrate, Mr Pauling, were actively involved. As a result of these discussions, my government has decided that legislation on Aboriginal courts, as outlined in the Administrator's speech, is not necessary at this stage. It believes community involvement can be achieved under present legislation. The government believes, because of the differing needs and expectations of Aboriginal communities, legislation may not only be unnecessary at this stage, but harmful. It would impose a policy that has been worked out by the bureaucracy and is incapable of responding to the needs of the different communities. Legislation may not be flexible enough. The government has therefore decided that legislation will not be introduced at this stage though it may be necessary in the future. This does not mean that Aboriginals will not be involved in the administration of justice in their communities. It does mean that the government is adopting a new policy that will allow such involvement to grow gradually out of the communities rather than having it imposed on them.

I would like to outline this new policy which, because of the enthusiasm of the magistrates, has already been put into action. The new policy is based on 2 ideas: existing legislation is flexible enough to involve Aboriginals in the administration of justice in their communities; and this involvement should be fostered through the use of existing courts of summary jurisdiction and the magistrates. As I mentioned, the magistrates have started to implement this policy. The Chief Magistrate has modified the method by which magistrates are allocated to courts held outside Darwin. In future, a magistrate will be able, if he wishes, to concentrate on a particular community with a view to encouraging community participation in the court. So far, this has only been applied to Port Keats, now known as Wadderr, and Yirrkala. As yet, Alice Springs magistrates have not had the opportunity to become involved in the program. Yirrkala and Port Keats are, in effect, pilot projects. At Yirrkala, the leaders of the Danbul Association have been asked to nominate a number of persons who are suitable to act as advisers to the magistrate when he sits at Yirrkala.

The idea is that these people will gain experience of court procedure

and will be appointed as justices of the peace. At this stage, it is not anticipated that the justices will sit without a magistrate. This may occur in the future if the people so desire, but it is a long term aim. One magistrate will, in future, conduct hearings at Yirrkala so that administration of the involvement is consistent and is development for the future rather than on an ad hoc case-to-case basis. As yet, no names have been received from the Yirrkala community.

The court at Yirrkala should not be seen in isolation. The people at Yirrkala see it as part of their involvement in administering their own community. Therefore, the court will be developed in association with the training and appointment of police aides. It may also, if the people accept the idea of community councils, be integrated with the council and be able to enforce council bylaws. The people of Yirrkala have been talking about community courts for 3 or 4 years and have quite justifiably become somewhat cynical about the idea. My government believes that they should be given the opportunity to be involved in their own courts.

The situation at Waderr is different to that at Yirrkala. Though the community has not been involved in previous discussions on Aboriginal courts, it has enthusiastically adopted the idea of involvement. Community leaders were involved in the recent first sittings of the court of summary jurisdiction at Waderr. They advised the magistrate of the background to matters and discussed the appropriate sentence. This was done through younger men acting as interpreters. Some of the sentences imposed at that sitting appear novel but they are within the ambit of existing legislation. For example, the order that one man be taken into the bush and re-educated by the older men is clearly within the powers of sentencing under the Criminal Law (Conditional Release of Offenders) Act. The magistrate has come to an agreement with the elders involved that physical punishment cannot be inflicted when such an order is made. This order may be seen as a novel welding of traditional and western law as the re-education by old men, which is designed to make the offender straight, is a traditional process of law. The representative of Aboriginal Legal Aid who was present at the sittings was enthusiastic about the involvement of the elders. As yet, there are no other communities who have joined in the scheme but others have expressed interest.

Members will appreciate that to get a community involved is a time-consuming process. My government believes that it is best accomplished by a magistrate who is personally interested and committed rather than through a public service committee in the bureaucracy. The magistrates have the necessary knowledge of the law and, through concentration on one community, will acquire knowledge of that community. However, this requires a magistrate who is willing to accept this difficult task and who is dedicated to its success. The program is therefore limited by the number of magistrates. Yirrkala and Waderr are pilot schemes. Other communities may wish to become involved in the future and the government will do all it can to encourage and help the magistrates in extending involvement at the pace required by the communities.

It is expected that the courts at Yirrkala and Waderr will be looked at again after they have been operating for a year or so. This examination may disclose the changes that are required to the policy and will indicate how it should be developed in the future. One idea that will be looked at is the training of Aboriginal bench clerks. The policy I have outlined does not involve the establishment of 2 systems of law. As I have already stated, it is based on the idea that the present law, if imaginatively administered, is flexible enough to involve Aboriginals in the delivery of justice to their communities.

Mr COLLINS (Arnhem): Mr Speaker, the opposition welcomes this statement from the Chief Minister and I would like to commend the Chief Minister on the temperance, restraint and good sense of the statement. The opposition supports all of the recommendations and the new policy outlined by the government.

At a recent conference held in Darwin between officers of the Northern Territory government and Aboriginal leaders from communities all over the Northern Territory, a contribution was made on this very subject by Mr Tom Pauling. I attended the conference for 2 days out of the 3 and, whilst there were many features of the conference that I did not like at all, one of the high points of the contributions was that speech made by Mr Pauling. It was an excellent contribution - clear, concise and completely understood by everybody present. Unlike many of the speakers at the conference, Mr Pauling also kept his remarks to between 10 and 5 minutes in length and allowed some time for Aboriginals to respond to what he said.

One of the particular points he mentioned is one that is outlined in the Chief Minister's statement. He says: "The idea is that these people will gain experience of court procedure and will be appointed justices of the peace. At this stage, it is not anticipated that the justices will sit without a magistrate". I support that particular policy completely. What Mr Pauling said to the Aboriginal leaders at the conference was simply to outline his own position as a magistrate should a case come before him involving a relative. The explanation was easily understandable. Mr Pauling explained that, should a case come before him which involved a relative, he would discharge himself from the case.

The problem in Aboriginal communities is that Aboriginals have a much broader sense of relationship than do non-Aboriginals. The Aboriginal concept of an extended family is very wide and, if you are an Aboriginal, you are related certainly in a skin sense to half the people in Arnhem Land. Mr Pauling did expand at some length on the problems which would be involved in Aboriginals sitting as magistrates and dispensing justice in small communities. The fact that they are in small communities compounds the problem as well. I do not think I would like to be a magistrate living and working in a community of 200 to 300 people and sitting in judgment on the people that I was living and working with. It would create a lot of difficulties. In the Aboriginal sense, it is even more complicated where, in almost every community I can think of, the chances would be at least 50/50 that the person before the bench was related to the person sitting in judgment on him. Mr Pauling made it clear that, if he was involved under those circumstances, he would have to discharge himself from the case. This is obviously an area that would involve severe problems in justice being properly administered. I am pleased to see that the government does not intend to proceed with this particular idea.

I also agree with the Chief Minister that the current legislation, providing it is imaginatively administered, does provide sufficient scope for Aboriginals to be involved at the moment. I am pleased to see that he stated: "It is expected that the courts at Yirrkala and Port Keats will be looked at again after they have been operating for a year or so". The tone of that statement is clear: this is not going to be a rush job but will be carefully and quietly considered and evaluated; it is not something that will be forced on communities.

The final statement is worth repeating again: "As I have already stated, it is based on the idea that the present law, if it is imaginatively administered, is flexible enough to involve Aboriginals in the delivery of justice to their communities". The opposition unequivocally supports that statement

and the policy of the government. The opposition will look forward with great interest to seeing the results of the pilot schemes in the 2 communities the Chief Minister mentioned.

Mrs LAWRIE (Nightcliff): Mr Speaker, I rise to congratulate the Chief Minister on the presentation of the statement because he has taken upon himself to bring to the attention of the House one of the most vexed problems in judicial procedures today. We are all aware that the Australian Law Reform Commission had a reference to study this particular aspect of the part Aboriginal law should have in the context of European law. This is one of these areas where whatever we do is wrong in someone's eyes. It is a particularly complex and difficult question.

I think that the present attitude of the Chief Minister is the only one likely to succeed at this stage. I choose my words carefully because I think that any particular scheme will have to be seen in operation for some time before we can judge whether it has even a chance of success. One of the problems associated with the attempted welding of Aboriginal law and western law is the fact that the Aboriginal people themselves are not static any more than we are. There are young Aboriginal people who have less respect for their own law than their elders. There are other young Aboriginal people who have a great respect for tribal law but this is by no means universal. Some of the customs of Aboriginal law are in dispute amongst themselves. Most Europeans who have lived in the Top End are well aware of this. It is difficult to remain a part and yet not interfere with an evolving process: the Aboriginal communities' right to come to grips with this most thorny problem.

I feel that I have to make a couple of remarks in defence of Aboriginal people who are in the most difficult position of, in some cases, not accepting the law of their fathers and yet not being able to totally accept European law. It will be a wise magistrate indeed who can deal with these cases. I approve of the concept of a magistrate getting to know the community and the tensions within that community so that he is best able to make a judgment on each particular case. Certainly it would be almost impossible for a revolving system of magistrates to attempt to interpret the law as it should be in these difficult cases. When I say "as it should be", I am talking about justice as an abstract concept.

The idea of Aboriginal justices sitting with magistrates is admirable. I rise to voice my concern with the concept of justices sitting by themselves, whether they be Aboriginal or whether they be European. There are members of this Assembly who are justices of the peace and I am one but I believe that, before justices should determine cases as distinct from acting in a remand sense or in an emergency, they should have some legal training. My views are well known and I think that many justices would support them.

As the honourable member for Arnhem said, it is further complicated when one considers the extended family system of tribal people. My whole point is that there are no simple solutions as the Chief Minister has recognised. He and his department are setting in train a course of action which, at the moment, they see as being the most correct course and which I also support. I am wary of extending this to a situation where Aboriginal justices determine cases alone. I am particularly mindful of those Aboriginal people who are not static, who are in a state of flux, who in some cases are moving out of what was the totally tribal position and who attract the criticism of their elders. In some cases, they may not have transgressed against a particular European law but they are in revolt against their own community. Whilst they are Australian citizens, they are allowed a certain protection from Australian law.

The member for Fannie Bay raised a particular point which very few people care to mention or talk about: the system of promised brides which is against the United Nations Charter of Human Rights and which has engaged the member for Fannie Bay's attention and mine for some years. In some cases, young Aboriginal women have chosen to disregard the tribal law and they have stated that they wished not to abide by it. They are in a particularly difficult position and it is not for us to say that that is their problem. I raised this at the women's conference in Canberra and no one wanted to know about it. I have brought it up in this House before and, to my knowledge, the only person who has ever apparently paid much attention is the Chief Minister. I am talking about people who are in a position to act and to do something because, of course, the members for Fannie Bay and Arnhem are well aware of the problem.

It is a difficult duty of the Attorney-General of the Northern Territory to ensure that basic civil rights are preserved whilst trying to do all possible to ensure that the Aboriginal people still have a say in determining their own affairs in so far as it is possible in the best administration of justice. Let us think about justice and not simply codified law or what one particular community in isolation thinks is proper. This statement presented by the Attorney-General this morning deserves the close attention of every member of this House, not particularly to speak now but to frame it and put it on the wall and to watch carefully what happens over the next couple of years. The Attorney-General and his magistrates have my sympathy and support.

Mr DOOLAN (Victoria River): Mr Speaker, like my colleagues, I commend this. I have had for some time considerable correspondence with Mr Justice Kirby and his law commission and, in fact, I have a volume of papers on my table to go through. I have always had very considerable doubts as to whether traditional law could apply to what we regard as crimes in our society. Thirty years ago I lived with an Aboriginal community in Arnhem Land and I had a unique opportunity to observe them living in their traditional way completely untouched by the advent of Europeans in that particular area. It was on the Liverpool River. If people are interested, there is a book in the Assembly's library called "Whispering Wind" where they can read all about it.

In traditional Aboriginal law, there are just so many things which they regard as crime and which we do not regard as crime and vice versa. For instance, take the subject of theft. Aborigines are not an acquisitive people; in fact, they have no material possessions to speak of. The only stealing I can ever recall that went on during my 7 months living with these tribal people was wife stealing. For this, they had one punishment only: a shovel blade spear in the back. They dealt with it pretty promptly. However, theft just did not exist in their society. If you were short of a spear, you could borrow one. I just cannot see how traditional Aboriginal law could be applied. What do we do about pinching cars for instance? There is nothing in their law which would cover the things which we would regard as criminal.

The idea of having advisers sitting with the magistrates is a most splendid one. I commend it very greatly. Actually, we are almost exactly 100 years behind New Zealand which has had Maori advisers sitting with magistrates. It was found to be a remarkably effective idea which worked very well. Although 100 years behind New Zealand, at least the Territory has come out with a first in Australia in this kind of thing.

Mr BALLANTYNE (Nhulunbuy): I would just like to support the statement by the Chief Minister. It is one that will be welcomed by both the communities, particularly Yirrkala. As the minister said, for a number of

years, they have been asking for some form of courts for their own people. The Law Reform Commission recently had discussions. The people were a little bit apprehensive about when it would come to fruition but I am sure that they will be very pleased to receive the statement by the Chief Minister. The Yirrkala people have already had people working within their community in the form of orderlies helping some of the law breakers. A lot of petty crime goes on both at Yirrkala and at Nhulunbuy. There are misunderstandings too by the Yirrkala people when they come into Nhulunbuy. There have been a few cars stolen and break ins. They have even broken into the store at Yirrkala. In their own way, they have treated these things in a similar fashion to what has been said here today by the Chief Minister. Some of them have been confined to their outstations for quite a while for breaking the law in a minor way.

As the Chief Minister said, time is of the essence in these things. It has to be tried. There are other types of courts that have been working in the past and they do now work in Queensland. I am sure that, if we can come up with a similar system of our own, then the Aboriginal people can have a big say and I think we would be taking the first step forward to help these people, who have been crying out for help for so long, to integrate Aboriginal laws with the normal process of law as we know it. I welcome that statement, Mr Speaker.

Motion agreed to; statement noted.

MOTOR ACCIDENT COMPENSATION

Mr EVERINGHAM (Chief Minister) (By leave): Mr Speaker, honourable members will be aware that for the past 3 months the concepts of motor accident compensation, including those embodied in the bill now before the House, have been under study by a representative committee formed by my government under the chairmanship of Mr Hugh Burton Bradley. I have now received both the majority and minority reports of that committee and seek leave to table these now. I would like to place on record the appreciation of the government to the committee members, and its support staff, in carrying out its task in a very business-like fashion.

The majority report contains a host of recommendations. Even at this early stage of its examination, it is fair to make it plain that there are some recommendations which will not be accepted, some that will be accepted with reservations and some that will be accepted with certainty. I will canvass the most significant of the recommendations and turn first to those which will not be accepted.

The premium level: the premium level recommended by the committee is $130 for a private car. The contribution of $120, which appears in the Motor Vehicles (No. 2) Bill, will not be increased. I have already been advised as to the adequacy of such a contribution level to fund a reasonable scheme. The McNair Anderson attitude survey report confirmed the acceptance of that figure by the public. I can see no special new circumstances which should influence an increase in this amount. Coincidentally with the presentation of this document, I received the usual annual report of the Australian Government Actuary into the costing of the current third-party scheme which of course is a straightout common law scheme. Honourable members should not be surprised when I advise the House that its formal recommendation to the government is that, if the current common law scheme continues, the premium should be raised to $192 for a private car, with commensurate increases for other vehicles. The government's action in moving so speedily to set up an alternative scheme under a single authority with fixed benefit schedule to contain costs within the capacity of Territorians to pay has been dramatically

and independently vindicated.

Termination of no-fault benefits: the committee recommends that necessary income supplementation or allowance for household help where necessary should terminate at the end of 2 years from the date of an accident and that medical and other treatment should cease after 5 years, irrespective of the permanent or lingering residual disability. The government is committed to the principle that every Territorian injured in a vehicle accident should receive necessary hospital, medical and rehabilitative services and treatment and, if earning capacity is diminished, he or she should receive regular compensation out of a common pool of contributions to relieve hardship for so long as that disability persists. I cannot, therefore, accept an arbitrary time limit to an entitlement to compensation after which those victims are thrown onto the social services scrap heap without a right of action.

Preservation of the right to sue at common law: the committee recommends reintroduction of the right to sue for damages as redress for "innocent" casualties under improved procedures but with a statutory limitation on damages of $200,000. It also recommends preservation of the right of a spouse of a deceased person to sue for damages under the Compensation (Fatal Injuries) Act. With free hospitalisation, reimbursement of medical and rehabilitative costs, average earning capacity permanently guaranteed where necessary and substantial death benefits, the justification for damages where a cause of action exists should be on non-pecuniary general grounds only. To reintroduce the whole apparatus of court actions and settlements based on degree of negligence to recalculate all of this is not only wasteful but potentially open-ended. There would be an inevitable predisposition to award the maximum. In any case, the arbitrary limit of $200,000 placed by the committee on the damages which may be awarded will inevitably mean that the cases most in need of substantial assistance will be the very ones which will be denied by its inadequacy. In severe cases, the present payments under the no-fault scheme would exceed that limit anyway. One is never sure that terrible injuries are adequately compensated for by a lump sum of money even if it is very large. A continuing periodic payment will ensure that there is no hardship.

Nevertheless, as I have acknowledged, there is a right to certain general damages which is not extinguished in the scheme which concentrates on compensation for quantifiable loss and provides only limited sums for loss of facility. In recognition of this, we will retain, as an additional benefit, the common law right of action in respect of this limited heading. Damages of up to $100,000 will be assessable. This limit is above any award so far made by a court in Australia for this part of the damages calculation. The usual assessment, even in the most severe cases, has been in the range of $40,000 to $60,000.

Lump sums: the committee recommends that lump sums for lost bodily facility are rendered inappropriate by the retention of common law rights. Provision for such lump sums under the no-fault scheme is a humane way of giving some compensation for the non-work-related aspects of permanent loss of mobility, dulling of the senses or disfigurement. The significant parts of the present workers compensation lump sum schedule, with its maximum of $25,000, will be introduced in place of the present limited schedule. It will also enable those people who do not want to sue at common law to elect to opt for the no-fault benefits.

Past losses: insurers, including those who are compelled to write third-party business as a precondition to operation in the Territory have accumulated $7.7m in losses in this form of insurance. The committee, on page

77 of its report, recommends against any repayment of these losses. On the other hand, the Australian Government Actuary recommends repayment over a 5-year period. My government acknowledges that there is some justification for repayment and undertakes to act responsibly in reimbursing at least part of these accumulated losses. The Tasmanian government made a similar effort when their new scheme was brought into effect.

Administration: the committee recommends that a separate body be formed to handle all such compensation. There is a insufficient volume of business to make such a proposition efficient at present and the Territory Insurance Office will become the sole third-party insurer.

There are at least 3 major recommendations which are accepted with reservation pending further study. The first of these is an extension of the categories of persons who, in effect, should be deemed to have by their actions excluded, or partly excluded, themselves from no-fault benefits. Whilst the principle is accepted, extensive publicity will be required so that those who may be disqualified act in full knowledge of the fact. The second is the creation of a medical board to look at doubtful cases. I am not yet certain that this is required, reasonable though it may be, as the Territory Insurance Office is empowered to take medical advice from as wide a field as is necessary to establish or reassess the facts of the person's condition. The third is the introduction of a driver points merit system which an attached points penalty for licence renewal for payment into the accident contribution pool. My government is generally attracted to the principle that drivers who present the greatest risk should pay the most and will direct departmental attention to this possibility.

I can summarise without further elaboration those recommendations of the committee which are accepted. They are: the need for continued and expanded road safety measures, including those listed in chapter 8 of the report; the establishment,as a priority,of rehabilitation facilities in both Darwin and Alice Springs; the right to sue the nominal defendants for an accident involving an unregistered vehicle to be restricted to public roads; suspension or reimbursement of periodic payments while a person is under long-term institutional care; provision of additional first-party cover by extra insurance being made available; and termination of periodic payments at age 65. These matters will be implemented by my government immediately if possible but, if not, certainly as soon as finance or detailed preliminary work can be completed.

The major changes to the Motor Accidents (Compensation) Bill, which will incorporate the decisions which have now been taken, can be broadly stated. Periodic payments for injury: the categories of pension now shown in the bill as class B and class C pensions and the concept of allowances for dependants will all be removed in favour of a single system of periodic compensation solely on the basis of lost earning capacity. The Territory Insurance Office, in assessing a person's lost earning capacity, will have regard for his post-accident earning capacity and make up the difference between this and 85% of the Territory average weekly earnings, male or female, as the case may be.

Within this assessment process, there will also be certain guidelines which the TIO will be authorised to follow. The first is that there will be an overall maximum to the level of compensation for lost earning capacity so that the person does not exceed the sliding percentage of benefit based on his age. We will be faced, on the one hand, with situations where injured children turn 16 or complete their education and, on the other, with young people who have a relatively low earning capacity suffering injuries. Compensation to these young people will increase from 55% to the full calculation of 85% of weekly earnings at the age of 16 and to full 100% of that calculation at the age of 25. If an injured person within that age group is married, then

the full 100% would be payable. The second guideline will be that compensation payments for lost earning capacity will cease at the age of 65 at which time Commonwealth pension arrangements will take over. This is similar to both Tasmania and Victoria. The third guideline will be that recommended by the committee that periodic payments may be suspended for a person who is under long-term institutional care and where this does not cause hardship to dependants. A fourth guideline will be that, in cases where the restriction to 85% of the Territory average weekly earnings generates demonstrable substantial hardship to a person, an extra amount may be granted.

Expenses: the medical and capital expenses will be met by the Territory Insurance Office with a limit of $10,000 and $15,000 respectively. These limits will each be increased by $5,000 to ensure that even the severe cases are covered. Honourable members will note that the right of the T10 to increase even these limits in particular cases will remain. The T10 will be authorised to pay for private medical attention in Territory hospitals in cases where the hospital itself cannot provide the required service. Reasonable medical expenses, including private specialist attention, will be met by the Territory Insurance Office after hospitalisation.

Lump sums: lump sum payments in respect of injuries will be handled in 2 ways. As stated there will be a schedule attached to the act which will be similar to the schedule for the Workmen's Compensation Act - and I make it clear that we are not proposing any changes to the Workmen's Compensation Act - covering compensation for loss of facility by a series of percentages of the fixed sum of $25,000. We are merely using the schedule in the Workmen's Compensation Act as a yardstick. That new schedule will completely replace the small schedule now attached to the bill and will include all of the items in the Workmen's Compensation Act schedule which relate to over 40% loss of bodily function. There will also be a right of persons to seek damages by way of common law action for pain, suffering and loss of amenities of life up to a maximum of $100,000. All persons who are significantly injured in an accident will be automatically entitled to the schedule benefit for loss of facility. Those persons who wish to avail themselves of the right to proceed at common law will be required to do this by election in favour of that course in lieu of the schedule benefit. Everyone will be entitled to weekly payments during incapacity.

In relation to death benefits, the government has decided to increase the benefit to the head of the household where the spouse is killed in an accident. At present, a flat rate of $5,000 applies. This is unfair in a situation where that spouse contributed substantially to the finances of the family. The increase will be achieved by use of the same formula which applies to the death of the head of the household in those cases where the income of the deceased spouse exceeds 25% of that of the head of the household. This will mean that the lump sum death benefit for the death of a dependent spouse will range from a lower limit of $5,000 to an upper limit of $20,000. Death benefits will be progressively reduced between the ages of 65 and 70 in accordance with life expectancy factors, as is the case in Tasmania.

General principles: the eligibility for compensation generally will be restricted to death and injuries arising out of accidents on public roads. The government is prepared to look towards expanding the scheme in future off public roads upon payment of some suitable, but perhaps lower, contribution by owners of unregistered vehicles and I look forward to positive suggestions by interested organisations in this regard. The nominal defendant will be continued to enable the apportionment of true liability between current insurers in respect of accidents which occur up to 30 June this year, but

which do not come up for settlement until some later time. The amendments foreshadowed will also ensure that motorists' contributions can only be used in payment of benefits under this scheme and for direct expenses of administration. I will arrange to have the necessary amendment schedules provided to honourable members as soon as possible. I might add that, with stepped up measures for road safety presently being initiated by the government, hopefully there could be savings in the cost of the motor accident compensation scheme in the future and I sincerely look forward to both increased benefits and or reduced premiums commensurate with those savings.

I move that the statement be noted.

Mr ISAACS (Opposition Leader): The statement we have just heard from the Chief Minister clearly replaces the second-reading speech he gave to the 4 bills which related to the Territory Insurance Office and the new motor accident compensation scheme. To that extent, of course, it would be inappropriate to go through the new details, as outlined by the Chief Minister, at this stage and far more appropriate to deal with them when we discuss the bill.

It would have been appropriate for the Chief Minister to have informed the Assembly as soon as possible of the new decisions taken by the government. I might say that, when the Chief Minister said that he had been dramatically and independently vindicated, I hardly think that he could say that with any truth at all. One should consider the reasons for the establishment of the Bradley Committee. In the first place, we had 2 weeks of the Chief Minister chopping and changing his mind about the insurance scheme, particularly as to whether or not it would apply to workmen's compensation. Then there was some indecision as to whether or not the Government Insurance Office would have complete responsibility for worker's compensation.

With the sort of scheme that he was proposing, it was quite clear that the establishment of the Bradley Committee was done to get the Chief Minister out of hot water. I believe to a certain extent it did that. The committee has come up with a new scheme and the Chief Minister has accepted some of the recommendations and rejected others. We will have to wait until the debate on those 4 bills to be able to give them any kind of consideration at all. It is suffice to say that I doubt that the Chief Minister can say, with any truth, that he has been dramatically and independently vindicated by anything.

I want to make a number of comments about the Bradley Committee's report. It is a very lengthy document and a quick perusal will show that it dealt very seriously with all the matters which have come before it. I think it is important that, whatever scheme is adopted, the community accepts it and finds the whole scheme workable. The community must have faith in both the Government Insurance Office itself and the accident scheme in order for the Government Insurance Office to succeed.

There have been statements made to me by members of the community to the effect that the name TIO must be one of the silliest names you could ever come across. It seems to represent nothing. If we are to talk about initials, and initials seem to be the order of the day with TDCs and God knows what else, perhaps a better name would be Northern Territory Insurance Office. At least people then could have some affinity with the office itself. TIO, I suppose, is better than Territory Insurance Corporation or Commission. People might start winking and nudging at each other.

I do want to make one comment on the committee itself. When the Chief

announced the establishment of the committee on a Monday morning, he announced the names of the people in a way which caused some distress. I do recall that the comment that he made on the Monday morning was that he was intending to ask people to be on the committee. Mind you, once he has made that statement, it is obvious that those people are somewhat dragooned into it. I do not think they were upset at that because all the people whose names were announced readily went on it and, by the look of the document, they have all contributed to it. You will recall that the Law Society was somewhat concerned because Mr Bradley, the chairman, who is an eminent lawyer and well-respected in the town, was named as representing the Law Society. The President of the Law Society, Mrs Withnall, rightly said that, although Mr Bradley was a highly-regarded practitioner, he was not representing the society.

I might say too, that the trade union movement was similarly disturbed when the Secretary of the Trades and Labour Council, Mr Lawson, was similarly depicted as representing the trade union movement. There is no doubt that Mr Wilson is a very highly regarded member of the trade union movement. He is the Secretary of the Electrical Trades Union in the Northern Territory in addition to being the Secretary of the Trades and Labour Council and holds a number of positions within the community both on the Electrical Licensing and Contractors Board and also on the Darwin Community College. He is a very highly regarded person. Again, it upset the proprieties of the Trades and Labour Council which rebounded back onto me somewhat when Mr Wilson was stated to be representing the Trades and Labour Council. As I understand it, the Trades and Labour Council wrote to the Chief Minister asking that a person whom they chose be put on it, none other than the president Mr J.W. Nixon, otherwise known as Curly Nixon. I understand that the suggestion was turned down by the Chief Minister on the grounds that no similar application had been received by the employers' organisations and therefore they would not accommodate Mr Nixon either.

It does cause concern when people hear that they are on a committee when they are driving into work. That is a bit astonishing to them. Secondly, when you are selecting people supposedly to represent organisation, you should pay those organisations the courtesy first of asking whether or not they wish to nominate somebody. I say quite seriously to the Chief Minister that it did cause embarrassment, not just to the Minister that it did cause embarrassment, not just to the Law Society, as evidenced by the newspaper articles, but also to the trade union movement.

I will complete my remarks by simply saying that the document which we have before us is a lengthy document. The Chief Minister has indicated that his government has accepted some but not all of the recommendations. It will be important that the insurance office has the support of the community and that the community has faith in it and the scheme which it is to implement. Quite obviously, we will have to wait for the discussion of the details of the Chief Minister's new deliberations when we discuss the bills.

Mr EVERINGHAM (Chief Minister): In reply, I will perhaps just refer to the storm in a tea kettle raised by the honourable the Leader of the Opposition in respect of the Law Society. A reference to the press release issued by me will make clear - I think the Leader of the Opposition seems sometimes to read very quickly and perhaps not pick up everything - that the reference to Mr Bradley was as a representative of the legal profession and not of the Law Society at all. Whilst it appears that the President of the Law Society received an incorrect impression that Mr Bradley was selected as a representative of the Law Society and went to bat to defend the Law Society's honour, I did not hear anything at all from that learned lady once

I had sent her a copy of the actual press release. As for the trouble caused to the honourable Leader of the Opposition in the trade union movement, I sympathise with him but, unfortunately, that is really well within his province and, I am sure, well within his control.

Motion agreed to; statement noted.

HYDRO-ELECTRICITY PROJECT

Mr TUXWORTH (Mines and Energy) (By leave): Mr Speaker, honourable members will be aware that I recently visited Western Australia for talks with the Minister for Fuel and Energy, Mr Mensaros, and the State Energy Commission about the arrangements for any agreement between the Northern Territory and Western Australia on the use of power from the Ord River Hydro-electricity Project. Although the investigations by both the State Energy Commission of Western Australia and our own Electricity Commission about the power station proposal are only at the stage of determining the feasibility of the whole project, we felt it best that some formal agreement should be determined for when it is shown that the project is not only possible but essential for the development of the north.

It was for that reason that I visited Western Australia for the talks which resulted in the production of a memorandum of understanding detailing the whole range of agreements between our governments and the 2 authorities which will eventually be responsible for the power station and transmission line to Darwin. Let me say immediately that I have no doubt in my own mind a hydro-electric station on the Ord River Dam is feasible. I have already said that I believe it will also be shown that it is essential for the development of the north even forgetting the benefits it will provide to the citizens of Darwin.

The prospect of developing this hydro-electric potential must also hold out hopes for at last arriving at some real benefit from a project that has been hugely expensive and has benefited only a handful of people and so far has shown little of the promise that was held out for it when it was first planned and built. Hydro-electricity can change this and provide a worthwhile benefit to a much larger number of people. For that reason, I am proud that it was the initiative of the Electricity Commission and the support of my government that has led us to the point we have now reached.

While the signing of the document of financial understanding might seem only a small step, I believe it is a step of real significance particularly in my government's plans to improve the quality and economics of the supply of power in Darwin. None of the honourable members can be ignorant of the costs imposed on the Electricity Commission by its dependence on imported fuel oil and the relief of some of that burden which would be obtained by development of the Ord hydro potential and transmission of the power to Darwin. The ability to use power will improve the economics of power generation in Darwin and will also relieve what I can best describe as our "strategic problems".

Signing this agreement, I believe, also marks a major step forward in the pattern of cooperation which is developing between the Northern Territory and Western Australia governments. We share many common problems, particularly in the north, and with the cooperation which is developing the chance to jointly come up with answers is increased. I should stress, of course, that this agreement does not amount to any sort of firm commitment. It is merely a framework within which the 2 power bodies can work in the event that the Ord project comes to fruition and it still needs to be ratified by the 2 governments. However, I can say that I am very happy with the terms

negotiated during our talks in Western Australia.

While I am talking about my Western Australian visit, I think it is timely to mention another agreement that was settled whilst I was there. I refer to the involvement of my government in the Western Australian solar research program and in the State Energy Commission's project RAPSI - the Remote Area Power Supply Investigation. Our involvement in the Western Australian solar research program gives us an opportunity to benefit directly from one of the foremost research programs of its type in Australia, without putting us to the expense and difficulty of starting from the ground. Solar energy research is being given a high priority by the Western Australian government which has established the Solar Energy Research Institute.

It has been stated frequently, and indeed it is obvious by looking outside, that the Northern Territory has an ideal climate for the more extended use of solar power in its various applications. It is equally obvious that we lack the money and resources to develop those uses by ourselves. It makes sense, therefore, for us to tap into research facilities where they exist. The Western Australian Solar Research Institute is not only working on the extension of solar power application but is carrying out its studies in climates which bear a direct relationship, and therefore encourage translation, to that of the Territory.

Project RAPSI is a different kettle of fish entirely, being a study into the feasibility and economics of the various means of supplying power in remote areas of the state of Western Australia. But again, its relevance to the Territory is basic. The Western Australian State Energy Commission already has access to significant experience and cost information in relation to the supply of electrical energy in remote areas and project RAPSI is a study of the 6 alternative means of this supply. Once again, the expertise developed and under investigation by the Western Australians can be of immense value to us in the Northern Territory.

I believe the benefits to be derived from our involvement in both of these projects will far outweigh any costs that may be incurred. I have spoken before of the need for the Northern Territory to look at different energy sources and I think I can safely say that the 3 initiatives I have referred to today mark a significant step in that direction.

Mr Speaker, I move the statement be noted.

Ms D'ROZARIO (Sanderson): On behalf of the opposition, I thank the minister for his statement this morning. We did canvass some of the recent developments in the negotiations between the Northern Territory government and the Western Australian government in a debate yesterday on the Electricity Commission Bill. I will not go over the material that was raised then.

I would like to simply say that the minister has mentioned that a memorandum of understanding has been signed by him on behalf of the Northern Territory government and that that memorandum of understanding will at some later date be ratified by this government and also the Western Australian government. The initiatives that the minister has outlined are warmly welcomed by this side of the House and, I am sure, by a number of organisations that have been looking forward to this day for quite some time.

The minister would be aware that there is in Darwin a group which is currently undertaking a project which might well be included in our RAPSI

project at some later stage. This group of people has acquired a section of land in the Humpty Doo area and is currently programming a village development which will be powered solely by non-coventional means. I use that particular phrase simply to describe that these people are intending to power their development by solar and wind means alone, having no recourse to oil fueled or petroleum fueled devices. The sort of negotiation which the minister has described this morning must certainly give these people heart. They considered themselves pioneering this particular development without the benefit of government support. Now, at least, they have an undertaking that the government is giving its full support to the development of non-conventional energy resources.

The minister mentioned the memorandum of understanding and we look forward to hearing some further details from him on that particular memorandum. It would be of great interest to know the sources of the fund and whether the Commonwealth will participate in any way with the sums of money which have to be forthcoming for both the hydro-electric project and perhaps the others as well.

The opposition is entirely in agreement with the government in its negotiations and we welcome the minister's statement this morning.

Mr PERRON (Treasurer): Honourable members will recall, in the last budget debate, the government was criticised severely for not having included in its budget funds for research into a solar energy program. At the time, I replied that it was foolish for the Northern Territory to engage on its own scientists to try to keep up with the rest of the world in the field of solar research and that there were other ways of skinning the cat. I said that we should cooperate with some other larger party that was involved in this field. As everyone would realise, the Northern Territory does not have an exclusive right to sunlight or to the problems of electrical generation by conventional methods. I am very pleased to note the opposition support for the scheme that is certainly a far more rational one than the Northern Territory attempting to take on the world scientists with a budget the size of the one we have compared to that of other governments.

Mr TUXWORTH (Mines and Energy): I will just reply to a couple of remarks by honourable members. So far as the application of the projects that I have mentioned to the solar village which is being established outside of Darwin is concerned, I do not have any particular access to the activities that are going on down there. In fact, I have never received a communication from them on the matter. One of the things that we should be aware of is that this particular project will not provide, in the short term, a power supply for an alternative lifestyle. It is purely a prototype and it will be for 3 years. It will not be without its problems because the prototypes have to have measuring devices put on them and the tapes from the devices have to be sent back to a computer in Perth every week.

Honourable members also asked if the details of the memorandum of understanding could be made available to the Assembly. I would think, in the course of time, this is likely. At this stage, the details must go to the Cabinet first. I thank honourable members for their contribution.

Motion agreed to; statement noted.

LOCAL COURTS BILL
(Serial 298)

ABSCONDING DEBTORS BILL
(Serial 299)

Bills presented and read a first time.

Mr EVERINGHAM (Attorney-General): I move that the bills be read a second time.

The Local Courts Bill arises from a recommendation by the Law Review Committee and it makes 4 substantive changes to the principal act. First, it raises the upper monetary jurisdiction of a local court of full jurisdiction from $2,000 to $10,000. I should make it clear that some people may have gone the rest of the day in fear and trepidation after listening to the ABC News recently when it said that fines were being increased under this bill from $2,000 to $10,000. In fact, the civil jurisdiction of the local court is being extended upwards to $10,000 and fines, for the benefit of those male-factors who may be wishing to incur them, are not at the present time going to be raised. It also raises the jurisdiction of a local court of limited jurisdiction to $500.

This increase in jurisdiction is necessary to cover inflation since the limit was last set in 1955. Members may think that the limit of $10,000 is high for a court of summary jurisdiction. It is, of course, high compared to state courts of summary jurisdiction. However, the states have intermediate district courts between the courts of summary jurisdiction and the Supreme Court. The Territory, at this stage, cannot justify a three-tiered structure. The great advantage to litigants in the increases is that they will not be forced into complicated and relatively expensive supreme court actions to recover what are these days regarded as relatively small debts. It will also enable people to bring actions in places like Tennant Creek, Katherine and Nhulunbuy where now they would have to bring them in the Supreme Court which sits either in Darwin or Alice Springs.

Secondly, clause 6 inserts a number of new sections that will give the court power to preserve or to sell off and otherwise deal with property that is the subject of an action. This power is essentially a commonsense matter that can only be exercised on an application by a party. An example of its operation would be a contract dispute involving perishable foodstuffs. The court could order the sale of the food rather than allow it to go to waste and thereby perhaps increase damages. The court will also be given a power to grant interlocutory injunctions before and after a matter is decided.

Thirdly, the local court is given power to take notice of equities appearing incidentally and to grant equitable remedies that are ancillary to the main action. Full equitable jurisdiction will remain with the Supreme Court and this change only gives partial equitable jurisdiction to the local court.

Finally, a requirement that the party who wishes to appeal must give notice of appeal within 28 days of a judgment is inserted. Limits on notices of appeal are common in other jurisdictions but, for some reason, our local court has no such limit. The requirement is basically procedural and will require consequent changes to the supreme court rules to ensure that it does not alter the law of right of appeal. It is necessary because some parties in local court actions are delaying satisfying judgments on the grounds that they are considering appeal. This change will help ensure that only genuine appeals are brought and the appeal is not used as an excuse.

In summary, this bill expands both the jurisdiction and powers of the local court and it will provide substantial benefit to the litigants.

The Absconding Debtors Bill makes consequential changes to the Absconding Debtors Act to ensure that $10,000 is the dividing line between persons brought before a magistrate and those brought before a supreme court judge. I commend the bills to honourable members.

Debate adjourned.

WORKMEN'S COMPENSATION BILL
(Serial 302)

Bill presented and read a first time.

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

The main purpose of this legislation will be to set out the specific criteria to be satisfied by insurers wishing to operate in the Territory. Under part V of the present Motor Vehicles Act, general insurance companies in the Territory can only write business if they are approved third-party insurers. With the imminent repeal of that part under the new motor accident compensation legislation, there would be no local control over insurers, except that narrow list of standing approvals applicable only to workers' compensation insurance. Thus, some immediate action is required if the prospect of an unregulated industry with an opening for interestate or foreign firms not interested in being good corporate citizens and picking the eyes out of local business is to be avoided.

This bill then is really a part of the package of measures contained in the 4 cognate bills being debated in relation to the establishment of the Territory Insurance Office. Despite the honourable Leader of the Opposition's comments, I think TIO are quite reasonable initials. Accordingly, it is my intention to seek urgent passage for this legislation so that there is no hiatus in the law relating to insurance following commencement of the new TIO arrangements on 1 July. I therefore seek the cooperation of honourable members in allowing the suspension of Standing Orders to enable the granting of urgency to the passage of this bill.

I would ask honourable members to bring to mind the comments which I made in initiating the second reading of the Territory Insurance Office Bills on 8 March. I said: "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 real competition in workers' compensation and the investment in the Territory of as much capital as possible. We have done this in the hope that 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".

These negotiations have reached the point where the Insurance Council has agreed to recommend to its members that they consider supporting local investment activities as far as their other statutory requirements permit. More specific information on investment commitment is being sought. In the meantime, my advice is that the general feeling of companies with local representation is that they will be happy to make investments of Territory-generated income within any reasonable guidelines. Indeed, one such company is already demonstrating its good faith by preparing to invest a substanial

sum in our semi-government loan program this year. We have decided not to grant a monopoly of workmen's compensation business to the Territory Insurance Office for the time being.

This bill creates an approval mechanism for workmen's compensation insurance including the Territory Insurance Office. Only companies represented and investing in the Territory will be approved. That approval will also carry with it the right to transact other non-life insurance here. It will not oblige the company to undertake workmen's compensation insurance if it would prefer to concentrate on other risks. The Territory Insurance Office will shortly announce very competitive rates of insurance premiums and I believe that this will generate an efficiency within the whole industry which has not been seen before in the Territory.

Clause 4 preserves the liability to policy holders of insurers who are presently approved but who decide not to meet the new criteria. The definitions in new section 17H introduce a Commissioner of Insurers who will grant approvals after satisfaction of the statutory criteria. The intention is that the Under-Treasurer will be appointed as commissioner at least for the time being.

Clause 6 is a minor amendment to produce uniformity between the penalty for hindering an inspector and that for failing to produce a policy when demanded in writing. Proposed section 17J deals with the requirements for initial approval, renewal of approvals and revocation of approvals. Under this section, companies will have to be directly and adequately represented in the Territory so that there can be face-to-face dealing with clients and not long delays as occur now with some companies who act only through agents or a post-box-style operation. The required level of direct investment is not stated. This will be analysed on an individual basis and will vary with claims experience and the mix of business written in the Territory.

Proposed section 17K provides the penalty for failure to provide the necessary information during the approval process. Some companies have made little or no effort to separate out Territory business from the business in the state where the books are kept. Separate records will have to be kept in future.

Proposed section 17L contains the prohibition of insurers offering or undertaking any insurance unless currently approved by the commissioner. Clause 8 introduces consequential amendments into proposed section 18, the section which stipulates that employers must carry insurance with an insurer approved under this act. Proposed subsection 18 (AA) is added to place the responsibility on the employer to prove he is insured with an approved insurer in any prosecution. At present, it may be necessary, at law, to summons each of the 25 approved insurers to establish that an employer is not insured. Clause 9 grants a 3 months transitional period within which insurers can apply for and become approved. The same period is also allowed to authorised self-insurers to re-establish that privilege. Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

INTERPRETATION BILL
(Serial 291)

Bill presented and read a first time.

Mr EVERINGHAM (Attorney-General): Mr Speaker, I move that the bill be now read a second time.

As honourable members are aware, the purpose of an interpretation act is to aid and assist in interpreting the laws of the Northern Territory. The bulk of material in this bill has arisen out of the continuous review of the laws of the Northern Territory and includes provisions which, it is felt, are necessary to aid and assist in the interpretation of those laws. There are 2 matters which may be of special interest to members and I bring them to their attention.

The amendment to section 9 of the principal act will allow for the passage of a bill to amend a bill that has been passed by the Assembly but has not yet been assented to by the Administrator. Under the present working of the act, in order to amend at a later sittings a bill passed by the Assembly, it would be necessary to have presented the Administrator either with the recommendation that he return the bill to the Assembly or that he withhold his assent. This will no longer be necessary.

Another matter of interest to honourable members is the amendment to section 34 which makes it clear that regulations made under an act are part of that act.

Mr Speaker, this is a machinery bill and I commend it to all honourable members.

Debate adjourned.

HUMAN TISSUE TRANSPLANT BILL
(Serial 292)

Bill presented and read a first time.

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

Honourable members may recall that, in March last year, the report of the Australian Law Reform Commission on Human Tissue Transplants was debated in this Assembly. During that debate, members on both sides of the House expressed general agreement with the recommendations contained in the report and, in particular, supported the introduction of Northern Territory legislation modelled on the draft bill incorporated in the report. That is the purpose of the bill now before us.

Essentially, the bill is designed to remove any doubts about the legality of procedures that involve the removal of tissue from either live or deceased donors for subsequent transplant to another person or for other therapeutic use. The circumstances under which procedures may be carried out are also set out in the bill together with those under which post mortem examinations, other than those ordered by a coroner, may be conducted.

The bill also includes a definition of when death occurs and includes the time when irreversible cessation of brain function occurs together with the traditional concept of cessation of respiration and blood circulation. Honourable members who examine the Law Reform Commission's report will recall that the commission gave a great deal of consideration to the problems associated with withdrawal of life support systems and recommended that at least some of those problems be resolved by giving statutory recognition of the fact that death effectively occurs when the brain ceases to function. The relevant provisions in this bill comply with that recommendation.

Although this bill is generally modelled on the draft prepared by the Law Reform Commission, there are some differences and I will enumerate those of any significance for the benefit of honourable members who may wish to

compare the two. Firstly, there are no provisions in this bill relating to donation of tissue by living children. This is a controversial issue and the fact is that procedures involving the transplant of tissue donated by living children are most unlikely to be carried out in the Northern Territory within the foreseeable future. It would serve little purpose to include provisions of this nature.

The draft prepared by the Law Reform Commission also included provisions relating to the giving of blood transfusions to minors without parental consent. This particular area is already well covered in the Northern Territory by the Emergency Medical Operations Act and that legislation is considered to be the more appropriate vehicle for provisions of this nature.

Provisions relating to the practice of anatomy have also been excluded from the bill because it is unlikely that a school of anatomy will be established in the Territory for some time. Honourable members should note that the opportunity has been taken to repeal an old South Australian piece of legislation - the Anatomy Act of 1884. This has no practical application to the Territory.

There are also some provisions in the bill which are additional to those recommended by the Law Reform Commission. Clauses 10 and 16 introduce a greater degree of formality into the procedures for both the giving of consent by live donors for the removal and use of the tissue concerned and the revocation of such consent. In both cases, the intention is to provide greater protection to the rights of the donor by requiring a doctor to certify that the donor has been fully informed regarding the nature and effect of the procedure concerned and by ensuring that a revocation of consent is communicated to the doctor directly concerned with the removal of the tissue.

A further additional provision is clause 17 which, in effect, recognises de facto relationships as marriages for the purposes of the bill. Whatever one may feel about de facto relationships, the fact is that we are not concerned here with property rights or even morality but with the feelings of the individuals concerned. I doubt whether anybody would be prepared to argue that those feelings are dependent upon the legal status of individuals.

Honourable members may also note that clause 27 differs slightly from the corresponding provision in the Law Reform Commissioner's draft. The effect of the modification is to enable the medical superintendent of a hospital to conduct a post mortem examination even though, as person in charge, he may have authorised the post mortem under provisions of clause 24. The Law Reform Commission's draft was designed to prevent the same person from both authorising and conducting a post mortem. However, in the smaller Territory hospitals, this may be unavoidable.

I mentioned earlier that the essential purpose of the bill is to remove any doubts about the legality of tissue transplants. The existence of those doubts prevents the only effective treatment available being given to a number of people in the Territory - those people, mainly Aborigines, who require corneal grafts to rectify earlier eye damage. Although it is unlikely that we will see kidney transplants being performed in the Territory for some time, it may be possible in the near future for organs such as kidneys to be removed from deceased donors here for subsequent transplant in hospitals where there are necessary facilities.

In many respects, this is a very important bill and I trust honourable members will give it the consideration it merits. Mr Speaker, I commend the

bill to the House.

Debate adjourned.

ANSWER TO QUESTION

Mr DONDAS (Community Development) (By leave): Mr Speaker, the honourable Leader of the Opposition asked me for information regarding a submission from the Environmental Council of the Northern Territory for the funding of a study of conservation priorities in the Reynolds and Daly Rivers area of the Northern Territory. He asked what action has been taken on the submission.

An application has been received and has been considered by both the Territory Parks and Wildlife Commission and the advisory committee of the minister on Northern Territory heritage matters. The application has now been included for consideration in the 1979/80 grants-in-aid. The final decision will be taken in the light of funds available and I have also provided the honourable Leader of the Opposition with other information regarding that question.

ATTENDANCE OF ADMINISTRATOR

THE ACTING SERJEANT-AT-ARMS: Mr Speaker, I announce the presence in the precincts of His Honour the Administrator.

Mr SPEAKER: Honourable members, with your concurrence, I propose to ask His Honour to be seated on the right of the Chair.

MEMBERS: Hear, hear!

Mr SPEAKER: Serjeant-at-Arms, please invite His Honour to enter the Chamber.

DELEGATION FROM COMMONWEALTH PARLIAMENT

THE CLERK ASSISTANT: Mr Speaker, I announce the presence in the precincts of a delegation from the Commonwealth Parliament led by the President of the Senate and the Speaker of the House of Representatives.

Mr SPEAKER: With the concurrence of honourable members, the Assembly will receive the delegation in the Chamber. Admit the delegation.

The delegation took seats on the floor of the Chamber.

SPEAKER'S WELCOME

Mr SPEAKER: I have the greatest pleasure in again welcoming to this Assembly a delegation from the Parliament of the Commonwealth led by the distinguished presiding officers of both its Houses. Honourable gentlemen, at the time of your last visit, you spoke of your intention to return for a certain purpose. Well, here you are so happily amongst us and I am delighted to invite you to accomplish your purpose. I invite Sir Billy Sneddon, the Speaker of the House of Representatives, to address the Assembly.

PRESENTATION OF THE MACE

Sir BILLY SNEDDEN: Mr Speaker, Your Honour the Administrator, colleagues of another House, ladies and gentlemen and those who sit at the

Table near the dispatch boxes, we are very pleased to be here on our third visit. On the first, we came heavily laden with promises; on the second, we came heavily laden with the dispatch boxes; and, on the third, we come with something hidden under a green cloth which I am assured is a mace and not a shillelagh. The purpose of the Mace is very significant. It is nothing more or less than a weapon. Over time, it changed its shape and its appearance and it came to be the symbol of authority of the King. We or our predecessors once acted under the authority of the Crown although we have emerged as a democracy with a constitutional monarchy, but we still have the symbol of the authority of the Crown, that is, the Mace.

The Mace is a rather beautiful instrument and I would like to describe it to you as it was described to me. The Mace is in silver gilt weighing approximately 175 ounces. The design of the Mace is based on the traditional House of Commons Mace with certain motifs, as decorative elements, incorporated to make the design peculiar to the Northern Territory. This features the rose, the eagle's head, the shell and, in particular, the coat of arms, the result of discussions with Dr Conrad Swan, York Herald at the College of Arms. The head of the Mace is surmounted by the orb and cross and the arches spring from a circle cross patee and fleur de lys. The cushion below the orb and cross bears a rose motif in rich relief. The head proper bears the arms of the Northern Territory between the Queen's cyphers, all richly carved and brought on in relief. The space on the opposite side of the head to the arms is engraved: "Presented to the Legislative Assembly of the Northern Territory by the Parliament of the Commonwealth 17 May 1979".

Supporting the head are four brackets modelled in the form of eagles' heads addorsed, taken from the crest in the Coat of Arms. The knops on the shaft are decorated with a wavy theme symbolising the northern seaboard of the Territory and the shaft itself is decorated with an interlaced pattern, inspired by the changes in the Coat of Arms, and punctuated with alternating Tudor and Northern Territory roses. The pattern is richly engraved and the roses carved and brought out in relief. The "foot" of the Mace echoes these design schemes and has mounted at the "toe" a shell form found off the northern seashore.

The Mace itself had its origin in a request by our colleague Senator Kilgariff, as he is today, the Speaker of the Assembly, as he then was, who made a request to the Administrator of the day in 1974 that perhaps this Assembly could have a Mace. In June 1978, both Houses of the Commonwealth Parliament agreed to the following resolution: "To the Queen's Most Excellent Majesty, Most Gracious Sovereign, we the members of the Senate and the members of the House of Representatives of the Commonwealth of Australia in Parliament assembled, pray that Your Majesty will give directions that a Mace be presented by and on behalf of the Parliament of the Commonwealth of Australia to the Legislative Assembly of the Northern Territory to mark the conferring of responsible self-government on the Northern Territory. With Your Majesty's consent, this gift will be presented to signify the role played by British parliamentary traditions in the development of the parliamentary system, and in the belief that the people of the Northern Territory will gain inspiration from those traditions". That resolution was carried unanimously in both Houses.

On 15 August 1978, the Governor-General advised the presiding officers that Her Majesty the Queen was pleased to direct that a Mace be presented by and on behalf of the Parliament of the Commonwealth of Australia to the Legislative Assembly of the Northern Territory to mark the conferring of responsible self-government on the Northern Territory.

This is a moment very early in the history of this parliament but the significance of the Westminster system and of the parliament we represent is that we can import into a young parliament the ancient traditions of an old parliament. The Mace, the dispatch box, your wig and robe, mine, my colleagues' are imported here. They are imported here to remind us that history can be borrowed and its tradition can pervade this Assembly just as it does the House of Commons, and can be just as important to us as to them. What the Mace, the dispatch box, the wig and gown symbolise is the evolution of our constitutional history, the formulation of a democracy, the constitutional power of the monarch. Here in this place is the sovereignty of the people. We are invested with it; we have to nurture it and we have to exercise it by borrowing from the traditions of the past, by making sure that they are never weakened in any respect. In 100 years' time, this will be a different place. Perhaps it will not be here; perhaps there will be a Chamber accommodating very many more members. That will not matter because the history being forged here can be transferred there just as the history forged over the last 600 years of government by the parliament in Britain can be transferred here.

The Mace will sit at the end of the Table with its head facing the ministerial side. When the Mace is on the Table, the House is a House. When the Mace is below the Table on the brackets that I see here, the House is in committee. The Parliament, the House, the Chamber can do nothing unless the Mace, the symbol of authority of the Crown from which our activities derive, is in the Chamber. Therein lies its importance.

My colleague, the President, and I must say that we are pleased to see that the evolution has taken place so rapidly. When we were here before, the leader on the government side and the leader on the opposition side sat at the benches but today I see them sitting at the Table. We like that. We will see the Mace placed here and we like that.

We will have to consider what sort of celebration should accompany whatever gift we present when statehood comes to the Northern Territory. I have in my mind a thought, Mr Speaker, but I will not mention it today.

To you all, on behalf of the delegation, we wish you well and we hope that future generations, looking back on your achievements, will realise that they inherit the good and the bad and that, when they assess what you as trustees for the future have given to them as their legacy, they will have no reason to feel that you have in any way let them down. From your start, I am sure that you will receive nothing but praise from that next generation.

Sir CONDOR LAUCKE: Mr Speaker, honourable members of the Assembly, my honourable colleagues, by direction of Her Majesty the Queen, may I ask you now, Sir, formally to accept this Mace as a gift from the Parliament of our Commonwealth.

Mr SPEAKER: I am proud to accept, on behalf of the Legislative Assembly of the Northern Territory, this handsome gift from the Commonwealth Parliament and sincerely thank the delegation for coming so far to make this presentation.

I call on the honourable Chief Minister to propose a motion.

MOTION OF THANKS

Mr EVERINGHAM: Mr Speaker, distinguished visitors, honourable members, I move that the following resolution be agreed to: "We, the members of the Legislative Assembly of the Northern Territory of Australia express our sincere thanks to the Senate and the House of Representatives of the Commonwealth Parliament for the Mace which, by direction of Her Majesty the Queen, they have presented to this Assembly. We accept this generous gift from the Parliament which conferred self-government upon the Northern Territory as a tangible link with all the other legislatures throughout the world which adhere to the traditions of parliamentary government symbolised by the Mace".

If I may make some remarks in support of my motion, the Mace is a weapon of rather horrific origin and perhaps we would not want it thought that, because the Territory derives its legal origin from the Commonwealth, there was any connection between this gift and our origin. This presentation, Mr Speaker, is further striking evidence of the strong interest that the Commonwealth Parliament has in the emergent status of this Territory and reflects the constitutional aspirations of the people of the Northern Territory. On behalf of the members of the Assembly, of you Mr Speaker and of the people of the Northern Territory, I should like to thank you distinguished gentlemen for coming to Darwin to bring this gift to us. We ask you to convey to your colleagues in the Senate and the House our appreciation and our greetings.

The delegation from the Commonwealth Parliament rather reminds me of a phalanx, and I say that with no sinister import. Amongst that phalanx of distinguished gentlemen, there are some who have had more than a little to do with the constitutional development which has occurred in the Northern Territory. Our own Territory representatives of course, but also Mr Bert James, who was chairman of the Joint Parliamentary Committee on Constitutional Development for the Northern Territory, deserves more than a mention in this Assembly. It was Mr James who chaired the committee which mapped out the ground rules on which constitutional development for the Territory has taken place. All people in the Territory, all members of this House, owe you a debt of gratitude, Mr James.

MEMBERS: Hear, hear!

Mr EVERINGHAM: The Mace had its origin as a weapon of war and derived from the stone hammer of pre-literate man I am told. It was first used by serjeants-at-arms in the King's bodyguard in the 12th century. Because their duties involved the apprehension of malefactors and their arrest without warrant, the collection of taxes and the summoning of persons to the royal presence, the Mace was seen as the symbol and warrant of the King's authority. Proof of his authority was provided by the serjeant-at-arms when he served process by showing the bell or handle on which was stamped the Royal Arms. If the party concerned forcibly resisted, the serjeant reversed the Mace and knocked down the offender with the flanged end. Mr Speaker, I trust that you will not avail yourself of the opportunity.

Such a weapon bore little resemblance to this magnificent piece, this work of art, this magnificently crafted object which we see here before us today. In 1415, Henry V arranged that the Serjeant-at-Arms, Nicholas Maudit, should attend in the House of Commons for all Parliaments during the lifetime of that King. This arrangement was subsequently confirmed by the use of the Mace by the Commons to delineate its powers of arrest and secure the safety from arrest of its own members. By the end of the 17th century, it had become an integral part of the proceedings of the Commons

and, unless it was present, the House did not consider itself to be properly constituted.

Throughout the evolution of the Wesminster system of government, the Mace was a constant and vivid reminder of the bitter struggle for power that took place between the King and the Parliament for influence. Its significance changed when it came to represent, not the power and authority of the Crown but, first of all, the power and authority of the oligarchy that ruled England for many centuries and, only 100 years ago, it came to represent the power of the people. It symbolised the fact that all power and authority ultimately rested in the people and that their freedom can only survive while the freedom of parliamentarians to effectively represent them survives.

In the evolution of Territory self-government within the Australian Federation, this Mace has particular significance to the people of this Territory. It is very significant because, in the tradition of Westminster government, it is a further mark to denote that the Territory has constitutionally come of age. We are therefore honoured to accept this further recognition by the Commonwealth Parliament of the place and role that this Assembly has in the tradition of the Westminster system of government.

MEMBERS: Hear, hear!

Mr ISAACS: Mr Speaker, Your Honour the Administrator, colleagues from the Commonwealth Parliament, guests, ladies and gentlemen, it is with a great deal of pleasure that I second the motion moved by the Chief Minister.

A surprising number of things are called mace. In days of old, as the Chief Minister said, when knights were both bold and chivalrous, the Mace was a devasting weapon. It was used to bludgeon people to death in bloody battles. In jousting tournaments, the Mace had to be used with some restraint so as to not administer the coup de grace on your opponent during what was really a sporting event - something I am told like Aussie rules. Now the Mace is an emblem of constitutional authority and sovereignty. However, in the "Amazing" States of America, you will be pleased to hear, Mr Speaker, mace is a sweet-smelling herb and, of course, it is a sweet-smelling herb elsewhere.

I do hope that this House looks after its Mace better than did the Victorian Parliament which lost its five-foot, silver-gilt Mace in very embarrassing but highly entertaining circumstances back in 1891. On that occasion, the Mace disappeared after a late session of Parliament. Contemporary reports tell us that the Mace was taken from the House of Parliament to a house of ill-repute by some, and I quote, "festive cusses" for a lark. These "festive cusses" were described in a contemporary newspaper as playful statesmen. Is this what people mean when they say the world needs more statesmen or do they simply mean playful politicians? At the time of the Mace's disappearance, "Table Talk", a popular newspaper, said that the Mace was gaily exhibited to clients in a Lonsdale Street brothel. It went on to report that it was even used "in bawdy travesties of parliamentary procedure". I have no idea what these travesties may have been but perhaps the Chief Minister, with his sense of history, might be able to help me. The legend grew that the Mace was among Madame Brussels bric-a-brac.

Talking for Her Majesty's Loyal Opposition, there is no possibility at all, I assure you, that any "festive cusses" on this side of the House will tamper with the Northern Territory Legislative Assembly's Mace. I do point out, however, and I point it out as a matter of seriousness, that there is one group which may even attack the Mace; they are, of course, termites. Northern Territory termites are notorious for eating through anything, even

lead pipes. A silver-gilt Mace would be but an hors-d'oeuvre to our voracious termites. I therefore urge the House to make sure that our Mace is regularly inspected by the Flick man or we may find ourselves with a hollow symbol of constitutional liberty.

As I said at the beginning, it is with great pleasure that I second the motion moved by the Chief Minister and I thank the Commonwealth delegation for their most impressive gift.

MEMBERS: Hear, hear!

Motion agreed to.

Mr SPEAKER: The honourable Speaker of the House of Representatives and the President of the Senate, copies of the resolution will be forwarded to you for your own records.

The Commonwealth delegation retired from the Chamber.

His Honour the Administrator retired from the Chamber.

ADJOURNMENT

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

Motion agreed to; the Assembly adjourned.

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 Consul-General for Japan, Mr Michio Mizoguchi. On your behalf, I extend a cordial welcome to this distinguished visitor and wish him a pleasant stay in the Territory.

MEMBERS: Hear, hear!

DOMICILE BILL
(Serial 201)

Continued from 29 March 1979.

Mr ISAACS (Opposition Leader): The Domicile Bill is the second half of 2 bills that have been introduced to update the provisions of the concept of domicile as it occurs in our law. We have already debated the Adoption of Children Bill, the other half of the legislation. Currently, the law provides that the domicile of a married woman is that of her husband. That is one of these archaic principles to which the Standing Committee of Attorneys-General has applied its mind. I am very pleased to see the Northern Territory government implementing the recommendation of that standing committee. As I understand it, the committee adopted certain views late last year and, at its meeting in January this year, certain amendments were agreed to. The bill before us, unfortunately, is deficient in 2 or 3 of those matters but I am pleased to say that the Chief Minister has circulated a schedule which picks up the various amendments which were agreed to in the January meeting.

One of the provisions in the new clause B will provide that the domicile of a child who has lived with one parent only should follow a change in the domicile of that parent where the child no longer lives with either parent. As I understand it, this will bring the position of the child of a single parent into line with that of a child with both parents.

The bill itself is not controversial. It goes to the very question of the rights of women and indeed of the rights of children. A domicile has some importance in relation to estates and other matters of law. It is important that the question of domicile should not be tied to some archaic notion. The opposition welcomes the introduction of the legislation and supports it as, indeed, it is being supported around Australia.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr EVERINGHAM: I move amendment 74.1.

This amendment is to bring it into line with Territory drafting conventions. It was taken from a bill that was prepared by the Commonwealth parliamentary draftsman on behalf of the Standing Committee of Attorneys-General.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 74.2.

This simply drops the capital "S" from the word "state" and thereby widens the reference from Australian states to states on an international basis.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clauses 4 to 7 agreed to.

Clause 8 negatived.

New clause 8:

Mr EVERINGHAM: I move amendment 74.3.

This will insert a new clause 8. The change will clarify the position of the domicile of a child who has its principal home with one parent. It will ensure that, if such a child is left with grandparents, for example, its domicile will follow the parents not the grandparents. This is achieved by the words in clause 8 (2) that state: "thereafter the child has the domicile that that parent has from time to time".

New clause 8 agreed to.

Bill passed remaining stages without debate.

ADOPTION OF CHILDREN BILL
(Serial 202)

Continued from 27 February 1979.

In committee:

Clauses 1 to 3 agreed to.

Clause 4 negatived.

New clauses 4 and 5:

Mr DONDAS: I move amendment 71.1.

This change is necessary to ensure that, under section 18 of the Adoption of Children Act, a court will have the power to make orders on domicile and to ensure that the act is consistent with clause 8 (6) of the Domicile Bill. New clause 5 is necessary because section 33 of the Adoption of Children Act prescribes the manner in which domicile is to be determined upon adoption. These matters are now dealt with by the Domicile Bill and therefore the repeal of section 33 is a necessary corollary to the Domicile Bill.

New clauses 4 and 5 agreed to.

Title agreed to.

Bill reported; report adopted.

Bill read a third time.

JABIRU TOWN DEVELOPMENT BILL
(Serial 278)

Continued from 7 March 1979.

Mr COLLINS (Arnhem): Mr Speaker, the opposition is not opposing this bill for the very simple reason that we consider that the bill is a complete exercise in futility. If you are a member of the Country Liberal Party, the bill is probably a supportable political exercise; it is not law at all. I think that the context in which this bill has come before the House is not a very pleasant one for Territorians because many of us have been yet again embarrassed by the antics of our Chief Minister in relation to this particular piece of legislation, the headlines that he has been receiving lately and his castigation of the National Parks and Wildlife Service and his personal castigation of the director of that service who is a public servant. The Chief Minister was joined in this attack this morning by the honourable Minister for Mines and Energy and this surprised nobody.

Perhaps I could just support what I said about this being an exercise in futility by having a look at what this piece of legislation does to the principal act. Section 3 is amended by omitting the definition of the "Parks Act" so we have this horrible piece of federal legislation expunged from the statute in the definition section. A clause then replaces it in the body of the bill in clause 4. It is interesting to have a look at what this legislation does. Section 4 (4) of the principal act defines what the Jabiru Town Development Authority shall do. Paragraph (a) says: "act in accordance with the provisions of any leases given to the authority under the Parks Act and any plan of management made under that act in so far as it relates to the areas, if any, leased to the authority". Paragraph (b) says: "subject to paragraph (a) comply with directions, if any, given to it by the minister". Paragraph (c): "act in the interests of the good government of Jabiru". The amending clause now reads that the authority shall "(a) comply with the directions, if any, given to it by the minister; (b) act in accordance with the provisions of the National Parks and Wildlife Act 1975 of the Commonwealth in so far as that act relates to Jabiru" and (c) is deleted.

The amending clause removes the section which says "act in the interests of the good government of Jabiru" which is a little bit of bumph anyway and it reverses the priority, not in law but simply in the bill, of the position of the Northern Territory minister and the federal act. Instead of having the federal act coming first and the Northern Territory minister coming second, we now have this substantial amendment which places the Northern Territory minister first and the Parks Act second. That is the only effect it has on the principal ordinance. In law, of course, paragraph (b) has precisely the same import as paragraph (a) and is not subservient to it in any legal sense. The way things are in the Territory at the moment, so short a time after self-government, should a direction of the Northern Territory minister conflict with federal law in regard to the operations of the authority, that direction shall be disregarded. That has always been the situation that has existed. We have known that for years - certainly for 18 months.

It has another effect - and this clause in the principal ordinance had this effect - of placing the Jabiru authority in the extremely invidious position. If the conflict that is going on at the moment and the personal abuse of public servants which the Chief Minister has seen fit yet again to bring into the public arena continues, the conflict enshrined in this legislation between the Northern Territory minister and the National Parks and Wildlife Act will cause nothing but trouble. It will put the authority in an extremely difficult position. I sympathise with it.

Clause 5 alters section 15 of the act by removing paragraph (e). This reads: "to carry out such functions as are referred to it by or under a lease or plan of management under the Parks Act". It is replaced by: "to carry out such functions as are conferred on it by or under any law in force in the Territory". Of course, that already exists; it just gives political emphasis to it. It removes the reference to the Parks Act in the bill and replaces it with a clause which was already in force in any case.

Section 22 of the principal act is repealed under clause 6 of the bill. Section 22 deals with town plans. The obligation on the authority to defer to the plan of management is still in the legislation and it is still law. The removal of section 22 does nothing to affect that; it simply places political emphasis on the fact that the authority will be "plugged in", as the Chief Minister said, to the Northern Territory's town planning.

If I could quote from the Chief Minister's second-reading speech which did not say very much as the honourable member for Nightcliff so rightly says: "It broadens the obligation of the authority and makes 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". Of course, the principal act did that. The Jabiru town will be subject to the federal act's plan of management and that has always been the case. I do not see why it should come as any great surprise to anyone and I don't know why the Chief Minister should be expressing the shock and horror that he is expressing when we have known this for 18 months. It is pretty stale stuff.

Quoting from the Chief Minister's speech again: "Clauses 3, 4 and 5 of the bill are designed to make it clear that, in the exercise of its powers and 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". Again, that already existed in the principal act. This amazing amendment, this very substantial amendment, has changed the order of the paragraphs from paragraph (a) referring to the Parks Act and then to the minister. Paragraph (a) will now refer to the minister and then to the Parks Act and, in law, that changes absolutely nothing.

The Chief Minister has become rather vocal and public of late in his criticism of the National Parks and Wildlife Service and the control of Jabiru. He has stated that, in his opinion, the Jabiru township should be excised from the national park and that does not surprise anybody either. I will just go through some of the public statements that have been made. The Northern Territory News on Monday 14 May: "The Chief Minister, Mr Everingham, is angry that Commonwealth national parks laws will override Territory laws within the township". That has always been the case ...

Mr Perron: We don't have to like it.

Mr COLLINS: Certainly, we don't have to like it but why the shock and the horror of suddenly discovering this incredible provision after it has been kicking around for 2 years?

"Mr Everingham is against wider powers being given to the Director of Australian National Parks and Wildlife Services, Professor Derek Ovington". I am only quoting the newspaper; I am not quoting the Chief Minister's press release. If, in fact, the Chief Minister said that, then he is misleading people or perhaps he just does not know himself. The regulations that he is talking about confirm no greater powers on the director than he had before, none whatsoever. The regulations, as all regulations do, stem from the

principal act itself. I have been through the regulations very carefully and I have a copy of them here if the Chief Minister would like to have a look at them. They confer no greater powers on the director than he has always had under the National Parks and Wildlife Act 1978.

The NT News then goes on to say, and I am not quoting the Chief Minister: "The NT News understands the federal Attorney-General's Department has prepared several draft regulations to be incorporated in the rules applying to all national parks. The regulations will give the director wider powers". They do nothing of the sort. "The regulations reduce the town site to 13 square kilometres and put the town's population under Commonwealth control". There is no reference at all in the regulations to the town's size.

"Amendments are also being made to the National Parks and Wildlife Conservation Act to enable the director to supervise the town". What absolute nonsense! The director has always been able to do that under the plan of management for reasons which I will go into again shortly. The regulations do not increase those powers and the federal amending legislation does not give him those powers; it does not give him anything that he did not have before. In fact, the situation is that, under the existing legislation, the Director of the National Parks and Wildlife Service was not legally able to give approval for construction to start and was told that he would not be able to do that. The amending legislation that the Chief Minister is talking about as if some new power was being given to the director weakens the federal act by allowing the director to give interim approval for construction before the Kakadu plan of management has been approved, and that is what the federal act says has to happen. The amending act is going to weaken that provision, not strengthen it, and give the director powers to give interim approval to construction before the plan of management is approved. If the plan of management takes as long as the declaration did, we will be waiting for that for 10 years, and I am not saying that is the fault of the Northern Territory government.

"It is believed that Mr Everingham wants the national park to exclude the town from its boundaries". I am sure that the Chief Minister said that because I heard him saying it on the radio. I missed the broadcast on Sunday - I have not listened to very many of the Chief Minister's little gems on Sunday morning but I did want to listen to the one that was broadcast last Sunday. In a previous broadcast, he said: "The Director of Australian National Parks and Wildlife Service gained powers over the area where Jabiru town is to be established and built". I say again that this is absolute nonsense. The director has not gained any powers; he has always had them. The Chief Minister continued: "The Director of the Australian National Parks and Wildlife Service said that he was not prepared to agree to the proposal for the construction of Kakadu". This is untrue and an absolutely unjustified slur on a senior public servant.

The facts are that the Director of National Parks and Wildlife was told that he was legally unable to give approval for construction and that the amending act is being brought in to give him that interim power. "The Director of Australian National Parks and Wildlife Service is proposing to make regulations in respect of things like liquor licensing, town planning and traffic laws". Horror, shock! Again, the inference all through this broadcast and this news article is that these powers have only recently been conferred upon the director. He has always had them. Of course the director has to have control over liquor; that was part of the original agreement negotiated with the Northern Lands Council because Kakadu National Park is Aboriginal land - land which has been given back to Australians by Aboriginals. It is Aboriginal land and one of the things that the Aboriginals are very

concerned about is the accessibility to liquor in that place. The director has always had control over that particular area.

Obviously, regulations that govern traffic in the national park have to be made by the director. He must be able to control where vehicles can go and where they cannot. Without going into the gory details, any directions on traffic in the national park are not going to conflict with any laws of the Northern Territory and I suggest that the Chief Minister go carefully through any regulations that he intends talking about before he starts delivering this nonsense.

Let us have a look at the regulations. Regulation 2 states: "Subject to this regulation, a person shall not - (a) transport liquor within a park or reserve or supply liquor to another person in a park or reserve. Penalty $2,000". Regulation 3 states that,"nothing in subregulation (2) applies to, or in relation to, transportation of liquor to, or the supply of liquor on, premises licensed under a law of a state or territory to sell liquor". The inference was, of course, that the Director of National Parks and Wildlife was not going to let anyone have a drink - and I heard that said - in the national park and yet the regulation mentions specifically the Territory's liquor laws and states that these will apply in the township. I do not assume that the Chief Minister is a fool - he is a lawyer - but I assume that he read the regulations before he started talking about them. I can only assume that he is deliberately misleading people.

We now come to the nice stuff. The Director of Australian National Parks and Wildlife is being established as a petty dictator of an empire that has been carved out of the middle of the Northern Territory. Again, the Chief Minister's track record is not very admirable in this regard. I do remember when the Chief Minister publicly referred to the director of one of the largest firms of accountants in New South Wales as a carpetbagger at the very time when the government was negotiating with that man. He has blotted his copybook on several occasions in exactly the same way. We now have him castigating, again in public, a senior public servant whom the Chief Minister knows is, at all times, under the direction and control of the minister. It is disgraceful to have public servants castigated by name in public by the senior executive of the Northern Territory's government and I am embarrassed by it. The Chief Minister knows full well that Dr Ovington can do nothing on his own account. He is subject to the direction and the control of the minister; it is called ministerial responsibility and I believe we do have it in the Northern Territory.

He then went on to say that, if the Director of the Australian National Parks and Wildlife Service is going to make the laws for Kakadu and Jabiru, he will have to enforce them himself - a charming statement. The facts again are that senior public servants do not have the capacity for making laws. The Chief Minister, the Attorney-General of the Northern Territory, in stating in public that a senior public servant is to make laws for Kakadu, is stating absolute nonsense which does his legal qualifications no credit. The Director of the National Parks and Wildlife Service cannot make laws. The minister will make laws and Dr Ovington, the director of the national park, will carry them out. He may suggest them, he may propose them, he may draft them but the minister makes them.

I quote the interviewer again: "In one area of the letter you mention that, in the view of your government, the only satisfactory solution is to excise the area of 69 square kilometres from the national park. Mr Everingham: That to us would be the ideal solution because that is the area that it was agreed that should be occupied by Jabiru and, in our view, the easiest solution

would be to excise the area of Jabiru town from the National Park". Of course it would be easier. It would be easier for the Northern Territory government and the mining companies. What the Chief Minister is again pushing into the background is that, when the Ranger report was put together and when all the negotiations for mining to start in the Northern Territory were gone into, the mining was to be subject to environmental control both for the protection of the national park and the Aboriginal people living in the area. Of course, the Chief Minister's attempt to make the mining paramount to both the national park and Aboriginal interests is nothing new.

The Chief Minister wants to overturn all of the painful and tedious negotiations that took part between the Northern Land Council and the government; he wants to excise Jabiru from the national park. What will that accomplish, Mr Speaker? Will it remove Jabiru from the national park? Excision will certainly achieve something for the mining companies and for the Everingham government but it will achieve nothing but disaster for the national park because, despite the fact that it may be legally excised from the national park, it will still be physically within the park and would be no longer subject to the park plan of management.

It is no secret that mining companies are dissatisfied with the upper limit of 3,500 people that has been set on the town's popultaion. It is no secret that mining companies would like to see that population extended to 6,000. If you want to go back - I am sure the Chief Minister will not bother - to all arguments that were put forward in the Fox report and in the recommendations and submissions that went into the making of that report, that figure of 3,500 was not plucked out of the air. That figure was carefully arrived at by consideration of all the submissions and it took into account the possible impact on both the Aboriginal people in the area and on the environment. That figure was considered to be the absolute upper limit of the township size in view of the fact that the town was to be subject to the park and not the other way round. Certainly, this will put impositions and controls which will not be onerous. There will be an arrangement worked out. I have no doubt, having regard to the situation in Nhulunbuy and Groote Eylandt, that the people will be adequately, financially compensated by the mining companies. Certainly, the mining will go ahead. Certainly, the companies will make money if they manage to sell the ore. However, the town and the mining operation is to be subject to the national park; that has always been the situation and, in the view of the opposition, it should still be the situation. The Chief Minister is seeking to change all that.

I will quote from the Chief Minister's speech when he introduced the principal legislation - the Jabiru Town Development Bill - into this parliament on 22 November last year. In view of the statements the Chief Minister has made lately, as if the powers of control had suddenly arrived, it does make interesting reading: "The town would be located at the same site as previously proposed and, together with its surrounding area, would be excluded from Aboriginal land grants. This, in fact, has occurred. However, the town area will become part of the area of land to be declared as the Kakadu National Park. Since most of the park will be leased from Aboriginal land, it has been necessary for the Director of National Parks and Wildlife Service and the Northern Land Council to reach agreement on management of the park. The agreement has now been ratified and, no doubt, the proclamation of the park can be expected shortly. The town size is to be limited to cater for those people required to service the mining industry and related activities only, and no visitor accommodation will be provided except for those on business". There is no protest here, Mr Speaker, just an acceptance of things as they are.

I quote further: "Because the town will be in a national park, the town plan will become incorporated in the plan of management for the park.

The Director for National Parks and Wildlife Service has initiated a preparation of such a town plan in consultation with the government and the companies. The functions and powers of the authority shall be to develop and maintain the town of Jabiru, to control and manage the town, to carry out local government functions and to protect the environment in accordance with the requirements of the park plan of management. Members will appreciate that the timing of this is dependent on the timing of mining developments. Although the town is to be limited in scope ..." There is continued reference throughout the Chief Minister's speech to the fact that the town is in the park and it will be subject to the laws of the park.

To conclude, the bill achieves nothing in law. It re-arranges the position of a few clauses in the principal act so that the Northern Territory minister comes first and the National Parks and Wildlife Act comes second. It removes reference from the principal act but changes, in no way, the legal obligations of the Territory government to abide by the federal act. The key point of this debate is that, as a Territorian, I am becoming increasingly embarrassed by the Chief Minister's tendency to bring personalities into things like this when they should not be brought in, to castigate in public a senior public servant, to state in public that that man has powers that he does not possess and to talk about the Director of National Parks and Wildlife Service making laws when, of course, the Attorney-General knows full well it is the minister who makes the laws, not the public servants. The Chief Minister's attacks on the National Parks and Wildlife Service are a collection of misinformation. To give the Attorney-General credit for not being a complete fool, the opposition can only assume that this is deliberate.

Mrs LAWRIE: I am only going to take about ninety seconds of the House's time to speak to the bill because the honourable member for Arnhem has covered all of the points that I wished to raise. I do want to highlight a couple of things which need reiteration.

The bill, as it is printed, seems to be a mish-mash. It does little and the minister's second-reading speech, upon its introduction, does nothing to assist the House to make a proper consideration of the legislation. His speech itself was confusing and I am surprised that the Chief Minister would deliver a speech of this paucity. We know he is busy but the development of the Jabiru township and all of the activity taking place in the national park is of burning interest to the community of the Northern Territory in a preservation sense, an ecological sense and in a mining development sense. I would ask that, when the minister is introducing amending legislation dealing with this particular aspect of the Territory's development, he consider the interests of the people of the Territory and make a greater effort to explain why he believes such legislation is necessary. Like the member for Arnhem, I find the bill confusing and not very substantial.

Let us look at the last clause of the bill which repeals section 22 of the principal act. Section 22 talks about adopting a Jabiru town plan that does not conflict with any plan of management prepared under the Parks Act relating to the town of Jabiru. I am well aware that the physical location of the proposed Jabiru township poses great difficulties for all and especially for the mining company. We said that in discussion of the principal act adopted by this House in November. To talk about excising the township is simply semantic. One cannot pick up the township and shift it out of the national park; drawing a line with a pen on a map and saying it is now no longer part of the national park is nonsense. There are particular difficulties relating to the establishment of the Jabiru town site but one cannot pass legislation and say that the difficulties have been overcome. It would require the town to be established in a different part of the Territory and that is not going to happen. The National Parks and Wildlife Act has been

passed by federal parliament and, whether the Chief Minister likes it or not, it applies. I am well aware that he is dissatisfied with it and I have read the press reports with some interest. If he is quoted correctly, I am surprised at the tone he has adopted because he has known of the operation of the act for months; he has known of the particular controversy that raged. I would have expected the Chief Minister not to have exacerbated a difficult situation but rather to have done all he could to ease it. Mr Speaker, I have no great feelings about the bill before us one way or the other; it does not appear to me to accomplish anything at all.

Mr ROBERTSON (Education): I feel that I must make a few comments to expose the motivation and uncover the hypocrisy we have heard from the honourable member for Arnhem. Is it not a remarkable thing, Mr Speaker, that we can have the honourable member for Arnhem make comment about the Chief Minister's attitude on the basis that the Director of the National Parks and Wildlife Service had no alternative but to carry out certain actions because he was advised that he had no other legal option? That seems to satisfy him as a reason for the actions of the director at the moment. At the last sittings, we had the same honourable gentleman castigating the Northern Territory government for its refusal to register titles on Aboriginal land because of the roads and mining issue, notwithstanding the fact that, at that time, the Solicitor-General had instructed the Registrar-General that he was legally unable to do any other thing. We have a double standard, don't we? We have a double standard for purely political reasons and for no other reason. On the one hand, it is good enough for the Director of the National Parks and Wildlife Service to exercise what the honourable member for Arnhem says is his statutory responsibility to stop the development in the town because of the law yet, on the other hand, the Registrar-General, because of his political attitude, should have overridden the law of the Northern Territory for political expediency.

Mr Collins: You just lost me.

Mr ROBERTSON: It always loses the honourable member for Arnhem when it does not suit his political cause and that is very well known. I will repeat it for the honourable gentleman because he seems a little dense this morning.

Mr Collins: The abuse of public servants is what I was talking about.

Mr ROBERTSON: That is not what I am talking about. It is quite satisfactory for the honourable gentleman to cite the statutory responsibilities of one officer and criticise the government and indeed, by implication, he criticised the Registrar-General of the Northern Territory ...

Mr Collins: I did nothing of the sort.

Mr ROBERTSON: ... for not registering the titles which were requested by the Northern Land Council and which this government was seeking a means to register. It is a double standard of the first order.

The other thing we have heard is sheer humbug and sheer hypocrisy. He says that, if it takes as long to declare a plan of management in respect of Kakadu as it did to declare the park itself, then we will be waiting 10 years. The man knows that is untrue. He seeks to mislead the public through this House by saying that it took 10 years to declare the national park. It did not at all. That is exactly what he said because I took it down at the time.

The honourable gentleman made great play of the Chief Minister's statement

when he introduced the original Jabiru Town Development Bill. The honourable member quoted from Hansard so we assume it is correct. He made an implication that the Chief Minister was supporting a figure of 3,500. That is quite clearly what he was up to. What the Chief Minister was saying is that there should be in the township such people as are necessary to do the job. The Chief Minister did not in that statement support the concept of 3,500 people.

Mr Collins: I did not say he did.

Mr ROBERTSON: That was the implication. The man stands here and accuses the Chief Minister of making misleading statements. The honourable gentleman does precisely the same thing by way of the vehicle of this parliament, with the press here, and deliberately seeks to mislead the people as to what the Chief Minister meant. What the Chief Minister spoke about was sufficient people, and no more, to carry out the functions required of them in a substantial mining operation. That can include an enormous range of things. You can have, for instance, different balances between the number of adults and the number of children. If we are going to hold, as the honourable member for Arnhem would have us hold - and he said it was Labor Party policy - this policy of 3,500 people in the national park and no more ....

Mr Collins: I did not say that.

Mr ROBERTSON: He stated that that was the policy of his party. He stated it in this House.

Mr Speaker, we do not know whether we are going to have families there with 1 child, 2 children or 6 children. What are we going to do when we hit 3,500 people? I am charged by law for the responsibility of providing education and teachers in that province. I suppose I can say to the people in that area: "The Labor Party supports the fact that you cannot have any teachers because it will carry us over 3,500 people ".

What I am trying to demonstrate is the absolute absurdity of this figure. I do not care how Mr Justice Fox arrived at it and I do not care how often the Labor Party supports it. It is absurd to have an artifical ceiling on the population of a town. That includes health services and welfare services - it could be a whole range of people. What do we do when the husband is the 3,500th person to enter the town and his family follows behind? Do we drop the boom gate in front of the car and say, "The Labor government of the day" - God help us if it ever happens - "says you cannot join your husband"?

Mr Collins: No, you just change the law. That is all.

Mr ROBERTSON: What a preposterous proposition it is.

Mr Collins: What are you talking about?

Mr ROBERTSON: The 3,500 people he made so much play on and the nonsense contained in that play. That is all it is - play-acting.

When he introduced the legislation last year, the Chief Minister was aware of the fact that the Commonwealth would retain control of the township. Because we are aware of something at any one given point in time, that does not mean we should ignore experience. In many cases, we have been aware that things are what they are according to law and administrative arrangements are what they are according to administration. Circumstances change and new

implications of such laws or administrative arrangements come to the attention of government. It is the fundamental responsibility of government to respond to those changes and that is precisely what the Chief Minister is doing. He is not going back on anything that he previously stated. What he is doing is responding to the realisation of what it would mean to have a town of 3,500 to 4,000 people subject to all of the normal governmental services and governmental responsibility in the Northern Territory, labouring - to play on words - under administration from Canberra.

The implications are becoming quite patent to us on this side of the House; it would never dawn on the other side, of course, because these things never do. What the government has realised is that the arrangement originally entered into by protracted and painful negotiations will not suit the best interests of good government in respect of Territorians. That is what they will be: they will enter within a month, enrol as Territorians and be subject to all the government services of the Northern Territory. It is a town of Territory people. The implications of that being remotely controlled from Canberra are precisely the same as those which had the Wards, the Drysdales and the Withnalls in this place fighting over the last 30 years for the self-government which we have obtained. What a shallow attainment it would be if we find that the management of the third or fourth largest town - perhaps in time it could be 10,000 people as the honourable member suggested it might be - or the second largest town is subject to remote control.

Mr Collins: Alice Springs has 15,000.

Mr SPEAKER: Order! Honourable members, I am interested only in orderly debate and the efficient execution of the business of the House. I request speakers not to be provocative and I request members not to interject unnecessarily.

Mr ROBERTSON: In conclusion, let me just look at what the bill seeks to do. It is not the piece of nonsense the honourable member suggests at all. Look at the size of it; it is quite clearly a cleaning-up piece of legislation a clarification. It does not really matter at law, I agree. It does not really matter which order you put them in as far as the law goes but there is more to law than that. When you legislate, it is primarily for the public. The public should be able to look at legislation and say, "That is the government's emphasis, that is the spirit contained in it". That really is what the bill is all about: to clarify, for the benefit and use of the public, the attitudes contained in a law passed by this Assembly. I support the legislation.

Mr ISAACS (Opposition Leader): Mr Speaker, I feel a bit sorry for the Minister for Education. He rose valiantly to his feet to rescue the Chief Minister from a scathing attack by the members for Arnhem and Nightcliff but, unfortunately, he was left like a shag on a rock the other day when he made the indefensible speech about the Darwin Community College. However, that did not stop him trying to do the right thing by his own Chief Minister. Of course, it is a bit difficult, in the words of the minister himself, to defend the indefensible. As the minister said in his final summing up, the bill really does not matter much at law; it is simply a matter for the public. That seems to vindicate what the member for Arnhem was saying - that it was simply a matter of window-dressing, a matter of pure politics from the government side.

There are a number of issues which arise out of this debate which I think are worth commenting on. The first is the remarkable comment from the Minister for Education, and I think it is contained in the sentiments of the

Chief Minister, that they are responding to a realisation of having a town of 3,500 people working under federal law. What a disgraceful thing to happen! We cannot have these nasty federal laws applying in the Northern Territory; we cannot have people living under Commonwealth of Australia law. After all, the act establishing self-government in the Northern Territory happens to be a federal law. I might be mistaken, but I thought that the Northern Territory was part of Australia. When you are talking about national parks and a national resource, I would be rather proud to see it as a joint project by the Northern Territory government in whose immediate precincts it is and also by the Australian government which clearly has the resources to carry out and provide the necessary services and facilities in that park. What an extraordinary thing to say: that they have come to the realisation that federal law is going to apply.

Mr Robertson: No, I did not say that at all. That is your implication.

Mr ISAACS: His implication was that education services and health services are going to be provided in response to federal direction. He knows that that is incorrect. Quite obviously, from the regulations read out by the member for Arnhem, the Northern Territory rightly is going to keep providing the services to the people who will live in that town - the 3,500 or the 3,499; I think there will be a lottery in that township when the place reaches 3,450. There might be a lucky door prize for the 3,500th person if you take seriously the comments of the Minister for Education. I do not see how anybody could do that.

Quite obviously, you are going to have a situation in the park where Territory law, hopefully, will work side by side with Australian law. Isn't that a shocking thing to happen? If you take seriously the comments from the Chief Minister - as I said the other day, he goes on with this sabre-rattling - you would think that the Australian government, the "Feds" as they like to call them opposite, do not have the interests of Australia at heart. Whatever colour the government is in Canberra, it seems to me that a national park and all that that conjures up in the mind ought to be the responsibility of the national government because it has the resources at its disposal to properly look after it and protect it as a national resource for Australian people and for other people. That is one area where you would think there could be cooperation between the Northern Territory government and the Australian government to make it work. Surely to goodness both sides of the House are in agreement that we want it to work.

The way the Chief Minister carries on, criticising senior public servants by name, does not set a precedent that many of us would want to follow. Further, it is absurd to make the comparison, as did the Minister for Education, in relation to the Registrar-General and the registration of roads and land titles. What clearly came out of that debate was that, whether or not the registration could be done at law, was not the issue. The issue was clearly a political fight between the Northern Territory government and the Australian government. The Chief Minister himself made the point in that debate that he wanted to see the registration of title settled at law. Nobody was suggesting - and certainly not the member for Arnhem at any time - that somehow or other the Registrar-General was acting in some political fashion. The point was never made so I just wonder at the point made by the Minister for Education when he criticises the member for Arnhem for hypocrisy. The comparison just does not apply.

Mr Speaker, I think it is important to look at what this bill does and to look at this national park as something about which we ought to be very proud. I want to see it established. It has been declared. I want to see it operate in the best interests of the people of Australia and in the

best interests of the people who would like to come to see it and enjoy it for many more years to come. This particular piece of legislation, as the member for Arnhem said, adds very little to our understanding of it. Indeed, as the Minister for Education himself said, it simply does not matter at law; it is a matter of public window dressing. The opposition hopes that the petty wrangling, which seems to be all one way, will stop. We hope they will see the national park as something which we ought to obtain unanimity about so that everybody in the Northern Territory and Australia can enjoy the wonderful resources there.

Mr EVERINGHAM (Chief Minister): Mr Speaker, if I might try to introduce some relevance into the debate, I must say that it is always disappointing to be continually reviled by honourable members opposite simply because one attempts to assert the position of the Northern Territory in relation to the management of national parks within its boundaries. I can assert unhesitatingly that the Northern Territory government wants to see the establishment of the Kakadu National Park and I think that, if the matter had been left to the Northern Territory Reserves Board, we would have seen the Kakadu National Park established in 1968. Unfortunately, the matter fell into the hands of federal authorities and the declaration of this park occurred virtually only the other day.

The views of the Leader of the Opposition in relation to the shared management of the Kakadu National Park between the Australian government and the Northern Territory government is certainly not shared by his colleagues in Labor governments in other states who have supported me on 2 occasions when the states have voted unanimously at meetings of ministers concerned with conservation - at what is called the Council of Nature Conservation Ministers meetings - to the effect that the Northern Territory should have control over the national parks within its boundary. In fact, there are certain terms of reference for the Australian National Parks and Wildlife Service which have been agreed by all state ministers for national parks and conservation. I think it would do the Leader of the Opposition a great deal of good if he were to get himself a set of these guidelines.

I unhesitatingly say that, in the Northern Territory, the Australian National Parks and Wildlife Service is in breach of the guidelines and I reiterate my criticism of the Director of the Australian National Parks and Wildlife Service. As far as I am concerned, I unhesitatingly criticise the Minister for Science and the Environment, Senator Webster, as well. The Prime Minister and the Deputy Prime Minister and almost every minister in the federal cabinet know my feelings about the return to Northern Territory control of the Kakadu and Uluru National Parks.

Perhaps I might explain why I have a particular grievance against the Director of National Parks and Wildlife Service himself in relation to the holdup of work on the Jabiru town. The Jabiru Town Development Authority was established by Northern Territory acts late last year and, for the first 3 or 4 months of this year, the staff of the authority, together with various consultants, have worked long and hard to get the plans for the development of the town to the stage that they have reached. The authority agreed to build the town according to a plan prepared by consultants retained by the Director of the National Parks and Wildlife Service and they have worked with the Director of the National Parks and Wildlife Service and with his staff at all times in the preparation of plans for work at Jabiru town. Within a day of the declaration of Kakadu National Park, the Director of the Australian National Parks and Wildlife Service effectively stopped all work at Jabiru by saying that he had no power to authorise the commencement of that work. Why didn't the Director of the National Parks and Wildlife Services tell us that

back in January?

I am informed that the Director of the National Parks and Wildlife Service informed Northern Territory officials that he was aware that he did not have sufficient power as far back as January this year, yet he continues to let the Jabiru Town Development Authority officers work for over 3 months towards the end of letting contracts for the town to be built without alerting them to this situation. I might say that it is the opinion of the law officers of the Northern Territory government that the Director of the National Parks and Wildlife Service does have legal power to permit work at Jabiru to commence. It is the opinion of the Northern Territory government that the work is being held up for reasons that are not being disclosed. There are further amendments being contemplated by the Commonwealth government at present time, apparently at the instigation of the Director of the National Parks and Wildlife Service. These amendments have not yet been introduced into the federal House but I say unhesitatingly that they will simply concentrate - and I have had considerable correspondence with the Deputy Prime Minister about these amendments in the absence of the Prime Minister overseas - more power in the hands of the director himself and take power away from political control.

We have heard about some regulations from the honourable member for Arnhem who, it seems, has no interest in supporting Northern Territory control of Kakadu or Jabiru or anywhere else. He would like to give as much of the Northern Territory away as he possible could and as fast as he could. I do not know why honourable members opposite bother to come to this House because it would seem to serve no useful purpose to them, at least on the philosophies they express. If we look at some of these regulations proposed by the Director of the National Parks and Wildlife Service, we find in regulation 7C: "Subject to this regulation, a person shall not supply liquor to another person in a park or a reserve". That means, in the opinion of Northern Territory law officers that, if you are sitting in your living room in the town of Jabiru and you offer a glass of beer to a guest, you will be committing an offence and the penalty for the offence is a fine of up to $1,000.

There are also other interesting regulations here that are quite inimical to the sort of rules and regulations that should apply to a town. It has become quite clear to me that it is going to be administratively very difficult, if not impossible, to have the same rules which apply to a national park, and which should apply to a national park, apply to a town. Regulation 7A: "A person shall not use a chemical pesticide or herbicide in a park or a reserve without the consent in writing of the director". Do not take any palmolive spray packs of shaving cream and do not take any Scram for the mosquitoes because it will cost you up to $1,000.

This is the sort of regulation that the Director of the National Parks and Wildlife Service is proposing to impose on the town of Jabiru yet I am criticised for being concerned and I am criticised for making public my concern. I will tell you why I made public my concern, Mr Speaker. When I was asked a question by some gentleman in the press, who had apparently heard that something had fallen off a truck again, to use the inimitable words of the Leader of the Opposition, I certainly had no hesitation in voicing my concern because, in my experience of dealings with the resource-ridden Australian National Parks and Wildlife Service, unless you make your concern felt in very loud and very public tones, it seems to be overriden every time.

Let us just consider the mighty resources of the Australian National Parks and Wildlife Service that the honourable the Leader of the Opposition

mentioned when he rose to back up the honourable member for Arnhem - if I were the honourable member for Arnhem, I would not let the Opposition Leader get too close behind my back, mind you. At Uluru, where we have some knowledge of the operations of the Australian National Parks and Wildlife Service, the Northern Territory Parks and Wildlife Service has been trying for the last couple of years to find money to build houses for Aboriginal people there. The houses will not be anything like Buckingham Palace, but do you think we can get any money from the ANPWS to build them? No. In their proposed budget for last year - I am taking the figures from the top of my head but they are certainly illustrative - the figures were meant to be something like $2½m for development and maintenance of Uluru National Park and it came out in the wash that they received about $850,000. Those are the magnificent resources that you can expect from your pet National Parks and Wildlife Service.

On the other hand, those resources that we are laden down with have resulted in a considerable number of advertisements in the papers, both nationally and locally, for people to fill positions within the Australian National Parks and Wildlife Service which do not exist. It consists of a few people in an office in Canberra. They have not got the staff, the establishment or the expertise to take on the management of national parks. They have hardly been operational and they have only a skeleton staff. We hear people like the Australian Conservation Foundation talk about "the mass of expertise". That was one good one. The service almost does not exist. I ask publicly how can the Prime Minister reconcile his wish to nationalise the functions of government when he creates an unnecessary new arm of government even though there already are parks and wildlife services all over Australia with traditions dating back to before federation. This is the hundredth anniversary of the declaration of the first national park in New South Wales, the Royal National Park. I can assure you that national parks and wildlife services in other states hold exactly the same views as are held by the Territory Parks and Wildlife Service which I am proud to represent in this Assembly. I will continue to fight to see the national parks in the Northern Territory administered by a Territory commission which is responsive and responsible to Territory people and not bungled and mismanaged by a blundering bureaucrat from Canberra.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

MALLS BILL

LOCAL GOVERNMENT BILL 1979
(Serial 280)

CONTROL OF ROADS BILL 1979
(Serial 279)

Continued from 8 March 1979.

Mrs O'NEIL (Fannie Bay): I wish to advise the Assembly that I have an interest in property which will be affected by the construction of the Smith Street Mall in Darwin. In order to prevent a conflict of interest arising, I will not be speaking to or voting on these bills.

Mr PERKINS (MacDonnell): I rise to indicate that the opposition is basically in favour of what are known as the Malls Bills. I would like to indicate that the opposition does not object to the basic purpose of this

legislation: to provide adequate legislation to cater for the development of a pedestrian mall in Darwin. On behalf of the opposition, I would like to commend the initiative of the Corporation of the City of Darwin in establishing a mall. I understand that such a project has the general support of the local business community, both in Darwin city and in other sections of the wider community of Darwin. No doubt, honourable members would be aware that malls have been established in other major cities of Australia and they have been of considerable benefit to the general public and to the business community. I would like to point out that Alice Springs council took the initiative to establish a semi-mall in Todd Street last year and already this particular project has benefited the public and the business sectors. I would say that the existence of a semi-mall in Alice Springs has improved the appearance of the town and the basic facilities that are provided in Todd Street.

The sponsor of the bill implied that it was the city of Darwin that initiated the first mall in the Northern Territory. On behalf of the residents of Alice Springs, I would like to say that we went almost all the way to establishing the first mall in the Northern Territory even though it is only a semi-mall. I am sure that the people of Alice Springs are proud of their mall and the facilities that exist in that mall. I know, from personal experience of having walked up and down that mall on many occasions in the course of my duties and in going to the shops in the main street of Alice Springs, that the existence of the semi-mall has made a considerable improvement to the appearance of the town and to the facilities. I would like to commend the alice Springs council for instigating that particular project and for taking the initiative to ensure that the people of Alice Springs would have the benefit of a semi-mall. I would hope that, in the near future, they would consider the establishment of an adequate and proper mall in that area and that they also consider the elimination of the traffic which, at the moment, runs down the mall.

The sponsor of the bill mentioned 2 ways in which the Northern Territory government wants to cooperate with the Corporation of the City of Darwin. First, he mentioned that they wanted to ensure that the mall can be established without undue complications. Secondly, the Northern Territory government wants to assist the corporation in the funding of the mall. The sponsor of the bill alluded to discussions that were taking place about the nature of the funding assistance. I would like to ask whether he will give us an indication of the progress of those discussions, the nature of the financial arrangements and an indication as to whether there has been an agreement between the Northern Territory government and the Corporation of the City of Darwin. If there is such an agreement, will he tell us to what extent the Northern Territory government is prepared to fund the mall. As I have indicated, it is a worthwhile project. As a matter of fact, I walked down the area only yesterday and observed that considerable progress has already been made with the establishment of the mall. I do not think that any member on this side would consider that, because the works are in progress, an usurpation of our rights to consider this legislation has taken place or that the consideration of this legislation has been pre-empted by the works. I would say that the arrangements are well underway and, hopefully, the project will be completed in the near future.

I am concerned, however, to note that, only this morning, there were amendments circulated on the Local Government Bill. We have only had a short time to consider these amendments and I would like to refer to amendment schedule 85. As the bill stands at the moment, there is a reference in clause 5 to the prohibition of vehicular traffic in pedestrian malls. However, if you look at the schedule which has been circulated, there is to be a new addition to the legislation and that addition refers to the regulation of the

use of the mall by any person. I am a little bit mystified and concerned as to why that particular reference has been introduced at this stage. I would request an explanation from the honourable sponsor of the bill.

I understand that already in the Northern Territory there are laws in existence that cover any offences relating to the behaviour of persons in public places. As the mall is a public place, those laws would cover that particular situation. I think it ought to be clarified because I am not sure what is meant by "any person" or whether it is the intention of the government to aim this particular clause at any particular section of the community. I am not clear whether it is also related to the recent moves by local government authorities in the Northern Territory to have their own powers to make bylaws. I think that the sponsor of the bill ought to indicate just what the intention of the government is in relation to this particular provision and give us some indication on its necessity. Honourable members are aware of the antagonisms which have occurred in the community in recent times and I think that needs to be borne in mind.

The Mall Bills, as initially introduced, have the basic support of the opposition. The measures that are provided in those bills are sensible ones and we will be cooperating with the passage of those bills through the committee stage.

Mr HARRIS (Port Darwin): Mr Speaker, I am sure that members of this House are well aware that a company which my wife and I own is committed to a development in the Smith Street area. Before I comment on these particular bills, I would like to declare that interest.

The turning of the Smith Street area into a mall has been talked about since 1973. From that time, many views have been expressed - views on whether or not the mall should be established, views on the design, views on the method of construction and views on who is to pay. All of these views have been debated for that number of years. However, one thing that was realised right from the outset was that legislation would have to be amended to allow malls to become fact. Perhaps the order of priorities could have been looked at a little closer, enabling debate on the principal of the establishment of malls in the Northern Territory to be carried on before one was actually in the process of being constructed.

The problem with mall developments is that, in trying to have developers fit in with the spirit of the development itself, the need to be able to consult and to make decisions without running to some other authority or some other body is so important. The developer may wish to connect his building with a building on the other side of the mall itself which may, in turn, require the placing of support beams in the mall itself. A developer may also wish to place tables and chairs in the mall itself. No matter what the case is, consultation does have to take place and the councils who are responsible must have the authority to make agreements with people who do have interests in those particular areas. The bill which amends the Control of Roads Act gives that control to councils.

Malls are an accepted form of thoroughfare not only in many Australian towns and cities but also in other parts of the world. With our Territory developing the way it is, I feel that we should be able to have malls in our cities and towns if we so wish. In other parts of Australia, malls are the responsibility of the local councils and it should be the same in the Northern Territory. It is quite obvious that, in other centres throughout the world, local councils have that responsibility. It should stand to reason that people who pay their rates should have, through their alderman,

the right to have a say in the council's decisions.

The people who have been involved in the central business district since the Corporation of the City of Darwin was established in 1957 - I speak here of the traders as well as the owners of that particular area - have been poorly looked after. Some of the people pay in excess of $5,000 a year in rates on a single block. The footpaths have always been in a mess not only in the mall area itself but throughout the whole central business district. I hope that the start of the mall development has heralded a complete reappraisal of standards regarding the complete repaving and upgrading of the whole city area. It is interesting to note that an area bounded by Daly Street, the Esplanade, the port and McMinn Street represents 22% of the total rates that can be collected in the city of Darwin. This does not include areas such as the land where the government office blocks are situated. One thing is evident: the owners and the traders realise that they themselves will have to upgrade their shopfronts and their display areas. When they do this, their share of the market will be improved.

I personally feel that this is not a matter of competing with such complexes as the Casuarina shopping complex. These complexes are required in our society and in our system and they will continue to be developed. The family store or the supermarket, such as those at Fannie Bay or Jingili, will also continue to prosper. Those areas look to providing for the needs of the people in those particular areas and, likewise, I feel that the traders in the main city area should be looking to providing a service to the people who are actually in that particular area.

Darwin perhaps is one of the few places that is naturally suited to a mall. My electorate grows from some 2,000 people during the evenings to 10,000 people during the working day. After the cyclone, a report was prepared for the Darwin Reconstruction Commission by Mr Frank Lyon. In his report, he made it quite clear that the potential pedestrian population in the city area was large and, indeed, that it would continue to grow. In 1974, from these precyclone figures, Mr Lyon pointed out that there were some 46,500 people in Darwin. Of this number, 5,966 were employed in the central business district. By mid-1981 he predicted there would be approximately 60,000 in Darwin and that 9,622 of these would be employed in the central business district. In 1998, he expected we would have a population of some 100,000 of which 14,590 would be employed in the central business district. These figures do not include certain light industry workers and they also do not include employees of the education department such as teachers. These figures indicate that between 10% and 16% of the total population come to the city area each working day.

We need the Casuarina complexes and the small corner stores and we need the central business district. The problem has been forgetting that methods of marketing and promotion are continually changing. The mall concept is to be welcomed and places Darwin in a position where one is justified in saying that it is progressing with the times.

Before closing, I would like to mention 2 further points which are of paramount importance to the success of the mall. First, it is important that all shop owners have some form of access to their premises. In the case of the mall itself, some of the shops front onto the mall area and, as the member for MacDonnell pointed out, there is an amendment circulating which will enable vehicular access to the areas which do not have service to their particular properties. Secondly, it is important that access be provided for emergency vehicles such as ambulances and fire brigades. I am glad to see those amendments circulated.

The other point I would like to touch on is the need to provide adequate parking facilities. The central business district has always had a parking problem but this has been emphasised of late because of the development of large office complexes such as the AMP building in which hundreds of people work during the daytime. The areas between Woods Street and McMinn Street, because of this parking problem, have created a dangerous situation to everyone who uses those areas. With the rates so high in the inner city area, it is unreasonable to expect an owner to provide parking on such valuable land. Parking will have to be provided as quickly as possible,as it is in other parts of Australia,and the method of payment for such a facility should be arrived at in consultation with all interested parties.

As I mentioned earlier, perhaps the order of priorities should have been looked at more closely. I look to the council for my direction: I pay my rates to it and it should make the decisions in regard to local needs. These bills give the council that control and also pave the way for future mall developments in the Northern Territory. I support the bills.

Ms D'ROZARIO: I would like to lend my support to that of members on both sides of the House for these 2 bills. We do know that, despite the fact that the construction of the mall in Smith Street is well underway and indeed people are saying the worst is over, the intention of these 2 bills is to enable the mall to operate after the construction has been completed. So far we are operating only on the closure of Smith Street between Knuckey Street and Bennett Street.

The Control of Roads Bill is very necessary because, without the amendment that the minister has proposed whereby pedestrian malls can be gazetted in respect to roads that have already been closed, we would not be able to have such a development as a pedestrian mall in any town in the Northern Territory. The principal act does contain some sections, specifically sections 9, 10 and 54, which tend to indicate that when this particular piece of legislation was being considered the idea of a pedestrian mall, which is quite common in other parts of Australia and also in other parts of the world, was not contemplated.

Section 9 (3) of the principal act gives the power to the Administrator to pull down or demolish any structure which is built upon or placed upon a road. Quite clearly, the city council's mall design does contemplate the erection of certain structures and it would not do for the minister to have this power to pull them down simply by operation of section 9 (3) of the act.

By section 10 of the principal act, trees can be removed for either being too near to the road or for causing any obstruction to any building adjacent to the road. We know that a great deal of argument has ensued about the degree to which the mall should be planted so it would appear that that argument would be entirely irrelevant had not the minister put forward the amendment to have pedestrian malls because, by the operation of section 10 of the principal act, there would be no question of having trees in the road reserve.

Similarly, section 54 of the principal act provides that nobody can impede the passage of a vehicle through a road and that, of course, is not the intention here. Incidentally, section 60A says that a person shall not drive a hovercraft over a road without the written approval of the Administrator. I do not quite know what the legislature had in its mind when it put that in but, should anyone come up with this novel idea, then perhaps it can still be done and the amendments that the minister has presented will enable the pedestrian mall to function as it should.

The potential effects of the mall have been spoken about at great length. I might say that not everybody is uniformly in agreement. I understand that there are still 1 or 2 traders who frequently put large and wordy advertisements in the Northern Territory News to the effect that the mall will do them no good at all. Certainly, members on this side of the House hope that the potential effects of the mall will be realised.

In most Australian cities where malls have been used, they have been introduced in order to improve the circulation of pedestrian traffic in very busy retail areas. It has been a common observation that retail areas have benefited by the introduction of malls simply because it makes the shops easier to get to. It is well known that, in large cities, you cannot park at the door of the shop in which you propose to do your shopping and that you do have to walk to the central retail area. It is worth noting that the solution of providing a mall has usually been resorted to where the pedestrian volume is such a large proportion that it can only be so handled. In Darwin, we have a slightly different case. We do not have such a very large volume of pedestrian traffic but we have taken a decision to improve the circulation of that volume.

In my opinion, we must see the Smith Street Mall as an area not only to improve pedestrian traffic, but also to be used generally by pedestrians during those hours of the day when they are in the city and are not at work. I happened yesterday to chance upon a publication which I immediately purchased. It is entitled "Spaces for Pedestrian Use in the City of Sydney". This is a study which was done by the Architectural Psychology Research Unit of the University of Sydney to discover what city workers, people visiting the city and other people who happened to have business in the city, actually do when they are in the city, and particularly what they do in their lunch hour. The study is an extremely useful one. It points out not only the obvious things that people want to do like go shopping, buy their lunch and observe members of the opposite sex, but also the less obvious desire for the provision within the city of a space for the exclusive use of pedestrians just simply to relax, to get away from office atmospheres, to meet and talk with people - all these chance encounters which we tend to take for granted but tend not to observe in the scientific sense when we come to do detailed designs for pedestrian areas.

I found this study quite enlightening and, if I can just spend some time talking about its application to the Smith Street Mall, I would like to do that. One of the points that was studied was what people would like to see in the design of such spaces once they have had the experience of having used such spaces. Although this study relates particularly to 4 pedestrian spaces in the city of Sydney, it is worth noting that, once people had the experience of using such a space on a regular basis, they became more coherent and articulate about what they would like to see in the design of future spaces which might be planned in the city. Some of the things that were found and some of the arguments that have taken place in Darwin recently do bear upon this matter. For one thing, it was found that soft-paving was preferred to hard-paving. This point has been argued with respect to the Smith Street Mall. There have been arguments about whether or not the surface would reflect too much heat and whether or not it was pleasant underfoot. It has been found by survey of the people who use such spaces that soft-paving is preferred.

One of the other arguments which has taken place in recent weeks relates to trees. Here again, the majority of people surveyed wanted more trees and 85% wanted very many trees. Recently, there seemed to be some argument among aldermen themselves on what degree of planting ought to take place in the mall. I think that studies modelled on the one that I am

reading from might be quite useful to the city council in its future planning of pedestrian spaces.

There was also the response to vehicular traffic and it was found that people prefer, if they are to use spaces for pedestrian use during the day, to be away from vehiclular traffic rather than near to it. In this respect, the Smith Street Mall has a very high chance of success because it is in a linear space. After a few months, the city council will be able to gauge from the reaction of those using the Smith Street Mall what design solutions it could take in the planning of other spaces in and around the city. I am not just referring to pedestrian malls here; I am referring to the development of all spaces, including parks and the esplanade and so on, which are for exclusive use by pedestrians. I would urge the city council to undertake, in about 12 months' time, a survey of people using this mall with a view to incorporating into other spaces around the city the people's design preferences. I think those are the lessons that the Smith Street Mall might bear out for us.

With those few remarks, I do commend these bills and I certainly am most optimistic about the operation of the Smith Street Mall and I look forward to its enduring success.

Mr OLIVER (Alice Springs): I too rise to speak on the Malls, "Mals" or "Mells" Bills, however the word is pronounced. I will say something about that later. It has been mentioned already that Darwin has the first full pedestrian mall in Smith Street and I do come to the support of the honourable member for MacDonnell when he says that Alice Springs had the first mall, be it whatever sort of mall it is. I am certain that the Smith Street Mall will be a fine mall and I am led to understand that Darwin has the ideal climate for such a mall. I do have very extreme doubts about the climate but I am certain the people of Darwin will put the Smith Street Mall to good use. Once again, I join the honourable member for MacDonnell in congratulating the people of Darwin on their forethought and achievement.

I did say we have a sort of a mall in Alice Springs. I suppose it could be more properly described as a meandering, one-way thoroughfare with wide-paved sidewalks, planted with trees and shrubs. However, it has given the centre of Alice Springs a distinctive flavour and it blends in very well with the environment. We are quite proud of our mall. It is open to vehicular traffic; there is no concern over rights-of-way and no need for barriers prohibiting or regulating the movement of such vehicular traffic. Therefore, until we do close Todd Street completely - and I am not saying that this should happen because the way the Todd Street Mall is at the moment again lends itself to such events as the Bangtail Muster - the bills under deliberation do not directly concern the mall in Alice Springs.

However, it is obvious that both the Local Government Act and the Control of Roads Act are deficient in that pedestrian malls such as Smith Street are not covered in the provisions of those acts. Obviously, if a road is going to be closed, then that land affected by the closure must come under some control. I think it is fitting therefore, that the resultant Smith Street Mall be vested in the Corporation of the City of Darwin and the Local Government Bill provides the necessary machinery. It is equally obvious too that those landholders having an interest in land adjoining or adjacent to such a mall should have their rights protected in relation to that mall. The Local Government Bill again provides the machinery for that purpose.

I did open up my address by saying I was going to speak about the malls or "mals" or "mells". I would like to give you a brief history of the meaning of malls. Pall Mall or "Pal Mal", as some people say it, and "Pell

Mell", as it originally was, is an obsolete English game of French origin resembling croquet. In France, the game was called Palle Malle from the word palla meaning a ball and malias, a mallet. Thomas Blount in 1670 described it as follows: "Pall Mall is a game wherein a round ball is with a mallet struck through a high arch of iron standing at either end of an alley in which he who can do at the fewest blows or at the number agreed on wins". That is the ancient English version of it. I suppose we have brought it up to date; there are a couple of iron hoops down each end of an alley and you belt a ball up and down the street and the one who gets it through the fewest number obviously is the winner. "This game was heretofore used in the long alley near St James and vulgarly called Pell Mell". That is the English corruption of the Pall Mall . The pronunciation, here described as vulgar,afterwards became classic and a famous London Street named after a pell mell alley. This is where you get this horrible word Pall Mall. I don't know the rules of the game but they must have been rather odd. When somebody goes "pell-mell" down a street, according to my dictionery, it is either in a confused manner or headlong flight. Whether this would describe the game or not, I don't know but that briefly is the history of the malls and I support the bills.

Mrs LAWRIE (Nightcliff): Mr Speaker, what an interesting debate we have had. Surely no one would need to have notes to debate the merits or otherwise of pedestrian malls within the municipalities existing in the Northern Territory - Alice Springs, Tennant Creek, Katherine, Darwin and Nhulunbuy perhaps - but the bill as it stands is something quite different from the bill as it will be passed if it receives the circulated amendment. It is somewhat surprising that so few members of the House have paid attention to this circulated amendment.

In speaking to the bill as presented in the second reading, might I say that, somewhat surprisingly for a local government bill, it has my support. The bill would seek to provide a means of access where people are paramount above and beyond vehicular traffic and that has my support. The member for Port Darwin spoke of the necessity for the central business district to survive and that has my support. Given the fact that we have such commercial developments as are occurring in the northern suburbs and given the fact that we have corner shops which trade long hours and which provide a very necessary service, if any community is to have a focal point, it has to be the living heart of the particular city, unfortunate as that might be for traffic.

We are dealing with a local government bill. We are extending the powers of the Corporation of the City of Darwin to allow for a mall in the living heart of Darwin. I have always felt that Smith Street, Cavenagh Street, Mitchell Street, Knuckey Street and Bennett Street have had a particular place in the history of the development of this city as a whole. I am very pleased and proud to support the development of a pedestrian mall but I have been somewhat taken aback by the lack of attention given to the amendment in some of the comments of other honourable members. Of course, the members from Alice Springs will realise that I am talking particularly of the Darwin scene at the moment.

The honourable member for Sanderson spoke of "chance encounters". What a marvellous vista, Mr Speaker! What beauty and rhetoric she brought to an otherwise dull Assembly. The member for Port Darwin, however, spoke of the need for the circulated amendment to regulate vehicular traffic to allow access to those premises which are not otherwise served. Might I point out to the honourable member that that particular point is adequately catered for in the bill as circulated. If we look at clause 5: "Section 349 of the principal act is amended by inserting after paragraph (69) the following

paragraph; '(69A) Subject to the terms of any agreement entered into in pursuance of section 25A (3) of the Control of Roads Act, in relation to the pedestrian mall, regulating or prohibiting vehicular traffic in pedestrian malls'." The bill, as circulated, gives that power for access to vehicles not otherwise catered for. The amendment, however, whilst using exactly the same terminology, simply extends it to say: "or regulating the use by any person of a pedestrian mall". A most significant difference! I do take issue with the member for Port Darwin's intimation to the House that, without that proposed amendment, vehicular traffic would be totally prohibited. That is not what the principal bill says at all: "Regulating or prohibiting" - vastly different. In fact, the amendment uses precisely the same terms with an insignificant addition.

The honourable member for Sanderson and other honourable members have really pinpointed the fact that the legislation before us is a logical extension of our space for living. There shall be in a central business district or in other places as prescribed a place where people have priority over vehicular traffic. There can be no quarrel with that. One would even hope that, given the present complexion of the city council, they might even allow the odd dog into the pedestrian mall. One wonders, however, if that will come to pass. In the face of the lack of any specific prohibition, one hopes that the odd pedestrian - odd in the eyes of the council, not in my eyes - can stroll down the mall with his dog and might participate in the beauty of Darwin or Alice Springs because, without the right of the people to wander, we lose a lot of our own character.

In talking of other bills, attention has been paid to tourism. If ever there was a gigantic step forward in attracting tourists to the "Tropical Mecca of the North", it is the provision of what we all hope will be excellent malls in Alice Springs and Darwin. That particular aspect of the legislation excites no quarrel from the honourable member from Nightcliff and nor does the play on words of the member for Alice Springs in his apparent dash pell-mell down the pall mall which I shall leave to rest in peace.

I particularly invite the attention of the original sponsor of this bill who time and time again has risen to his feet in this House to speak of his concern for law - and who has put his neck on the chopping block in certain discussions and I admire him for it - and the Acting Minister for Community Development, who has taken carriage of the bill, and the Chief Minister to the proposed amendment. The legislation per se is admirable but the amendment is something else. In dealing with contentious issues, all members of the Northern Territory Legislative Council and the first Assembly have had the intestinal fortitude to introduce significant amendments to Territory laws on their own merit, to have them stood over for some months and to engage public debate as to whether a certain law should be passed or not. It is the perogative of governments to initiate moves; it is the practice of governments right around Australia, when they introduce social legislation, to allow time for the community to comment on the legislation.

I have introduced legislation on abortion, on free beaches, on vagrancy and legislation has been introduced on public drunkenness. On each occasion, members had the guts to stand up, introduce the legislation and leave it lie for public debate. There are members of this present Legislative Assembly who have supported certain social moves on the free beach, on vagrancy and public drunkenness. In fact, Mr Speaker, you were present on occasions when those issues were debated. I think it is vital that, when we are introducing legislation which has a great social impact, it should not be by way of amendment but it should stand alone.

What we have today is legislation which has lain before the House for some weeks dealing with pedestrian malls, a subject which has been to the forefront of public opinion for some months, in fact even years, and which has been canvassed broadly within the communities of Darwin, Alice Springs and other Territory centres. That is fine but, suddenly, we have a proposed amendment, circulated in the name of the Acting Minister for Community Development, giving the councils of the various centres the power to regulate by way of bylaws the use by any person of a pedestrian mall. That is not a light power.

The first year of local government has not received the same attention as this Legislative Assembly and whether that is the fault of the press, of the ability of the people concerned to engage the attention of the press or the way in which meetings are conducted, I cannot venture to say. However, I must say that the deliberations of the Corporation of the City of Darwin receive far less attention than the proceedings of this Assembly, and that is given little enough attention. All members of the Assembly here are recorded in Hansard; everything we say is there, God help us, for history and we stand or fall by it. The proceedings of the various city councils do not appear to me to receive the same attention. Certainly, the Corporation of the City of Darwin does not.

The member for Port Darwin often rises in defence of actions of the corporation saying, "They are the elected representatives of the people in a local government situation and so be it". Surely the honourable member for Port Darwin would agree with me that very few of the ratepayers know what is going on when the corporation meets. If that is the fault of the press, then they stand condemned. We are standing here to give the power to those people to prohibit the use of the mall by any person. Let us look at the relevant section of the Local Government Act. The bill refers to section 349 which, in fact, is the bylaw-making power of the corporation. The Corporation of the City of Darwin is always concerned about bylaw-making powers; it feels that it is suspect when it comes to the fencing of pools and I have heard the honourable member for Fannie Bay making some comment about that this morning. It is worried that it does not have the power to fence urban swimming pools in an urban environment. If it is so worried about its power under section 349, why are we therefore extending it to make a very basic inroad into a very basic civil liberty: the right of a person to be upon a public place. That is what the proposed amendment does. Section 349: "A council may make bylaws not inconsistent with this ordinance and regulations ... including regulating the use by any person of a pedestrian mall".

I admire the fact that the Chief Minister, in introducing legislation regarding the powers of the police, has never sought to introduce that legislation under any other guise. The police are a disciplined force which receives a certain amount of training. Here we are giving a bylaw-making power of very basic interest to a group of people who are not a disciplined force, who do not receive the same training as the police and who do not excite the same comment from the press yet no one has even mentioned the fact. I think it is fairly basic. I cannot understand how the person who has taken over carriage of this bill ever got this amendment through Cabinet if, in fact, amendments go to Cabinet. There are 4 or 5 Cabinet ministers who do not pull on this stunt as a matter of course and who, if they have a matter of social legislation, have the intestinal fortitude to introduce a bill to provide for that.

The honourable Manager of Government Business often disagrees with me but at least he will get up and say: "This is what I intend to do and I present it for public debate". He did it beautifully with the Education Bill.

The Chief Minister, who is qualified, surely knows the ramifications of this proposed amendment and in the past he has always tried to exact public comment where it is necessary. The Treasurer has demonstrated his concern in the past on social issues and has never shirked the responsibility of saying where he stands. I believe the Minister for Industrial Development would not shirk that responsibility. Why then do we have a circulated amendment which is not known to the public but which dramatically alters the import of this bill. I plead with the government members not to proceed with the amendment, to pass the bill as it is printed and to present to the public the proposed amendments as separate legislation and thus enable them to make comment if they so desire. I believe we are to meet again in July. Surely nothing will occur in the mall between now and July which would need the urgent passage of the amendment.

I am really distressed that a government which is elected by the people of the Northern Territory will introduce amendments of great importance to a bill when it is widely known what the bill envisages but not the amendment. I do not deny that there are problems in other areas of the Northern Territory, certainly in Katherine and Alice Springs, where certain people are behaving in a manner in pedestrian malls which inhibits the pleasures and the rights of others. The Police and Police Offences Act takes into consideration certain of those principles. I will support the Chief Minister and his colleagues in any endeavour to ensure that my rights as a citizen are not unduly put upon by others acting in an irresponsible and totally unacceptable manner. It is the unfortunate duty sometimes of members of this Assembly to try to determine what is unreasonable and what is unfortunate and what is intolerable. For God's sake, surely that should be done by a bill and not by way of amendment. I dare the government to withdraw this amendment and to introduce separate legislation. If it is properly drawn up, it will have my support. I do not believe that I should have to walk down a pedestrian mall anywhere and be subjected to abuse, either physical or oral, from other citizens. If they act in that manner, they have withdrawn their right so to walk. However, we are giving the power by bylaw to a group of people to prohibit the use of that mall by any person. One can only assume that the coffers of the Australian Legal Aid Office will swell if this peculiar amendment is passed.

Mr PERRON (Treasurer): Mr Speaker, in speaking to these bills, I propose to revert to matters that have been covered largely by previous speakers.

The advent of malls is really just another part of the changing society and a sign of the demise of the pre-eminence of the motor vehicle in our lives, particularly as far as the heart of cities is concerned. The honourable member for Port Darwin mentioned that it was not a matter of competition. I have to disagree with him; I believe it is a matter of competition. The phenomenon of the massive, glittering, airconditioned regional centre has come of age and it is coming of age in the Northern Territory a few years behind other places in Australia. Nonetheless, it is a matter of survival for the heart of cities to try to compete with the new age of massive complexes that are brilliantly designed to make one's shopping stay pleasant, to encourage one to buy and even to encourage one to partake of leisure. The hearts of cities, having been created many years ago, suffer severe drawbacks in this regard. What we are seeing here is really an attempt to catch up and it is an attempt that I fully support.

I have long been a supporter of the central business district in Darwin. I believe that, no matter how Darwin grows, we should do what we can to keep the central business district of Darwin itself the real heart of the

capital of the Territory. I have supported and done what I could in my position to encourage the re-development of the central business district, particularly since Cyclone Tracy. Unfortunately, not as much has been done as could have been but there has been a lot of pressure and there has been more done than would have been done had authorities not taken a strong stand.

The honourable member for MacDonnell wanted to know what sort of support the Northern Territory government gave to the city corporation in Darwin. In support of this particular mall, I can advise him that we agreed to provide funds on a dollar-for-dollar basis. A cheque for some $400,000 was handed over recently to the corporation and certain financial adjustments will take place on the completion of the mall, depending on the final cost. I think it is important that the Northern Territory government should demonstrate its support of the concept by trying to assist the central business district to maintain viability. It does have an advantage inasmuch as the central business district has by far the biggest majority of workers in Darwin. It is up to the city corporation and the shopkeepers to keep them in Darwin when they go shopping and this is where the element of competition comes in with regional shopping malls. If there are the 5000 persons that the honourable member for Port Darwin mentioned working in Darwin, why are they going outside Darwin to go shopping? These are the matters that have to be considered.

The shame of it all is perhaps that it took so long for the city corporation to get around to biting the bullet in this matter and only proceeding with a mall some years after it was first needed. I recall going to one of the first meetings on the matter in the corporation's offices along with various shop-owners from the area where the mall is being constructed. This was well before self-government. As the then executive member for municipal affairs, I gave a public undertaking that I would undertake to introduce whatever legislation was necessary to enable the construction of a mall in Darwin and that they were not to consider that as an obstacle in any way. The executive at the time would certainly have cooperated and since then we have been waiting for a long time for them to advise us exactly how they saw the mall operating and what legislative changes they required. Now that the government and the city corporation have almost done their part - the mall is not completed as yet - it is up to the shopkeepers in Darwin to pick up the ball. The success of the mall will not depend upon its completion alone. An atmosphere has to be promoted and a vitality created within the central business district in Darwin to make the thing a blaring success and I am sure that that will be the case.

The other aspect which has to be addressed very quickly, and the government is now in the process of negotiating with the city corporation and developers on this matter, is car parking. It is very important that we obtain, as quickly as possible, far more parking facilities within close proximity of the proposed mall. We will be doing everything we can to assist in this regard although there are other people involved and they have to come to the party as well.

I support the bills and believe that it is a step forward. Other areas in the Territory may well wish to follow suit after they see the success that we envisage.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I viewed with alarm the outpourings of the honourable member for Nightcliff in relation to the capacity of the Corporation of the City of Darwin to manage the affairs of this city. It rather seems to me that the honourable member for Nightcliff views the corporation as though it had all the capabilities and capacity of a class of kindergarten children. The fact that the capacity of the members of the corporation to make appropriate bylaws for the government of the city of Darwin is to be judged by the criterion of how well the press cover

meetings of the Darwin City Council is a rather extraordinary thing and perhaps one of the most extraordinary assertions that the honourable member for Nightcliff has ever been guilty of in this Assembly. How can one blame the mayor and the aldermen for whether their meetings are well-reported or not? Is that to be a yardstick of their capability of receiving the delegation of law-making powers from this Assembly?

We have always argued very strongly that the affairs of the Northern Territory were better run by Northern Territorians and those are the arguments that we put to the federal government in favour of self-government. However, we find that certain members of this Assembly are extremely jealous of the powers that this Assembly delegates to democractically-elected representatives of the people of the city of Darwin and of other urban centres throughout the Northern Territory. In this particular case, it is the representatives of the people of the city of Darwin only. Of course, as the record will show, the honourable member for Nightcliff has been rather jealous of any delegation of powers to municipalities right throughout her career in this Assembly and,had I the time, I would dig out the instances.

The other thing - and the honourable member is fully aware of it because she is a member of the Subordinate Legislation Committee - is that all bylaws made by the Corporation of the City of Darwin are subject to approval by this Assembly. Under the Interpretation Act, the Minister for Community Development, who is responsible for local government,will lay the bylaws before the Legislative Assembly within 3 sitting days of the Assembly after the bylaws have been gazetted. If the Assembly considers that they are inconsistent with the democratic rights and privileges of the people of the Northern Territory, it can disallow them.

The honourable member for Nightliff implied that this particular amendment could be used in some sinister fashion by the Corporation of the City of Darwin perhaps to prevent marches or a congregation or something like that through the mall.

Mrs Lawrie: That is a totally unwarranted presumption.

Mr EVERINGHAM: What are we worried about then? If we are not worried about infringements of people's liberties, what are we worried about?

The clause says: "Subject to the terms of any agreement entered into in pursuance of section 25A (3) of the Control of Roads Act in relation to a pedestrian mall, regulating the use by any person of a pededstrian mall". We find that the Corporation of the City of Darwin already has the power to control the assembly of people in this city and the marches that are held in this city. I believe that that corporation exercises its powers judiciously and well. I cannot recall, for instance, any occasion when the corporation has refused a permit to march. Every time that they grant a permit, they send a copy round to me. It is usually a bit too late as I am supposed to send it on to the police. The permit copy generally arrives when the march is over and it is hoped that the police act off their own bat if they have to.

I really think that the Corporation of the City of Darwin deserves the highest praise for the way it has discharged its responsibility in seeing that people exercise the rights that they have in this city. I really am appalled by the sort of sinister overtones that the honourable member has read into this particular bylaw-making power even though the Assembly can disallow any bylaws and the corporation, in the past, has discharged its responsibilities with distinction.

Mr DONDAS (Community Development): I had no idea that the debate on the Malls Bill was going to take over the debate of the Jabiru Bill earlier this morning. I thank the honourable member for Sanderson for expressing her optimism that the mall in Smith Street will certainly benefit the people of Darwin. I also thank the honourable member for Port Darwin for his contribution because he did pick up a couple of points concerning the effects of the amendments which the member for Nightcliff has really missed.

I would like to answer a question asked by the honourable member for MacDonnell in relation to the funding of the mall. An announcement was made recently that the Northern Territory government would fund the development of the mall on a dollar-for-dollar basis. At this stage, we have given the Corporation of the City of Darwin $400,000. They will also be contributing another $400,000. To answer the honourable member's question, the government has already given its first commitment to the mall.

The honourable member for Sanderson mentioned that she stumbled across a survey that related to malls. I would certainly appreciate it if she did send that particular survey to the Town Clerk for his perusal. I must point out that members of the council did visit other states which have malls before deciding on a final plan. They have looked at malls in South Australia and Western Australia to see what ideas could be implemented in the Darwin mall. I imagine that they would have considered the design of these interstate malls when they were working on the design of our own.

In relation to the honourable member for Nightcliff's query on the Local Government Bill and the amendment, I am really surprised at the way that honourable member has bashed the council. That was the best bit of council-bashing that I have seen in this Assembly for quite some time.

Mrs Lawrie: What a lot of rot! Suppose you stand up and be counted.

Mr DONDAS: It is not a lot of rot. I am being counted now, Mr Speaker. As I said, for 20 minutes we heard the member for Nightcliff do nothing but council-bash over this particular bylaw.

In respect to the proposed amendment, "regulating the use by any person of a pedestrian mall" does not mean any person in the respect that she is talking about. We are talking about groups of people who could set up little stalls in the mall, place advertisements and litter the places. As the Chief Minister has already mentioned, we are able to overrule and oversee any bylaw that the council will make. The honourable member for Nightcliff is on that Subordinate Legislation Committee so she can really put it to task there.

The 2 cognate bills have been prepared to place beyond doubt the powers of the local government body and to enable it to make bylaws necessary for the care, control and the management of a pedestrian mall. Nobody disagrees with that. The authority for the making of bylaws to provide this control is already present in several sections of the Local Government Act. This is brought together with the amendments to the Control of Roads Bill which is now before the House. The council already has the power; I do not know what the honourable member for Nightcliff is getting so excited about.

The further measures to administratively simplify the making and enforcing of bylaws - in particular those to satisfy any special requirements of the city council in the care, control and management of the Smith Street Mall - have been agreed to after consultation with relevant authorities. They will place beyond doubt the right of the council to exercise control over such things as the rent of display and exhibition space, the conditions applicable

to such activities as well as any unauthorised bill posting or advertising which may occur.

Paragraph (a) deals with the regulating or prohibiting of vehicular traffic.

Mrs Lawrie: We have already covered that.

Mr DONDAS: I am going to cover it again.

There are some shops in Smith Street that will not have access. There are 3 properties that do not have access to the Smith Street Mall. If these people are to be able to get stock in and out of a mall, they must be able to obtain permission from the council to do so. It is very awkward to have a truck parked half a mile away and have to deliver a load to a shop without vehicular access. Truck drivers will not bother making the delivery. That is the reason why that particular amendment has been included.

Mrs LAWRIE: It is already in the bill.

Mr DONDAS: The honourable member for Nightcliff is still bashing. I am quite sure that further debate will take place in the committee stage.

Motion agreed to; bill read a second time.

CONTROL OF ROADS BILL
(Serial 279)

In committee:

Clauses 1 to 4 agreed to.

Clause 5:

Mr DONDAS: I move amendment 86.1.

This is really only a technical correction.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6:

Mr DONDAS: I move amendment 86.2.

This amendment more clearly defines the area.

Amendment agreed to.

Mr DONDAS: I move amendment 86.3.

This has been inserted to allow that only one minister is to have authority over the Local Government Act and the Control of Roads Act. As regards provisions relating to the mall area, the council is invested with the authority to stipulate what rights people have for its use.

Mrs LAWRIE: This is a fairly significant amendment and I do not believe that the honourable the sponsor of the amendment has adequately explained it.

We are to omit all the words after "rights" and substitute "to use or occupy a pedestrian mall or part thereof". Let us look at 25 A (3): "the council of the municipality may, with the approval of the minister, agree with the person who has an estate or interest in land adjoining or adjacent to a pedestrian mall in relation to the grant by the council to that person of rights to use or occupy the pedestrian mall or part thereof". I ask the sponsor of the bill to delineate clearly the difference between the bill, as printed, and his proposed amendments.

Mr DONDAS: As the bill was previously introduced, it was thought to provide an inappropriate description and this will be amended to give a wider description to a closed road.

Amendment agreed to.

Mr DONDAS: I move amendment 86.4.

This is a drafting correction only.

Amendment agreed to.

Clause 6, as amended, agreed to.

Title agreed to.

LOCAL GOVERNMENT BILL
(Serial 280)

Clauses 1 to 4 agreed to.

Clause 5:

Mr DONDAS: I move amendment 85.1.

This was the subject of quite a bit of discussion in the second reading of the bill. The amendments to paragraph (69A) are included to allow a council to make a regulation in respect to the use by a person of a pedestrian mall. This was specifically requested by the Darwin corporation to enable it to deal with commercial users of the mall.

Pavement pollution was also mentioned. "Regulating" cannot be interpreted to mean "prohibiting" and there is no ethnic group that this provision is needed for. Also, the bylaw-making power is meant to cover the use of tables and chairs and advertising as well.

Mrs LAWRIE: I am pleased indeed that the honourable sponsor of the amendment sees this as such a simple matter. If the amendment had been drafted in a way which specifically referred to the use of the mall for those peripheral or ancillary purposes, I would have had no quarrel with it. But, the amendment does not say that. The amendment says: "regulating the use by any person of a pedestrian mall". To walk down the mall is to use it and, if the honourable Chief Minister is going to pass notes which the sponsor has difficulty in reading to say that the proposed amendment does not say that, the Chief Minister is wrong and it would not be the first time.

In earlier discussion on this particular aspect, the Chief Minister said that I seemed to infer or cast aspersions upon the ability of the corporation to regulate its affairs. I repeat that it cannot even get a bylaw drafted to regulate the fencing of swimming pools yet now it is going to regulate the right of public access to what is a public place, a pedestrian mall. If people are

drunk or disorderly, that has to be covered under other legislation, not in the Local Government Act.

It is also interesting that the Chief Minister, in castigating me, did not answer my comments as to the way in which the amendment was produced. We had the basic legislation which we have passed through the second reading without dissent but now we are introducing an amendment which has far wider implications and which no member of the public knew about. I must assume the Country Liberal Party was too damn scared to tell them about it. The Chief Minister says, "Belt up and like it"; I will do neither.

Mr PERRON: In response to the honourable member for Nightcliff's remarks, if she reads section 25A (3) in the Control of Roads Bill, she will see that there is a provision that the corporation may grant certain rights to persons who have land adjoining a mall to use a portion of the mall for such things as sidewalk cafes etc. However, that particular section does not give any power to the corporation to enter into agreements as to the conduct of those particular facilities. The amendment provides, as the sponsor of the bill explained, that the power to regulate the use by any person of a pedestrian mall is intended specifically to be used in that situation. If a person has a sidewalk cafe, he will be bound by certain bylaws for cleaning the area etc.

The honourable member for Nightcliff mentioned that the only other group she could think of to which this control might be extended would be drunks and she rightfully implied that control should be exercised under other legislation in that situation. Really, the member for Nightcliff is doubting the sponsor's assurance that the particular regulation-making power is for the control of persons who will be using portions of the mall. Perhaps she can give us more examples of her concern that this bylaw-making power may be used unfairly.

Mr ISAACS: I might be able to help the minister in charge of the bill and also the member for Nightcliff. I have listened to the answers given by the minister and it is quite clear that, when he talks about regulating the use by any person of a pedestrian mall, he is contemplating commercial use. However, it cannot be denied that the interpretation being put by the member for Nightcliff is also acceptable: regulating the use by any person of the pedestrian mall not only includes people who use it for commercial purposes but also takes in those people who use it by walking on it. There is no point in saying, as the minister said, regulating cannot mean prohibiting. Regulating can mean herding people up and down until they get sick and tired and clear out. A simple way out would be for the government to say: "regulating the commercial use by any person of a pedestrian mall" or something similar. If all we are talking about is pavement pollution, surely it is not beyond the wit of the draftsmen to find suitable words which will overcome that problem.

Progress reported.

LEGISLATIVE ASSEMBLY MEMBERS' SUPERANNUATION BILL
(Serial 281)

Continued from 8 March 1979

Mr ISAACS (Opposition Leader): Mr Speaker, the bill before the Assembly is a most important one. It is always of some concern to every member of this Assembly when we are debating matters which relate to compensation or remuneration for ourselves. We are agreeing that we ought to be paid a certain

amount of money and it is a sensitive matter. I believe that the more publicity which can be given to this sort of activity the better because the community of the Northern Territory is prepared to pay to its members appropriate salaries and to offer them appropriate conditions of service. I believe that the more secretive we are about discussing it, the worse the situation will be; the more open we are about it, the more acceptable it will be to the people of the Northern Territory so long as we are fair dinkum and so long as we are reasonable. Therefore, when discussing a superannuation scheme, it is important that we went through the process that we did.

The Remuneration Tribunal reported upon the matter of a superannuation scheme. It is important to read out again its first conclusion: "It is desirable that a pension scheme should be introduced as soon as possible". It is important that an independent body has come up with that statement. This report No. 3 of 1978 is a most interesting and impressive document; it has been debated in this Assembly and its principles agreed upon. On the basis of that report and the agreement of all members in this Assembly, the government introduced a superannuation bill. The bill itself takes up the recommendations of the Remuneration Tribunal with 2 exceptions and those 2 exceptions are equitable exceptions.

The first exception relates to the committee recommendation that service in the first Legislative Assembly, that is from 1974-1977, not count as 3 years service for the purpose of superannuation. It was agreed readily that that was inequitable. Therefore, the Remuneration Tribunal recommendation was differed from in that respect.

The second exception was in relation to pensions being paid to widows and widowers. I believe the member for Fannie Bay raised the point that it seemed unfair that the spouse of a member of parliament should receive a pension on the death of a member depending on the sex of the spouse. Again, all members readily accepted the point being made by the member for Fannie Bay and that exception too was agreed upon. With those 2 exceptions, the parliament agreed that the report from the Remuneration Tribunal on the establishment of a pension scheme for members should be agreed to and the bill enshrined those principles.

When one looks around at superannuation schemes in the parliaments, it is true that membership of a parliament is a fairly insecure position. In order to overcome that insecurity, superannuation schemes have been introduced. Because of the existence of superannuation schemes in all parliaments in Australia, it is appropriate that we too should have a superannuation scheme. I believe that most people in the Northern Territory would accept the scheme so long as it is administered fairly. I believe the bill before us will accomplish that. It is a simple scheme which faithfully implements the recommendations of the Remuneration Tribunal, with 2 exceptions unanimously agreed to at the last sittings.

I have circulated a list of amendments and perhaps I might speak to those. It seems to me that, the option should be available to members of the Legislative Assembly who are office holders - apart from the Leader of the Opposition, a minister or the Speaker who receive an additional entitlement - of paying a higher superannuation payment and receiving a higher benefit should they so desire. The other office holders at the moment are the Chairman of Committees, the government Whip and the opposition Whip. It may well be, as a result of submissions which the opposition made to the Remuneration Tribunal, that the Deputy Leader of the Opposition may also be an office holder of this parliament. It is appropriate that those office holders, in addition to the ones mentioned in the bill, also be given the option of paying the additional

payment and receiving the additional benefit.

If members would look at clause 7, I believe that there should be some uniform policy about the tabling in this parliament of the various reports of statutory authorities or whatever. In this case, I am suggesting that the minister should table in the Assembly, not just as soon as possible but within 3 sitting days, the report from the Auditor-General on the operation of the fund.

The operation of the fund will be carried out by the Speaker, 2 members of the Assembly and the departmental head of the Department of the Treasury. That was the recommendation of the Remuneration Tribunal. However, it seems to me that it is important that the 2 members on the trust should truly represent the 2 sides of the parliament. Under the current bill, the government may do a Bjelke-Petersen and appoint its own so-called opposition representative. I am quite sure that is not in the minds of members of this government but I think that the amendment that I have circulated overcomes the problem. I do not think there would be any great opposition to that. The deletion of cluase 13 simply follows from that amendment.

The bill does take up the recommendations of the Remuneration Tribunal and I believe it will establish an equitable, reasonable superannuation scheme for the members of the Northern Territory Legislative Assembly. I think the government is having problems with its amendments because it has circulated another amendment after lunch which makes a very small amendment. The recommendation of the Remuneration Tribunal was that members of the Assembly would be eligible for a pension after 15 years' service or, if they lose their endorsement from their political party or do not stand for reasons acceptable to members of the trust, they will receive a pension after 10 years' service. The Remuneration Tribunal did consider whether or not the pension should be available to people after a specified period. I will read from the tribunal's report, paragraph 29 on page 19:

> *A member of the Commonwealth scheme qualifies for a retiring allowance if he has on 3 occasions ceased to be a member on the dissolution or expiration of the Parliament. This benefit is not generally available in the states. It can result, in rare circumstances, in a member becoming eligible for a pension after a very short period of service. We consider that such a provision is not appropriate to the proposed scheme. Nevertheless, we consider it relevant, in deciding on the required period of service, to take into account the number of elections likely to be faced in that period.*

Again, the government is circulating an amendment which differs from the recommendation. If it was equitable and reasonable, I am quite sure it would be acceptable to everybody. However, this proposed amendment shows the greed of members opposite and it is precisely the sort of amendment which lowers the esteem of members of parliament and which allows members of the public to say, "They are in it just to see what they can get out of it". It is tickling of the public purse of the worst order.

Let us see who benefits from this proposed amendment. The first election for the Northern Territory legislative Assembly was on 19 October 1974 so the first date on which members will become eligible for a pension, if they commenced their service in the Assembly on the first day of the Legislative Assembly, is 19 October 1984. Because of the way the elections have been held, the latest date on which an election can be held in 1984 is 13 August 1984. That means that, if a member stood for election in the 1974 Assembly and won, the 1977 Assembly election and won, the 1980 election and won and then is defeated in the 1984 election, he will miss out on a pension. Under the

recommendation of the Remuneration Tribunal, I am afraid the answer was, "tough luck".

Clearly, members opposite, looking to their own pockets, realised that, if they get knocked out in the 1984 election, they still want to get their pension. What have they done? They have introduced this amendment which can only assist themselves. I am afraid it does very little credit to members opposite and it will lower the esteem of parliamentarians generally. You must understand that the Remuneration Tribunal made its recommendation of 10 years taking into account this matter of 3 terms which is in existence in the federal parliament and I believe that that is equitable and fair. No mention was made of that particular item when we discussed the Remuneration Tribunal's report. Someone has done his sums and twigged to the fact that members of the CLP might lose their seats in 1984 and miss out on their pension. Frankly, I think the answer to that has just got to be, "tough".

The Remuneration Tribunal considered it and recommended against it. Not one member opposite raised the matter at the time that we discussed the Remuneration Tribunal's report. The only people who are going to benefit from it are members opposite. Some smart person is going to say, "What about the member for Nightcliff?". Everybody knows that the member for Nightcliff has a sinecure in that seat and she will be here probably for many years hence. The people who stand to lose by the Remuneration Tribunal's recommendation are members opposite who are in shaky seats and the Minister for Transport and Works is one of them. Mind you, I do not think he is going to even make the 1984 election, so I do not think it will matter in that regard. The fact is that the government is changing the recommendation of the Remuneration Tribunal to suit its own pocket. If it is so important, why wasn't it raised on the last occasion? It is clear enough why.

With that exception, the bill is a good bill and fair bill. It follows the recommendations of the Remuneration Tribunal with the 2 exceptions which we discussed in the November sittings. It is always a sensitive matter when members of parliament consider benefits and emoluments to be given to themselves. We have to show that we understand the proprieties of using public money for our benefit. We are introducing a superannuation scheme which would have the support of the people of the Northern Territory knowing that these sort of schemes operate round Australia but we do a great disservice to ourselves when we try to slip in an amendment, as the government seeks to do on this occasion, which will benefit nobody other than members of the CLP. With that exception, the bill is a good one and it deserves widespread discussion. I hope a number of members do speak on the bill and not just one each side as apparently was suggested by one member of the government. I hope that members are prepared to speak up on matters which will affect themselves and that the scheme will be implemented with fairness and equity. I think it can be, but not if the amendment distributed by the Chief Minister this afternoon is carried.

Mr Speaker, the opposition supports the bill but I give notice that, in the committee stage, it will be opposing the proposals which seek to give benefit to members of the CLP at the expense of the public.

Mr PERRON (Treasurer): Mr Speaker, in looking at the principle of this bill which is aimed at establishing a superannuation scheme for this parliament, we have to look at the principle of how society should really attract people of benefit to the respective parliaments. One can take the view that politicians should be offered very little on the grounds that only those people who are truly dedicated to the cause of serving people will be attracted and, by offering a very small salary and a very low level of benefits, those persons who would seek to enter politics solely for their own personal financial gain will be eliminated. It could have another effect of attracting only those

persons who are independently, financially secure and could well afford to look to parliament. I think that would be a most undesirable effect that could come from not having reasonable conditions of service in a parliament.

Alternatively, one could look at it along the lines of the principle that "you get what you pay for". As we are all Territorians striving for development, economic growth and a continual raising of the standard of living for Territorians, we should all accept, surely, that our parliamentarians should be of the highest possible calibre and I pass no comment in this debate on this particular point.

This House already contains members who have forgone substantially higher rewards in their private lives in the service of this House and I think that is commendable. This was the case also in the previous parliament. Many members were in the same situation and, again, this is commendable. I do not believe, though, that we can expect to have the best possible representation for Territorians unless the conditions which attach to being a member of the House are sufficient to make the unique demands that are placed upon members worthwhile.

One of the unique aspects of being a member, of course, is that the position automatically cancels every few years and one has to reapply for the job. I am not against this principle; obviously, it is quite a good one. As a matter of fact, it would be worthwhile to apply this principle to many jobs in the community and would probably see a great deal more effort put into the work and output of people if they had to reapply to their employers every few years to retain their job. I do not think that there is anything wrong with having to submit to your employer every now and again, relying on your past performance and seek to be given the right to continue in that office. It is a good thing.

What we have in the Westminster system is a situation whereby the general rule of thumb that, if you work hard and do a good job, you are bound to get your job back, does not necessarily apply. As a matter of fact, there is a degree of conflict that is an integral part of any executive position in government. I think all persons in executive positions in government face this problem: the more time that one devotes to an executive role then, quite clearly, the less time one has to devote to one's electorate. There is an element of conflict there and every minister and office holder in government has to contend with it. There are also circumstances that arise in the course of being a member that can have a significant effect on the chances of being re-elected and that are quite outside the control of a particular member, irrespective of which side of the House he is on or how dedicated and honest he has been. There are external forces in an election that bear on the possibilities of being re-elected, irrespectove of particular individual performance. It is quite clear that being a member of the House is a fairly precarious occupation. It offers solid-gold job security during the term but a very tenuous security when election time comes. I am not arguing for a change in the system but, for these reasons, I believe that it is important that a superannuation scheme be introduced into this parliament.

Some members - and I do not include myself in this bracket - are professional people who may dedicate themselves to the job only to find that their professions have passed them by during their terms of office. They could possibly find it extremely difficult to pick up the strings and proceed straight back into their past profession after having spent a number of years working as a parliamentarian. Those people, in particular, have to be provided for by a contributory superannuation scheme. In nearly all industry today, there is a form of contributory or non-contributory superannuation

scheme. It has come to be an accepted way of offering security to persons in the longer term. As we have heard, federal parliament and all state parliaments have had various types of superannuation schemes with varying benefits for many years.

I believe, and the Leader of the Opposition touched on this matter, that the bill is deficient. It was a genuine oversight that the bill does not contain a provision whereby a member, who has served for a period of terms that do not necessarily add up to a period of 10 years, should not be entitled to a pension in certain circumstances. I think it is important to consider that the scheme is a contributory scheme and that one has to contribute fairly heavily. I do not think there are many superannuation schemes where one contributes over 11% of salary. If members are fortunate enough to be in a position to be able to pick up accreditation for previous years, the contribution by those persons would be something in the vicinity of 22% of salary. That would be a pretty substantial contribution to come out of one's remuneration.

The Leader of the Opposition seeks, and we expected it, to make great public play out of the fact that the government proposes to amend the bill in a fashion that will provide a possible benefit to members on this side of the House and to the member for Nightcliff and that his side will not be able to participate in it. I would say to him that it is perhaps because no members of the opposition have served in previous terms of this Assembly that they are in the position to take such a self-righteous stand. I repeat that the scheme entails very substantial contribution. I do not believe that members on this side of the House are acting improperly at all and I think that, if the Leader of the Opposition cared to look at the position very carefully, he would change his tune too. No doubt, for political reasons, he will attempt to make as much publicity out of this matter as he can. I support the bill.

Mr ROBERTSON (Education): Mr Speaker, I too rise to support the bill. The only person who really needs to be taken to task is the Leader of the Opposition. Isn't it interesting to see again inconsistencies from the opposition? The word here today is "hypocrisy" and the Leader of the Opposition's own words have clearly demonstrated the extent of that hypocrisy.

As the Treasurer has pointed out, the sole reason for this attack on the government is to be found to some extent in sour grapes. Not one member of the opposition was in this parliament in its first period with the exception of the honourable member for Nightcliff who has clearly demonstrated that she is, to all intents and purposes, a member of that opposition. The facts are that the Leader of the Opposition has stood here this afternoon and has indicated that he supports the variation from the recommendation of the tribunal to include the full period of the first 3 years of members who served in this legislature. This is the reason for the amendment, not sums. The first time I was aware of 19 October 1984 was when the Leader of the Opposition told me. I had not worked that out at all. That date, 19 October 1984, had not occurred to me. In the discussions in Cabinet and in the party room, that date was never mentioned. What was mentioned was the unanimous agreement in this House to include the first 3 full years of representation in this parliament. Without this amendment, that agreement amounts to nought; it has no meaning without defining the number of elections as well. The simple fact is that, without the amendment, you have to go to a fourth election so you cannot implement the agreement of this parliament without the amendment which the Chief Minister circulated.

Let us look at the pious people opposite who talk about greed. By the

admission of the Leader of the Opposition, we have his recommendation to the Remuneration Tribunal - he obviously anticipates, and quite rightly, that he will be in opposition forever - for the Deputy Leader of the Opposition and the opposition Whip to participate not only in a higher salary-scale structure but also in additional benefits under this piece of legislation. His own amendments are doing - and I think quite rightly - the very thing which, for political purposes, he accuses us of doing. In other words, he is caught barrelling his own political party which he recognises will remain in opposition.

The only reason for this amendment is to make meaningful the agreement which the House has already arrived at. I suppose the rest of it - and I dare say the press were tipped off - is purely a grandstand play. They are writing up what he had to say and, of course, it will come out once again as the greedy CLP. The fact of the matter is that it is to implement an agreed resolution of this parliament. The rest of it is quite clearly and patently demonstrated as a political exercise. I support the bill.

Mr EVERINGHAM (Chief Minister): Mr Speaker, there is very little more that I can add to what has been said by the honourable Manager of Government Business. It occurred to me that an injustice may well be perpetrated by the establishment of an arbitrary line of 10 years. Quite frankly, although I have no very clear recollection of our particularly debating a line of 10 years, it occurred to me that, since the term of the Assembly is to be extended to a 4-year term, it would certainly perpetrate injustices - not to CLP members necessarily - but to any person who manages to stay in parliament for 3 terms and finds that, through the whim of the Chief Minister of the day, after 9½ years, there is a dissolution called and, because of that, he has absolutely no pension rights. Furthermore, it occurred to me, unfortunately, in politics people tend to generate a great deal of heat. It could be that some political leader might well do something nasty like that just to do some of his opponents in the eye. If you look back through the annals of some of the state parliaments, you will find that far worse has been done to do down the opposition. I really fail to see the matter as being one of CLP greed. I see it as being a rectification of what I saw as an anomaly and as a protection for all members of this House in the future. Three terms of this House in the future should be 12 years but, if by any chance, they should accumulate or aggregate to slightly less than 10, then I believe a member should not be prejudiced. With that, I certainly commend the bill and the amendments I circulated.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr ISAACS: I move amendment 90.1.

This will simply make the matter of additional salary consistent. If we are going to allow members to pay a higher contribution as a result of extra salary for holding office in the Assembly, then it ought to apply to all such office holders and not just a small handful. As I indicated, it does include the government Whip, the Chairman of Committees, the opposition Whip and it may well include others. We have made certain submissions in regard to Deputy Leader of the Opposition and there may well be other such office holders as well. I think the amendment certainly makes the clause

consistent in that regard. It allows those people to have the choice.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4:

Mr EVERINGHAM: I move amendment 67.1.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clauses 5 and 6 agreed to.

Clause 7:

Mr ISAACS: I move amendment 90.2.

This simply deletes the words "as soon as possible" and substitutes the words "in 3 sitting days after they are received by him, cause them to be tabled in the Assembly". This is to ensure that the minister tables it within a certain specified period of time after receiving it.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clauses 8 to 11 agreed to.

Clause 12:

Mr ISAACS: I move amendment 90.3.

This clarifies the way in which members will be appointed to the trust. A government of whichever political colour might decide to be truculent, as the Queensland government did in relation to the appointment of a Labour senator in 1975, and choose their own so-called opposition representative. The intention is to ensure that the members of the fund truly represent each side of the House. By this amendment, it will be the choice of the opposition and the government parties. If the amendment is accepted, it certainly will make a much simpler provision in relation to the filling of casual vacancies. There will be a consequential amendment which deletes 13 (2).

Mr ROBERTSON: I hate to sound naive but I would like to ask the Leader of the Opposition a question. "The trustees referred to in subsection (1) shall be appointed by the Speaker, one on the recommendation of the Chief Minister and the other on the recommendation of the Leader of the Opposition". Am I to take it that there would be one name from each? In other words, the Speaker, under those circumstances, would not be appointing anyone but would merely be rubber-stamping. Is it the attitude of the Leader of the Opposition that, in fact, the Speaker will have no say in this?

Mr ISAACS: The Manager of Government Business is correct. I think somebody has to make the appointment. That is the reason that we make it the Speaker who, as an impartial person, would accept the recommendations of both the Leader of the Opposition and the Chief Minister.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clause 13:

Mr ISAACS: I move amendment 90.4.

This is consequential upon the last amendment that we have just passed.

Clause 13, as amended, agreed to.

Clauses 14 to 17 agreed to.

Clause 18:

Mr EVERINGHAM: I move amendment 67.2.

This is necessary to remove an ambiguity in the definition of "dependent child". The definition in the bill is open to an interpretation which could exclude the natural child.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 67.3.

The amendment is to limit the exclusion from the definition to a person who becomes the spouse of a former member after the former member retired, after the former member attained the age of 60 years and less than 5 years before the former member's death.

Amendment agreed to.

Clause 18, as amended, agreed to.

Clause 19:

Mr EVERINGHAM: I move amendments 89.1 and 89.2.

Mr ISAACS: I would like to place on record the oppositions's opposition to this particular amendment. The Remuneration Tribunal reported to this Assembly on a matter of superannuation for members of the parliament. That report received a good deal of discussion in this Assembly and the 2 variations to which I adverted earlier were canvassed in that debate. Members, at that stage, must have been aware of the provisions in relation to 10 years and the 3-term question. The Remuneration Tribunal itself rejected the 3-term as a qualifying period for the receipt of a pension. It is not a matter of sour grapes on our side; it is simply a matter of accepting what is fair and equitable. It was open to members opposite to have argued at that time against the clear recommendation of the Remuneration Tribunal. Paragraph 23 makes it quite clear that the 3-term proposal which exists in the federal parliament and in some other parliaments should not apply in the case of the Northern Territory.

The simple fact is that members opposite are looking to preserve their own pockets. Nothing could be clearer than that from the remarks made by the Minister for Education and the Treasurer. What they said was: "If we were elected in 1974, we would be arguing the same; we would be looking after our pockets as well". In effect, they admitted that the motivation for members opposite is simply to look after their own pockets.

When we are discussing matters of remuneration for ourselves, we must pay attention to what the public will expect and accept. We discussed the

report and we accepted that the 3-term proposal was not on. It may well be that the Minister for Education is not the brightest person in the government's ranks but the fact is that somebody on the opposite side twigged and that somebody was looking to line his own pocket from the public purse.

It is quite acceptable that a superannuation scheme apply to members of the Northern Territory parliament. That has been recommended by an independent tribunal and we are implementing the principles of that report. We have discussed 2 areas where exceptions ought to be made. They were discussed at length and agreed upon. Apart from that, report No 3 of the Remuneration Tribunal for the Northern Territory Legislative Assembly of October 1978 was accepted and endorsed by this Assembly. Some bright spark in the government ranks has twigged that, unless they last until October 1984, they will miss out on their pension. It is no use talking about the whims of chief ministers in the future, calling elections from time to time. Unless there is the odd event that a government loses its majority on the floor of the House, it is quite likely that 3 terms after 1980 will be 12 years or thereabouts. It is clearly designed not for the future but for the present. It is clearly designed for members opposite to line their own pockets at the public expense.

I believe that this does parliamentarians a disservice. We have already seen the greed of members opposite made apparent when they sought pay increases of between $5000 and $25,000. Let them do that, but the fact is that the tribunal recommended a system which we endorsed. As I say, some bright spark has realised that some members opposite who are not going to be with us after 1984, and many not with us after the 1980s, are going to miss out on their pension unless this particular amendment is carried.

Mr EVERINGHAM: Mr Chairman, if honourable members stay here until 1984, they are assured of their pensions because they will have served the minimum term of 10 years. As I indicated earlier, it is to protect those people, whether they are members now or in the future, who are arbitrarily turfed out within a short time of attaining a period such as 10 years. In every state except Western Australia, parliamentarians have a right to superannuation after 8 years and, in Western Australia, after 7 years.

I do not really think the amendment proposed by the government is at all unreasonable. I believe that it is at least as much in line with the discussion that we had in this House earlier on the first amendment proposed by the Leader of the Opposition which, as the Manager of Government Business indicated, is there to line the pockets of other office holders. I am afraid that the Leader of the Opposition certainly has reduced the discussion on this matter today to a gutter level. He said that we are all here to serve our own ends. In my case, I certainly wish that that was the true position. I believe that members who have served a considerable term in this House and who have been re-elected by the people for 3 terms should not be cast adrift without some rights to superannuation. I regard the stance of the Leader of the Opposition this afternoon as the most hypocritical that he has adopted in a 2-year career of hypocrisy.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 67.4.

This is to ensure that, in the calculation of a pension payable under the act, only salary earned as a member will be taken into account and other salary will be disregarded.

Amendment agreed to.

Clause 19, as amended, agreed to.

Clauses 20 to 23 agreed to.

Clause 24:

Mr EVERINGHAM: I move amendments 89.3 and 89.4.

Amendments agreed to.

Mr ISAACS: Subclause 24 (1) reads: "On the death of a former member who is receiving a pension under this part, the spouse of the former member shall, until death or remarriage, be entitled to an annual pension at the rate of ..." Subclause 24 (2) says: "On the death of a member who has served for an aggregate period of 10 years, the spouse of that member shall, until her death or remarriage ..." I have checked this out in the bill which was presented and they are identical in that regard. This may just be a drafting error but I cannot see that why, if in 24 (1) you do not refer to the spouse of the former member as a female, you should refer to the spouse of the former member in 24 (2) as a female. It seems appropriate to me that in 24 (2) the word "her" should be deleted.

Mr EVERINGHAM: My understanding is that it is covered by the provisions of the Interpretation Act which deems that "he", "she" and "it" will mean "they" or whatever else as the case may be.

Clause 24, as amended, agreed to.

Bill passed remaining stage without debate.

LOCAL GOVERNMENT BILL
(Serial 287)

Continued from 8 March 1979.

Mr PERKINS (MacDonnell): I rise to indicate that the opposition is basically in support of the Local Government Bill.

The bill is not large and therefore does not require a great deal of comment. As we understand it, under the legislation that exists at the moment, the local government authorities of the Northern Territory are able to undertake works under contracts in areas that are outside of the municipality if the works that are to be undertaken are of substantial benefit to the people in the municipality. However, the bill under consideration will alter that particular situation to the degree that it will allow the municipalities to carry out works outside of the municipalities if the works that are to be carried out are not of a nature which is detrimental to the municipalities. In that respect, the opposition has no major objections and will be cooperating with the passage of the bill through the committee stage.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I would like to support the bill because I think it is a great innovation and one that is probably a little overdue in the Northern Territory. It should have been done years ago.

I believe it is worthy of comment for several reasons and I will just touch on a couple of them now. Local government has just come to some towns like Katherine and Tennant Creek and will come to the more isolated places

like the Aboriginal communities. In these remote areas, it has been very difficult to rationalise local governments and obtain the most benefit out of them. In Tennant Creek, for example, the local government was not able to do anything for the community of Elliott. Money was not an issue; they were not allowed to work on behalf of another town because the law did not let them. This was a ridiculous situation because the people of Elliot did not have a municipal government. They certainly needed basic works such as the maintenance of a rubbish dump. The government had to go to a great deal of expense to get contractors to come from places like Alice Springs, Katherine and Tennant Creek to do work that the contractors would not ordinarily do. The organisations that were good at this type of work did not get into the field. I can see this legislation having a great practical value in that sense.

One other situation where I see the bill being of value is at Tennant Creek where organisations like the mines have to run rubbish-collecting operations at great expense and inconvenience to themselves. They would just as soon farm it out to the people who are in the business every day. For an agreed payment, these people could conduct this type of operation on behalf of the company. I see that as being a part of local government rationalisation and it is something to be welcomed.

Another benefit is that communities, particularly the smaller communities that will adopt local government, will be able not only to maintain a continuity of work but also develop skills that they do not currently possess. Consider places like Warrabri, Borroloola and Yuendumu where local government will come in the course of time. If they continue in their present manner, their local government will never be anything more than a grass-cutting, rubbish-collecting organisation. If they can conduct works on behalf of other government departments - such as bushfire councils and the main roads departments - within their own area, then a lot of benefit will come out of it. I commend the bill.

Mrs LAWRIE: I would hate to disappoint the Manager of Government Business by not speaking on the Local Government Bill. I point out that the bill was originally introduced by the Minister for Education in his earlier capacity and the carriage of the bill has been taken over by the Acting Minister for Community Development.

I must draw attention again to the paucity of the second-reading speech wherein reasons for the necessity for passing the legislation for the good order and government of the people of the Territory were not forthcoming. If we read carefully the second-reading speech, we find that it relates very poorly to the actual contents of the bill. It may be that, at the time, the honourable sponsor of the bill was occupied with other matters. Nevertheless, I do think it is incumbent upon anybody producing legislation to delineate the necessity for its passage.

This morning, at question time, I was hoping to ask a question of the acting minister as to which local councils had requested introduction and passage of this legislation and in what manner they saw it being used. It is interesting that the member for Barkly has given more information in the last 90 seconds than was given at the time of introduction of the original legislation.

There is quite a difference between the act as it is printed and the amendment. To delete "of substantial benefit to the municipality" and to incorporate instead "not detrimental to the interests of the municipality" will be of some interest to the ratepayers of Darwin. Again I bow to the superior knowledge of the member for Barkly concerning events down the track, but I would have liked to have known if the aldermen of the Corporation of the

City of Darwin had requested this change because there are streets within the municipality of Darwin that are in very poor condition and attention has been drawn to this fact by the member for Stuart Park and by the member for Port Darwin who was formerly an alderman and therefore knows the story from both sides. The people of Nightcliff are fairly critical of the operation of the council when it comes to the day-to-day maintenance and repair of road-works, curbs and guttering.

I have no objection to the carriage of the bill as it is printed. However, I would have liked more information on which parts of the Territory will immediately benefit from the legislation, whether it is immediately necessary and whether the prime intent of this bill is to aid the work and skills available to the local government authorities in those areas outside of Darwin.

Mrs O'NEIL: I would just like to indicate briefly that I endorse the argument of the member for Nightcliff. I confess that I was a little bit curious and rather suspicious of this bill when I first read it because the second-reading speech did not seem to relate very closely to the bill. It certainly did not explain why the bill was desirable. The bill looked like the sort of bill that had a specific purpose in mind but we were not told what that purpose was in the second-reading speech. I made inquiries and I was informed that it was made at the request of the municipalities of Tennant Creek and Katherine. They foresee certain benefits accruing to themselves by doing work outside their municipalities and perhaps using excess plant and labour that might otherwise not be utilised to the fullest.

I simply rise to say, therefore, that I endorse what the member for Nightcliff said. I feel we were not given as full an explanation as we might have expected from a second-reading speech. We should be careful because we are allowing municipalities to do work which may not necessarily be in the interests of the ratepayers. We should be sure that, if we are putting in amendments of that sort, they offer substantial benefit in some way.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, I rise to speak in support of this bill. It is very important that not only individual places like house gardens and cities be kept clean, tidy and horticulturally interesting but also that all the effort that has gone into making the home garden or the city interesting, clean and tidy is not wasted by neglecting the approaches to the house, garden or city. In the past, the town or city had to show substantial benefit to its community before it could do anything about its approaches. By this bill, this condition will be relaxed somewhat as any work done on the outskirts of a town is not to be detrimental to the interests of the town. This means that more work can be done further afield from the town or city and benefit more people, especially those living where this work is being done. This would apply to the people who live in my electorate and the people who travel from the rural area into town.

I have commented previously in the Legislative Assembly on the fine work that the forestry officers have done in beautifying the approaches to Darwin at the 8-mile and the 9-mile. I think that only good can come of this bill in the beautifying and tidying up of the approaches to our towns and cities in the Northern Territory and I support it.

Mr VALE (Stuart): Mr Speaker, I would like to speak briefly in support of this legislation. I hope that councils will grasp the nettle in relation to the powers granted to them under this legislation and proceed to carry on work outside their municipal boundaries. I would also hope that we are not overloading certain municipalities.

Alice Springs is a major tourist town in the Northern Territory but does not, unfortunately, have the most attractive of entrances either on its northern or southern approaches. On the northern side, much of the unattractive state of buildings and industrial sites can be blamed on previous administrations and town planners. Most of the area to which I refer is now within the Alice Springs town boundary. On the southern approaches, outside of the council area of control, the scene is usually one of long, uncut grass and scattered, untidy rubbish. It is in this area that the Alice Springs council can, and must, play a vital role and thus create the impression for tourists who come to Alice Springs that they are entering a town that is clean, tidy and attractive. I support the legislation.

Mr DONDAS (Community Development): Mr Speaker, I rise to thank members for their support and I take note from the honourable member for Nightcliff and, in the future, hope to be able to provide a lot more information at the second reading. I thank the honourable member for Fannie Bay for providing the answers to the honourable member for Nightcliff.

Motion agreed to; bill read a second time.

In committee:

Bill taken as a whole and agreed to.

In Assembly:

Bill reported; report adopted.

Mr ROBERTSON: Mr Speaker, as the original sponsor of this bill, I feel that I should speak to the third reading. Quite valid criticism has been launched against me by the honourable members for Nightcliff and Fannie Bay that the second-reading speech really did not indicate what the government had in mind. While there is no excuse for not properly informing the House during the second reading, honourable members would be aware of the tremendous volume of legislation we were putting through at that time. We will try to ensure that honourable members are better informed in the future.

This enabling legislation goes beyond what the councils have wanted: to have an active role in the approaches to their towns and the type of matters referred to by the honourable Minister for Health in places like Elliot. I suppose there is a little bit of grey behind all silver linings. At the time that the 2 councils in Katherine and Tennant Creek were established, the municipal gang of the Department of the Northern Territory which was assumed as a responsibility by the Northern Territory government had all the plant and equipment. That plant and equipment was designed not only to service the towns of Katherine and Tennant Creek but also to look after outlying areas such as Elliot.

At the time that I approved the transfer of the equipment to those 2 local municipal councils, it seemed to be a very sensible move to hand over full responsibility for the plant which was there rather than duplicate staff. Of course, it did leave the government with the problem of looking after those other urban outlying areas. At that stage, agreement was reached with the councils that, if we transferred the equipment to them, they would be happy if the government made a special monetary provision for the town councils to provide services to these outlying areas. That is the combination of reasons: the council's own wish to make sure that their own approaches were appropriate and also the government's wish to hand over plant and equipment and, at the same time, to ensure that outlying areas were continually looked after.

Bill read a third time.

LOCAL GOVERNMENT BILL
(Serial 280)

In committee:

Clause 5 (on recommittal):

Mr DONDAS: Mr Chairman, I seek leave to withdraw amendment 85.1.

Leave granted.

Mr DONDAS: I move amendment 91.1 as circulated.

After some discussion with the honourable member for Nightcliff, we have come to the conclusion that (b) should now read, "regulating other than by access by any person". We hope that this will alleviate the problem.

Mrs LAWRIE: I accept the arguments put up by the sponsor of the original amendment that he saw the regulation process being given to the various corporations as one of controlling commercial interests operating in the mall and not as a means of prohibition of the normal rights of citizens to enter upon that mall. To that end, he has now introduced this amendment which differs from the previous one by the use of the words "other than by access". I would have preferred this amendment to have been held over for 24 hours to get an independent legal opinion but it is quite obvious from the fact that the original amendment has been withdrawn and this amendment has been introduced that the use of the power was as outlined by the sponsor and not for any other purpose. It would therefore mean that, if the power was sought to be used in a way other than intended, this legislature could quite properly take it upon itself to further amend the legislation. I am prepared to accept this if the sponsor of the bill wishes it to go through at this hour. This amendment is a significant advance on that previously proposed and I think the use of the words "other than by access" will make the import of the legislation quite clear to those who will be administering it.

Mr ISAACS: I am not too certain how clear it is. I think that the new (69A) (b) is still very open-ended. I wonder if the minister might indicate to the committee why the use of the word "commercial" would not have been suitable. It seems to me we are giving bylaw-making powers to the council and they ought to be specific.

Mr DONDAS: It was thought that, if we added the word "commercial", it still would not serve the purpose of being able to move structures for example. A commercial organisation might move in there, without permission of the council, and then put up a big hoarding of some description. The whole purpose of it is to clarify the bylaw-making authority of the council to provide for the control and the management of the mall.

Mr EVERINGHAM: Once again, we are being asked to treat the mayor and alderman as kids or clots. The Leader of the Opposition asked us to confine to the narrowest possible base, the strictest interpretation, the bylaw-making powers we give the corporation. The corporation is elected by the same people who, in many cases, elect honourable members of this House. The corporation is accountable to those people every 3 years, which is more frequently than we will be accountable to them in the future. We have the safeguard, because they are a subordinate body to us, of the bylaws that the council makes coming here. It really seems to me that we are a most miserable bunch. It reminds me of the biblical story of the master who gave the various stewards 500:

one went and buried it, another invested it and another did something else. One chap asked a steward for forgiveness after the master had forgiven him and the steward threw the bloke into jail even though he had just received forgiveness himself. We are being asked to be as lousy as that biblical character. I just cannot see why we should concern ourselves with what the council may do in the proper execution of its duties. If the council wishes to do something that offends us, we have the remedies available. Nevertheless, if a council wishes to do something that offends us, we should remember it is elected by the same people who elect us and that we have no monopoly on wisdom or knowledge.

Mrs LAWRIE: In reply to the point raised by the Leader of the Opposition, if one had inserted the words "commercial", it would not have had application to the types of people whom both he and I saw in San Francisco - jugglers, clowns etc - who might entertain people in the mall, not particularly commercially but in the pure entertainment sense. I think that the proposed amendment would more properly take cognizance of that. I beg to disagree with the Leader of the Opposition; I prefer the amendment as drafted here.

Mr ROBERTSON: I would just like to make the observation that I saw no great threat in either amendment. I do prefer the way it is worded in this circulated amendment. Let us recognise that, in that great bastion of civil liberties and freedom called South Australia, the buskers referred to by the honourable member for Nightcliff, whether they are doing it for collection of coin or otherwise, are required to have licences to perform in the mall. It is quite clear that, when you put up a proposal for a mall, obviously there has to be some regulation of people in it. South Australia seems to see fit to do so and I would have thought that the opposition, including the honourable member for Nightcliff, would not have seen any great threat in anything we do which is similar to what is done in South Australia.

Amendment agreed to.

Clause 5, as amended, agreed to.

Title agreed to.

Bill reported; report adopted.

Bills read a third time.

TERRITORY PARKS AND WILDLIFE CONSERVATION BILL
(Serial 241)

FISHERIES BILL
(Serial 242)

Continued from 8 March 1979.

Mr ISAACS (Opposition Leader): Mr Speaker, the Opposition supports the bills. They arise out of recommendations made by magistrates. The technical detail required by the acts and the delays in submitting reports has meant that people who have been found committing breaches of the legislation have not been able to be prosecuted successfully. In order to give our wildlife officers and fisheries inspectors the power to not only apprehend people but also see them successfully prosecuted, the government has introduced these bills and the opposition happily supports them.

Mrs LAWRIE (Nightcliff): Mr Speaker, this member of the opposition is not quite so happy to support these bills. There was a very famous case to

which the Chief Minister alluded in an earlier debate on the reporting provisions. He said that one prosecution against a well-known poacher had been lost because the wildlife officer concerned had not put in the relevant report. That was not quite the case. In fact, the wildlife officer concerned was never called to give cause as to why things had not been done otherwise he could have said that he was busy prosecuting the same gentleman in another court.

I am very wary of repealing sections of legislation which say that, when an officer in good faith does certain things for the apprehension of another person, he shall report his actions in certain circumstances to the minister responsible for the legislation. I most certainly agree that the legislation, as worded in the Fisheries Act and Wildlife Conservation and Control Act, imposed fairly severe restrictions and impositions upon persons charged with arresting poachers. However, rather than the repeal of the provisions, I would have preferred to see them amended. I am quite well aware that I am a minority of one in a House of 19 and therefore must go along with the carriage of the legislation as proposed. However, I want it on the record that I do not think the total repeal of these provisions is the right way to tackle what is a very real problem.

Motion agreed to; bills read a second time.

Bills passed remaining stages without debate.

ELECTRICAL WORKERS AND CONTRACTORS BILL
(Serial 249)

Continued from 28 February 1979.

Ms D'ROZARIO (Sanderson): Mr Speaker, the opposition supports the intention of this bill. It seems that the Electrical Workers and Contractors Board was set up by the original bill but we neglected to establish the status of that board and also to give it the immunity from prosecution that other statutory authorities and boards have in Territory legislation. This does point out the need for some standardisation of the provisions which give our statutory authorities and boards immunity from prosecution when members of the boards act in good faith and in their capacity as members. This point has been raised before by members of the opposition and by the honourable member for Nightcliff. The Chief Minister has given some undertaking that, in future, these provisions will be standardised. I do suggest that perhaps the legislation that we put through before 1 July to set up a variety of boards and authorities should be looked at and, where the provisions are absent, some standard clause ought to be drafted and a set of amendments to the relevant acts put through this House.

The second intention of this bill is to make it clear that any person employed as an electrical mechanic has a licence under this act. The minister did point out that there has been a recent incident where an electrical mechanic who did not have a licence was employed. This was another loophole. I wonder if I might direct a question to the sponsor of the bill as to whether or not a licence to practise elsewhere, for example, in another state of Australia, might not satisfy the board. I feel that the minister has put an express provision in here that the electrical mechanic must have a licence under this act in order to be able to undertake the work. I wonder if he would give consideration, perhaps by regulation, to specifying the licences which apply in other states of Australia which could be used for the purpose of this act. I see this as perhaps raising the question of interstate contractors being prevented from undertaking electrical work simply because their mechanics do not hold a licence under the Northern Territory legislation. This question might well be fixed up simply by looking at the licences that apply in other states and perhaps recognising those licences.

The bill also provides a penalty for the offence of refusing to produce a licence. Again, this amendment is very necessary; we do have, from time to time, offences outlined in Territory laws but there does not seem to be any means of enforcing the legislation. We certainly approve of proposed section 55 (2) in clause 5 of this bill.

As the honourable minister said, the amendments that we are putting through now are really in the nature of tidying up and will round off the status of the Electrical Contractors Board and the way we expect electrical mechanics to operate in the Northern Territory. I do commend once again to the Chief Minister the suggestion that immunity from prosecution of members of these authorities and giving them a corporate status and a right of perpetual succession and enabling them to have a common seal and be sued etc ought all to be standard clauses in Territory laws. I raise that matter because we are again putting in an amendment to something which all members of authorities and boards ought to be taking for granted.

Mr VALE (Stuart): Mr Speaker, I rise to support this bill which seeks to amend the principal legislation in 3 respects, all of which I support.

As honourable members will be aware, I am not usually known as a strong supporter of over-much government regulation of business. It seems to me that there is a distressing tendency prevalent amongst most governments today to inspect anything which is stationary and licence anything which moves. In many instances, these licensing and inspecting laws and agencies function as simple revenue-raising bodies although others are genuinely needed, especially in respect of professions or trades which impinge upon people and their health or safety. However, the establishment of the Electrical Workers and Contractors Board was welcomed by all members of this House and the industry generally. It follows then, that this bill, which seeks to define more closely the board's responsibilities and powers, deserves general support.

The first proposed amendment, in effect, confers on the board the status of a body corporate and provides it with immunity from civil action if its actions were done in good faith. I am sure that all honourable members will support this amendment which does no more than provide the board with status similar to that enjoyed by other licensing bodies.

The second amendment is also sensible and has my support. It deals with the offence of employing unlicensed electrical mechanics. It is only common sense that licensed contractors be required to employ licensed workmen otherwise there is no real point in licensing electrical industry workers at all.

The third amendment is also sensible. It provides for a penalty where a person either refuses to state whether or not he or she has a licence or refuses to produce that licence. Honourable members will appreciate that there is little point in keeping a watchdog which does not have any teeth.

All of these amendments must be considered reasonable and do no more than provide the board with just and proper powers. I support the bill.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I thank honourable members for their support and, in answer to the point raised by the honourable member for Sanderson about licences from interstate being recognised in the Northern Territory, it is my understanding that all electrical contractors who wish to operate here are expected to have a Northern Territory licence. However, they do have a reciprocal arrangement with the states whereby they recognise certain licences from the states and use these as a method of

registering and ascertaining the qualifications of local people who wish to practise in the industry.

Amendment agreed to, bill read a second time.

Bill passed the remaining stages without debate.

TRUSTEE BILL
(Serial 247)

Continued from 28 February 1979.

Mr ISAACS (Opposition Leader): Mr Speaker, the opposition welcomes this particular piece of legislation. It gives trustees the right to invest trust monies in housing ventures so long as the ventures are guaranteed by the Housing Loans Insurance Corporation. In so doing, it will achieve 2 benefits. Firstly, it will give trustees the capacity to expand their areas of operation and, secondly, it may well make more money available for the purposes of housing. The monies which the trustees hold are guaranteed by the Housing Loan Insurance Corporation so there is no question that the person or organisation which has money held in trust will lose out. It seems to be a very sensible procedure. Indeed, as the Chief Minister said when he introduced the bill, it has been introduced at the request of the Deputy Chairman of the Housing Loans Insurance Corporation himself. The opposition welcomes and supports the bill.

Mr HARRIS (Port Darwin): Mr Speaker, this bill is a good bill which allows another safe area for funds to be invested. Any area which is able to make more money available, particularly for housing purposes, should be encouraged. We live in a time of development and, as time goes by, I hope that money available from this source will be able to help the people in our community.

In the Territory, at present, there are probably very few people or organisations who are able to lend money in this manner. As with much of the legislation going through this Assembly, we are looking to providing for the future and expanding the categories of investment available to trustees. This is to be commended. I support the bill.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

PORTS BILL
(Serial 246)

Continued from 28 February 1979.

Ms D'ROZARIO (Sanderson): Mr Speaker, once again the opposition supports the bill. It is true that, by some quirk of the past, most land that has been vested in the control of the Port Authority is below high water mark. The inability of prospective lessees to undertake improvements to the land or even to reclaim the land to make it suitable for the erection of improvements has cost the Northern Territory 1 or 2 industries which might otherwise have been established. Some 1 or 2 years ago an industry which would have had a significant impact on the Top End economy was lost to the North Queensland coast because of the inability of the prospective industry to obtain a piece of land which would have been suitable to conduct the activity. The amendments that the minister is proposing are quite sensible and the opposition supports them. These amendments will allow the lessee to be paid the value of improvements at the expiration of the lease and, in some

circumstances, it will also allow the Port Authority to compensate the lessee for reclamation work that has been done at the expense of the lessee.

However, I do request an explanation from the minister. I draw his attention to paragraph (c) of the proposed section 28 (4) where it says that if the lessee is required to remove improvements from the land that he has previously leased, he must do so at his own expense. I do not really know what circumstances the minister had in mind but there does seem to be a basic inconsistency. On the one hand, we are contemplating the compensation to the lessees who have erected improvements at their own expense even though these improvements would not necessarily be of any use to the Port Authority. Circumstances might arise whereby the improvements would only be of use to the lessee who had previously occupied the land and, in these circumstances, they would be of no use at all to the Port Authority. Circumstances might also arise whereby the lessee has had to reclaim the land yet, at the expiration of the lease, there would be no benefit to the Port Authority at all. In those circumstances, which are outlined in paragraphs (a) and (b), we are providing that the lessee be compensated for the reclamation of land or the erection improvements as the case may be. However, where it is contemplated that the improvements would be removed then, not only are we not compensating the lessee, we are making him remove them at his own expense.

I think the minister might have some specific reason for paragraph (c) and I am hoping to hear an explanation from him. By and large, I think that the amendments might give some stimulus to the setting up of water-side industries and, from that point of view alone, the opposition supports the amendments.

Mr STEELE (Transport and Works): Mr Speaker, there will be a couple of amendments in respect of paragraph (c). As the honourable member for Sanderson mentioned, it does require the lessee to remove, at his own expense, any improvements erected on the lease. I assume that is a fairly normal condition and, though I have not got the legal adviser in front of me, when we get into the committee stage we will be able to answer her questions.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr STEELE: Mr Chairman, I move amendment 84.1.

This is to insert after "expiration", the words "or determination". This covers the possibility that a lease may be determined before its expiration and it is in line with the intent of the bill. In reply to the question that the honourable member posed earlier, paragraph (c) relates to improvements that are not erected in accordance with the lease and, of course, (a) relates to those that are lawfully erected in accordance with the lease.

Ms D'ROZARIO: The minister has explained what the intention is but that is not what the bill says. In paragraph (c), the bill does not make any distinction between lawfully and unlawfully erected improvements. There are, in paragraphs (a) and (b), specific references to improvements that are lawfully erected but, in paragraph (c), there is no such qualification stating that the improvements will be removed at the lessee's expense if they were unlawfully erected. This paragraph might well be used in order to compel

lessees to remove improvements which the Port Authority does not have a need for. In fact, it could be used simply because the incoming lessee or some future lessee or the Port Authority itself did not require the improvements. To be consistent and to accept in good faith the minister's explanation, a qualification is required in paragraph (c) to the effect that the improvements erected on the land in the lease were unlawfully erected.

Mr STEELE: I believe the honourable member's fears are unwarranted. I believe that any person who wishes to contract with the Port Authority for the lease of an area of land would obtain a lease over an area of land with improvements and that lease would specify what would happen with those improvements. This is purely enabling legislation and it certainly does not delve into the realm of leases and conditions of leases.

Amendment agreed to.

Mr STEELE: Mr Chairman, I move amendment 84.2.

This is to omit from proposed subsection 4 (b) the words "as determined by the Valuer-General appointed under the Valuation of Land Act" and to substitute the words "to him". This is made because cost is a matter of fact and is not for determination. It would normally have to be established by the lessee. Any dispute between the parties would be a matter to be determined by the court or as otherwise provided in the lease and not by the Valuer-General.

Ms D'ROZARIO: The minister has just said in relation to paragraph (c) that the legislation is simply enabling legislation and does not deal with lease conditions. I must say that I do not understand that explanation because this entire piece of legislation does deal with lease conditions. The minister himself made the distinction between improvements that are unlawfully erected and those that are lawfully erected. I think that that in itself would be a condition of any lease which the Port Authority gave to a lessee.

All I am asking him to consider is that paragraph (c) read: "require the lessee to remove, at his own expense, any improvements unlawfully erected on the land comprised in the lease". This would overcome the problem that I raised earlier. To say that, because it is enabling legislation it does not have anything to do with conditions of leases, is entirely missing the point of his own bill. I understood that it was to enable the lessees to be compensated and the compensation was to take place in accordance with whether or not the improvements were erected lawfully.

Mr STEELE: I think it is fairly clear that, once the lease is determined, any consideration of the disposal or removal of the improvements would need this particular clause so that any improvements that were constructed outside the terms of the lease could be removed. It seems fairly clear to me.

Amendment agreed to.

Clause 3, as amended, agreed to.

Title agreed to.

Bill passed remaining stages without debate.

CEMETERIES BILL
(Serial 255)

Continued from 28 February 1979.

Mr DOOLAN (Victoria River): Mr Speaker, this is only a small bill but I do feel obliged to make a few remarks on it. As the minister said in his second-reading speech, I agree that there is a very real need for the government to know the location of burial grounds outside of established cemeteries. In future, if the location of cemeteries is to be carefully recorded, I can see some remote possibility of this happening. If the location of cemeteries used by Aboriginal people in the past - and I might say in the not very distant past - is to be recorded, then the government will be fighting an uphill battle.

In the gulf area, for instance, most Aboriginal people were buried in log coffins very close to the place where they died. If there is any really well-known place in that gulf area where log coffins are found in profusion it is in the Sir Edward Pellew group, some of which are now gazetted town sites. This will surely prove a matter of concern if ever the proposed town eventuates. With regard to these islands, there was a story published fairly recently in a magazine which indicated that a well-known, undersea photographer called Ben Cropp photographed and removed a log coffin from one of the islands in the Sir Edward Pellew group. That, in fact, is tantamount to grave robbing. I am not aware whether or not he realised that his action was illegal but it was in fact. I suspect that he may not have known but my understanding is that Mr Cropp was extremely fortunate that the Northern Land Council did not take him to court. He did make appropriate apologies, returned the log coffin and possibly made some compensation to the relatives.

On Melville and Bathurst Islands with the clusters of pukamani poles representing burial monuments all over the islands and at the great number of outstations from central Aboriginal communities either already in existence or in process of being formed, I would suggest that it will become increasingly hard for the government to be aware of precisely where burials have taken place. Without denying that it is undesirable for the government to allow bodies to be buried anywhere without its knowledge, I can assure the minister that at least he may be assured that deceased Aboriginals will not be buried anywhere within close proximity to where Aboriginals are living. As he will no doubt be aware, Aboriginal people are most unlikely to wish to live anywhere near to what they look upon as the abode of the spirit of their ancestors. In fact, they are extremely frightened of camping close.

There is one other aspect which I would like to touch on before closing and which is not specifically concerned with this bill. It refers to the issuing of certficiates authorising burial. I recall some years ago a very sad incident in Port Keats where an Aboriginal man, Sandy was his first name, was drowned in a boating accident some 5 miles offshore. After 5 days, his body was located by a police party and it happened to be on a Friday afternoon before a long weekend. There were no morgue facilities available and, for some reason, the mission radio was inoperable over the weekend. The coroner could not be contacted by the police and therefore the unfortunate person could not be buried. I do not intend to go into the gory and unpleasant details, but I think it is sufficient to say that the police could not obtain permission to bury a drowned body for 9 days after the tragedy. Meanwhile, the body was placed in a plastic shroud and left in what was then the recreation hall.

I remember that, during my period on settlements, it was sufficient for a qualified nursing sister, after contacting medical authorities, to issue a

certificate authorising burial at an appropriate place providing death was due to natural causes. Apparently, because the person I referred to at Port Keats had drowned following a boating accident, there was some impediment to burying him in this case. I feel that, because of the circumstances in this case which caused extreme distress not only to relatives but to the police as well as other members of the community, some alternative procedure should be available in emergency circumstances such as I have outlined which would facilitate the burial of deceased persons in outlying areas. I would ask the minister to take note of this matter.

Mr Speaker, as the minister responsible has indicated, there is to be some effort made to record the location of burial grounds other than established cemeteries. I really do not think he has given the enormity of the task which faces him the amount of thought which really it warrants. He would certainly need to enlist the aid of organisations such as the Australian Institute of Aboriginal Studies. However, I do wish him well in the task that confronts him and the opposition supports the bill.

Motion agreed to; bill read a second time.

Bill passed the remaining stages without debate.

STATUTE LAW REVISION BILL
(Serial 276)

Continued from 8 March 1979.

Mr ISAACS (Opposition Leader): The Statute Law Revision Bill is a compilation of a number of bills which have been gone through with a fine - tooth comb by the drafting people who have picked up minor amendments necessary in those bills. These will not affect the status of any of the bills. It is part of a continuing revision of the statutes of the Northern Territory. I have had each of the sections checked by one of my staff and I am assured that each of the amendments is correct and is required to make the laws of the Northern Territory clearer. The opposition supports the bill.

Motion agreed to; bill read a second time.

Amendment to schedule agreed to in committee without debate.

Bill passed the remaining stage without debate.

ADJOURNMENT

Mr EVERINGHAM (Jingili): I move that the Assembly do now adjourn.

Mr Speaker, I discussed with you the other afternoon following the presentation of the Mace that many of our fellow Territorians do not have the opportunity to visit the Legislative Assembly in Darwin to view the Mace or to view the very fine dispatch boxes that were presented to us last year by the federal parliament. Indeed, people in other parts of the Territory only very infrequently see you, Sir, garbed in your wig and gown and with your ruff at your throat. It occurred to me that it might be a very useful thing to promote interest in the parliament and its functions if you, with the approval and support of honourable members, were to arrange for a display of these items of interest - and there may be others which I have not thought of - at other centres throughout the Territory, particularly in the 4 major centres of Katherine, Tennant Creek, Alice Springs and Gove. It seems to me that it could be of educational value for school children and I believe that all our fellow citizens should be aware of the magnificence and richness of

the gifts that have been bestowed upon us by the federal parliament. It seems to me that the mechanics of such a display could easily be organised, Sir, and I can assure you that, should any financial support be necessary from the government, then that support would be readily provided.

Mr ISAACS (Millner): Mr Speaker, I commend the Chief Minister for the suggestion he has made. I think it is an excellent proposal that people in other places of the Northern Territory should be able to view the very excellent gifts which have been given to us by the federal parliament and which go to make up a proper Chamber. I simply say that I trust suitable security arrangements will be made. I remind honourable members of the comments I made on Thursday about termites; maybe something will have to be done about that as well.

Mrs LAWRIE (Nightcliff): Mr Speaker, I rise this afternoon to voice my utter and complete disgust with some of the contemporary architecture around Darwin at the moment. I extend my apologies to the honourable member for Sanderson because I am about to wander into her electorate. Going out along McMillans Road, if any honourable member cares to cast his eyes to the left of the road, he will see some of the most ghastly contemporary, domestic architecture that can possibly be imagined. Tiny little concrete boxes are being built on tiny plots on which I think it is a disgrace to expect anyone to live. The houses lack adequate shade and proper orientation. They are simply concrete boxes situated in a bare expanse. A scorched-earth policy has apparently been adopted or I should say "continued" because it was adopted initially by the Department of the Northern Territory and the Department of Works, then under Commonwealth control. Having had a cyclone and having had the supposed expertise of people being flown in and out of the Territory like circus performers, it is appalling to find this incredibly poor domestic architecture being perpetuated.

I can only imagine that, if there is any savings on the buildings, it will be spent on the administration of welfare services and psychiatric services for the poor people who will have to live in these revolting little boxes. There are no verandahs, no proper orientation and no allowance made to minimise the necessity for mechanical contrivances to keep the places cool. I believe they are being built for the Northern Territory Housing Commission and they are, in a word, absolutely grotty. The blocks are so small that one could not swing the proverbial cat and I simply cannot understand why we continue, as government policy, with government funds, to build such poor dwellings. In fact, I would say that they are uninhabitable.

I draw this to the attention of the House because I think it is about time that we lurched into the twentieth century - and we are fast approaching the twenty-first - and learnt a few things about tropical architecture, about cross-through ventilation and about proper orientation of a house so that the sun's rays do not penetrate unduly but the breezes are caught and conducted into the houses. I do not know whether the same faults are being perpetuated in subsequent subdivisions but I would ask the Treasurer, who has an eye for aesthetics, to have a close look before any further contracts are let. They are not worth whatever pittance is being spent on building them; they are nothing more than an absolute disgrace.

Mr STEELE: Mr Deputy Speaker, at question time this morning, I was asked about a harvester that was 28-foot wide and had some difficulty in getting through gates and through paddocks. At the time I was asked the question, I thought perhaps I should have it placed on notice so that we could both become informed. I am prepared now to inform everybody that the 2 harvesters were purchased by the NT Producers Cooperative for the cropping development scheme. These were a new Hobbs peanut thresher for approximately $14,000 and a used New - I do not know what a "used New" is but it has got it here - Holland 22-foot open-front header for approximately $25,000. The

Holland header is suitable for a range of crops. It has successfully harvested mung beans and would be suitable for sorghum, soy beans, sunflowers and other crops and, with modification, it could be used for maize. It is, in fact, quite a versatile machine. The choice of the particular header was made by the cropping development committee. It is understood that a large machine was chosen because when cropping areas expand, such a machine would be of far more use than a small one and could constitute the harvesting equipment of a contract harvester. It is true that it was necessary to drop fences to move the machine into a number of farms but this caused little inconvenience and I understand is quite regularly done for the same purpose in established farming areas in the south. They do not use 22-foot wide gates down south either, Mr Deputy Speaker.

I detected some sort of opposition to the fact that a header or harvester like this one might have been purchased. I thought that I detected a note of opposition to government initiative and I would say now that I reject the assertion that either of these machines is virtually useless and also the ill-informed basis for criticism and sniping at the cropping development program and the people involved in it.

Ms D'ROZARIO (Sanderson): Mr Deputy Speaker, how nice of the honourable minister to rise to answer a question that was asked this morning. I too asked a question this morning and I must say that the answer that I got was extremely disheartening coming from the Minister for Transport and Works. The matter that I raised this morning related to what his department was doing to accelerate the construction of bicycle tracks in Northern Territory towns. I mentioned that there had been 2 fatalities over the weekend of very young children and one is in a serious condition in hopsital as a result of having been knocked off a bicycle by a car. The honourable minister did not answer my question as to what his department is doing to accelerate the construction of cycle tracks. He did, however, indicate that perhaps it was the fault of one of the victims because that child happened to be riding along the airport road. I see that it is now a capital offence to ride along the airport road in Alice Springs; that is certainly what the minister's answer amounts to.

He also said that he was inclined to say that young children should not be riding along major highways. What an absolutely stupid remark from a minister for transport. The major highways and busy roads which tend to increase the level of vehicular, pedestrian and cyclist conflict are the very locations in which we want bicycle tracks. The minister seems to think that, if you happen to be on a major highway, it is not up to his government to give you a bicycle track but, in fact, if you are killed, then that is salutary rather than deplorable. The attitude of the minister is extremely disappointing. It is not just a question of wanting bicycle tracks because they are pretty things to have around our cities. The reason for wanting bicycle tracks is simply because they are a means of separating cyclist traffic from vehicular traffic and because, by introducing bicycle tracks into urban patterns, we can eliminate that degree of conflict that does occur between those 2 sorts of traffic and, in the process, we may perhaps save a few lives.

The minister has often spoken in this House about road safety yet when it comes to actually demonstrating his concern, this is the sort of flippant reply I get to my question: "The child should not have been there; children should not be riding along major highways". Of course they should not, but the fact is that many children do not ride on major highways because that is their choice but because it is the only way that they can get to their destination. The other child who was killed over the weekend was killed on Trower Road. I suppose the minister will say that he should not have been there. The fact is that he was there and, regrettably, he is now dead. I

do not suppose that concerns the minister. As far as he is concerned, our children, who comprise a large proportion of bicycle users, have no business being on major highways. As an adult driver and as a person perhaps more capable of keeping my wits about me in heavy traffic, I am often caused to use busy roads even though that is not my choice. I suggest to the honourable minister that children often use busy highways and that is not their choice either. If this is the attitude that we can expect from him on a serious matter of road safety, then he ought to step down; he is a disgrace to the government.

Mrs O'NEIL (Fannie Bay): It seems to be the afternoon for the Minister for Transport and Works. The member for Sanderson did raise the question of road safety the other day, as well as today and the problem that arises in her electorate from children alighting from school buses and the accidents that sometimes regrettably occur. I suppose that we parents of children of Parap School should be grateful that we do not have any school buses for the children to alight from. This year, there has been no school bus for that school. Nevertheless, that in itself has created what many people see as a risk to children in the area. With the kind cooperation of the minister, we have been able to re-arrange the suburban bus route somewhat to assist children to use it to get to school.

Because of the lack of a school bus, many more parents are obliged to drive their children to and from school. This creates a lot of traffic around the school gates, particularly near the school crossing on Ross Smith Avenue. This is the new type of school crossing, introduced this year, with striped poles and flags on the verges. Many people find that, because of the amount of traffic just before and after school, it is very difficult to see those striped poles and flags. They feel, with good reason, that the old zebra crossing which could be seen for some distance - it was not just a question of seeing something at the edge - was much more satisfactory in that particular area where there is a lot of traffic, where the crossing is right near the school gates and also near another intersection on a fairly busy road. The problem is perhaps compounded by the fact that, within a short distance along Ross Smith Avenue, there are 2 school crossings. People apparently find it difficult to be equally careful of both or perhaps they simply do not expect to find 2 school crossings so close together. Certainly, there have been a number of near-accidents on the crossing outside the pre-school which people have brought to my attention.

I bring the matter to the minister's attention. A number of people connected with the school have brought it to my attention and, while I think that the new system of school crossings is probably admirable - I am sure a great deal of thought and care has gone into choosing it - it might be that there are some places where the old system of zebra crossings would be more satisfactory. I am also prompted by the remarks of the member for Sanderson to say that the lack of school buses also means that many more young children are riding their bikes to school. I feel that that is a matter for concern because they make bikes for very small children these days and it is really very difficult for them to be as careful and as safe on the roads as they should be. I hope that the Minister for Education - I know the Education Department is going to - will have a very careful look at the situation of school buses and whether all schools should have them and not just certain schools.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, in company with the 2 honourable members opposite, I would also like to speak about children today. I would like to bring before the House some information that was conveyed to me by some mothers of primary school children who came to see me recently. These mothers and the children are no different from any other mothers and

children in the Northern Territory in so far as general qualities go. The big difference is that these mothers and these children do not live in towns or cities. The children and their mothers live on cattle stations; they are isolated people and the children are isolated children. These children are deprived children educationally. I think the honourable members for Elsey and for Victoria River have spoken on this. Both of these honourable members probably know the details of what I am saying now.

In Katherine, the school only provides for science subjects through to matriculation and provides no help in humanities or languages. Therefore, there is inadequate educational facilities for those children who have a chance to be educated in Katherine. Therefore it is necessary that there be an expansion of the school and an equalisation of opportunity for all children educationally. It would be nice to see a residential college - nothing grand, just an ordinary residential college - for isolated children.

If any members have taught their own children, they will know it is extremely difficult for a parent who is teaching children as well as doing other things at the same time to be objective in this teaching. I know from personal experience; I taught 3 of my children music for about a year and this was an extremely difficult task for both the children and myself.

Mr Robertson: Particularly when you do not play music yourself.

Mrs PADGHAM-PURICH: I do play music myself. I only taught this music for part of the day. I would hate to be one of these mothers in isolated situations who is forced to teach her own children and still have to cope with the other work around the house and on the property.

I have a booklet that was shown to me by the mothers who came to see me. It is put out by the Commonwealth Department of Education and relates to certain monetary advantages that are available to parents of isolated children. This booklet details what a parent has to do to get Commonwealth financial assistance.

On the first reading, I reached page 12 before I had visual and mental indigestion. I am not a mathematician - nowhere near it - but I have had a certain education which enables me to read and digest most books about most subjects, some of which I enjoy. This booklet defies anything I have ever read in the past. I would like to speak strongly against all these bureaucratic rules and conditions that are necessary to follow before a child can obtain its rights to education and be considered on equal terms, educationally, with other children.

This booklet is 29 pages long. It is compulsory for all children to go to school until the age of 15. The question arises whether the mother, who usually does all the teaching in isolated situations, can obtain any help to aid her already valiant efforts. It seems that she does not get any help at all. In fact, she gets quite a few hindrances thrown her way. Before she can find out what help is available to her child, she has to read and digest this 29 page booklet. On page 2 of this booklet, it says: "the child is normally regarded as geographically isolated if it lives more than 10 miles from the nearest government school". I have a copy of a letter written by a mother in which she says she is more than 15 miles from a government school but she does not seem to be getting any help at all.

On page 3 of this booklet it states: "It is important to give correct information on distances. The parents giving false information are liable to prosecution". Before they can even start reading the book, they are threatened. To show that they are geographically isolated, they have to provide minute details of the distance between their home and the nearest government

school. It says: "This should be the distance via the route taken by the available transport service. If there is no transport service available, show the shortest distance by road". I am assuming that the child can go by road and does not have to go by air. I think that that particular little paragraph may need the help of a qualified geographer and not just the poor mother and father out in the bush who are trying to do the best for their children.

The next paragraph states: "If the route taken by the available transport service varies between morning and afternoon, you should give full details of distances and, if necessary, times, with your application". Nothing like this is demanded of suburban parents so that is another little hindrance that is put in the way of the isolated parents. Further on, it states: "In such a case, you should give with your application full details of the departure and arrival times of each vehicle involved". That is talking about public transport vehicles. I do not think any suburban parents would do that either.

It goes on to talk about handicapped children: "A handicapped child who is below the age of 16 or who has turned 16, but who does not receive an invalid or blind pension, may be eligible". I think that is extremely hard; the word should be "is" and not "may be". Further on in the next paragraph: "A handicapped child who has turned 16 and receives an invalid or a blind pension may be eligible for assistance". Again, it should be "is", not "may be". Who decides whether the child may be eligible or not? Probably some public servant who is sitting in comfort in some air-conditioned office. A handicapped student ceases to be eligible when he turns 21 or discontinues his full-time schooling. I think that is putting a gross hindrance in the way of a handicapped child. The very fact that he is handicapped may indicate that the child has to go no longer than 21 to receive an education. It just seems to go on and on; there seem to be hindrances everywhere against the children in the isolated areas.

This booklet is supposed to help them but I think it could have been written more clearly. I had to read up to page 9 several times to find out what the student qualifies for and to digest all the minute details demanded by the bureaucracy. On page 9, we come to the allowances which begins: "Benefits of $500 per annum, per student, free of a means test". Then we come to more difficult reading on to page 11: "If you have 4 children and you are claiming for one student you can only get an allowance claim for 2 out of the 3 dependent children". However, if assistance is being sought for 2 or more students, the deduction may be made for all but one of them. I would like to know who makes the decision there. Why should people in isolated areas be penalised like this for having children?

I would like to ask whether the government would seriously consider paying a salary to every teaching mother who is forced by circumstances to teach her children? I would like to see consideration given to this very important help that these mothers are giving to our educational system.

Mr HARRIS (Port Darwin): Mr Deputy Speaker, I wish to bring up a subject today which does not only relate to my electorate but also to many other electorates. It is to do with the state of properties, either occupied or unoccupied,in those electorates. Year in and year out, we are faced with the same situation. We have just passed a wet season and we have long grass, coffee bush - for the benefit of the Speaker - and various other weeds which have been growing unchecked for that period of time. I believe that, apart from being unsightly, this long grass creates a very dangerous situation. There is danger from possible fire and there is danger to health.

I do not wish to get into the area of nature strips. I have delved on

many other occasions - even today - into the issue of who is responsible for certain areas. I still maintain that the councils should be the ones that are responsible in local situations. However, I support the other members of this House who have spoken on several occasions about the state of nature strips.

In the matter of Darwin town area leases, it is the government who has the power and the resources, under section 35 of the Darwin Town Area Leases Act, to make lessees comply with the lease conditions. Many people put a great deal of money, time and effort into their houses and surrounds and we owe it to those people, as well as other members in our community, to make sure that all people comply with the lease conditions and maintain their blocks in the manner laid down under those leases. I do hope that pressure will be brought to bear on those who have jungles in their yards to have these areas cleared before a serious accident occurs. Might I suggest to the member for Nightcliff that perhaps the members of the council may chew our ears for not bringing pressure to bear on the authorities to have Darwin town area lease provisions enforced.

Mr ROBERTSON (Gillen): Mr Deputy Speaker, there were a couple of things raised in the adjournment tonight that I ought to touch on. Mention has been made of the children who were killed and I wanted to express my view that the parents of those children have gone through enough without recrimination from this place as to whether or not - and I say this with respect to my own colleague - they should or should not have been on the road or whether or not the minister should have answered the question better than he did. The reality is that, very often, it takes a tragedy to jolt government into action. In this particular case, of course, this is not so. The government has been - and I say this because the minister has already spoken and is unable to say this for himself - very actively pursuing a very definite and positive policy towards the inclusion of provision for cycle tracks in design briefs for new roads anywhere in the Northern Territory in the major suburban areas, and in respect of arterial roads which already exist. It is something that the government has under very active consideration.

The only other observation that should be made, in all fairness, in respect of the Alice Springs tragedy is that I do not think cycle tracks would ever be built on the road between the Gap and the Alice Springs airport for the simple reason that those would have been the first bikes, other than those that do roadwork with the cycle club, that would have ever been on that road. It is not a road that cycles are normally ridden on; it goes nowhere other than the airport unless you want to keep going to Kulgera or Santa Teresa. Irrespective of what policy any government had on cycle tracks, I do not think it would have built a cycle track on that road anyway. It is to be borne in mind - and I think there is a limit to what I can say - that the accident was rather a freakish affair. It is the sort of thing that is made all the more tragic, I think, by the extraordinary circumstances of the accident.

The honourable member for Tiwi has exposed a Commonwealth publication in respect to assistance to isolated children and, in addition to that, she covered a number of other areas of assistance which she believes is required for isolated children. The book she was referring to is a Commonwealth publication and, after the assumption of responsibility for education by this government in July, the Commonwealth scheme of assistance to isolated children will continue. I indicated, in answer to a question last week, that the government will be looking to provide additional assistance and will write its own book on how to go about obtaining the benefits which government will be making available.

At times, I wonder why I sit in my office with number one priority of my time going to my colleagues, yet this matter has not been discussed with

me before. On the face of it, the words the honourable member has used would seem to have an element of nonsense about them. I would ask the honourable member to see me at any time that I am free. Let us look at the provisions and I will make appropriate representations to the Commonwealth. Unless I am aware of these things, there is nothing I can do about them.

The honourable member did mention a number of other issues pertaining to isolated children, in particular the requirement for a residential college in Katherine. I just put to the honourable member, to Mr Speaker as member for Elsey and the people in the Katherine area the question of whether or not a residential facility should properly be placed in Katherine anyway. If you had a residential facility in Katherine at secondary level, then obviously the increasing number of people going to Katherine High School would mean a greater range of options, particularly in matriculation. I agree that the range available to students at Katherine High School at the moment is somewhat limited and it is simply a result of the number of young people attending at matriculation level. You can only offer options in accordance with the number of special teachers you have and in accordance with a formula number of pupil/teacher ratios.

I think that the people in Katherine and the rural district around Katherine - and this would apply to those around Tennant and Alice - should consider the relative merits of establishing a residential facility in the city of Darwin. The reason I say that is not because I want to take them out of the district of Katherine or would propose doing so. It goes beyond that to the extent of the facilities already available in Darwin, which Katherine would never have irrespective of another 30 or 40 in the matriculation year in Katherine: the new museum, theatres and other activities which are part and parcel of young adulthood. Indeed, the mere numbers which are available in Darwin guarantee a wide range of electives in matriculation.

I think that, in letting government know what they want in terms of a residential facility, the people ought to think about the 2 major centres. I know that it is unpopular in politics to talk about the 2 big areas in detriment to the others, but I do think that parents should bear in mind that the largest facilities are available in Darwin. I think their children should have the opportunity to enjoy and benefit from those facilities.

Motion agreed to; the Assembly adjourned.

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

NORTHERN TERRITORY POPULATION COUNT

Mr PERRON (Treasurer) (By leave): Mr Speaker, the Northern Territory government has reached agreement with the Australian Bureau of Statistics for that organisation to conduct a population count on our behalf in major Territory urban centres in July. Honourable members will be aware that previous population counts were held in 1970, 1973, 1974 and 1975. In 1976 a national census was held and the next census is scheduled for 1981.

The population count will be conducted under the procedures of the Commonwealth Census and Statistics Act. Its purpose will be to upgrade statistical information that is at the Territory government's disposal and to allow for a greater degree of fine tuning and forward planning. Up-to-date population figures are essential in the planning process to allow the adequate provision of community services. The release of land, housing programs, roads, water resources, public transport planning and the expansion of the school network are some examples of where a better statistical base will allow the government to function more effectively. The preparation of submissions to bodies such as the Commonwealth Grants Commission will also be enhanced by access to accurate population figures.

The July population count will be conducted in a manner similar to a census. However, the range of information will be substantially less than that required in the census. The night of July 4 has been set as the night of the population count and in the preceding week, forms will be distributed to all households. These will be picked up from homes in the week following. The bureau estimates that it will require some 200 part-time staff to handle the distribution and collection of forms. Application forms for these positions will be available in post offices from tomorrow.

The population count will take place in the municipal areas of Alice Springs, Katherine, Tennant Creek and nearby mining areas, Darwin and the environs as far as Adelaide River, Nhulunbuy, Jabiru and Alyangula. Apart from households, all hotels, motels and boarding houses in those centres will also be included.

Personal questions will be limited to such things as the age and sex of those in a household, the method of travel to and from work and the general work location. Resident or visitor status will also be sought. There will also be questions on the type of dwelling and its tenancy whether it is a house or flat, owned or rented. There will be no sensitive questions such as those relating to religion or income.

For collection purposes, only householders will be asked to place their names on the final form. However, those names will not be transferred to the computer records. We have been advised by the Bureau of Statistics as to the approach to be taken in this exercise and not even the government itself will have access to individual forms. Bureau staff will be the only people who will have access to the uncollated material and, once the statistical information is transferred to a computer record, individual forms will be destroyed.

I am informed that, in the 70 years of operation, there are no recorded cases of disclosure by Commonwealth statistical staff and the procedures which I have outlined will ensure that the Territory's July population count will be on a strictly confidential basis. The exercise is estimated to cost some $80,000 and bureau staff will be in charge of the count at all times. Officers of the Territory Treasury will co-ordinate the various governmental statistical needs and assist the bureau in the planning and training aspects of the count.

I am sure that there will be general cooperation in this exercise which was designed with the benefit of the Territory in mind.

JURIES BILL
(Serial 293)

Bill presented and read a first time.

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

This bill proposes to withdraw exemption from jury service from certain sections of the community, to raise the list of those presently disqualified and to simplify procedures for determining eligibility. The bill also proposes measures to clarify the law regarding majority verdicts by juries.

My government believes that the right to trial by jury is a fundamental and most important part of our criminal justice system. If the jury system is to continue to command the public confidence, juries must be representative of the community at large. At the moment, the list of persons exempt is so wide that juries are in danger of becoming unrepresentative. It is in this context that the government believes that jury service should be regarded as a public duty and exemption should be granted only in special circumstances. The duty is not, in general terms, a particularly onerous one, especially when it is spread more broadly. I understand that it is unusual for a person to be required to serve more than once in 5 years. If present exemptions are cut, a person will probably serve less frequently. All groups from whom it is proposed to withdraw exemption have been written to. Some groups object on economic grounds, others seem to object simply because jury service might be inconvenient. I do not think that such grounds should necessarily warrant exemption. It is interesting to note that groups such as the fire brigade, the Royal Flying Doctor Service and some banks do not object.

There is provision in the Juries Act for persons to be excused from attending particular sittings of the court for reasons of ill health, any matter of special urgency or importance and where 2 or more persons employed in the same establishment have been summoned for jury service. These provisions are retained and are adequate to cover all cases of genuine need.

It has been suggested that there could be a 2-tier system under which some people - for example, police officers - would be automatically exempt and others, such as teachers, would be eligible to serve but could individually opt out as of right. I do not favour such a system for the following reasons. The existence of any one privileged group almost always leads to intense lobbying by other groups to be put in the same position. It is precisely for this reason that the present list of those exempt has grown as wide as it has. A further problem is that it would be administratively cumbersome and difficult to prevent people opting out for the wrong reasons such as mere inconvenience or sheer laziness.

I draw members' attention to clause 8 of the bill which deals with the exemption of parents who have young children. At the moment, all women have the right to opt out of jury service. I do not see any justification for such a blanket right to exemption. My government is, however, fully aware of the problems which face not only some mothers but also single-parent fathers in the looking after of their children. That awareness and concern is reflected in this bill. Provision is made for both mothers and single-parent fathers to apply to be excused from jury service if they have a child under the age of 12 years and living with them.

There are some groups - for example, members of the armed forces - who are exempt under both Commonwealth and Northern Territory law. Such groups should, as a matter of principle, derive their right of exemption from Commonwealth and not Territory legislation. The bill accordingly proposes that these groups be deleted from the Juries Act. They will of course retain their exemption under Commonwealth law but only so long as that law remains in force. Persons in enclosed religious orders, persons who hold or have held judicial office, the Director of Correctional Services, members of and the secretary of the Parole Board have been added to the list of those exempt.

Clause 7 of the bill inserts a new list of persons who should be disqualified, as opposed to being exempt, from serving as jurors. Persons convicted of offences that are punishable by imprisonment for 1 year or more are now disqualified for life. The test is the maximum penalty which an offence carries and not the actual penalty imposed. There are many relatively minor offences which carry a maximum penalty of 1 year. It seems unreasonable that a person convicted of such an offence and merely fined should be disqualified for life. A more rational approach would be to disqualify only those who have actually been sentenced to a term of imprisonment and then only for a set period. Procedures for determining when a person should be excused or is ineligible are inflexible - only a judge can decide.

Clauses 9 and 10 of the bill respectively propose that the Master have power to excuse and the Sheriff have power to question a juror to make sure that he can read, write and speak English.

There is some doubt at the moment as to whether a majority verdict can be entered in a criminal trial after a jury has been unable to agree for 6 hours or whether such a verdict can only be entered after 12 hours. Experience shows that a jury that has been unable to agree after 6 hours seldom agrees after 12. Clause 11 of the bill repeals existing section 48 and inserts a new provision which removes the doubt I have referred to and enables the court to take a majority verdict after 6 hours. It also makes minor alterations to the number of jurors who must agree before a majority verdict can be taken.

Some doubt also exists as to what a capital offence is and whether a trial for a capital offence can proceed if the juror dies. "Capital offence" is defined in clause 6. Clauses 11 and 12 make it quite clear that the jury must always consist of 12 jurors in a capital offence trial and that a majority verdict cannot be taken in such a trial. I would hasten to add, especially for the benefit of members of the press, that the government is not proposing in this bill to reintroduce capital punishment. I commend the bill to honourable members.

Debate adjourned.

STOCK (ARTIFICIAL BREEDING) BILL
(Serial 290)

Bill presented and read a first time.

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

Currently, all states of Australia and many overseas countries have provisions in their statutes to control the breeding of stock through artificial means. None exist in the Territory although there are associated

legal provisions to prevent and control stock diseases through the Stock Diseases Act. Artificial breeding of commercial animals and domestic pets is widely used throughout the world as a cheaper, quicker and more effective method of improving stock genotypes. Its disadvantages are that, without adequate controls and safeguards, it is capable of transmitting both diseases and congenital abnormalities through semen dilution processes. One bull sire, for example, is capable of inseminating many thousands of cows dispersed over vast geographic areas. The risks of introducing exotic diseases and abnormalities through uncontrolled imports of semen into the Territory are too real to be ignored. The effect on our cattle industry would be catastrophic.

Equally as real is the risk of disseminating endemic diseases within the Territory, interstate and overseas. No less important is the need for legislative control of operators to protect stock owners from inadequately trained inseminators. The insemnination of stock requires particular technical skill and knowledge of reproductive processes. Exhaustive discussions have been undertaken with state authorities and artificial breeding associations and all current state legislation has been examined. Similarly, legislation in the Territory would be welcomed, particularly by Territory pastoralists and the various state authorities, through the Australian Agricultural Council.

Provision has been made in this legislation to prevent the dissemination of disease and the transmission of inherited defects through the practice of artificial breeding, to provide standards for the collection, processing, storage and transfer of semen to provide for the licensing of persons judged competent to perform the practice of artificial breeding, to grant the chief inspector powers to control the use and sale of semen collected in the Northern Territory and to provide for penalties to be imposed for non-compliance. Similar provisions are based on all relevant state legislation examined.

The bill will also allow Northern Territory pastoralists with outstanding stock to establish licensed artificial-breeding centres. This will allow them to exploit the interstate and international markets for semen from such bulls. Artificial breeding as a method of reproducing stock is being increasingly practised in all Australian states and the Northern Territory. I believe that the pastoral industry will derive considerable benefit from the introduction of this control legislation. With national legislative uniformity, Northern Territory pastoralists will have a greater access to approved semen sources allowing for cheaper, quicker and more effective herd improvement techniques. I commend the bill.

Debate adjourned.

STATUTE LAW REVISION BILL
(Serial 297)

Bill presented and read a first time.

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

I think that before commenting on the bill, it is worth noting that the officers of the Department of Law's policy unit are working fairly hard in this area. This bill follows one that was passed through this House yesterday. In common with those introduced at previous sittings, it provides minor amendments to the statute law of the Territory and reflects the continuing exercise by the legislative draftsmen's office to review the law, correct minor errors, remove redundant provisions and references and to bring the written law into

line with the concept of transfer of powers and self-government. The amendments to be made by this bill are minor, do not warrant separate amending bills under specific act titles and do not need specific elucidation at the second reading stage. I will be ready to elucidate any particular provisions honourable members may wish to raise in the committee stages of the bill. The amendments proposed in the bill may, however, be grouped into certain categories.

Firstly, there are those to remove references to acts being administered by a minister or by a person other than a minister. It is proper that the administration of acts be vested only in ministers and that administrative arrangements be left to administrative order rather than by specific allocation in an act. Secondly, following from that, references to a person exercising his powers and functions under a minister or under the direction of a minister are replaced by a standardised formula such as that proposed by clause 7 (2) as an amendment to section 7 of the Construction Safety Act. Thirdly, there are those removing provisions which merely set out the division of acts into parts. Fourthly, there are further amendments of a transfer of power nature such as substituting references to the Administrator for references to the Administrator in Council and references to the Territory for references to the Commonwealth. Fifthly, there is the removal of some archaic references in old statutes to now non-existent offices such as the government residents.

Mr Speaker, this bill is only a continuation of the polishing up of the Territory statute law. I commend the bill to honourable members.

Debate adjourned.

TAXATION (ADMINISTRATION) BILL
(Serial 300)

Bill presented and read a first time.

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

This bill, as well as its companion, the Stamp Duty Bill, is mainly concerned with improving the operation of the existing legislation. After 10 months experience with this legislation, it has become obvious that a number of administrative areas and definitions require clarification. Several of the amendments alter the wording of sections to more clearly express the intention of the original Cabinet decision and tighten up the legislation where there are loopholes. We have the advantages of not only practical experience but also of comment by a recognised expert in the stamp duty field. Mr D. Hill, QC, has analysed our legislation and provided us with most useful comments on the existing provisions. It is important to stress that none of the amendments proposed here are designed to impose additional liabilities upon businesses or members of the public. Because of their substantially technical nature and the loopholes which will be closed, I seek the cooperation of the opposition in having this bill pass with urgency so that opportunity for manipulation of the weaknesses revealed is minimised.

Clauses 1 and 2 are the normal introductory clauses. Clause 3 (1) deletes "lease" from the definition of a conveyance to bring about consistency with the Stamp Duty Act which, in some areas, distinguishes between conveyances and the grant of a lease. Other amendments affecting real property are dealt with later. Clause 3 (2) amends the definition of a "hire purchase agreement" to establish a nexus between the agreement and the Territory. More specific amendments on this subject are dealt with later. Clause 3 (3) amends the

definition of "hiring agreement" so that a lease means a lease of real property so that, where goods are leased with land, no further duty is chargeable. Several clauses amend the principal act by correcting omissions and errors in the original drafting. The relevant clauses are 3 (4), 6, 10, 18, 19, 22 and 29. The purpose of clause 3 (5) is to clarify the definition of "marketable security" as including any right or interest in a unit trust scheme. Duty on the transfers of such units will be at the same rate as that applicable to shares in companies. To support this amendment, clause 3 (6) inserts the definition for a "unit trust scheme".

Clause 4 clarifies the point in time when an instrument becomes liable for duty.

Section 17 (5) of the principal act provides the basis for charging duty on agreements for conveyances and leases and only nominal duty on the transfer instrument when it is executed. The amendment made by clause 5 is to ensure the section only applies where the details of the transfer are in conformity with the agreement.

Clause 7 amends section 32 to establish a nexus between hire-purchase agreements and the Territory in a similar manner to that already existing in relation to hiring agreements.

The amendments proposed by clause 8 deal with hire-purchase agreements made by owners who are not registered with the commissioner. As the legislation now stands, section 35 only operates in respect to agreements entered into in the Territory. It is possible that an agreement may be signed outside the Territory but the goods supplied or delivered in the Territory. In order that such agreements will beliable for duty, except where duty is paid in another state, it is necessary to delete the words "in the Territory" from section 35. Clause 8 also clarifies the point at which an agreement made by a non-registered lender becomes liable for duty.

Division 5 deals with the administrative processes for hire-purchase owners who are not registered with the commissioner. As in the case of registered owners, it is necessary to provide the nexus between the agreement and the Territory. Clause 9 amends sections 36 and 37 to provide this connection. In cases where the hire-purchase owner is not a resident of the Territory, the hirer is liable for duty except where he satisfies the commissioner that duty has been paid in another state or Territory. In all other cases, duty may be denoted by adhesive stamps.

As previously mentioned, it is necessary to distinguish between conveyances and leases in order that there be a measure of consistency between the Taxation Administration Act and the Stamp Duty Act. The amendments proposed by clauses 11 to 14 inclusive are concerned with the drafting changes that are necessary to achieve this objective.

Clause 15 amends section 54 to make it clear that duty paid on the original lease does not become payable again when there is a variation in rental agreed to by the parties during the currency of the lease. Further duty is of course payable in respect of the additional rental. The Stamp Duty Act imposes duty on agreements for the conveyance of real property. If the current legislation is enforced, persons who pay stamp duty on agreements which are later rescinded are unable to recover the duty paid.

Clause 16 inserts a new section 56A which provides for the refund of duty when an agreement is cancelled.

Clause 17 inserts a new division 11A to provide for the administration of

duty that is chargeable on loan securities. Most of the procedures adopted have been taken from comparable New South Wales law and reflect the principles already introduced administratively by the Commissioner of Taxes and which are familiar to solicitors and banks.

New section 69A confirms that the act applies to loan securities that were executed before 1 July 1978, but only in respect of any increases in the amount loaned being subsequently made.

New sections 69B and 69C expand and render certain the procedure for upstamping, as it is known where additional duty is payable on the loans because of an increase in the amount borrowed or where the level of credit provided is increased.

New section 69D empowers the commission to accept the collateral security and stamp it with a nominal 50 cents where the primary security has been fully stamped. This will overcome difficulty where originals are held by the Registrar-General.

New section 69E provides that subsequent mortgages used to pay out others are not charged duty for that part until the extra security is taken up by payment of the money concerned.

New sections 69F and 69G provide for the exemption of investors in debentures from loan security duty, provided the corporation issuing the debentures pays duty on the total issue in the preceding 12 months. A new charging item is included in the Stamp Duty Bill to provide for the liability of corporations to pay duty on an annual basis on debentures issued in the Territory.

There are problems in calculating monthly tax in some areas of the hiring business because the total hire is not known until the arrangement concludes. Clause 20 will amend section 75 of the principal act to require registered lenders to calculate and pay tax on the basis of the amount of hiring charge actually received each month by the hirer. The amendment does not alter the amount of tax payable but spreads the liability over the period of the hiring arrangement.

Section 78 permits the commissioner to allow a deduction, from the gross hiring receipts, of the cost of servicing the goods hired. Registered lenders seeking this deduction are required to satisfy the commissioner as to the actual cost involved. It is an administrative imposition on lenders and on the commissioner. In many cases, lenders have not sought to claim the deduction. The allowance has had an insignificant effect on the revenue and the amount of duty ultimately paid by the hirer. Clause 21 proposes to abolish the deduction as has been done elsewhere in Australia.

The principal act provides a penalty for late lodgement of returns and instruments. The rate of penalty is currently 10% per annum of the duty payable, calculated over the period concerned. In the light of experience and by comparison with other states,the prescribed penalty is insufficient to act as a deterrent. Clause 23 amends section 96 (2) of the principal act by providing a penalty of $20 or 1.5% of the amount of duty for each month, whichever is the higher.

The act provides for a person who is dissatisfied with the decision of the commissioner on an objection to require the commissioner to state a case which the objector may take to the Supreme Court. This procedure is cumbersome and unsuitable for this type of legislation. It is proposed that the act be amended by clauses 24 and 25 so that the objector can appeal

directly to the Supreme Court.

Subclause 26 (1) and (2) relate to the change in the rate of penalties, mentioned previously, and provide for the insertion of a new subsection which specifies the period in respect of which the penalty is payable.

Clause 27 inserts a new section 108 A which empowers the commissioner to refuse to stamp a document until any penalty imposed in addition to the duty has been paid.

Section 119 provides that, where a document is submitted as evidence in a civil action, an officer of the court shall bring to the attention of the judge any omission or insufficiency of the duty. Advice has been received that it is not practical to place this responsibility on an officer of the court. The purpose of clause 28 is to amend the act so as to require the judge to note an omission or insufficiency in the duty of the document.

Mr Speaker, as mentioned at the outset, the main purpose of this bill is to tighten up the stamp duty legislation and simplify its administration. I commend the bill to honourable members.

Debate adjourned.

ELECTORAL BILL
(Serial 309)

Bill presented and read a first time.

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

Honourable members will recall that His Honour the Administrator, in his speech giving reasons for his calling together of the Assembly on 12 December last year, said: "The achievement of self-government has meant that the operation of the democratic system now has an even greater significance for the Northern Territory. My government believes that electors throughout the Territory are entitled to the opportunity of casting their votes without undue inconvenience. Legislation will be introduced to ensure that all electors have an equal opportunity to express their views through the ballot box in the most fair and practical manner possible".

This bill keeps faith with that undertaking of the government. Honourable members will be aware of another bill already on the notice paper in the name of the Leader of the Opposition - the Electoral Bill (Serial 213). I can indicate to the House at this stage the government's intention to oppose that bill. It may be that the honourable member and his party wish to pre-empt the initiatives foreshadowed in the Administrator's speech. However, I could not be convinced that, in any Westminster style of government, the opposition would be permitted to make electoral legislation. An opposition may seek to have amendments carried in the committee stages of a government bill on the subject and no doubt the opposition will seek to do just that in relation to the bill that I have introduced. Indeed, such amendment proposals will be welcomed and will no doubt pass if they do improve this bill. I repeat that the government will not consider a bill such as that introduced by the

Leader of the Opposition. I give notice that we do not intend to allow that bill to go to the committee stage.

It is appropriate, therefore, that I make a couple of critical comments on the opposition bill now. Firstly, the opposition seeks to introduce compulsory electoral enrolment for Aboriginal people in the Northern Territory. This side of the Assembly does not disagree with the principle of compulsory enrolment and voting for all who satisfy criteria such as the age of majority and residence irrespective of race. I cannot support a proposal that every Aboriginal be compelled to enrol and vote or face prosecution. Whilst it is the hope of my party that every Aboriginal will, in time, become involved with and interested in the government of this Territory and will wish to involve himself in the electoral process, I know that it is not the current interest or concern of a considerable number of Aboriginal people. I am amazed that such a proposition should issue from a party which has professed an interest in Aboriginal self-determination. My proposal is that the decision to enrol be left to the Aboriginal. The proposal of the Leader of the Opposition is that every Aboriginal be compelled to enrol to vote.

The second point of major difference I wish to touch on is the matter of percentage tolerance between the electoral divisions of the Territory. The opposition thought to impose a tolerance of 10%. This bill maintains that tolerance at the existing rate of 20%. The simple answer to any question which the opposition might like to put in this regard is that section 13 (5) of the Northern Territory (Self-Government) Act of the Commonwealth provides: "Each electoral division will contain a number of electors not exceeding or falling short of the quota calculated by more than one fifth of the quota" - that is to say, Mr Speaker, by more than 20%. This is not an area in which we have any discretion as to the terms of Territory legislation. The quota tolerance for the Territory has been determined by the federal parliament and is seated in the self-government act. The proposal by the Leader of the Opposition to vary that tolerance is quite beyond power in a Territory enactment.

Quite apart from that consideration, it may be as well to look, in passing, at what would have been the consequences of the introduction of a 10% tolerance. There would certainly be an immediate need to alter some electoral boundaries and the alteration would probably result in an increase in the numbers of city electorates and a widening of country boundaries. Although one would need to look at actual electoral roll figures to determine the probable shifts with any exactitude, one could easily imagine, for example, electors in Katherine and Tennant Creek being lumped into one electorate thereby reducing their representation by 50%. Perhaps, such a result was the intention of the opposition but it is not a result that members on this side of the House will allow.

The constitution of the Assembly - and I refer to the number of seats - the qualification of electors and candidates and the broad framework for the conduct of elections for this House are provided as of now in the Northern Territory (Self-Government) Act 1978 of the Commonwealth. I point out to members particularly division 2 of part III of the act, being sections 13 to 21 inclusive and sections 57, 59, 62 and 63. Section 62 of the Commonwealth act preserves the existing electoral law in relation to the Legislative Assembly and contemplates the introduction of legislation in this House with the initiative of the Northern Territory government to amend electoral procedures to suit the needs of the Territory. My bill embodies the government's initiative to modify electoral procedures to suit Territory needs.

I turn now to an explanation of the main provisions of the bill indicating

proposed variations in electoral procedure from that presently prevailing. The bill is divided into parts and I will refer to it under the parts headings. Part 1 provides a commencement clause so that preliminary administrative arrangements may be made before the act comes into force in a lengthy definitions section that provides the large number of definitions necessary in such a complex piece of legislation.

Part II, administration, provides for the appointment of a chief electoral officer with a power of delegation and the appointment of divisional returning officers and assistant returning officers. It is intended that the Australian Electoral Officer will initially hold the appointment of chief electoral officer for the Territory. Honourable members will know that the only electoral staff available in the Territory at the moment are Commonwealth officers. We would intend to avail ourselves of the services of those officers in the initial period, subjecting the whole question of appointments and staffing to a review after a settling-in period. We hope that, perhaps after that time, we would be able to stand on our own feet in this area with our own Territory officers and staff or at least a substantial Territory component.

Part III, electoral divisions, provides the machinery for distribution or redistribution of the Territory into electoral divisions. The present division of the Territory into 19 electorates will obtain by virtue of section 59 (4) of the self-government act until distribution is proposed and completed under this part. The part provides for a three-member distribution committee, as at present, with provisions for public comments and objections and their consideration before final submission of a report by the committee to the minister. A report of the distribution committee must be tabled in this House and will be open to vote by honourable members as to its acceptance. As mentioned in my introductory remarks, an electoral division tolerance rate of 20% is maintained by the self-government act and there is no need to provide a direction to the distribution committee in that regard in this part.

Part IV relates to rolls. Qualifications for enrolments and candidature are provided in sections 14 and 20 respectively of the self-government act. Those provisions are adopted in this bill. I am proposing, however, to extend the franchise so as to include also persons serving a term of imprisonment irrespective of the length of the term except persons attainted of treason or convicted of sedition. Enrolment, and hence voting, remains compulsory except for Aboriginal persons for whom enrolment is voluntary. However, if an Aboriginal chooses to enrol and does so, then voting is compulsory for that person who becomes subject to all other provisions of the bill. This is the same as the provisions which apply to the federal elections. Clauses 20 to 26 cover the preparation and keeping of electoral rolls. It is intended that, initially at least, the Commonwealth will assist with the rolls on an agency basis. In fact, I understand that we will be using the Commonwealth electoral rolls and this imposes certain decisions on us and limits the freedom of action of the Territory in this matter. As I indicated earlier, we do not yet have the staff and expertise in this area. Further, the agency fee is likely to be considerably less than we could expect to pay if we were doing our own thing in this regard.

Part V relates to enrolment. Clauses 27 to 35 cover claims for enrolment, objection to inclusion of a person's name on the roll which can be exercised by any other person and procedures in respect of such objection. Clauses 36 to 40 give rights of appeal against decisions on such objections and against removal from the roll by the person so removed.

Part VI relates to writs for elections. This provides for issue of the

writ by the Administrator and does not vary present procedure.

Part VII relates to nominations. Qualifications for candidature are provided in the self-government act as indicated earlier. This part provides the manner of nominations and declaration of nominations as well as the procedure where an election is deemed to have failed, including the issue of a new writ following a failed election.

Part VIII relates to voting by post. This contains detailed procedures for application for postal votes and the casting of a vote on a postal ballot paper. The emphasis is on security and ensuring that interference with a postal voter or his ballot paper is not possible. The right to receive an automatic postal vote for a person living more than 20 kilometres from a polling place is maintained and clause 54 provides entitlement for those persons who cannot attend a polling place due to such things as absence from the Territory, travelling or illness to make application for a postal vote.

Part IX relates to polling. As I indicated earlier, voting will be compulsory for enrolled persons. It is our intention to provide the opportunity to vote in the fairest and most practical manner possible. It is worth reflecting that enrolment and voting in the United Kingdom and America and in many other countries overseas is entirely voluntary. Australia is perhaps on its own in requiring compulsory voting. This part provides for the appointment by gazettal of polling places and for the appointment of electoral staff and candidates' representatives who are generally called scrutineers. Candidates' representatives are limited to one per candidate at polling and are unlimited at counting. The candidate will have a right of objection to the appointment of a presiding officer or assistant officer for the electoral division in which he is standing. That is a new provision. Such objections will be ruled on by the Chief Electoral Officer.

A variation provided under this part is the provision for mobile polling places. I should say that, although the opposition apparently considered mobile polling places - and I refer honourable members to the introductory speech of the Opposition Leader at page 704 of the Hansard of 21-30 November last year - it did not choose to include provision for them in the bill introduced by the Leader of the Opposition. Apparently, their consideration had not gone far enough at the time of presentation although they seem to agree with mobile polling places in principle. Perhaps, that is a measure of the prematurity of introduction of that bill. Our consideration has gone far enough and we consider this to be a most important area of the bill in line with our intention not only to provide the franchise but to facilitate exercise of the franchise as far as is practically possible. A gazetted mobile polling place may be a boat, aircraft or motor vehicle. The mobile polling place, during a period prior to polling day, will travel to gazetted locations in the Territory to collect votes. It will also collect votes at hospitals and prisons. Procedures are detailed in this part in relation to absentee voters, persons voting outside the division for which they are enrolled, persons wishing to vote at a polling place who have already received a postal ballot paper and persons claiming to be enrolled whose names do not appear on the electoral roll.

Importantly, this part preserves the system of full preferential voting. Careful consideration was given to the alternative systems of voting but, on balance, it was decided that it is preferable to maintain the full preferential system. This system is the fairest in ensuring that the vote finally reflects the will of the electorate. It is also the system of voting most widely used and understood by the people of Australia and it is the system used in the federal voting which Territory voters will have to follow for federal elections.

It also regulates the conduct of persons in a polling place and the method of voting and physical requirements for the polling booths. Innovations are that electoral staff only will be able to assist illiterate or incapacitated voters and photographs of candidates must be displayed in polling booths in the division for which the candidates are standing. Provision is made for adjournment of polling day in cases of disruption. There is also provision for an employee working on polling day to require 2 hours leave of absence to vote.

Part X, determination of results of polling, deals with the count. It provides, firstly, for the attendance of candidates representatives; secondly, that ballot boxes and envelopes and so on may only be opened by an authorised officer; thirdly, for the counting of first preference votes, second preference votes and so on until a majority result has been determined in favour of 1 candidate; and fourthly, that the Chief Electoral Officer shall have a casting vote to determine the result of a poll in a case where there is an equality of votes between candidates at the conclusion of counting. The casting vote was previously vested in the Divisional Returning Officer for recounts and for the declaration of the poll before the close of counting where further outstanding votes to be counted could not affect the obvious result of the poll.

Part XI, the return of the writ, provides for the return of the writ to the Administrator by the Divisional Returning Officer and for the Chief Electoral Officer, by notice in the Gazette, to extend the time for the holding of an election and for return of writ.

Part XII relates to offences. This part provides for offences and penalties not specifically provided for in other sections of the bill. A study of this part and other specific provisions will indicate that, broadly speaking, a 3-tiered structure of penalties has been adopted. The first group might be called minor offences attracting maximum penalties of $100 or $200 such as failure to enrol or to vote or failure to provide information or to leave a polling place when requested to do so by a presiding officer. The second tier involves offences of a fraudulent or destructive nature such as untruthful answers to a presiding officer's questions - $500 maximum - or persuading an elector to apply for a postal vote as against attending a polling place or for voting more than once - up to $1,000. The third group of penalties relates to graver offences involving fraudulence and interference with the electoral process. These offences range in penalty from $1,000 or 6 months imprisonment through to $2,000 or 12 months imprisonment or $2,000 or 24 months imprisonment to $10,000 or 5 years imprisonment. Examples are alleging a candidate's association with an interest group or association without his consent, forging of a signature on a document required to be signed under the act, opening of a ballot box by a person other than an authorised person, promising a reward or benefit for candidature, voting, support of candidature, enrolment, or threatening violence in regard to the same things.

Some honourable members may consider some of the penalties to be harsh, particularly those in the more serious category. Let me say, therefore, that we consider offences in relation to the provisions of this bill most seriously. We wish particularly to guard against undue interference with those in our community who may not understand the electoral procedure as fully as they should or who do not possess a degree of literacy that one might take for granted amongst one's peers. It must be undoubted that the electoral system is a vital part of our representative system of democracy and is to be protected with the severest penalties within the bounds of propriety available to us as law makers.

Part XIII, disputed elections, provides the procedure in relation to, firstly, disputed returns and, secondly, questions put by this Assembly in relation to the qualification of a member of the Assembly to hold office as such a member. Jurisdiction in both areas is conferred upon the Supreme Court of the Northern Territory and decisions therefrom are not subject to appeal. The court will have power to declare a person elected not to be duly elected and, conversely, to declare a person not elected to be elected and to declare an election to be void. The last mentioned declaration will be on the grounds of bribery, corruption, intimidation as provided in sections 101 and 102 or an attempt at same where the result of the election was likely to be affected. Further, the court shall declare an elected candidate to be not elected if it finds that that candidate has committed or attempted to commit bribery, corruption or intimidation as provided in sections 101 and 102 in relation to the election. On reference of the question from this Assembly to the Supreme Court, the court has power to declare that a person is not qualified to be a member, the person was not qualified to be elected or to take his seat as a member and that a vacancy of a member of the Assembly exists.

Part XIV is the miscellaneous part which provides the regulation-making power and for agreements and disclosures by officers.

This bill takes up the invitation of the federal government embodied in the self-government act to modify existing electoral procedures to suit the needs of the Territory. It also seeks to state, in a composite piece of legislation and so far as practical, the electoral law of the Territory albeit that we must continue to rely on reference to Commonwealth legislation in some areas. I commend the bill to honourable members.

Debate adjourned.

STAMP DUTY BILL
(Serial 301)

Bill presented and read a first time.

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

As previously mentioned in relation to amendments to the Taxation and Administration Act, this bill is designed to tighten and streamline the operation of the existing legislation. It is not designed to impose new liabilities and in fact exempts certain organisations such as school committees from the whole range of stamp duties. I will go through the various clauses in the bill and, whilst some members may find this a bit detailed, I point out that it is a fairly technical piece of legislation. We are seeking to pass this bill, together with the Taxation (Administration) Bill, through all stages during these sittings. I believe that a detailed second-reading speech is necessary.

Clauses 1 and 2 are the normal introductory clauses. Clause 3 (1) is to amend section 6 (4) of the act which currently exempts counterparts or copies of documents from duty. Unless such change is made there will be a conflict with the administration Act which imposes a duty charge of 50 cents on certain counterparts in special circumstances. As a general rule, counterparts will still remain exempt from duty.

Clause 3 (2) relates to section 6 (8) and is intended to reinforce provisions of the administration act by providing that documents executed before the commencement of that act would remain liable for duty at rates prescribed in the old Stamps Ordinance which applied prior to 1 July 1978.

Section 6 (8) has been found to be too broad and raises doubts as to whether old documents submitted for extra stamping to reflect new activity since 1 July 1978 are liable for duty at all. This amendment will clarify the situation and continue the liability of old documents at the rates of duty previously applicable.

Clause 3 (3) omits section 6 (11) which establishes certain exempt conveyances. They are included later by amendment of the schedule dealing specifically with exemptions. New section 6 (11) is inserted to close a possible avenue of tax avoidance, in respect of loan securities resulting from item 24 of schedule 2, where a small part of the loan is secured in another state.

As I foreshadowed in relation to the administration act, clause 4 (1) amends item 5 of schedule 1 to enable the imposition of a 50 cents charge on counterparts of documents held by the Registrar-General.

Item 6 of schedule 1 is amended by clause 4 (2) so that it is clear that an instrument which is liable for duty under a particular heading of the Stamp Duty Act is not also liable for duty as a deed. Clause 4 (3) corrects a drafting weakness.

Clause 4 (4) amends item 9 of schedule 1 by distinguishing between registered and unregistered lenders and abolishes the minimum charge of 50 cents for each hiring arrangement entered into by registered lenders. A 50 cents minimum per hiring is unfair where multiple small transactions occur - for example, the hire of roller skates. I imagine that one came to light fairly recently in Darwin.

Clause 4 (5) remedies the defect in the original drafting. In the original legislation, item 5 of clause 12 of schedule 1 was intended to provide the basis for charging duty where no consideration was expressed or the consideration was nominal. Expert advice received raises doubt as to its effectiveness. The purpose of clause 4 (6) is to ensure that item 5 operates as originally intended.

Clause 4 (7) is related to a new division of the administration act concerning loan securities and the necessary procedures for dealing with the various circumstances. One of the procedures is the stamping of collateral securities with a nominal 50 cents where the primary security has already been fully stamped. This amendment inserts the necessary charging items and re-phrases item 14 accordingly. Clause 4 (8) amends item 20 of schedule 1 which imposes duty on the purchase and sale of marketable securities. The existing legislation covers the purchase or sale of shares but it is possible for ownership to be changed by a transfer which is not legally a purchase or a sale. The origianl intention was that duty be charged on all changes of ownership whether by sale or otherwise and the purpose of this amendment is to ensure that manipulation cannot occur.

Schedule 2 of the Stamp Duty Act provides for exemption from duty on certain instruments to public hospitals and public and religious institutions. It is proposed that these organisations be exempted from the whole range of stamp duties. This is achieved by clause 5 (1) and by inserting a general single provision which I will refer to later. Item 24 of schedule 2 deals with an exemption for a loan security made outside the Territory where duty has been paid at ad valorem rates in another state or territory. The deletion of this item is necessary as conditional exemption has been placed in a more appropriate place in the act by clause 3 (3) referred to earlier.

Item 5 of schedule 2 provides for exemption of duty on leases of a private

domestic residential house. There have been problems with the interpretation of the exemptions which clause 5 (2) clarifies by rewording item 5. It is intended that the exemption should only apply in respect of a lease where the lessee intends to reside in the house as his principal place of residence. Clause 5 (3) is a drafting requirement and makes no change to the existing law. It merely distinguishes between conveyances and leases in order to coincide with amendments made to the Taxation (Administration) Act. Clause 5 (4) amends item 8 of schedule 2 which provides an exemption from duty on the purchase of residential land where the purchaser has not previously owned residential land in the Territory whereby ownership is commonly by Crown lease. Clause 5 (5) inserts a new exemption item in schedule 2 which is the exact counterpart of section 6 (11) deleted by clause 3 (3) referred to previously. The amendment places the exemption in a more appropriate part of the act.

Item 15 of schedule 2 of the Stamp Duty Act provides for exemption of a transfer of a marketable security in consequence of the appointment or retirement of a trustee. Expert advice received is that the exemption is too broad and could result in avoidance of duty. Clause 5 (6) amends item 15 by limiting the exemption to those changes in trustees occurring as a result of a death of a trustee or upon the order of the court. Item 26 of schedule 2 of the act exempts a power of attorney for the sole purpose of appointing a proxy to vote at a meeting. However, a power of attorney would not gain exemption if it specified or permitted a proxy to vote at more than one meeting. Clause 5 (7) amends this by extending the exemption to cover situations of more than one meeting.

Clause 5 (8) inserts 2 new items in schedule 2. The first, item 36, provides the broad exemption from the whole range of stamp duties for public hospitals, public benevolent institutions and religious institutions to which I referred earlier. It also provides for the exemption on the range of stamp duties for voluntary associations formed to promote the interests of particular schools. This government appreciates the work that these organisations perform and realises the important role they play in the functioning of our schools. It is our wish to assist them by removing stamp duties from documents that they use. The intention is to exempt parents and citizens associations and school committees whose principal objectives are to raise funds for school amenities and to provide for the management of school canteens. The second, item 37, is to ensure that the Territory government is exempt from duty on certificates of registration of its own motor vehicles.

Debate adjourned.

CATHOLIC CHURCH IN THE NORTHERN TERRITORY BILL
(Serial 289)

Bill presented and read a first time.

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

I have great pleasure in introducing this bill to the Assembly. In doing so, I am acting on a request from the Bishop of Darwin, Bishop O'Loughlin, who, as many honourable members know, has had a long and distinguished career in the Catholic Church in the Northern Territory and is a man who is much admired and respected in the wider Territory community. He has taken a personal interest in the preparation of the bill and indeed suggested a number of amendments during its preparation.

On previous occasions, bills to facilitate the operation of religious

groups in the Territory have been introduced and passed by this Assembly. I refer to legislation for the Church of England, the Salvation Army and the Uniting Church in Australia. This new bill is very much in line with those earlier pieces of legislation. It is primarily directed at facilitating the transactions of the Catholic Church in property matters. To do this, it allows the bishop to establish various property trusts by the making of bylaws, including property trusts for Catholic institutions and associations.

Upon establishment, a property trust requires a legal existence in the form of a body corporate. As a result, it can enter into transactions concerning property. One particular feature of the bill is the bylaws establishing the property trust may permit the making of rules as to the day-to-day management of the affairs of the property trust. This would enable the bishop to delegate most of the routine functions of management. For example, the bylaws could provide that the persons responsible for the conduct of a Catholic school could make rules for the running of the school.

Various consequential provisions are included in the bill such as provisions for winding up. The bill provides for the dissolution of the existing incorporated association known as the Catholic Church of the Diocese of Darwin and for the automatic transfer of its assets and liabilities to the property trust for the Diocese of Darwin upon its establishment. It seems to me that the provisions for winding up may not be needed for some time. I commend the bill to honourable members.

Debate adjourned.

EDUCATION BILL
(Serial 264)

Continued from 7 March 1979.

Mr COLLINS (Arnhem): Mr Speaker, I do not think my desk is big enough for this bill. On 1 July the Northern Territory government will assume control of what will be the smallest educational system in Australia. A quantitative analysis of the education system in the Northern Territory is irrelevant; it is a qualitive analysis that we are looking to. The size of the Territory's educational sphere is not important. It is important to us to introduce legislation into this House that will give the students of that system the best possible education. Northern Territory government schools cater for some 28,000 pupils. The community college looks after the needs of more than 9,000 pupils. Catholic schools in the Northern Territory look after about 2,500 and there are other institutions such as Nungalinya College that looks after other students.

When the Minister for Education introduced this bill, he made some comments on it and I would just like to go through those now. He said:

> *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 is ultimately responsible for the establishment and maintenance of education services and has the advice of 2 councils covering general education and post-school educational needs. 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 will be achieved. I should point out at this junction that the Darwin Community College retains its autonomy and can carry on its activities free from control and supervision by the department and its secretary within the proposed system.

I have a number of comments to make on that statement. One is that I do believe that sections of the bill are not as forward-looking as we would hope, particularly the sections dealing with suspension and expulsion and also the key role that these 2 councils are to play in the administration of education and the vexatious problem of how the advice of these 2 councils is to be co-ordinated. I heard a remark this morning that everybody considers himself to be an expert on education and certainly there are a large number of people with interests and conflicting views on it. In New South Wales, work has been proceeding for a considerable time now on the establishment of an education commission in that state. There is an enormous amount of extremely valuable material that has been produced out of those deliberations. The key question of whether education should be administered by a single body or by a number of bodies co-ordinated by a ministerial department is one that has pre-occupied the people in New South Wales and it is a key area that we will only be able to see proven or not when this bill becomes an act and is in force.

I refer to the final report of the New South Wales working party on the commission where it talks about the relationship that will exist between a number of advisory bodies and the minister. I quote:

In our use of the word "contraction" we are also attempting to acknowledge the present character of the relationship between ministers and public servants in the administration of government in New South Wales. We believe that the nature of this relationship tempers the doctrine of ministerial responsibility and its application. In the interim report of the Review of New South Wales Government Administration, Professor Willenski discusses the changes in the relationship between ministers and public servants over the last 60 years. "In the past, a relatively simple view of the role of ministers and of public servants held sway, policy was believed to be the role of ministers, administration the role of public servants and it has long since become apparent that there is no dividing line between policy and administration and that the relationship between ministers and public servants is a much more complex and subtle one. It is fully accepted in most administrations that public servants play a vital role in policy making".

Mr Speaker, I do agree with that statement and it does have an impact on the area that I am discussing. Further, this report states:

The minority view takes issue with the undue prominence that has been accorded to the problem of reconciling conflicting advice which 2 or more commissions might offer the minister. The first point to note is that this is not a problem for a single commission model. It is quite true that, in terms of our recommendations, several statutory bodies as well as the commission would be able to advise the minister but the bodies would not be congruent with the commission. In our proposal, only the commission would be able to provide the minister with advice decided upon by people informed about relevant events in all parts of the minister's portfolio. Advice from all other bodies would necessarily lack this perspective. In the proposal of the minority view no single body has this advantage.

The method the minority view proposed for its reconciliation requires

it seems to us, that either the minister acquire an omniscience and super-human energy or that the people who advise him multiply in number and increase in influence. Since the second alternative is more likely, we hold to the view that we have already argued.

It is going to be a problem and it is only in the practice of the administration of the 2 advisory bodies in the Northern Territory that we will see what happens. I am very happy about the section that refers to the college retaining its autonomy. I supported this when I spoke on the education advisory group's report last year. I have a few queries and the impact of clause 82, which I will discuss in a minute, does worry me in respect of the college. The minister says: "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".

We also support that view and I do feel that I need to explain why the opposition is amending the bill to have 2 representatives of the Northern Territory Teachers Federation on the advisory council. We believe that it is absolutely essential, seeing as the EAC is going to be dealing specifically with the roles of primary and secondary education, to have both a primary school teacher and a secondary school teacher on the council. Accepting the fact that the Northern Territory Teachers Federation represents 86% of teachers in the Territory, we believe that it would be administratively ridiculous and economically wasteful for the government to set up any ad hoc method of having elections among teachers when an organisation exists which already represents teachers very successfully, has all of the facilities necessary for conducting such elections and, moreover, is prepared to do so. Again, this question arose in New South Wales and received some comment:

The Teachers Federation has been organised under its present name since 1919 and its predecessor began existence some 30 years earlier. About 90% of teachers in public schools of all types and in colleges of technical and further education belong to the federation. The federation has a long tradition of democratic organisation and its members have participated increasingly in education decision-making over the years.

To quote further:

Administrators and teachers can be involved in participatory management by representation through to their appropriate employee organisation or by some ad hoc construct. The case for representation by way of the appropriate trade union seems to us very strong for the following reasons: the employees must know how their representatives are to be selected and how they can communicate with those who represent them and the representatives must know who their constitutents are and how they can report back. When an enterprise employs many people over a wide area, these problems are large. Trade unions have established means of solving these problems over the last half century and more. It seems to us perhaps impossible and certainly wasteful for an ad hoc organisation to attempt to establish parallel structures.

The minister went on: "Part VI relates specifically to the college and has been taken almost verbatim from the existing Darwin Community College Act. 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". In my view, there are a number of other substantial amendments and one in particular refers to the question of who is to set the terms and conditions of the staff of community college. In the original

Darwin Community College Act 1973, the council at the college were able to determine themselves the appropriate terms and conditions. In my comments on the advisory group's report last year, I said that this situation should be maintained, and I still hold to that view. The government, of course, has overall fiscal responsibility for the community college but, to be an effective employer, the community college has to maintain the terms and conditions of its own staff.

Quoting from the second interim report of the New South Wales commission on this subject:

> *Universities are not, of course, autonomous in the full and literal meaning of the word. What they have possessed in New South Wales is a substantial independence ... The things that they must keep are: the right of universities to employ their own staff, both academic and non-academic, the right to choose their own problems for research, the right to decide their own curricula, the right to follow their own teaching methods and the right to determine their own standards, including those of admissions and awards. We agree that universities, more than any other institutions, are responsible for the increase of reliable knowledge and have the right and duty to pursue that knowledge even when its pursuit requires criticism of the contemporary society and the state and its institutions. We believe that universities cannot do these things unless they have the freedoms listed above. Short of this degree of independence, they become mere clients of government or industry and subject to pressures which may vitiate or even destroy their work.*

Because the Darwin Community College is a unique organisation in that it combines both a university and technical college, I would also like to refer to comments made about colleges for further education in the same report:

> *Once it is accredited, the college may teach that course by whatever method it chooses with a proviso that the board may subsequently reassess the course to assure that standards are being maintained. Within the limits of their funding, the colleges may undertake whatever specific research projects they wish, though funding bodies have suggested that colleges should favour applied rather than pure research. We believe that the colleges' present degree of independence is the least they must have if they are to research and teach for that freedom to criticise which is essential to the discovery of new information and necessary to the imaginative, professional preparation of students.*

I agree with those sentiments. I do not agree with all the material in this report but I certainly agree with that. I believe that the bill before us must be amended to allow the council to set its own conditions of employment for its staff.

I agree with the recommendation of the minister that the minister should have the role of deciding where institutions are to be built in the Northern Territory. That should not be the role of the community college. What I do query, however, is the power that the secretary of the Department of Education might have over the same thing. I do believe that clause 8 (2) of the bill will have to be changed if we are to remove that. Perhaps the minister can assure us that that certainly will not happen in practice.

I refer to the section on handicapped children in the bill. The minister said: "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 who 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 is important but it is also potentially very dangerous. This definition, with a rather significant change, has been taken from the 1958 Victorian Education Act. One of the problems with the definition is that, as the minister quite rightly states, gifted children can be included in the definition. However, so too can Aboriginals, people living in isolated communities and so on. In fact, there is no limit to the definition. I would not like to have a court case on this particular one in view of some recent court cases in the United States of America. It is a very broad definition indeed. The parents of handicapped children are very rightly worried about this particular definition and I do feel that they have good cause to be worried. They are frightened that, in an area where they are already having sufficient problems attracting funds and proper staff, money will be directed away from this particular area. In support of this fear, I would like to read part of a letter that the Northern Territory Minister for Education received just recently from the Millner Pre-School:

> *At our general meeting last night, we were very distressed to learn that a teacher aide assigned to the handicapped children attending the pre-school has been re-allocated to a primary school on a priority basis. We do not dispute the fact that a need at the primary school does exist; what we most strongly dispute is the fact the department believes the need is no longer as great at the pre-school. The handicapped children attending Millner Pre-School have integrated with normal children extremely well due to the hard work and expertise of the teacher aide. The normal children are learning a very important lesson in life at an age where their learning capacity is extremely high.*

To the best of my knowledge, that teaching aide has not been replaced at Millner. To give the House some information about what this involves, the 5 or 6 handicapped children are integrated with a normal class. They had a special teacher aide within that class who looked after their particular needs. The family response from the parents of those children to the progress they have made since they have been put into an integrated school - which is the current policy of the Department of Education and I support it - has been tremendous. Talking to those people was a very stimulating experience indeed. Unfortunately, these are now very disadvantaged children because their teacher aide has been taken away from them and there is no one in the class to look after them. I do believe that the fears of the parents in respect of more money being diverted away from the needs of conventionally handicapped children are very real indeed and I think they need to be reassured by the minister. I will defer further comment on that particular section until we get to the committee stages but I do have amendments to make in that area of the bill.

School councils are an excellent suggestion which the opposition supports wholeheartedly. The minister had some comments about courses of instruction: "The government is aware of criticism 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 that they need". The minister then made what I consider to be a very pertinent remark: "I might pause 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". I support that statement. There are many factors involved in unemployment and I would say that education is not one of the prime ones. The minister then went on to explain why the recommendations of the education advisory group have not been strictly adhered to and a stronger definition of this particular section has

been put in the bill. I do not really think that the fears of the minister are borne out and do not really think that the bill needs to be left as it is. The minister says: "Part VIII makes it clear that the secretary will be responsible to the minister for the curricula in government schools and post-school institutions". I would suggest to the minister that the original wording of the South Australian act which the education advisory group referred to also gives that assurance.

I would like to briefly cover the history behind the construction of this bill. It is based on the recommendations of the education advisory group and is drawn from the existing Northern Territory legislation, particularly the 1962 amending act, the South Australian Education Act of 1964 and the 1958 Victorian Education Act. The majority of the recommendations of the group have been adhered to but there have been some significant areas where the recommendations have not been accepted by the government. I would just like to cover those briefly.

Recommendation 6.3: "This implies a major task to be completed in a relatively short space of time. It is our view that it should be both possible and desirable to adapt existing legislation for one of the Australian states. We consider that the South Australian legislation, being both modern and concise, provides a suitable model". The recommendation goes on further to state that, in the view of the group, the recommendations should be concise. I do not believe in certain areas of the bill they are. I think they can be made more concise.

One of the other features I want to point out is that the group itself, implicitly anyway, criticised the amount of time they had been given to put the act together. On page 2: "The group was given only 3 months in which to deliberate and prepare its report. Submissions were invited from interested persons and parties and discussions were held with those who specifically requested an opportunity to meet the group. An extension of time was granted and that extension of time stretched out for 5 months".

In New South Wales, the working party has been in operation for 20 months. I am not suggesting that the Northern Territory education system is as complex as New South Wales - it is not at all - but the qualitative demands of our education system differ in no way from those in New South Wales. What I would have preferred to have seen was at least one interim report. The New South Wales people have issued 2 and the wealth of stimulating information that is in these reports is worth reading. I would have preferred to have seen this report published a month later with some of the opposing arguments to the recommendations that have been accepted. I do not really think that enough time has been given to the consideration of this very important area.

The report goes on to recommend in 6.12 that particular areas of the bill should have been left to regulation rather than incorporated in the act. I support their recommendations. I will be introducing amendments to the bill that comply with the recommendations of the group. The areas that they were specifically talking about included courses of instruction to be provided in schools and discipline in schools.

We find in 6.13: "We have used the South Australian legislation as a model, partly because it was the most modern Australian legislation available to us which provides for educational services in a ministerial department structure and partly because it conformed to our view that the preferred course was one in which the formal act would be kept as concise as possible. A strong reliance should be placed on the use of regulations under the act for those matters which are likely to be subject to periodical amendment".

I do feel that in a flexible, modern, progressive, forward-looking, educational system, those areas dealing with authority, discipline and curriculum are certainly ones that should be subject to periodic revision. I do believe that they are more properly placed - with parameters laid out in the bill - in regulations.

In the schedule, we find that the major departure from the final recommendation by the government is that they have decided to accept a 2-tiered advisory council system that will be co-ordinated by the minister rather than by the major council, as envisaged by the advisory group.

In 7.7 we find that the chairman is appointed by the minister from among the members of the council. I agree with this recommendation; it is not in the bill. In the current wording of the bill, the chairman could be appointed by the Administrator from outside the council and I am offering an amendment to the bill which will fix that.

The group recommended that the council be composed of 7 members. I understand from a conversation that I had with the minister that the minister himself will change this particular part of the bill and heed the group's recommendation by raising the membership to 7 again. Again, it talks about the particular sections of the bill which should come under regulation and not be included within the act itself.

The preamble to the bill is interesting and I commend the minister for it. It says: "To make provision for the availability of education to all people of the Northern Territory and in particular to provide for the access of all children to educational programs appropriate to their individual needs and abilities". To the best of my knowledge - certainly I cannot find it anywhere - this sort of preamble does not exist in legislation anywhere else. I was interested to read this in the bill because in the United States just recently there have been 2 notable court cases regarding this kind of thing. Parents have taken the education authority to court and said: "My kid was all right before he went to school but now he has turned out to be an idiot and I do not think that you have provided him with programs appropriate to his individual needs and abilities". They sued the education department and this caused lots of knees to tremble in all sorts of places. I would like to assure the minister and the secretary that both parties lost their case.

We are amending some of the definitions. We are changing the Education Advisory Council to enable us to place a primary school teacher and a secondary school teacher on it. It will be dealing specifically with this area of education. We are asking the Northern Territory Teachers' Federation to carry out elections to provide those representatives. We are also suggesting that the other easily defined organisations such as COGSO, the Aboriginal Education Consultative Group and the public service union should also appoint representatives to the council. I have quite a bit to say about the advisory council but I will have to leave it until the committee stage of the bill. I am also suggesting in the amendments that one member of the Post-School Advisory Council should also be made a member of the Education Advisory Council.

The amendments will also deal with the terms of membership. I feel that is a significant omission from the bill and it should be included. I have adopted the recommendations of the education advisory group which suggests placing an obligation on the councils to meet at least once every 3 months. I believe that should go in the bill.

The whole section dealing with compulsory attendance is modelled,

basically, on the South Australian act. However, there are a number of departures. One is that the penalties have been doubled from $100 to $200. I believe that, with the exception of the area dealing with the employment of children while they should be at school, the penalties should be put back.

People in my electorate have a very real concern in respect to outstation schools; there are many of them now. These people believe that this bill does not serve the best interests of outstation schools and we are proposing amendments to the bill that will put that right.

I believe that the section dealing with the expulsion and suspension from school needs a major revision. I am not referring to the actual provisions that apply already in departmental regulations but rather the proposal that they should be enshrined in the legislation. I have some figures on this and, to the best of my knowledge, only 2 official expulsions have occurred in the Northern Territory school system in the last 15 years. That being the case, I see no reason whatsoever why that should be enshrined in legislation. The whole tenor of the bill should be one of education and care rather than one of discipline, authority and repression. I do believe that this would be better included in regulations, particularly as it is subject to periodic review and thus changes regularly. I am suggesting that clause 24 is out of context. I noticed in the original Northern Territory legislation that it was in context. The position of the clause should be changed so that it is clear, to people reading the act, that there are a number of procedures followed and that only if these fail will expulsion be considered.

Clause 26 is very wrong in that it confuses matters of health with matters of discipline. A subsequent amendment to the bill by the honourable minister makes this even more confusing. Clause 26 says: "A head teacher of a school at which a child is enrolled may give notice in writing that the child is suffering from an infectious or contagious disease or that the presence of the child at the school ..." and then it lists a whole lot of disciplinary reasons for having them out of school. This amendment only places the compulsion on government schools so that now the compulsion on a head teacher of a non-government school to remove a kid who is suffering from an infectious or contagious disease has been removed by the amending clause.

Talking about the reservations that the opposition has with the whole section dealing with suspension and expulsion, we feel that the section would be better left out of the bill and covered in regulations - treated, in fact, in the same way that the South Australian act has treated this particular section. A miscellaneous section could be inserted in the bill to enable the Administrator to pass regulations controlling matters such as discipline. We are also amending the bill to allow, where a school has a school council, for that school council to have all matters of suspension referred to it. This would ensure that parents were involved as far as possible in this question of discipline in the school. I know that the minister is concerned with getting as much parental involvement in the education system as he can and this is one method of achieving it.

We are also moving an amendment that notices of suspension must be in a prescribed form. The reason for that is that we would put in regulation that there must be personal service where it is practicable. The Education Department employs people called home liaison officers who establish links between the home of the pupil and the school. We feel that the extension of these services is very important, particularly in the Territory where so many people use English as a second language. Personal service would ensure that the parents of the child understood precisely the reasons why disciplinary

action was being taken against the child at the school.

The section dealing with handicapped children worries the opposition extremely. I mentioned the reservations we have about the broad scope of the definition of "handicapped children". The government seems to think that this is an advantage; the opposition firmly believes that it is very much a disadvantage. I mentioned before that this section of the bill is based on the 1958 Victorian Education Act but with a significant difference. The definition in the Victorian Act says: "'Handicapped child' means a child of school age, handicapped to an extent likely to affect his educational progress unless he is supported by special educational provisions". The significant addition in this bill is: "in the opinion of the minister". This is reflected in other clauses of the bill. In fact, its culmination is way back in clause 5 which says: "Subject to this act, the minister shall have the general administration of this act and the administration and control of educational services in the Territory".

This is also based on the South Australian legislation and it should be of some interest to look at the section that it is taken from because there is a significant change there too. Where the South Australian act outlines the powers of the minister, it says: "Subject to this act, the minister shall have the general administration of this act and the administration and control of the Teaching Service". Of course, the minister's powers in this particular section dealing with handicapped children are very powerful indeed. In fact, I believe that the committee stage of the bill will show that there are substantial faults in the government's amendments to this section.

The opposition has real reservations about this section on handicapped children but, because it was not given sufficient consideration and because it was based too much on another act of parliament in another state, we were not prepared to put substantive amendments to it. I believe that the whole section really needs to be re-drafted. I do not like the extension of the definition of "handicapped children" to include gifted children. It is obvious to anyone who has conventionally handicapped children that the trauma and the family problems associated with a child who is suffering from mental retardation or physical deformity are far greater than those of parents who might be fortunate enough to possess a gifted child. I believe that this whole section needs to be tightened.

The Victorian act makes it clear that the minister acts in a supportative role to the parents, not in a directive role. The minister does not determine where the child has to go. The whole thrust of this act is that, only where there is a demonstrated case of the child not attending school or being deprived in some way of education, the minister steps in. This directive role of the minister echoes right throughout the bill. I will read out the relevant section of the act: "Where a child who has not reached the age of 15 years appears to the parent of the child to be a handicapped child, and does not regularly attend school..." The act makes it clear that something is going wrong and that is when the minister can do something. In our bill, this has been weakened in a way that does not make it a very good section at all. The opposition's reservations about the handicapped children section are so great that we need a couple of months to have a look at it. I believe that far more time could have been spent on consideration of this whole piece of legislation.

The sections dealing with the community college have been left by the opposition virtually intact. There are a few amendments. One of them is a minor consideration of how the council can convene a meeting. The other relates to the deletion of the word "Administrator" from clause 57 dealing with the

power of the council to set terms and conditions of service of staff.

To conclude, the opposition has done a great deal of work on this bill. Other opposition members will be taking up other clauses of the bill that I have not touched on. The opposition has circulated a schedule of 35 amendments to the bill. This is the most recent piece of educational legislation in Australia. It will receive the very close attention of professional educators and those interested in education right around Australia. I am very concerned for the sake of the Territory that we provide the best possible piece of modern legislation that we can. As the bill stands, I do not believe we are doing that. One thing that does concern me is that the government has circulated a large schedule of amendments, I have circulated a large schedule of amendments and the member for Nightcliff intends to amend both sets of amendments and the bill. I suspect that the minister probably will circulate further amendments and I anticipate that, during the committee stage. I will have to move amendments to the amendments; I am not looking forward to the committee stage of the bill.

Mr HARRIS (Port Darwin): Before I speak to the Education Bill I would like to make a few comments. Every effort of this government has been to try to ensure that the people of the Northern Territory have an input into the drawing up of legislation under which the Northern Territory is controlled. Whilst I feel that this approach is to be commended and continued with and perhaps even encouraged, I do feel it has caused many people who are not used to reading legislation some unnecessary concern. Normally, you would call on your particular association or union or a person who is experienced in the field of interpreting legislation to carry out this function. To give an example, a teacher who moves to teach in another state would not normally obtain a copy of the legislation under which education is controlled in that particular state, read through it and make comment on it. He should but he does not. In the Northern Territory, however, to gain reaction from teachers and also other members of the public who would normally not read legislation, members of this Legislative Assembly have distributed copies of this bill widely and have asked for those people to become involved. This is a vital area for input to come from and it is an area which is left out far too often. Unfortunately, only those who understand how to interpret legislation are able to comment with true understanding as to what a bill is all about. I would like very much to thank those people - teachers and others - who have contributed to the preparation of this legislation in an effort to produce the best possible legislation for our Territory.

The bill which we have before us has absorbed an enormous amount of time in its preparation not only by members of the various departments but also by a wide cross-section of interested parties throughout our communities. I believe that, by this consultation, we have a bill that is drawn up to provide us with a sound base on which to administer education in the Northern Territory. It is obvious, however, in this early stage of development that we will experience problems.

I think the key to the whole issue was given in the sponsor's second-reading speech when he was outlining the establishment of both the Education Advisory Council and the Post-School Advisory Council. He said of the Education Advisory Council: "The decision to establish the council reflects the government's positive response to the desires of various interested groups and the community at large to allow them to fully participate in the development of Territory education." We see that the Education Advisory Council and the Post-School Advisory Council will play a major part in formulating our education system in the years to come. My only concern with the councils themselves is that they will end up the same way as so many other advisory councils. They will

hold meetings every now and again but no constructive criticism will be passed back to the minister concerned. It has to be a 2-way arrangement: minister to councils and councils to minister. These councils must work and it is quite clear that the person best able to make the councils work is the minister himself.

Clause 20 outlines the terms and allowances for members, how the councils are to be governed and the machinery for enabling the councils to carry out their functions. I am interested to see the terms of reference under which these councils will be governed. I hope that the minister will involve parents and parent organisations, particularly in the Education Advisory Council. The problem is the lack of participation. How often have you heard statements that the education standard in the Northern Territory is not up to the standard of other states or the standard of dress in a particular school is not up to the standards in other places? Unless the people who make such comments are prepared to come forward and speak out, no change will take place in these areas. Our education system will continue to be guided by the few who are prepared to find time to attend P and C meetings and I wholeheartedly praise them for this. In many cases, the views of these people are not the views of the majority. The government has always tried to consult the people and, in many cases, legislation which may have been amended or even scrapped has passed through a parliament because of the lack of participation of the public.

In the area of the Post-School Advisory Council, I hope that problems associated with further education, whether it be in trade areas or advanced education, will be looked at objectively, forgetting the jealousies that have been part of the past. There will be overlaps in many areas and the case may arise where other acts could be amended because of input from the Post-School Advisory Council. For example, the placing of apprentices is a problem at present. We see, and I am speaking about the building trade, 3 major reasons why employer groups or organisations are unable to place apprentices at this particular time. The first reason is lack of finance but this is standard in most states at present. The second reason is that many of the smaller subcontractors in the Northern Territory specialise in one aspect. They feel that it would not be right to take on an apprentice, who wishes to become a carpenter, when they are only doing their specialised thing. The other major factor which controls the companies' ability to train apprentices is the companies' continuity. Will they be here in 4 years time? These are some of the areas that the advisory councils should be looking to becoming involved in so that our complete education system can be adjusted to suit our needs.

This bill has been distributed widely and many interested groups have written to the minister suggesting amendments. One such group was the Darwin Community College Staff Association and it was pleasing to note that their suggested changes to paragraph 43 (2) (a) and subclause 45 (1) have been implemented. They also made the comment that the prescribed minimum number of meetings which the Darwin Community College Council is to hold each year should be spelt out in the bill. I understand that the Darwin Community College itself has no objections to this proposal. Perhaps the minister could inform me why such a suggestion should not be accepted. I feel that there should be a minimum number of meetings not only with the Darwin Community College Council, but also with both the Education Advisory Council and the Post-School Advisory Council.

The Darwin Community College also outlined some areas where they required clarification. Paragraphs 6 (4) (f) and (g) relate to accreditation of courses and provision of awards; it should be made clear whether these apply to all courses or only those covered by part VIII of the bill. In paragraph 45 (1) (c)

which outlines the constitution of the council, we see that the bill does not specify what constitutes a "student". Could the minister clarify whether this should be specified in the bill or whether it would be appropriate for the Darwin Community College to make rules under paragraph 58 (1) (c) in defining a student.

I was also pleased to see that the amendments have been circulated which will require reports to be tabled in this Assembly of both the Education Advisory Council and the Post-School Advisory Council. I again stress the importance that I place on both these particular councils. We see now from the proposed amendments to clauses 14 and 18 of this bill that the Assembly will have the opportunity to assess whether or not those councils are in fact functioning. I believe this bill has the necessary flexibility built into it to enable changes to be made which will provide us with an up-to-date, workable education system.

I started by saying that it was difficult for people who were not used to reading legislation to comment with true understanding on the bill. The person who has spared no effort in his attempts to explain the bill to communities right throughout the Northern Territory has been the Minister for Education himself. I believe that his efforts are not only appreciated by members of this Assembly but also by all those who have attended his informative talks. His aim has been to provide the Territory with the best possible legislation under which education in the Northern Territory can operate. I believe he has achieved his aim.

This bill has been advertised widely and there has been ample time for public debate; it has had input from every section possible. It has had input from teachers, college students, parents, members of this Assembly and other interested groups. I must say that I would have preferred a little more time to consider the amendments which have been circulated and, quite frankly, I cannot understand why all these amendments have suddenly come forward.

Mrs Lawrie: To make it easier to read the bill.

Mr HARRIS: No, the bill has been distributed. It was introduced at the last sittings, and there was a lot of work carried out on it before that. As I said before, there has been plenty of time for consultation and I cannot understand why it has taken so long for these amendments to come forward. I agree with the member for Arnhem who said that it will take all day and possibly next week to get through the committee stage of this bill.

One thing I would like to mention before closing is that parents themselves should be educated on the importance of the role that they play in our education system. I feel that, once they realise their importance and contribute, we will have a chance of having the best education system possible. I support the bill.

Mrs LAWRIE (Nightcliff): Mr Speaker, I note with some interest the admonition handed out by the member for Port Darwin to his minister when he said that he could not understand the reason for circulating these amendments. His minister has circulated his amendments at the same time as those of the honourable member for Arnhem. Mine came a little later because I had to wait to see the 2 previous schedules to decide whether my proposed amendments had been taken care of by others. I am a little surprised at the tenor of the remarks. The honourable sponsor and the member for Arnhem circulated the amendments at the earliest possible opportunity given not only the complexity of this legislation but also the burning interest displayed by all sections of the community to the bill as it was printed.

I also disagree with the honourable member's inference that large sections of the community could not understand the bill because they were not used to reading legislation. One of the reasons people are not used to reading legislation is because they do not bother about it until it is passed into law. Education is one of those issues in which everyone believes himself to be an expert. Fundamentally, education is a subject that excites the interest of people because it is an integral part of our society. I think the member for Port Darwin said that the draftsmen had some difficulty. I would be prepared to agree with him there because certain portions of the bill are drafted in a most unusual manner.

It is a truism to say that all politicians talk about community involvement in education. Even some educators talk about community involvement in education until such time as the community starts to become involved and then most of them back off hurriedly. Since 1971, I have been quite critical of the actions of some professional organisations associated with education where I had been given to understand that, in professional circles, community involvement is tolerated so long as it does not intrude into what is considered to be the professional sphere of teachers.

The NTTF has been well aware of my criticism and, where possible, I have sent them copies of any speech that I have made on the subject. Nevertheless, I have detected, over the past 8 years, a conscious decision within the community, and certainly in schools in my area, that parents do wish to become involved. They do want to have a say in the standards of education for the Northern Territory, the facilities under which teachers and students have to operate, the discipline and the orderly running of the schools and which standards of behaviour are to become acceptable and which are to be considered intolerable.

The honourable sponsor of the bill, being aware of the community's interest, has set up advisory councils. The bill, as printed, made these advisory councils no more than a sop to public opinion and gave them an illusory role. I am delighted to see that the sponsor of the bill has circulated amendments to ensure that the advisory council can consider matters on its own initiative, not necessarily or particularly only those matters referred to it by the minister. It was a matter of immediate concern to people with whom I have discussed legislation that the advisory councils did not have the power to initiate consideration of any move. I thank the sponsor of the bill for having responded to an obvious community desire. I have no need to propose the amendment which Nightcliff Primary School and Nightcliff High School and other members of the community have asked that I propose.

Let us return to community involvement again for a moment. The most delightful school I have ever visited - and I wrote about this publicly - where they had taken "community involvement" to mean exactly that, was Kargaru School in Tennant Creek. It was a very interesting social exercise to visit that school. The principal has done such simple physical things as taking down all signs. When a member of the public visits that school, there are no signs telling him where to go; there are no signs saying, "Go directly to the principal's office and acknowledge your presence in these hallowed precincts". He has to wander through the school amongst the kids and the teachers. The whole thing is community access. We have this delightful school in Tennant Creek where the community can come at will and not by invitation. People can enter the school and are free to wander while classes are in progress. The kids take no notice other than to look up, smile and continue with their work. This is not an interruption to the school program.

That was one of the most delightful experiences of my life. That is

indeed community involvement. Interestingly enough, all of the teachers, including the principal, were teaching the kids or with the kids. No one was sitting in an office marked "Principal", "Vice-Principal" or "Advisor". The man in charge said to me: "We are well paid. Our terms and conditions are pretty good. From 8 until 2.30, our responsibility is to be with the kids". It was marvellous; it was an object lesson to other professional people whom I think do not like being with the children quite as much as he did.

If we look at the composition of the advisory council set up under clause 13 of this bill - and I have appreciated the fact that the sponsor is amending the advisory council clause to give it wider powers - there has certainly been concern expressed that there is insufficient teacher representation on that advisory council. As one who is often critical of teachers, I must say that I support their objection and I think that they are under-represented. I read the second-reading speech of the minister with considerable interest and I am aware that he is not trying to weight the advisory council one way or the other but, in looking at it, I think that the professionals working in the field are certainly deserving of at least 1 further member. I would support the opposition view that 1 should be a secondary school teacher and 1 a primary school teacher. I also have some queries on the composition of that education advisory council which I hope the minister will answer in his reply. These queries were raised by members of the Nightcliff Primary and Nightcliff High School boards and parents of kids attending those schools who came to the meetings to discuss the bill. It was felt that each member appointed to this advisory council should have a demonstrated and specific interest in education. One could not really draft an amendment to ensure that. I only bring it to the attention of the minister to show that there ...

Mr Robertson: It should apply to both councils.

Mrs LAWRIE: Certainly, it should apply to both councils. I am talking particularly of the Education Advisory Council set up under clause 13 because he is aware that I am bringing forward the views of the primary school and high school who are dealing mainly with that council at the moment. I am asking the minister to ensure that the appointment of these people takes into consideration that expressed need for them to have a demonstrable interest in education.

I ask the minister to indicate the method of selection for such persons from the migrant community, trade unions, employer associations, non-government schools and, particularly, students of educational institutions. Clause 11 is a very interesting clause and one does look for some indication of the mechanics of the election or selection of those persons. The migrant community could include any Caucasian since Captain Cook landed.

If we look at the Education Advisory Council's role, I had intended to introduce an amendment for the deletion of the words "with the approval of the minister" but that has already been taken care of by the minister himself. I think that there should be a further amendment to clause 13 putting in a paragraph (d) that the education advisory council shall exercise such other functions as are provided for in this act. I am hoping to widen the scope and the role of the council and that would be a means of giving it the power to act properly in advising the minister.

As regards clause 17, the same comments apply. I wish to delete the words "with the approval of the minister". This concerns consideration of matters relating to the provision of post-school education. There is an amendment circulated by the minister which pleased me more than a little. Clauses 18

and 14 relate to the preparation and furnishing of a report to the minister on the activities of the 2 advisory councils. Strong expressions of concern have been made to me that these reports be made public. I am pleased to see that there is an amendment circulated which will ensure their tabling in this Assembly.

I ask the minister to explain the necessity for clause 23 whereby he is given the power to exempt a child from attendance at school for a specified period. There was also a revocation to that. Does this clause stem, historically, from allowing children in rural areas to be absent from school in order to help with such activities as harvesting? I am not asking this lightly. In the past, kids did have to have time off from school to undertake farm activities. At times, Mr Speaker, you would be aware that the economic survival of the family required this. I only want to know if that is the type of occasion envisaged and if it is not, in fact, a hangover from the earlier legislation in the states.

I ask the minister to indicate what clause 25 means. All of a sudden, the secretary may direct that a child be not enrolled in a specified school. It stands alone. There are no qualifications or indications as to the reason for this clause. The minister may be assured that this clause excited the interest of many people who brought it to my attention. They want to know what it means. Is it the dreaded zoning? Of course, there are 2 sides to the argument as to whether zoning shall be brought in to Northern Territory schools or not and I am not prepared to canvass them now.

Under clause 26, the head teacher of a school at which a child is enrolled may give notice in writing to the parent that the child is not to attend school for a period not exceeding a month on the grounds either of suffering from an infectious disease or because of bad behaviour. I have been asked to prepare an amendment to say that, where a school council exists and it is practicable, the head teacher of the school shall, after consultation with the school council, give notice in writing. That proposed amendment was supported both at the high school and primary school level. It had the full support of the principals in both cases. They do not see it as any erosion of their right to act in emergencies or their right to recommend. They do approve of the involvement of the school council, where such councils exist, in matters of discipline.

If the child is suffering from an infectious or contagious disease that stands per se. When we are looking at clause 26 (b) - "the presence of the child would be injurious to the health or moral welfare of other children attending the school by reason of the child's insolence, repeated disobedience, immoral conduct, serious breaches of discipline of gross want of cleanliness" - there was an approval of the concept already instituted at Nightcliff High School some years ago that the school council should be involved in deliberation of such cases. I was a member of a subcommittee constituted under the Nightcliff High School's governing body which met to consider such cases. Both the Nightcliff Primary and Nightcliff High agree that it does not have to go to the full council or the full board meeting, and the names of the children do not have to go in the minutes of those meetings.

What they see as being most desirable is to constitute a subcommittee of the council or the board of management which meets when the principal desires to discuss as soon as possible a recommendation for expulsion of students because of their conduct. In all cases with which I have been associated, the subcommittee supported the school's recommendations. The names of the kids are not mentioned; they are not in the minutes. The subcommittee is aware of them. The home liaison officer is present and advises the subcommittee as

to the home difficulties which the student might be experiencing. It does mean that the community, as personified in the school board of management, has access to matters which are of no small importance: the disciplining of students at a school. Suspension and expulsion are most serious acts and not for one moment do I consider that they should be lightly undertaken. Two schools with which I am closely associated see it as desirable that the community have access in the way I have pointed out. I ask the minister if he would indicate whether he would look favourably upon a small subcommittee having the right.

It was also found that, in certain circumstances, a school principal could not wait for the convening of the committee. In all such cases, the principal had the right to act immediately but called the committee together as soon as possible to discuss his or her actions. I am really supporting some of the comments of the member for Arnhem. I think he said that the ALP felt that the whole thing would have to be rewritten. If the minister adopts the principles which I have put forward, this may not be necessary. Where there is a school council or governing body constituted, they should be involved in any recommendations to the minister.

I am surprised that clause 30 has not yet received any mention. This is the section authorising people to become truancy officers. Clause 30 as printed says: "An authorised person means a member of the police force or a person authorised in writing by the secretary for the purposes of this part". I advise the minister that both Nightcliff High School's and Nightcliff Primary School's board of management and school council wish the deletion of the words: "a member of the police force". They feel that, in small communities, it would be logical to have certain members of the police force involved in this role but that not all members of the police force should necessarily be authorised persons for the purpose of this act. Mr Speaker, I ask your indulgence so that I may ask a question quickly. Will my objection be taken up in the amendments?

Mr Robertson: Yes, it was forgotten in the amendments.

Mr SPEAKER: Order! I think that is most unparliamentary. The honourable member is making a speech and she may not ask questions in the middle of the speech. There is time for that in the committee stage.

Mrs LAWRIE: Thank you, Mr Speaker, but having heard the interjection of the minister, may I thank him for his assurance that this matter will be taken care of.

Mr SPEAKER: I hope that honourable members will not continue in this vein because we are here to debate the bill. An orderly debate is what it is all about.

Mrs LAWRIE: I ask the sponsor about clause 31 (1). The wording is a little unusual and I have heard queries in that respect. I would ask him to advise the House as to the necessity for the words "apparently genuine". We do realise that it is evidentiary but in the discussions that I have had with professional people, the necessity for that particular wording was thought to be unclear.

The clause dealing with handicapped children is the most poorly drafted clause in the bill. Firstly, the minister mentioned that a gifted child could be a handicapped child and one cannot take issue with the moral or ethical concept of that. If you look at the clause that deals with handicapped children and accept that it can include a gifted child, one sees that the secretary and

the minister may order a gifted child not to attend a Territory school. I am not suggesting that this is the way the minister envisaged it, nor am I suggesting that this is the way he wished the legislation to be drafted but legal opinion believes that this clause could allow that to happen. The director, secretary or the minister could say that a gifted child would be prohibited from attending a Territory school. This was not brought up lightly. It was brought to my attention by the parents of a gifted child. They said they were not going to have Joe Bloggs and Jimmy Bloggs telling them that they could not keep their gifted child in a Territory school. I do draw this to the attention of the minister and his draftsmen because this opinion was not given lightly.

Other honourable members have spoken of the difficulties of this whole clause. It is a most peculiar clause. The definition of a handicapped child is: "a child who, in the opinion of the minister, is handicapped to an extent likely to affect his educational progress unless he is supported by special educational measures". The definition relates to the opinion of the minister. If we look at clause 35, we find that the minister cannot know if the child is handicapped until he is informed by the parent who has the actual custody of the child. That is poor drafting because the parent cannot read the minister's mind and the definition requires that the minister should form an opinion first as to whether a child is handicapped. It is quite a serious drafting error.

In clause 35 (2) we are again talking about the head teacher of the school in which a handicapped or gifted child is enrolled. I come back to the gifted child; I think the powers that are given under this clause were probably not intended as such when the legislative drafting instructions were given by the minister and his advisers to the draftsmen.

I will skip the clauses dealing with the community college because they have been covered by other speakers and will receive fair consideration in the committee stage. I am circulating amendments to clause 64. This deals with the courses of instruction and I advise the minister that these amendments were suggested to me in forceful terms by people who attended the meetings called at Nightcliff High School and Nightcliff Primary School. When I say very forceful terms, I can assure members that I choose my words wisely. Clause 64 states, in effect, that the secretary shall be responsible to the minister for absolutely everything regarding education. I will propose an amendment which says that "subject to this section the secretary, having sought the advice of the Education Advisory Council, shall be responsible to the minister for ..." If we are talking about community involvement in education, we must ensure that people have some input into the advice being given to the minister. It appears to me that this is the only place where it can properly be done.

Clause 64 (a) and (b) relates to the curricula in accordance with which instruction is provided in government schools and post-school institutions. All honourable members will be aware that there has been great debate in the community on the content and standard of curricula being offered in Territory schools. I have no quarrel with the right of the secretary, the minister and the education authority to lay down core curricula. The schools with which I am associated feel that the governing body of the school should have the right to discuss subjects that are not necessarily core curricula. At the moment, the legislation does not offer them such a right. The minister and the secretary have the right to set all curricula and not simply core curricula. They could say to a school such as Nightcliff Primary or Darwin Primary: "You are spending too much time on music, cut it!" I use that as an example because both these primary schools, by the deliberate intention of the students, staff and

governing bodies, have concentrated music education courses. It is also interesting to note that their ordinary standards of education are very high. Their introduction of specialised curricula does not necessarily impinge on their ability to teach core curricula.

Look at clause 64 (2): "Without limiting the generality of subsection (1), the secretary may provide either generally or in relation to a particular educational institution in the case of a government school such curriculum guidelines and directions as to the content, method and evaluation of teaching and learning as he considers appropriate". I have seen both sides of this debate and this question. I have no quarrel with what I believe to be the intention of the minister but I do say that, where there is a school council constituted, it must have some input into the curriculum guidelines. Nightcliff High School has a board of management and a subcommittee on curricula for the coming year. It is a policy of the school to allow that to happen. What the school governing body and the staff had hoped for was that that policy would be enshrined in the legislation. That has not happened. Where a school council or governing body exists, it shall have the right to advise on curricula - that is all I ask for. I would ask the minister to consider my proposed amendment favourably.

Clause 65 deals with the establishment of councils. I have not had the time that I wanted to look at all the amendments. If there is not one to encompass this, I will be producing one that was requested by the people with whom I have been speaking. They want to be able to ask the minister to initiate his right to establish or facilitate the establishment of a council for any government educational institution along the lines of the Aboriginal Land Rights Act and the way that that deals with the setting up of land councils. They want to be able to say: "We want a school council to operate in this area". They want the minister to act as a result of their expressed desire.

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

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, it gives me very much pleasure to speak on this bill. This is a bill for an act "to make provision for the availability of education to all people of the Northern Territory and in particular to provide for the access of all children to education programs appropriate to their individual needs and abilities". Although it states that it does provide education to the people and that it provides for the access of the children, I believe that there should be some word in there - perhaps "adult" or "tertiary student" - to show that it covers a wide range of educational institutions.

The bill before us is the result of a great deal of work that was put in by the Education Advisory Group which was set up by the minister some months ago. They gave a report which made quite a number of recommendations to the minister and many of those guidelines and recommendations have been included in this bill. The honourable member for Arnhem stated that he would have liked to have seen an interim report from that advisory group. This was not possible as the group had only a limited time in which to prepare the final report. The member for Arnhem informed us that New South Wales has had a select committee inquiring into the proposed formation of a commission for education. This would seem to me to be a little bit different to that under our ministerial system. Apparently this committee has been operating for 20 months. Whilst I do not disagree with his statements, I believe that we already have a reasonable education system operating in the Territory.

I know that the Territory has suffered quite a lot in the past, particularly when it changed from the old South Australian administration to the Commonwealth Teaching Service but, after 1 July, we will be bound by this education act. I

would not like to see any drastic changes take place and I am sure they will not. The minister has confirmed quite categorically that there will be a smooth changeover and I think that this will happen. Any changes that do take place in the future will be done in full consultation between the minister, the Education Department, the secretary, the Teachers Federation and the Education Advisory Council. I believe that the Education Advisory Council will have a very big role to play in Territory education. Hopefully, we will get the right calibre of person on that advisory council. Only people who are deeply interested in education should apply to be on the council. They will have to put a real commitment into their work to make sure that it does work. The council is a unique body because this is the first time that a council of this nature has been formed in Australia and I hope that we can set a precedent.

In the Territory, we have to adopt a selfish attitude in relation to education. We have to demand the best from these people because they are the only ones who can provide the standards of education that our selfish natures desire. I have spent quite a bit of time with the Teachers Federation members in Nhulunbuy. They have made a big commitment to the parent body through their representative in that area. I believe the east Arnhem group has really put its whole heart and soul into this bill because they want an education system that will satisfy both themselves, as teachers, and the children they teach. They teach many children in the smaller communities.

If we turn to clause 4 of the bill, we find that we are provided with some very concise definitions but there is one definition that I did not see and that is the one relating to a school. I was pleased to see the inclusion of the amendment that was foreshadowed by the minister. This gives a definition of "a school" because, after all, what we are aiming to do is to provide educational services. I am a bit selfish because I would like to see a definition of "pre-school". Nowhere in the definitions are we told what a pre-school is. These are a little different from the normal run of schools because they cater for very young children. The system of pre-schools that we have in the Territory has worked very well and I would like to see some recognition of that fact. I know that the law says that we only educate children between the ages of 6 and 16 but I think there should have been some reference to pre-schools. I might add that the progressive intake of pre-schoolers gives a wonderful foundation to the younger children in their preparation for primary school.

Many anxious people contacted me after the intake last year to express concern that their children were left behind whilst all the other kids progressed to primary school. They do not understand that, when the kids go to the primary school, they are entering a class that is doing similar work to the pre-school. Those kids that are left behind can catch up at the end of the year. They go on to first form according to their age; age is no disadvantage in that sense. I remember years ago that it was a disadvantage. Some kids started later and some kids started earlier in their schooling. Sometimes children come from interstate and can either be advantaged or disadvantaged according to the standard of the class that they are placed in.

I would like to turn to part III and deal with clause 11 (2). This did prompt some concern from the teachers in Nhulunbuy. When we look at the 9 members who will be put on the advisory committee under clause 11 (3) (a), we see there is to be 1 from the Northern Territory Aboriginal Education Consultative Group. I wonder whether this representative will be from colleges set up for Aboriginal children such as Dhupuma, Yirrkala and Kormilda. I wonder whether those representatives would be speaking on behalf of those schools because those institutions are a little different to the normal schools.

I have had something to do with the Northern Territory Council of

Government Schools Organisations as a member of the school council at Nhulunbuy. That particular council has done a magnificant job throughout the Territory. In some ways, it may have overshadowed the parents and citizens committees which have been set up. Most of the councils have become incorporated and their advice goes right through the schools to the teachers. A cross-section of various community organisations is on those councils. I would like to pay tribute to the parents and citizens committees. I hope that they do remain there because they have done a tremendous job in the past. They have probably fostered most of the interest in the outlying areas. With the councils, the parents and citizens groups and other advisory groups, I wonder whether we may have in fact too much feed-in or not enough feed-back. It may become too big and cumbersome.

The teachers in Gove were a bit concerned about the power of the minister in clause 13. I agreed with them and I did get in touch with the minister's advisers and was told that there was no need for fear. I see now that they have foreshadowed an amendment which omits the words "with the approval of the minister". I commend the minister for that.

Clause 14 relates to reports. Again, there is no provision in this bill for the minister to table reports in this Assembly. I think that is a very important thing. I have no doubt that, even if it was not in the bill, he would table such reports. I commend the minister for his foreshadowed amendment which will require that copies of all reports will be tabled in the Assembly.

Another clause that caused a bit of anxiety is 16 (1) whereby the Administrator may appoint a member for the Post-School Advisory Council. Again, I had to explain that it was the Administrator-in-Council. People thought that only 1 person would appoint these people. I am sure that was a satisfactory answer.

There is an amendment foreshadowed to clause 17 which will remove the words "with the approval of the minister". I am sure everybody is quite satisfied now that the objections have been overcome.

I would like to divert from the bill a minute to pay full credit to the Minister for Education for the immense amount of work that has been done, and I include his advisers and the draftsmen. It must have been a big worry to them because they have had all sorts of input. They have travelled to every major centre and all the isolated areas; they have consulted with everyone they could possibly consult with. They visited about 60 schools and that is a real effort when you consider the vast area of the Territory. I do not think anybody could claim that he was not informed. People still have an opportunity to put their 20-cents worth in if they want to.

There is a foreshadowed amendment to clause 18 that all reports must be tabled. That was another one that they picked up in Nhulunbuy and I am pleased to see the amendment.

Clause 24 states that the minister may expel a student. I think the honourable member for Arnhem said that he has only heard of 2 children ever being expelled. In days gone by, it was a talking point for people who were expelled. These days, I think that word should not even be considered. Most kids who have been causing trouble at school have been asked to leave and not come back again. I do not think they write down on their papers, "Expelled and never to return". I suppose that the clause has to be there because it is part of the original act but I am sure discretion is used in these things. The principals have many problems from time to time and they are usually solved at

that level. I think it is a matter of consultation and understanding. You must leave it to the people who are in charge of the children; they are the experts. You must give them a certain amount of latitude.

Clause 26 relates to children not attending school in certain circumstances. Again, discretion has to be given in these things. Last year, the Nhulunbuy Area School had a plague of nits which are commonly known as head lice. This caused all sorts of problems. If the principal had not taken charge of the situation, it really could have got out of hand. The women in the town were very upset. As a matter of fact, after speaking to them, I started scratching my own head when they walked out of my office. We give full marks to the medical people, the doctor who attends the school and the teaching staff. I believe they also had a hairdresser who scrubbed the kids' hair. It overcame a problem which could have caused a lot of ill-feeling. Some of the kids had to stay home but it was also up to the parents to play their part in overcoming the problem. That was left to the discretion of the principal and the problem was overcome.

Part VI refers to Darwin Community College. I would like to say what a wonderful job the Darwin Community College has done in the past. I believe that it will continue to expand and go on to bigger and better things, particularly with the range of its courses. I can only speak of the work that they have done in Nhulunbuy since the cyclone. Out of a population of 2,000 adults, 10% or 15% of the adult population are attending night classes and other classes during the day which are prepared and promoted by the Darwin Community College. They have provided courses in accountancy and matriculation subjects. I know quite a few people who have gone on to do university courses from the grounding that they have received through the Darwin Community College. They also teach typing, shorthand and languages. I might add that they have been teaching one of the main Aboriginal languages in my electorate. There is also a host of hobby classes. I can recall the names of the co-ordinators who started this off. I refer particularly to Mr Bert Daye and Mr Derek Waddell who have done a wonderful job there, not only as co-ordinators but as good citizens.

On clause 46, I see that there is a foreshadowed amendment that says that the member will be elected by the staff or the teaching staff. I should imagine that some of the staff at the college are not teaching staff. I ask the minister to explain why the word "staff" was added. Will all the staff, including commercial, clerical and industrial staff, have a vote for their representative?

Clause 67 refers to the dental and medical inspections. This is a very important thing throughout the Territory. This is not new to schools; it has been going on for many years. There have been quite a few problems in the Aboriginal communities. The Department of Health programs and the school programs work very well in my area. Dental therapists, in particular, have done a tremendous amount of good work.

There are amendments to other clauses which I will leave for debate in committee. I feel that the bill will hold us in good stead for a long time and I am sure we will probably have to look for some sort of amendment in the future. I would like to see the minister promote technical education in the Territory. We lack tradesmen; we lack many skills in the Territory. I know, Mr Speaker, you have been advocating a rural college for a long time and I only hope that, after the statement the minister made yesterday regarding this type of school, we can get on with the job in the next 12 months on some sort of foundation for technical school education in the Territory. We have always been criticised for bringing in outside tradesmen. I only hope we can improve

the calibre of our technicians, particularly our tradesmen and apprentices of the future.

The first of July will be a great mark for the Territory. The Education Act will commence under our minister and I am sure that education will advance in the Territory. I have heard many people say that, when we change over, it will just go backwards. I can only see it going ahead. I think there are many things we have to learn. I am sure that, when we get the expertise and the advisory councils are working, we will go on to bigger and better things. I support the bill and thank the minister and his advisers for their efforts.

Mrs O'NEIL (Fannie Bay): Mr Speaker, you will appreciate that rising from this side of the House after hearing the incisive debating style of the member for Arnhem and the renowned eloquence of the member for Nightcliff is rather difficult. Fortunately, their comprehensive analyses of this education bill mean that I will not have to speak very long. Nevertheless, like most other members, thinking myself something of an expert, I would like to have a brief go. The bill has received a great deal of investigation and has been produced after much consultation. Now we have these amendments and I understand the minister has indicated that the committee stages will not be proceeded with until next week. I commend him for that decision. I feel that, after more consultation among members of the Assembly and the draftsmen, we will have an appropriate bill under which education can be provided in the Northern Territory after 1 July.

Perhaps as a result of the intense discussions, parts of the bill and the amendments seem to be in response to various pressure groups rather than the result of some comprehensive philosophy of education. I can say, with some sympathy for the minister, that the pressure groups interested in education must be the most persistent and persuasive in the Northern Territory. Perhaps it is a good thing for education in the Northern Territory that so many people are concerned about it and interested in it.

My main objection to the bill, and it is one which many other people share, is the vast amount of power which it gives the Minister for Education - discretionary power as well as decision-making power - in what is a quite close level in the education process. Other people have mentioned specific examples of this, particularly those parts relating to handicapped children and compulsory attendance. I will not go through it again but it does cause some concern to me and to other members of the community. The minister might say that he is a reasonable man and whoever follows him as Minister for Education will be a reasonable man or woman. Nevertheless, the argument that the minister will always be reasonable and therefore we can give him absolute power is an argument for dictatorship and I do not support it. If we can assume that everyone always acts reasonably, we would not have the need for the vast quantity of legislation that we have. Much of the legislation that we devise is designed to protect the rights of individual citizens against the excessive use of power by those in authority. While I am sure the current minister and his successors will administer this bill to the best of their ability, I object on philosophical grounds to the idea of a close involvement of the minister in the decision-making in school life and the large discretionary powers that he may be given.

Another thing that concerns me about the bill - and this has been raised by community groups and individuals - is the lack of involvement of parents. I can see that it is not an easy thing to draft. Perhaps we should never reach the stage where we would be enforcing school councils on schools; they may not be appropriate for many schools. Nevertheless, in this bill, there is

a very distinct lack of consideration for the rights of parents and the need for them to be considered. Only one clause, and that is in the section relating to handicapped children, refers to the wishes of the parents. Clause 36: "In determining the arrangements to be made for or in relation to the education of a handicapped child, the minister shall consider the wishes of the parent of the child who has the actual custody of the child". That has received some praise and many people have said that there should be more clauses like that in the bill. Nevertheless, it has been suggested to me that that is not a good thing. The very wording of that clause may affect the rights in law of parents and their ability to successfully pursue prerogative writs in the courts. It might be a difficult thing to enforce the rights of parents in this bill but, nevertheless, I feel some further effort should have been made. I am aware that there are amendments from the opposition and also perhaps from the member for Nightcliff which at least attempt to involve parents more closely in the decision-making relating to their children at school.

It is an unfortunate thing that, in what is essentially social legislation, we are not doing in this bill what we do in many other laws which relate to children. In other legislation, we assume rightly that almost all parents or custodians of children will do the right thing where possible. They will ensure that their children go to school and receive what they see as an appropriate education. In this bill, we are giving all that power to the minister instead of simply allowing him to intervene when it becomes obvious that parents are not exercising their proper responsibility. It would be nice to think that, in what will be the newest education act in Australia, we could have respected the rights of parents a little more than we have.

I will not look specifically at the bill at great length as that has been done before and we will be pursuing it further in the committee stage. It is pleasing to see the formation of the 2 advisory councils. I have reservations about the education advisory council's size; it is terribly difficult for bodies of 14 or 15 members to act effectively or efficiently in arriving at decisions. Nevertheless, I wish it well. As the member for Arnhem suggested, after a period of time, we might well review the structure of these councils and find an even more efficient way of involving the community in the decision-making.

I am pleased also to note the minister's amendment which will allow the education advisory council to consider matters other than those referred by him. I am sure it has the support of us all. There will clearly be a need for a degree of co-operation between the Education Advisory Council and the Post-School Advisory Council, not just in an administrative sense but in a policy-making sense. This is something that will become obvious through experience. I suggest there might be a need, in looking at the membership of those councils, to have an even greater degree of liaison than that which currently exists.

Part IV, compulsory attendance at schools, has received a considerable degree of attention. I found it rather unfortunate and most of the things contained therein could have been better left to regulation. It contains a great deal of ministerial involvement in things like accepting children at schools and determining whether they can be excluded.

As the member for Nightcliff mentioned, clause 25 has also been brought to my attention. It certainly suggests that zoning could be introduced and the impression I get is that there is a great deal of opposition to that in the community. Once again, parents and children would like to have some say in the sort of school that they attend. Schools do vary depending on the

approaches of their staff, the buildings or the sort of courses they might offer. It is very valuable if parents and children can choose to attend the sort of school which they believe will most suit their attitudes and abilities. If zoning is introduced, it will mean that they will lose that right to choose a school. I hope the minister can indicate the intention of clause 25 and if, in fact, the department sees any need or has any intention of introducing zoning.

I draw the minister's attention to clause 28 in which, after a child has been expelled from school, the parent can be fined $200 if the child continues to attend school. In that clause, there is no defence for the parent such as exists in other clauses such as clause 22 in relation to compulsory attendance. It could be that, with a fractious child or an older child, the parents might try their best to comply with that and not be able to. I do hope he will consider the circulated amendment to clause 28.

The member for Nightcliff mentioned the involvement of the police force in supervising compulsory school attendance. This is something which should be used as little as possible. There are amendments circulating to that effect and, in fact, the whole of clause 30 gives rise to some concern. By subclause (3), an authorised person may, at any time between 8 am and 7 pm, call at a dwelling house and require any person present in the dwelling house to furnish him with certain information. I feel that that is far too broad. By subclause (2), an authorised person can bail up a child in the street and demand information of that child. I think that is an unfortunate thing; it should be left to the advisers who were mentioned earlier in the debate. I do not think we want children to be bailed up in the street by people they do not know and asked questions about who they are and where they are going. We certainly should not have that sort of thing in legislation.

Part V, handicapped children, has received attention for obvious reasons. The member for Nightcliff pointed out the difficulties faced by parents who are required by this act to advise the minister if they have handicapped children but it is up to the minister to determine whether a child is handicapped. What can a poor parent do, particularly when one considers the definition of a "handicapped child" which is so broad that it would cover many Aboriginal children in the Northern Territory as well as gifted children and the children with physical,mental or emotional handicaps in the more accepted sense of the word. It would be very difficult for them to comply with clause 35. I have already mentioned the problems that might arise in law as a result of clause 36.

Generally, part V has received a lot of criticism from parents I have spoken to and groups which are involved with this area. Already, these parents have had some sort of struggle ensuring that the rights of their children and the needs of their children are not overshadowed by provision of services to the larger mass of what might be called "normal" children. They are concerned that this definition will make it even harder for them to protect the rights of their children and attend to their needs. The minister might feel some empathy with brilliant children but I would consider that, given the small population that we have in the Northern Territory, the number of really gifted children we have is quite small. The numbers who need really exceptional and special care in a population of less than 110,000 will not be that great. Most children who are somewhat brighter than others or have some special gift can be cared for in a normal school system as long as their needs can be attended to without a great deal of emphasis which we know can sometimes be as harmful to gifted children as not enough attention to their needs. That, of course, applies to children with physical and mental handicaps as well. If you place too much emphasis on the difference between them and other children, it makes

it very hard for them to adjust emotionally to their differences and to grow up to maturely accept them.

The Darwin Community College section has drawn much attention. In the debate on the education advisory group report, I said to the minister that I felt the college had an excellent reputation in the community and that, as far as possible, its independence should be maintained. I am pleased to see that, as far as he feels able, he has accepted that sort of approach. With regard to the college council, I have always felt that it is rather peculiar that the council can appoint 4 of its own members. That does not seem to be a particularly democratic process. There may be some precedents in the councils of other post-secondary institutions but I would ask the minister to have a look at that. I cannot see that it is necessary and 4 is a rather large number for the council to perpetuate for itself. There are some other amendments to that section which will be followed up later.

I look forward to the committee stage of the bill, and I am sure that many of the matters which have been raised by my colleagues and others will be taken up in amendments. As a result, we will have a better education act than this bill, as it stands, would have provided. Once again, I urge the minister to give consideration, however difficult that may be, to ways in which we can involve parents more closely in the operation of this act and consider the rights not only of those parents but of their children.

Mr PERRON (Treasurer): Mr Deputy Speaker, the field of education in the Northern Territory, like so many others is one which presents us with many special difficulties. We have a large Aboriginal population, many of them living in a very primitive and unfortunate lifestyle. We have a large number of outback people, Europeans as well as Aboriginals, who have to be catered for in their special educational needs. We have a high transient population in the Territory and this provides special difficulties in education - difficulties as basic as how to grade children who have been partly educated under other systems. On top of all that, we have a very high proportion of people from various ethnic backgrounds who have their own special needs and difficulties.

On 1 July this year, thanks to self-government and those who have worked towards it, the control of this vital area will rest locally. The task of building on what we have, to bring it to a standard and a reputation which is equal to that elsewhere in Australia, is certainly an enormous one and one which will be grasped by the government of the Northern Territory with its best endeavour. We must develop a system which will make people happy to keep their children in the Northern Territory for the whole of their education, not just part of it. Local control will end an era of having the education systems, the materials, the facilities and the standards of those facilities determined elsewhere by people responsible elsewhere. For the first time, Territorians will determine the standard of our schools and other educational institutions, where they go and whether or not we even have them.

The field of education changes continuously and the bill before us provides for councils which will be able to act as focal points for community input and examine, filter or expand that input and place it before the minister for consideration. The minister will be able to refer matters to the 2 advisory councils established in the bill for consideration and recommendation and, in fact, he can even create new ones for particular tasks. There has been a great deal of debate in the House as to who should be on the 2 advisory councils. I do not think that it is a matter that is ever likely to be resolved satisfactorily among more than 6 people. It is the type of thing that one could debate forever. I notice that the opposition has presented amendments seeking changes to the composition of the council itself

and increasing representation from unions and the Teachers Federation which is a union as well. I could advance arguments that at least 50% of these advisory councils should comprise businessmen or perhaps 50% should comprise parents. Equal argument could be put forward that 50% of them should be teachers. It is a debate that could go on and on. I think the proposition put forward by the minister in his bill, together with the amendment that he has circulated proposing an additional position on the council, is as fair a representation as we will get.

Most importantly, the bill provides that the ultimate control over the whole field of education rests where the responsibility rests - with the minister and, through him, to the government of the day. After all the public debate, after the consideration by consultative and advisory councils elected or appointed, after all the special interest groups, experts, lobbyists and parents have had their say, the final responsibility rests with the government elected by popular vote and with that responsibility must rest the authority.

The member for Fannie Bay objected to the principle of such a wide-ranging authority by a minister into what virtually could be the day-to-day administration of education in the Territory. Who else is so vulnerable to pressure, who else can be questioned so publicly, so openly and so regularly as a minister of the government? No other person in the entire education system is subject to a public forum such as this House and is so regularly before the press on some of the most minute matters. I believe that it is right that a minister should be in that position but he must have the authority that goes with the responsibility.

Some members have expressed concern that we should have the best possible legislation. They give an impression that, even if it took 4 years to work out, that would not matter; the idea is to have the best possible legislation. The bill provides such a framework and lays down certain basic criteria for education administration. No legislation will ensure that our children or any other persons participating in the education system will in fact be well educated. That is not what it is all about; no legislation can guarantee that. The success or otherwise of legislation such as this lies in the performance of the individuals employed in the education system, those persons employed in the department and those persons on various councils and advisory bodies. That is what will make the education system work or not. That is what will make us proud of the education that our children and others are receiving. Most importantly, the parents play a very important role in education. Whatever we do in legislation, we cannot really affect the role the parent plays in the home itself. They certainly have the child for far longer than the education system does. Most importantly of all, the system will not work unless the performance of one person is of the highest calibre and that is the performance of the minister.

The whole field of this legislation before us works up into a pyramid ending with the minister and, through him, the government itself. I believe it is the only way it can work; it is the only way to get a truly responsive system. The bill before the House is a good one. It will be subject to amendments and no doubt a great deal of debate in committee but I think the principles involved is the important factor here. I would like to thank the minister and his advisers for his assistance to myself and persons within my electorate in understanding the legislation and the principles behind it. I believe that advisers to the minister have gone out of their way in advising the public on this matter and I would like to commend them for it. I support the bill.

Mr DOOLAN (Victoria River): Mr Speaker, with due respect to the draftsmen - and I realise this must have been a particularly hard bill to draft - I feel that this is a very badly drafted piece of legislation. In proof of this statement, I would draw the House's attention to the fact that there are 9½ type-written foolscap pages of government amendments containing 22 amendments to existing clauses plus many other new clauses. The opposition has circulated 8½ foolscap pages of amendments containing 35 amendments and the honourable member for Nightcliff has circulated a further 3 amendments. We have 19 typed pages of foolscap containing 60 amendments and a number of new clauses. Certainly, I would like to see this go back into the melting pot and be re-drafted. At least, it is pleasing to know that we will not be going into the committee stage until next week.

In his second-reading speech, the Minister for Education made a statement in connection with provisions covered in clause 7: "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". From my own consultations with people in the teaching profession, including people from the community college, I would dispute that it has had the consultation that the minister hoped to achieve. To my certain knowledge, there is still a certain degree of dissatisfaction amongst teachers regarding the Education Bill. The minister no doubt will be well aware of the areas of discontent if he has read the circular sent out by the Northern Territory Teachers Federation. I have no doubt that he has read this document.

One of the sources of complaint that teachers have indicated to me is in clause 10 which reads: "The secretary shall, as soon as practicable after 31 December in each year, prepare and furnish to the minister a report on the administration of this act and the operation of education services in the Territory during the year ending on that date". The Teachers Federation feels that there is a need for the secretary's report to the minister to be published by the minister or preferably tabled in the Legislative Assembly. This seems to be quite a reasonable proposition and an oppposition amendment has covered this.

In clause 11, the Education Advisory Council, I believe that 2 teachers, one primary and one secondary, should be on this advisory council yet the bill provides for only 1 teacher representative which seems quite unreasonable. Again, in clause 11, there is no mention of any prescribed term of office and whether or not members whose time expires are eligible for reappointment. In addition, procedures for a selection of members on the council are not spelt out with sufficient clarity. It has been suggested by teachers that clause 11 (3) (a) (i) should be amended to read, "nominated by the NTFF". I agree with that.

Clause 12 states that the council is empowered to look at matters which the minister approves or refers to it for advice. It does not have power to consider other matters. The words "with the approval of the minister" should be deleted.

Clause 14 states that the council is to provide the minister with a report of its activities each year. There is no compulsion on the minister to table the report in the Legislative Assembly or publish it in any form. This clause should be amended to ensure that the report is tabled in the Assembly I am pleased to see that a government amendment covers this.

Division 2 of the bill refers to the Post-School Advisory Council. The representation on this council is not spelt out. By clause 17, the council

can only look at matters the minister approves of or refers to it for advice. The words "with the approval of the minister" should be deleted. Again, I am pleased to see the government's amendment that takes care of that.

Clause 18 provides no obligation on the minister to table a council's annual report or to publish it in any form. I believe clause 18 should be amended to insist that this be done. Again, I congratulate the government for its amendment which states that the report should be tabled.

In the section referring to compulsory attendance at schools, many teachers believe that the word "gross" before the words "want of cleanliness" is unnecessary and should be deleted. I personally feel it is quite unnecessary.

Clause 33 (2) reads: "consist of such members as the minister thinks fit to appoint to the committee". This should have the words "in consultation with the Education Advisory Council" added.

It would also appear that people at the community college are not happy with some aspects of this Education Bill. In his second-reading speech, the minister stated: "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 autonomy in the affairs of the college". Some college authorities admit that they have approached the minister in regard to certain aspects of the bill which they found unacceptable and concede that they have had some success in having them changed. For example, they were successful in having the Post-School Advisory Council reduced to 5 members, none of whom are representative of any particular group. Personally, I feel it will be extremely hard to find 5 people who are not representative of any particular group. The Darwin Community College would like to see an amendment which excludes control of that college from the control of the Education Advisory Council. As the bill reads in its present form, it will not do this without amendment.

Clause 8 (2) reads: "The secretary, subject to the direction and control of the minister, shall administer this act and be responsible to the minister for the establishment and maintenance of education services in the Territory". The authorities of the Darwin Community College are unhappy with this particular section. They are afraid, with some justification, that a person who does not entirely agree with the existence of the community college could be appointed as secretary of the Department of Education. If clause 8 remains, it could greatly interfere with and inhibit any ideas which the Darwin Community College has in regard to post-school needs in centres other than Darwin. For instance, if it is felt there is a need for community college facilities for post-school education in centres such as Katherine and Tennant Creek or elsewhere, an unsympathetic secretary may disagree with the expertise of college authorities and block such progressive ideas by influencing the minister against the establishment and maintenance of the education services elsewhere than those that presently exist. If such a circumstance arises, then it could truly be said that the Darwin Community College does not have any real autonomy. This clause should be amended also to ensure that the community college is not subject to the direction of the secretary as to its activities. Frankly, I cannot see that government amendment 88.7 makes much difference to the situation at all except for a slight change in wording.

I would like to ask the minister 2 questions. Firstly, where does the Alice Springs Community College fit into this and can it be an autonomous institution under this legislation? Secondly, what is its relation to Aboriginal children, particularly those living in urban areas? I can see no mention of Aboriginal children in this bill. Perhaps it would have been discriminatory

to have mentioned either Aboriginal children or included any ethnic groups specifically. However, at least in former years, it was not compulsory for Aboriginal children to attend school nor could their parents be fined for not sending them. Does this bill make it compulsory for children of Aboriginal parents to attend school and are their parents liable to punishment if they do not attend? I cannot see any mention of this in the bill.

Finally, honourable members may have read that the Japanese-Canadian educationalist, Dr Shimpo, who recently undertook a survey of the needs of Aboriginal children in the Northern Territory suggested that they might benefit from a one-authority system on settlements and missions which existed in former days when the superintendent had sole control of health, education and everything else in the place. They now seem to be confused by the number of separate people or departments responsible for various areas. No doubt the minister read that report. As a former superintendent of those days, the very idea makes me shudder but I trust that nothing in this bill will lead to further confusion to Aboriginal education. I must say that I cannot see that it would and I do hope it does not.

Mr VALE (Stuart): Mr Speaker, I would like to speak in support of this bill. I believe that this legislation is one of the most vital and important bills to come before this House. The passage of this legislation could most adequately be described as an investment in the Territory's future. Pupils now in school and those to follow will become citizens and community leaders on whom the Territory's future will depend and their education, of course, is of paramount importance. It might be accurate to say that most members of this Assembly have a vested interest in this legislation because they themselves are parents of school-children. Historically, the amount of money allocated for education in all the states' budgets has consumed the largest portion of those budgets. This will also possibly be true in the Territory and is an additional reason why this legislation needs to accommodate and reflect the needs and aspirations of the entire community.

Other speakers have raised the issues I had intended to speak about and I do not propose to repeat them. There is one issue I would like to draw to the minister's attention and that is the present composition of school councils or committees. At present, membership of the councils is established under the School Committee Ordinance 1934-72 and indicates that the committee shall consist of the head teacher of the school and 4, 6, 8 or 10 members as determined by the director. The ordinance goes on to say that one half of the members shall be elected by the parents and children and the other half shall be appointed by the director.

I believe there is a need for greater parent participation in school councils and I would suggest that school councils in future should consist of the principal, 1 person to be nominated by the secretary of the Department of Education and the remaining 3, 5 or 7 members to be elected by the parents of pupils at that school. In the past, there has been an over-control of the school councils by the department and my suggestion will encourage parents to play a greater role in education.

School councils nominate delegates to the Council of Government Schools Organisations and, at present, annual general meetings of school councils and CGSO are somewhat out of kilter. On occasions, delegates from the school council elected one year to CGSO may not be re-elected at a school council AGM. I suggest that it may be possible for school councils to hold their annual general meetings before the end of February and that the CGSO annual general meetings be required to be held some time between 1 March and the end of that month.

This legislation is detailed and its power is wide-ranging. There are obvious problems facing the Education Department and the minister, particularly with respect to some of the communication and other problems facing remote area schools. The department and the minister face a real challenge. This legislation should not be passed through this House and then filed. It is a vital and important piece of legislation and must be kept under constant review. In conclusion, I would like to compliment the minister and Mr Chard for having undertaken an extensive Territory-wide tour to meet and consult with people interested in this legislation.

Mr OLIVER (Alice Springs): Mr Speaker, I rise briefly to speak to this bill. As the honourable member for Stuart said, it is probably one of the most important bills to come before the House and the future of the education of our children, to a great extent, has been by remote control and decisions have been made quite often without the full facts being considered or perhaps even being known. I would refer to a school in Alice Springs that perhaps was not disadvantaged in the past but has not had the support necessary for its peculiar situation simply because of the blanket form of staffing and equipping schools. I would expect that, with the passing of this bill, such a situation would not continue.

I applaud the formation of the Education Advisory Council. The EAC covers a broad spectrum of the Northern Territory community and the input to the minister and the department will be invaluable. In the Territory, we have the situation where the post-school education and training of our young people is vitally important. It is important to the future of our young people; it is important to the future viability of the Territory.

For greater flexibility and for the greater understanding of educational problems and requirements, the minister may establish such advisory councils to investigate, consider and undertake research with respect to such matters relating to the provision of education services as the minister sees fit. This is a most important aspect and it is my hope that we can appoint the most capable people to these advisory councils so their consideration can be fully meaningful and effective.

Turning to part IV, I have no argument with the compulsory attendance at schools. I agree entirely with the provisions of the bill in that respect. I support the proposition that the minister may expel a child from school where it is in the interests of other children at that school. Over the years, I have been aware of several situations where a child has been completely uncontrollable, much to the detriment of other children at that school. Expulsion was the only remedy. However, I think we can rest assured that the minister, in exercising this function, will give it the utmost consideration. I do not think we will see it happen too often but it is very helpful to have that facility in the act.

Referring to part V, I am in agreement with the definition of a "handicapped child". It is a broad definition but I think that honourable members would agree that this is an area where it would not be possible to lay down strict guidelines as to what is a handicapped child. I think we would have to come back to the decision of the minister. I support fully the context of part V. I think it will be of great support and assistance to the parents of such children.

There is little to discuss in relation to the Darwin Community College as it is virtually continuing under the existing Darwin Community College Act. One important change is that the college will become a statutory corporation. That illustrates the liberalism and forward-thinking that has gone into the

production of the bill. Like other honourable members, I do compliment the minister responsible for this bill.

Before I close, I would like to offer my appreciation and gratitude to the teaching and support staff of the schools in the Territory. Particularly, I address myself to the staff of those schools in Alice Springs which my children have attended. I am completely happy with the results of their efforts. I have shared with them their problems and their frustrations. I hope that, with the passing of this bill, there will be happy days ahead for them. I support the bill.

Mr ISAACS (Opposition Leader): Mr Speaker, this has been a fairly cosy little debate. I hope I do not disrupt that cosiness, but a number of comments I will be making perhaps may not be quite so cosy.

I had intended to raise a number of matters but they have been, in the main, covered by other speakers, particularly the member for Arnhem. I did not quite catch the interjection from the Minister for Education in relation to the query from the member for Nightcliff in regard to police officers acting as truant officers. Perhaps he will make some mention of that when he sums up. It seems most inappropriate that police officers should act as truant officers. The member for Arnhem has indicated to me that at one meeting at Groote Eylandt, one policeman indicated that he did not particularly want to be a truant office anyway. I would be somewhat surprised if the police force considered expanding their role to that area.

The member for Fannie Bay spoke about the concern with regard to handicapped children - as did the member for Arnhem - and I too have received representations from parents of handicapped children who are concerned at the lumping in, if you like, of a number of people who have not generally been regarded as handicapped children. They are concerned that the level of funding for handicapped children will have to be shared out amongst most people. That concern was expressed by the Millner Pre-School with regard to a teacher-aide.

I really had intended to speak mainly about the clause relating to the Darwin Community College because I have always felt that the community college has performed an excellent function in the provision of services to the community. The concept of a community college has always been one that I liked and I very much appreciate the way that the Darwin Community College has provided services that, as shown by the response from the people, ought to be provided. I believe that they have performed the task well and, where a need has arisen, they have taken up that challenge. I was therefore somewhat curious to see the level of ministerial direction in regard to the community college.

In regard to the question of the determination of conditions of service in respect to the Darwin Community College staff, the position is not quite what the member for Alice Springs thinks. Under the old Darwin Community college Act, the council fixed the fees and allowances for terms and conditions of service for members of their staff. That is not the case under this new bill. The community college has people in charge of the personnel area who have expertise. They are engaged because they understand the workings of the determination of wages and conditions. I believe that the current practice, where the council itself approves the salaries and terms,ought to prevail. I have not heard the minister's comments as to why that particular provision of the Community College Act has been changed. I do not believe there has been anything in the manner in which the council has performed its duties that warrants a change on this occasion. I support the comments made by the member for Arnhem, our spokesman on education, that the terms and conditions of service for staff ought to continue to be established by the council. After all, they will be

bound by wage indexation guidelines and all the other ramifications of the wage-fixing system. I do not see how the college can step outside those guidelines; indeed they have not to date.

I am concerned with the question of ministerial direction in regard to the establishment of courses. I appreciate that clauses 42 (a) and 43 (2) are the same as the current provisions in the Darwin Community College Act. However, I was concerned, as was the member for Arnhem, that members of the police force were directed, apparently on the instructions of the Chief Minister, to go to the campus of the Darwin Community College to investigate the content of a certain course which is being given at the college and to interrogate students of that course. It seemed to me to be a most unwelcome situation. I do not believe that the government has the right to tell the community college what sort of courses it should have. I believe that the college authorities are the best people to police that situation. They uphold the standards which they require in order to seek accreditation and other things because they know the standards best. I was most concerned that the police, at the direction of the Chief Minister, were questioning students, lecturers and administration staff. If the administration staff were reluctant to give information to the police, my own view is that perhaps they did the right thing. The question of the content of courses, in my view, is a matter for the college itself. That is what we set them up to do and they understand the principles involved and the standards required. It seems to me that it ought not to be a matter for political interference. Although clauses 42 (a) and 43 (2) are equivalent to the section in the old Community College Act, given the comments of the Minister for Education in this House on Wednesday afternoon, I wonder whether or not that is a good thing.

I turn to the question of the composition of the Council of the Darwin Community College. I am intrigued by the distinction which is being drawn between the student representatives and the staff representatives. Under the old act, a staff or student member was ineligible to seek re-election after a second term. Under the new act, that restriction is not placed on the staff member any more. A staff member may be elected on more than one occasion but the student representative cannot be elected after the second occasion. I wonder what the basis of that policy decision might be. I believe that the amendment in relation to the staff member is correct. If the staff body as a whole wish to have their interests represented by a specific person then that ought to be the case. I believe that the same principle applies in regard to the students. We should not set some arbitrary limit whereby, after they have been re-elected once, they are no longer eligible for re-election. I believe that should be in the hands of the body concerned. If the students believe they are getting good representation from one person, I think they should be entitled to keep re-electing that person.

The only other matter which I would like to touch upon regarding the composition of the community college council was raised by the member for Fannie Bay. For the life of me, I cannot understand the system whereby the council itself elects another 4 people that it chooses at random. The only precedent made that I can think of in regard to that is the Legislative Council of New South Wales. Thankfully, that system is well on the way to being abolished and, by 1984, it will have been completely rectified. I cannot understand the principle behind it; it is a novel idea but it just seems to me to have no real basis in any kind of democratic principle. Maybe the minister could explain why that is so. Maybe it has something to do with the initial negotiations which transpired. There may be some historical reason for it but there does not seem to be any reason in logic for it.

My final comment relates to the manner in which the legislation has been

introduced and the raft of amendments which we have. I believe that the minister was caught in a bind. If the bill is introduced and he does not allow any amendments, he is criticised for being rigid and uncooperative. If he introduces a whole heap of amendments as a result of consultation with people, he cops it because he is changing the bill too radically. I feel somewhat sorry for him in that regard and I think he has made a sensible decision in relation to this debate in that, at the end of the debate on the second reading, there will be further discussions before we proceed to the committee stage. I think that is sensible. Perhaps with a bill of this magnitude and complexity we should give consideration to the White Paper principle. In that way, we would have discussion on the principles to be endorsed and then we could introduce a bill which would enshrine those principles. I do feel somewhat sorry for the minister because he will lose out both ways.

The matter of education concerns us all. I have concentrated my comments on the matter of the Darwin Community College. I believe that it has provided a very worthwhile response to the needs of the community. I believe that ministerial direction in regard to the Darwin Community College should be kept at a minimum. Indeed, I cannot really see anywhere that the minister should be involved at all. As to the question of courses, setting of allowances and conditions of service, I believe that the college has experts in that field and they ought to be allowed to get on with the job. I find the attitude of the government somewhat perplexing because we debated yesterday the question of giving the Darwin city council the right to remove people from malls. We said that they were responsible people and I would have thought the staff of the Darwin Community College also had a certain amount of expertise and a high degree of integrity and that they too could carry out the functions of this educational institution as educators. I would not have thought that matters of political judgment entered into it.

Mr MacFARLANE (Elsey): Mr Deputy Speaker, like most other people, I am a professed expert on education. I am concerned at the deficiencies in this bill and I am particularly concerned with what the honourable the minister said yesterday about centralising tertiary education and secondary education in Darwin and Alice Springs.

Mr Robertson: I did not say that at all, Mac.

Mr MacFARLANE: If I may be heard without interruption, I think Hansard will prove that the honourable minister said something in approximately those terms.

What we do need is decentralisation of education, particularly in the agricultural areas, the cattle-raising areas, the mining areas, the fishing areas and in all the productive areas. We need to get away from the thought of Darwin and Alice Springs. We need to do something for the people in the outback and I have been surprised today to hear very little mentioned of a quarter of the Northern Territory's population, the Aborigines, and the productive sector - the pastoral, mining, fishing, agricultural and the tourist sector. What I am really on about is what I have been on about for 12 years - practical education. I do not see anything about this in the bill. I do not see anything about it in the CLP public statement in yesterday's Northern Territory News despite the fact that there was a full page.

There was some talk about on-the-spot training to fit people into particular jobs that they take on. This is only one paragraph in about a hundred so I suppose it is probably as far as it will go. The future of the Northern Territor- is not in the public service and it is not in the academic fields; it is in the spheres of agriculture, mining, tourism, fishing and cattle. It is in all the areas away from where the population is concentrated at the present time. In

discussing concentration, I remember years ago when the Welfare Department congregated the Aborigines at various places so that they could educate them and 10 years later, after millions and millions of dollars had been spent on these places of segregation, the people left and went back to their old style of living. We must start somewhere else; we must have a new style of education that is tailored to fit the needs of the community. That is what it is all about.

Nowhere in the Northern Territory is there any attempt to train people for mining, whether it is driving bulldozers or whatever. I do not know much about it. The mining industry employs a lot of people and there is a need for greatly improved apprentice training. There is great need for employment and pre-employment opportunities for people working in meatworks. The Katherine meatworks opened this morning and I think that, if there were more local people employed there, living in the town and not coming from the south, we would have much less industrial trouble than we have had in the last 10 or 15 years. For other people who might be interested, the Wyndham meatworks resumed again yesterday after a week's strike. Once again, the same situation would apply. There is nowhere in the Northern Territory where people are being educated for their actual jobs and this is what it is all about. If you employ people on a cattle station, there is no place where they could learn to shoe a horse. Anywhere you find a shoe, the nail heads are not even worn down. The cost is about a dollar a shoe now and this includes the time to put it on.

Practical education which will provide job opportunities for our children is not there. In the sphere of fishing, the Kailis group has shown the government, and I hope it was with government cooperation, what can be done. They have taken youths from Groote Eylandt over to Broome in Western Australia and they are teaching them to fish. This is magnificant. I wonder why the Commonwealth government did not think about this when they controlled the Northern Territory. It is really amazing, is it not?

There is nowhere in the Northern Territory where people can learn agriculture. These days, more and more emphasis is being placed on crops like cassava that will produce energy. I have mentioned that many times over the years. The need for farmers is becoming more important and I fear that those conditions are not applicable up here yet we cling to southern traditions. Apprentice farmers could learn from agronomists. These learners could provide good assistance to the farmer and receive practical education from a commonsense farmer; that is a wonderful thing to have. You will not learn that in an agricultural college, but you will learn other things. However, an agricultural college can fulfil whatever aims you set for it, provided it is properly run.

I think that this government would be very foolish to concentrate on academic education for children who are not going to use their heads. I heard someone say today - I think it was the Chief Minister - that he worked like a navvy. I reckon that it is a wonderful thing to be able to work. Some people spend part of their weekends playing football; they are only after exercise. If we can believe what we hear from down south, work is what people want. I remember that, years ago, the Education Department said: "If you do not smarten up young fellow, you will end up on the end of a pick and shovel". This was the attitude that they took as regards Aboriginals. Isn't it better to be on the end of a pick and shovel, earning your money than to be a social drop-out who cannot get a job, will not work or is unemployable? We have to get back to the old values where any kind of work was considered admirable.

We seem to be formulating our education system on the needs of a couple of big towns. The Katherine Rural Education Centre is having difficulty finding sufficient applicants for its courses. There are plenty of people who want to entrol in those courses but they are all too busy trying to earn a quid. We

have to forget the Katherine Rural Education Centre style and take education to where the people have the time to attend. This is what I mean by tailoring the education system to the needs of the people. There should be no mortgage on education. It should not only be the right of people in the town, like the swimming pool. It should be taken to the people who do not have the time to travel to the centres because these are the ones who will develop the Northern Territory and make it productive. They are the people who will give you pastoral improvement, herd control and all this kind of thing. They are the people who will grow cassava or sugarcane or the energy crops or the money crops. We have got ourselves into a terrific tangle with the populations in the 2 big centres, which are not productive, which are controlling this government, which will control successive governments and which will control the Northern Territory.

I am very interested in the provisions of the community college whereby it may enter into an agreement with one or more of the universities or institutions for the establishment in the college of courses for study towards degrees and diplomas. It seems to me that there is no reason why this government, which has a view on the future and a view on South-east Asia, cannot influence the college into at least investigating the feasibility of starting up a university or college for the 3 faculties of tropical medicine, tropical agriculture and tropical veterinary science. I have spoken on this many times here: there is nowhere in South-east Asia where you can learn these things. There will be a spin-off if you teach these things to South-east Asians because, when they get home after 5 or 6 years in the Northern Territory, they will remember the people they have met and their professors. They might not remember Mr Tomlinson but they will probably remember others.

This is where they will come with a view to buying things if they want the products which we will be growing very soon if I have my way: excess cattle, all the agricultural products we can provide, all the fish we produce and all the minerals. They have the population and they have the money. What we need is their trade and friendship. While we might not have the bodies to start these colleges now, we will have. We can never find out until we give it a try. I earnestly commend this thought to the minister and I thank him for his cooperation. The only thing I have against him is his ill-advised remarks yesterday about centralising education in the 2 main towns. In my view, that is the last thing we want. I accept his assurance that he did not mean it that way. I will consult Hansard and apologise if I am wrong.

Mr EVERINGHAM (Chief Minister): Mr Deputy Speaker, that was certainly a very interesting contribution to this debate by the honourable member for Elsey. I certainly support, in principle, his sentiments expressed here today. We heard some other interesting remarks in what has been a wide-ranging debate. For the first time during a major debate, I was able to avail myself of the new system of loud speakers that has been fitted throughout the government buildings adjoining the Assembly and listen to what honourable members were saying as I did some work in my office.

I must say that I cannot quite agree with some of the statements made by honourable members in relation to the measure of control that the parliamentary body should exercise over statutory corporations. In particular, there has been canvassed the measure of control or supervision which should be exercised by the minister in his handling of a very important aspect of the education portfolio in the Northern Territory - the Darwin Community College. The responsibility of the minister to the parliament is not only for the education techniques and everything else that is adopted in such an institution but also for the vast amounts of taxpayers' money that is being channelled into education, particularly tertiary education. Whilst the minister is directly

responsible to this House in respect of his department, I see no reason why the statutory authority should not be directly under his control. Such controls, of course, should always be exercised judiciously and sparingly. After all, if one establishes a statutory body, one would hope that one appoints competent people to run it.

There has been a regrettable tendency to pass over complete reasonsibility from ministers, responsible to democratically elected Houses of Parliament, to people who are nominated. That is why I found it very hard to understand the sort of nit-picking that went on by some honourable members opposite when they quibbled about whether the persons nominated by the minister or the executive council or the council itself. They are all nominated people and none of them bears the taint of democracy in their appointment unless one could perhaps refer to the staff representatives who may be elected by the staff.

It seems to me that there should be a direct responsibility on the minister in this House for the conduct of statutory authorities under his control. It is unfair to expect a minister to be responsible to the House for the conduct of statutory authorities unless he has some power of direction over them. I can only reiterate that I believe always that such powers should be exercised with discretion and restraint. Naturally, there should be the same sort of consultation between statutory bodies and their minister as there is between departments and their ministers. They should have the same sort of access to their minister as departmental officials have.

There was an extraordinary statement by the Leader of the Opposition that the staff of the community college, and presumably all tertiary institutions, should not be answerable in terms of the criminal law, that they should police themselves. We know that there is nobody in the British system who is not subject to the criminal law. One would hope that we are not seeing some attempt to set some sector of the community above the law. I would hope that such a suggestion is not being made.

The Leader of the Opposition also made some reference to the fact that, in my capacity as Attorney-General, I caused the Northern Territory police to investigate certain happenings at the Darwin Community College. I can only say that I believe I would have been remiss in my duty as Attorney-General of the Northern Territory had I not instructed the Northern Territory Police Force to carry out investigations based on the material that came before me. I would hope that the council of the Darwin Community College is fully apprised of the contents of the various courses that are being made available to students at that college. One would hope that, when one appoints responsible people to such a statutory body, they are fully aware of what is going on because one has delegated to them quite a considerable responsibility. I do not apologise that I have caused the police to commence an investigation of what has apparently been passed on to students in this course. I find it very surprising that, on my information, the police found no way of getting hold of the full contents of the lecture notes and whatever other written material comprised the course yet the other day the honourable member for Arnhem was free in his offer of it all to the Minister for Education. I would hope that, in the light of the fact that the honourable member for Arnhem is prepared to make it available to the Minister for Education, the Darwin Community College might make the material available to the police.

Mr Collins: Why did't you send the police around to ask me for it?

Mr EVERINGHAM: If the honourable member opposite would stop rattling the bars and get back under his rock, his offer is kindly accepted. If the honourable member would like to deliver the full text of the course to the

Minister for Education then I am sure that my colleague will happily take up his offer. I believe that, if there was nothing to fear, then one would have thought that the full text of the course would have been made readily available. I am not unused to reading some pretty rough stuff and I have seen plenty of it in my time but I was rather appalled by what was being dished out in this particular course.

Mr ROBERTSON (Education): Mr Speaker, it has been a very long debate and it is what I expected would transpire in the House on the Education Bill. This is probably one of the most emotive subjects that the House is likely to debate. The first speaker for the opposition, in repeating my words that the government faces a dilemma, probably encapsulated the thing once again. Obviously, he had a dilemma himself because, even in his own amendments, he has a few contradictions which will be better left until a later time. I am quite sure that he appreciates the problem. He proposes to follow an argument outlined by the committee trying to implement the Education Commission system in New South Wales. He accepted that argument for a single line of advice to the minister which cuts quite directly across that proposed by the Darwin Community College. That was an implication of that line; I am not saying that that is precisely what he said. However, it is the dilemma that the honourable member was trying to get at. Incidentally, I wasn't trying to be critical in what I was just saying. In making up his mind and assisting the opposition to make up its mind on what its attitude is to be towards this legislation, quite clearly he too is subject to conflict and pressure groups bearing opinions.

The people who have been listening to the debate have heard many very worthwhile suggestions. Quite obviously, when we deal with these matters in committee, I will have to take each and every one of them up again. I do not think it would be fruitful for me to canvass all of those issues now. The public will become aware of the government's attitude to amendments as they come through the committee stage. For that reason, I do not propose to go through a detailed reply because I will simply have to do it all over again.

However, I have a couple of general comments. I was rather taken with the comments of the honourable member for Nightcliff relating to Kargaru Primary School. The community involvement in education in Tennant Creek is rather remarkable. They have virtually reached almost a common school council system between the area school and the Kargaru school. Before the present principal arrived there, there were some very new ideas being introduced into the new Kargaru school as it was at that time. It is very encouraging to hear the honourable member say that the present principal, who is a childhood friend of mine, is continuing the very good work.

I would like to make it quite clear for the benefit of the Leader of the Opposition that it is proposed to tackle the problem of police being truant officers. He is quite right that a police officer at Groote Eylandt was rather wounded about the matter. Obviously, the role of police officers in the community is to investigate complaints about breaches of the law and to collect evidence leading to a prosecution, not to act as truant officers. Our police force is burdened with a very onerous task now without having to charge up and down the streets of Milingimbi with their blue lights flashing chasing truant children. It does become a little bit absurd when you think of it like that. Might I say something about the spirit of the proposal? The way I have explained it in the various communities is that the blue light, club-in-hand image is not what it was all about. It is rather like the present police powers to break and enter in circumstances of mere suspicion that an offence may be committed. Quite obviously, we do not see police officers running up and down the street with portable, hydraulic battering rams. In other words, it is

a piece of law which, had it remained, would have been administered with common sense and compassion.

However, it is also quite true that, the moment you do enshrine in law a statutory responsibility of the police officer, he must feel some pressure, irrespective of what workload he might have, to follow through on that statutory duty. In other words, if he sees children in any circumstances where the law says he shall intervene, he has a moral compulsion to intervene and act. In light of all the circumstances, it is proper if we seek to amend it so that it is appropriate to appoint police officers as authorised officers through the normal procedure where that is desired by the community. A number of communities have indicated that they would be quite happy with that. In Aboriginal communities particularly, the answer is to have people who are employed by the council and liaison officers between the school and the community. Certainly, from our experience of travelling around that is the best solution to the problem.

With this whole truancy provision, as with the provisions relating to handicapped children, which have been described by some as draconian, I can assure the public that there is no intention of a bunch of rightist Genghis Khans on this side of the House trying to trample upon the rights of parents - quite the contrary. However, it is possible for us to improve the spirit of the legislation as regards parental involvement. However, those 2 provisions were in for one purpose and one purpose only: to protect the rights of children in particular sets of circumstances. An example would be a child kept in a shop stacking the shelves instead of being allowed to go to school. The rare cases probably apply more in European communities than in Aboriginal communities. Incidentally, the Aboriginal communities said that they want those provisions to apply to them.

We all know that the UN Charter has 2 sides to the coin. In fact, they conflict with each other; it is not a very good charter. On the one hand, it defines quite clearly rights and responsibilties of parents in respect of the child and, on the other, the rights of the child. If a child is being totally neglected in health, welfare or education, the state, in the interests of that child, must have the statutory power to interfere. Regardless of what happens in amendments, I would not water that down one iota. What I think we can do is to look towards more involvement of the parents without destroying the very broad principle of ministerial responsibility. Incidentally, the Territory government did not invent that; it is centuries old. We can perhaps look for the provision of better appeal provisions to the Supreme Court where that may be appropriate.

The provision relating to the secretary having the power to require that a child not be enrolled in any particular school is a tough one. I can assure the honourable member for Nightcliff that it is not the policy of the government nor, to my knowledge, the present policy of the Department of Education nor, unless a crisis descends on us will it ever be the policy of the government, to go into zoning as such. I have only ever had one experience of a school having to turn children away. The reason was crowding. It is conceivable that, because of popularity or whatever reason, a particular school simply cannot take any more children but another school has a pupil-teacher ratio of something like 15. In the interests of all of the children in such cases, this will allow the secretary of the department to intervene and say, "I am sorry but there just isn't any more room. We must ask you to go 2 miles down the road until we get it balanced again". That is what it is for; there is no threat implied in the thing at all.

The honourable member for Nightcliff mentioned there should be a function of school councils enshrined in law in terms of discipline and management. I was very interested to hear the term she was using, without any statutory

backing, for the Nightcliff High School Council as being the "board of management". It is rather great that the management of the school is regarding it as a board of management and, of course, it isn't at law. If it is to all practical intents and purposes, then it would be a very good model for government officers and myself to look at in terms of how school councils could work. I would look forward to hearing from that high school as to how models can be put together for school councils to operate in harmony with the rights, needs and status of principals without usurping their responsibilities. The question of the involvement of school councils in such things as that can well be done within the existing provisions of the bill by regulation; there is no difficulty there at all.

The proposal in respect of school councils is something like that for community governments. A series of models based on the requests by school councils would be made available to them and they can select such functions as they wish from among a range. It must be completely flexible because, while primary schools of 650 students in Alice Springs and Darwin have to be substantially the same, that is where the similarity ends. We must have a very wide range of options available to school councils. It is interesting to note that the Batchelor School Council, which operates in a similar manner to the council at Nightcliff High School, is actively involved in the Batchelor Education Village and intends to propose to the government, through me, the types of duties that they see themselves assuming as a school council.

The opposition insists that the Darwin Community College retain what appears to be their present right to set terms and conditions, salaries and so on. The Chief Minister answered it in one way but the Leader of the Opposition, of course, tried to draw a comparison with a previous debate on the Darwin City Corporation. The plain fact of the matter is that the Darwin City Corporation is not a statutory authority and it is not answerable to the minister. The Darwin Community College is a statutory authority of the government and has a direct link to the minister. They are two quite different things. Obviously, the Darwin city council sets its own wages and so on within indexation guidelines and is subject to awards and to the Arbitration Commission. That is quite different from a statutory authority which draws directly from the purse of the taxpayer. It has no rating system although it has a system of fees if it so chooses. The government is not persuaded by that argument. Just because the rest of the world does something, it does not necessarily follow that that is the greatest thing since bubblegum. No other tertiary institution in Australia has the degree of autonomy - in the words of Dr Eadle, occasionally you can get autonomy to the state of anarchy - that allows it to set its own salaries and so on.

One of the functions of the Post-School Advisory Council will be to act in the realm of a public service commissioner and to advise the government of relative levels. The very highest echelons of the Darwin Community College have their salaries set by arrangement with the Remuneration Tribunal. I would expect that, although I have no firm decision from the government on it, that would cease as of 1 July. It is a temporary arrangement with the Remuneration Tribunal. Realising that the Post-School Advisory Council is a statutory authority set up under law as a corporate body and responsible through the minister to the government. Unless the Northern Territory government, through the mechanism of terms and conditions of salary and terms of employment, provides sufficient incentive to people to lecture or tutor in the Darwin Community College and elsewhere in our educational system, we are not going to get the expertise that we and the public deserve. That alone will act as a barometer as to what those levels should be.

Quite obviously, if you are going to attract people to the Northern Territory, you have to make it attractive in more than one way. One way is to

let the people have academic freedom within the institutions. I can only reiterate what the Chief Minister said: the academics will not operate in an institution that is being constantly bludgeoned by the political attitudes of government and that is quite understandable. However, that is a little bit different from what we were talking about the other day.

I am probably getting close to concluding those matters which will not be covered in the debate which will follow in the committee stage. I would just like to say that the member for Elsey completely misheard what I said yesterday. I would like to assure the honourable member for Elsey that I was only proposing 2 options to the people of Katherine and its rural district and asking them for their opinions. I was not telling them mine. It is interesting that those options were a result of discussions with 3 people from the Elsey electorate who came to see me. All 3 are involved with the rural industry and are very active in representing rural parents. It was from them that the idea evolved that I submit a dual proposal to the people in that area and that is precisely what I did. By asking them to consider the relative merits, the implication was to let the government know what they want. That implication is scattered right throughout the speech I made yesterday and I totally reject the completely inaccurate comment that was made by the honourable member for Elsey. Mr Speaker, I commend the bill.

Motion agreed to; bill read a second time.

Mr ROBERTSON: Mr Speaker, I move the committee stage be later taken.

I would like to indicate to the House that I have spoken with the opposition and with the honourable member for Nightcliff. I propose that officers of the department and the drafting section work between now and 4 o'clock on Monday evening trying to achieve a commonality of the 2 major schedules of amendments which have been put forward. We can then reduce it to 1 schedule. In those areas in which we cannot agree, members may introduce their own schedule of amendments. Otherwise, I am afraid we will be here this time next year.

Motion agreed to.

CROWN LANDS BILL
(Serial 237)

Continued from 1 March 1979.

Ms D'ROZARIO (Sanderson): Mr Speaker, the opposition has no objection to the contents of this bill. It does seem a bit strange that, in a matter so serious as the prospective determination of the lease, there was no provision in the Crown Lands Act to provide that persons other than the lessee who has a registered interest in the land would be notified. These other parties could be mortgagees or persons having some other encumbrance or in fact caveators. The sponsor has now taken steps to amend that situation and henceforth, if it is proposed that a lease under the Crown Lands Act is to be determined, then all parties who have a registered interest in the lease will be notified.

The other matter this bill attends to is the method of delivery of the notice. There is an inconsistency in the Crown Lands Act in that it provides that a person who is to be delivered with a notice of intention to determine his lease is simply served his notice by ordinary mail. As the matter is quite a serious one, it is quite appropriate that the minister has taken steps to provide that service of notices takes place by certified mail.

Those are the objects of the bill.

Motion agreed to; bill read a second time.

See Minutes for formal amendments agreed to in committee without debate.

Bill passed remaining stage without debate.

DARWIN TOWN AREA LEASES BILL
(Serial 238)

Continued from 1 March 1979.

Ms D'ROZARIO (Sanderson): Mr Speaker, this simple amendment provides that the service of notice will be by certified mail instead of registered post. The Australian Postal Commission, for some years, has been providing quite a good service in certified mail. Presumably, this was not available when the original act passed through the legislature. There is also the question of reduced costs which the minister mentioned. The opposition has no objection to the bill.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

ADJOURNMENT

Mr PERRON (Stuart Park): Mr Speaker, I move that the Assembly do now adjourn.

Mr COLLINS (Arnhem): Mr Speaker, I did intend to speak on this subject last night but I was busy with the Education Bill. One of the very frustrating things about representing my electorate is that, because of its large area and very poor communications, very often a fire is starting in one end of the electorate while I am somewhere else putting out another. In fact, this happened 3 or 4 weeks ago. Some people from Oenpelli came to the Assembly looking for me when I was 400 miles away. They have caught up with me and the story they had to tell is not a very good story. It should be a matter of concern to everyone.

We heard mention this afternoon of commendable moves being taken by private enterprise to employ Aboriginal people in the fishing industry. The subject I want to touch on this afternoon relates to some of the things that have been happening within the Northern Territory government in the direction of possible employment for Aboriginals in another area - in an area very close to your heart, Mr Speaker. I do anticipate, Mr Speaker, that you will not enjoy this story one little bit.

A few weeks ago, a press statement from the Northern Territory Parks and Wildlife Commission appeared in the N.T. News announcing very proudly that they had shot 1,200 buffalo on the Murgenella Plain. Thereby hangs a tale. Some years ago the Northern Territory Parks and Wildlife Commission shot a large number of buffalo and cattle on the Daly River Reserve.

Mrs Lawrie: Which were wrecking the reserve!

Mr COLLINS: Unfortunately, a great many of those cattle had brands on them and they belonged to Tipperary Station. Subsequently, to the discomforture of the taxpayer, there was an out-of-court settlement of $38,000 in reparation

for those cattle which - in response to the interjection of the honourable member for Nightcliff - by negotiation, could have been easily removed from the reserve in the way that the Aboriginal people there wanted to - by a combined muster between the Aboriginal people and Tipperary Station and the removal of all the branded cattle by Tipperary.

Last year, I was involved in another incident similar to this at Cannon Hill. The Oenpelli community has an abattoir. It is one of the very few profit-making Aboriginal enterprises in the Northern Territory. It is run on a very sound basis with the business actually being virtually shareholded by the Aboriginals who work in the abattoir, and very skilled people they are too. They receive a very handsome bonus at the end of each season, depending on the kill. When those people went over to Cannon Hill to start shooting, they found they were in competition with the Wildlife ranger who had been instructed by the Northern Territory Parks and Wildlife Commission to also shoot buffalo.

Mrs Lawrie: Good.

Mr COLLINS: Both people were in the ridiculous position of harvesting buffalo and, had they been left to their own devices, they would have successfully removed all of the buffalo.

In response to the honourable member for Nightcliff, certainly I agree that the only good buffalo is a dead buffalo in a reserve. However, I would far rather see the dead buffalo's meat eaten and sold than left to rot on the ground.

I was involved in that business last year and I had discussions with the Northern Territory Parks and Wildlife Commission which unfortunately availed the community of Oenpelli nothing. They were also - according to them and also according to other people I have spoken to - put in an extremely unfortunate position of conflict by the Northern Territory Parks and Wildlife Commission with management of Mudginberri Station over the removal of these buffalo from Cannon Hill. It certainly was a nonsensical situation where a viable Aboriginal enterprise was harvesting buffalo beef, which had a market, and there was a Wildlife ranger employed shooting buffalo and letting them rot on the same piece of ground. One would have thought that, in view of those 2 incidents, one of which cost the taxpayer a great deal of money in settlement, the Northern Territory Parks and Wildlife Commission would have learnt its lesson. It certainly has not. In fact, it seems to have exceeded itself rather well from this latest case.

The Northern Territory Parks and Wildlife Commission had a plan to shoot the buffalo off Woolwonga and off Murgenella Plains. Woolwonga is now within the Kakadu National Park and again, for the benefit of the honourable member for Nightcliff, Murgenella Plains is owned by the Aboriginal people. It is Aboriginal land; there is a land owner there. The Aboriginal people are concerned about the depredations of the buffalo on Murgenella Plains and so are the Australian National Parks and Wildlife people. They want them removed also but they want that meat utilised and sold so that people can be employed and so that people can eat the meat.

The shoot was due to start on 7 April. On 5 April, the national park was declared and immediately the Australian National Parks and Wildlife Service - I understand from Canberra - instructed the Northern Territory Parks and Wildlife Commission not to proceed with the shoot on Woolwonga as it was now within the national park. This is probably an example of the obstruction that has been spoken of with the Australian National Parks and Wildlife Service.

Mr Perron: Right.

Mr COLLINS: The Australian National Parks and Wildlife Service people are going to remove those buffalo from Woolwonga. They will be just as dead as if they had been shot and allowed to rot but they will, in fact, employ people in the shooting of them. I would be very interested in hearing a response to this particular story from the honourable Treasurer if he advocates what has just happened at Murgenella.

Mr Perron: It has taken 7 years to declare a park.

Mr COLLINS: For the benefit of the Treasurer, I am not talking about any bureaucracies; I am talking about an Aboriginal community that is having enough trouble making ends meet. I am talking about one of the few Aboriginal enterprises in the Northern Territory that actually makes a profit and employs people.

On 7 April, the shoot started. It was conducted from a helicopter and 1,200 buffaloes were shot on Murgenella Plains and allowed to rot. Subsequently, a second shoot killed another 600 buffalo. At the time these animals were being destroyed, there were at least 3 groups of people actively negotiating with the Northern Lands Council for the removal of those buffalo this dry season. In fact, an agreement had been discussed with the management of Mudginberri Station that Mudginberri should harvest these buffalo on a contract basis. An agreement had been reached that Mudginberri was to pay the Aboriginal owners of the land the sum of $40,000 in royalties for the buffalo.

At the same time, the management of Annaburroo Station was conducting negotiations with the Aboriginal people from Croker Island. This is also in my electorate and as you would know, Mr Speaker, they have a very promising beef cattle industry over there. They were also interested in shooting on a contract basis and removing the buffalo just as effectively from the reserve this dry season. There were 3 groups negotiating for those buffalo: Mudginberri Station, the Oenpelli Council and Annaburroo Station all wanted to shoot those buffalo and get rid of them this dry season.

What makes this story even worse is that last wet season the Oenpelli abattoir spent a lot of money and time constructing a mobile abattoir; they have abandoned the building of it now. That was done with the intention of using it to go to the Murgenella Plains and harvest those buffalo. I have been told, and I accept the advice I have been given, that the Northern Territory Parks and Wildlife Commission knew that these negotiations were in progress when the shoot was carried out. No consultations were carried out between the Northern Territory Parks and Wildlife Commission and the Aboriginal owners of that land; no consultations were carried out between the Northern Territory Parks and Wildlife Commission and the Northern Lands Council; and no consultations were carried out between the Northern Territory Parks and Wildlife Commission and the Oenpelli community.

I have made inquiries in the industry and I have discovered from people that are expert in marketing buffalo beef that the animals that were shot at public expense on the Murgenella Plains were worth $180,000 - $100 a head. In any case, had the Aboriginal people decided not to do it themselves at Oenpelli, had the owners decided to let Mudginberri Station in there - and I can assure the honourable member for Nightcliff that the Mudginberri buffalo people are very efficient removers of buffalo meat indeed - the Aboriginal owners of that land would have received $40,000 in royalties. Despite the fact that these negotiations were in progress, despite the fact that the shoot was intended to happen this dry season, the Northern Territory Parks and Wildlife Commission went ahead and destroyed 1,800 head of very prime buffalo worth an estimated $180,000. They did it by flying around in a helicopter. I am informed that

cost the Northern Territory Parks and Wildlife Commission, and therefore the taxpayer, $280 per hour for an estimated expenditure in the vicinity of $5,000.

The facts are that, without any consultation with the owners of the land, without consultation with the Aboriginal Council that has a viable abattoir that employs more people in the community than any other body in the community and despite the fact that they were in the process of building a mobile abattoir to shoot the buffalo this dry season, despite the fact that the management of Mudginberri had agreed to pay the Aboriginal owners $40,000 in royalties for the buffalo, that shoot proceeded and the Territory taxpayers contributed $5,000 of public money to destroy $180,000 worth of marketable buffalo meat.

Mrs LAWRIE (Nightcliff): Mr Speaker, I am going to reply to a couple of the remarks made by the honourable member for Arnhem. Notwithstanding the frustrations of the Aboriginal people on whose land apparently these buffaloes were shot, when it comes to a fragile area such as he has mentioned around Murgenella, Cannon Hill, I repeat that the only good buffaloes are dead buffaloes. They are ruining that country. We are going to have to grasp the nettle and start talking about the land itself and whether it is of more critical importance than whomsoever happens to own it. In my book, the land comes first.

The honourable member for Arnhem said that Mudginberri Station had a very good record regarding harvesting of buffalo and buffalo management. I would advise the honourable member for Arnhem that I have been out in that area quite often and on reserves a long way from Mudginberri, where they had no right to be, were Mudginberri buffaloes - earmarked and tagged. I am well aware that ...

Mr Collins: They go a long way.

Mrs LAWRIE: The honourable member interjects and says that they go a long way. He cannot have it both ways. Either Mudginberri Station are great managers of buffaloes and they will harvest them properly and not destroy the land or the buffaloes have a mind of their own and walk around and defy Mudginberri. They do it brilliantly. In their defiance and their brilliance, they are ruining a very fragile area of country - Cannon Hill.

I take the point of the member for Arnhem that a certain commercial interest was lost to a group of people - tough! I have seen the frustrations under which the Territory Parks and Wildlife people work. I know the way the country is being eroded, ripped up, ruined by an exotic species, the buffalo. As far as I am concerned, the action they took in ridding us of a pest in that area has my support. I am in disagreement with the honourable member for Arnhem. If I do not agree with certain points of view of his, I will never hesitate to say so.

Mr Collins: 1800 rotting buffalo do not look very nice.

Mrs LAWRIE: 1800 rotting buffalo put a fair bit of nutrient back into the soil. It is not particularly pleasant for tourists who come up and want to have a look at a buffalo and say, "Wow, I have seen the Territory's emblem". We are going to have to educate tourists to realise that the very fragility of the land is our prime concern.

I am ready to take issue with the Chief Minister when he talks about the lack of need for the National Parks and Wildlife Service. I do not agree with him. I think there is a place for both the National Parks and Wildlife Service set up under the federal act and our Territory Parks and Wildlife Commission

whom I was always given to understand would be carrying out the day-to-day management of Kakadu National Park. Debates in the old Assembly when Goff Letts was Majority Leader will bring out that issue. Having been prepared to criticise the Chief Minister's attitude on certain things through the press, in the House and outside, I will say that I think there is within the Territory Parks and Wildlife Commission a tremendous degree of not only responsibility, but of knowledge of that area of country. I cannot just sit here and let them be unduly criticised without coming to their defence. If we have rangers with certain powers and responsibilities, I can hardly criticise them when they use those powers and responsibilities to start ridding us of an exotic pest.

Mr STEELE (Ludmilla): Mr Speaker, the members of the opposition remind me of two speed cars going through an S bend, side by side, with wheels scraping and a lot of sparks flying. I am on my feet tonight because on Sunday night I met a fellow called Knocker Renfrey in Tennant Creek who is an old school friend of mine. He said, "How are the Tennant Creek Abattoirs going? I believe you have done the wrong thing out there. It is no good; it will not work. You might have driven the peg and you are pretty good at that but you will not get a meatworks". I said, "Knocker, when I get back to Darwin I will just check out the facts and I will certainly let people know what they are". As a result of that, we rang up the directors of that company this morning and are led to believe that the progress has been fairly reasonable. The sites are ready for construction, concrete slabs have been poured for the water tank and the cement silo and the amenities have been constructed for workers. The foundations will be ready for pouring of the slabs by Friday 25 May. The agitator and batch plant for pouring concrete arrived in Adelaide on 18 May and is estimated to be on site at Tennant Creek on Friday 25 May. The concrete pour for the slab construction will be commenced on Monday 28 May. Engineers drawings will be ready on Tuesday 29 May and tenders will be called the same day from 6 steel-construction companies, including Territory companies. The steel fabricators advise that it will take 6 weeks to have all the steel work up. This is in accordance with their plan and all is going well at this stage. They have no cause to expect unforeseen delays.

I might add that I have a few cartons of beer riding on this abattoir opening by the end of the year so I have a fairly keen interest. Concrete mixing and pouring will be done by a Tennant Creek contractor. The honourable member for Barkly will be pleased to hear this. I do not think he is involved in cement however. The plumbing will be also done by a Tennant Creek contractor. Tenders for steel fabrication are being called from 6 Territory companies and, all things being equal, preference will be given to Territory companies.

Mr EVERINGHAM (Jingili): Mr Speaker, in view of the fact that the Territory Parks and Wildlife Commission falls within my responsibility, I should pass some comment on what has been said by the honourable members for Arnhem and Nightcliff this afternoon in relation to the shooting of approximately 1800 head of buffalo at Murgenella by rangers of the Parks and Wildlife Commission.

Certain matters were stated as unanswerable, gospel-like fact by the honourable member for Arnhem. He said that there had been no consultation with the Northern Lands Council. I am informed by officers of the Territory Parks and Wildlife Commission that approval for the shoot was gained from a Mr Gavin O'Brien of the Northern Land Council. It is a matter for the Northern Land Council as to whom they authorise to give permission for the shoots. I believe that, if someone in the office of the Northern Land Council purports to have authority and grants approval for a shoot, surely the Territory Parks and Wildlife Commission is permitted to rely on that authority. The Territory Parks and Wildlife Commission has to be able to deal with somebody on behalf of

the Aboriginal traditional owners. Perhaps, if the honourable member for Arnhem is dissatisfied with the level of the land council's staff, he should suggest to them that they do something about it.

We were also told - and the incident developed as the honourable member for Arnhem spoke; he used what one may politely call, poetic licence in his speeches - that an agreement was being negotiated between the owners of Mudginberri for $40,000 had been agreed to. I refer the honourable member for Arnhem to Hansard. If he says that I am making any unfair allegations or imputations about what he said in his speech, I think he will find that as the words flowed so smoothly from his tongue, negotiations became agreements in the space of the 10 minutes or so that he was on his feet. As to the value of the 1800 buffalo, I agree that they would be worth a great deal, especially at the present time but not 6 months ago. I certainly do not agree that they were all buffalo in prime condition. One might think that the honourable member for Arnhem was a lawyer, more or less selling his client's case to a court. In any event, the court, if there is a case, will award justice to the deserving party.

The thing is that the land, as the honourable member for Nightcliff so rightly said, is being torn apart by these buffalo. I have heard the honourable member for Arnhem talk about the fragile ecology of the Kakadu National Park yet he is apparently quite happy to see that fragile ecology continue to be torn apart by buffalo that are virtually allowed to roam uncontrolled. I might say that, no matter what buffalo stations and abattoirs do exist out in that country, the harvesting of buffalo has certainly been on a most unsystematic basis in the past. It has caused a great deal of frustration to the men who work devotedly as rangers for the Territory Parks and Wildlife Commission in these isolated places to see the place being torn apart by buffalo. As illustrated in the Feral Animals Inquiry Report, they know what the whole of the Top End must have been like before the advent of buffalo. It really seems to me that, the sooner we get down to working out the systematic elimination of buffalo from that part of the Top End recommended by the committee, getting them into the place where they are supposed to be and working on harvesting them systematically, the better it will be.

As a consequence of the shooting of the buffalo at Murgenella on this occasion, I have issued a rare direction to the Territory Parks and Wildlife Commission to satisfy me in the future that before any shooting of feral animals takes place, it should be considered whether they could be used or put to economic use. I am satisfied that, in this case, despite what has been said by the honourable member for Arnhem, the buffalo were in a place that was inaccessible to petmeat shooters or other people who would wish to harvest them. The very fact that a helicopter had to be used to shoot them is I think ...

Mr Collins: The wet season.

Mr EVERINGHAM: He has just said it himself; that is right. They are tearing the country apart in the wet season.

Mr Collins: They have been doing it for 100 years.

Mr SPEAKER: Order! I must ask the honourable member for Arnhem to restrain himself. It is getting late in the day and I would not like him to blot his record at this stage.

Mr EVERINGHAM: Mr Speaker, in these particular circumstances, the Territory Parks and Wildlife Commission had the clearance of the Northern Land Council. Its officers did what they believed to be in the best interests of the

ecology of the region at the particular time.

Ms D'ROZARIO (Sanderson): Mr Speaker, yesterday the honourable member for Nightcliff had a few scathing observations to make about housing in my electorate and, although I concur with her remarks, I would like to take up 1 or 2 points that really do bear upon this question.

A while ago, the Chief Minister was on the commercial radio station on a program called "Talkback". I did not know of this but a constituent of mine visited me in my office and said that she had heard the Chief Minister was going to be on this program and she wondered if she could ring him up and ask him a question about housing. Although I did not dissuade her, I certainly gave her no undue encouragement to ring this particular program. However, I did happen to turn the radio on when the lady concerned discussed this matter with the Chief Minister. I was very interested in the remarks he made. The lady asked the Chief Minister the reason for the change in the Public Service Home Sales Scheme whereby people can now only purchase the house in which they reside. I did ask a question without notice the other day of the Chief Minister and he has asked me to put the question on notice. At the time when my constituent put this question to him, he did make some observations. One of the reasons the Chief Minister gave was that public servants buy their houses on very attractive terms and that is true. He also mentioned that, when the allocation of these houses takes place, the people concerned are offered a choice of 2 houses and it is expected, if they have that choice, then they should remain in that house.

I would like to take the honourable members back to the time just after the Darwin Reconstruction Commission housing program reached its peak because I think it might assist the Chief Minister in understanding what people are complaining about. At that time, it was a full year before the Darwin Reconstruction Commission produced any houses for allocation to prospective tenants. At that time also, the sale of government houses scheme was in suspension which was the only sensible course at that particular time. It is to be remembered that, when people were offered this choice that the Chief Minister spoke about in his reply to this lady on the radio program, all of the people who were being allocated these houses had been living in very poor residential conditions for over 12 months. It was 12 months before houses came on stream and not everybody was housed immediately the houses became available. Many people had to wait a good deal longer than 12 months in order to be allocated a house. When people were offered a choice of 2 houses - and most of them were offered a choice of 2 houses - having regard to the way they had lived in caravans or government demountables, they were quite happy to get, at last, a house on an allotment. They accepted that as being quite satisfactory at the time.

It is to be remembered that, although there was a choice of 2 houses, it was not a very large choice. In many cases, the houses that people were offered were of the same design. Although they were offered 2 houses, the only choice they had to make related to the location. There are very few designs in this particular area as the Chief Minister will know. It does bear remembering that the choice that the Chief Minister referred to on that program was not a choice which was wide enough to satisfy people who want to settle permanently in the Northern Territory.

Many of my constituents have approached me about this new policy. Many of them have said that, if they are not comfortable in the house that they are living in - and this is quite a common feeling amongst them - then they will have no choice but to leave the Darwin area.

Mr Perron: Rubbish!

Ms D'ROZARIO: The honourable Minister for Lands and Housing says, "rubbish". He should come out and speak to my constituents some time. I rarely see him out in my electorate, Mr Deputy Speaker.

The choice that we are referring to was, in many cases, an extremely limited one. Many people do have a preference for the type of house they want to live in. This particular constituent, if I remember the conversation correctly, did point out to the Chief Minister that her particular preference was for a house on stilts. She is presently living in a ground level house on a very busy road and she has young children. She put all these good reasons why she prefers to buy another house.

In the past, the government had a scheme whereby people could buy a house other than the one in which they lived. I imagine that the only reason that the present policy has been adopted is one of administrative convenience. It is far easier to just say that you can only buy the house in which you live. It will prevent people from applying to buy houses at other addresses and so on.

Taking up again the remarks of the honourable member for Nightcliff yesterday, these are houses that are expected to be lived in. It is about time the honourable Minister for Lands and Housing and his department started to consider that a house is more than a house; many Northern Territory people expect it to also be a home. It is about time the minister, instead of giving his meaningless interjections from the other side, started adopting an attitude that is oriented towards the aspirations of people and not just limited to housing which provides basic shelter. Housing should provide a basic shelter but, in our society, we expect a house to be more than that. We expect it to be something which we are prepared to spend a good many years of our lives in. The remarks that the member for Nightcliff made yesterday were certainly not lost on me; I hope they won't be lost on the Minister for Lands and Housing.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, this afternoon I would like to speak on a very annoying and dangerous practice which I have observed on the roads for some years. I travel on the roads at night, especially the Stuart Highway and to a lesser extent on the Arnhem Highway and on suburban roads. I refer to the continuous, annoying and growing habit - and I think it is an offence - of faulty headlight alignment. When travelling alone on long uninterrupted trips, one's thoughts can often be a long way off and one can be guilty of not dipping headlights before on-coming vehicles take umbrage and flash their lights to let you know of your omission. A reasonable and sober person dips his lights immediately. I dip my lights when told and so do the majority of drivers. This shows good intention.

What about the drivers who, because of faulty placement of headlights, do not dip their headlights but just lower the light beams a bit but to no advantage? Their vehicles still present a problem to oncominging traffic. Some years ago, the Lions Club conducted a safety check for vehicles with the help of volunteers and officials on certain features of vehicles, including headlights. I think this was somewhere along Bagot Road near the Dolphin Hotel and it was strongly patronised by drivers. By shining their vehicle lights on a marked vertical surface,drivers could see how far up from the horizontal the light beams went and the correct adjustment could then be made to them.

In the interest of road safety and convenience, I would like to see some similar encouragement given to drivers either by voluntary service organisations or by some arm of officialdom such as police officers or road safety officers. I

would also like to see some voluntary checks or official spot-checks on roads to make sure that spotlights on vehicles are dipped when necessary, motor bike lights are not a danger by their intensity on undipped high beam to traffic in other lanes and also that one-eyed vehicles dip their remaining one eye and then get another eye and on-coming ordinary traffic observe the common rules of courtesy on the long stretches of highway. Finally, I would like to say it is only very rarely that heavy road transport, trucks and buses do not dip their lights so it seems that familiarity with the road does not breed contempt but courtesy.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

NINTH and TENTH REPORTS of SUBORDINATE LEGISLATION TABLED PAPERS COMMITTEE

Mr OLIVER (Alice Springs): Mr Speaker, I present the 9th and 10th reports of the Subordinate Legislation Tabled Papers Committee and I move that the reports be noted.

Report No. 10 relates to the revocation of a portion of Mindil Beach reserve to free the land before the issue of a lease. It is common knowledge that the lease will be for an international hotel-casino complex. The revocation of a portion of the reserve is being made under the provisions of section 103 of the Crown Lands Ordinance. Under the terms of that particular section, the paper has to lie before the Assembly for 6 days. This is the sixth day. By a majority ruling, the Subordinate Legislation and Tabled Papers Committee can see no objections, under the terms of reference of that committee, to a portion of Mindil Beach reserve being revoked.

Mr PERKINS (MacDonnell): Mr Speaker, I move that the motion be amended by adding after the word "noted" the following: "with the exception that regulation No. 53 of 1978 to the Town Planning Act be disallowed".

I would like to talk to the amendment. The opposition is concerned about regulation No. 53. The regulation was debated in the committee stage and I referred it to the Subordinate Legislation Committee. It was moved by the honourable the member for Nightcliff, with my support, that the regulation be disallowed. We thought it important that this particular matter be discussed in the Assembly because there has been concern in the community as to what the government is planning to do by this particular regulation. It is important to point out to the people of the Northern Territory what the regulation seeks to do.

In the memorandum which was circulated to members of the Subordinate Legislation Committee, it was indicated that there were to be extensions to town boundaries in the Northern Territory. These extensions were to take place in Darwin, Tennant Creek and Alice Springs. The regulation referred to the areas specified as areas or land adjacent to Darwin, Katherine, Tennant Creek and Alice Springs and that these areas are to be subject to the provisions of the Town Planning Act.

In the memorandum that was made available to members, it was indicated that the regulations will provide for the orderly planning of land adjacent to the town and will give effect to the Northern Territory government's policy of releasing land for purposes which are ancillary to urban development. I do not dispute that particular government policy; the government has its reasons for wanting to make land available for urban development. The opposition feels that the key issues for concern are that, firstly, the extension of boundaries in those areas is designed to thwart the land claims of Aboriginal people and other people in the community share that belief. Secondly, there has been insufficient consultation with Aboriginal people regarding these proposals.

If you look at the explanations that go with the memorandum, you will find that, in respect of the town boundaries, the areas of Darwin, Tennant Creek and Alice Springs are to be increased. In the case of Katherine, it is provided for the town area to be increased to a larger extent than for other areas in the Northern Territory. We are concerned that within those areas there are vacant Crown lands. Under the federal Aboriginal Land Rights Act, Aboriginal people were able to make a traditional claim to vacant land where they so desired.

Under the proposed regulations, the Northern Territory government indicates its intention to change that particular situation by taking that land into the town boundaries. This would mean that Aboriginal groups in the Northern Territory would have to make needs claims rather than traditional claims on those particular areas of land. In that respect, I believe the regulations would have the effect of being able to frustrate Aboriginal land claims, particularly on a traditional basis. I am concerned about the record of the government in this area.

The honourable Minister for Lands and Housing indicated in a press release of 26 March this year that the government had adopted a sympathetic view on urban lease applications by Aboriginal camps. That has not always been the case in the Alice Springs area. I will refer to a couple of Aboriginal land camps in the Alice Springs area. One of them is near the Old Timers Home adjacent to the Stuart Highway and to the Todd River.

Mr OLIVER: A point of order, Mr Speaker! The Subordinate Legislation Committee accepted paper number 132 at its meeting on 20 March 1979. At that particular meeting, papers were deferred for further consideration and I consider that the Subordinate Legislation Committee has dealt with this matter.

Mr ISAACS (Opposition Leader): If I might speak to the point of order, Mr Speaker. The amendment moved by the member for MacDonnell was accepted as being in order. He is debating that in a relevant manner. I cannot see where the point of order arises.

Mr SPEAKER: Honourable members, I find that there is no point of order. The honourable member for Alice Springs may debate the question in due course.

Mr PERKINS (MacDonnell): Mr Speaker, I think it is important that this particular matter be brought to the attention of other honourable members because not everyone here is a member of the Subordinate Legislation Committee. It is important that honourable members and the public have the benefit of the views of those of us who are against this particular regulation.

As I was arguing, there is an Aboriginal camp in the Alice Springs area. The Parentja Association applied for a lease over that particular area on a needs basis and the application was rejected by the Town Planning Branch. The arguments which were indicated to those people by the Town Planning Branch were that the particular location of the camp was too close to the Highway and presented a safety problem and that the camp was adjacent to the Todd River and would be subject to flooding. These were the reasons made available to the group of Aboriginals. The Aboriginal groups, the Central Land Council, the Tjuninjera Association and the Parentja Association, strongly objected to those particular arguments and pointed out that there were other establishments in those areas which would have the same problem. More importantly, they pointed out that, if their particular group was given that area and the resources made available, they would be able to provide for adequate housing, for community facilities, for fencing and for landscaping. They would then be able to obviate, to a great degree, the problems associated with the safety factor. These representations were made by myself to the honourable Minister for Lands and Housing and to date we have not received any response on that particular application.

I used that illustration as an example to show that Aboriginal groups would have difficulty in relation to these claims under the present attitudes of the Northern Territory government. The effect of these regulations is to extend town boundaries. In the case that I have referred to, the Aboriginal group is not within the Alice Springs town boundary as yet. However, it would

be once the area is extended. It is not within the municipality of Alice Springs.

There is another group known as the Ilpapa group which is having a difficult time trying to get assistance to obtain land in their area to develop their community and their facilities. In the Borroloola area also, the Aboriginal community complained that there was insufficient consultation with the Aboriginal people when the effect of these regulations was announced and it was learnt that the government wanted to extend the boundaries. There has been insufficient consultation with Aboriginal groups and Aboriginal people concerning the extension of town boundaries and how those extensions would affect those particular groups and their land claims. This is a vital point.

I have illustrated by reference to the case in Alice Springs that there will be a problem whereby Aboriginal people would have certain difficulties in having their land claims granted on a needs basis. I do not think the Northern Territory government has been sympathetic in a few of the cases that have arisen in relation to Aboriginal land claims. It is obvious that the priorities of the Northern Territory government are associated with other kinds of urban development. As I have indicated, we are not very happy with this particular regulation which will change the situation to one where the Aboriginals in areas which come into the new town boundaries will have the ability to make only needs claims for those areas within the boundaries. I believe that that will make their task more difficult. It will mean that they will lose the right which they had under the federal Land Rights Act to make traditional land claims in areas within the new boundaries.

I would like some elucidation from the government in relation to Aboriginal needs claims if the boundaries are extended. I would also like some indication as to the extent that they have consulted with Aboriginal groups and the effect these particular regulations will have on the development of Aboriginal community areas. Perhaps the Minister for Lands and Housing could enlighten us on the situation concerning the Parentja Aboriginal Association. There are, in this particular case, a number of aged Aborigines who, together with their dependants, have been living in that area for many years, in appalling conditions alongside the Old Timers Home which has adequate and proper facilities for aged persons. It would be a tragedy if those particular people were not given a lease over that area in order to develop adequate and proper facilities. We are concerned about this particular regulation and I would like members to consider the remarks that I have made.

Mr PERRON (Treasurer): Mr Speaker, in discussing the matter of the extension of planning boundaries within towns in the Northern Territory, one first has to look at why such boundaries exist in the first place. The provision which is made by this regulation to extend boundaries is to bring a larger area under the control of the Town Planning Board so that it can consider matters and have studies instituted and presented to it and plans drawn up. Primarily, it is designed to bring the particular area concerned under the control of the planning arm of government irrespective of its status. This is only right because, when you consider the requirement to plan an area, you have to consider all sorts of factors: areas to be brought under close settlement, areas peripheral to that, conservation areas, parks, water supplies, recreation areas, transport corridors and so on.

The Northern Territory government took the view that it should be looking a bit further ahead than planners have looked in the past. We have plenty of examples around the Territory of a planning mentality which seemed to exist on a 10-year frame. The prime example is the government abattoir in Alice Springs. The facility is only 10 years old yet today there are screams from all quarters

to have it moved because it is in the road of urban expansion. Also, we had a situation on the perimeter of Darwin where a 32-square-mile area was acquired by the Commonwealth government amid great controversy and at a cost of something like $14m. It should be brought under the planning boundaries because it is to be the site of a new satellite city for Darwin.

For that reason, the Town Planning Section and the Town Planning Board itself requires legal provision to become involved in these areas. In the Darwin situation, we were looking at the needs of rural Darwin and the future beyond the year 2000. We had consultants prepare documents on rural Darwin which involved Darwin east and its future growth. What was recommended, and seems desirable, is a series of satellite or sister cities stretching from Darwin through Darwin east and up to Cox Peninsula. This would accommodate a very nicely laid out urban settlement for Darwin, taking it to something like a million people which, no doubt, it will reach one day. Surely we should be looking at it now.

As well as that, pressure was coming from the rural area of Darwin for planning control over the large freehold section. In the past, this area has been notoriously fraught with difficulties as far as planning was concerned. People said that they went out there to get away from planners. After they found that certain persons occupying land adjacent to them could do absolutely whatever they liked, they started to see the desirability of some form of land control.

When we were looking at the planning boundaries in these 4 particular centres, we were looking at the long-term future of the Northern Territory. After the notices were gazetted, there were objections raised by various Aboriginal groups and the government undertook to hold talks with them over these planning boundaries. We have held talks with the Central Land Council and the Northern Land Council. One of the early misunderstandings which we cleared up was that the extension of the planning boundaries did not stop the granting of leases within those boundaries. Some members of the Central Land Council felt that we had completely stopped any possible further allocation of special leases or town lands leases to Aboriginals. We did indicate that the government, if it saw a case demonstrated, would be prepared to amend the boundaries to accommodate certain needs if the intentions of the government could still be accommodated. We are prepared to do that and talks are continuing. In fact, I have an arrangement to go to Tennant Creek to talk with local Aboriginals on the question there.

On the subject of needs leases, the honourable member for MacDonnell is not keeping up with correspondence at all. I granted approval in principle to a further 3 leases in Alice Springs. These are called needs leases but are, in fact, town area leases. One of them is the area next to the Old Timers Home. Already, 6 leases have been granted in Alice Springs and there has been fairly substantial development on some of them. The Department of Aboriginal Affairs is funding fairly extensive developments so that Aboriginals in Alice Springs have places to go. The government appreciates that various groups of Aboriginals do not all mix readily and there has to be a number of leases to accommodate their needs when they move into town for long or short stays. There are already 6 leases and another 3 have just been granted in principle. That adds up to a fairly substantial acreage of land and there are further applications in the pipeline.

I point out that, in relation to the area of land next to the Old Timers Home, the government's decision will be overriding the Town Planning Board on the matter. The honourable member for MacDonnell was wrong: the area is within the Alice Springs planning boundary area, otherwise the Town Planning

Board could never have considered the matter. I think he is confusing municipal boundaries, town boundaries and planning boundaries. For his information, there are 4 types of boundaries to a town. We are talking about a planning boundary and the Old Timers Home and the area adjacent to it is within the old planning boundaries of Alice Springs. The Town Planning Board has received many objections and attempted unsuccessfully to negotiate alternatives. The government will have the matter referred back to the board with certain recommendations.

In Darwin, the government has a policy that is sympathetic to the special needs of Aboriginals. It has recently handed over a lease for the railway dam area and a lease is in the final stages of preparation for an area near Knuckeys lagoon. A lease for an area of some 700 acres at Kulaluk is being prepared. There are also further applications in the pipeline.

I deny any allegations that the government is not moving towards recognising the special needs of Aboriginals within the urban situation in the Northern Territory. Our action to date has disproved such allegations. I do not think that there is any necessity to do other than allow these regulations to pass through this House so that the government can negotiate any changes necessary and place them before this House.

Mrs LAWRIE (Nightcliff): I am speaking to the amendment and the motion. I wish to make a couple of points about the procedures adopted. There seems to be a fairly defensive attitude that perhaps one should not move to disallow regulations. There is a significant difference between bills which are passed through the House and regulations which are gazetted as a result. Legislation does not take effect until it has passed all stages in the Assembly and is signed into law. It is quite visible for some weeks and the public know about it. Unfortunately, subordinate legislation does not have the same opportunity to excite public comment. Regulations made under the various acts are in effect from the time they are gazetted but are subject to disallowance. This is the reversal of the procedure for the main legislation.

Whilst the Subordinate Legislation Committee has a prime role to survey the regulations to ensure that they are valid, any member of this House can move for the disallowance of regulations within the specified time. One reason for moving for disallowance would be that a member might feel that the regulations are not in the best interests of the good government and order of the people of the Northern Territory. In fact, I have been present when regulations have been disallowed; they passed through the Subordinate Legislation Committee but were disallowed on the floor of the House. One which springs readily to mind was a regulation that the good citizens of Katherine would have to pay to swim at the low level bridge in their own river. The regulation was valid under the ordinance but it was disallowed because it was not believed it would be in the best interests of the people of the Northern Territory.

I want to make it quite clear, as a member of the Subordinate Legislation Committee, that I support the right of any member to move for the disallowance of regulations. Having said that, I want to speak to the specific regulations because I moved in the Subordinate Legislation Committee for their disallowance. I support the amendment because I do not believe the regulation is for the good order and government of the Territory. I think that the extension of the town boundaries is above and beyond that which is reasonable for forward planning for the foreseeable future, and that would include a population of one million people.

The Darwin town boundary now includes Cox Peninsula. I mention specifically Cox Peninsula because I was at Belyuen a couple of weeks ago and people

expressed their displeasure with the extension of the town boundary taking in that side of the harbour. I think it is only right that the Treasurer should know that people living over there view it with the utmost cynicism and displeasure. I put that forward for his consideration; he may wish to go to talk to them.

At the time when these regulations were gazetted, there was some comment in the press. I think Pandanus expressed it rather well. Apparently, he had been trying to find the Treasurer to ask about the necessity for the extension of the town boundaries. The Treasurer was unavailable for comment as he was in the House so Pandanus asked Mr Coward to comment. He could not because it is up to the minister to reply to such a request. I quote: "Pandanus is willing to wager, however, that when he does" - that is, reply to the question - "Mr Perron will say that Darwin's boundaries should be as far flung as greater London, and Katherine would become perhaps the biggest inland city of the world, for better administration". I think that is broadly what the Treasurer did say when speaking about the regulations. I cannot agree with him that the extension of Katherine, even more so than Darwin, is logical and necessary for orderly planning and the good government of the citizens of the Northern Territory. There are plenty of people who now reside in the greater Katherine area who are somewhat appalled to find themselves in this position.

Ms D'ROZARIO (Sanderson): Mr Speaker, I think there are good reasons for disallowing this regulation. I am standing in support of the amendment moved by the honourable member for MacDonnell. I think the good reasons to disallow this were put very concisely by the Minister for Lands and Housing. He said, and I heartily concur with him, that these regulations are required in order to give a broader time frame for town planning. He said that, in the past, there has been a planning mentality which did not recognise a time frame. By and large, he is correct with the exception of perhaps the Darwin area because we do know that in 1945 a large area of land - which has not yet reached its capacity - was acquired in order to provide a 30 or 40-year frame for the development of the Darwin area.

I cannot take issue with what the honourable minister said in respect of planning the future development of the hinterland. In fact, he is quite right when he says that the problems have now leap-frogged the traditional planning and town boundaries and that some regard has to be given to these. However, the very good reason for not allowing these regulations is that the Planning Act which was passed at the last sittings was the mechanism that provides the precise process that the minister wishes to take up. In the discussion on that bill, I was very pleased to see that it gave some recognition to regional planning. It does appear that, under the new act which has not yet come into operation, there is the facility for any area of the Northern Territory to be declared by gazette to be a planning area and for the type of plans that the minister mentioned this morning to be prepared for that planning area. The one crucial difference between the 2 mechanisms - that provided under the new Planning Act and that provided by these regulations - is that, before a planning instrument can be prepared for a planning area, an invitation for submissions must be given and those submissions must be taken into account in the preparation of a draft planning instrument. The mechanism that we have here is the reverse situation: the area is declared first without any discussion and, in fact, without any knowledge of parties which might be interested.

It is quite true that many Aboriginal organisations regarded this particular regulation as being the mechanism whereby they would be deprived of the opportunity of making claims under the federal land rights legislation. If the minister were to use the mechanism provided in his new planning act, then that situation would not arise because, before he could prepare these plans of which

he spoke, those organisations - such as Aboriginal organisations which have taken exception to this regulation - would have the opportunity to place their submissions before the minister on what they propose to do with the land that they propose to claim. Those proposals would then have to be taken into consideration in any plan for the hinterland of any existing urban settlement.

Whilst nobody disagrees that town planning should have some regard to the hinterland as well as the established urban areas, there is a better way of doing it. Indeed, the minister provided that far better way in the last sittings. It is true that this method has not been used in the past. There has been this very limited time span and that is only because it was not considered that there was any necessity for town planning before. It is only since 1971 that there has been the Urban Service and Town Planning Branch. Prior to that, there was only a class 6 or class 7 clerk who used to be attached to the Lands Branch. He used to do the sort of planning that the minister and certainly many planners take exception to: looking in a very short term at what solutions ought to be provided to urban problems. We know that short-term solutions have very rarely been useful in a regional planning context.

We have had planners in the Northern Territory for only a short time. When I came here in 1973 to a planning position, I did not realise I was entering such an embryonic organisation. At that time, there was only 1 other planner. I heartily agree with the sentiments that the minister has expressed but I do think that these regulations ought to be disallowed for the very simple reason that in the best interests of the Northern Territory population a better method now exists via the new Planning Act. When that act comes into operation, the minister may give some consideration to gazetting planning areas over the same areas that he has covered by these town planning regulations except that he will be obliged to first ask for submissions from people before any draft planning instrument is prepared.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I had not intended to become involved in this debate but the honourable member for MacDonnell raised a couple of points that I believe are pertinent to the area of public health. As I understand it, the honourable member is concerned that the extensions to the town boundaries will prevent Aborigines for making claims under the Aboriginal Land Rights Act to areas within these boundaries. The honourable member was saying that, if these boundaries were not extended, the Aboriginal people could apply for areas under the Land Rights Act. He then mentioned the Ilpapa community and the community which is currently wishing to reside on the side of the Todd River and he also touched on Borroloola. These areas came home to me because we have a responsibility towards the public health of the community as well as satisfying the land needs of respective members in the community. If the honourable member for Macdonnell, in referring to the Ilpapa community that resides on the south side of the Ilpapa Swamp, is suggesting that the boundaries should not be extended because the community would be prevented from getting land under the Aboriginal Land Rights Act, I would have to take issue with that on the grounds of public health. The Department of Health identified in 1974 that that whole area and the people living there were subject to the very great risk of encephalitis being contracted and perhaps spread through the community. I cannot accept the proposition that, because people live next to the swamp and are exposed to the dangers and the public health risks that go with it, we should provide them with some mechanism of claiming the land under a federal act if the local authorities say that, for various reasons, they will not allow them to be there.

The honourable member then went on to say that he felt that the community living on the side of the Todd should also be able to exercise their right to a land claim under the act if the local authorities would not give them what they

wanted. The same issue of public health arises. Any sector of the community should be dissuaded wherever possible from camping in areas next to rivers and creeks that are likely to become subject to flooding for the very good reason of protecting public health.

He mentioned the situation at Borroloola. That is one that I am particularly interested in because I have been conscious of the fact that the environmental conditions at Borroloola are absolutely appalling and they have been for some time. There has been a desperate effort on the part of the government to upgrade these conditions and provide basic services. If we accede to the wishes of the Aboriginals at Borroloola and let them have the land where they want it - and I am referring to land to live on - they would all be down on the side of the creek. That area will be under water for a great part of the year. In the interests of public health, that is not a proposition that we should agree to. We should all be working to encourage people to settle in areas where we can maintain basic services and accommodation out of the reach of any floods. Such services will provide the whole community with a better standard of health.

While he may have some reservations about the use of regulations for extending the town boundaries, I do not believe that it should be regarded as a challenge to Aboriginal groups and to their efforts to get land to develop and to live on. I believe that every Aboriginal community that wants one should get a special purpose lease which should be developed within the community with satisfactory hygiene standards. I do not see how the Assembly can accept the proposition that we should not extend the boundaries because it would preclude the Aboriginal people from doing under a federal act what they would like to do to avoid the control of local law.

Mr COLLINS (Arnhem): I too feel that these regulations have to be disallowed for the good order and government of the Northern Territory. The philosophical viewpoint on what that involves is obviously very different from this side of the House to the other side of the House. I have always considered that good order and government requires consultation with the people so administered. As the government has told us on a number of occasions in the past, they do not feel that this is the case. I think their term for it is "strong government". The philosophy behind it is that, once you get a mandate to govern for 3 years, you have a mandate to do whatever you like without any further consultation. That has certainly been the case in the manner and the scope in which these regulations were published in the gazette. There is not the slightest doubt that there were a great many people shocked and grossly disadvantaged by the sudden extension of town boundaries to what I consider to be quite ridiculous limits.

No one was consulted. The day after the gazettal became public, an article was published in the Star newspaper. I had a visit from a number of Northern Land Council officers who had been working on collecting evidence and preparing submissions for a land claim for the Aboriginal people living at Cox Peninsula. They had been working on this for 3 or 4 months and they discovered overnight they had nothing to work with because there was no longer any vacant crown land there. I too have spoken to the Aboriginal people at Cox Peninsula. Not just the Aboriginal but also the non-Aboriginal people over there have been shocked and surprised by this sudden inclusion of that area in the greater city of Darwin. Subsequently, the Leader of the Opposition and I visited the community at Bamyili and a great deal of discussion took place at the instigation of the community. One of the subjects that they wanted to discuss with us was that the city of Katherine was now 4 times the size of the city of London. They were all wondering why no one down there had been talked to.

I was interested in some of the comments made by the members opposite.

The honourable Treasurer spoke at some length on the consultation that his government has been having with people since the regulations were gazetted. It is one thing to call for public submissions and comment on what the government intends to do, as was done fruitfully with the Education Bill for example; it is quite another thing, from a position of absolute authority, to talk to people after it has been done, when they have absolutely no bargaining position whatever. That is exactly what has happened in this case. The Treasurer talked about consultations with the Central Land Council and the Northern Land Council and the people of Borroloola who are not affected by these particular regulations. Those negotiations will avail the people nothing. The job has been done; it has been accomplished. No amount of consultation or negotiation from the government will assist those people whatsoever.

It is interesting that the government sees no problem organising consultations and negotiations now. It sees no problem in consulting after the event with the land councils and other people who have been similarly disadvantaged by this action, providing that it has ensured that there will be no criticism, no court cases, no land claims and providing that it can do it stealthily in the night. It is quite happy to negotiate when people are legally unable to do a thing.

The Northern Land Council officers who came to see me the day after this appeared in the Star were confused and upset. They wanted to know what the legal position was. They could not believe that a good government could possibly acquire 4,000 square kilometres of country overnight, country for which they were preparing submissions to the Lands Commissioner. They kept on saying to me, "Is it legal. Is there anything we can do about it? Can we appeal against it? Can we do this? Can we do that?" I said, "No, I am afraid you cannot".

Mr Perron: You are doing it!

Mr COLLINS: I hope we succeed in doing it and I look forward to seeing the Treasurer vote with us on the division. All the appeals in the world avail nothing if those appeals are not successful. I am very pleased that the Treasurer will give his support to it. I went on to say that the one and only recourse that remained was to move for those regulations to be disallowed in the Legislative Assembly. I am pleased to get the Treasurer's support. The division should be a very interesting one.

The honourable the Treasurer is joining once again the performance of the honourable the Minister for Mines and Energy and I must say that the 2 of them are most offensive in this regard. I feel it is very sad that more members of the public do not come into this place to listen to these debates in progress and to actually see ministers of government demonstrate the smugness with which they treat all of these matters. They lie back in their seats, as the honourable Treasurer is doing now, with great smiles on their faces. Whilst we are discussing the democratic process of the right to disallow this regulation, he shows by his every action that he thinks it is a huge joke and that we have absolutely no chance whatsoever. It is with this same smugness that the Treasurer is so visibly demonstrating here this morning that these negotiations with people are being carried out at the moment: "We will negotiate with you because we know you are completely powerless and you can do nothing. We are dealing with you; we are not negotiating with you. We will tell you what we are prepared to let you have". That is what the negotiations involve. These negotiations and consultations with the people affected should have been carried out before.

I was also interested in the amazing logic of the Minister for Health who

told us the best way to regulate the good health of Territorians was to extend the town boundaries. If we want to stamp out encephalitis, we will declare the whole of the Northern Territory because mosquitoes go everywhere. Whilst I was working for CSIRO we were all tested for encephalitis. To our great interest, we found out that every single person in that laboratory, with the exception of the administrative officer, had had encephalitis without knowing it. We had the antibodies in our blood. I would suggest to the honourable Minister for Health that, if he wants to stamp out this disease, he had better go back to the Subordinate Legislation Committee and promulgate some more regulations. The Treasurer, with his smug negotiations, has shown just what those negotiations mean - nothing.

To conclude, I must make the point that was so clearly made this morning by the honourable member for Sanderson. The government's own legislative program has shown how completely false its pious reasons are for carrying out this particular act. The opposition supports regulations in town planning. I listened with great interest to the usual excellent contribution of the honourable member for Sanderson who tied the Treasurer in knots as she usually does over town planning matters. I was particularly interested in the very good provisions that were provided in that bill, particularly the government calling for submissions from people. The government itself has brought in legislation to allow for the very thing that these regulations will allow but with one significant difference: the government's own legislation calls for public submissions before a planning instrument can be prepared so that people have warning. The regulations, of course, can simply be gazetted with no notice being given. The effect is the same. Anyone who wants to read the debate will see the reasons that were given by the government for promulgating this particular regulation in the way they have. It will deprive a great many people of the right to take certain applications for land to court.

The effect of this legislation is quite different to the reasons given by the government: "for the good order and planning of the future of these towns". The provisions in their own Town Planning Act - and I assume that that is what the Town Planning Act is for: to plan towns - allow for areas to be declared in the same way but with one very significant difference - they have to talk to the people affected first. That seems to be something that the government is glossing over very nicely this morning.

In conclusion, I would like to refer to an editorial comment in the Star with which I and an increasing number of Territorians agree. It begins by quoting the Chief Minister:

> *"The problem seems to be to keep anything at all confidential and the interests of the public are often not served by the premature release, or indeed the release at all sometimes, of certain information". So spoke our Chief Minister in reply to a question from the member for Arnhem, Mr Bob Collins, in the Legislative Assembly earlier this week. In so doing he showed, as Pandanus has always feared, as indeed he fears of most politicians, that he, Mr Everingham, is apt to subscribe to the mushroom theory of administration. Put simply, the theory is that the administered are best kept in the dark and fed on bulldust.*

Mr SPEAKER: I think the honourable member for Arnhem has been given a great deal of latitude this morning. He spoke to the amendment fleetingly and I intend to try to control the debate better. I ask for honourable members' cooperation in restricting their speeches to the amendment; this is not an adjournment debate.

Mrs O'NEIL (Fannie Bay): I wish to speak on the motion of the member for

Alice Springs and, at the same time, bring to the attention of the Assembly that there is yet another contentious issue in these reports that have been tabled by the member for Alice Springs. I refer to paper No. 147 of the 10th Report which allows for the revocation of a recreational reserve - in this case, lot 5244 from reserve number 1018. This relates to that area of land at Mindil Beach which is to be used for the development of a casino.

Mr PERRON: A point of order, Mr Speaker! I understand that the amendment refers to regulation No. 53 of 1978 and the honourable member for Fannie Bay appears to be talking of some other section of the regulations.

Mrs LAWRIE: If I may speak to the point of order, Mr Speaker. The motion before the chair was the adoption of the 9th and 10th reports with an amendment to those reports. The honourable member for Fannie Bay is speaking to the motion to adopt the 10th report and therefore is in order.

Mr SPEAKER: There is no point of order.

Mrs O'NEIL: Thank you, Mr Speaker. As I was saying, this relates to the revocation of the reserve over that area of land at Mindil Beach in Darwin so that a lease may be granted for development of a casino. I bring this to the attention of the Assembly, to any members of the public who might eventually read the Hansard and to those very few people who are present now. This is a very contentious area. Many people who have supported the development of the casino have rejected the idea of its being developed on that excellent, magnificent piece of land at Mindil Beach - an area of which the people of Darwin feel very strongly about. I was interested to speak to many older residents about this and was surprised, but pleased, to hear that they feel even more strongly than the younger residents about the proposed use of the Mindil Beach area. It is an area which was used quite a bit before the war. They regard this beach as Darwin's real beach and the only beach with a true, tropical flavour.

There seems to be some dissension as to what this magnificent piece of land is worth. I doubt very much whether anyone has bothered to place a value on it, but it would be worth an enormous amount of money. The Treasurer said in the paper the other day that Federal Hotels would be paying $700,000 for it.

Mr Steele: Cheap.

Mrs O'NEIL: Very cheap indeed; you would not get it for the same price - nobody would!

Interestingly enough, the government has already given the same amount of $700,000 to the Corporation of the City of Darwin for the loss of the business of the caravan park. Presumably, as the caravan park business is worth $700,000 and the government has already compensated the council that amount, the land must be worth nothing. They feel that the rest of the land is valueless, but the people of Darwin do not see that as being the case. I wish people to be aware that, while we are discussing the other important matter, we are also passing this regulation which will revocate the reserved lease on that piece of land.

Mr HARRIS (Port Darwin): I would just like to speak to the motion of tabling the paper about the revocation of land which is to be used for the casino area.

The member for Fannie Bay mentioned today that there are many people who disagree with the siting of the casino on the proposed section of land

adjacent to Mindil Beach. There are people who are upset by the siting of the casino there, but there are also people who are upset about the siting of the Mindil Beach Caravan Park. That whole area has been a mess for years. Originally, it was a mangrove swamp and it was one of the earliest rubbish tips in Darwin. I am of the opinion that the casino will bring people to the Territory. It is away from residential areas and, I believe, it is a perfect site for the purpose intended. The caravan park would have remained had we not decided that the casino development was to go ahead. I think that all of us should look forward to the casino development with excitement. I believe that it has been placed in the correct position.

Mr DOOLAN (Victoria River): I agree with some of the reasons given by the honourable minister for Lands and Housing for the extension of town boundaries. I think it is an admirable idea to plan for the future development of towns. I agree also that the government has been remiss in the past by not planning for the future. The minister clearly demonstrated the lack of planning in Alice Springs by permitting the erection of an abattoir in what is now a residential area. However, I cannot and will not be convinced that town areas should be so large.

I know that I will be long dead and gone before the city of Darwin ever extends throughout the whole of the Cox Peninsula. I will also be willing to bet that the honourable Treasurer, who is only a young man, will have long departed this planet by the time you see a thriving metropolis on Cox Peninsula. Like the honourable members for Nightcliff and Arnhem, I have also spoken to the people of the Belyuen community at Delissaville and they were absolutely surprised and disgusted to find that all their hopes and aspirations to make land claims were blasted when previously unalienated crown land was alienated by the extension of town areas.

Katherine, of course, is a joke. Perhaps Katherine may grow considerably - I hope that it does - but I would forecast that it will be the year 6,000 before it covers an area 4 times the size of the city of London. Certainly, it is a wise idea to plan ahead but to extend town boundaries to that ridiculous extent is nothing but a sinister and underhand way to foil attempts by Aborigines to make land claims. Certainly, Aboriginal people can make needs claims, but needs claims are entirely different to claiming back some of their traditional land under freehold title.

It is hardly worth while discussing the town site that is gazetted in regard to the Sir Edward Pellew group of islands in the gulf. If ever there was a sick and cynical joke, that must surely be it. I support the amendment.

Mr EVERINGHAM (Chief Minister): Mr Speaker, we have heard quite a bit this morning about the declaration of these planning boundaries. They have been called acquisitions by the honourable member for Arnhem and they have been called town areas. The honourable member for Arnhem used the words "acquire this land by the government". I take it that "acquiring" is an acquisition. His accuracy, as we have heard in other debates in this House, tends to wander a little at times. We find "negotiations" becoming "agreements" and things like that. What has actually occurred is that boundaries for planning purposes around various urban areas have been extended. It has been suggested that the government should have given public notice that it was going to do this sort of thing.

Criticism has been levelled at me that I support the concept that certain information should not be made available to the public. There is certain information which occasionally comes into the possession of the government, or may arise as a result of the actions of the government, that will permit vested interests to carry out certain actions which may be to their benefit. It

certainly occurs to me that the declaration of urban planning areas is something that very few governments would publicise well in advance for the simple reason that it would be possible for property speculation to take place. In any event, we are told by the honourable member for Arnhem that, had the persons that might be making land claims been informed, land claims and not consultation would certainly have been the result. I rather think that the only pratical course of action available to the government in a situation such as this is consultation after the event and that is certainly taking place.

These planning boundaries are boundaries for the purposes of town planning, not municipal boundaries and not for the acquisition of land in any way. We have been told that Katherine or Alice Springs, or, maybe Darwin, is now so many times the size of greater Londaon. Greater London is not the size of greater Brisbane. It is a very small city by international standards. If they had compared the extension of places like Katherine to the size of the city of Brisbane, there might have been something apposite in it. Australian cities, generally, are much larger in extent than cities in places like the United Kingdom and Brisbane is the largest city, in area, in the British Commonwealth. That would have made a more reasonable comparison.

Let us look at the situation in respect of land claims when these regulations were promulgated in early January or late December. There was a land claim over the island of Dum-in-Mirrie off the Cox Peninsula and that was the only land claim of which notice had been given or that the government was aware of. There was absolutely no claim on the Cox Peninsula and no notice, as I reiterate, had been given.

In respect of Katherine, I understand that, after a comparison of various maps between the Land Council and the office of the Surveyor-General, it had been found that there may be some small area where land claims have been impinged upon by this declaration. If the government had seriously had the intention of defeating Aboriginal land claims, it would have extended the planning boundary of Katherine just a few more miles to defeat the claim over the Katherine Gorge National Park. That is how seriously that allegation can be taken.

It transpired that there is an impingement over a land claim at Tennant Creek by the declaration of these planning boundaries. I understand that the Minister for Lands and Housing is in consultation with the Central Land Council over the problem area at Tennant Creek and I have no doubt that that will be resolved quite satisfactorily for the parties concerned. In regard to Alice Springs, the planning area affects no land claims. Indeed, I believe there is no land within the planning area that land claims could be applied for.

I believe that that disposes of the spectre that the government had some sinister plot to threaten land claims. I recall the occasion where the Dum-in-Mirrie land claim, which was to have come on for hearing in January or February, was withdrawn for some reason after the declaration of these planning areas. At that stage, we were told only that the land claim was being withdrawn because it was being opposed by someone who lives there - I do not know who the other opponents were - and that it was to be extended apparently in some sort of retribution for its being opposed. The extension was to be across Cox Peninsula. That is the first time that Cox Peninsula has been mentioned in land claim discussions that I have heard of.

We heard more misrepresentations about the position at Borroloola. The town area has not been extended and Borroloola town itself is 50 miles away from the 3 islands in the Sir Edward Pellew group over which it was proposed to declare a town. I say "proposed" because it has not been done. We are consulting with the people at Borroloola, the mining interests, the Northern

Land Council and everyone else who is involved there. These 3 islands are miles away from the town of Borroloola. One of the reasons that we put forward our proposal to declare the town over the islands was to provoke some action on the part of the various parties involved at Borroloola in what has been nothing more or less than a running sore for the past couple of years. We have certainly provoked the response that we wanted; we got everyone to the conference table. The government has had discussions with the Minister for Aboriginal Affairs, the Borroloola people and Mount Isa Mines. We now have a concrete proposition from the Borroloola people forwarded to us through the Northern Land Council and we are evaluating it. I am confident that within 6 months or so, the whole McArthur River, Borroloola, Sir Edward Pellew problem can be resolved to the satisfaction of the parties involved. That action has produced quite a salutary result.

I believe the motion moved by the honourable member for MacDonnell today has been motivated by mischief. The opposition certainly knows that serious and constructive discussions are going on with the land councils. I condemn the opposition for putting forward the amendment in the hope that they will stir more unnecessary trouble in a situation that is being resolved to the satisfaction of all parties.

Mr VALE (Stuart): Mr Speaker, I had not intended to speak on this but there are a couple of points raised by the honourable member for MacDonnell which need correcting. Unfortunately, he has not been in Alice Springs long enough in recent years to have understood where some people lived for quite a number of years. He referred to those people at the Old Timers Home. Long before he returned to Alice Springs, those people for many years lived down towards the Todd River in an area which was much quieter from a traffic point of view than the present site they occupy. It provided much more shade and it was a much better camping area than the present site on the edge of the Stuart Highway. They had a gentleman's agreement with the people at the Old Timers Home to use the taps in the Old Timers Home grounds.

My second point is in reference to Ilpapa. One of the first meetings that I held with any organisation after the election in 1974 was with those resident at Ilpapa and it was at their request. They sought assistance in gaining an alternative piece of land so that they could move away from the stench of the Ilpapa Swamp, the possibility of disease and other problems. Those people moved with the assistance of yourself, members from Central Australia in this Assembly in 1974 to 1977, people from the Department of Aboriginal Affairs, the Lands Branch and Finke River Mission. All these people assisted in obtaining land west of the Yirara College and the drive-in picture theatre. They have been there ever since. My last visit to Ilpapa was 10 days ago when I took home an old fellow named Tommy Madden. In my younger days, he was a trainer with the Pioneer Football Club; I ran him home from football 2 or 3 weeks back. There are 3 or 4 residents at Ilpapa. I would suggest that the best thing the honourable member for MacDonnell could do before he makes such statements as he made today is to drive around his electorate carefully and keep his eyes open so that he is not ill-informed and does not make misleading statements in this House.

The Assembly divided:

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

Amendment negatived.

Mr ROBERTSON (Manager of Government Business): Mr Speaker, I would just like to make an observation on the complete waste of time which has occurred this morning. We saw a motion moved by the Chairman of the Subordinate Legislation and Tabled Papers Committee that a report be noted. The opposition moved an amendment to a motion which proposed to the House that a certain part of that report be deleted. We have really debated nothing in terms of the amendment because, had the opposition won that division, nothing would have changed. It would have required either a substantive motion from the opposition saying that the House disapproved of a particular regulation or, alternatively, the word "noted" would have had to be substituted by the word "adopted" and then the amendment. So what we have really had is an entire morning taken up by the opposition seeking to achieve something that was unachievable. If the opposition is going to completely squander in the future the opportunity of its general business day in this manner, I am quite sure the public will not get much value out of it.

Motion agreed to.

NORTHERN TERRITORY FISHERIES

Mr STEELE (Transport and Industry) (By leave): Mr Speaker, the fishing industry is relatively more important to the Northern Territory economy than to the economy of any of the states. With an annual value of between $10m and $17m, the fishing industry in the Northern Territory ranks in the top 4 most important local industries. Its contribution to the value of primary production of the Territory, excluding mining, is of the order of 30%. In other states, its share does not exceed 6%. The fishery resources in waters adjacent to the Northern Territory, including those which are as yet undeveloped, are a valuable self-renewing resource, provided they are carefully managed to prevent over-exploitation.

There is a potential for these resources to provide the basis for a significant permanent industry. This government's policy aims to develop and sustain an efficient fishing industry for the benefit of the people of the Northern Territory. There is already an established nucleus of enterprise, skill and/or capital with the local fishing industry. There is also considerable potential to improve fisheries' contribution to the economy by increased utilisation of unexploited and under-exploited resources. The government's fisheries development policy is to encourage and assist. The establishment of new fisheries, particularly within the planned 200 mile Australian fishing zone, will result in increased landings of fish in the Northern Territory, the development of improved support facilities for fishing vessels, the expansion

of existing markets and the development of new markets, both in Australia and overseas, and the establishment of other industrial activities associated with fishing that will contribute to the economy of the Northern Territory. Increased catches will not only provide business and employment opportunities through the direct handling, processing and marketing of fish, but will also create opportunities for a wide range of supporting activities, including the provision of refrigeration, transport and packing materials.

More frequent visits by fishing vessels will create additional demands for bunkering and resupplying of vessels, repairs and other support facilities. Visiting crews will complement the expanding tourist industry. In recent months, the media has drawn attention to the proposed 200-mile Australian fishing zone and its development. It has also drawn attention to the barramundi fishery and the new draft management plans for the northern prawn fishery. There are, however, many significant developments which have not attracted the same attention.

I have prepared this statement to inform the Legislative Assembly and the people of the Territory of what is happening in relation to our fishing industry. To sketch a background to what I have to say, it would be useful to set out briefly the responsibilities of Commonwealth and state governments in this field. The Commonwealth is ultimately responsible for all matters pertaining to international fisheries and those national matters pertaining to proclaimed waters. The Northern Territory government is responsible for all fisheries' matters that involve Territorial and internal waters, which includes inland waters. The Northern Territory fisheries' responsibilities are administered by myself, as minister, through my department of industrial development. Cooperative arrangements between the Commonwealth and the states are managed through the Northern Fisheries Committee, the Standing Committee on Fisheries and the Australian Fisheries Council. I am pleased to be able to advise that the Northern Territory government has been admitted as a member of the Australian Fisheries Council. There are, however, a number of minor legal constraints that have yet to be resolved because the Northern Territory has not yet been given the full status of a sovereign state. Following the agreement reached at the Premiers Conference in 1978, new Australian fisheries jurisdictional arrangements are in an advanced stage of preparation. It is envisaged that these arrangements will enable greater involvement by the Territory and a sharing of responsibility in the management of fishery resources in the 200-mile Australian fishing zone when it is proclaimed.

I now turn to the examination of developments over the past 10 months. With the declaration of the 200-mile Australian fishing zone, Australia will exercise sovereign rights over the living resources that the zone surrounds. These rights carry with them a commitment to implement conservation and management measures to ensure the maintenance of fish population. In exercising its sovereign right, Australia, by international convention, is obliged to admit foreign fishermen to the zone to take any surplus fish stocks on terms and conditions to be determined by Australia.

I hasten to point out at this juncture, however, that this government has the interest of existing and future Territory fishermen and its fisheries as its priority concern. To this end the government has clearly defined guidelines under which the entry of foreign fishermen will be permitted: they shall not interfere with existing or potential Northern Territory fisheries; where insufficient resource data exists, licensed commercial fishing should not be approved until a feasibility study of fishing has been completed; preference will be given to those proposals which are capable of contributing most of the development of an efficient fishery industry for the benefit of the people of the Northern Territory; and foreign fishing ventures in waters to

our north require approval by both the Territory and Commonwealth governments.

While foreign fishing ventures may be given approved access to particular resources today, this does not mean that the government has forgone the rights of Australian fishermen to exploit those resources tomorrow. I wish to assure honourable members that it is this government's policy to encourage Northern Territory fishermen to make use of the same resources. When such Australian development takes place, Australian fishermen can be assured that the foreign component will be reduced.

A total of 23 foreign fishing proposals have been received. However, only a few of these applications have been developed by the proponents beyond a conceptual stage. The majority, therefore, do not have a sufficient basis for immediate and detailed negotiation. Eight foreign fishing proposals have been short-listed for particular attention. These include 5 feasibility studies and 3 licensed commercial ventures and involve immersal or midwater trawling, gill-netting, longlining, handlining and squid fishing.

Negotiations are in the final stage on 2 feasibility studies and 1 licensed commercial fishing proposal. The government, however, is awaiting a satisfactory resolution from discussions with the Commonwealth on the area over which such fishing operations will be licensed pending completion of Commonwealth negotiations with Indonesia on maritime boundaries. Until this is forthcoming, it is not prepared to state to the Commonwealth, without qualification, where it stands in relation to the proposals.

Since 1 January 1977, the major portion of the prawn resources of the Northern Territory, including the entire Gulf of Carpentaria, has been managed under a 3-year, interim regime developed by the Australian Fisheries Council. This management regime will be superseded at the end of 1979 and the Australian Fisheries Council has recommended that the Northern Fisheries Committee formulate a new management plan to come into effect on 1 January 1980. In the development of this plan, the Northern Territory has taken the view that the area extending west of the Wessel Islands to the West Australian border should be managed under a separate regime which is complementary to that which should apply to the Gulf of Carpentaria prawn fishery.

This view is recognised in the draft management plan released to industry for comment by the Commonwealth Minister for Primary Industry on 3 May 1979. In very broad terms, this draft plan provides for: recognition of the eastern banana prawn stocks and the western tiger prawn stocks as distinct resources and that this should be taken into account in management; 3 categories of licensing; and a mechanism to curtail excessive pressure on the fishery which is detrimental to the maintenance of this resource and to the economic well-being of the industry. Industry is being given the opportunity to submit written comment on the draft plan or to attend meetings proposed for Perth, Darwin, Groote Eylandt, Karumba, Cairns, possibly Thursday Island, and Brisbane during May and early June 1979. I expect the final draft for the plan to be considered by the Australian Fisheries Council in the latter half of this year.

Turning to the management and development of prawn fisheries west of Wessel Islands, known prawn grounds off Melville Island and in Fogg Bay are being subjected to heavy fishing pressure, mainly by operators who also fish in the Gulf of Carpentaria. There are, however, a number of smaller grounds in the area which are undeveloped and our indication is that there are further new grounds which may be worthy of commercial attention. A management plan is required for the prawn fisheries west of the Wessel Islands. Although the recognition of this area, as distinct from the gulf, is a very recent development, the Northern Territory will accept the responsibility to develop a

management plan quickly and to avoid any disruption in the industry. I know we will be very willing to assist.

Members will recall that the government undertook a detailed review of the barramundi fishery. That review revealed that the fishery has entered a phase of heavy exploitation; in some areas, over-exploitation has occurred. Amateur fishermen are a significant factor in the pressure placed on exploitation of stocks. The value of the commerical fishery is approximately $2m to $3m, whilst estimates show that recreational fishing contributes in the region of $7m to $8m to the economy and the current regulations limiting the number of commercial fishermen have not contained the continued rise in exploitation. The extent of exploitation must be reduced if the barramundi fishery is to remain viable. Industry organisations have indicated their willingness to come to grips with these problems and a management plan to control commercial effort is under active consideration and will be introduced at the earliest possible date. The review has also highlighted the need to consider controls for the amateur fishery to complement the commercial management plan. Such controls as are deemed necessary will be implemented along with those which are introduced for the commerical fishery.

As members already know, fisheries in the Northern Territory have centres on 2 resources only: prawns and barramundi. These fisheries are, of course, insufficient to support the program of development envisaged. It is this government's policy to survey and develop the many resources which are known to be present in adjacent waters. To this end, I am pleased to be able to advise that planning is already underway to develop resources such as mackerel and reef fish. Aboriginal training courses in basic fishing techniques are being conducted at Groote Eylandt and Goulburn Island. Trainees participating in these courses are supported financially by the Commonwealth Department of Employment and Industrial Relations. A similar course will be conducted at Yirrkala in the near future. A training course designed for Gunn Point prison farm is due to commence shortly. Staffing positions in the fisheries division have been increased from 19 to 42. These increases have been necessary to cope with increased commitments, principally in the areas of enforcement, and include the establishment of a Foreign Fishing Liaison Unit and the Fisheries Extension and Research Administration Unit. Gradual increases of staff will be needed to meet research and development requirements. Permanent fisheries enforcement stations have been established at Groote Eylandt and Borroloola. The establishment of similar stations at Timber Creek, Roper River and Gove is programmed for 1979/80. One research officer is now located at Groote Eylandt to initiate investigation into the tiger prawn fishery. However, with the imminent withdrawal of CSIRO from active prawn research, the location of staff in this region will become essential.

The fisheries division recently took delivery of a 12-metre fisheries patrol vessel, the "Pobassoo". This vessel is presently engaged fulltime on fisheries enforcement work associated with the barramundi fishery. The letting of tenders for the construction of a second patrol vessel with a length of 17 metres should be completed before the end of the financial year. The government will lease this vessel to carry out fisheries enforcement work in the Gulf of Carpentaria prawn fishery and across the Top End.

My department has provided and installed a demountable at Frances Bay to be used by the Northern Territory Commercial Fishermen's Association as a fish market. Members will have read in the media that the government recently approved the construction of a ship repair facility in the Dinah Beach area of the Darwin Harbour by John Holland Construction Pty Ltd. This project is an exciting one and involves the construction and operation by the contractor of a

facility capable of dry-docking and servicing at least 5 prawn trawler-type vessels simultaneously. Central to the facility will be a synchro-lift, Australia's first. This is a highly efficient marine platform, lifted vertically by winches. The $500,000 lift will have an initial minimum capacity of 350 tonnes, more than adequate for existing vessels in the north Australian prawn fleet. Attendant facilities include workshops, office accommodation, water, power, fuel and oil. Construction, already underway, will involve the reclamation of at least 1.6 hectares. A peak of some 40 construction personnel will be engaged during the coming weeks. About 90 jobs will be provided when the facility is fully operational. This facility should be operational on a limited basis by November and is expected to attract annual refit expenditure to the order of $6m or $7m when working fully. The project further includes an extension of an existing groyne and the dredging of a harbour for fishing vessels. These facilities will be maintained and controlled by the Northern Territory Port Authority.

In conclusion, it will be clear to members that the government has already taken steps and initiatives to ensure the orderly development and management of our fishing industry. The exploitation of fish resources in waters in or adjacent to the Northern Territory will continue to receive the attention required so that the maximum economic and social benefits are obtained for the people of the Northern Territory. We know the resources are there and we have the data on what others have been taking from the area for a number of years. What we do not know yet is the full extent of the extra potential which can be tapped. The speed at which we can achieve our goals will depend on what resources we can devote to them and the spirit of the industry to make the most of the opportunities involved.

I move that the statement be noted.

Motion agreed to; statement noted.

TERRITORY DEVELOPMENT BILL
(Serial 296)

Bill presented and read a first time.

Mr DOOLAN (Victoria River): I move that the bill be now read a second time.

This bill seeks to amend the Territory Development Act. I must admit that when the principal act was introduced, the opposition welcomed its introduction. So great was our delight at the news of the demise of the ineffectual Primary Producers Board and the introduction of the Territory Development Corporation that I now feel that we did not give the Territory Development Act the detailed study which it warranted. The Territory Development Act, as it stands, calls for little, if any, accountability from the Territory Development Corporation in relation to the funds extended by it and it certainly should be accountable to the parliament because the parliament is the custodian of public moneys.

This bill seeks to do 3 things. The first relates to accounts. Secondly, it requires the Territory Development Corporation to provide an annual report. Thirdly, it requires it to produce a register of money or resources provided by the corporation, including the names of the persons to whom the money or resources were provided and an alphabetical index of the names of those persons and that this register shall be open to public inspection at all reasonable times during office hours. Even the Encouragement of Primary Production Ordinance, despite its failings, provided such a register.

Members will recall the circumstances behind the unseemly haste with which the Territory Development Corporation Bill was introduced in this Assembly: the Majority Leader's unauthorised agreement to purchase from the receiver of the North Australian Development Corporation properties known as the Willeroo-Scott Creek complex; secondly, the unauthorised expenditure of several hundred thousand dollars of public money by the chairman of the Primary Producers Board; thirdly, the non-payment of wages and holiday pay to government employees who worked at the Willeroo-Scott Creek complex; and fourthly, the illegal advancement of $150,000 of public money by the Cabinet Member for Transport and Industry - illegal because, contrary to the Encouragement of Primary Production Ordinance, he advanced that money interest free and unsecured.

Whilst the opposition agreed that there was a need for the establishment of a body such as the Territory Development Corporation to assist all Northern Territory industries, it could not be said that the government had noble motives for its introduction. Indeed, it had long ignored repeated calls for a Territory development corporation to be established. The reason why the development corporation establishment became a matter of pressing necessity was that the government saw it as a means of survival. Recognising that, because of its own failings, together with the illegal ministerial interference, the board had not kept the required accounts and returns and further recognising that in his audit the Commonwealth Auditor-General would discover these things, the government realised that it had to abolish the Primary Producers Board as quickly as possible.

In dealing with the subjects of accountability and provision of an annual report, I believe that a recently released report of federal parliament would adequately cover the subject. This report points to an urgent need to improve the accountability of statutory bodies. The report is the first in an intended series prepared by the Standing Committee on Finance and Government Operations. According to the chairman of the committee, Senator Peter Rae, the authorities are often outside the standard departmental structure and accountability. The preliminary investigations of the committee revealed that no comprehensive list existed of the number of statutory authorities, let alone adequate detailed statistical information. This first report has focussed on authorities primarily from the viewpoint of parliament and concentrates on measures to improve their accountability.

Although the committee has not made formal recommendations at this early stage, it envisages changes. First, there is the enactment of sunset legislation which would impose a time limit on the life of the authority after which it would automatically disband unless it was specifically authorised to continue by new legislation. In this way, authorities have to positively justify their continuation rather than have an automatic right to indefinite existence. The committee proposes the introduction in an annual reports act whereby authorised authorities report annually to parliament with specified information. The committee has also advocated the creation of authorities by separate statute when they significantly vary from the departmental structure. The committee has commissioned a survey to ascertain the full extent of the financial activity and economic activities of statutory authorities on the grounds that they can constitute a significant economic force. The committee has defined its task as striking a proper balance between, on the one hand, the appropriate operating independence of the authorities and, on the other hand, the satisfactory responsibility and accountability to parliament and the people.

With regard to the provision of a register, the opposition feels that this would be a quite normal and usual procedure to be adopted by a statutory authority. As I mentioned earlier, the Encouragement of Primary Production Ordinance did contain a clause which made it compulsory for it to provide such a register which was available to the general public for perusal and I see no valid

reason why the Territory Development Corporation should not be similarly obliged. Such a register would be of great interest to primary producers and others seeking assistance. It would provide a readily available record of the type of loans and what type of enterprises might obtain money or resources without the necessity of having to make appointments for interviews beforehand. It would also allow the taxpayer, who ultimately provides the funds for the operation of such statutory authorities as the Territory Development Corporation, to know on what scale and the type of venture on which his money is being spent.

If this government fails to amend the Territory Development Act to make the Territory Development Corporation accountable to this parliament, to provide an annual report and to provide a readily accessible register, then the corporation will take on the cloak of a mafia-type operation and I would foreshadow the inevitability in the not-too-distant future of an act similar to the notorious act which validated the illegal and immoral fiasco of Willeroo-Scott Creek again being pushed through this Assembly.

Debate adjourned.

POLICE ADMINISTRATION BILL
(Serial 308)

POLICE AND POLICE OFFENCES BILL
(Serial 307)

CLASSIFICATION OF PUBLICATIONS BILL
(Serial 306)

Bills by leave presented together and read a first time.

Mr ISAACS (Opposition Leader): Mr Speaker, I move that the bills be now read a second time.

In the March sittings, I introduced a bill relating to the classification of publications. On 22 March, the Chief Minister wrote to me saying that the Northern Territory government adhered to the philosophy espoused in the opposition's bill but that there were some problems in relation to its implementation and further recommended some matters for consideration. He suggested that an amended bill be introduced at this sittings as a joint exercise. The bills I am introducing are the result of those discussions. I will be seeking the leave of the House to withdraw the Classifications of Publications Bill Serial 207.

These bills adhere to the philosophy common to both parties that adults are entitled to read, hear and view what they wish in private or public, but that persons, and those in their care, not be exposed to unsolicited materials offensive to them. The legislation has 2 levels of classification. First, the classifying authority to be known as the Publications Classification Board must decide if the publication is child pornography. The basic criteria for deciding this are set out. Once it has been decided the publication is child pornography, it must be classified as prohibited. I believe that child pornography justifies this separate treatment. If the board decides that it is not child pornography, the material will be classified either as direct sale, restricted or unrestricted sale. The board may also refuse to classify the material. It will be left to the board to apply what it sees as community standards.

The bill has 3 levels of classifying authority: officers, the board and magistrates. The Publications Classification Board will not be involved in the day-to-day determination of classifications but will sit as a review board

to hear appeals from decisions of classifying authorities. The proposed legislation differs from my original bill in this respect. The Commonwealth classification officers process about 800 publications a week. There would be duplication and it would be very time consuming for a part-time board in the Territory to deal with all material. A review may be sought from a classification officer's decision to the board and a further appeal may be made to a magistrate sitting at the local court.

The legislation provides for double penalties for corporations who breach classification orders or publish indecent articles. The legislation attaches personal liability on directors of corporations who breach the act. Again, this is a feature which does not appear in the original bill. I consider that this provision has great merit and thank the government for the suggestion.

The legislation deals specifically with the question of display and publication of classified material and the manner in which it may be carried out. The legislation allows expert evidence to be admitted, as of right, at hearings. The legislation further exonerates booksellers, rejecting an article delivered to them on the grounds that it has not been classified.

The legislation provides substantial penalties for breaches of the proposed legislation. Unless an obscene or indecent article has been classified, the person publishing such articles runs the risk of a prosecution under the legislation. The legislation however provides a complete defence of proceedings against a person who publishes an article where the article has been published in accordance with its classification.

The amendments to the Police Administration Act and the Police and Police Offences Act are consequential to ensure that the law relating to classifiable material is under the one piece of legislation. I might ask honourable members also to look at clause 44 of the major bill which relates to seizure and the time that police are able to hold the suspect material. It states that it is 60 days. I will be moving in the committee stages that the 60 days be reduced to 30 days. I commend the bills to honourable members.

Debate adjourned.

MOTION

FENCING OF SWIMMING POOLS

Mrs O'NEIL (Fannie Bay): Mr Speaker, I move that this Assembly requests local government councils, as a matter of urgency, to use their bylaw-making powers to require the fencing of private swimming pools.

As long ago as August 1972 in the Northern Territory Legislative Council, the then member for Fannie Bay, Mr Joe Fisher, introduced an amendment to the Local Government Act to give bylaw-making powers to the Northern Territory municipalities with respect to fencing of private swimming pools. His motion received support and was passed in the Legislative Council that year. Hansard shows that Mr Kilgariff and Mrs Lawrie spoke in support. In his second-reading speech Mr Fisher said: "My first thought was to introduce a bill covering the whole of the Territory, including municipalities but, as a result of feelings expressed by many members of this Council that municipalities should have a certain discretionary power, I feel it is better to amend the Local Government Act so that they are able to do this if they wish. I think that they will see the need for it". The Legislative Council was anxious not to impinge upon the rights of local governments in such areas of law making as this which, in other states, are seen as local government functions.

It is a matter of great concern to me and to many members of the community that local government councils, nearly 7 years after that amendment, have not chosen to act in this matter. The number of municipal councils has now doubled and certainly the number of in-ground swimming pools has much more than doubled. Many of them are already fenced by their owners as much for the owners' peace of mind as for any other reason. There are still far too many that are not fenced. For those people fortunate enough to be able to afford an in-ground swimming pool, the cost of a fence should not be prohibitive. Certainly, backyard pools are excellent things. They provide enjoyment, exercise and also promote swimming safety because young children can learn to swim at an earlier age.

We are concerned about motor vehicle accidents and the deaths they cause, particularly the deaths of innocent people. What is not so well known is that, in the 0-4 year age group in Australia, death by drowning and submergence is almost as common as death from motor vehicle accidents. I have some statistics which show that, in 1977, the total number of deaths in Australia by accidents of children aged between 0-4 years was 329; of those, 103 were the result of motor vehicle accidents and another 103 from drowning. In 1976 the picture in Australia was much the same: out of a total of 364 deaths by accident of children in the same age group, 119 were from motor vehicle accidents and 100 were from drowning. Northern Territory statistics demonstrate that same trend. In fact, if anything, there are proportionately more deaths by drowning than deaths by motor vehicle accidents, for example, in 1977, of the total number of 11, 3 were caused by motor vehicle accidents and 6 were caused by drowning. These trends go back for a number of years. I imagine they will be reflected in the 1978 figures which, unfortunately, are not yet available. Among young children deaths by drowning are a very significant proportion of deaths by accidents and, along with motor vehicle accidents, are a very much more significant cause than any one other. Certainly, not all these accidents occurred in swimming pools but very many of them did.

It is not just the deaths that we should be trying to prevent. I know personally of young children who have been traumatised for years in fear of the water as the result of a near miss in a swimming pool. From personal experience I can speak of the constant worry of mothers caring for active toddlers and knowing that there is an unattended and unfenced pool nearby. Constant vigilance is not always possible for mothers caring for several young children. While a sparkling blue in-ground pool is very definitely an enticement for little children, it only takes them a few minutes to drown in it.

I have read recent reports that the Corporation of the City of Darwin is at last considering this matter. This motion is an opportunity for the Assembly to indicate its support for their action, to urge them to conclude the matter without further delay, despite any problems which they might see arising, and to urge other municipalities to follow suit. We hear often enough that 1979 is the International Year of the Child. It is a year not just for fun and games, but one which, hopefully, will benefit children in the long term. In terms of the wording of the General Assembly resolution of the United Nations, which declared 1979 to be the Year of the Child, "it is a year of advocacy and of action". In this case, the Assembly's role is advocacy and it is up to local governments to provide the action.

Mr EVERINGHAM (Chief Minister): Mr Speaker, in speaking in support of the motion, I should indicate that members of my party considered this motion this morning and decided that it was one on which members, at least of this party, should be entitled to speak in accordance with their personal view. Therefore, there will be no party lines adopted on this side of the House in relation to the motion.

Certainly, it is one that I agree is timely. Although some councils have considered the introduction of bylaws to require the fencing of private swimming pools, it is a matter on which municipalities generally throughout the Territory - and I suppose one can only criticise Darwin and Alice Springs at this stage - have done little, despite the efforts of certain aldermen in each of the corporations. The opponents of the proposition that private swimming pools should be fenced say things such as : "You do not have to fence fountains in public parks; you do not have to fence gold fish ponds; you would have to put a fence around every puddle of water, every drain". I think some drains and trenches should be fenced as there have been tragedies associated with them. These things are snares for young children. I know a little bit about children, being the father of 4 myself. We have been very lucky in having a swimming pool in a couple of houses that we have lived in. However, I have always had the pool fenced as soon as possible.

I believe that it is important for councils to realise that, in making bylaws of this type, they should specify the sort of fencing that children would find it difficult to get over. Some high fences look very nice but are really just a ladder for kids to climb over. I do not suppose that I should plug particular commercial enterprises in this Assembly but there is a brand of fencing put out by ARC Welding. It is very cheap and is made up of straight vertical steel rods and it virtually clips together. I believe that anyone who can afford a swimming pool can afford this fence to go around it.

It is no defence for people without children to say that they should not be required to have a fence and that the people with kids next door should keep a good eye on them. That is just an unreal proposition because, no matter what precautions are taken, children will manage to find their way out of the best guarded yards on occasion. As we know only too well, swimming pools are magnets that draw them and, before one knows what has happened, they are found floating face down in the pool. I believe that we should exert pressure and request local government councils as a matter of urgency to use their bylaw-making powers in respect of swimming pools.

Mr Speaker, I support the motion.

Mr STEELE (Transport and Works): Mr Speaker, I do not normally take part in this sort of debate, but the Chief Minister brought home an interesting feature concerning the fencing of yards. There are no statistics to say whether the children who live inside the fences or the ones who wander in off the road are the ones that drown. The fellow next door to me has completely fenced his block and, in addition, he has a fence that butts up within 2 feet of his swimming pool. Obviously,he has the most protection that he could offer to his young child. My house is not fenced. The yard is fenced on 3 sides but the front fence is not there and my pool is open to the road. If some child were to wander down Charles Street and go into that pool, I guess I would feel a bit of an idiot about the whole thing.

However, that is not the object of the motion. The motion is to draw the attention of the city council to its responsibilities. It would be a good thing if some of those councils, before asking for greater devolution of powers for themselves, were to exercise some of the responsibilities which they currently enjoy. The Alice Springs city council has certain powers to prescribe or to adopt Australian standards in respect of pedestrian crossings but it has refused to accept those standards. It is incumbent on us to provide cash and do all the things that we have to do, but it is also incumbent upon councils to follow their own regulations and to exercise their responsibility in a proper way.

Mr HARRIS (Port Darwin): I rise to speak against the motion. I believe that this motion is trying to force the Darwin city council to make it a requirement to have fences placed around swimming pools. I believe that this is a council responsibility. The issue of fencing swimming pools has been debated for many years. When I was a member of the city council, this subject received a great deal of attention. At that stage, we called for submissions from the public in regard to the fencing of swimming pools and we did not receive many. However, the council did debate the matter and, at that particular time, it felt that it was not necessary to take the matter any further.

The motion is that we request the council to look at this matter but a council may decide, after proper consideration, that it should not make it a requirement to fence swimming pools. What do we do then? Does this Assembly tell the council that it does not agree with their decision? Does this Assembly then say to the council: "We have given you the power but we request you now to change the decision that you have made?" It is not up to us to become involved in such matters. The member for Fannie Bay and the Chief Minister should stand for election as aldermen if they feel they have better judgment in these matters than the aldermen themselves. All of us have the right to lobby aldermen. I feel sure that most of us here, having concern for the seriousness of allowing pools to be unfenced, have lobbied council members in this regard. The Assembly gave the city council the bylaw-making powers and now we are trying to direct how they are to use those powers. I do not accept this principle. I believe that, once the power is given, it is up to the people who have that power to make the necessary decisions. I am not doubting the figures that the member for Fannie Bay has mentioned. There is a tremendous problem in the whole of Australia in this regard but I do believe that, when you give responsibility to people, they are the ones who must make the decision. If members are really concerned about the fencing of swimming pools, they should make personal representations to the council.

Mrs LAWRIE (Nightcliff): I would like to advise the honourable member for Port Darwin that I have spent hours on the phone making representations to the Corporation of the City of Darwin about fencing swimming pools. I have written reams of press releases assuring everybody that this bylaw-making power had been given to the corporation as far back as 1972. I supported the motion put forward by the previous member for Fannie Bay, Mr Fisher, at that time and the motion which is before us today.

I find it incredible to believe that this Assembly does not have a legitimate interest in the safety and welfare of the young children of the Northern Territory. It appears to me that that was the argument being put forward by the honourable member for Port Darwin. He says that we have passed responsibility in this case to the Corporation of the City of Darwin and we should have no further interest as an Assembly. I do not agree with him; we have a most particular interest. Might I advise the House that I almost drowned once but, probably to the chagrin of the Chief Minister, efforts revived me. However, I vividly remember almost drowning and it is the most horrible experience anyone can have. I will never forget the time when a child 2 houses away almost drowned. The child was unconscious and its colour was blue. It was lying on the bottom of the pool but, thanks to the efforts of an electrical worker who had a certificate in resuscitation, the child lived. It is most frightening to see a child with its life almost extinct.

Like many other people, I too have a swimming pool. I do not think that I should be any less concerned just because my 2 small kids can swim. It is most difficult for a woman, with a group of young kids in her care, to keep her eyes on all of them all of the time. Unless she chains them down or closely confines them, which amounts to cruelty, it is almost impossible. It behoves every pool owner to take reasonable steps to ensure the safety of that pool.

It is reasonable to put up a fence either around the pool or on the perimeter of the property. Whilst one can judge the capabilities of one's own children to a fairly precise degree and be able to judge whether the fence has to be directly around the pool and padlocked or simply around the perimeter, society says that - and I believe this to be an expression of society's will - at least the perimeter should be securely fenced so that the pool is not available to any young toddler toddling down a public street.

The Chief Minister spoke about the efforts of kids to climb fences. As I said 7 years ago, you would need an electrified, 20-feet high, barbed-wire fence to keep out an active 12 year old. That is not what we are talking about; we are talking about protecing the very young from death by drowning. The member for Fannie Bay wisely chose to use the statistics of death in the 0-4 years age groups because they are the children proven to be most at risk.

There is another reason for the Assembly to urge the various councils to take action in this matter - a commercial reason. Many people have rung me to ask what will be the prescribed height of a pool fence. That is a most reasonable request and I tell them to ring the Town Clerk because the aldermen have discussed this and must know the kind of fencing that they are going to require. These people have not been able to get any indication, not even an indication as to what is likely to be required. Therefore, they cannot budget accordingly and, in some circumstances, they cannot landscape accordingly. That is a fairly important provision. They want to know whether it is going to be 4 feet 6 inches or 6 feet. I think that the very least the corporation can do is to give the people some indication, if bylaws are to be brought down, as to whether the height will be in the order of 5 feet or whatever.

Some pools are now being built half within a home. They are not out in the backyard at all. I draw attention to this fact and maintain that, in such circumstances, the perimeter fence would surely be the order of the day. There is one house in Nightcliff which has a pool totally within the house. One would assume that that pool would not need fencing. Perhaps the walls of the living room would be considered a fence. In line with trends in contemporary architecture, some of the most delightful homes are being designed with the pool incorporated half in the home, under shade, in a living area. I only draw the attention of the House to that fact so that, if this debate is going to the Corporation of the City of Darwin, they will see that one has to have a bylaw which is reasonable in all eyes. This is not only for the protection of the very young, but also to ensure that pools that are built in this matter conform to safety requirements with the erection of a secure perimeter fence.

I have no hesitation at all in supporting the motion of the honourable member for Fannie Bay. As I have done on the phone and by letter, I urge officers of the Corporation of the City of Darwin and the aldermen to turn their attention to this matter. It is not a light matter; it is a matter of intense community concern. Every time some young child drowns, people ask: "What is the Assembly going to do about it?" Well the Assembly did something about it in 1972. If this Assembly was to pass a law saying, "all private swimming pools henceforth throughout the Territory shall be fenced in the following manner", that would include pools on pastoral properties in the most isolated areas that do not need the same security requirements as is needed in an urban area. Urban areas are administered by urban councils and I wish they would get on with the job.

Mr OLIVER (Alice Springs): Mr Speaker, I agree with the philosophy of the member for Port Darwin in that, once a power or responsibility is given, it should be accepted as being given and that is that. I feel certain that we would be highly irked if, after having been given the responsibility of power from Canberra, they were forever knocking on our door and asking what we were doing

with it.

This is a highly emotive area and it is an area where some awful tragedies could occur. In that respect, I agree with the sentiments of the honourable member for Nightcliff. I too have a pool in my backyard. It is an above-the-ground pool that is partly in the ground. The backyard most certainly is secure, but I feel there should be some sort of additional protection around it. The honourable member for Nightcliff spoke about little children falling into a pool. I think there is an equal danger of somebody coming home very late at night, a little bit under the weather, and tripping over the edge of the pool. Such a person could quite easily drown.

I concur with the member for Nightcliff that there is a very large amount of architectural consideration to come into this. Some pools are very ornamental - I am not quite certain as to the precise technicalities of the bylaws - but I think that if a pool is secure from children in the street then that should suffice. The parents should protect their own children within their own yards but children wandering up and down the street should also be protected. I support the motion.

Ms D'ROZARIO (Sanderson): Mr Speaker, I support the motion. Unlike the honourable member for Port Darwin, I think it is the concern of members of this Assembly that we should worry about the incidence of death by drowning that occurs amongst very young children. I too have made representations to aldermen about this matter. I received a number of expressions of concern from constituents in my area and I wrote to each of the 3 aldermen representing the ward in which these constitutents lived, urging them to lend their support to a bylaw-making power which might come before the council. I believe that this matter has been on the agenda paper of the Darwin city council for a number of months but it appears that aldermen are not prepared to make a statement one way or the other about this life and death matter.

When we are talking about very young children drowning, we should not feel inhibited about giving a nudge to the aldermen in local councils. I do not expect that the Chief Minister will be standing for election as an alderman and this matter is simply not something that we can restrict to one level of government or the other. The member for Alice Springs raised what I consider to be an illogical analogy in speaking of federal intervention in the Northern Territory affairs. Here, we are talking about safety; we have given the power to make bylaws to the councils yet they have refused or declined to act. We should not feel at all embarrassed about giving the nudge. I do not have the same inhibitions as the member for Port Darwin.

I have mentioned before that the electorate which I represent has a very large proportion of pre-school children. I do not say that it is unique in this respect but it would be one of those electorates in which there is a very large number of pre-school children. When the area was developed, it was considered fashionable that there should be no fences. People were provided with extremely flimsy wire fences on the side and rear boundaries but there were no front fences. Many people expressed great concern to me about this not only because of the question of swimming pools but also because of the probability that very young children would stray onto the road. At that time there was also a large outcry against the nuisance of dogs entering people's property. When I tried to find out the reason for there being no front fences, I was told by the then housing authority that this was planned as a garden suburb. I know something about garden suburbs and the planning of a garden suburb does not rest solely on the non-provision of front fences. I lobbied very strongly so that people in my electorate would have their blocks fenced in order to protect their children. Since then, the policy has been modified somewhat and my electors have been told that they can erect fences at their own expense,

but that the fence has to be of a prescribed standard. I think much the same sort of approach could be used in this regard. We are not saying that all private swimming pools in urban municipalities should be fenced. We are asking that the local government councils exercise their bylaw-making powers. If, in so exercising their bylaw-making power, they choose to prescribe exemptions from the bylaw or the type of fencing or the type of alternative landscaping arrangement, that is their entitlement.

The Chief Minister described a type of fence that is available from a local company and which provided a very good solution. It is the type of fence designed such that it is impossible for a child to get a foothold. That company makes another type of fencing which is on the rectangular grid, not just the vertical grid that the Chief Minister described. If the local government councils choose to prescribe these things, it would not be out intention to oppose the degree of discretion that they might have. I do not think it is the intention of this motion that we impinge to such a large degree on the council's bylaw-making power. We have to remember that a swimming pool is alluring to young children. We have witnessed in the Northern Territory deaths by drowning of very young children in swimming pools and I think that it is time that we did something about it. We should not all be quite as bashful as the honourable member for Port Darwin.

Having said those few things, I suppose that I should state that I too have a swimming pool on the premises where I live and it is not fenced. It is not a question of one's preference for a fenced or an unfenced swimming pool. We are speaking on behalf of our electors, as the honourable member for Port Darwin has urged us to do, and we have made those representations which he has advised us to do. I think it is now time for members of this House to express their support or otherwise for this motion.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, I rise in support of this motion. When one looks at the idea of putting fences around swimming pools, a major consideration is the type of gate to be used. You must find the right type of fence and the right type of gate. It is very pleasing to see this motion. During my time in this Assembly, the honourable member for Nightcliff has raised this matter as no doubt other people have in the past. It is very distressing to hear of the number of deaths of children in the 0 to 4 age group. It is not only the younger people; there has been quite a few adult deaths. For instance, there have been 2 drownings in ground-level pools in Gove and we probably haven't had that many people killed as a result of road accidents.

I feel that a decision has to be made on this. We cannot procrastinate forever. We have building regulations and all sorts of standards set and the people live by those. If you can afford to pay for a pool, you can surely afford to pay for some sort of safety fence. If you already have an adequate fence around your house, that should suffice. You may have to make some modifications to close off your backyard or frontyard. Do not forget that many people already have fences around their pools. They realise the safety factor or perhaps it is a matter of privacy. People who have pools do not want everybody walking by peering in and looking at them. Some of them have even been known to go in and have a swim at somebody's place.

There is a pool at Wallaby Beach in Gove which is fenced off. It is an in-ground pool with a very high fence around it. Recently, the son of a friend of mine and a couple of other young chaps jumped over the fence and dived into the pool. One of them did not look before he leaped and just about fractured his spine. He displaced some of his discs and has damaged his neck. That is the sort of thing that can happen if you have a fence around the pool. However,

at least it is a deterrent to the younger ones. The older ones have to learn to understand that they cannot enter private property.

As I said before, someone has to come out with a positive attitude. The council has the bylaw-making power and it must let the people know where they stand. There are difficulties in fencing certain types of pools, particularly where pools are adjacent to a house. The walls of the house could be used as a fence. There are cases where people do not have young children but they do have visitors. I think it is up to the people to protect their visitors and to see that the young kids do not wander off. If you have set the standards, the sooner they are implemented the better. People will then know where they stand. This could go on and on. In another 10 years' time, the council will still be trying to make up its mind. I am going to stand up to be counted. I believe in the idea and I compliment the honourable member for Fannie Bay for bringing the motion to this Assembly.

Mr COLLINS (Arnhem): I rise in support of the motion. Everyone seems to be talking about his personal experiences in this regard so I will talk about mine.

Mr Isaacs: St John Ambulance.

Mr COLLINS: Certainly, the Leader of the Opposition has hit it in one. I was a proud member of St John Ambulance for 8 years and I was very sorry when I had to leave.

The honourable Minister for Industrial Development raised a point that I want to speak about this afternoon. I have been involved with 3 cases of child drownings and they were extremely distressing. Two of them were in the northern suburbs and both cases involved small children who had entered someone else's yard and drowned in swimming pools. Unfortunately, the efforts that we made to revive them were in both cases unsuccessful. The one thing that I remember about both instances was the distress and self-recrimination of the very unhappy owners of the swimming pools that these little kids were floating in. In both cases, the children belonged to the next-door neighbours. To this very day, I remember the very genuine distress of the people who owned the pool and the way that they castigated themselves for not having erected a fence around the pool.

The third case was a little closer to home. I was living in the northern suburbs in a rented house that had a swimming pool. I had a caretaker tenancy and I normally slept in the house. It was very hot, being the wet season, and the air-conditioning was on. It is interesting that often a minor incident can affect the fate of people, adults and children alike. The power went off and the air-conditioner stopped working. When the air-conditioner was working, it was impossible to hear anything that was happening outside the room. It was 6.30 on a Sunday morning and I was lying in bed. Suddenly, I heard a splash and a cry from the pool in the backyard of this house and, because I had been involved in 2 previous drownings, I immediately twigged to what had happened. I raced out of the room and down the stairs to find a 3 year-old girl from next door floating face down in the pool. It frightened the daylights out of me, but I jumped in and fished her out. fortunately, I was fast enough and she did not even need rescusitation. She was very badly shocked and frightened of course. She had apparently risen early in the morning; everyone else in the house was asleep so she decided to go for a bit of a walk around the neighbourhood. She was running around the edge of the pool and having a great time when she slipped and fell in.

In the last 5 years then, I have been involved with 2 drownings and one near drowning in Darwin. It happens far too frequently as far as I am

concerned. I appreciate the very good argument that was put forward by the member for Port Darwin. It places us in a bit of a quandary to give organisations decision-making powers only to find that these organisations do not follow them through. They should be left to carry those powers out, but my personal view is that the Darwin city council has been very lax in this regard. We were having discussions in caucus on this motion the other day and the honourable member for Sanderson related the same story that she has just told the Assembly: this item has been on the agenda of the council for several months and it has not even progressed to the stage of being discussed. I really do not think that, in view of the great frequency with which this very sad thing happens in the Territory, it can be allowed to continue much longer. Although I agree with the member for Port Darwin that the council certainly does have the power to pass its own bylaws, I also do not think it is improper for this House to express its concern about the subject to the council and to urge it to do something. I support the motion.

Mr PERRON (Treasurer): Mr Speaker, I have to rise in opposition to this particular motion and join the ranks of the minority in the House. I do not oppose the principle of this House passing a motion such as this to inform or advise local government to exercise one of its powers that was conferred from this House. There are quite a range of matters in the realm of local government responsibility that I disagree with strongly and perhaps more should be done about "coming the heavy" with local government.

However, I oppose the principle of requiring persons to fence swimming pools. We have heard a lot of debate this afternoon about why the children concerned cannot be held responsible for their own actions. Certainly, no one would advocate that in the 0 - 4 age group. I believe that there is a range of tragedies facing these very young children all the time and that we are looking at one in isolation and perhaps somewhat unfairly. Further, many of the deaths of children in swimming pools have,in fact, occurred in swimming pools that are fenced. For some reason, the child has been able to get into that swimming pool. In some cases the gate has not been properly locked or not locked at all and,in other cases, the fence has been insufficient to prevent the child from climbing over. It is very difficult to build a fence that cannot be scaled with the aid of a nearby chair, bicycle or a box of some description. Unless you had a very high, slanting fence, you would always be faced with that possibility.

Children face many other dangers too and I think that parents - and I have a child myself in the age bracket we are talking about - have to be ever wary and ever diligent. The first that comes to mind is the roads. Most of us in urban areas live on roads where there is a fair degree of traffic. A child of the age that we are talking about would be lucky to survive very long at all on some roads. Another danger relates to houses on piers. I live in a house on piers that has a 12-foot drop from the verandah to the concrete below. Certainly, we have taken reasonable measures to try to protect our child from that danger, but it exists just the same. There are chairs and toys on the verandah and short of fencing the whole place in like a cage, you cannot really make it 100% safe. You have to be diligent irrespective of the moves you have made.

Another danger relates to stairs. As we all know, if you live in a house on piers,sooner or later children reach the stage of crawling up stairs and even walking up stairs with shaky legs. They do it from time to time when you are not looking and you find them half way up or half way down. A fall could be fatal.

A number of children have been killed by lawnmowers. They can be very dangerous, yet we still see parents mowing when children are on the lawn. A

piece of bone or a stone can be an absolute deadly weapon when thrown up by a lawnmower.

There are many more dangers. We have all heard of the terrible tragedies of people running over a child whilst backing cars out of their own garage. Cleaning chemicals in kitchens are certainly famous for the number of accidents they have caused. Detergents and stove cleaners are usually stuck under the sink in a kitchen. That is a more accessible place for children and so parents have clearly got to be very diligent about it. Pesticides left in garages or under the house are also very dangerous. Surely, we cannot have bylaws compelling people to do the right thing in all of these situations and to place these things in child-proof cupboards. I believe you can only really minimise the risk.

I believe that the people who really should be charged with not taking sufficient care of their children are those drivers who insist upon driving their cars with unrestrained young children standing on the front or back seat. That problem concerns me more than the problem posed by swimming pools. However, we do not have any bylaws or laws in the Northern Territory to restrain that parent who is not only accidentally negligent, but deliberately negligent. It is frightening.

I do not believe that I underestimate the tragedy to a family that has lost a child. Families that I have known very closely have lost children in this fashion. There have been 2 deaths through drowning in my own electorate over the past couple of years. One was in a swimming pool that had a fence of the type the Chief Minister mentioned. The gate was open and other children were using the pool. The other one was in an above-ground pool that had a retractable ladder arrangement. The retractable ladder was not retracted. It was on the ground. It only takes those few moments for the event to occur. It is a matter of what is reasonable. I do not believe that it is reasonable to expect every person in every situation to fence his swimming pool at great expense in the hope that some lives may be saved. Parents must be diligent.

Can I just finish off by saying that there has been some element of hypocrisy this afternoon, and I will perhaps unfairly, pick on the member for Nightcliff. She mentioned that it was a local government responsibility and they should be called upon to do the right thing. If she really believed that, she would have moved legislation in this House to cover the fencing of swimming pools throughout the whole of the Northern Territory. To say that such legislation could compel a person on a cattle station to unreasonably fence pools is nonsense. There are 5,000 people in Nhulunbuy, 1,000 people in Groote Eylandt - I am only talking of the mining town - 200 people in Batchelor and then there is Adelaide River and other centres down the track. All these places have small urban populations and no doubt some of the people have swimming pools. This House should have the stomach to adopt legislation and it could be conditional that some are fenced and some are not so as to cover the rare situation. Surely people are fair dinkum or they are not in this regard. If members really feel as strongly as they have expressed, they should override local government and do the job themselves.

Mr DONDAS (Community Development): I think that most members of this House have really covered the main points. I am going to speak against the motion. At the same time, I agree that some measures should be taken to protect small children. The council has had the opportunity in the last 7 years to implement its bylaw-making power. Indeed, there are 2 regulations under which they can do it: 349.28Y and 349.50A. We have to take into consideration that we had a cyclone that really put many things behind. The council could be behind in its activities for a 3-year period.

This particular motion was introduced by the opposition. Taking into consideration that the opposition has 2 known members of the ALP as aldermen of the city of Darwin, I would have thought that the member for Fannie Bay would have used ALP pressure on those particular members to lobby with the other members of the council in order to have some particular bylaw instigated.

The Treasurer has spoken of various hazards. Yesterday, I received in the mail a book called "David and the Helping Hand: the Book of Child Safety" prepared by the Child Safety Centre, Royal Alexandria Hospital for Children in New South Wales, and presented by the Commonwealth Department of Consumer Affairs. That also talks about hazards. The honourable Treasurer covered most of them: falls, cuts, poisoning, burns and firearm accidents. There are various types of traps around households and on vacant properties. Hopefully, we will introduce legislation that will protect children from being enclosed in old motor car bodies and old refrigerators that are dumped. I think that it is a parental responsibility to see that the safety of children is borne in the mind.

Most other members have spoken of personal experiences. I have a swimming pool in my yard. My property is fenced but my swimming pool is not. I have a daughter who is 6 months old and, in another 6 months' time, she will be scrambling all over the place. However, I think it is up to me and not the city council to decide what actions I will take to protect her life. Nevertheless, if there are some people who do not take their children's welfare or safety into consideration, then perhaps the council should implement bylaws to protect those children. Sometimes parents think, "Oh, it will never happen to us". It does. The extent of regulation is a thing that must be decided. The Treasurer made the point that, if members of the House think that this particular situation is serious and the council is shirking its responsibilities, they should introduce some legislation.

It is an important issue. I am quite happy that the honourable member for Fannie Bay raised it this afternoon and I have no doubt that the motion will be carried. What will the council do after it is carried? It will be a piece of paper in the bin. It will not pay any particular attention to the result of this motion. It will say, "What the hell are they interfering for?" That is the typical reaction we will get. Nevertheless, I am quite glad that it has been discussed this afternoon and perhaps council aldermen will take some warning from what has been discussed: the need for protection and also its lack of responsibility in view of the fact that legislation was introduced by Joe Fisher in August 1972. I have had my two bob each way, Mr Speaker.

Mr ISAACS (Opposition Leader): Mr Speaker, I support the motion before the Assembly. It seems to me that there are 2 issues before us: whether or not we should be telling the council anything and whether or not we agree with the fencing of properties or swimming pools for safety reasons. If they agree that swimming pools ought to be fenced, most people will happily support the first principle that we ought to tell the council. If they oppose the fencing of swimming pools, they will adopt the view that we should not be telling them anything. It is logically inconsistent for people to agree with the fencing of swimming pools but then to take the view that we ought not to be telling the council what to do. I very happily come down on the affirmative side of both the principles. I agree that swimming pools should be fenced and that we should be telling the council.

Perhaps the simplest argument is the first. It is not a matter of protecting your own children but a matter of protecting people other than those living on your property. If it was simply a matter of protection of people living on your property, then I agree that it has nothing to do with us nor the council nor any other regulating body. It would be a matter of organising

your own affairs and those of your family, bearing in mind those very important principles espoused by the member for Fannie Bay when she moved the motion. Swimming pools are also a clear danger to people other than those who reside on the property. For that reason, I support the principle that swimming pools ought to be fenced or some measure of security arranged. What that could be would be for the regulating authority to decide.

Whether or not we should be telling the council anything has raised some comment. I do not think it would be hypocritical to say to the councils, on the one hand, that they should do this and, on the other hand, not legislate ourselves. If we legislated, we most certainly would be open to criticism. In 1972, the Legislative Council passed over its right to make legislation in regard to swimming pools by saying to the city council that it was more appropriate for it to do so. I think 7 years is a long time. One member complained that we were forever at the door of the city council. I do not recall a motion of this sort coming before this Assembly before. Certainly, I cannot recall ever reading about one coming before the first Assembly either.

As the member for Nightcliff said, we have a responsibility for the peace, order and good government of the Northern Territory and children come under that purview. If that is the case, we ought to be concerned when some authority that we have set up by law and given the responsibility to enact bylaws is not fulfilling its obligations. I am not saying that we should dot the i's and cross the t's, but it is important that we review the operation of those authorities which were established by our laws.

As the Chief Minister said by way of interjection, the federal government is constantly coming to our door and it is a matter of how you make your views known. I have not been privy to the many and varied conversations which the Chief Minister and his government have had with the federal government but I am quite sure that the federal government makes its views known on a number of matters. We have seen legislation introduced clearly at the behest of the federal government. There is nothing wrong with that necessarily. We have argued about whether or not we have the right to change it. I remember the member for Arnhem being highly critical of this government pushing through legislation at the behest of the federal government and not allowing us to amend it. That is something which we ought to stand up against but we are not doing that to the city council. We are not beating them over the head or, to use the words of the member of Port Darwin, "putting pressure" on the city council. What we will be doing, if this motion is passed, is showing our concern to the city council. They were given a power 7 years ago in relation to the security of swimming pools. As members representing people in the Northern Territory, we have had representations from many people and we have the responsibility therefore to transmit that message back to the city council.

I too have done what the members for Nightcliff, Fannie Bay and Sanderson have done. I don't know whether I speak some brand of gobbledegook whenever I talk to Darwin city council aldermen but it appears to me that the message does not get through. I am not saying that they do not understand what I am saying, but there seems to be a problem in translating that into action. Perhaps there are several Darwin city councils as I seem to get conflicting stories. One tells me that there is a problem because it does not have the bylaw-making powers and I know that that is not true; another says that there have been problems with the drafting; and another one says that it is on the notice paper for discussion. There appears to be a reluctance on the part of the city council to take action on this matter.

As an overseeing authority that has had representations made to it, we have a responsibility to request the city council to seriously consider the

question of making swimming pools secure for those people who live outside those houses which have them. Perhaps that point meets the argument of the Minister for Youth, Sport and Recreation. Some people choose not to have a swimming pool precisely because of the security factor. They choose not to have a swimming pool because they have young children. Certainly, the whole argument goes down the drain if we allow other people to have swimming pools that are not secure. I support the motion.

Mr TUXWORTH: Mr Speaker, I have looked at this in 2 ways. The first thing I took into consideration was the principle of the Assembly requesting or advising the city councils to require fences around swimming pools in municipalities. I rather put ourselves in the same position as we relate to the Commonwealth and that has been spoken about this afternoon. If the Commonwealth has a problem about any action that we take pursuant to the powers it has vested in us, they take the matter up with us not as a parliament but as ministers or individual members or departments. I feel that we should not be talking about the activities of the councils and urging them to do something. We should take the matter up as individual members or ministers or as the government to try to have something done.

The truth of the matter has been touched on by a couple of people: politically, it is very unpalatable for the councils to have to deal with this issue and take a stance.

Mr Isaacs: Give back the responsibility to us.

Mr TUXWORTH: The honourable Leader of the Opposition says they should give us back the responsibility. We would be a little more responsible ourselves and just take it back if we feel so strongly about it. That is an option that is open to us. I do not believe that the principle of fencing swimming pools is the issue; I believe the issue is one of responsibility. We have to be a part of that responsibility. We come in here and complain about the state of the footpaths, the packs of dogs, swimming pools and other responsibilities of the city council. I do not think we should be wasting the time of this House on those matters. If we feel that the city councils are so inept and so reluctant to take a stance on this particular issue, we should wind up the city councils and put in administrators. The fact is that the people who elected the city councils are the same people who elected us. I do not believe that we should be overriding or buying into the affairs of the city council in this particular issue. The honourable member for Fannie Bay should have introduced a bill either to take the powers back from the city council or to fence swimming pools right throughout the Northern Territory.

Mr VALE (Stuart): Mr Speaker, I would like to balance the numbers over on this side. I have done a bit of a head count and, without wishing to pre-empt the way the vote will go, I think it will be close. I am just a little bit worried about what will happen after the resolution is passed.

Mr SPEAKER: Would the honourable member speak to the motion?

Mr VALE: Mr Speaker, I support the motion with a little bit of hesitancy. I am totally opposed to organisations leaning on democratically-elected bodies, but I am totally in support of fencing swimming pools. In Alice Springs, it raises one small problem. The Todd River has flowed for some years now and has left behind a number of waterholes which are equally as dangerous as unfenced swimming pools.

The honourable member for Alice Springs, and I would hate to be seen disagreeing with him publicly, drew a comparison with the possible situation of the federal government having to lean on us to use the powers that we have

been given. I think there is a very big difference. The federal government transferred powers to us last July and we have not sat around doing nothing for 7 years. We have acted, and acted very quickly, to use those powers. Local councils in Alice Springs and in Darwin - excluding Katherine and Tennant Creek - have not acted. They have sat and discussed it on some occasions, but have taken no positive action under the powers granted to them by the Legislative Council in 1972. I am firmly of the opinion that one death or one near death in swimming pools anywhere within town areas is one too many. I support the motion.

Mr ROBERTSON (Education): Mr Speaker, I suppose we do not need palace coups to have an insurrection within government. I was wondering whether we were going to be short one Treasurer, short one Whip, and now probably short one Minister for Education and Manager of Government Business. I think in the debate which has transpired here, the only person who has seriously addressed himself - and it hurts me to say this - to the two-fold nature of the problem is the Leader of the Opposition. We have not had people from either side of the House outlining the difficulties and the principles of indicating to a third tier of government - or to any other tier of government - what approach we should adopt: should we ask, request, direct or what?

The Leader of the Opposition has attempted to analyse this problem. He indicated that members of this House do have a responsibility on behalf of their electors - on behalf of the children, in this case, because that is where it is directed - to indicate to local governments the attitudes of members of this Chamber. I quite agree; I do not have any quarrel with that at all. We are not here as members only of parliament, directing, requesting or otherwise a local government corporate body, under an act of parliament, as to what it should do. It is not that at all. It is the parliament itself passing a resolution and there is quite a distinct difference. It would seem to me that, while I have absolutely no quarrel whatsoever with the principle of protecting children from the hazards of open swimming pools that adjoin streets, it comes down to the fundamental principle of what are parliaments or what is the system of government under the Westminster system. The matter is one that could more properly be handled in the adjournment debate by members who are paid as representatives of their electorates to represent the views of those electorates.

I believe it is totally and utterly wrong for a parliament to do what this motion proposes to do. I see no difference between what is suggested in this motion, where this House is asked to hand a message on - an instruction virtually - to another elected body to carry out a certain series of actions, and the Commonwealth doing the same to us. The Leader of the Oppoisiton quite rightly says that the Commonwealth puts acid on us. I defy any member of this House to find any instance where the Commonwealth parliament has, by resolution as a parliament, directed any other parliament to do anything other than by individual representations to members. I cannot recall the equivalent anywhere and I have researched in the library. I can find no examples of any other legislature dictating or even indicating to any other legislature in the manner that is proposed here. If we set the precedent of indicating to the council by a resolution of this parliament what they should do then, surely, we invite the Commonwealth to do the same thing to us. We have a plenary power reserved to us in respect of local government activities and it has been pointed out by honourable members that this parliament can legislate in respect to swimming pools. I do not accept the honourable member for Nightcliff's argument that we have to legislate on waterholes as well. The Darwin Reconstruction Commission defined areas and there is no reason why any individual member in this parliament, by way of private-members bill, cannot define areas in respect of which these regulations or laws will apply to fencing swimming pools. It is

open to this place, having a residual plenary power over local government, to make laws. In the say way, the Commonwealth can do it to us. You can imagine our outrage should that happen. Even if they casually leaned on us, we would have the Chief Minister and other ministers of the government - the vassals on the other side, of course, do not care what the Commonwealth does ...

Mr SPEAKER: The honourable minister is being provocative.

Mr ROBERTSON: I intend being provocative, Mr Speaker.

Mr SPEAKER: The honourable minister is inviting interjections and comments.

Mr ROBERTSON: I do not mind inviting interjections, Mr Speaker.

Mrs Lawrie: Well, do not complain when you get them.

Mr ROBERTSON: I am sorry, Mr Speaker, but when I am provocative, I do not mind getting interjections. In this case, I am not deliberately trying to be provocative and I will try not to be, Sir, because I really believe in this. There is an issue here that I am firmly committed to.

Mr SPEAKER: Whatever you believe in, honourable minister, I object to your calling the opposition "vassals".

Mr ROBERTSON: Well Sir, in the Chinese parliament, if you could call it that, I suppose we would be running dogs - so it is just an equivalent. I do not mean that they are vassals of the Commonwealth because they are on the opposite side of the political fence and could hardly be so. I withdraw the word.

What I am concerned with is a more serious question. If this House considers it proper to pass that motion then this House must endorse the Commonwealth's right to act similarly and to urge the Northern Territory parliament to carry out some action or other in the future. That has never happened. It goes beyond that because there is a residual plenary power available to Westminster in respect of Australia. After all, Australia gains its constitutional authority by way of various constitutional conventions that led up to the 1901 act of Westminster. How would we feel if this type of motion was presented in the House of Commons and endorsed by the House of Lords. I see some rather cynical smiles and it is not a matter of smiles at all; it is 3 tiers of government.

I think that we have to address ourselves to the fundamental question. I am quite sure I recall reading in Hansard these very words by the honourable member for Nightcliff: "When you hand on responsibility to elected representatives, you let them exercise that responsibility or withdraw it from them". That is my principle.

Mrs Lawrie: I am not quite sure at all.

Mr ROBERTSON: We might check it out and you may take it up later. As I say, it is purely from memory. Nevertheless, that is the fundamental principle of the various tiers of government. Local government uses the word "government". I do not think it is decent for this parliament to direct other elected people other than by the use of the normal electoral responsibilities and by adjournment debate. I have no quarrel with the sugggstion that children are exposed to the risk of falling into swimming pools but I very strongly object to using a resolution of the parliament to indicate to other elected people what they should or should not do. The option is simple. We either do it by representation

or we withdraw their power to make their own decisions. I am not suggesting the latter and I oppose the motion.

Mrs O'NEIL (Fannie Bay): Mr Speaker, the broad spectrum of debate that we have had today indicates that a great deal of interest exists both in this matter and the related matters of the powers of city councils. It seems to me that, when we gave bylaw-making powers in the first place, we indicated what we believed councils should do. Whether they like it or not, they are subservient to us.

I gave a great deal of thought to the wording of the motion and to the fact that it could have been done by legislation. To introduce legislation would have been insulting to the councils and the wording is quite carefully drafted so as not to do that. I think that we, as legislators and as representatives of the people of the Northern Territory, do have a right to indicate that we are concerned about the need to protect young children from this risk. I believe that we have that right; I believe it very strongly. I thought about whether I should simply raise the matter in an adjournment debate, but I felt that the whole Assembly had a right to consider this matter and to indicate to the councils how we felt about the matter.

There have been some other points raised and most of them have already been answered. The honourable Treasurer spoke with emotion at some length about the dangers that exist for young children. The statistics that I mentioned earlier demonstrate, quite convincingly, that drowning is overwhelmingly a much more prevalent cause of death by accident to young children than those other areas. I have the statistics here and will be happy to show them to him.

There were some other points raised. I think some of them were answered by the Leader of the Opposition. It is not a question of protecting our own families as that is our own responsibility. It is our responsibility, as pool owners, to other members of the community that we should be concerned about. If members of the community are not accepting that responsibility then, unfortunately, they might have to be forced to do so by law.

A few members have indicated other minor reasons why this motion might be desirable: we will clearly stimulate the local fencing industry and encourage skinny-dipping. Although the debate has had moments of levity, I do not think it indicates that anyone here takes the matter lightly. I thank all members for their contribution and particularly those who support the motion.

The Assembly divided:

Ayes 13	Noes 5
Mr Ballantyne	Mr Dondas
Mr Collins	Mr Harris
Mr Doolan	Mr Perron
Ms D'Rozario	Mr Robertson
Mr Everingham	Mr Tuxworth
Mr Isaacs	
Mrs Lawrie	
Mr MacFarlane	
Mrs O'Neil	
Mrs Padgham-Purich	
Mr Perkins	
Mr Steele	
Mr Vale.	

CLASSIFICATION OF PUBLICATIONS BILL
(Serial 207)

Mr ISAACS (Opposition Leader): I seek leave to have this bill withdrawn from the notice paper.

Leave granted.

ELECTORAL BILL
(Serial 213)

Mr EVERINGHAM (Chief Minister): I move that the question be now put.

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
Mr Perron	Mr Perkins
Mr Robertson	
Mr Steele	
Mr Tuxworth	
Mr Vale	

Mr SPEAKER: The question is that the motion that the bill be now read a second time be agreed to.

Motion negatived.

MOTION

Mr ISAACS: Mr Speaker, I seek leave to withdraw the following bills: Long Service Leave (Serial 209); Second-Hand Motor Vehicles (Serial 210); and Workmen's Compensation (Serial 208).

Leave granted; bills withdrawn.

MOTION

EXPENDITURE COMMITTEE - PROPOSED APPOINTMENT

Continued from 30 November 1978

Mr PERRON (Treasurer): Mr Speaker, this government appreciates that this Assembly faces a formidable task in not only dealing with a heavy legislative program but also on concurrently reviewing the activities of government in debating issues arising from the policies and planning associated with the transfer of executive power from the federal government to the Northern Territory in its constitutional development towards eventual statehood. In coping with the work-load imposed on members of the Assembly, a judicious use of the committee system may well help to streamline the conduct of business before the House. In fact, members will be aware that we presently have 5 standing committees as well as a sessional committee on the environment. A feature common to all existing committees is that their terms of reference are within manageable limits and this feature is vital to the ability of the committees to operate effectively.

On the other hand, the committee proposed in the motion by the Leader of the Opposition would have carte blanche. It would have the function of examining the basis for and the effectiveness of all government policies. Surely such a charter constitutes an usurpation of the authority of executive government and transcends the proper function of the Assembly as a whole which is to legislate,not to administrate. The functions described in paragraphs 1 (b) and (c) of the motion contemplate the judgment of programs on economic grounds. It is the business of this government to allocate resources towards socio-economic objectives. These objectives may well result in uneconomic expenditure in the shorter or longer term. A case in point is a policy of preference to local industries and another would be the grants-in-aid scheme.

The scope of the committee's appointment could encompass the resurrection of issues that had already been debated and dealt with by the House and this would be to the detriment of current business. The focal point of government policies is the budget. The presentation of the estimates of revenue and expenditure is the predominant vehicle for exposing policies, plans and programs and, in the consideration of the budget, this Assembly is very well served. Assembly members, by reason of the legislative provisions and procedures already established by this government, are already in possession of more detailed information relating to revenues and expenditures than any comparable legislative body in Australia. I do not believe that examination of the material by a standing committee would be more effective than the consideration presently provided for in the committee of the whole and, in fact, I believe it would be less effective. Currently, members have ample opportunity to elicit information by way of questions and to participate individually in debate, particularly in the committee stages. These opportunities would not be enhanced by the preliminary consideration of issues by a select committee and, in the case of members not on the committee, may well be diminished. By way of example of the types of information presented before the House, I will give a small portion of the information that has been given to me on the procedure in some other states on supplementary appropriations or the approval of the House to debate changes to a government's original budget. This does bear on the area covered by the Leader of the Opposition's motion.

In Victoria and Western Australia, the parliament is normally informed of the additional appropriations in the following year at budget time. This is done by means of a separate paper presented along with the budget papers. In Tasmania, a supplementary appropriation act is presented for retrospective authorisation of the expenditures. New South Wales appears to involve its parliament least in the authorisation of additional expenditures. No second appropriation bill is presented and it appears parliament is not required to retrospectively endorse the changes nor is it formally advised of the changes. However, there is a statement of additional appropriation prepared by the Auditor-General. We can see that the information that is provided in this House by way of changes to the budget - and that is just one example - is greater than in any of the other states.

The committee proposed in the motion is to be appointed with powers of inquiry and publication, but without the obligation to report to this Assembly except in regard to a matter referred to it by this Assembly. If the committee is to have authority without responsibility, the way is open for frivolous, vexatious and abortive inquiries. Where estimate committees have been established by other parliaments, they have had to report to the committee of the whole. The rationale behind the establishment is that the parent body is too large to deal with the subject matter in detail and referral to committees is a matter of practical necessity. Such could hardly be said of a House of 19 members. In the case of the Senate, the explanations of proposed expenditures provided to Senate Estimates Committees are not as detailed as those that are tabled as explanatory documents in support of the annual appropriation bill in this

House. Every member of this House has the opportunity to be fully informed of the government's expenditure programs and all members are able to examine and debate those programs. It seems that the opposition want a secretariat to do their work for them which is perhaps not surprising having regard to their past performance on money matters. Despite the detail provided at the time, not one member of the opposition spoke in the committee stage of the Appropriation Bill (No. 1) before this House. They simply ignored the opportunity of a close examination and debate.

The opposition's response to the second reading of the budget was an eye-opener and perhaps is a good example of the level of interest that the opposition has in the financial affairs or, indeed, the future of the Northern Territory. The member for Fannie Bay devoted her whole budget speech to telling us of her opposition to a road that was proposed to go through her electorate and was touched on in the budget. The member for Victoria River's entire interest was that he wanted a road upgraded in his electorate because he had had a tyre staked on it recently. If that is the level of interest shown by members of the opposition during the period for proper budgetary examination, I can only conclude that the opposition is either disinterested or incapable of performing their role as members of this House. In moving this motion, they are merely seeking to water down their own responsibilities and hand the task over to a secretariat to do it for them.

For these reasons I oppose the motion but, before concluding, I would like to refer to my earlier point that the judicial use of the committee system is beneficial. Reviewing the situation elsewhere, we find that a majority of Australian legislatures have established a public accounts committee. Generally, such committees are constituted by statute, their powers and responsibilities are thereby defined and their established procedures link their inquiries with the role of the relevant Auditor-General. I can foresee that the time will come when this Assembly will appreciate the need for a post-operative review of public accounts, a review that can be best undertaken systematically by a standing committee. I believe the time will be ripe for the establishment of such a committee early in the life of the next parliament after we have been returned to office. By then, the transfer of executive powers for effective self-government will have been completed and the legislative machinery for financial administration will have been completely established and tested by experience. It will then be an appropriate time for review of the performance of the departments and instrumentalities of government in the field of financial administration, a review of the checks and balances embodied in the financial provisions of legislation and a review of the principles of the public accountability and their implementation. An appropriate committee to undertake that type of review will be established by this government at an appropriate time. I oppose the motion.

Ms D'ROZARIO (Sanderson): Mr Deputy Speaker, I speak in support of the motion of the Leader of the Opposition.

Mr Robertson: You have your instructions.

Ms D'ROZARIO: They are not my instructions.

The Treasurer said 1 or 2 things in his response which I found very interesting. Whilst conceding the value of the committee system in our parliamentary system, he went on to say that we should not have one on something as important as public expenditure. I find that statement extremely interesting. For the benefit of the honourable Manager of Government Business, let me tell members what I have been advised are the views of the honourable Treasurer. We shall now see how he has been instructed.

Some weeks ago there was some public controversy about the manner in which the public accounts were presented. It was a controversy brought to light by the Leader of the Opposition and it is the function of the opposition to act as a scrutineer of what the government is doing and as a scrutineer of public expenditure. After some discussion on this matter had ensued, we were invited to be briefed by officers of the Treasurer's department. I attended that briefing because of the unavoidable absence of the Leader of the Opposition. I was told that one of the reasons why the accounts had been presented in that way was that it was thought that the correct mechanism for informing the electorate about what the government was doing with public money was through the Legislative Assembly. I was told of this view by the Under-Treasurer himself. I commended the Under-Treasurer and my remark at that time was: "No doubt you will then be advising the honourable Treasurer to support the motion of the Leader of the Opposition in respect to the establishment of a public expenditure committee". I then explained to him that the Leader of the Opposition had presented such a motion in the November sittings. The Under-Treasurer went on to say that I should not interpret his remarks as being in support of the Leader of the Opposition's motion but that, nevertheless, he thought that the correct way of informing the public was through the Legislative Assembly.

Now we shall see who has been instructed and how. The honourable Treasurer spoke about the usurpation of executive responsibility. He has raised a matter to which many people, inside and outside parliaments, have addressed their minds. It is a fact that in this day and age the business of government is extremely complicated. Governments in western countries have taken on more functions, are producing more legislation and are controlling more aspects of citizens' lives. What it amounts to is that the parliament is retracting from the traditional position somewhat and the sovereignty of parliament is indeed under threat. It is a fact of life that most of the business of government takes place at the executive level. I am not saying that it should not be this way - far from it - but what I am saying is that it is also a traditional principle of parliament sovereignty that the parliament has the principal supremacy.

Many people, not only those of Labor persuasion, have addressed this question. Indeed, there are many people in the present government ranks in the federal arena who have written about this. One of these persons is the distinguished present Speaker of the House of Representatives. I understand that the honourable Manager of Government Business has some affinity with that gentleman's views. He informed us in the grounds of the House only the other day that he was quite able to cope with these sorts of questions because he himself possessed a pass in constitutional law. I thought that the honourable Manager of Government Business would be able to give some mature thought to the motion from the viewpoint of constitutional law.

The supremacy of parliament is under threat in all highly-developed western nations that follow the parliamentary system. The device of setting up committees is one means of redressing that balance. The honourable Treasurer concedes that the committee system is one way of coping with the work-load and that is the reason why we propose this motion. We do not propose to set up a committee on any frivolous matter. We are proposing to set up a committee to scrutinise public expenditure. It is also a traditional principle of the Westminster system that parliament has the ultimate control over the public purse. I would have thought that that principle is well known to the honourable Manager of Government Business. We are not proposing a committee which will provide a vehicle for frivolous discussion. We do not regard the discussion of public expenditure as a frivolous matter at all.

The other point to remember is that this motion is presented in precisely

the same terms as one presented in the federal parliament. Other parliaments, as the honourable Treasurer has conceded, have these committees. I think that the citizens of the Northern Territory are entitled to a detailed scrutiny of government expenditure.

Let us turn to some of the terms of the motion. The Treasurer said that the effective operation of such a committee depends upon its terms of reference. He has said that the terms of reference of this particular motion might somehow detract from the effectiveness of the operation. I do not see it that way at all. The terms of reference of this committee are quite comprehensive. We place a great deal of importance on the committee to examine public expenditure and we wish to give it powers to examine these matters in very great deatil. There is no point in setting up such a committee if it does not have the power to deal with the matters that parliament wishes it to deal with.

The major reasons for setting up this committee are outlined in the first term of reference. The first of these is to consider any papers on public expenditure presented to the Legislative Assembly. I would have thought that, just after self-government, the government would welcome such a committee. Citizens of the Northern Territory are entitled to take an interest in how the government is performing in the early years of self-government. Indeed, much of the future operation of the Northern Territory and certainly its financial stability and funding from the Commonwealth depends on its performance in its early years of self-government. I would have thought that, despite the small size of this Assembly and having regard to its very vast responsibilities, the government should not object to this particular term of reference.

To digress a little, let me say that the Treasurer has castigated certain members on this side for their budget speeches last year. I interjected at the time that, should there have been any prize for frivolity and fetishism, it would surely have gone to the member for Tiwi who spent her entire budget speech speaking about public toilets. What the honourable Treasurer should remember is that members of the opposition and members of the government backbench are in a dilemma when it comes to discussing the Northern Territory budget. The dilemma is whether we should concentrate on the broad issues - and certainly all members of the opposition have what we regard as portfolio responsibilities - or whether we should spend the time talking about those electoral matters which might sound frivolous to some members of the government but are quite important to electors. If the honourable member for Victoria River chooses to spend the time talking about roads in his electorate, I cannot see that that is anything to criticise him for and, if the honourable member for Fannie Bay wishes to speak about a particular proposal which has excited a great deal of objection and interest in her electorate, then that is not something on which she should be criticised either. Had all of us unlimited time to speak in this House, then we would certainly divide our time speaking both about the broad issues that affect the Northern Territory population at large and also about our electoral issues. Some of us are not so fortunate.

The second paragraph in the first term of reference is that the committee should consider how policies implied in the estimates of expenditure may be carried out more economically. Again, the budget debate does not provide that opportunity. What we get from the budget debate is the mirror of government policy and that is exactly what it should be. I do not suggest for a moment that government policy should not be reflected in the budget. That is what a budget paper is about. The budget is not simply a set of figures; it is an expression of government policy. However, what we do not get is the options that have been considered. Here is the value of such an expenditure committee. Whilst we have in the budget what the government proposes to do and what amount of expenditure it has allocated for its proposals, what we do not get is how

other things could be done or how the same policies the government wishes to pursue might be done in some other way. There is no forum to discuss that particular aspect. That would be one advantage of setting up the public expenditure committee.

It goes without saying, and the Leader of the Opposition has included it in his motion, that we should examine the relationship between the costs and benefits of implementing government programs. If we had such a forum, we would not have had some of the incidents which have been raised in this House on previous occasions albeit they were not the concern of this Assembly at the time. I refer specifically to the forestry operations in the Northern Territory. We now have power to control these sorts of activities and it should behove every government to sit down from time to time to work out the relationship between the costs and the benefits. Governments far too infrequently give sufficient regard to the benefits that will accrue from the proposals that it wishes to implement. It is all too easy to respond to perhaps electoral pressures or to sectional pressures of other sorts and to make money available in the government budget for specific proposals without examining how the results of these proposals, if implemented, would impinge on other sectors of the Northern Territory. The provision provided in paragraph (c) of the first term of reference should have been welcomed by this government.

Paragraph (d) provides that any question at all in connection with public expenditure could be referred to the Legislative Assembly. Here, I raise again the question of the quarterly public accounts. I was given to understand, in speaking to the Under-Treasurer, that he was certainly of the view - and I do not know whether he would make his view known to his minister - that the proper place for the discussion of quarterly public accounts was the Legislative Assembly. I agreed with him and I let him know that I agreed with him. I feel that that is the sort of question that could be covered by paragraph (d) in this particular motion.

The honourable Treasurer is quite right to note that there appears to be a usurpation of executive responsibility but I remind him that the tradition of parliament is that parliament has the supreme control of the public purse. If he or any other minister on the front bench, and certainly the honourable Minister for Education, were to tell me that they supported that this principle be completely overturned and that the public purse be not controlled by parliament as the sovereign body, I will be most disappointed. I think that that is the attitude which would lead very quickly to the demise of parliament as we know it.

The Treasurer said this is a small House and it is quite true that members, if they wish to take the opportunity to speak on matters, can raise them in a variety of ways. The honourable Treasurer listed such things as questions, adjournments and various debates, including the debate on the budget. However, this Assembly is also overloaded and, in fact, has the same burden as a lower house in any of the states of the federal parliament. We have the same sort of state-type responsibilities now and there is a very heavy legislative workload. From that point of view alone, the public expenditure committee should be a very important vehicle for discussion of public expenditure.

The Treasurer accuses us of wanting the secretariat to do our work. Far from it; what we do want is another mechanism to inform the Northern Territory citizenry on the progress of government proposals for expenditure. All lower houses have this sort of committee; they regard it as a very important mechanism for informing their electors about the performance of government. I suggest to the Treasurer that he is taking an unusual and completely insensitive view of the attitude of the electors. Electors certainly want their elected members to discuss, in another forum, the question of public expenditure. We do not want a secretariat to do our work. All members of this House are extremely

hard working. I say that without reservation and I intend my remarks to apply to both sides of this House. It is most unfair of the Treasurer to imply that members of this House do not work as diligently as they should.

Mr TUXWORTH (Mines and Energy): Mr Speaker, in speaking against the motion, I would just like to say that I believe that the honourable member for Sanderson did take a little licence with the truth when she said that all lower houses in Australia have these committees. I do not believe that to be a fact. I stand to be corrected but my understanding is that at least Queensland does not have one and I believe Tasmania has a different system. If you consider it on a basis of relativity, the Brisbane City Council has a bigger budget than Tasmania and they do not have one either.

This motion highlights the financial naivety and ineptitude of members on the other side of the House. As other honourable members have said on may occasions, they demonstrate that well and they demonstrate it often. It is a pity that honourable members do not have an understanding of the financial system of government, but it is up to them to learn it. One of the gems that I sat through in this House that highlighted their lack of financial understanding was the debate on the Electricity Commission when opposition members doggedly fought for a clause to give the Electricity Commission the power to invest money - an organisation that has been losing $22m for many years and does not have a hope of making a buck. To fight so doggedly and unreasonably for financial clauses such as that is beyond my comprehension.

The Treasurer made reference to opposition members' contributions to the budget debate. I think it goes a bit further than just the budget remarks. We have been going for 12 months and, in that 12 months, I have not had questions on notice or without notice about any financial matter relating to the departments that I am responsible for. The honourable member says that it is the role of the opposition to be a scrutineer. There is plenty of opportunity for that but they do not use it. If they want to inform their electors, there are hundreds of ways to get financial information from the government. They do not use those opportunities. One of the reasons for this motion is that certain other lower houses have one and the Leader of the Opposition thought it would be a good idea to give it a run here. That is about the extent of the thinking that has gone into it.

The honourable member for Sanderson said that the government budget reflected the government's policy but the opposition wants to know the options that were available to the government. I would suggest to the honourable member that, if the opposition wants to know what the options are, it should get itself into government because that is what it is all about. However, I would not like them to count their chickens over that particular issue at this stage.

I do not particularly agree with the honourable member for Sanderson that honourable members of the House are all working hard. I am not saying that they are or they are not but, in matters relating to the financial affairs of the Northern Territory, I do not think it is an unreasonable comment to say that the members of the opposition have been downright lazy. That is about the extent of their efforts. If they believe that they can camouflage that with a motion like this, then God help us all. I oppose the motion.

Mr COLLINS (Arnhem): In speaking in support of the motion, I would like to address myself mainly to some of the remarks that were made against the motion by the Treasurer. The actual terms of the motion itself have been covered adequately by the member for Sanderson but I would like to have a look at 2 particular areas raised by the Treasurer.

Firstly, the Treasurer felt the formation of this committee on expenditure would be usurping the government's responsible role. This brings us to the question of the difference between government and parliament. The Minister for Mines and Energy raised the point of the Queensland parliament not having a committee. I would assert that the role of the Queensland government in usurping the proper role of parliament in the affairs of that state is probably greater than in any other state parliament in Australia, and for a very good reason. I read with interest the reports of the Commonwealth Parliamentary Association and the question that comes up again and again in that journal of the Westminster parliaments around the world is this very question of the erosion of parliamentary responsibility by government executives. It is the formation of these very committees that prevents that sort of thing from happening and maintains the proper role of parliament and the relationship to the electorate that it represents.

Parliament is not the government; it is both sides of the House. It is the parliament that is responsible for the expenditure of public moneys, not the government. It is the very vital role of expenditure committees, not a very unusual thing at all in the Westminster system of parliament, to maintain the proper balance between the government of the day and the parliament itself. I am surprised that the government takes such a negative approach to this when, just recently, we have made a great fuss about receiving some dispatch boxes and that very magnificent mace that sits on the Table. Some very fine speeches have been made that these objects represent the very power of the institution that we are all serving: the parliament, not the government. It is absolutely essential that, if governments are not to become a law unto themselves, they be subject to the scrutiny of the parliament. It is the parliament that represents the whole electorate.

The Treasurer, in his closing remarks, stated that he felt that such a committee probably is a desirable thing to have and his government would be moving to establish one after the next election - more than 12 months hence if the government chooses to have its full term in office as it properly should. I would have thought, in the interests of good government - and I am not talking about the interests of the Country Liberal Party but the interests of this parliament to properly serve the Northern Territory - that the most vital time to have the operations of the Northern Territory Treasury scrutinised would be in its first session of parliament. I would have thought that no one would question that the expertise of the new parliament will increase with its age. There is no doubt that that principle applies everywhere. I would have thought that, if it was interested in good government and not simply in protecting its back, the government would have seen that the most appropriate time to have an expenditure committee to oversee its operations would have been in this first session when most of the mistakes were likely to be made and were made.

We now come to the real reason why the Treasurer does not want to see this committee formed until the next session of parliament after the next election. One of the preoccupations of this government in all matters has been its attempts to run before it can walk. In fact, it has been seen to stagger on a number of occasions over the last 18 months. The Treasurer and the government do not want to see this committee formed at this stage because they know that the scrutiny by such a committee would bring to light the fine details of all papers on public expenditure. They would not want those details brought to light. It is surprising that the Treasurer is quite happy to have this committee established after the next election but not during this current session of the parliament. The reasons for having this committee are clear cut. It is not a very surprising proposition to put before the parliament.

The Treasurer also said that members of this House had ample opportunity to debate financial matters during the budget debate. As the member for Sanderson pointed out quite rightly, the work of this committee and the opportunity

offered to members in the 30 minutes allowed to them in budget debates is quite a different thing. The whole purpose of a standing committee to oversee expenditure is to look at the detail of government expenditure, not on any party lines or government lines but in a combined effort to try to streamline the efficiency of government spending for the sake of all the electors whom the parliament, not the government, represents.

In conclusion, I would like to quote from the speech of the Prime Minister, Mr Malcolm Fraser, when he was discussing the guidelines for a House of Representatives expenditure committee, the guidelines upon which this motion is based. He said:

> *I thank the House and I emphasise that these guidelines are there as guidelines and it would be improper for them to be there as anything other than guidelines. They are intended to be helpful to the committee in its initial stages. I have no doubt that this reform in the procedures of the House will come to be seen as an important step in the historic re-assertion by the parliament - parliament in the broad context - of its right to control the government's expenditure. In recent times, parliament's role has been challenged by attempts of the executive to minimise parliamentary scrutiny of key expenditure proposals. There should now, fortunately, be no doubt that the control of expenditure lies with the parliament; that is the ultimate protection of our democratic system. If any administration seeks to avoid that control, then the control of the executive by the parliament is itself destroyed. In this context, the proposal to establish an expenditure committee is a significant reflection of current concerns and of past events. It marks the government's desire to undertake a program of constructive reform which will strengthen our democratic institutions and control by the people over the activities of government.*

I support the motion.

Mr ROBERTSON (Education): Mr Speaker, I anticipated that the opposition would raise the comments that the Prime Minister made in 1976. Let us look at the development of those comments in the light of what the Treasurer has indicated to the House. The Northern Territory government is prepared to establish a committee of public accounts when the Northern Territory governmental system has had an opportunity to settle down. It is all very fine, in a place with 19 elected members and an executive government of 6 people, to quote the words of the Prime Minister in 1976. That was 75 years after the Commonwealth Parliament was established. What the Treasurer has been indicating is that we recognise the very definite role of parliamentary scrutiny by way of a committee for public accounts. It is a matter of diverting or not diverting energies into non-constructive directions. The opposition is posing the hypothesis that this is a mechanism of streamlining government. It is suggested by the opposition that we should have 5 people create a system of inquiry into governmental financial activity. The Treasurer was saying that there are better ways of achieving this objective than by this vast and complex motion before us.

The member for Arnhem also indicated that his criticism of this government is that it tries to run before it walks. What we have seen, in a totally destructive and irresponsible way since the inception of the second Legislative Assembly, is an opposition which has tried to govern before it is elected to do so. There is a very good parallel to be drawn between the 2 comments. One must question their motive for the establishment of such a committee because it might torpedo their quite deliberately destructive comments in respect of the Treasurer and Northern Territory financial affairs. What they are really trying to do with this motion is to substitute intelligence for committee. That is really what we are getting down to.

If we look at the suggested terms of reference, it is proposed that the committee be provided with necessary staff, facilities and resources. I think the Leader of the Opposition has been provided with more than adequate staff. In fact, in the May Day edition of the Northern Territory News, the Leader of the Opposition issued a grand statement about the brilliant economists and brilliant press people that he has employed. I am not knocking those people; they may well be that. The Leader of the Opposition said that these people will be able to place great emphasis on the economic direction of opposition policy and will be in a position to study the financial affairs of the Northern Territory. Nevertheless, the opposition still proposes to use clause 15 of this motion to establish a committee provided with necessary staff facilities and resources.

What the Northern Territory is trying to do is use the resources it has to correct a lack of direction, a lack of energy, a lack of policy which has been inflicted on it for a very long time. I think you, Sir, would be aware of those deficiencies in your electorate. When we settle down and when we have time to take stock of all of the things that the Northern Territory government should be doing, there will be time to divert attention to these systems which the opposition is proposing and which took the Commonwealth government 76 years to develop.

I do not think there is any doubt at all that the concept of standing committees of parliaments is a very important one. I attended a conference in Sydney in 1976 which was the first general Australian conference of standing committees on public accounts. The advice I received then was to not be in too much of a hurry to recommend to the Majority Party, as it then was, to enter into that field. The advice I received from people like Mr Connelly, who had been architects of this type of committee, was to think about it, fit it into context and make it realistic. My reading of this motion is that it is quite unrealistic indeed. I have no doubt that this Assembly will, in due course, see a standing committee on public accounts. To the best of my knowledge, there is only one parliament in Australia which also has a committee on expenditure. I would think that there is a possibility that, with development, time and experience, such an additional committee may well be appropriate. The advice I received from those people who were intimately involved, including the permanent secretaries of public accounts committees, was that we should not be too hasty in entering into this field.

If you have a standing committee on public accounts and expenditure, it is important to have it backed up with expertise. It will be an absolutely futile exercise to embark on it without, as the motion mentions, sufficient staff, facilities and resources to do it. We have to address ourselves again to the question of where our priorities lie. I don't think it is in that particular direction at this time. The Treasurer has indicated that we are quite happy with the idea of a committee of this parliament on public accounts but it seems to us that now is not the proper time to appoint one.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I have always felt that some of the most valuable workings of the federal parliament take place in its many committees. We read and frequently use in this Assembly many of the fine reports they have produced. We sometimes give evidence for them. It is in the work of the committees that we see our federal parliament working at its best because members there work cooperatively. Frequently, political party division and other divisions are forgotten and they work disinterestedly for the good of the people of Australia. The Treasurer used the term "disinterested" as something that was reprehensible. I would not but I would suggest that the Treasurer is uninterested in having scrutiny of his areas of responsibility.

I rather thought that we could have expected the Manager of Government Business, who has demonstrated a real interest in constitutional parliamentary

matters in the past, to have cast his mind to the need - a need that is so frequently stressed in parliamentary papers - for the parliament to have scrutiny over the government. That is what parliament is all about. If one looks at the words of this motion, one wonders why the government is so reluctant to accept it at this time. One of the honourable members opposite suggested we might have to wait 76 years like the federal parliament did. Surely, now that we have achieved self-government, it is time to learn from the experience of other parliaments and to use those means which they have found desirable and necessary. Do we have to make our own mistakes or should we not learn from their experience? I believe that we should. Nothing is to be gained by delaying the matter unnecessarily.

If one looks at the working of this motion, one really wonders why the honourable ministers are so concerned. Paragraph 1 says that the committee can consider any papers on expenditure. As we know, many papers are already presented. The committee can consider how policies implied in the figures of expenditure and the estimates may be carried out more economically. It is not suggesting policies to the government, as one of the ministers said. It is only looking at how those policies can be implemented economically. It can examine the relationship between costs and benefits. That is a standard business procedure these days. "Inquire into and report upon any question in connection with public expenditure which is referred to it by the Assembly as a whole". Let us not forget that the government of the day will have the majority on the floor.

The committee consists of 5 members, 3 of whom will be nominated by the Chief Minister and 2 nominated by the Leader of the Opposition. Once again, the government will have a majority. The Speaker shall be advised in writing and the members of the committee will hold office for the full term of the Assembly. The committee elects one of its members as chairman. Once again, this will clearly be a member of the government because it will have the majority on the committee. It can appoint subcommittees and it will have a deputy chairman. I really cannot see what is so terrifying about it all. It seems to me that all we are trying to do is learn from experience of our senior parliament in Australia which found such a committee to be desirable. They, of course, have learnt from the experience of one in Westminster.

Mr Perron: They have 160 members.

Mrs O'NEIL: Thank you for reminding me. I wanted to bring that matter up. They have 160 members and many of those members do not have a great deal to do because they are not ministers or shadow ministers. When a matter comes before this Assembly, we have so much to consider. We all have so many responsibilities - the ministers most of all - so we cannot give an accounts bill or a budget bill or many of the other bills the sort of consideration we would like. This is why we are constantly amending them. I draw your attention to the number of times we have amended the Stamps Bill and the Financial Administration and Audit Bill since their introduction. This is simply because none of us, and that includes the government and its advisers, were able to give them sufficient consideration when they were introduced into this Assembly. This is an excellent argument for having a special committee which can do this extra work, outside the time of the Assembly sittings, as it thinks fit. I cannot understand why the government opposes the establishment of an expenditure committee. Perhaps they just want to persist in the direction of being a government that is not responsible to the people.

Mr EVERINGHAM (Chief Minister): Mr Speaker, the honourable Leader of the Opposition, in introducing this motion, made reference to the fact that the Prime Minister, the honourable Malcolm Fraser, had introduced a similar motion in

1976 to establish a parliamentary expenditure committee in the lower house of the federal parliament and this fact has been commented on by at least one other speaker on the opposition side. Life was not meant to be easy and it is probably for that reason that the Prime Minister proposed such a committee against the good advice that many other honourable members of the lower house tendered him. He got good advice from the member for Adelaide, Mr Hurford and the member for Corio, Mr Scholes. A former distinguished federal treasurer, Mr Crean, also tried to talk the honourable Prime Minister out of pursuing the formation of such a committee. Mr Morris, who is the ALP spokesman on economics, also tried to dissuade the Prime Minister from establishing a committee on expenditure. As I have met the chairman of the committee, I think they must have failed. Be that as it may, I would like to refer later in my speech in this debate to their contributions because I think they are very worthwhile.

The honourable member for Sanderson made an assertion that the supremacy of parliament is under threat. I can only describe that, in comparative terms, as absolute hogwash because never in the history of parliament in English-speaking, Westminster-styled countries - that only dates back, aside from in England, for the last couple of hundred years - has parliament ever been so secure or supreme. Parliament was struggling for existence until 200 or so years ago and, in the last century, parliament was nowhere near as respected as it is today. Executive government pays far more regard to parliament today than it ever paid to parliament in the past. It is utterly ridiculous to say that the supremacy of parliament is under threat. It is in the best position that it has ever been in the course of history.

Other honourable members also made some extraordinary assertions. I think it was another one of the honourable member for Arnhem's attempts at poetic licence - I will have to describe it as that because I believe terms that I would prefer to use are unparliamentary - when he said that all lower houses in Australia have public expenditure committess. This is poetic licence because not one state lower house has a public expenditure committee; they have public accounts committees if they have any at all. The only other place in Australia where it has been suggested that a public expenditure committee be set up is in the lower house of the federal parliament.

We heard the criticism of the Queensland government that it was notorious for its bad behaviour. Mr Speaker, I am not aware that the opposition in Queensland - which will long remain in opposition - has ever raised the matter of irregular expenditure as being one of the premier's or the government's sins. In fact, in Queensland, the only area of irregular expenditure appears to have been down at Parliament House itself where members have been mucking around with their air fare entitlements. Perhaps parliament should look to its laurels in Queensland rather than the executive. To repeat what was said by my colleague, the Treasurer: what use has this opposition made of question time in attempting to come to grips with financial matters? As far as I am concerned, they have made absolutely no use of question time. If they cannot use times and avenues that are available, what is the use of setting up another avenue so that it too will not be used?

We have been told that this expenditure committee should be set up to ensure the supremacy of parliament and so that the executive cannot ravish the Northern Territory untrammelled. The only expenditure committee that has been set up is in an extremely large parliament of 160 or 180 members. Obviously, a committee system must operate in a parliament of that size. In fact, in the federal cabinet, a committee system operates but there is no committee system in the Northern Territory cabinet because it has only 6 members. That is less than the size of most federal cabinet committees. The Northern Territory Legislative Assembly has 19 members and it hardly needs a committee on expend-

iture when it passed the first and most historic budget in the Northern Territory without a question, almost without a criticism.

The opposition has just not make out a case. I concur with my colleague, the Treasurer, when he says that, in due time, a public accounts committee can be set up. If that is his wish as Treasurer, then he should be supported. It surprises me too that it took the House of Commons, in all its long existence, until 1970 to bother to set up a public expenditure committee of its own. The federal parliament's first attempt at setting up a financial accounts committee was during the first world war and, obviously, the federal parliament must have functioned quite efficiently between 1901 and the first world war.

I will just refer, as I said, to some of the remarks made by certain honourable gentlemen in the House of Representatives when discussing the proposal to establish the federal public expenditure committee. Mr Hurford said: "I too agree that it is necessary for the parliament to take a far greater and closer interest in the expenditure of government, but we believe that this proposal has been ill-thought through and is ill-timed". I could not agree with him more. Mr Hurford went on to say: "I break off to point out that really there has been very short experience of the expenditure committee in the House of Commons. It was set up only in 1970". Mr Hurford went on to make what, I think, was a very valuable contribution: "In conclusion, I should like to say that I believe that one of the ways in which proper scrutiny of the expenditure of government departments could be carried out in the Australian context is to follow one of the recommendations of the Coombs Committee of Inquiry into the Public Service, which was to build up the functions of the Auditor-General in this country". I certainly support the remarks of Mr Hurford.

Turning to some of the remarks made by Mr Crean: "All I suggest, with all respect to the government or to the Prime Minister, is that the role of this proposed committee really has not been thought out. The committee on the parliamentary committee system, which did produce an interim report of some kind, was not very favourably disposed towards the creation yet of a public expenditure committee. If we are to set up a committee, surely we should have some idea of what its role is to be. In the parliamentary process, to some extent these issues relating to the control by parliament over the expenditure become rather fundamental. This issue arose about 6 months ago ... I have no doubt that the Prime Minister has what might be called a fetish about expenditure and he thinks that it will somehow add virtue to himself if he goes down on record as having set up an expenditure committee. With all respect to the previous Prime Minister, if he wanted something, he thought he should get it. So I suggest that presumably there is no difference between one Prime Minister and another".

The terms of reference of the Public Accounts Committee of the federal parliament are probably worth incorporating in Hansard. The duties of the Public Accounts Committee are:

(a) to examine the accounts of the receipts and expenditure of the Commonwealth and each statement and report transmitted to the houses of parliament by the Auditor-General, in pursuance of subsection (1) of section 53 of the Audit Act 1901-1950;

(b) to report to both houses of parliament, with such comment as it thinks fit, any item or items in those accounts, statements and reports or any circumstances connected with them to which the committee is of the opinion that the attention of the parliament should be directed;

(c) to report to both houses of parliament any alterations which the committee thinks desirable in the form of the public accounts, or in the method of keeping, or in the mode of receipt, control, issue or payment of public moneys; and

(d) to inquire into any question in connection with public accounts which is referred to it by either house of the parliament and report to the house upon such question.

Mr Morris, the honourable member for Shortland, who had only recently returned from an overseas trip said: "Irrespective of the fact that during our inquiries overseas, especially in relation to the United Kingdom House of Commons Expenditure Committee, we found that expenditure committees are not effective, the Prime Minister is youthfully obsessed with forming an expenditure committee". Then there is mention that the Public Accounts Committee was set up under an act in 1951 and Mr Morris made another interesting comment: "Furthermore, it is a fact of political life that there are few members of the parliament who are prepared to argue against expenditure in their own electorates or constituencies".

With those remarks, Mr Speaker, I rest my case.

Mr ISAACS (Opposition Leader): Mr Speaker, it is marvellous to be able to quote the words of your opponents, isn't it? The Minister for Education quoted the federal member for Berowa, Mr Connolly. Perhaps I might quote this same Mr Connolly in the famed debate the Chief Minister took such great delight in. I quote from the Hansard of 29 April 1976: "One could perhaps wonder why, in over 70 years of the existence of this parliament, it has taken so long for honourable members to consider seriously how it can conduct a more effective scrutiny over the expenditure of public funds for which we are fundamentally responsible ... I think it is a fair criticism of parliament that we have for so long been perfectly prepared to allow the financial administration of government to rest in a political limbo, virtually free from the effective control of this parliament". They are the words of the member for Berowa. I understand that the Minister for Education quoted him as an examplar of the public accounts committees. I commend those words to honourable members.

The Chief Minister made great play of the fact that the opposition does not use question time in a proper manner. I recall about 45 questions concerning a project which we all came to know and love as Willeroo. I recall questions relating to financial matters on that particular issue being on the notice paper for some 8 months. From December 1977 to August 1978. I do not think this government has a very good record about answering matters relating to financial accountability. Indeed, when a request was made to the Treasurer's office for briefing on the second quarterly public accounts, we were told that those were the only details which would be made available. The track record of this government in regard to making its public accounts visible to people is not a good one at all.

The Treasurer, in his monumental response to our motion, waxed eloquently about the usurpation of executive government. He believed that the committee would run off on its own and involve itself in trivia - a marvellous comment on members both on his own side and on this side of the House! It will become some sort of a monster because, as he said, it did not have to report to the parliament. Perhaps the Treasurer might have a look at item 17 which shows clearly that the committee will be reporting to the parliament. The committee would be made up of members of this parliament. Anybody who would say that it would involve itself in trivia and treat the parliament with contempt is being ridiculous. The whole point about the committee is that it would not be looking at proposed expenditures, which appears to be the preoccupation of the

Treasurer and the Chief Minister, but at the effectiveness with which public money is being spent. It is little wonder that this government does not want to have a parliamentary committee looking at that.

The Minister for Mines and Energy made one of his normal contributions to a debate of this kind. He does not care about standing orders 55 or 56. He is happy to describe people as if they are just dogs or whatever. Who is he to talk about financial naivety and ineptitude? His department apparently is letting a contract in the order of $9m for a stand-by generator at Berrimah. He tells this House that he has not yet sorted out who is going to pay for it. Who is he to talk about financial naivety and ineptitude?

He came up with a gem that perhaps typifies the reaction of this government. He said there is one way for the opposition to find out: get into government. That shows the arrogance of the government. It says to people: "We are in control, we have got the numbers and the only way you are going to find out what is going on is to turf us out". That will certainly happen.

The Minister for Education came up with a delightful argument. He said that it had taken the federal parliament 76 years to come up with this sort of recommendation and, since we are a new government, we ought to act similarly. That is a good idea. I look forward to the year 2054 when perhaps this Legislative Assembly might come to its senses.

We know one thing for sure: after the next election, the Labor Government will introduce a public expenditure committee. If by some strange quirk the people of the Northern Territory return a Country Liberal Party government, it is on record, at least, that that government will introduce a public accounts committee. They do not tell us why a public accounts committee is appropriate but not a public expenditure committee but they will introduce one. Whenever they say they will introduce it in 18 months' time one asks oneself why, if it will be appropriate then, it is inappropriate now. The only conclusion one would come up with is that they have something to hide.

The thing that irked the members opposite most about this motion is that the Labor Party has dared to quote, with some enthusiasm, the words of the Prime Minister of Australia, Mr Malcolm Fraser. That is why we heard the rigmarole from the Chief Minister. However, his words are accurate and they flatly contradict the words of the Chief Minister. The Chief Minister says that never has life of parliaments been more secure. The fact is that he is the odd man out because commentators around the world, in commenting on the Westminster system as it is operating, are fearful that parliament is being overriden by executive government for the simple reasons which have been outlined by every member here. The amount of information available and the amount of activity undertaken by government simply means that all power goes to the executive. It is most important that the supremacy of parliament be established. The motion which I have moved does that. I believe it is in the interests of parliamentary democracy and in the interests of the people of the Northern Territory to establish such a committee.

Motion negatived.

SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE

EIGHTH REPORT

Continued from 30 November 1978.

Mr OLIVER (Alice Springs): I rise to continue, Mr Speaker, and perhaps not without some little trepidation. The tabled papers contained in the eighth

report came under considerable debate in committee and no papers were disallowed by the Subordinate Legislation Committee. However, one paper was not passed unanimously by the committee. For the information of this Assembly, this paper, paper No. 74, relates to increased sewerage charges. The charges were raised from $50 to $75 for up to 2 pedestals and from $30 to $45 for each succeeding pedestal. The majority of the committee considered the increased charges reasonable despite the claim that any increases on the third or subsequent pedestals were grossly unfair. The additional charges are not discriminatory but are designed to assist in the recovery of the costs of operating the service.

Mrs LAWRIE (Nightcliff): Mr Speaker, I am one of the members of the Subordinate Legislation Committee. The reason for my querying the raising of the charges was that, in a purely domestic dwelling where there is no thought of operating as a commercial undertaking and people had 3 pedestals installed and not 2, I could not see why there should be this excessive extra charge for any pedestal above and beyond the two. The answer given by the department did not satisfy me at all. As the honourable member for Alice Springs indicated, the charges are designed to help offset the extra charges incurred in the operation of the service. Any extra charges incurred are borne by the persons installing the third pedestals. They pay for the plumbing, they pay for the costs of the equipment, they pay for the water used - where is the extra cost to the government department? I cannot see that there are any extra costs to the authority where there is a third pedestal installed. It is simply another way of putting an extra tax, a water tax in this case, on the private home owner or occupant of a home. I disagree with the recommendation that those excessive charges apply in purely domestic circumstances.

Mr OLIVER (Alice Springs): Mr Speaker, the honourable member for Nightcliff stated that she went to a department to find out why the increased charges were imposed. We find her saying that the cost of the pedestals and the plumbing is all part of the responsibility of the householder. That is so, but what I found out when I went to the department - and this is in an explanatory note to the tabled papers - was that the increased charges were to cover the cost of operating the service. This is quite apart from capital costs and whether you have 1, 2 or 3 pedestals in your home. My feeling would be that, if you had 3 pedestals in your home, most certainly they would be used quite a bit more than perhaps 1 pedestal.

Motion agreed to.

ADJOURNMENT

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

Motion agreed to; the Assembly adjourned.

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

NORTHERN TERRITORY BARRAMUNDI FISHERY REPORT

Mr STEELE (Transport and Works) (By leave): Mr Speaker, I table a document entitled "A Review of the Northern Territory Barramundi Fishery". I move that the report be noted.

Debate adjourned.

POLICE ADMINISTRATION BILL
(Serial 269)

Continued from 1 March 1979.

Mr ISAACS (Opposition Leader): The opposition supports the bill which is really an exercise that has been undertaken by one of the draftsmen to correct small technical areas which have occurred in the drafting of the bill. I notice that the Chief Minister has circulated a significant number of amendments. I have been through those amendments and they seem to be matters that need clearing up rather than any new matters of policy. The opposition supports the bill.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

New clauses 2A, 2B and 2C:

Mr EVERINGHAM: Mr Chairman, I move amendment 83.1.

Proposed new clause 2A is an interpretation provision designed to ensure that the regulations made under the act will be within power. Honourable members will recall that the act leaves the determination of much of the day-to-day matters concerning the police force to be dealt with by regulation. It is essential that there be no question as to the validity of the regulations.

Proposed new clause 2B is designed to allow the commissioner to appoint eligible persons to be constables without having to go through the pre-advertising procedures set out in section 17 of the act. Section 17 was inserted in the act to protect the rights of existing members of the Northern Territory Police Force against the lateral appointment of persons outside the police force to senior positions in the force but it is not felt necessary to have these provisions relate to the appointment of constables.

For the interest of honourable members, I think the first appointment from outside the force to a senior rank of inspector was that of Flight-Lieutenant O'Farrell, the pilot of the new police plane. As far as I am aware, that has not engendered any resentment within the force. Indeed, it was done with the approval of the association because it is felt that Inspector O'Farrell will be an asset to the Northern Territory Police Force in that he was trained by the RAAF to a high degree of skill and sophistication. He was about to be posted back from an F111 squadron to a desk job. He felt that flying the police Navaho was a better fate than a desk in the Department of Defence.

New clause 2C is a consequential amendment.

Amendments agreed to.

New clauses 2A, 2B and 2C inserted.

Clause 3 agreed to.

Clause 4 negatived.

New clauses 4 to 12:

Mr EVERINGHAM: I move the amendment 83.2.

I do apologise to the committee for such a long amendment schedule but it is very much desired to bring this act into operation on 1 July. These are matters of machinery rather than principle.

Proposed new clause 4 amends section 116 (9) to make it clear that a person is deemed to be charged when he has been advised by a member of the force that he will be charged. The purpose here is to make clear the rights of the individual and of the police officer in situations where particulars of the charge have not been entered in the police station charge book and a person held in custody following his arrest. The amendment will provide that, once the person has been advised that he will be charged, then he is taken to have been charged and enjoys all the protections under the judges rules which flow from the act of charging.

Proposed new clause 5 (1) amends section 118 (2) of the principal act and ensures that information is made on oath. The amendment ensures that the section is consistent with the rest of the principal act.

Proposed new clause 5 (2) provides that, in this situation, a justice may issue a search warrant and not an arrest warrant as is provided for in section 118 (3) of the principal act. There is also a small formal correction. The word "an" should appear before "arrest warrant" in the second line and the prefix "a" should appear before "search warrant" in the last line.

Proposed new clause 6 amends section 124 (2) of the principal act in respect of a committal warrant. The person who is the subject of the warrant is not brought before a justice once the warrant is exercised nor does he make an application for bail.

Proposed new clause 7 amends section 133 (2) of the principal act and covers the situation where a person has made a request to be brought before a justice but has been released before he can be brought before the justice.

Proposed new clause 8 amends section 134 of the principal act to ensure that a member of the police force may request either a person's name or address or both. On the amendment schedule, the words "from subsection (1)" should appear before the words "an address" in the second line.

Proposed new clause 9 amends section 136 (1) of the principal act. In this case, the member of the police force who arrests a person and the member who charges the person may not be the same member.

New clause 10 amends section 137 (4) of the principal act. The amendment follows from the fact that the member of the police force who is given the security may not be the member who requests the person to deposit the sum of money.

Proposed new clause 11 amends section 144 of the principal act. It allows a person to be searched for the purpose of preventing the loss or

destruction of evidence relating to any offence and not just the offence for which the person is in lawful custody.

New clause 12 amends the regulation-making power and allows for the making of specific regulations which might otherwise be ultra vires. This amendment is consistent with the amendment first moved.

Amendments agreed to.

New clauses 4 to 12 inserted.

Title agreed to.

Bill passed remaining stages without debate.

TERRITORY PARKS AND WILDLIFE CONSERVATION BILL
(Serial 282)

TERRITORY DEVELOPMENT BILL
(Serial 283)

Continued from 8 March 1979.

Mr ISAACS (Opposition Leader): Mr Speaker, perhaps the best way to describe these 2 bills is to say that they are most extraordinary pieces of legislation. They establish companies or corporations to be now called land corporations. There is no requirement for accounts to be kept, no requirement for an audit of any accounts which are kept, no requirement to be presented for scrutiny by parliament or anyone else and no requirement for an annual report to be presented to parliament. Except for the members of the corporation, the minister has no right of direction or control of a body which conceivably will spend millions of dollars of public money. The land corporations will be body corporates responsible only to themselves and they will determine their own procedures subject to a very few minor amendments as spelled out in the acts. All moneys for the corporation funds will come from either the Territory Development Corporation or the Territory Parks and Wildlife Commission. Perhaps the most significant item is the fact that the land corporations will not be statutory corporations. That seems to be the key to it all. I might say that the opposition supports the legislation notwithstanding the remarks that I have just made. I think it is important that honourable members understand just what it is we are establishing.

I read the second-reading speech of the Chief Minister several times and, frankly, I do not think it makes much sense. I think the key to it all lies in the fact that the land corporations are not statutory bodies. It seems that the Northern Territory government is pursuing a course of action which has been pursued, I understand, by most of the state goverments at the initiative of the Western Australian government. We would all be aware that statutory corporations of a certain size can only borrow up to $1m before they become subject to the Loan Council. One way to overcome this problem is to set up bodies which are not statutory bodies and therefore they can go on the open market and borrow at will. That seems to be a very intelligent way of doing it. The Western Australian government should be commended on its initiative and it is quite appropriate that the Northern Territory government take up that initiative.

It is not a matter that the opposition will oppose. In fact, we endorse the initiative. However, I stress again that we are establishing a corporation which is not responsible to us. The 2 corporations are responsible to the 2

bodies established by us but there it ends. It then becomes very important to consider the people one appoints to be the trustees of those corporations. Nonetheless, the opposition supports the measures being introduced into the Assembly. This is one way of thwarting the structures of Loans Council or Treasury requirements in the interests of investment and development.

Mr EVERINGHAM (Chief Minister): In reply to the honourable the Leader of the Opposition, I think the main criticism of the bills is that the corporations will not be the subject of audit and adequate financial control. I have not had the time to look at the Financial Administration and Audit Act to make certain my position but my recollection is that we can prescribe by regulation that these are corporations to which the auditing provisions will apply. That is my understanding of the position. I am not making any commitment that the government would deem that it was necessary that those provisions should apply. It may well be that the affairs of the corporation do not see too much of the light of day. Certainly, if that is not possible, amendment obviously is possible if it became necessary.

Motion agreed to; bills read a second time.

TERRITORY PARKS AND WILDLIFE CONSERVATION BILL
(Serial 282)

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr EVERINGHAM: I move amendment 77.1.

It has been decided to substitute for the words "holding corporation" the words "land corporation" wherever they appear in the bill. This is felt to be more appropriate because one of the purposes of the new corporation will be to hold title for land.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5:

Mr EVERINGHAM: I move amendment 77.2.

This amendment seeks to insert a new subclause (3) which incorporates 2 changes to section 12 (7) of the principal act. Firstly, it seeks to make it clear that both the legal and beneficial title to any land declared to be a park or a reserve vests in the new land corporation. Secondly, it corrects a reference in the act which should have been changed in the bill to the new land corporation.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

New clause 6A:

Mr EVERINGHAM: I move amendment 77.3.

The purpose of this is to amend section 14 of the principal act to

act to dispense with the need to give public notice of proposals to declare a park or reserve under that act where the land proposed to be declared is or was formerly a park, reserve, conservation zone, wilderness zone, protected area or a sanctuary under the Commonwealth or Territory law. Where the land already has this special status then there is no need to delay its declaration as a park or a reserve under the principal act.

Amendment agreed to.

New clause 6A inserted.

Clause 7:

Mr EVERINGHAM: I move amendment 77.4.

This seeks to amend section 16 of the principal act in 2 respects. Firstly, it seeks to make it clear that, subject to the grant of leases and licences under subsection (2) of that section in accordance with the plan of management, no interest may at any tme be created or granted in any park or reserve notwithstanding anything contained in the principal act or in any other law. The object of the legislation is to permanently preserve the status of the land as a park or reserve. Secondly, it changes a reference from the commission to the new land corporation in subsection (1) of section 16.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 77.5.

This is a further amendment to change a reference in section 16 (2) of the principal act from the commission to the new land corporation.

Amendment agreed to.

Clause 7, as amended, agreed to.

New clause 7A:

Mr EVERINGHAM: I move amendment 77.6.

This new clause seeks to amend section 21 of the principal act to make it clear that not only the commission but also the new land corporation shall perform its functions and exercise its powers in accordance with the plan of management for a park or a reserve.

Amendment agreed to.

New clause 7A inserted.

Clauses 8 and 9 agreed to.

Clause 10:

Mr EVERINGHAM: I move amendments 77.7 and 77.8.

These are merely consequential upon the change in terminology.

Amendments agreed to.

Mr EVERINGHAM: I move amendments 77.9 and 77.10.

These are designed to correct an error in the bill and require that the proceeds of sale of property, should there ever be any, shall be paid to the commission and to provide that the commission may pay any expenses necessarily incurred by the land corporation.

Amendments agreed to.

Clause 10, as amended, agreed to.

Clause 11 agreed to.

Clause 12:

Mr EVERINGHAM: I move amendment 77.11.

This amendment seeks to make it clear that any title to land that automatically vests in the new land corporation on the commencement of the amending bill refers to both the legal title and the beneficial title.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clause 13:

Mr EVERINGHAM: I move an amendment 77.12.

This is to correct an error in the bill where the word "trust" was used instead of a reference to the "corporation".

Amendment agreed to.

Clause 13, as amended, agreed to.

Title agreed to.

TERRITORY DEVELOPMENT BILL
(Serial 283)

In committee:

Clause 1 agreed to.

Clause 2:

Mr EVERINGHAM: I move amendment 76.1.

This amendment is merely consequential on the change in a terminology.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

Clause 4 negatived.

New clause 4:

Mr EVERINGHAM: I move amendment 76.2.

This is to insert the new clause 4 which provides for a definition of the term "land corporation".

Amendment agreed to.

New clause 4 inserted.

Clause 5:

Mr EVERINGHAM: I move amendment 76.3.

This is a consequential amendment as a result of the new terminology that we have adopted.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6:

Mr EVERINGHAM: I move amendments 76.4 and 76.5.

These are also consequential amendments.

Amendments agreed to.

Mr EVERINGHAM: I move amendments 76.6 and 76.7.

These are designed to correct the error in the bill to require that the proceeds of sale of the property shall be paid to the Territory Development Corporation.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 76.8.

This will make it clear that the title to any land vesting in the land corporation is both the legal title and the beneficial title. Some people can talk about the difference between them for hours, but I cannot.

Amendment agreed to.

Clause 6 as amended, agreed to.

Clause 7:

Mr EVERINGHAM: I move amendment 76.9.

This is to achieve the same purpose as amendment 76.8 in relation to land vesting in the corporation at the commencement of the amending bill.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8:

Mr EVERINGHAM: I move amendment 76.10.

Again this is an amendment consequential on the change in terminology.

Amendment agreed to.

Clause 8, as amended, agreed to.

Title agreed to.

Bills reported; report adopted.

Bills passed remaining stages without debate.

SUPREME COURT BILL
(Serial 200)

CRIMINAL LAW CONSOLIDATION BILL
(Serial 284)

SHERIFF BILL
(Serial 285)

INTERPRETATION BILL
(Serial 286)

Continued from 8 March 1979.

Mr ISAACS (Opposition Leader): Mr Speaker, the opposition welcomes the introduction of the Supreme Court Bill and the related bills. It is a matter of record that the opposition has for a long time supported the transfer of the functions of the Supreme Court to the jurisdiction of the Northern Territory government. The matter was briefly canvassed in the first week of this sittings. It is a shame that the bills that we have before us, principally the Supreme Court Bill, have not had the detailed attention which one would have liked to have seen, especially when we are discussing the Supreme Court itself. Nonetheless, I hope the remarks I make are taken constructively because I have obtained some opinions which, although they may appear to be somewhat niggling, are of benefit to the overall bill.

In clause 9 of the bill there are a number of references made - for example, "Chief Justice:, "Judge" and "Master" - none of which appear to have any reference to the fact that they are appointed under this act. Perhaps the Chief Minister, when looking through the bill and receiving advice from his draftsmen, might take on board the suggestion that, in the definitions of "Chief Justice", "Judge" and "Master", the words "appointed under this act" be inserted to ensure that there is uniformity in the bill. You will notice that the definition of "Deputy Master", for example, means the deputy master appointed under this act. There is no such reference in the case of the definitions of "Chief Justice", "Master" and "full court".

Still on clause 9, I am interested in the definition of "proceedings". I do not understand why the words "or not" are included. The current definition says that the "proceedings" means the "proceedings in the court whether between parties or not" and includes (a), (b), (c) and (d). It seems to me that proceedings in the court are between parties only and, if we are to take account of people who are not a party, then maybe we will invest all

sorts of people with rights that perhaps we would not want them to have. I would suggest the deletion of the words "or not" in the definition of "proceedings".

Clause 13 relates to the sittings of the court. In clause 13 (3) there ought to be some direction as to where "any place" might be and if we inserted the words "approved by the Chief Justice" or similar words, then that would overcome that objection. At the moment, where we have the "jurisdiction of the court exercisable in chambers may be so exercised at any place and at any time", we might find the court sitting in all sorts of fine places. I believe that the words "approved by the Chief Justice" would be appropriate there.

Clause 14 makes a reference to an inferior court and, if we are to refer to an inferior court, that ought to be defined in the principal act. Does "inferior court" relate to decisions of the Master of the Supreme Court? Perhaps the Chief Minister might look at that.

Clause 19 appears to be a sensible provision whereby the court shall, in every proceeding before it, attempt to get together all the various claims, cross claims and counter claims and have them heard in the one hearing. It may be more appropriate for some clauses to be separate and distinct. The problem in clause 19 is that it does not leave an applicant the right, at that stage, to divide his case up. It may well be in the applicant's interest to have the matters divided and, if that is the case, he ought to be given that opportunity not to have the cases dealt with at the same time.

Clause 21 allows a judge to ask the full court to deal with a case and it may well be that the full court believes that it is far more appropriate for a single judge to deal with it. Perhaps the power should be reframed to empower a judge in suitable cases to refer the matter to a full court by his own motion and to enable the full court to decline to hear it and require the single judge to do so, as in fact happened in the Sankey matter. It is often desirable to do this when it is important to resolve disputed questions of fact or when the full court is not able to deal with the ensuing questions of law. I understand that is the High Court practice as well as the practice in the state supreme courts. It may well be simply a matter of redrafting clause 21 to include that.

Clause 24 allows the judgments of the judges to be read in their absence, but there may still be a difficulty. As I understand it, the matter of judges reading out their judgments has been a matter of practice until one High Court judge took a week to deliver his judgment. As a result the practice was amended so that judges could give their verdict and hand down a printed judgment. Now that this is an accepted practice, clause 24 ought to be amended to accommodate that because, although it allows the judge to be absent, it still requires the judgment to be read out in full. Again, I think clause 24 requires an amendment to accord with that practice of the High Court and all the state courts.

Clause 27 is the clause which relates to the powers of the court. I have read and reread clause 27 (2) (a) and, frankly, it is meaningless unless my grasp of English is somewhat less than others and I am happy to plead guilty to that. The subclause reads: "Where the court orders that a matter be tried or referred to the Master or a referee under this division, the master or referee, as the case may be, has and may exercise, subject to the rules, to the order and to the directions of the court, the authority, powers, functions, duties, privileges, immunities and jurisdiction of the court and of a judge for the purpose of carrying out the order". The words "to the order and to the

directions of the court" just seem to be inserted or perhaps there have been some words left out. If that is the case, the draftsmen will have to look at it because, as I read it, those words render the subclause meaningless. It seems to me that the purpose of the subclause is to confer on the Master the powers of a judge. If that is the case, then some words have been left out in the drafting of the subclause.

When we look at clause 27 (2) (d), we find: "power of the Master or referee, as the case may be, includes power, subject to the rules, to the order and to the directions of the court to order the inclusion of interest in the sum for which judgment is given and to make orders as to costs". However, in clause 25, the Master is given powers only for inquiry and report. If that is the case, it appears to me that 27 (2) (d) contradicts clause 25. If it is the intention to confer on the Master the powers to include an order for interest, then that ought to be included in clause 25 which is the original power-making clause for the Master.

Clause 27 (3) is a curious clause because it gives a person who is affected by the judgment of the Master or referee the right to appeal from that judgment to the court. Many people may be affected by judgments of the Master of the Supreme Court; for example, an insurance company which has to pay out on damages would be affected but may not be a party to the cause. Taxpayers themselves might even feel that they are affected by a judgment of the Master. The people who should be given the entitlement to appeal from a judgment are those people who are parties to the action. I would not have thought that those people who were not party to the action would have had a right to appeal to the court from the Master's decision.

In clause 27 (4) when we are giving the Master the powers to report, it may well be advisable for the court, having heard an appeal under subclause (3), to require the Master to then report on other matters which have arisen in the course of the appeal. Perhaps clause 27 (4) should be amended to allow the court to refer the matter to the Master together with various other items of fact that are to be resolved.

Division 5 relates to the appointment of judges and clause 28 seems to be confusing. Subclause (1) says: "The Administrator may, by commission, appoint a person who has not attained the age of 70 years and is or has been a judge of a court of the Commonwealth or of a state or territory of the Commonwealth or has been enrolled as a legal practitioner of the High Court or of the Supreme Court of a state or territory of the Commonwealth for not less than 10 years to be a chief justice, judge or an additional judge". I am not certain what 28 (1) (b) purports to do. Must the appointee have 10 years' service in any one of those jurisdictions or a combination? May he have 4 years in a state court and 6 years in a Commonwealth court or 10 years in one of the courts? I am quite certain that the intention is to have 10 years' experience in a supreme court. I believe that 28 (1) (b) could be interpreted differently and perhaps needs to be tidied up.

It also concerns me that the appointees to the bench need only have been enrolled as legal practitioners. I would have thought that we would require judges not only to be enrolled but to be practising.

Mr Everingham: What about Dr Bray?

Mr ISAACS: It may well be that Dr Bray was appointed without those qualifications but I do understand that, in the majority of states, the qualification of practising at the bar is a requirement.

Clause 30 has an unusual wording: "The Chief Justice is responsible for ensuring orderly and expeditious discharge ..." It seems to me that the wording could be more sensible. Quite obviously, what we require is that the Chief Justice have the control and management of the court and the arrangements suitable to be made for the orderly and expeditious discharge of the court. To use words such as "is responsible for" seems to add confusion.

Clause 31 allows an acting chief justice to be appointed while the Chief Justice is away from the Territory. However, there is an unfortunate problem in that nothing is said in the clause as to what happens when the Chief Justice returns. The clause should be amended to conclude with the following: "until the Chief Justice returns or a new Chief Justice is appointed as the case may be".

Clause 42 relates to the appointment of the Master of the court and, strangely, there are no qualifications required for the person to be appointed as Master. Quite obviously, one would not be appointing a person to be Master without some kind of qualifications but I suggest that the qualifications ought to be included. To that extent, it is a matter of policy. A stipulation of 3 or 5 years' practice should be put into the clause dealing with the appointment of the Master. We make the same qualifications in relation to the appointment of judges. I think it is appropriate that a similar time span should be required for the appointment of a person to be the Master of the Supreme Court.

Part III relates to the Court of Appeal. This part will not come into force on the same date that the Supreme Court Act and others will come into force. It does seem to me that, in clause 48, the judge from whom the appeal is sought ought to be excluded, as a matter of principle, from sitting on the appeal bench. I think the Chief Minister did refer to this in his second-reading speech. I am not sure of the point that he was making but, as the clause stands, the judge from whose decision appeal is sought can be included on the appeal bench. I think it offends against some sort of natural justice for the person aggrieved to find the same judge on the appeal bench. Obviously, he is one down the drain already. As a matter of justice, you ought to exclude that judge from the appeal bench.

Clause 51 (5) requires some comment: "A court of appeal may, notwithstanding that it is of the opinion that the question or questions raised by the appeal might be decided in favour of the appellant, dismiss the appeal if it considers that no substantial miscarriage of justice actually occurred". I understand that this provision is peculiar to the criminal law only. It is in all the criminal appeal acts of all the states as well as in England. I am advised that it does not appear in civil cases and it does seem peculiar that this provision ought to apply in this case.

The only other clause which I specifically wish to refer to is clause 82. This gives the Chief Justice the power to make rules of the court. I am certain that the Chief Justice is the person best able and qualified to draw up the rules but I think it is appropriate in our system of government that, where rules are made, they should lie in the parliament for a specified period of time. This in no way reflects on the person who has made the rules and I am quite certain that the comments I am making will not be construed in that way. I am not in a capacity professionally to comment on them but it is a normal procedure for rules to be laid on the Table. We have had many examples of that. I believe that clause 82 ought to accommodate that where the rules of the court are made by the Chief Justice, there is a provision that they lie on the table of the parliament for a certain period of days. I would stress

again that, in no way, am I reflecting on the capacity or qualification of the person who is making rules. However, it does conform to the practice and procedure which this parliament adopts in other areas of rule making. It ought to apply in the case of the Supreme Court.

The opposition does welcome the expeditious transfer of the Supreme Court functions to the Northern Territory. It will complete the third arm of the transfer of governmental processes. The Chief Minister has indicated that 1 October will be the date of that transfer. The opposition welcomes it.

Mr HARRIS (Port Darwin): With our move to responsible self-government, it has been our aim to take on board all of the functions that other states have. It is obvious that, over a period of time, the people of the Northern Territory have attained a far greater appreciation of what our requirements are. I welcome the transfer of the Supreme Court from the Commonwealth to the Northern Territory. I was a little disappointed the other day to note the statement by the Chief Minister in relation to the transfer of the Supreme Court from the Commonwealth government to the Territory. Fortunately, in the other areas of transfer to date, we have not experienced undue delays. It was obvious from the start of our moves to responsible self-government that the transfer of the Supreme Court had to come. Without that, our activity would be incomplete.

One of the things that has concerned me in the past has been the workload that has been placed on both the Supreme Court and the lower court. In many cases, there have been long delays in having matters brought before the courts. In this vital area, we need to make sure that the delays are minimised so that people or businesses are not disadvantaged to any great extent. It is pleasing to note that no longer will we have to rely on visiting judges. We will be able to break from Canberra and have our own say when judges are required. In the past, when there has been a backlog in court business, we have had to rely on Canberra to supply those visiting judges.

There is also a need to realise that the time of every person is precious; it is not just something to be played about with. There have been occasions when people who have been subpoenaed to appear in court have sat for up to 2 hours waiting to be called to appear as witnesses. There has been no information given as to where these people could find out if, in fact, the case has been on. The procedures for the day and what cases will be coming before the court are placed on a notice board. The clerk calls the case that is before the court but there is no one there to indicate what has happened previously. I think it is very important that we consider having an area where information is supplied to those people who do not understand the court procedure. The workload on the clerks themselves is great and perhaps there should be someone specifically employed for this purpose. In the case that I mentioned, the people who were subpoenaed eventually inquired and they found that their case had been adjourned. It also seems incredible that a person who has been brought before the court on a traffic offence is only able to turn to the prosecutor for information. As I said, the clerks can help but they do not really know the information that may be required. Apart from that, their workload is great.

As the Leader of the Opposition has said, this is the third function to come over to the Northern Territory government and it clears the way for us to go on to eventual statehood. I support the transfer of the Supreme Court to the Northern Territory and I hope that it does happen as quickly as possible so that we will be able to make our own decisions.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I also wish to speak in support of this bill. It will be very pleasing to see the Supreme Court transferred on 1 October. Hopefully, as a result of discussions today and in the past, the state of the legislation will be such that we will not have to look at it again and we will know that the Supreme Court is suitably and appropriately established under this legislation.

It is not the first time such legislation has been considered. The courts of the Northern Territory have had a long, interesting and sometimes very colourful history. It is not well known that as early as 1873 the then South Australian government tried to establish a Supreme Court of the Northern Territory although only for a temporary purpose. Nevertheless, the government was defeated in the parliament at that time and was unable to do so. The government of South Australia, being concerned about the administration of justice in the Northern Territory, overcame this problem by sending to the Northern Territory in 1874/75 a circuit court judge, Mr Justice Wearing. It was something of an effort coming to the Northern Territory then; it was a long journey in a small boat around the Australian coastline.

Mr Justice Wearing recorded only one minor conviction in his court and then, unfortunately, was subsequently drowned when the SS Gothenburg was returning him to South Australia. The South Australian government obviously felt that sending judges such a long way was a rather perilous thing to do. It established the practice of appointing Residents who were also judges. We had the unusual situation of what we would now call the Administrator being the judge.

In 1884, the stone building on the Esplanade was built by Chinese labour as the court house. It is very pleasing to think that this year, when we are establishing the Supreme Court under this new bill, perhaps that original stone building will be rebuilt. there were a number of judges appointed at that time: Judges Dashwood, Herbert and Mitchell. Of course, the new court house, which was completed in 1965, is on the corner of Herbert and Mitchell Streets which were named after 2 of those judges. That was a most suitable thing to happen.

In 1911, after the transfer of power from South Australia to the federal government in Canberra, Mr Justice Bevan was appointed and his appointment lasted until 1920. That was a most contentious appointment and he was a most contentious man during a time of great uproar in Northern Territory history. He was a close friend of Administrator Gilruth and many, if not most of the residents, felt that the 2 of them along with some of their contemporaries were involved in financial dealings and using their positions in ways that were not necessarily in the interests of the Territory. Judge Bevan was one of the 3 men, including Administrator Gilruth, who was literally run out of town by the residents of Darwin in 1920. Subsequently, the federal government repealed his appointment.

That left the Northern Territory court without a judge. To overcome this, the magistrate, Major Hogan, was appointed as a deputy judge. He also made some very interesting decisions and did some rather funny things. Apparently he was not averse to sitting in judgment as an acting judge on decisions which he had handed down as a magistrate though, not surprisingly, the local lawyers, including the rather esteemed Ross Mallam, had some fun during this time. Major Hogan actually suspended Mr Mallam as a practitioner of the court but Mr Mallam had no trouble in getting that decision reversed by the High Court. It was when he was appealing another case to the High Court, on a decision of Major Hogan SM, Deputy Judge, that the High Court ruled that Major Hogan's appointment was not valid. At that time the federal government

had to very quickly pass retrospective validating legislation on all Deputy Judge Hogan's decisions. Thus, retrospective validation of legislation is not a new thing in Northern Territory history and the government will be pleased to know that it was not establishing a precedent over Willeroo.

Things settled down somewhat after that. Further judges were appointed such as Mr Justice Roberts. Mr Mallam, who had actually been barred from the court a few years earlier, subsequently became a judge and a fine one too. Mr Justice Roberts also had some of his decisions appealed against and overturned by the High Court. One was a case involving the editor of the then newspaper, the Standard. Mr McKinnon was a very stubborn man, as I know personally. He was convicted for contempt by Judge Roberts, refused to pay the fine and was subsequently sent to Fannie Bay Gaol where he stayed for a while until the Court of Appeal determined that the judge had no right to send him to jail because this was in fact imprisonment for debt. After the appointment of those 2 local practitioners, Roberts and Mallam, to the court in 1920s, things did settle down somewhat. It is disappointing to note that they were in fact the last local practitioners to be appointed until Mr Justice Ward was appointed to the Northern Territory Supreme Court in 1974. I am sure that that will not be the last appointment and that, in the future, we can anticipate that various esteemed local practitioners might end up there also.

It is not only in the matter of judges that some interesting appointments have occurred. In the 1930s, the then Sheriff, Mr Nichols, went away on holidays and, somewhat to the surprise of everybody, a young local woman, Miss Aileen Mary O'Neil, was appointed as Acting Sheriff. That was a fairly senior position for a young, single woman to hold in the 1930s. Whe she had to sit in court as Registrar of Bankruptcy, it created something of a stir and was reported in newspapers all around the world. As a result of that, Miss O'Neil received a number of offers of marriage from people all around the world but, fortunately, she resisted, married a local lad and is still living in this town.

Since the war - although for a long time after the war, the court was sitting in very uncomfortable tin buildings - the legal profession has prospered and the court, while somewhat less colourful, has certainly made rather more reliable decisions. I am sure that future judges of the Supreme Court, established under this act, will be pleased to know that they have such a colourful history behind them.

There are only 2 other aspects that I want to raise with the Attorney-General on this bill. One relates to the question of the Master. At the moment, we have a Master of the Supreme Court who is a distinguished member of our own Commonwealth Parliamentary Association. Under this new bill, the position of Master has greatly extended powers. I am aware that that position, as it stands at the moment, certainly does not have the status of many other positions under government appointment, including magistrates in the Northern Territory. I would be interested to hear the Chief Minister comment on how he sees this position in the future in view of the fact that the Master will have greatly increased powers.

The other issue which I would like to raise with him is the question of the family courts. At the moment, our local judges, as federal court judges, hear family court matters and we do not have a separate family court. This seems to work very well indeed. We know that petitioners do not experience the same delays here as they do elsewhere. Western Australia has established its own courts but most other states rely upon the federal courts. I would be interested to hear the Attorney-General comment on how he sees the

future of the family court in the Northern Territory.

I support the bill and I hope that, when the act is passed, it is suitably perfect for the establishment of a new Supreme Court here for the future.

Debate adjourned.

PUBLIC TRUSTEE BILL
(Serial 244)

ADMINISTRATION AND PROBATE BILL
(Serial 268)

Continued from 7 March 1979.

Mr ISAACS (Opposition Leader): The Public Trustee Bill is a very comprehensive bill with 101 clauses in all. Notwithstanding that, the bill is a consolidation and updating of the current legislation relating to the Public Trustee. It also does a number of other things in relation to the work of the Public Trustee. In fact, it regularises the current practice of the Public Trustee in relation to estates of deceased persons. The work of the curator of estates of deceased persons will be exercised, in practice, by the Public Trustee. The Public Trustee Office will also be expanded and the bill takes that into account. The bill itself is a large bill, but it seems to me to be more of a consolidation than a major overhaul of any significant policy. The opposition supports the bill.

Mr OLIVER (Alice Springs): The Public Trustee Bill is one of the more significant bills to come before this Assembly since self-government on 1 July 1978. It forms part of the policy of the government to give to the people of the Northern Territory the most progressive law. Under this bill, we will have our own Public Trustee in the Northern Territory. As we now have self-determination, we must also have our own public officers.

The bill is very broad and complex yet its application is relatively simple to comprehend. Probably the basic structure of the bill centres on the Public Trustee Investment Board and the common fund. The Public Trustee Investment Board, under part III of the bill, will control the investment of moneys in the common fund of the Public Trustee and is available for investment. The board is well constituted and broadly consists of the Public Trustee, a representative of the Treasurer and a representative of the Attorney-General. From that, it should be seen that the 2 major aspects, the financial aspect and the legal aspect, are well provided for.

The delegation by the investment board to the Public Trustee, under clause 13 (1) (a) and (b), of the power to approve any valuation and, as such, the powers in respect of the investment of money from time to time as it thinks fit, can be seen as a progressive move to expedite the activities of the Public Trustee and to bring the management more into line with modern business techniques.

Following on from what I have just said, clause 19 of part IV is of particular interest. Under clause 19, the Auditor-General, at all times, has access to all the books, accounts, documents and papers in the control of the Public Trustee. The Auditor-General shall inspect and audit the accounts and records of the Public Trustee and shall bring to the attention of the Attorney-General any irregularity of sufficient importance. As a final protection the Auditor-General shall - not may, but shall - at least once in each year report to the Attorney-General the results of inspections and audits

carried out under clause 19 (2). Surely these investment moneys are well safeguarded and the public need have no qualms.

Part V of the bill relates to the common fund to which I have just referred. All moneys received by the Public Trustee are held in a common fund from which the investments are made. Moneys received by the Public Trustee are not invested individually unless it is specifically directed by the relevant instrument or audit by the court.

The concept of the common fund is that the Public Trustee can obtain maximum interest from those funds. This is a practice adopted by most other public trustee offices in other states. The interest earned by these investments shall be credited to an account in common fund, called the common fund interest account, and from time to time the minister may determine the rate of interest payable on moneys invested in that common fund. There is also a provision that twice a year the interest earned from the common fund shall be credited to those trusts and establishments that have moneys in the common fund. Any excess of interest, after the rate has been struck by the minister, is paid to the consolidated bonds. It is obvious that the common fund would be equally beneficial to all trusts and estates under the control of the Public Trustee. There could be no charge that any trust or estate has been singled out for any preferential treatment. Still, with the common fund and under clause 24 (1), the field of investment by the investment board is extremely broad and yet has sufficient safeguards to protect the investments.

I consider clause 26 of particular interest. This allows the Public Trustee, if he considers it expedient to do so, to purchase or otherwise acquire land or other property affected by mortage in favour of the Public Trustee. Subclause (3) says that the land or property "may be managed, stocked, cultivated, leased, exchanged, sold or otherwise disposed of by the Public Trustee..." Whilst it may not be the basic role of the Public Trustee to become a land operator, I see from this subclause that there could be an injection of funds into local communities of the Northern Territory. I feel that this clause brings a vitality to the role of the Public Trustee in the Northern Territory.

Of further interest is clause 31. A person is entitled to his share in an estate administered by the Public Trustee where the estate is not yet administered to a stage where payment can be made or the interest has not matured. Under this clause, the Public Trustee may make a grant out of the common fund to that person not exceeding about two thirds of the full value of that share. I think all honourable members would be aware of the hardships endured by quite a few beneficiaries under a trust where there is money tied up. They cannot get their hands on it and quite often they are in dire straits and suffering hardships. This will certainly alleviate that and I support the bill.

Mr EVERINGHAM (Chief Minister): The comments of honourable members have been useful to me. I might say that the comment of the honourable member for Alice Springs that this legislation will make the role of the Public Trustee a vigorous and vibrant one rather made me think that we were conferring the power of resurrection upon the Public Trustee. I do not know whether it is within the powers conferred on us by the Self-Government Act. Nevertheless, we are trying, within what might be described as the dreariest branch of the administration of the practice of the law, to improve facilities available to the public in the Northern Territory. I think it is particularly appropriate that a bill such as this should go through all stages of this House on the 40th birthday of the honourable Minister for Industrial Development. He can be

the first person to execute a will with the Public Trustee after the passage of the bill. I thank honourable members for their comments.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

PAYROLL TAX BILL
(Serial 288)

Continued from 8 March 1979.

Mr ISAACS (Opposition Leader): Mr Speaker, the opposition supports the passage of this bill through the Assembly at this stage. The bill does a number of things. Firstly, it gives power of delegation from the commission and that is prudent since the powers and functions of the commissioner will be expanded. Clearly, there is a need for that delegation.

Secondly, the bill closes a loophole which some companies have used in relation to the payment of payroll tax. Indeed, as the Treasurer pointed out in his second-reading speech, when the payroll tax rate was increased to 5% of payroll, a number of companies sought ways and means of not paying the payroll tax. One of the principal methods used was the grouping of companies together to avoid the threshold level and therefore to evade the payment of payroll tax. It was perfectly legal, but certainly not quite within the spirit of the payroll tax system. Each of the states has introduced a grouping provision which overcomes this and the Territory has to follow suit if it is to reap the full benefit of its taxing resources.

I do not believe that all that many types of companies in the Northern Territory have availed themselves of this loophole. The legal cost of setting up the whole scheme to avoid taxes is not worth their while. It appears that legal companies especially have availed themselves of it, presumably because they do their own legal work. The advice I have been given from various legal companies is that they have had a pretty good time for 12 months. They know that Christmas is finally over and they now have to face the music like everybody else.

I recall, when I was the union secretary, that one cleaning company in the Northern Territory availed itself of this loophole. It had all sorts of companies that employed various people and it caused great confusion, not just through the loss of revenue to the Australian exchequer but also among the employees who went from one building to another, employed by different companies. It also caused us terrific problems in relation to the payment of annual leave and all sorts of benefit entitlements. The company knew it was on a good wicket and that it was not going to last forever. When the bill first went through this House last year, the opposition raised the question of regrouping and the government has responded appropriately.

The third area where the Payroll Tax Bill comes to grips with the problem is in relation to the threshold below which companies are not required to pay any payroll tax and, secondly, the point at which the sliding scale takes effect. The government has increased that from $5,000 per month or $60,000 per year to $5,500 per month or $66,000 per year. In the words of the Treasurer, "This would give relief to small businesses because the 10% is above the amount of increase in average weekly earnings". I do not know whether that statement is correct either. The only figures which I have available are the March 1979 figures for the increase in average weekly earnings for the 12 months and that figure was 9.1%. The Treasurer is lucky in that he has got that one right. That only takes into account a very small period of time for the national wage decision of December to take effect.

From a report I read in Friday's Financial Review, there is concern with the increase in the acceleration of average weekly earnings and it may well be that the increase in average weekly earnings for the 12 months ended June may not be very much below the 10% to which the Treasurer is increasing the threshold here. It may well be that, over the next period of 12 months, with inflation now on the increase - and that is not the dreaded opposition spreading doom; those are the words of the Commonwealth Treasurer and the Prime Minister - we are facing a situation where not only will the CPI be increasing over the next 12 months, but so will average weekly earnings. It may be that the 10% figure will pale into insignificance. It cannot be seen, therefore, that by increasing the amount of the threshold by 10% the government is in any way using its payroll-taxing ability to encourage small businesses. The opposition has been requesting the government for some time now to give meaningful concessions to small businesses so that it gives them some slight liquidity relief. I will make no more comment on that except to say that the increase of 10% - on the figures available to us at the March quarter for 12 months ending March 1979 that the increase in average weekly earnings has been 0.1% - may not be sufficient. The relief is marginal to say the least.

The only other matter which I wish to raise in relation to the Payroll Tax Bill is a matter of some concern. I have written to the Treasurer seeking the opportunity to have the matter rectified during the passage of the bill. A payroll tax, although an annual matter, is paid monthly by employers filling out a special form and returning the form plus the amount of payroll tax required to the Commissioner of Taxation. In July, the employers will be able to make up an annual reckoning and, in addition to the payment of their June instalment, they will be able to make some analysis of whether or not they have underpaid or overpaid. In the Payroll Tax Act as it stands, and in regard to the grouping provisions provided in this amending piece of legislation, the position is somewhat anomalous. If an employer finds, when filling out his June instalments, that his payments are less than required on an annual basis then he is required, in addition to his June payment, to forward forthwith the amount of outstanding money due to the Commissioner of Taxation. This is perfectly appropriate in my view. However, if he finds on completing his June instalments that he has overpaid the commissioner, he is then required by law to make a request to the commissioner who will then analyse the return. If it is found that the employer has overpaid his payroll tax, an amount of money will be reimbursed to the employer. That is anomalous because, where you underpay the Taxation Commissioner, you are obliged forthwith to make up the difference. However, if he owes you money, you have to make a request. It seems iniquitous that that position should apply.

I wrote to the Treasurer suggesting that we could easily overcome this and that the opposition would be willing to support a suspension of Standing Orders to allow the bill to be amended, to enable the same situation to apply both in the case of overpayment and underpayment. The Treasurer responded very promptly on 23 May and indicated that there was no need for the amendment and that the government did not see the need. He said: "I do not consider that amendment of the legislation is warranted". However, in the body of his letter, the Treasurer said: "Where there is a credit, the employer may then apply for a refund or adjust the amount against his next return. Any employer who calculates that he need pay less in June because of previous fluctuations could reduce his June payment accordingly and provide a brief explanation. This would then be examined by the assessors prior to the issue of any required adjustment note".

That is all that we require and I am very pleased that the Treasurer said that that is all he has to do. The problem is, as I read the Paryoll Tax Act,

that he is not allowed to do it by law. We cannot have it both ways. I think that the proposal which I suggested has been accepted in principle by the Treasurer. The problem is that he does not see any requirement to change the Payroll Tax Bill. I believe that the Payroll Tax Bill, at the moment, does prohibit at law employers from doing this. If the Treasurer is saying that he is quite happy to allow that practice to take place, then perhaps he could inform employers that that is the position. Mr Speaker, the opposition supports the bill.

Mr HARRIS (Port Darwin): Mr Speaker, the 2 parts of the bill that deal with the delegation of powers by the commissioner under clause 5, increasing the threshhold whereby payroll tax becomes payable, do not really require a great deal of comment. Any increase in the general exemption from payroll tax is welcome but, as the Treasurer has already mentioned, unless continual review of this threshhold is made not only the small business man will be disadvantaged but also the employee. We should look to encouraging small businesses so that they are able to maintain their required employment levels. To do this, we must make sure that continual review is carried out.

The area that concerns me is the introduction of grouping provisions. The Northern Territory is a place where a person is able to take the plunge from being an employee to becoming an employer. In many cases this is achieved by investing in a small business. Many of these people do not have a large amount of money but they have a great deal of confidence in their own ability and in the future of the Northern Territory. These people have had to borrow the required money to establish themselves and are not looking to avoiding payroll tax. The Territory is also a place where a person is able to invest in a number of small businesses, completely independent of one another. We must ensure that we are able to distinguish between the small, independent businesses which have no thought of payroll tax evasion, and the larger monopoly-owned businesses which have split up specifically for the purpose of avoiding payroll tax.

I am pleased to see that there is provision under clause 11, proposed section 17H, whereby the commissioner is able to exclude a person from a group. It would be hoped that, by the inclusion of this provision, we are able to limit the number who will be penalised by the introduction of this legislation. Whilst I agree that large companies are able to abuse the present system, I would say that there are very few who split their companies to avoid the payment of payroll tax in the Territory. Revenue from this source would be minimal. On that basis, there would appear to be very little reason for introducing grouping provisions at this time. However, I am aware that, as we grow, the original, small business venture will be used and abused in the Northern Territory to the same extent that it is in the other states today.

It is true that all states have introduced grouping provisions but other states have also looked to providing incentives to pioneer industries and export oriented industries. Companies should not be penalised in their early years of development. The Northern Territory government has shown previously that it is prepared to assist and encourage investment and development. A good example of this is that no stamp duty is charged when a person is purchasing his home. Why cannot we have a similar system for the starting of a new business or new industry? The Territory needs to develop and, to be successful, we need to provide incentives. I urge the government to look to implementing, as soon as possible, incentives to encourage companies and organisations to come to the Territory by offering them various concessions which will give growth to our revenue-raising areas. As well, more jobs will be created and the community at large will benefit.

In closing, I would hope that the Northern Territory does not fall into

the easy trap of introducing legislation simply because similar legislation exists in other states. We have the opportunity of learning from the other states and I ask that, before we introduce similar legislation, we look very carefully at our own requirements. I see there is a need for introducing grouping provisions because of the fear of abuse in the future. I welcome the increase in general exemption from payroll tax and also the provisions under clause 5 which enable ease of operation, particularly in remote areas. However, let us look to providing incentives which will encourage new companies and new industries to come to the Territory. I support the bill.

Mr PERRON (Treasurer): Mr Speaker, I would just like to reiterate that this government believes that payroll tax is the most undesirable of all taxes and the most inequitable tax. When one considers that this country has an unemployment problem, this tax seems to fly directly in the face of solving that problem.

The Leader of the Opposition made particular representations to me on a matter relating to the annual calculation by employees of payroll tax. I appreciated his making specific recommendations in this regard. The letter I returned to him claimed that the problem that he outlined could be avoided administratively yet the Leader of the Opposition feels that it is difficult to comprehend that there is an administrative provision to solve the problem when the legislation restricts the method of calculating payments to payroll tax at the end of the year. I can merely assure him that, if any difficulty arises through any employer following the system that was outlined in my letter to him, I will be very pleased to hear about it and will take very swift action to ensure that the advice is adhered to.

I trust that honourable members found the explanatory memorandum useful. It is a practice that I would like to continue to use as far as some of the more complex tax administration legislation is concerned. It is very difficult legislation to follow closely and I thank honourable members for their support.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr PERRON: I move amendment 87.1.

This inserts additional definitions of "foreign wages", "group" and "interstate wages" and inserts after the definition of "person" a definition of "return period". The purpose of these definitions is to provide the basis for the calculation of the annual tax liability which will be referred to later.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5 agreed to.

Clause 6 negatived.

New clause 6:

Mr PERRON: I move amendment 87.2.

As indicated in a news release in February this year, employers with monthly wage bills of between $5,000 and $12,500 are levied payroll tax on a graded scale rising to 5%. After 1 July, the tapered exemptions will apply to wage bills ranging from $5,500 a month to $13,750. Whilst very similar to the wording of the original act, the purpose of this amendment is to create a new section within the legislation. This new section contains references which clarify the method of calculation of the tax payable by group employers and closely follows the New South Wales legislation. The new section streamlines the original act by providing the necessary linking provisions with the legislation so that the amount of the deduction which can be claimed by employers is clearly specified.

Amendment agreed to.

New clause 6 inserted.

Clauses 7 to 10 agreed to.

Progress reported.

SUSPENSION OF STANDING ORDERS

Mr ROBERTSON (Manager of Government Business) (By leave): I move that so much of Standing Orders be suspended as would prevent the passage through all stages at this sittings of the Workmen's Compensation Bill Serial 302.

Motion agreed to.

TERRITORY INSURANCE OFFICE BILL
(Serial 262)

COMPENSATION (FATAL INJURIES) BILL
(Serial 270)

MOTOR ACCIDENTS (COMPENSATION) BILL
(Serial 272)

MOTOR VEHICLES BILL
(Serial 275)

Continued from 8 March 1979.

Mr ISAACS (Opposition Leader): Mr Speaker, the opposition is very eager to see the establishment of a Territory Insurance Office. It would be impolite, if not perhaps unparliamentary, for us to say that the government has gone off half-cocked about the government insurance office. However, I do recall the Treasurer making a similar comment when I had the temerity to mention such a matter in August last year. Indeed, in August and November last year and again in January this year, the ALP suggested in very strong terms that the Northern Territory government establish a government insurance office. We saw it as the only vehicle open to us to check the spiralling costs of compulsory third-party payments and to provide some real competition in the insurance industry. To say the least, the opposition is delighted that the government should have taken up our suggestion even though it may not have been so fulsome in its praise to us for suggesting it. I believe that the government insurance office will attract support from the community and will attract the sort of business that it will require to ensure that it operates as a very successful business undertaking for the overall interests of the people of the Northern Territory and for the general developmental interests of the Northern Territory.

Honourable members will recall that when the Chief Minister announced in February this year that the government insurance office would be established, he also announced the introduction of a different scheme for motor vehicle accident victims. The government indicated that the government insurance office would also operate not only to the exclusion of all other insurance companies in that field, but also to the exclusion of all other insurance companies in the field of workmen's compensation, a matter which was very quickly amended. I believe that the position now is that the government insurance office will not operate exclusively in the field of workmen's compensation. Part of the events of those times will be taken up by the honourable member for Arnhem.

We all recall the kerfuffle which arose at the time of the announcement by the Chief Minister. The scheme which he proposed to operate in relation to motor vehicle accident victims was universally condemned, not just by members of the opposition, the trade union movement and the insurance industry but also by legal practitioners and other people who had an interest in the matter of insurance. The Chief Minister then, appropriately, appointed a committee headed by a Darwin lawyer, Mr Hugh Bradley, to look into the scheme and to suggest appropriate changes. The Bradley Committee reported and we had the report tabled in this Assembly approximately 2 weeks ago. I think it is a great shame that the Chief Minister sought to discredit the Bradley Committee. It may be that he does not agree with all their conclusions, and quite obviously he does not, but I think it was totally inappropriate for him to have derided the committee in the way he did. There are 2 areas which I would like to take up in the context of this debate to show that the Chief Minister's derision is not only misdirected but also malicious.

The first thing he said was that a McNair Anderson survey, which surveyed people in Darwin and Alice Springs, completely vindicated his stand in relation to the scheme which he proposed. He said: "The government's action in moving so speadily to set up an alternative scheme under a single authority with a fixed-benefit schedule to contain costs within the capacity of Territorians to pay has been dramatically and independently vindicated". Having listened to the words of the Chief Minister, let us go to the report and look at the facts. On page 40 of the report, the McNair Anderson survey is given a thorough analysis. A significant feature in the McNair Anderson survey is the amazing statistic that 67% of the people surveyed said that they had never heard of the proposed no-fault motor vehicle accident insurance scheme and 78% did not know what the main characteristics of the proposed scheme were.

The Chief Minister said that he had been dramatically and independently vindicated. I think there is no evidence whatever to substantiate the Chief Minister's statement. On page 41, the report states: "Whilst the sub-group differences have not individually changed the overall attitude picture, it appears that there is a positive relationship between a previous understanding of the 2 systems and the preferences. The more understanding there is, the more people seem to prefer retention of some common law rights. The relationship is identifiable in each of the 3 separate sub-groups of sex, age and income, being the most evident in the income level sub-group". It went on: "The more detailed and considered submissions from people with a working knowledge of the system, particularly insurance industry people and the legal profession, favoured controlled but retained common law rights". Thus, the independent and dramatic vindication just is not there according to the McNair Anderson survey itself and it was inappropriate for the Chief Minister to use the evidence in that way.

The second area where the Chief Minister was most unfair to the committee is in relation to the matter of repayment to insurance companies of past losses. I note in the bills that there is a provision to repay past losses

for insurance companies that have operated in the compulsory third party area. The committee made no such recommendation, as suggested by the Chief Minister. Indeed, the committee made it quite explicit that it was a matter for government and not for themselves. How the Chief Minister arrived at his conclusion in relation to past losses is beyond me.

It is interesting too to note the remarks in relation to the Tasmanian government because, when the Tasmanian government did reimburse the insurance companies - at the rate of a $1.50 a premium and certainly not the $7.00 a premium which is recommended here and which the Tasmanian government did not recommend - it was forced by the upper house to repay past losses for insurance companies. I think the proof of the pudding is in the eating as far as insurance rates are concerned.

One interesting comment which the committee made in relation to repayment and in defence of the insurance companies was that they were charging rates recommended by the government. There is no doubt that the government was recalcitrant in increasing premiums on a number of occasions for political reasons. There is no doubt that insurance companies had borne losses due to the government of the day's failure to implement increases speedily. I must say that the Northern Territory government is not at fault in this respect. When the proposed charge of $154 was put up, it moved very quickly.

As the report says, the insurance companies have subsidised their losses in compulsory third party by making very significant profits elsewhere. I do not think it will be coincidental that, when the government insurance office starts operating, we will achieve a dramatic reduction in the level of premiums required for a whole host of insurance offered by insurance companies. This will not be because the government insurance office will be in the field competing against them but because insurance companies will not have to cushion themselves against compulsory third-party losses. That being so, it is wrong for us to reimburse insurance companies for past losses when they have been reimbursing themselves over the years by subsidies from higher premiums in the profitable areas. I do not see the need for us to reimburse the insurance companies for past losses. The report indicates that the insurance companies never really supplied accurate figures to the Commonwealth Actuary in relation to their losses. That has been commented upon time and again by the actuary himself.

When the Bradley Committee established itself and sought submissions from the community, the Australian Labor Party made a submission to the committee and recommended the adoption of the Tasmanian scheme. We believed that the Tasmanian scheme was the most appropriate one, the reasons for which I will not go into at the moment. It seemed to us, given the size of the field, that the administration of the scheme seemed to be working extremely efficiently in Tasmania. This was in direct contrast to the position in Victoria and that was remarked upon by the committee as well. In Tasmania, in the 5 years of operation of that scheme, premiums have been reduced by over 30%. That is not in real terms but in actual terms. In real terms the reduction is even greater and one has to be impressed with a scheme that is able to achieve that. Our submission was not taken up in its entirety although I must say that the Bradley Committee endorsed many of the principles which we espoused. In fact, it would be said that the Bradley Committee has taken up the good points of both the Tasmanian and the Victorian schemes. When we made that submission, the Chief Minister was very quick on the attack and suggested that we were putting up a proposal that would cost us the earth. He said that our scheme was uncosted and that it was just pie in the sky. It seems that the committee has come up with a scheme, taking the best from both the Victorian and Tasmanian schemes, which is costed at precisely the same amount the Chief Minister came up with in his original scheme - a premium of $120.

Our choice at the moment appears to be that we either take the recommendations of the Bradley Committee, warts and all - and there are some warts in the Bradley scheme - or we take the government proposal mark 2 which was announced in this Chamber some fortnight ago. It seems now that the boot is somewhat on the other foot. We have a position where the Bradley Committee recommendation has been actuarially costed at $120. The government's new proposal contains a number of additional benefits over and above those which were introduced in February this year, but there is no costing. There has been nothing given to this Assembly to indicate the amount required, by way of premium addition, to pay for the increases which the Chief Minister has introduced. We have a choice between a costed program or an uncosted program.

There are other reasons where I think prudence would have directed the taking up of the Bradley Committee recommendation rather than the proposal submitted by the Chief Minister. The Bradley scheme has the added benefit that it takes up the principles of 2 tried schemes: those of Victoria and Tasmania. The person who is to be the general manager of the government insurance office was previously employed in the Government Insurance Office of Tasmania. Although that is distinct from the Motor Vehicle Accident Board which operates in Tasmania, there is close liaison between the 2 organisations. Administratively, the Bradley Committee recommends the Tasmanian scheme and, further, it takes up many of the proposals of both Victoria and Tasmania. We would have a scheme that has been costed and where there would be knowledge and background experience to refer to in cases of problems arising in the Northern Territory. The government's new proposal is, in addition to being uncosted, an untried scheme. The operators of the scheme will have no background materials or experience to fall back on. For that reason, it seems important that the Bradley Committee recommendation be taken up.

There are a number of matters in the Bradley scheme which do not have the full support of the opposition. However, it is our view that, having established an expert committee which worked under very trying conditions to come up with a very comprehensive report and a scheme which is costed and is able to fall back on the experience of other states, the Chief Minister's view that there would need to be close scrutiny given to the operation of the scheme could have applied to that Bradley scheme. There are some areas with which we would not agree but we would be able to accommodate those and perhaps modify them after a year or so. It seems to us, on the balance of rational thought, that the Bradley scheme ought to be adopted.

There is one matter in the question of the operation of the scheme and the cost of the government insurance office which has been accepted by the Bradley Committee on the advice of the government: that the cost of hospitalisation will not be a burden on the government insurance office. That is a most commendable suggestion and one that obviously was not open to insurers in the past. It means that the government will provide free hospitalisation to those people who are injured as a result of a motor vehicle accident. Of course, that will place an added burden on the hospital services themselves. It would be very interesting to find out how much was paid to the Department of Health by the insurance companies as a result of hospitalisation of the victims of motor vehicle accidents. That amount of money which was hitherto paid to the government will no longer be there. That means that the money will have to be found somewhere else. Clearly, if government is to maintain those services, it will have less money to spread around elsewhere.

It is important that when you make a statement that hospital services will be free, you understand that that is a relative matter. It is free in that you do not have to pay for it but it simply means that there will be that much less money for government services elsewhere. I repeat that that is money which

the insurance companies have paid in the past. I will be asking the Minister for Health how much has been paid to the hospitals previously by the insurance companies for hospitalisation costs of victims of motor vehicle accidents. In many ways, that is a hidden cost on the insurance premium. It would be very interesting to find out how much that involves.

There is one other matter which I would like to speak about. It is quite clear from the Bradley Committee Report that they are concerned about the level of accidents, the number of deaths and the cost of accidents occurring in the Northern Territory. It really does not matter how much you charge for a premium on motor vehicle insurance because the money can only go so far. You either pay more people and give each of them less or you pay fewer people which enables you to give more. The only sure way of providing benefits to as many people as you can is to reduce the road toll. The committee exercised its mind on this very matter and I think it is important that, when we discuss the matter of motor vehicle accident compensation, we take some time to consider this matter of reducing the road toll in the Northern Territory.

I believe that I have the dubious honour of being the first person in this Assembly to raise the matter of a random breath test. The Chief Minister, in a television interview with me, decided that I was hedging my bets on it. Most people who commented to me afterwards thought that the Chief Minister did not come out of that exchange particularly well because there is no doubt that I put my own view, and subsequently that of the ALP, very clearly in relation to random breath tests. The only concern that I would have about the random breath test is the way in which it is to be administered. I thank the Chief Minister for making available to me the chief of the police traffic branch, Mr McNeil, who very carefully explained to me the manner in which the police were going to administer the random breath test scheme. I believe that the way it will work will not result in any infringement of civil liberties. Rather, it will ensure that a much higher principle is maintained - the right of the people to drive on the roads without the fear or the knowledge that they are likely to be bowled into by somebody whose driving is impaired by alcohol. There can be no doubt that your ability to drive is impaired by the amount of alcohol that you consume.

The ALP supports the introduction of random breath tests. I personally am very impressed with the figures that have emanated from Victoria and I notice that the Victorian government, after 3 years of operating the scheme on a temporary basis, decided to introduce legislation which will have effect without limitation. The sunset legislation which they introduced will become legislation for all time. I support that and I believe that it would be appropriate in the Northern Territory to have the random breath test introduced. If it does nothing else but reduce the road toll and the cost to the community, then it will most certainly have done its job. In conjunction with that, it is most important that the police carry out a very extensive public relations exercise by supplying courtesy squads at hotels. The government should give consideration to using some of the premiums from the motor vehicle accident scheme to subsidise a "you drink, we drive" program which would enable people to be driven home if they did want to drink and so that they would not be a danger to other people on the road.

When I first made the statement in September last year in the address in reply, there was some concern felt, certainly within my party although not necessarily within the parliamentary Labor party, that it would be an unpopular move. Indeed, I recall that the Manager of Government Business had some quite reasonable comments to make about my statement at the time. There is no doubt, when you read the Bradley Committee Report, that not only the majority of people agree with random breath tests, something in the order of 60%, but women are

approximately 80% in favour of the introduction of random breath tests. I make no bones about the fact that I support wholeheartedly the introduction of random breath tests.

In conclusion, we welcome sincerely the establishment of the government insurance office. It is to be introduced from July and it will have a monopoly on motor vehicle accident insurance. It will compete with the insurance companies in the area of general insurance. I believe that, unfortunately, the Chief Minister has chosen to patch up the discredited uncosted scheme which he initially introduced. He has patched it up and band-aided it with a few titbits here and there. The sensible and prudent approach would have been to have introduced the costed Bradley Committee scheme with the knowledge that this sort of scheme has operated in Victoria and Tasmania and that we could look to them for some experience and guidance. This morning the government has handed to the opposition a raft of 55 amendments to this bill. There is no way that we can possibly accommodate those amendments today. I hope that the government will not proceed with the committee stages until Thursday and give every member a chance to peruse the amendments and to make further amendments if necessary.

Mr PERRON (Treasurer): Mr Speaker, a great deal of public discussion on the subject of a motor vehicle accident compensation scheme or a third-party scheme has tended to drag some of the attention in the press away from the basic principles of establishing a government insurance office in the Northern Territory. Some of the state insurance offices have been in operation for over 70 years and most of them are running very successfully. The Northern Territory is the only place in Australia that does not have a government insurance office and that perhaps is understandable having regard to the constitutional status of the Northern Territory up until this time.

The Leader of the Opposition said that the ALP has mooted long and hard for a government insurance office in the Northern Territory. Certainly, no one would deny that they raised the matter on a number of occasions. During the budget debate last year, the Leader of the Opposition said, in criticising the government for not taking sufficient initiative in its budget at the time: "It could have established in this budget the framework for a Northern Territory insurance office and allocated it money to bring down the costs to the people of the Northern Territory, not just in cash terms but also in terms of lives. It did nothing". In reply, I stated that when the government did look at the question of a government insurance office, it would do so after some thought and deliberation on the question because it seemed that the scheme put forward in those few words by the Leader of the Opposition was merely a supposition that there should be funds allocated in the government budget to bring down the cost of insurance to people in the Northern Territory. That certainly was not the way that we saw a government insurance office operating.

The government insurance office for the Northern Territory will have some very distinct advantages. It will enable people in the Northern Territory, particularly the government, to have some control over the types of insurance offered in the Northern Territory and the costing of premiums for those types of insurance. We have very little control over and even less knowledge of the system of pricing insurance in the Northern Territory at the present time. Another important area is the control over investment of the very large cash flows that insurance companies can have and in the holding of their reserves. The government will have control over how that is directed.

The real aim behind the establishment of a government insurance office is to control the running of the affairs of the office right from claims to

payments, to the establishment of policies and premiums and investment decisions. All of these decisions in the future will be made in the Territory by Territorians. In this regard, it will be a unique insurance company in the Northern Territory. I do not believe that any of the others are totally locally owned, controlled and administered. For these reasons, the government is moving to establish a government insurance office.

The Leader of the Opposition touched at some length on the Bradley Committee Report and the question of a motor accidents compensation scheme which has beek the subject of a great deal of public debate since the introduction of this bill. I might just touch on a couple of points from the Bradley Committee recommendations which, somewhat to my surprise, the Leader of the Opposition advocates should be accepted by this government. One was the committee's recommendation that income supplementation or allowance for a household help, where necessary, should terminate at the end of 2 years from the date of the accident. That was one of the committee's recommendations which the government found unacceptable. I am somewhat surprised that the Leader of the Opposition agreed with that. If I can quote the Chief Minister's words in his statement to the House earlier during the sittings: "The government is committed to the principle that every Territorian injured in a vehicle accident should receive necessary hospital, medical and rehabilitative services and, if earning capacity is diminished, he or she should receive regular compensation out of the common pool of contributions to relieve hardship for so long as that disability persists". That differs from the attitude put forward by the Leader of the Opposition.

The committee, and it seems the ALP, are recommending for the retention of the common law right-to-sue system of third-party insurance. The committee recommended that a statutory limitation of $200,000 on damages should be made. Again, to quote the words of the Chief Minister: "The arbitrary limit of $200,000 placed by the committee on the damages which may be awarded will inevitably mean that the cases most in need of substantial assistance will be the very ones to which it is denied by its inadequacy. In severe cases, the present payments under the no-fault scheme would exceed that limit anyway". What we are proposing in our system is that a person should be compensated fairly, having regard to the degree and extent of his disability. If a person is disabled for life, he should be compensated for life; if he is disabled for a lesser time, then payments should certainly cease as soon as the need has lessened to an acceptable degree.

The committee stated that the scheme it proposed would cost something in the vicinity of $130 for the average motor vehicle. This government believes that a package of desirable benefits can be serviced by a premium of $120 and that is the one we will be advocating. The professionally conducted public opinion survey, to which some reference has been made today, supports the view that the majority of Territorians surveyed saw $120 as a reasonable premium.

On the subject of common law rights, I am surprised that the opposition has chosen to adopt in full the Bradley Committee's recommendation which largely preserves the common law right and with it the system of very expensive and time-consuming legal delays and court hearings to settle various claims. Even though there is a limit put on them, that limit is the last link in the chain. The recommendation would preserve the interminable and frustrating delays whereby people have to wait for an average of 2 years before settlement is properly made.

The proposal adopted by the government is that a limited common law system will remain but, largely, the system will be a no-fault scheme whereby persons can be compensated almost immediately after an accident occurs. There is

something like a 7-day wait before benefits are payable. People will have the opportunity to obtain instant compensation yet retain the right to sue under common law depending on the nature of injuries and whether someone else can be found to blame for those particular injuries. The limit in these circumstances will be set at $100,000 which, as the Chief Minister has pointed out, is a larger sum than that commonly awarded for these particular injuries by the courts at present.

When talking about the sort of scheme that we should have in relation to motor vehicle accidents, we must remember the principle that there are no free meals. If we propose to prune the existing third-party premiums, then we would have to prune the benefits as well. The job that was before us was to find out how far we could prune the premium as that had a direct bearing on how far we could prune the benefits. We believe that the new scheme advocated in the legislation provides an efficient, straight-forward system of compensating people for motor vehicle accidents whether they be at fault or not. There are certain exclusions in the system where persons undertaking the use of vehicles in certain circumstances are not covered by that insurance and I think that that should be supported.

Primarily, what we have been trying to do is to obtain a balance between what the community requires as compensation for a motor vehicle accident and what the motorist is prepared to pay. I do not believe that this system of insurance should be subsidised by any other areas of insurance or that we should cross-pollinate the barrel to ensure an all-round, low premium irrespective of the costs of administering the scheme. I do not believe that that should operate and the legislation before the House actually prohibits it.

In the past, the opposition has mooted schemes whereby lucrative areas of insurance such as workers' compensation profits should be used to compensate for third-party losses. I think that is a totally unfair system. I think that the suggestion here today that perhaps some of the profits of the scheme should go to a "you drink, we drive" subsidy system is a pretty lousy suggestion too. It is hardly very fair on non-drinking motorists to be paying part of their premiums towards a system that might help get dunks home without driving on the roads. I think that we have to put the costs where they truly belong.

The other end of cost cutting of premiums is in the area of accidents themselves. I am sure there will be fairly universal support for moves to clamp down on those who abuse their right to obtain a licence to drive or those who sell unsafe vehicles to unsuspecting people or those who hold themselves out as capable of repairing vehicles and are not capable of repairing those vehicles. I believe the government needs to address itself to these questions in due course to ensure that the absolute maximum is done to ensure that vehicles on the road, as well as the drivers, are in a fit state.

I support the bills and I look forward to hearing response from other opposition members on the justification for their accepting carte blanche the Bradley Committee Report.

Mr COLLINS (Arnhem): Mr Speaker, it has already been stated by the Leader of the Opposition that it is difficult to criticise the legislation in any great detail during the second reading because we now have amendment schedules containing 55 amendments to the legislation. Thus, the remarks that we are constrained to make have to be of a general nature rather than of a specific nature.

I cannot let discussion on this bill occur without recalling some of the

history of the legislation. I will not bore the House by going into it in any great detail but it does need to be brought to the attention of the members of the House. A proposal to establish a government insurance office was first put before this House by the Leader of the Opposition. At that time, it was canned by the government and the honourable Treasurer even described it as a half-cocked proposal. Subsequently, he stated that, if the government did eventually propose such a horrendous socialist thing as a government insurance office, they would do it after sufficient consideration.

Honourable members will recall that the government consequently established a committee within 24 hours and gave it 6 weeks to throw a scheme together. In consideration of the job that that committee was given to do, I applaud the committee and its members for performing such a creditable task in putting this together in the time that was given to them. Let us recall those circumstances. After the government condemned the proposal, we found them submitting it as one of their own. The Chief Minister put out a little dodger with his smiling photograph attached to it. We are all familiar with it. I had thousands sent to me in a big parcel with a nice letter asking if I could distribute them for the elucidation of the people in my electorate and I was quite happy to do that. Unfortunately, by the time the dodger arrived the information contained in it was completely irrelevant and obsolete. I am sure the honourable Chief Minister will recall it as there was a very impressive photograph on the back page. It contained details of the schedules that were going to be applied together with quite detailed proposals as to how this scheme was to operate.

Members will recall the furore that resulted from this dodger. The opposition pointed out the dreadful deficiencies in this proposal and the way in which people were going to be disadvantaged by it. Subsequently, the Chief Minister, in press releases which I will not go through in great detail - there is a stack of them here - said that the opposition should do its homework and that we had got our facts wrong etc.

In the detailed press release that he issued on 5 February, the Chief Minister laid out in great detail how this scheme would operate. It involved the immediate taking over of workmen's compensation by the GIO and having workmen's compensation schedules and third-party schedules the same. After the opposition pointed out to the public what this would do to workmen's compensation payments, the Chief Minister subsequently issued a statement on that all time favourite show "After 8" on the ABC - and an excellent program it is too - that he could not understand what all the fuss was about and why Bronwyn, being such a well-informed journalist, had got things wrong. He said that he had made no mention whatever of workmen's compensation in the press releases he had issued on Monday. Of course, the opposition gave him the light on that. The public was rather bemused at this stage because the Chief Minister issued 4 statements during that week, all of which contradicted the others. The personal reaction that I received when I explained to unionists and to press people exactly what this proposal would do was one of shock. They said that surely the government had more sense than that and I must surely have my figures wrong. As we subsequently found out, the government was proposing to do something just as foolish as that. The opposition's sums were absolutely correct. It was just the scheme that was wrong; subsequently, we have seen the scheme abandoned.

I do feel that, when the Chief Minister tried to pass off this original enterprise as merely being an opinion-testing device, he stretched his credibility too far. It was a serious proposal to establish a T10 with the government going to some expense to explain, in detail, the proposal to the public. They obviously did not expect the reaction that they received and backed off very rapidly. As has been mentioned in this House before, there

are more traditional and acceptable ways of governments' gauging opinion than by such a procedure as this. It was not intended to do that; it was a proposal that blew up in their faces.

The Chief Minister, in his statement to the House, has misquoted and to a great degree misrepresented the Bradley Report and we subsequently heard the Treasurer doing precisely the same thing and also misquoting the Leader of the Opposition in comments that he made just a few moments ago. The Treasurer said that the opposition was proposing a carte blanche approach to the Bradley Report by accepting all of its recommendations and he could not believe that. He should not have believed it because it was not what the Leader of the Opposition said.

The Chief Minister quoted the McNair Anderson survey and he talked about the Bradley Committee recommending that insurance losses be paid back to the company. the Bradley Report did not say that at all and I will read to the House what the Bradley Report, in fact, did say: "Repayment of Past Losses - Incorporated in the premium of $154, recommended to the Northern Territory government by the Commonwealth Actuary in March 1978, is an allowance of $7 for the purposes of recouping the past losses of insurers. Such an allowance has been the practice in some other states. Whether or not this is necessary is not a matter for the committee". I thought that would have been definite enough. The Chief Minister should explain the reasons why he said what he did in connection with the recommendations of this report because they never said that at all.

The McNair Anderson survey makes very interesting reading. The recommendations of that survey do not correspond with what the Chief Minister had to say about it. What is clearly pointed out was that the majority of people who were surveyed had absolutely no understanding whatsoever of the insurance schemes that were operating: 80% of people knew that third-party insurance was to cover others for personal injury or death, 78% did not know what the main characteristics of the scheme were. I think that that was possibly the major finding of the McNair Anderson report: 78% of the people surveyed did not know what the details of the scheme were.

Both the Chief Minister and the Treasurer spoke of free hospitalisation. The Leader of the Opposition has also touched on this. We all know that there is no such thing as free hospitalisation. We all pay for the hospital services whereas formerly, under the common law approach to third-party,hospitalisation was paid as part of the court settlement. Now that cost is to be borne by the general hospital service and that is something for which we all eventually have to pay. If we do not pay it across the counter of the Motor Vehicle Registry, we will pay it somewhere else. To infer that, because this particular provision is not going to be incorporated in the third-party premium, taxpayers will not be footing the bill for it is ridiculous. It is not free hospitalisation. Hospitalisation under a Northern Territory health service is a burden for the Northern Territory government to pay. The burden will not be relieved by having settlements made in courts for payments for hospitalisation; it will be borne by the service itself. Of course, we will all end up having to pay that.

The Treasurer went on to say that the opposition was advocating the adoption of the Bradley Report and that he could not understand why. The Opposition Leader said that we are in fact advocating the Tasmanian system of insurance. That is an admirable system which provides for no-fault and common law and, since its inception, it has resulted in a decrease of 30% in insurance premiums. The Leader of the Opposition then went on to say that the reason we are advocating the Bradley Recommendations in preference to the mark 2 Everingham

recommendations is because this scheme has been carefully costed whereas the new government scheme, whilst retaining the original premium of $120, clearly has not been costed. The Treasurer said that he believes that the scheme will be able to operate on a premium of $120. I would like the Chief Minister to explain the technical information that he has at his disposal that will show how, whilst bringing in the benefits under these amendments that were not previously provided for and have not been costed to the best of my knowledge, he is going to retain the original $120 premium. The opposition is advocating that the Tasmanian scheme would have been preferable.

The Leader of the Opposition has put out press releases in which he has said that the Bradley Report, in his opinion, offers a reasonable compromise between the Victorian and Tasmanian schemes. Again, to reiterate, the choice we had was to reject the whole thing and advocate a completely new piece of legislation based on the Tasmanian scheme - and we considered that that was unpractical - or to have a look at what was before us in the Territory. The choice we have is to either adopt the costed and carefully considered recommendations of the Bradley Committee, which have been misrepresented by the Chief Minister, or adopt the government's scheme which, to the best of my knowledge, has not been costed. For the benefit of the Treasurer, that is why we have adopted our present course.

The Treasurer went on to misquote the Bradley Report when he said that it recommended that the McNair Anderson Survey had shown that people wanted the premiums to stay at $120. I wonder if the Treasurer has read the Bradley report. It does not say anything of the sort. On page 81 of the report: "It is possible of course to make premium cost range anywhere from $115 and $170 by variously reintroducing the benefits which have been excluded by the committee. The results of the public opinion poll would indicate that the acceptable range of premium is somewhere between $120 and $150 and that the public do not want benefits to fall below an acceptable level". Benefits, Mr Speaker, not premiums! "Having regard to that, it would be responsible to reintroduce either some of the common law benefits or increase the no-fault benefits available".

Perhaps, before any more honourable members opposite quote the Bradley Report, they should read its recommendations. The Treasurer is quite wrong. The recommendations do not say that the premiums should stay at $120. They do say that the public opinion poll established they should lie somewhere between $120 and $150. The poll also showed, to my great interest, that the more the public knew of the actual details of the scheme, the more they were concerned to retain an acceptable level of benefits even at the risk of increasing the premiums by another $10 or so.

The Treasurer also said that everyone has to realise that there were no free meals in this business. I agree with him: you have to pay for what you get. Let us not have any more talk from the Treasurer or the Chief Minister about so-called free hospitalisation because you have to pay for your meals at the hospital too. If the courts are not paying for them through insurance settlements, then the government will have to. I will be interested in the honourable Minister for Health's answer to that question on notice as well.

I would like to support the statement made by the Leader of the Opposition that the opposition would like to see people of the Northern Territory accept the government insurance office. Any changes that need to be made to it will only be able to be made after practice has shown what can be done and what cannot be done. That is why we would prefer to see an established scheme instead of launching out into the unknown as the government proposes to do. We would like to see a scheme based on the better points of 2 other existing state schemes.

The Leader of the Opposition also raised the recommendations of the Bradley Committee on how to reduce the road toll in the Northern Territory. That is a section of the report that I read with a great deal of interest and care and I concur with a great many of the recommendations. However, they will have to be implemented carefully and with a great deal of consideration and review. Everybody in this place knows that one of the major contributing factors to the Territory's atrocious road toll is drink driving. In another of his amazing statements, the Treasurer said that the Leader of the Opposition's proposal to support in some way "You drink, we drive" services was lousy because we must put the costs where they belong. Let me assure the Treasurer that a great deal of the cost of a third-party insurance scheme lies with drunken drivers in the Northern Territory. Helping to support a viable "You drink, we drive" scheme to keep drunken drivers off the road is not a lousy idea at all; it would be putting money where the cost is. A great deal of the tragedy and cost to the public of road accidents in the Northern Territory comes from irresponsible drunken driving. I have had representations made to me by people who believe that random breath testing would be an invasion of civil liberties. Those people have a valid point to make but I do not think it is one that can be supported. There is no greater invasion of civil liberties than a car through your windscreen on your way home at night. That is a reasonable sort of invasion, particularly when it leaves you dead or injured on the road. There is no place on roads for drunken drivers. I think the Bradley recommendation of a point system as far as licensing is concerned is an excellent one.

The government has to take the lead in positively educating the public that drunken driving can no longer be considered as some sort of joke, which it still is in so many quarters in the Territory, and that drinking drivers can have no place on the roads. We constantly hear what a load of nonsense random breath tests are and what a load of nonsense 0.08 blood levels are: "I drive better when I have had a few than when I am not drinking at all. I have a few beers and it settles me down". Of course, that is absolute rot. One of the things that alcohol does give you is an inflated sense of confidence. It increases the desire and takes away the performance.

The opposition urges the government to adopt the recommendations of the Bradley Committee as far as road safety is concerned, particularly those dealing with drink drivers. The Leader of the Opposition has discussed with caucus the way in which a random breath test system would be operated by the Northern Territory Police Force. I feel that it would in fact be truly random as it has been explained to me. I do not think it would be something which the public would mind too much, particularly after it had been implemented for 6 months or so. We cannot continue to prop up the results of road accidents with higher premiums or better insurance schemes without attacking the real cause: road accidents.

Mrs LAWRIE (Nightcliff): Mr Speaker, I will talk briefly because most of the finer detail has been covered. The proposal for the establishment of a government insurance office really caused something of a furore in certain sections of the community and, I believe, quite unfairly. Like all members, I am well aware that this was about the only place in Australia that did not have a government insurance office and I am very pleased to see that the present Northern Territory government has taken the step to establish one in whatever form. I had various members of the insurance industry group come to see me, each one more appalled than the last about this socialist plot. I could not quite understand their fear when we have government insurance schemes operating everywhere else in Australia.

With some delight, I recall the words of the Chief Minister when he introduced these bills: "The government is introducing these bills in the best interests of all Territorians". I happen to believe that he means that and that the scheme will be in the best interests of all Territorians and I have

made quite public my support of the proposals and, indeed, privately to the Chief Minister when he appeared to me to be somewhat under siege.

I must advise the House that one of my constituents arrived in my office unannounced and said, "I want to tell you something. I want to see you about the insurance scheme. I did not vote for you. I will never vote for you. I knew you were a communist and I knew the ALP were communists and now I find the CLP are communists. What are you going to do about it?" With absolute delight, I said nothing except: "Isn't it marvellous, you have got nowhere to go". I rarely treat my constituents with such levity but when one sees the introduction of a government insurance scheme to the Territory as being nothing more than a communist plot perpetrated by the CLP, one doubts the reasons of the person arguing that case.

I want to draw the attention of the House to a couple of the points which have been raised in public debate and perhaps not adequately canvassed here. Workmen's compensation was, at one stage, to be the prerogative of the government insurance scheme, though not the exclusive prerogative. I see a great deal of difference between workmen's compensation insurance cover and other insurance cover which, in many cases, is elective. Workmen's compensation insurance is compulsory. It has to be considered somewhat differently from the option to take out life assurance or other similar schemes. It is a part of the social structure of our society and I would have no quarrel at all with the government insurance office having the exclusive right to workmen's compensation, as was first outlined by the Chief Minister. It is interesting that there has been a committee established to oversee workmen's compensation that, at one stage, asked companies to advise of certain financial arrangements only to have those companies treat this government committee with some contempt by refusing to supply the information. However, when they were faced with a monopoly being established to deal with workmen's compensation, they became most accessible and could not wait to supply facts and figures to whoever wanted them.

At times I have been bitterly critical of the operations of certain insurance companies in the workmen's compensation field. When you consider this particular kind of insurance, I think that the options first expressed by the Chief Minister need closer examination - that is, that the company to be established should have a monopoly in that field. He said that this may have to be done in May and that his government was negotiating with the Insurance Council of Australia with a view to ensuring 2 things: real competition in workmen's compensation and the investment in the Territory of as much capital as possible. I look forward to hearing the results of those negotiations from the Chief Minister in his reply and I note that, if the Territory Insurance Office has an exclusive right to transact workers compensation business the estimates are that the Territory Insurance Office should have reserves of between $12m and $14m available within 2 years for investment in the Territory. He went on to say that, without it, the sums readily available for investment in 2 years are likely to be in the order of $6m.

I think that the benefits to be reaped by the Territory Insurance Office maintaining an exclusive right in compensation outweigh any small disadvantage. This may be seen as an electoral disadvantage as companies may feel that they are faced with unfair competition from the government. When it comes to workmen's compensation, any benefit would be channelled back to the Territorians and I would support that that further step be taken now.

Another area which has not received much attention is that of Home Finance Trustee loans. House insurance is again compulsory. If it was made the prerogative of the government insurance office, under those circumstances, a death benefit could be built in. This means that, where the person who has obtained government finance is the bread winner and dies for any reason

whatsoever, the loan repayment is automatically covered by an insurance scheme. The dependants, if they are truly dependent, do not have to face the burden of taking over the outstanding loan on the family home. This is in operation in other parts of Australia and perhaps may be brought in here.

A lot of attention has been paid to the particular bill dealing with motor accident compensation. I do not share all the reservations of the opposition in that the statement that was tabled in the House by the Chief Minister included some of the better recommendations of the Bradley report; certainly, the $100,000 is right. I must say that I support the contention that, when commissions report on any subject, the government is not bound to accept all the recommendations. I was quite infuriated by the Chief Minister when, in dealing with a bill relating to some procedures at law, he kept saying in the committee stage that it was a result of recommendations of some other committee that influenced him to submit the legislation in that way. Committees can put forward views till they are blue in the face but governments do not have to accept them. It is their ministerial responsibility that is at stake. If the Attorney-General would cease swallowing, holus-bolus, recommendations coming forward from this Law Reform Committee, as he did on that occasion, and treat them the same way that he has treated the Bradley Report - that is, selectively - we would all be a lot better off. No one will blame Hugh Bradley if things come crashing about our ears; we will blame the government that put the scheme into operation. Just for a change, I am rising slightly to the defence of the Chief Minister and his Treasurer.

Everyone has spoken about the recommendations in the Bradley Report that deal with ways of reducing the road toll which not only costs the community financially but also socially. I will draw particular attention to one recommendation on page 57 of this report which is in regard to graded licences: "The committee is in favour of graded licences. This, in particular, should apply to motor cycles and the following is suggested: first-year licence, up to 250 cc; second-year licence, up to 500 cc; third-year licence, unlimited".

This debate has provided an opportunity for everybody to put forward his own pet scheme on how to cut the road toll. I have just put forward one of my pet schemes which apparently had also been suggested to the Bradley committee and which has its acceptance. One could go on ad nauseum through the specific recommendations of the report saying whether one agreed with them or not. That would be futile and would take up the time of the House unduly.

One of the beauties of setting up the government insurance office is that, at least, it will be established. If it is seen to be working inadequately and not in the best interests of the community within 6 months, it can be changed by a resolution of this House. Whilst it would be impossible to predict that we will have the best of all possible schemes right throughout Australia, it is my pleasure to support the proposal to establish a government insurance office. If it needs amendment, I have no doubt that it will get it. As governments change and as the complexion of governments change so shall some of the activities of the government insurance office change. I have just said that I would like the government insurance office to have more power, not less, and to have the right to operate exclusively in regard to workmen's compensation. That is apparently a little in advance of present government thinking. It may be, in some cases, behind the thinking of the ALP if they attain government. The most important step has been taken: the establishment of a state insurance office.

Ms D'ROZARIO (Sanderson): Mr Speaker, I would also like to express my support for the establishment of the Territory Insurance Office. I do not think that there is any disagreement on whether or not this office ought to be established. I think the honourable Leader of the Opposition should take the credit for having raised the idea and we are pleased that the government has accepted the establishment of the office in principle.

I would also like to add my commendation to the committee which was established by the Chief Minister to investigate the proposed motor accident compensation scheme. The depth in which the terms of reference were treated and the costing of the alternative schemes shows that the committee has made an extremely diligent inquiry into these questions and the members of the committee are to be commended for presenting, in so short a time, a comprehensive report. Even if we are unable to accommodate all the recommendations at this point, the report will provide valuable guidelines for some time in the future.

I agree with the honourable member for Nightcliff that the government is not obliged to implement the recommendations of every report of every committee that it establishes. It was my understanding that the Leader of the Opposition had never, at any time, expressed completely unreserved support for all the recommendations of this report. The honourable member for Arnhem also made this point. Since it seems to be the general impression that the Leader of the Opposition has said that the opposition wholeheartedly supports every recommendation of this report, I might say now that that is certainly not the case. The Leader of the Opposition did say that there were some points where members of the opposition were not in agreement with the recommendations made in this report. I will mention one by way of example: the committee recommended that benefits be reduced for any passenger involved in a motor vehicle accident who was not wearing a seat-belt at the time. While the opposition knows that the compulsory wearing of seat-belts has had a dramatic effect in reducing the road toll, the difficulty arises of whether or not the injury would have been worse if the person had not been wearing a seat belt. While we have this conceptual difficulty with the point, we are not prepared to say that we wholeheartedly accept that principle at this time.

The member for Nightcliff said that the government was not obliged to accept the recommendations and that is true. The opposition recognises the right of the government to either defer implementation of certain recommendations or indeed to reject them outright. However, the method by which this particular committee was formed has already been outlined by some people. There is another piece of legislation which the government intended to reform and that was the lottery and gaming legislation. The government established an inquiry into that well in advance of any proposal to amend the legislation. The recommendations of that report were also very controversial and the government rejected the major recommendation of that report which was to establish the TAB system in the Northern Territory. Certainly, we do not criticise the government's right to defer implementation of some recommendations or even to reject them. I hope that I have made that clear.

The Treasurer raised a couple of points asking for some justification of our "carte blanche acceptance" of the Bradley Report which I have just tried to explain is not our position at all. However, 2 points were made and I think they are worth answering. The Treasurer said that he was surprised that the opposition should support a recommendation which imposed a time limit on the receipt of benefits following upon an accident. The Chief Minister has already said that the government does not support this time limit and it is the government's view that people will be paid these benefits for as long as there

is a residual effect. It is worth remembering that the arbitrary time limit to which the Treasurer drew our attention has only now been replaced by an arbitrary quantum on the limit of compensation. If you wish to be arbitrary, you can trade off between a limit and a maximum limit of compensation which also might be criticised as an arbitrary limit.

The honourable Treasurer also raised the point that, in most common law actions, very lengthy delays might arise. Of course, there have been very lengthy delays experienced by people who take out actions. We have no great argument with that. However, I draw the Treasurer's attention to the recommendation in this report which permits the board to make an interim payment for compensation to alleviate the hardship which might otherwise be suffered. I also point out that this report outlines a system whereby an incentive might be given to settle claims early. This incentive to settle claims earlier is not simply to alleviate the hardship of those who might be taking this action. It also has a wider implication for the motoring public and that is that the committee concluded that the early settlement of claims would save $5 off the premium that this bill seeks to establish.

The committee said that, on its calculations, there could be an overall saving of 10% if claims were settled earlier. Not only does this alleviate the hardship of people seeking compensation, but it also has the benefit of reducing the premium paid by every motorist. I think that not only has the committee dealt with the problem of lengthy delays, but it has established a reason why claims should be settled earlier. I invite the attention of the Treasurer to pages 72 and 73 of the report. The opposition came to the decision to support the aspects of this report that were similar to those in the Tasmanian scheme, which the committee went to great lengths to investigate.

The Chief Minister has said that the premium of $120 will not be amended even in light of the new amendments that we have received some time today. This has placed the Chief Minister's amended scheme, referred to as the mark 2 scheme by members of the opposition, in a situation where the scheme has not been costed and, although the Chief Minister assures us that the amendments will take into account some of the recommendations made by the Bradley committee, we do not have any corresponding alteration in the level of the premium.

I think it is worth mentioning that the committee did look at some 10 or 12 factors that could reduce the level of the premium. Some of these factors would only come into play in the long term. For example, the committee spoke about the road safety campaign and it also spoke about the question of hospital costs. Having looked at these questions, the Bradley committee came up with a scheme which could bring the level of the premium down from the present $154 to $130. The Chief Minister now tells us that, even with his amendments which might increase the benefits payable, the level of the premium will not increase. This must throw some suspicion on the mark 2 proposals of the Chief Minister.

Whilst the Bradley committee calculation was that the premium should be $130 on its actuarial advice, I might say that there are 3 other factors which are capable of being implemented in the short term and which would have the effect of bringing the premium down still further to $115. The first is the reduction in premiums on the driver merit point system. I think this particular aspect is capable of implementation in the short run. It is based on the demonstrated community attitude that drivers with good driving records ought not to be penalised for those with poor driving records. The committee concluded that some $7 per driver could be saved by instituting this particular system.

The second matter is the reduction in liability of the nominal defendant. Under the existing legislation, the nominal defendant must defend actions in

respect of accidents which take place in places other than public streets. The committee has calculated that, if the liability of the nominal defendant were limited to accidents which take place on public streets, a further $3 could be knocked off the level of the premium. It is worth pointing out that the Chief Minister has provided amendments which limit compensation to accidents which occur on public roads and streets. Again, that is in fairness to the ordinary motorist who should not be expected to pay for accidents which occur elsewhere than on public roads.

The third area where a reduction in the premium could be effected has already been raised by me in answer to the point raised by the Treasurer. I refer to the early settlement of claims. This is not just because of the reduced value of the compensation from inflation but also because of administrative costs and so on. It has been shown that these things can add to the cost of the action and, if claims are settled early, the committee has calculated that the premium level could be reduced by a further $5.

With those 3 particular matters, the committee has shown that the level of the premiums can be brought down even further than that in the Chief Minister's proposal. If all 3 matters were implemented, we could look forward to a premium of $115 instead of the proposed $120.

A great deal was said about the question of medical costs. It was pointed out by the honourable member for Arnhem that there is no such thing as a free medical service. One of the attitudes entrenched in the public mind is that accidents do not cost the community anything. The tragic thing is that some people pay with their lives as a result of road accidents, others pay in terms of a great deal of social agony and economic loss. However, the undeniable fact is that everybody pays as a result of every motor accident that takes place in the Northern Territory. This is one of the aspects of motoring in the Territory with which this committee has tried to come to grips. I might say that it has done it very well because not only has the committee tried to look at the economic aspects of what the Territory community will tolerate as a premium and how the government can best cope with the cost of motor vehicle accidents, but it has also addressed its mind to the question of how these accidents can be reduced. It has devoted an entire chapter to road safety methods which should be implemented in order to bring about a reduction in the road toll. I heartily commend the proposals outlined by the committee and, as the Leader of the Opposition indicated, the opposition supports the introduction of random breathalyser tests and such other methods that will bring about a reduction in the road toll.

The committee also raised the question of rehabilitation. It said that there is no doubt that existing rehabilitation facilities in the Northern Territory are far below what can be reasonably expected. Whilst everybody in this House would agree that there does need to be some improvement in the level of facilities for rehabilitation, it would be years before we would actually get the benefit of this particular proposal if it were implemented. We know that there are many difficulties facing the Northern Territory in establishing specialist rehabilitation facilities and not the least of these is the question of attracting skilled staff, specialised orthopaedic surgeons, limb makers etc to the Northern Territory. Our rehabilitation facilities are far below what is required to cope with our high road toll and I think, without being unduly pessimistic, that it will be many years before we will have rehabilitation facilities that are on a par with the rest of Australia. While the Chief Minister has included that in the category of recommendations of the committee that his government accepts, we might have to start working now in order to bring that about.

In conclusion, I might say that some points raised by the honourable member for Nightcliff are well worth thinking about, particularly with a view

to extending the role of the Territory Insurance Office in the future. She mentioned other areas where insurance was compulsory and she mentioned the question of home loans. In a few years' time, when we can see the results of this office's operations, it will be time to start thinking of other fields, such as compulsory home finance insurance, that the government insurance office could be looking at in order to increase its business. I am sure that this particular view will not be supported by private operators; they have already made their views known to us very vigorously and vociferously indeed. It is worth remembering that we have a number of areas in which we are required to insure ourselves compulsorily and home building was one which the honourable member for Nightcliff has mentioned. I think the government ought to look at whether or not, at some time in the future, the government insurance office ought to investigate a scheme whereby it can participate in that component of business as well.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I support the legislation. There are some points I would like to touch on that have been raised by various speakers this afternoon. There is no doubt in my mind that whether this government or another government raised the issue of a state insurance company, it would have come in the course of time because it is the Australian way of doing things. I heard with interest the discussion by the honourable member for Nightcliff about the socialist plot of the CLP government introducing a government insurance company into the Northern Territory. The reality is that government does many things in this country that are normally done by private enterprise in other countries. This is simply because, as a small nation, we do not have the physical and the financial resources for private enterprise to do it. In Australia, the government is involved in power generation, airlines, shipping, railways and other functions that, in other places, are conducted by private enterprise.

Insurance is one of the fields where the government has found a true role. It is timely that it has come to the Northern Territory because it was brought on by the urgent need for us to try to stem the incredible rate of increase in the third-party premiums. There is no doubt in my mind that the people in the countryside were virtually in open revolt over the level of premiums that they have to pay for third-party cover. They were looking for an alternative scheme. I will not go into the details of one scheme versus another today because that is an exercise of horses for courses. The 19 of us would never reach agreement on what is an ideal scheme if we sat here arguing for 30 years. I am sure that the community wants an alternative scheme; it wants a Northern Territory government insurance office.

The Leader of the Opposition mentioned that the proposal for the scheme had been condemned by some people and I think the words "vested interests" crept in. The truth is that we all have vested interests. The people who are supporting the scheme have vested interests: they want something for the Northern Territory and they want a better deal for themselves. Those who are opposing the scheme are opposing it because they have a vested interest and they can see that their cake is about to be cut up into smaller pieces.

I would also like to take up a point that the Leader of the Opposition made about the vindication of the scheme with his reference to the McNair Anderson report. He said that the Chief Minister could not claim a vindication of the scheme because the statistics showed that 78% of the people who were questioned did not understand what the proposals were about. What the honourable member forgot to add was that, after the 78% had had it explained to them, about 66% of them still wanted to go for the scheme as it was proposed. They admitted that they did not understand but, when they found out, they were still in favour of it. I would like to use that as an illustration of how anybody can play with figures to say whatever he wants to say. I found the McNair Anderson figures most interesting. I thoroughly enjoy playing with that sort of thing myself and

there is no doubt in my mind that I could argue one side of the case or the other. The honourable Leader of the Opposition was taking a little bit of licence with the truth when he put the argument the way he did.

When we come to road safety and the carnage on our roads, I feel we are reviving the debate we had 3 years ago on the Millner report on alcoholism and the impact that alcoholism has on accidents and deaths on Northern Territory roads. Nothing has changed; we just have a few more recommendations to follow up so far as drink-driving and accidents are concerned. We are being naive if we believe we can educate the public into being good citizens and doing the right thing so far as their drinking habits, their driving habits and their behaviour in cars generally are concerned. I thoroughly concur with the proposal to introduce random breath tests; the sooner the better.

I agree with the member for Arnhem in that it may be an infringement of some people's civil liberties, but I do not take kindly to having to drive on the road not knowing whether the other monkey coming towards me is as full as a chook. About 52% of deaths on our roads result from people being in such an incapable state that they cannot control their cars. I would go a little further: I would be quite happy to see the age of persons licensed to drive raised on the one end and lowered on the senior end. I thoroughly believe that we ought to start introducing regular practical tests for licence holders whether they have had an accident or a conviction or not. If you compare the way we licence people to drive motor cars to the approach we have to licensing people to fly aeroplanes, you will see the gap between the two. It is incumbent upon us to be tougher, as legislators, with the way we ask people to conform with normal social patterns. I will take it a little further: I do not think we are very far away from the time when we will have to consider reducing speeds compulsorily and even introducing governors on cars to ensure that they are incapable of certain speeds.

I will highlight one aspect of man's attitude towards his vehicle and what he regards as his divine right. I had the good fortune recently to attend a motor bike carnival to present trophies to the youngsters. One of the trophies was to the unluckiest rider. I was not there to see what this young fellow did to become the unluckiest rider but apparently he had 4 starts and did not get out of the blocks. His machine was so powerful that it threw him off as it took off. In one particular instance, the race was upset because this machine meandered through the other bikes. I do not understand how organisers of this sport can allow that sort of thing to go on. However, it does not only go on there; it is happening on the highway. You see 16-year-old kids on 1,000cc motor-bikes. These bikes have so much gear on them that one can hardly stand them up. The kids have no qualifications; you pay your money, receive your goods and go for your ride. It is that simple and next day there is an accident. They might cause your or my death and somebody else would have to foot the bill.

I firmly believe that the public attitude towards premiums and benefits is pretty well understood. People realise that, the more they expect in terms of a benefit, the more they will have to pay in premiums. However, they are saying - pretty loudly in my electorate - that they are sick and tired of having to pay excessive premiums when they themselves have never been involved in accidents and take particular care not to be involved in them. That is something that we must address ourselves to.

The honourable member for Arnhem said that he felt that the drunken driving problem in the Northern Territory is no joke. I would accept that but I think it is more serious because I am sure that most of the people in the Northern Territory who drink and drive regard it as a divine right. They take

particular exception to people like us telling them to get off the road when they have a skinful because they know what they are doing. We have heard all the arguments before. In all honestly, I think we will have to be the unpopular people and introduce the standards that make people get off the roads when they have had a drink. We will be unpopular for it, but I do not see any other way of reducing the toll.

I am particularly pleased that we will not have a situation where the insurance office has a monopoly. I think monopolies make people lazy. If you look around this country at some of the steel monopolies and other monopolies, you realise that they are not healthy and I do not think a monopoly situation in the Northern Territory would be healthy anyway. I believe that one of the great benefits that will come from our proposed insurance office is the investment capacity that will flow to the Territory. The record of companies up to date is a little tarnished as they have not measured up to their responsibilities with investment levels in the Northern Territory.

The honourable member for Sanderson raised a point concerning the poor standard of rehabilitation centres in the Northern Territory and how we would have a difficult job to upgrade them. That situation will never change according to the various state health ministers or other ministers that have to look after the rehabilitation centres. They have the same problem. They are so far behind the 8-ball in providing rehabilitation facilities that they will never catch up. We are no different and it would not matter if we started today with all the money in the world and all the people in the world. We will never catch up because the numbers are against us; there are too many people driving too much, drinking too much and doing too much damage.

Mr EVERINGHAM (Chief Minister): Mr Speaker, it has been very valuable for me to listen to this debate because this has been one of the most complex exercises that I have been involved in during the course of my life. It has put me off-side with a lot of people with whom I have mixed in my profession and with whom I have dealt in business over the course of the years. I can understand their chagrin. As regards the legal profession and the insurance industry, it seems as though a prime source of their income is about to fly out the window. It has been an exercise that I have undertaken with mixed emotions at times.

The Leader of the Opposition appeared to criticise the government for departing from the recommendations of the Bradley Report. He inferred that, in my statement last week or the week before, I had derided the report of the Bradley committee. A reference to the Hansard of this Assembly will show that I praised the committee for the way in which it had attacked what was a very difficult task. The fact that not all of its recommendations were accepted - some were accepted with amendments and others were accepted unquestioningly - was a matter of judgment for the government. It certainly implies no disrepsect to the members of the committee.

The Leader of the Opposition said that the opposition did not agree with all the recommendations of the Bradley committee. He said that, notwithstanding the opposition's disagreement with at least parts of the Bradley committee's report, the opposition would have accepted the report's recommendations on a Tasmanian-Victorian mix unhesitatingly.

An alternative government might not be prepared to use its initiative and think out its own views where it does not agree with certain recommendations; at least this government is prepared to do that. We had the situation forced on us by spiralling third-party premiums: $154 last year which made my hand shake as I put my pen to the Executive Council minute. According to the

report of the Commonwealth Actuary, who is a totally independent figure, if the common law system is to continue, we should raise the premium to $192 this year. We predicted something like that: $200 this year and $250 next year. What do we read in the stop press in this afternoon's paper? Another judgment was entered by consent in the Supreme Court for $450,000. What will those sort of judgments do to premiums? The Northern Territory economy cannot stand paying out those sums of money in one lump.

The Leader of the Opposition told us in one breath that the scheme was universally condemned. He then went on to say that insurance people, the public, trade unions and the legal profession all attacked the scheme that the government originally produced. Having said that, he proceeded to say that the public opinion survey showed that 67% of the people had never heard of the proposed no-fault motor vehicle insurance accident scheme. As usual, he was trying to have his 2 bob each way. They have either heard of it or they have not. If they have not heard of it, they cannot condemn it.

Let us have a look at this public opinion survey that the honourable Leader of the Opposition has used as a yardstick for some of his outlandish statements this afternoon. Table 8 shows us the attitude of people towards no-fault insurance. When people were informed of the main characteristics of the no-fault insurance scheme a high proportion of persons were favourably disposed - approximately 68%. 77% of those with an income of under $10,000 were more favourably disposed than higher income groups although 55% of those were also quite favourably disposed to a no-fault scheme. Table 10 deals with the premium and benefits proposed for no-fault insurance. On those surveyed, 64% thought a premium of $120 for the no-fault scheme was about right. Strangely, higher income groups thought the premium too high. A very high 85% of persons preferred the proposed premium and benefits. Rather than the alternative of lower premiums and smaller benefits, they preferred the proposed higher premiums and greater benefits.

Table 11 indicated that 63% preferred the no-fault scheme for a premium of $120 as compared with the third-party scheme with a premium of $154. One of the most significant findings of the survey was that 65% preferred a no-fault scheme of $154 per annum when given the alternative of a third-party scheme for $154 per annum. That is why I said the Bradley committee appeared to be flying in the face of the findings of the public opinion survey which it itself had commissioned. Table 12 indicated that regardless of socio-economic characteristics, 60% preferred the no-fault scheme for $120 compared with a combination of the third-party and no-fault scheme. The Bradley committee, nevertheless, plumped for a combination against its own survey. I am not deriding the Bradley committee as it was completely free to bring in the recommendations that it wanted to. If it commissions a survey and it brings in recommendations that do not coincide with the findings in the survey, then I am certainly at liberty to point out these facts.

The Leader of the Opposition said that the Bradley committee had not recommended that there be no recovery of past losses. I refer honourable members to page 77: "The committee believes that all of the above measures are reasonably capable of implementation and they should be considered for immediate action". The measures included the chopping out of the reimbursement for past losses. In any event, the recovery to the insurance companies of their past losses at the rate proposed will mean that it will take a very long time for them to get the money back in.

I certainly have not derided the Bradley committee or its report, but I must say that its recommendations and benefit proposals are miserable when compared to the proposals contained in the amendments now before the House. The proposals of the Bradley committee may be summarised: "One can take action at

common law to recover a maximum amount of $200,000". This will provide indemnity benefits for only the people who can establish fault in some other driver. That leaves out a considerable number of people straight away. "The person, having secured a finding of negligence, may recover up to $200,000". Will that be sufficient for the person who really needs more? For example, one person today received $450,000 in one lump sum. That proposal would leave him $250,000 short of his requirements as assessed by the court. According to the Bradley report, the alternative is that, on the no-fault side, you can have your wages made good to the tune of 80% of the Territory average wage for a period not exceeding 2 years and you can obtain medical expenses for up to 5 years.

Let us look at the government's proposals. The government proposes that people who can establish fault may sue whereas there are no lump-sum benefits in the Bradley proposals at all. The government proposal is that if you can establish fault you may sue for pain, suffering and loss of amenities of life. The person who has facial injuries or cosmetic injuries will be able to sue for everything except future economic loss, which is the largest component of the common law system of judgments. Everyone, whether he is at fault or not, will be entitled to 85% of the Territory average wage until he reaches 65 provided that he is unable to carry out his normal occupation. That is a better proposal than the proposal of the Bradley committee. In addition, the government proposals provide for $15,000 and $20,000 respectively for health or hospital costs and $20,000 for rehabilitation. There are lump-sum benefits payable which a person can opt for even if he believes he has a claim which he could make out at common law. He can decide against doing that because he may not want to go through the hands of the lawyers and the court because litigation is a tremendously traumatic experience. I found in my experience as a solicitor that many people, even extremely well-educated people to whom the financial side of it is not a dread, approached it with a great deal of apprehension. That sort of person, if he wishes, can opt for the lump-sum settlement along the lines of a workmen's compensation benefit. The person who has no chance of establishing a common law claim can obtain that benefit. Dependants of deceased bread-winners can obtain up to $40,000 compensation. When you compare those 2 schemes, the Bradley proposals are illogical and miserable whereas the government proposals, within the amounts available, are considerably better. The future economic loss for victims will be catered for by weekly payments for as long as they are incapacitated. I think that is the important element of the government's scheme.

The Bradley committee also recommended a premium of $130 as against the $120 that I seem to recall the honourable Leader of the Opposition having mentioned a couple of times. If he reads the report, he will find at page 81 that the recommended premium is $130. Our scheme has been actuarily costed, is sound and will be adopted by the Territory Insurance Office when it opens its doors for business on 1 July this year.

I seem to remember the honourable member for Arnhem submitting a table of supposed workmen's compensation benefits that were going to be introduced by the government earlier this year. He referred to all this earlier this afternoon. I believe that that table is one of the most deceitful things that has ever been put forward by any politician serving in this House.

I reiterate that the government is not in any way deriding the work of the Bradley committee, as the opposition has been attempting to smear us with all afternoon. We know these people worked hard. It certainly had plenty of other experience to go by: New Zealand, Tasmania and Victoria. The scheme proposed by the government is one that has had the benefit of the Bradley committee recommendations. We have been able to pick the holes in the report and fill them up ourselves.

As to the road safety recommendations, I anticipate that the Minister for Transport and Works will be introducing legislation to assist in reducing the road roll. The legislation is similar to that already in force in Victoria which was hailed by the Premier of Victoria, Mr Hamer, as a great success in reducing the number of road deaths. I would hope that, in the committee stage of these bills, the opposition will give the proposals a fair treatment because I believe that they are much more in the interests of the people of the Northern Territory than the proposals outlined in the report of the Bradley committee.

Motion agreed to; bills read a second time.

TERRITORY INSURANCE OFFICE BILL
(Serial 262)

In committee:

Clauses 1 to 9 agreed to.

Clause 10:

Mr EVERINGHAM: Mr Chairman, I move amendment 100.1.

This varies the structure of the board of the Territory Insurance Office. It was originally proposed that the departmental head of the Treasury and the Solicitor-General be statutory appointments to the board. I can inform honourable members that it is the intention of the government to certainly appoint the Under-Treasurer to be a member of the board and our view is probably that the Under-Treasurer should always be on the board. On consideration, the statutory position of the Solicitor-General is such that, pursuant to this act, he could have been given, as a director of this particular corporation, directions which may have been inconsistent in some far-fetched situations with his duties as Solicitor-General. Therefore, it was thought wiser to remove him as a statutory appointee.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clause 11:

Mr EVERINGHAM: I move amendment 100.2.

This amendment is consequential upon the amendment that I have just moved.

Amendment agreed to.

Clause 11, as amended, agreed to.

Clause 12 agreed to.

Clauses 13 to 16 agreed to with consequential amendments.

Clauses 17 to 22:

Ms D'ROZARIO: Mr Chairman, there are a couple of questions that I would like to direct to the Chief Minister. I draw to the attention of the Chief Minister that there are no penalty conditions for failing to comply with the requirements of clause 17 and I wonder why that is.

Secondly, I refer the committee to clause 19 which relates to the appointment of the general manager and staff. Clause 19 reads: "The board may employ, upon such terms and conditions as it thinks fit, a general manager of the office and such other persons as it considers necessary for the efficient operation of the business of the office". We all know that a general manager has been appointed for this particular office and that seems a bit strange since it is the board which is charged with the responsibility of employing a general manager. Secondly, the terms and conditions have obviously not been decreed by the board but have been decided quite independently of the board which does not really exist at this time. I wonder whether the Chief Minister might give some explanation of those points.

Mr EVERINGHAM: Firstly, in relation to clause 17, there is no penalty in relation to the non-disclosure of a pecuniary interest. One of the reasons for this is that we did say that the Territory Insurance Office would be operating upon the same footing as any company in private enterprise. In private enterprise there is no penalty attached to the non-disclosure of a pecuniary interest. Nevertheless, we have included provision there for disclosure. The duties of directors of this corporation will be quite onerous and I should think that we will have some difficulty in attracting people of the talent that we require without frightening them off with penalties. Their financial rewards will certainly not be too great.

The member for Sanderson then raised the matter of the appointment of a general manager. In fact, no general manager has yet been appointed. A position has been created in the Treasury Department and a person has been appointed to that position who is carrying out the duties of an interim general manager of the Territory Insurance Office. He is on a remuneration that has been determined by the Public Service Commissioner for the carrying out of those duties. The honourable member for Sanderson seemed to congratulate us on establishing a Territory Insurance Office by 1 July but she is now nit-picking about how it should be set up. Does she have a wand that she could loan me so that I could wave it and get it set up in that fashion.

Ms D'ROZARIO: Mr Chairman, I must take exception to the remarks of the Chief Minister. I was under the impression that the committee stage is the place to raise these questions and I think the question was a legitimate one. I would have preferred it if the Chief Minister had given me a reasonable answer instead of rambling on as he does on these matters. The appointment of the interim general manager or the general manager designate or whatever you like to call him has created quite a bit of discussion in the community for one reason or the other. It does seem that the Public Service Commissioner wished to appoint such a person and certainly the opposition does not argue with that. Why then is it necessary to have clause 19 in the bill if, in fact, this is a position for which the Public Service Commissioner is responsible and not the board established under this legislation?

Mr PERRON: Mr Chairman, the situation is that, when this board comes into operation, it will have to determine conditions and appoint a general manager. I do not see any conflict with our having engaged a person to establish a general insurance office in the Northern Territory.

Clauses 17 to 22 agreed to.

Clause 23:

Mr EVERINGHAM: I move amendment 97.1.

The amendments to clauses 23 and 26 are interconnected and reinforce the stated objective of keeping motor accident contributions as low as possible and

consistent with adequate benefits. They will prevent the situation where contributions must be kept high enough to be syphoned off for other purposes.

Amendment agreed to.

Clause 23, as amended, agreed to.

Clause 24:

Mr EVERINGHAM: I move amendment 97.2.

Amendment agreed to.

Clause 24, as amended, agreed to.

Clause 25 agreed to.

Clause 26:

Mr EVERINGHAM: I move amendment 97.3.

Amendment agreed to.

Clause 26, as amended, agreed to.

Clause 27:

Mr EVERINGHAM: I move amendment 97.4.

This will enable the Territory Insurance Office to appoint auditors from private enterprise because we want it to compete on the same footing as other insurance companies. In any event, the Auditor-General is probably not all that skilled in auditing the accounts of insurance companies in the Northern Territory.

Amendment agreed to.

Clause 27, as amended, agreed to.

Remainder of bill taken as a whole and agreed to.

COMPENSATION (FATAL INJURIES) BILL
(Serial 270)

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr EVERINGHAM: I move amendment 96.1.

The amendment is for consistency with the changes that we will be looking at shortly in clause 5 of the Motor Accident Compensation Bill.

Amendment agreed to.

Clause 4, as amended, agreed to.

Title agreed to.

MOTOR ACCIDENTS (COMPENSATION) BILL
(Serial 272)

In committee:

Clauses 1 and 3 agreed to.

Clause 4:

Mr EVERINGHAM: I move amendment 99.1.

This omits the existing definition of "accident" and inserts a new definition which is on line with the recommendations of the Bradley Report in this case.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 99.2.

This relates to the definition "dependent child". It relates to dependent unmarried children, including those being educated and it is important for death benefits.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 99.3.

This is important again in relation to the range of death benefits.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 99.4.

This relates to the definition "Territory motor vehicle". This is required for sections 6, 7 and 36A and is expanded to allow indemnity in all accidents in which non-Territorians are injured or killed.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5:

Mr EVERINGHAM: I move amendment 99.5.

This clause generally narrows the scope for common law actions. Negligence is replaced by damages to include the other court actions such as trespass and contract where actions may have been brought had we simply outlawed the action for negligence.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 99.6.

This provides that a person will have the right to sue for pain, suffering or loss of amenities of life. The $100,000 ceiling on that is in 36B. The people who opt for the lump sum no-fault settlement waive their rights to a common law claim.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6:

Mr EVERINGHAM: I move amendment 99.7.

The amendment provides indemnity and extends to cover accidents involving unregistered vehicles and vehicles driven illegally now that a residual damages right is available to Territorians.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clause 7:

Mr EVERINGHAM: I move amendment 99.8.

This is a drafting amendment.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8:

Mr EVERINGHAM: I move amendment 99.9.

By this clause, the board may deem a person who does not fall strictly within the definition of "a resident of the Territory" to be a resident and thus to qualify for no-fault benefits if it considers that it is likely that the person would be a resident.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 99.10.

The first amendment restricted the right of the board in situations where the person concerned chose to be deemed a Territory resident. In making the election, the person waives any common law rights to actions for damages out of accidents in the Territory, save those preserved for Territorians.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clause 9:

Mr EVERINGHAM: I move amendment 99.11.

Persons who are obviously and knowingly unlicensed are to be disbarred from personal benefits in accidents unless they use the vehicle in the case of an emergency. In a case of inadvertent lapsing of licences, it will not affect the driver's right to benefit.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 99.12.

This is for the same reason.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clauses 10 to 12 agreed to.

Clauses 13 to 17 negatived.

New clauses 13 to 17:

Mr EVERINGHAM: I move amendment 99.13.

New clause 13 allows for compensation for the difference between the victim's post-accident earning capacity and 85% of the Territory's average earnings to age 65 if necessary. It is structured as a non-taxable capital payment to the person but can be paid weekly by the office. The office may make payments directly to dependants in the case of long-term hospitalisation but, in the case of subclause (4), there was a discretion which allowed the board to increase payments to persons earning a substantially higher income. It seemed to me, upon reflection, that an inequitable situation existed and that there was an application of a double standard. I therefore seek withdrawal of that subclause.

New clause 14 introduces a shading into full compensation for lost earning capacity between the ages of 16 and 25 in recognition of the generally below-average capacity to earn income at those ages. Two cases are covered: firstly, young children who are injured and who subsequently turn 16 with a reduced earning capacity caused thereby and, secondly, unmarried young people in that age bracket who are injured in an accident and suffer reduced earning capacity.

Clause 15 gives the board the right to commute very small periodic payments as an administrative convenience. It recognises, however, that a person's condition may deteriorate and warrant higher compensation following re-assessment. In that case, the supplementary element of compensation is available.

Clause 16 gives the board the right to commute compensation payments to totally and permanently incapacitated persons but only upon the request of the beneficiary.

Clause 17 grants the scheduled entitlements to injured people, of whatever age, who suffer loss or partial loss of sight, hearing or speech, and disfigurement, loss of parts of the body or a percentage of their use out of a proportion of $25,000. That limit and the items in the schedule, although not the same, are drawn from the Workmen's Compensation Act schedule. The injured person may opt, if he has a claim for damages, to exercise that right rather than to take this lump sum.

Mrs LAWRIE: Mr Chairman, I have a query on the schedule. It seems to be a most unusual collection of percentages of the $25,000 payable. Is it just a simple copy from the Workmen's Compensation Act schedule or was the Chief Minister advised to accept this level of percentage of the $25,000 and, if so, by whom? I am not being facetious, but the second last payment is only for 50%. This is for the loss of genitals or total and permanent loss of capacity to engage in sexual intercourse. In the case of a married couple, it would seem to merit far more than 50%, particularly in view of the fact that the loss of an arm, which is not very important really, warrants 80%.

Mr EVERINGHAM: This matter is one which occurred to me only this morning. Apparently, it is drawn exactly from the Workmen's Compensation Act

schedule. I can remember a case which really shows the injustice of the common law system. It was the first negligence case that was ever sheeted home against Peko Mines and they were sued on behalf of a bloke who slipped down a ladder in a mine shaft. His legs were forked and he fell on his genitals. He received about $11,000 in 1966. He lost his wife as she was no longer interested in him and inflation has eaten up that $11,000 to the point that it is not worth 2 bob today. That is just an interesting incident from the past.

Mrs LAWRIE: Under the schedule of compensation, $11,000 is about all he would get if it happened today. I really do not think that 50% of $25,000 is enough.

Mr EVERINGHAM: Mr Chairman, we are talking about a no-fault system where, if you have a claim for damages for the loss of your genitalia, you may pursue that claim and get anything up to $100,000 for pain, suffering and loss of amenities of life. If you do not have a claim at common law then you are receiving compensation for the no-fault scheme which you would not have received before anyway.

Many of these decisions have necessarily had to have been made somewhat arbitrarily. I would hope that the board of the Territory Insurance Office and its officers, once they become established, will be able to look at some of this and decide from experience whether some changes should be made. For the time being, I think that any other figure is just as arbitrary as the one that is there.

New clauses 13 to 17 agreed to.

Clause 18:

Mr EVERINGHAM: I move amendment 99.14.

This is to increase the $10,000 to $15,000.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 99.15.

This is an amendment to correct an error in drafting.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 99.16.

The existing subclause could have been interpreted as providing that all treatment had to be sought at hospital outpatient departments. This is not the intention. The new subclause allows patients to seek medical treatment which is necessary but beyond the ordinary hospital resources. In assessing the reasonableness of patients' requests, the board would need to be assured that the treatment of the same standard is not routinely provided to all those in outpatient departments without cost.

Amendment agreed to.

Clause 18, as amended, agreed to.

Clause 19:

Mr EVERINGHAM: I move amendment 99.17.

This is to increase the amount of cover.

Amendment agreed to.

Clause 19, as amended, agreed to.

Clause 20 agreed to.

New clause 20A:

Mr EVERINGHAM: I move amendment 99.18.

This clause is included to provide for the payment to the spouse of the equivalent lump-sum death benefit in the rare case of permanent hospitalisation of a victim. Such a payment may be necessary in discharge of capital liabilities and can only be contemplated by the board on written request.

Amendment agreed to.

New clause 20A agreed to.

Clause 21:

Mr EVERINGHAM: I move amendment 99.19.

This introduces a time limit for qualification for this payment which will limit its otherwise open-ended nature.

Amendment agreed to.

Mr EVERINGHAM: I move amendments 99.20 and 99.21.

The formula is amended to step down the payment to account for reduced life expectancy of some victims. This is similar to the Tasmanian arrangement. It is also reduced in some cases by the application of a new factor which will relate the amount more closely to need, taking account of the lower commitments of those whose incomes are less than the Territory average income. The minimum payment remains at $5,000 and the maximum at $40,000.

Amendments agreed to.

Clause 21, as amended, agreed to.

Clause 22 negatived.

New clause 22:

Mr EVERINGHAM: I move amendment 99.22.

This is to insert the new clause 22 which recognises that in some families the dependent spouse contributes substantially to the family income and, consequently, loss of this part of the family income will generate hardship. The same formula as is used on the death of the head of the household is used again with a minimum of $5,000. This formula will be used when the spouse earns 25% or more of the partner's income and produces a theoretical maximum of $20,000.

New clause 22 agreed to.

Clause 23:

Mr EVERINGHAM: I move amendment 99.23.

The time limit is introduced to ensure that the death is clearly related to the accident and thus removes a potentially open-ended situation.

Amendment agreed to.

Clause 23, as amended, agreed to.

Clause 24 negatived.

New clause 24:

Mr EVERINGHAM: I move amendment 99.24.

This clause is expanded to take into account the circumstances where a spouse, who is receiving the dependant's allowances on behalf of her children, died. Previously those payments would have ceased.

New clause 24 agreed to.

Clauses 25 and 26 agreed to.

Clause 27:

Mr EVERINGHAM: I move amendment 99.25.

This clause simply constitutes a judge of the Supreme Court as the tribunal.

Amendment agreed to.

Clause 27, as amended, agreed to.

Clauses 28 and 29 agreed to.

Clause 30 negatived.

New clause 30:

Mr EVERINGHAM: I move amendment 99.26.

The new requirements recognise that changes in a person's condition will occur and that there should be a time to report these when those changes take place.

New clause 30 agreed to.

Clause 31 agreed to.

Clause 32:

Mr EVERINGHAM: I move amendment 99.27.

There are no longer any monetary limits and this omits them from the clause.

Amendment agreed to.

Clause 32, as amended, agreed to.

Clauses 33 to 35 agreed to.

Clause 36:

Mr EVERINGHAM: I move amendment 99.28.

Clause 36 recognises the possibility of an Aboriginal having multiple spouses. The clause is taken from the Workmen's Compensation Act. The amendment provides for the application of a new formula with possibly increased benefits.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 99.29.

This is for the same reason as amendment 99.28.

Amendment agreed to.

Clause 36, as amended, agreed to.

New clause 36A:

Mr EVERINGHAM: I move amendment 99.30.

New clause 36A allows the scheme to recover what it has paid out from certain categories of people who are at fault. The first is in relation to the motor trade and applies where an accident arises demonstrably from their negligence. The second applies to visiting vehicles where we may be able to recover money from another state. The third is the case of deliberate causation. The fourth applies to the Commonwealth and covers their vehicles which are deemed to be registered but do not carry third-party insurance.

New clause 36A agreed to.

Clause 37 agreed to.

Clause 38:

Mr EVERINGHAM: I move amendment 99.31.

This is to accord with the amendment that I moved in clause 5.

Amendment agreed to.

Clause 38, as amended, agreed to.

Clause 39 agreed to.

Schedule:

Mr EVERINGHAM: I move amendment 99.32.

This substitutes the new schedule.

Amendment agreed to.

New schedule agreed to.

Title agreed to.

MOTOR VEHICLES BILL
(Serial 275)

In committee:

Clauses 1 to 5 agreed to.

Clause 6:

Mr EVERINGHAM: I move amendment 98.1.

The amendment brings in the right to set a small administrative charge for the overheads of the registry. This amount is expected to be less than $1 per contributor.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 98.2.

The amendments are important because they provide that the Treasurer rather than the Minister for Transport and Works, who is responsible for the Motor Vehicles Act administration generally, cannot act unilaterally in determining rates of contribution.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 98.2.

The amendments are important because they provide that the Treasurer rather than the Minister for Transport and Works, who is responsible for the Motor Vehicles Act administration generally, cannot act unilaterally in determining rates of contribution.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 98.3.

This is for the same reason.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 98.4.

Under the existing bill, the first distribution would be in 1980. The results of the pool years, particularly since the formation of the combined Territory pool, will not be cleared for some time after that. Tasmania also found it necessary to let the position crystallise for several years after their new scheme was introduced before making distributions to cover portion of past losses. Because of the delay, losses will mount with accumulated interest. It is therefore appropriate that interest on the money we hold in trust for distribution is increased by the interest gained.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 98.5.

This substitutes "Treasurer" for "Minister".

Amendment agreed to.

Mr EVERINGHAM: I move amendment 98.6.

This is a technical amendment.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 98.7.

This provides that the Treasurer shall publish a copy of the instrument in the Gazette.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 98.8.

This relates to the times of the distributions.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 98.9.

This relates to the interest.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clause 7:

Mr EVERINGHAM: I move amendment 98.10.

This amendment preserves the existing nominal defendant in respect of all accidents up to 30 June 1979 and his right to recover from approved insurers.

Amendment agreed to.

Clause 7, as amended, agreed to.

New clauses 7A and 7B:

Mr EVERINGHAM: I move amendment 98.11.

This inserts new clauses 7A and 7B which allow proportional payment of contributions where registration is for part of the year. This is subject to a small surcharge. It also allows proportional refunds of that contribution on cancellation of a registration. This is again subject to a small surcharge.

New clauses 7A and 7B agreed to.

Clause 8 agreed to.

Clause 9:

Mr EVERINGHAM: I move amendment 98.12.

These amendments to rates are corrections to the bill where errors occurred in transposing the original actuarial recommendation.

Amendments agreed to.

Clause 9, as amended, agreed to.

Title agreed to.

Bills reported; report adopted.

Bills read a third time.

ADJOURNMENT

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

Mr VALE (Stuart): Mr Speaker, this afternoon I would like to speak on the petroleum industry and there are 2 main issues that I would like to discuss: the recent increase in the price of aviation gasoline and the price of liquid petroleum gas or bottle gas as it is more popularly known.

The recent price increase of aviation gasoline, the product used to fuel pistons of an aircraft engine, was unjust and unqualified. The increase was rammed through with undue haste so that the Northern Territory and other areas such as Queensland and Western Australia had little notification and hence little or no time to prepare counter arguments against this increase. The major oil companies stated that the main reason for the price rise was an overseas decision to increase the world price of crude oil, the Iranian crisis and that much of Australia's aviation gas was imported. My comments to all of those arguments is "rubbish".

Aviation gas can best be described as a slightly more refined motor spirit and is obtainable from Australian crude oil. The oil industry itself states in its latest publication, "Oil in Australia", during 1977-78, only 5 megalitres of aviation gasoline were imported out of a total consumption during this period of 114 megalitres. Hence it is shown by the industry's own figures that, during 1977-78, only slightly more than the Tasmanian consumption rate was imported and the rest of Australia's requirements were produced locally from Australian crude oil.

OPEC price increases and Iran's problems were not responsible for this absurd increase. These price increases range from an increase for aviation gasoline in drums from 24.2 cents per litre to 36.72 cents per litre to 30.86 cents per litre. Incidentally, to convert litres to gallons, one multiplies by 4.5. In all petroleum products mentioned, I believe there is a danger to the industry where the rest of the world has stayed with the old measurements and Australia has gone metric. These drastic and unnecessary increases will have a dramatic effect on our Territory's tourist, pastoral and mining industries. I do not believe it is too late to mount a challenge or an appeal against this price rise. However, to be successful, such an appeal should be on a joint basis with the Western Australian, Queensland and possibly New South Wales governments.

Last week in this House, the Minister for Mines and Energy replied to a question concerning the price of LPG or bottled gas. He said that consumers in Central Australia were not being ripped off by retailers. I agree with that statement. Retailers in no way set or determine the selling price of bottled gas in Alice Springs, but that is not to say that consumers are not being ripped off. They are being ripped off as a result of a combination of the following factors. Refiners on the seaboard are artifically inflating refinery gate prices of LPG for a number of reasons to deter vehicle

conversion to LPG and also to keep up their export price for this product; the Australian National Railways classify this produce as dangerous to handle and there is an additional freight levy into Alice Springs as a result of this classification; and the present method of packaging in 100 lb bottles where the consumer pays the in and out freight on the bottle is an economically sinful method of transportion and handling. The present cost of a 100 lb gas bottle in Alice Springs is $28.00 plus cylinder rental. In Adelaide, it is currently $17.00 plus cylinder rental. Mr Speaker, the price of LPG will stay high in Alice Springs until such time as the proposed Alice Springs oil refinery is operating.

Mr HARRIS (Port Darwin): Mr Speaker, last week I asked a question of the Minister for Lands and Housing relating to the current B5 zoning which applied generally to the Esplanade and the side streets linking Mitchell Street. Whilst I understand the intention of the town planners in setting aside this very valuable area for tourist purposes, I believe that they have been unrealistic in implementing the zoning in the way that they have. I asked that question because I believe that, unless some form of interim zoning is implemented enabling a wider variety of usage or a combination of uses, then a large portion of this land will remain in its present state for many years to come.

The land I am talking about on the Esplanade is capable of fetching in excess of $100,000 and that is a lot of money for a piece of dirt and some coffee bush. There are very few companies or individuals who are prepared to pay the money being asked for these properties, not because it is not worth it but because of the narrow use to which that land can be put. Some of the people who own these properties are not interested in developing them. They wish to sell the land but they are not prepared to give it away. This prime real estate is being wasted and we should be encouraging property owners and developers to invest money to develop these prime blocks. We should not allow this area to remain in the state it is today.

I was pleased to hear the minister say: "The Department of Lands and Housing Planning Section will undertake a review of that particular zoning with a view to coming up with an interim use to which land in the area may be put so that the severe economic loss to certain owners of land in the area will not continue". In the future, there will be a need for tourist facilities to be increased and the area between the Esplanade and Mitchell Street is the perfect spot for that particular purpose. Let us look realistically to our future planning needs and allow some flexibility so that our high-cost land is able to be developed.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, I was very pleased this morning with the answer provided to my question by the Minister for Education regarding the future of Dhupuma College. I realise that there has been a problem in the past as to which way the college is going to go. There has been a high cost involved in maintaining the place, but I feel that the college has great potential.

I visited the college recently and had talks with the teaching staff as well as the domestic and auxillary people there. They expressed their anxieties about the future of the college and this could possibly have an effect on the students as they probably wondered whether they would be back at school next year. They come from a great variety of areas, as I have told this Assembly before.

At one stage, the government was talking about building a new college. No decision has been made on that. There has been a lot of indecision regarding

the connection of electrical power as there was regarding the upgrading of buildings in the college itself. It has been there for quite some time and maintenance has not always been conducted via a cyclical operation, but only when it was thought to be needed. One only has to look at the power station, which is stated as needing about $150,000 for repair, maintenance and running costs. I would like to obtain some figures of the actual amount that it would cost to install electrical reticulation to that college. I would also like to obtain some idea of the consumption of power that they use in that area.

I was very pleased to learn that many new ideas have been promulgated from the school, particularly with the new courses that they will introduce. I congratulate the principal and the staff for bringing them to my notice while I was there. I can only say that, when looking at the program as they envisage it, not only will they be looking after the transitional classes, but they will also introduce short-term courses for adults. They will have one particular course which will be good for anyone from the rural areas and incorporates a subject that you, sir, have often spoken about - motor maintenance. They have a full course of maintenance to car motors, outboard motors and all types of motors. There are courses for office management, typing, handcraft for the young girls and four-wheel-drive maintenance - another course which is needed in all the settlements, not only for Aboriginal people but for European adults and perhaps the younger people. They also have a building construction course programmed and they have introduced pre-vocational courses for those who have returned from the Nhulunbuy Area School and wish to get a job. I compliment the college on this and I feel that, if these people are trained in this way, they will be able to go on to a bigger and better future.

I support the idea of tailor-made courses. These short-term courses will help the adults, whether they are from Aboriginal communities or from other communities. Some of the children, both Aboriginal and European, do not have the capacity to do long-term courses. It is an ideally situated place. I compliment the staff on their initiative and I can only hope that we will see more come out of these programs in the future.

Motion agreed to; the Assembly adjourned.

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

AIR TRANSPORT POLICY FOR NT

Mr STEELE (Transport and Works) (By leave): Mr Speaker, I table a report entitled "The study of Air Transport Policy for the Northern Territory". I move that the report be noted.

This is a summary prepared by Mr Frank Gallagher on matters which will be covered in his full report on aviation matters in the Northern Territory. The complete report, which will contain further historical data and statistics, is still in the process of preparation. The summary has been prepared to enable the government to act quickly on his recommendations should it be deemed necessary. Because of the urgency of some events which are even now taking place, it is likely that the government may have to take some decisions before the next sittings of this Assembly.

Under the circumstances, I consider it desirable that the summary of the report, which is now available, should be tabled during these sittings. In discussions with the Commonwealth Minister for Transport, Mr Nixon, in Darwin last week, it was agreed by him that consultative machinery to enable air-licensing powers within the Northern Territory to be transferred from the Commonwealth to the Northern Territory government be established very soon. On 13 June, I will be discussing the implications of the report in a meeting with members of the general aviation industry operating in the Northern Territory. This will ensure that their views are taken into account when the government is determining its future policies. I seek leave to continue my remarks at a later time.

Leave granted.

SOIL CONSERVATION REPORTS

Mr EVERINGHAM (Chief Minister) (By leave): I table 2 reports: Report Number 1 of the Collaborative Soil Conservation Study 1975/77 and a review of that report prepared by the Standing Committee on Soil Conservation. I move that the reports be noted.

The report was tabled in the federal parliament in February and has been presented subsequently in a number of state parliaments and will be presented in the other state parliaments in the course of the next month or so. Each government will review the recommendations in the report and indicate its attitude and expected action in response to the report. Soil conservation policy and its implementation is of considerable importance to the Northern Territory. I propose to establish an interdepartmental committee to review the report and then to inform me by the end of July so as to assist the Territory government in developing policies and deciding on courses of action. The Northern Territory will be the host for the next Australian Standing Committee on Soil Conservation meeting and this will give a good opportunity to assess the reactions of the states. The matter is of extreme importance to the Territory and every effort will be made to assess the report and its recommendations, from a Territory perspective, for the better protection of our lands. I commend the report to all honourable members and assure them that the government will consider any suggestions for the evaluation of the report.

Motion agreed to.

ADVISORY COUNCIL FOR INTER-GOVERNMENT RELATIONS MEETINGS

Mr HARRIS (Port Darwin) (By leave): The Legislative Assembly on 24 November 1977 resolved that Mr P.A. Everingham be the Assembly's observer at the meetings of the Advisory Council for Inter-Government Relations and to have the power to appoint another member as his deputy if he is unable to attend the meeting. Pursuant to that resolution, Mr Everingham appointed me as his deputy.

The Advisory Council for Inter-Government Relations, having been established with the object of improving inter-government cooperation, is pursuing the objective with a series of public hearings held in various centres around Australia. To date, the Northern Territory has attended meetings of the Advisory Council in an observer's capacity only.

The Advisory Council has now indicated that it has agreed in principle to the status of the Northern Territory being elevated to that of a full member of the council. Recognising this and being aware of the contribution that the people of the Northern Territory can make to the work of the council, particularly with respect to the unique initiatives taken by the Territory in the development of a system of local government which gives small and remote communities the opportunity to participate in and guide the management of their communities, it has announced its intention of conducting public hearings in the Northern Territory. These hearings will examine the relationship between local and other spheres of government.

The Advisory Council has also advised its intention of holding a full meeting of the council in the Territory. It is proposed that the hearings to receive submissions from the public will be held in Alice Springs on Thursday 9 August 1979 and in Darwin on Saturday 11 August 1979. The council proposes to hold its full meeting in Darwin on Friday 19 August 1979. This will be the first occasion on which the Northern Territory will have the opportunity to welcome the Advisory Council and its distinguished members. It will also be the first occasion on which the Northern Territory will have the opportunity to contribute in a significant manner to the work of the Advisory Council.

The government believes that the Northern Territory has as much to offer as to gain from involvement in the work of the Advisory Council and invites the opposition to assist in encouraging the people of the Northern Territory to respond by participating in the presentation of submissions to the public hearings to be held here.

I move that the statement be noted.

Motion agreed to.

PLANT DISEASES CONTROL BILL
(Serial 304)

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 existing plant diseases control legislation provides insufficient protection to plants and fruit of agricultural and horticultural importance to the Territory's primary producers. Our primary industry must be given maximum protection from the risk of the spread of major insect pests or diseases, whether that risk originates from another country, another state or from one

part of the Territory. Our concern for an effective, international quarantine barrier was evidenced by the recent formation of an agricultural quarantine service. This bill is another measure of our concern in the inter-state and intra-state areas of plant protection.

The existing ordinance has had a long history. It was introduced in 1918 and was amended in 1924, 1925, 1928, 1929, 1969 and 1972. The ordinance attempted to keep abreast of changing disease and pest protection needs and practices. The stage has been reached, however, where the act has been re-drafted and the bill now before the House bears only superficial resemblance to the existing act. The definitions have been completely restated and there has been a broad revision of provisions for plant introduction, inspection, quarantine and penalties. Broadly, the bill provides for 2 types of action: preventative and reactive. The preventative role is best seen in clause 8 which provides for the prohibition, either absolutely or subject to a specified set of conditions, of the entry to the Territory of a diseased plant or a plant species which could introduce a disease to our crops or orchards. The reactive role is seen in clauses 9 to 11 which contain provisions for controlling points of entry to the Territory, declaring quarantine stations where plants can be inspected and, if necessary, treated or destroyed and declaring quarantine areas within the Territory to help contain an outbreak of disease or insect pests.

The speed with which diseases can spread necessitates swift reaction to the report of disease outbreak. Diseases which could have a major impact on the Territory's agricultural future would be gazetted as notifiable diseases. In order to react speedily, it is essential that authorised persons be given wide inspectorial powers. The bill provides for those powers and for proper officer authorisation identification. To back up those powers, penalties are set which will serve as real deterrents to contravention of the provisions. Penalties go up to $5,000 or 12 months' imprisonment. In comparison, the Commonwealth Quarantine Amendment Act 1979 provides for penalties to $10,000 or 5 years' imprisonment. The penalties stated in this bill are less severe than the Commonwealth but more severe than those currently operating in other states where legislation has not yet been amended to reflect the new Commonwealth penalties. I believe the states are currently considering increases in their penalties.

The question of penalties is difficult in a situation where deliberate contravention could introduce or spread a disease which may cost the industry millions of dollars. The value of an illegal importation has no relevance to the disease risk. A maximum penalty here of $5,000 or 1 year's imprisonment is considered realistic and appropriate to the gravity with which any breach must be regarded. The higher Commonwealth figure of $10,000 reflects the even graver situation with international quarantine.

No attempt has been made to build compensation provisions within the bill. It is very difficult to set realistic compensation values which meet rapidly changing and highly diverse circumstances. A more flexible means of dealing with compensation would be the enactment of compensation legislation separately to deal specifically with circumstances existing at the times required.

I believe this bill is superior to similar legislation in the states and has been drafted to meet circumstances peculiar to the Territory. This bill will prove to be a major weapon in the fight against the introduction and spread of insect pests and diseases in the Territory. I commend the bill to honourable members.

Debate adjourned.

TRAFFIC BILL
(Serial 303)

Bill presented and read a first time.

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

This bill seeks to simplify and make more effective the provision of the Traffic Act relating to breath testing, breath analysis and other associated matters. Secondly, it seeks to increase penalties and to introduce selective testing of drivers.

All members of the House are aware that alcohol is a major contributing factor in many road accidents in the Northern Territory. In 1978, there were 68 recorded road deaths and alcohol has been attributed as a major factor in 35 or 51.47% of these deaths. Our statistics are incomplete at this stage and alcohol could prove to have been an even greater factor during 1978. Unfortunately, the Northern Territory has, on last year's figures, by far the highest per capita road death toll in Australia. This government is alarmed at the ever-increasing road carnage and has recognised the need for legislation that will keep the drinking driver off our roads. The measures introduced by this bill may seem harsh to some people but the legislation is directed against a grave social evil which has continuing major effects on the liberty of individuals.

The drinking driver shows callous disregard for the lives of others and indeed for his own life. The Assembly recognises the need for an overhaul of the current legislation. This bill seeks to minimise the number of technical requirements set out in the legislation whilst still preserving the rights of individuals. The legislation will result in the conviction of offenders with a blood alcohol level in excess of the prescribed limit. The legislation seeks to prevent acquittals on mere technical grounds. The legislation will do away with the need to call the breath analysis operator into court in most instances. A certificate from the operator shall be accepted as prima facie evidence and his time will now be more correctly spent operating the machine and not wandering around the precincts of various court rooms.

A person required to undergo a breath test will then be entitled to request an examination by a medical practitioner and will be entitled to request a blood test as an alternative to a breath analysis. The right to request medical examination and blood tests as an alternative to breath analysis already exists. However, the initiative for such requests will now be placed upon drivers as opposed to the present situation in which the police have to tell them that the tests can be conducted if they so desire. It seems that some offenders apparently know that, at times, it can be difficult to arrange these tests at rapid notice. Accordingly, requests by such people can sometimes be viewed as delaying tactics intended to offset the laying of charges. This legislation will prevent the loss of a prosecution for merely technical reasons, for example, if there is a dispute over whether or not the police officer actually did inform a driver that the test could be conducted.

A person who is over the prescribed limit will be prosecuted. The provisions contained in this section will not detract from a person's rights. The legislation will provide for the taking of blood from all persons over the age of 15 years, including those persons incapable of giving their consent who enter hospital after being involved in a motor vehicle accident. This is not covered in current legislation. The lower age limit of 15 years generally brings us into line with other states although, in South Australia, it is 14 years.

The Minister for Health is to ensure that blood is taken from those persons entering hospital after a motor vehicle accident. It is felt that doctors should not have to act in a judicial role and determine which of the persons to be tested is the driver. Experience has shown that, in the Territory and indeed throughout Australia, offenders frequently claim to be passengers in attempting to avoid prosecution. In addition, the police have insufficient manpower to attend casualty departments to identify drivers. Accordingly, by providing that blood samples may be taken from all persons over 15 years, drinking drivers will be identified and prosecuted.

The legislation affords protection to doctors from any claims which may be brought against them for the taking of a blood sample. In any event, the legislation will allow for improved casualty management as a result of the availability of a sample for testing purposes. Naturally, blood will not be taken from persons where the blood-alcohol content of a person's blood is already known or the member of the hospital staff believes that the taking of blood would de detrimental to the person's medical condition. The legislation also allows for a blood sample to be taken up to 4 hours after a person enters hospital for examination after being involved in a motor vehicle accident. Obviously, if a person is still over the prescribed limit 4 hours after his entry into hospital, he should be definitely and justly prosecuted as his blood-alcohol reading at the time of the accident would have been much higher.

Similar legislation relating to compulsory blood testing is in force in both Victoria and South Australia. As referred to in the House of Representatives Standing Committee report on road safety on 25 September 1978, a public opinion poll was carried out in 1972 and it showed that 71% of 2,500 people in 6 states supported compulsory blood testing of all road crash casualties. I believe the legislation protection from the drinking driver as a result of compulsory blood testing more than counterbalances any loss in personal freedom. Passengers in motor vehicles need not fear prosecution under the act as a result of a blood test. In addition, the result of a blood test will provide valuable statistical information that will allow for the further development of ideas in this area.

As a further measure to decrease the road toll, it is considered necessary that random testing be introduced. Much painstaking consideration has been given to this measure. As recently as this month, discussions on random testing involved people in the fields of civil liberties, health, insurance, Aboriginal welfare, road safety, justice, police, transport planning and religion. Many came together for a most worthwhile meeting with the Chief Minister, the Health Minister and myself.

The ultimate objective of random testing is based on the concept of prevention of motor vehicle accidents rather than the punishment of offenders. I would like to refer to a statement made by Professor Duncan Chappell of Melbourne, now a full-time member of the Australian Law Reform Commission. I consider it produces a strong argument favouring random testing:

> *If the major aim of these laws is to save lives and prevent injuries, it is, to say the least, incongruous to deny society the right to enforce laws in the most effective manner, mainly by means of random checks. Criminologists recognise that the best deterrent to the commission of most types of anti-social behaviour, including drinking and driving above the particular blood-alcohol concentrations, is certainly of detection as well as of conviction.*
>
> *When drinking drivers realise that luck and dubious driving skill alone will not suffice safely to see them home because they face the*

possibility of being randomly selected to provide a breath sample to the police, their behaviour will, in many cases, be different. They will either drink less before driving or not drive at all. In both cases, the danger they might have created for other road users is alleviated.

If we really do want drinking and driving laws to be effective, laws which do save lives and prevent injuries, then there is, in the author's view, no alternative but to introduce random tests of motorists. These tests may involve intrusion into personal liberty and any such intrusion can only be justified on the strongest grounds, but surely no ground is stronger than preventing death or injury to fellow citizens. The few minutes required to stop and blow into a plastic bag or into a machine is a small price to pay for this purpose.

Most Australians appear to favour random testing in an effort to reduce the road toll. A recent Australia-wide poll indicated that 73% of Australians favour random testing. I believe that figures in the Northern Territory would indicate little difference in Territorians' attitudes to random testing. The Leader of the Opposition, in a speech he made in this House, indicated that he favoured random testing and indeed civil liberties groups consider that the proposal is not opposed by their organisations.

It is interesting to note the apparent effect of random testing in Victoria. No doubt, random testing has been the contributing factor. Victoria's road death rate of 4.5 persons per 10,000 registered vehicles, the lowest in Australia in 1978, was 95 less last year than compared to the toll in 1977. The December 1978 figures, by comparison with 1977, were reduced by 34.

The legislation before the House will contribute to a reduction in the road toll. For maximum effectiveness, random testing will be directed to high risk areas at high risk times. Random testing stations will be adequately marked and testing will be carried out by members of the police force in a speedy and efficient manner. The few moments of inconvenience to a reasonable motorist is time well spent if it means that he is less likely to be subjected to death or injury by the irresponsible drink driver. Let me repeat, for the benefit of the news media and their audience, that random breath testing stations will be extremely conspicuous. Not for a moment will police be adopting clandestine tactics such as hiding behind trees and chasing some unsuspecting passing motorist. Superintendent Andy McNeil of the Police Traffic Services Directorate is quite adamant that, for random testing to serve its stated objective of being a drink-driving deterrent, testing stations must be visible. In fact, in Darwin, police will use a conspicuously marked caravan. All testing locations will see police wearing white reflectorised clothing. There will be large roadside signs bearing the words "breath testing station ahead" and there will be appropriate lane-marking devices placed on roadways to direct motorists where to stop.

The legislation provides for increased penalties. The penalty for driving with a blood-alcohol level from 0.08 to 0.15 will be $500 and the penalty for exceeding 0.15 will now be $1,000. The penalty for refusing to submit to a breath analysis is the same for driving with a blood-alcohol limit of more than 0.15. The legislation is necessary to reduce the tragic road toll. I believe the legislation will receive the strong support of responsible members of the public. Uncontrolled killings on the road of human beings - and that is really what the legislation most addresses itself to - is probably among the most important matters ever brought before the House. Accordingly, it is most appropriate for me to conclude on a sombre note.

In the calendar year 1978 we had a record 68 Territory road deaths. So far this year the number is 20 and that is current to today. There has been no

improvement so far this year. What we and the public in general often tend to gloss over are those unbelievable figures of those who survive road crashes but are nonetheless injured to some extent. Many people are so badly injured that their remaining years are almost worthless to them, to their families and to the community. In 1977 there were 822 surviving casualties on Territory roads and, given our relatively tiny population, this is incredible. As with fatalities, the level of surviving casualties also went up last year. In fact, it sky-rocketed by almost 100 to 980 persons, not far short of 1% of our population. The shame for this is a terrible burden on all Territorians and I commend the bill to honourable members.

Debate adjourned.

EDUCATION BILL
(Serial 264)

Continued from 23 May 1979.

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr ROBERTSON: Mr Chairman, I move amendment 102.1.

The amendment is primarily designed to allow the minister to provide education services to children other than children of compulsory school age.

Amendment agreed to.

Mr ROBERTSON: I move amendment 102.2.

The definitions of "correspondence school" and "school of the air" will no longer be necessary as a result of subsequent amendments.

Amendment agreed to.

Mr ROBERTSON: I move amendment 102.3.

This omits from the definition of "government schools" the words "under this act" and substitutes "wholly established and wholly maintained by the minister under this act" to make it clear that the minister and the government do not intend to interfere in the affairs of private schools and mission schools.

Amendment agreed to.

Mr ROBERTSON: I move amendment 102.4.

It is consequential upon the previous amendment.

Amendment agreed to.

Mr ROBERTSON: I move amendment 102.5.

It inserts after the definition of "secretary" a new definition of "school".

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5:

Mr COLLINS: The opposition is seeking defeat of clause 5.

We believe that the deletion of this clause will not affect the operation of the act in any way. In fact, it is unnecessary for it to be there. The opinion of the Chief Minister is that it is not desirable for it to be there. This clause could be adequately covered by an administrative order and I refer to the Chief Minister's recent remarks on the subject when he was speaking to a Statute Law Revision Bill: "Firstly, there are those to remove references to acts being administered by the minister or by a person other than a minister. It is proper that the administration of acts be vested only in ministers and that administrative arrangements be left to administrative order rather than by specific allocation in the act". We agree with that comment. We feel that, in line with the Chief Minister's reference to "all legislation in the Territory", it would be better left to the administrative order.

Mr ROBERTSON: The government does not agree with the proposal of the opposition. While, as the Chief Minister says, it is a normal rule of thumb for administrative orders to handle this type of problem, the whole philosophy behind this piece of legislation is that people in the community - and there are more people in the community concerned with any act that sets up an educational system than there are people concerned with any other types of act - can clearly identify the people who are responsible for any particular aspects of the bill. For that philosophic reason, I would be unwilling to go along with the proposal to delete this clause. It is deliberately put at the top of administration to clarify who is finally responsible for education.

Mr ISAACS: The minister's comments are flabbergasting. I do not think it would be in the mind of anybody in this community that any minister other than the Minister for Education is responsible for education services in the Northern Territory. His answer is extraordinary. The remarks made by the member for Arnhem are correct. The Chief Minister, in talking about the Statute Law Revision Bill last week, make the comments specifically. If the Minister for Education can inform the Assembly who, in the minds of the people, would be responsible for the administration of education services other than the Minister for Education, I would be delighted to hear it?

Mr ROBERTSON: The question is completely and utterly nonsensical. Of course the people would hold the Minister for Education responsible. However, that particular clause, among many other clauses, was welcomed by the community and, because it was welcomed by the community and because this bill heads in a very special direction and is subject to expressions of concern by the majority of the community and because the community has indicated that they like the idea of the identification in it, I would not be inclined to remove it, despite what the Chief Minister said.

Mr COLLINS: Now that the Chief Minister is back, the Minister for Education can add to my education on this question of who will be responsible. It is my understanding that administrative orders cannot be provided to cover acts where specific mention is made that the minister is responsible within the act. That being the case, it is not possible for an administrative order to be made in respect to the Education Act. However, as it is not actually specified in the bill that the Minister for Education is responsible, the Interpretation Act states that, where it is not clear that a particular minister is responsible, then all or any ministers are responsible for the administration of the act. In attempting to make clear who is legally responsible,it fails. I would request some further interpretation on that as, if it is left like this, it will

mean that any or all ministers are responsible.

Mr ROBERTSON: I move amendment 102.6.

This relates to the same clause. It omits the words "in the Territory" and substitutes"wholly provided and wholly maintained by him". This is a clarification that we are relating only to government schools.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6:

Mr COLLINS: I move amendment 104.2.

It will be seen from reading the schedule that the only addition is the wording "subject to this act". It merely makes it very clear that, in administering his control and powers, the minister must act within the terms of the legislation.

Mr ROBERTSON: Mr Chairman, the government has an amendment 102.7 which relates to that particular clause as well. It adds "to assist all people in the Territory with their own education" and covers an area which the opposition has not thought about, and neither had we until yesterday. It seemed to leave other people out in the cold. I have no objection to the measure "subject to this act". I would assume that that would be the case anyway as the minister could not go beyond that. For convenience, I do not see the necessity to put it in as the minister would be ultra vires if he attempted to go outside of the act. I do not see that it is strictly necessary to state it although it is not necessarily undesirable to state it. The best thing would be for the government to seek the defeat of the opposition's amendment and then I will move the government's amendment.

Amendment negatived.

Mr ROBERTSON: Mr Chairman, I move amendment 102.7.

As already indicated, this merely adds to what exists in the bill. It allows us to get into the business of adult education and so on.

Amendment agreed to.

Mr ROBERTSON: I move amendment 102.8.

The original clause is in conflict with clause 5 in which the minister is charged with the administration of the act. It is for clarification.

Amendment agreed to.

Mr ROBERTSON: I move amendment 102.9.

Again, it is for clarification purposes.

Amendment agreed to.

Mrs LAWRIE: I move amendment 105.1.

This deals with clause 6 and will insert in subclause (4)(g) before "make provision", the words "having sought the advice of the relevant advisory

council". Subclause (4)(g) is the provision saying that "the minister may make provision for awards in relation to the passing of examinations, or otherwise, in relation to edcuation services". I am fully aware of the community interests and, particularly, the interests of the Minister for Education when it comes to the setting of examinations. To "make provision for award" covers such things as certificates awarded for the passing of examinations. In line with his stated policy of community involvement, I ask him to accept my amendment. I have related it quite specifically to (g). I have not sought to involve the relevant advisory councils with all the other functions of the minister as that would make the legislation quite unworkable. The minister making provision for awards in relation to passing of examinations was the particular point upon which people asked me to prepare this amendment. Nightcliff High School, Nightcliff Primary School and parents groups felt that, if we are to have community involvement in this important area, the minister should seek the advice of the relevant advisory council. We are well aware that the minister will make the final decision but to seek the advice of the advisory council in this instance would certainly make the people to whom I have spoken feel that community involvement in education is being made at an appropriate level.

Mr ROBERTSON: Mr Chairman, I was not of the mind to recommend the amendment to the committee until I heard the explanation of the honourable member. I then passed my mind back to the conversations I had with various prospective members of those 2 councils. They asked me what sort of things we would be doing. I have certainly indicated that I see this as a very significant role for them, particularly in the Post-School Advisory Council. I see no administrative difficulty in accepting the amendment.

Amendment agreed to.

Clause 6, as amended, agreed to.

Clause 7 agreed to.

Clause 8:

Mr ROBERTSON: I move amendment 102.10.

This is self-explanatory. It is simply to make the relationship between the secretary and the minister clear.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clause 9:

Mr Robertson: I move amendment 102.11.

This is to make quite clear the power of the secretary to delegate to members of the Commonwealth Teaching Service, principals of schools and education advisers. The arrangement between 1 July and 1 January will be that the Commonwealth Teaching Service will continue to supply teachers to the Northern Territory. The legislation makes it clear that the minister can enter into arrangements with such other teaching services but it does not make it clear that the secretary has a delegatory power too.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 10:

Mr ROBERTSON: I move amendment 102.12.

This has been canvassed in the House during the second-reading stage and it has the support of the opposition. The opposition's suggestion of 3 days is also acceptable to the government as the time for the tabling of the advisory groups' reports in this place.

Mrs LAWRIE: I thank the honourable sponsor for the inclusion of this amendment and look forward to the amendment to clause 14.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clause 11:

Mr ROBERTSON: I move amendment 102.13.

The suggestion for this amendment comes from the opposition and is part of the consolidation in one schedule to save time. I thank the honourable member for Arnhem for his courtesy in this matter. It was originally proposed to put this in regulations but it is quite acceptable to the government to have it spelled out in the bill.

Amendment agreed to.

Mr COLLINS: I move amendment 104.4.

The reason for this amendment is very clear. It is to be spelled out in the act that the organisations involved in the operation of the Education Advisory Council should be allowed to elect their representatives on that council. There is some difficulty in this amendment in that there are so many interest groups involved that it is difficult, from an administrative point of view, to distinguish one from another. I would be satisfied if the minister could give the committee the assurance that where, in his opinion, the particular categories of people do have representative organisations, those organisations would be able to conduct elections for their representatives of the council and that those people would be appointed. I do understand - and I do not think I am speaking out of turn here - that he has come to some agreement with the Northern Territory Teachers Federation on this matter. I applaud him for that and I wonder if he would advise the committee if this would be extended to other organisations as well.

Mr ROBERTSON: I have explained this many times in the past. The arrangement which was entered into between myself and the Northern Territory Teachers Federation was entered into by me solely for the purpose of not embarrassing that organisation with its membership. I will restate again that the Northern Territory Teachers Federation made that undertaking with its membership without any reference to me whatsoever. After they had done so, they informed me of the undertaking they had made with their membership. Since I am not in the business of discrediting that organisation with its membership, I agreed to it. There is a very important reason why we are looking for a range of nominations from each group: to prevent too many of the same type of calling or background becoming members of the council. There is a propensity for people to appoint from among the most educated or the most professionally qualified in their ranks. It is conceivable that groups of people could all nominate a doctor from the ethnic group or COGSO etc. If we were to accept the nomination of groups, then we would not have a broad cross-section of the community

interest groups. By getting a number of applications from each group, we would be able to balance the appointment so that the community is truly represented. For that reason, the government would not be giving any such undertaking, although the undertaking to the Northern Territory Teachers Federation does stand.

Mrs O'NEIL: I must say that I have difficulty in supporting the expansion of councils beyond that which is necessary because, the larger they become, the more unworkable they tend to be. Nevertheless, it has occurred to me and to many other people that it will be very difficult for any one teacher to satisfactorily represent the interests of both primary and secondary school teachers. Anyone who has had any involvement or interest in education will know that the interests of those groups, their attitudes to many things and the sort of work they are doing is so different that there has been a very strong case made for having both a primary school and secondary school representative on the Education Advisory Council.

Mrs LAWRIE: The point alluded by the member for Fannie Bay is far more important than specifying in the legislation the way in which these people are to be elected. That might be desirable but even that is debatable. I agree that the amendment from the member for Arnhem would allow the Northern Territory Teachers Federation one primary school teacher and one secondary school teacher to be appointed to the Advisory Council. It should receive the consideration of the committee and it certainly has my support. Like the member for Fannie Bay, I am well aware of the difference in primary school and secondary school education and the vast difference in attitude and methods of teaching. That may not be desirable but nevertheless it exists. It is asking too much of one teacher to adequately represent at all times both secondary and primary school education. I am well aware of the efforts the minister and its advisers have put into the seeking of a balanced advisory council but I think that such people as COGSO representatives still would not cover the vast gap between a primary school teacher and a secondary school teacher. I ask the minister to consider this particular point. I really would like to see primary and secondary school teachers represented on this most important advisory council.

Mr PERRON: As honourable members have mentioned, it will be almost impossible to obtain total agreement on the composition of such an advisory council. The provision of the bill plus the government amendment and having regard to the fact that additional members may be appointed who are not named by any particular sector does seem to give the minister a degree of latitude in the selection of persons. It is a matter that could be debated on and on. As far as the amendment that has been moved by the member for Arnhem is concerned, I think that they are trying very heavily to load the council with unionists. I am quite surprised that there should be a unionist from the Teachers Federation and a unionist from the Trades and Labour Council and one from the Council of Government Employees Associations. They seem to have admitted totally that they are not really worried that there does not seem to be a single person from an employer group on their particular council. They provide an outlet by stating that 3 additional members may be appointed and that there is no particular background needed. A minister could use those positions to balance it up as he saw fit. I do not believe that the amendment has anything greater going for it than is already provided in the bill as it stands and the amendment to be moved by the minister.

Mr COLLINS: I do not mind throwing away my second chance to speak. I was going to wait until after a response from the minister, but I do feel that the Treasurer has to be replied to. Obviously, he was not listening at all when I made my second-reading speech on this bill. Honourable members will recall that I made it very clear at that time that I was not at all

supporting weighted representation on the committee. I think that that would be a very bad thing. I do not turn green and hide under the bed at the mention of the word "union" as the Treasurer does. I will inform the honourable Treasurer that, in mentioning that dirty, horrible, filthy word "union", we are referring to representative organisations of employee groups.

When the New South Wales working party was examining this matter, it considered very carefully the way in which a person should be appointed to the commission. For the benefit of the honourable Treasurer, the proposed size of the commission in New South Wales is for 11 people only. Because the commission is dealing with primary and secondary school education, the working party considered it absolutely essential that there should be at least 1 primary and 1 secondary school teacher on a commission of 11 to administer education in the state of New South Wales which has the largest education system in Australia.

I will reiterate an argument that seems to me to be a very persuasive and sensible one: when you consider the fact that the Teachers Federation represents 86% of the teachers of the Northern Territory, common sense would tell you that that organisation is well practised in communicating with its members and already has the expertise set up to hold elections; they do so continually among the teaching staff of the Northern Territory. The point of view of the working party in New South Wales was that, when you had an organisation that represents 90% of the employee membership, it would be administratively stupid and economically wasteful for the government to set up any sort of extra ad hoc organisation to conduct elections among school teachers. I might add that this is an extremely conservative union and already represents the teachers very adequately.

The major argument is that it is essential that there should be a primary school teacher and a secondary school teacher on this advisory committee and I do not believe that it is a bad thing to have that spelled out in the bill. The Education Advisory Council, as distinct from the Post-School Advisory Council, will deal specifically with the area of primary and secondary school education. The 2 areas are completely dissimilar and deal with totally different problems. I do not think you would find a high school teacher or a primary school teacher in the Northern Territory who would say that he could adequately represent the point of view of the other. I think it is essential for both to be on the advisory committee.

We are not suggesting that elections be held by the Northern Territory Teachers Federation for both those positions to give weighted representation to the NTTF on the council. We are simply acknowledging the fact that the organisation represents 86% of the people whom we are talking about and they are set up to conduct elections.

Mr ROBERTSON: Within the ranks of the Northern Territory Teachers Federation and in respect of matters that are the province of the Northern Territory Teachers Federation, I immediately agree that they are in the best position to conduct polls of their own membership. The honourable member for Arnhem also touched on the question of their ability to communicate amongst their membership and I fully endorse that. They are very capable and very competent in providing information to their members. In the far-flung reaches of the Territory, I found material that appeared only days after it had been circulated in Darwin and that was good to see. That means that the representative of the Northern Territory Teachers Federation on the Advisory Council, using that mechanism, could communicate with all its members, both primary and secondary.

Let us go back to what this Advisory Council is all about. It is the community's adviser to the government and has no other purpose. We do not

have a Northern Territory primary teachers federation or a Northern Territory secondary teachers federation; we only have a Northern Territory Teachers Federation. It is an industrial union that is primarily concerned with looking after the welfare of its membership and quite properly so. It does not claim to be a professional organisation in the manner of the South Australian body. Commendably, it handles matters of professional interest as well.

There are 3 other positions available to the minister and the minister would be very foolish not to want balanced, professional representation on his advisory council. A very good representation would be from the Australian College of Education. As minister, I will be recommending to cabinet to give due regard to nominations from that organisation.

The honourable Treasurer has brought up the question of employer groups. Those are the people for whom we are basically trying to produce a product. You have those people in the construction industry and you have them in the retail industry. People do like to work, despite the guffawing of the Leader of the Opposition. Unemployment does not bother him a damn because he thinks it is funny. There are also people in the service industry and they cannot all be represented. The only choice is to include a representative of employer organisations.

There has been mention of the New South Wales working party. That working party is working towards the establishment of an executive commission. We are not doing that. We are merely establishing a community advisory group to inform the government. I am quite sure that, if this government was looking at a commission along the lines of the New South Wales one, it would probably consider the recommendation of that committee. I repeat that there is no indication that the New South Wales government has accepted any of the recommendations of that committee. It is merely an inquiry set up by the New South Wales government which has made recommendations and we have no way of knowing whether their recommendations are acceptable to the government.

Amendment negatived.

Mr ROBERTSON: I move amendment 102.14.

This is to increase the number on the council from 13 to 14 to provide for a representative for isolated children.

Amendment agreed to.

Mr ROBERTSON: I move amendment 102.15.

This deals with the actual appointment of that position and makes it clear that the students' representative is to be a representative of secondary school students.

Mrs LAWRIE: I appreciate that the minister does not want to include students from the Darwin Community College but why is he cutting out primary school children? It has been demonstrated that grade 6 and 7 primary school kids have a very alert and abiding interest in community affairs. Quite obviously, it would be unlikely that a very young primary school student would be selected to this important body, but I would ask the minister to accept an amendment that includes a student of primary and secondary schools. I do not see why all primary school children should necessarily be excluded.

Mr ROBERTSON: I have spoken with secondary school principals and teachers to find out what contribution they expect secondary school students to make. I have not done so with primary school authorities. I do not think anyone on

either side of the House would say that it does any harm to insert the additional words. The amendment would have to be "primary or secondary school student" so that we do not have provision for 2 representatives.

Mrs LAWRIE: I thank the honourable sponsor of the bill and I advise the committee as a whole that there has been several meetings called where students were involved. One was called under the auspices of the International Year of the Child Universal Children's Day. At a couple of those meetings, upper primary school children very clearly demonstrated their ability to speak, their ability to put forward reasoned arguments and their total involvement with what is going on around them. By agreeing to insert "primary or secondary" it will demonstrate to all primary school children that we acknowledge their existence and their interest.

With the consent of the sponsor of the bill, I move a small amendment without circulation to insert in his amendment, the words "primary or" before the word "secondary". It would then read "students of primary or secondary school".

Amendment to the amendment agreed to.

Amendment, as amended, agreed to.

Mr ROBERTSON: I move amendment 102.16.

This defines the term of appointment for members of the advisory councils. It was the intention of the government to do that by regulation. The opposition proposed 3 terms of 2 years with a break of 2 years. The government is of the view that it should be 2 terms of 2 years with a break of 2 years.

Mr COLLINS: The reason that we are moving in this way is simply to adopt the recommendations of the working party. In talking about working parties, I would not like the committee to think that the opposition slavishly adopts recommendations of working parties. Nevertheless, an organisation of expert people that has been dealing with this particular problem for upwards of 20 months must have something to say that is worthwhile, whether it is accepted or not. We feel that the continuity of demonstrated service and expertise of particular members of this council is worth preserving. We support the recommendations of the Northern Territory working party in this respect. It is the minister who is responsible for appointing people and we feel that this extra term could be desirable, particularly considering the demonstrated ability of particular people on the council to make a contribution. It is simply a fact of life that, in any committee or council, regardless of composition and size, probably 4 or 5 of the people actually work and make the council produce. We do feel that, in the case of exceptional people, an extra term be allowed in accordance with the recommendations.

Mr ROBERTSON: One would be forgiven for thinking the opposition slavishly follow reports of inquiry when it suits their purpose but not otherwise. What we have really is 2 arbitrary figures and the government prefers its own figure.

Amendment agreed to.

Clause 11, as amended, agreed to.

Clause 12:

Mr COLLINS: I move amendment 104.6.

It is clear what this amendment does. "The Administrator shall appoint a

person who is a member of the Education Advisory Committee appointed under section 11(3)(a) or (b) to be the chairman of the Education Advisory Council". This means that category (c) cannot be included in the selection of a chairman. These are the additional unspecified members whom the minister shall appoint. It means that the chairman must come from either (a) or (b) category.

Mr ROBERTSON: The amendment is unacceptable to the government in that it does exactly what the honourable member says. Incidently, to correct a misapprehension that the member for Arnhem is under, it is not the minister who appoints people to these advisory councils but the Administrator in Council. He has not even read the thing. Occasionally, there are people who have a great deal of expertise who will only serve as chairman. I have personally had one experience of that type of thing and I do not agree with the attitude. It would be most unwise to eliminate the possibility of appointing a person of great expertise simply because he is appointed from outside the nominees of community groups. For that reason, we will not be supporting this amendment.

Mrs LAWRIE: I ask the sponsor why it is necessary for the Administrator in Council to appoint the chairman anyway. I am well aware that the Advisory Council shall appoint a deputy chairman from its own members. Why was the decision taken for the Administrator in Council to appoint the chairman? Does this happen in other legislation? Could not the Advisory Council be left to choose its own chairman?

Mr ROBERTSON: I am pretty sure the TDC chairman is appointed by the Executive Council. It is the same with the Housing Commission and the Port Authority. It is the role of the Administrator in Council to appoint the council itself. It would seem to be completely consistent with that if His Honour was also charged with the task of appointing the chairman.

Mrs LAWRIE: I point out that the role of the advisory council in education is vastly different to the Port Authority which has an executive role. This is only an advisory council whose advice the minister can ignore. I still do not understand why the Administrator has to be involved at that level with what is an advisory council.

Mr COLLINS: Unlike the member for Nightcliff, I am not prepared to argue the point on this one. I accept, without reservation, the explanation of the honourable minister for not accepting my amendment. With its philosophy, I quite understand the government making accommodation for people who will not be anything else except top of the heap.

Amendment negatived.

Mr ROBERTSON: I move amendment 102.17.

This is to make the appointment mandatory.

Mrs LAWRIE: I understand that, if this was not carried, the Administrator may appoint a member of the Education Advisory Council or he may not and then they may appoint their own. That would take care of my query as to why he should necessarily appoint the chairman. As clause 12 stands, the Administrator may appoint a member of the Education Advisory Council to be chairman. I have no quarrel with the clause as printed. Me may or may not, but there may be a time when he does not feel that it is necessary for him to exercise this function. Certainly, if the Executive Council advises him that it is necessary, he will so do. I cannot understand why it is necessary to make it mandatory for him to appoint the chairman. As the bill is printed, he has the discretion to allow them to appoint their own.

Mr ROBERTSON: Quite frankly, this is an agreed amendment between the opposition and the government. I think the opposition was concerned that it may not happen at all. The government is certainly not going to die at the stake over this.

Mr COLLINS: As the minister pointed out, this is an agreed amendment between the government and the opposition. The reason the opposition felt that "shall" should be inserted instead of "may" is that, if the bill stands as it is, it would be possible for the Administrator to appoint a person as chairman of the Advisory Council who was not on the Advisory Council. We do not believe that that would be desirable.

Mrs LAWRIE: I take issue with the ALP spokesman on education. Clause 12 reads: "The Administrator may appoint a member of the Education Advisory Council to be the chairman of the council". I did not read the sinister reference that he may appoint a person to be a chairman of the Education Advisory Council who is not a member of the council. If the government of the day were to be as sinister as that, it would put up a puppet among the 3 who can be appointed and instantly make him chairman. That is obviously not the intent of clause 12 as printed. Certainly, if the amendment is carried, then there is no option for the Advisory Council to appoint its own chairman under any circumstances. I think that is rather a pity.

Mr PERRON: What would occur if the council chose to elect a chairman of its own and then the Administrator chose to elect one over the top? It would create a bit of a fuss in that situation. I think that the Administrator should be compelled to appoint a chairman to this committee.

Amendment agreed to.

Clause 12, as amended, agreed to.

New clause 12A:

Mr COLLINS: I move amendment 104.7.

There should be mention made within the bill of fees, allowances and expenses that will be paid to the members of the council. This is a perfectly normal thing to find in legislation in other states and generally in legislation providing for any sort of statutory body set up by the government. It should not be left to regulation. Even if it is a case of the minister determining it, that should be made clear in the legislation itself.

Mr ROBERTSON: It is a tragedy when you have a spokesman for education who is illiterate. I would refer him to clause 20(1)(b) which covers exactly what he is talking about.

Mr COLLINS: I thank the minister for accepting 80% of the amendments that were proposed by a bunch of illiterates on this side of the House.

I had discussed it with the honourable minister and I did not feel it was necessary to waste the time of the committee in going into explanation that I had already been into with him privately. For the benefit of the minister, we are moving for the deletion of clause 20. We are putting these particular clauses dealing with fees and allowances in the area of the bill where we feel they belong. It is simply a question of a different approach to the matter and making the bill more easily understood and readable. The minister has agreed to some suggestions from the opposition to change the order of clauses in other parts of the bill. We are simply inserting in the particular section dealing with this council a clause which says that a person who is not already being

paid by the public service shall be entitled to be paid such fees, allowances and expenses for his work on the council as are determined by the minister. There are other amendments consequent upon this amendment which make it more clear.

New clause 12A negatived.

Clause 13:

Mr ROBERTSON: I move amendment 102.18.

The purpose is to remove reference to the veto power of the minister.

Amendment agreed to.

Mrs LAWRIE: I move amendment 105.2.

This will add that the Education Advisory Council "shall exercise such other functions as are provided for in this act". The Education Advisory Council, especially with the amendment which has just been carried, has been given quite specific functions under clause 13 which have my total support. It may be necessary to allow them to exercise any other function not specifically provided for in clause 13 which may well occur in further amendments to the act. If there are no amendments accepted, my paragraph (d) will not pose any problems because it only allows the council to exercise any duty authorised by the act itself of which the minister has full control. The main reason why it is necessary to insert this catch-all phrase is that I have a proposed amendment to clause 64. Under clause 64, the secretary will be responsible to the minister for a variety of things and I will be seeking to insert that, in certain exercises of his function, he shall seek the advice of the Education Advisory Council. If that amendment is to be carried, it is necessary to have paragraph (d) under clause 13 to allow them to consider matters referred to them by the secretary because the Education Advisory Council's function, as printed in the bill, deals with the minister. It was thought that it would clarify things considerably if there was provision for the secretary, in certain circumstances, to refer things directly to the Education Advisory Council. Even if further amendments are not accepted, paragraphs (d) will cause no harm.

Mr ROBERTSON: We have already altered the functions of the Education Advisory Council and the Post-School Advisory Council. It would be looking at accreditations or standards to apply in certification of awards. From that point of view, it cannot hurt to put this in.

Amendment agreed to.

Clause 13, as amended, agreed to.

New clause 13A:

Mr COLLINS: I move amendment 104.8.

The purpose of the clause is to insert a provision that the council must meet at least once every 3 months. Again, it is a perfectly normal practice to put this kind of provision in legislation. It also coincides with a recommendation of the Northern Territory Education Advisory Group's report. The opposition believes that 4 meetings a year would be the absolute minimum.

Mr ROBERTSON: I agree that it is quite standard to insert clauses specifying the number of times statutory government bodies should meet per year.

This is to ensure that the board devotes such time as is necessary to ensure the carrying out of its statutory responsibility. However, this is an advisory council and it was not my intention to dictate when it should convene. I note the same provision relating to the Post-School Advisory Council where 2 of the members of that council would be very senior executives from interstate education systems. It would be quite improper for the Northern Territory to impose upon them a statutory obligation to appear when the law tells them to. If we want both councils to be able to consider such matters as they deem necessary, it would be implicit that they do it when necessary. It is unncessary to statutorily confine them to a minimum number of meetings over a minimum period of time. I would prefer for the council to be not so constrained and to have an attitude that they are advisers to government and should seek to form themselves together when and if they deem appropriate. The minister will be providing requests for information to the councils. It is quite obvious that the council itself is capable of indicating, through its chairman, when it wants to meet.

New clause 13A negatived.

Clause 14:

Mr ROBERTSON: I move amendment 102.19.

The reasons for this amendment have been given in respect of the other council.

Amendment agreed to.

Clause 14, as amended, agreed to.

Clause 15:

Mr ROBERTSON: I move amendment 102.20.

This again brings into line the provisions of the Education Advisory Council relating to the Post-School Advisory Council as to term or tenure.

Amendment agreed to.

Mr ROBERTSON: I move amendment 102.21.

This relates to the Post-School Advisory Council.

Amendment agreed to.

Mr COLLINS: I move amendment 104.9.

This is to add at the end of subclause (3) the words "one of whom shall be a member of the Education Advisory Council". According to Hansard, I spoke on this when the report of the advisory group was tabled in the House. I said at the time that I believed there would be problems in coordinating the advice and work of the 2 committees. I did not believe that it should be completely within the province of the secretariat to coordinate the councils. I felt that, in view of the fact that the membership of this second group has been raised to 7, it would be an advantage to have one member on both councils. That is what this amendment seeks to achieve.

Mr ROBERTSON: I do accept the genuine concern of the honourable member for Arnhem that we need a degree of coordination. I have had discussions on this topic with departmental officers and members of the Darwin Community

College Council and staff. The government is satisfied that the system of co-ordination that we are developing through the common secretariat is sufficient for the purpose. I acknolwedge the comments of the honourable member that increasing the number from 5 to 7 increases our options somewhat. However, the reason for increasing the number of members from 5 to 7 is because of the quality and diversity of the people who have made application for memberhsip of that council. If I was to reduce the increase by 50% by mandatorily providing that 1 member of the Education Advisory Council shall also be a member of the Post-School Advisory Council, it would seem that we are simply reducing the options that we are seeking to expand. I am quite sure that the coordination will be adequate. It is something that the government can review at a later date if it is found necessary. I seek the defeat of the amendment on the grounds that there is sufficient vehicle for coordination and control at the moment.

Mrs LAWRIE: There is a significant difference between the provisions appointing the Post-School Advisory Council and the other advisory council inasmuch as the provisions relating to the former council give no indication as to the type of person whom the government wishes to see appointed. I ask the minister to indicate whether there are specific interests which the government intends to have represented on the Post-School Advisory Council. If he sees it as a matter of specifics, why wasn't it specified in the bill?

Mr ROBERTSON: The 2 positions which I have made public on the Post-School Advisory Council are the present Assistant Director-General of the Department of Further Education in South Australia whose speciality is technical and further education and the Executive Officer of the Queensland Board of Advanced Education who would handle CAC, tertiary level and the more academic pursuits. The other appointee is sufficiently described in the advertisements: a person who has an abiding interest in post-school education. Without pre-empting the Executive Council's views on the matter, I would say that the standard of applications is excellent. I was staggered to think there were so many Ph.Ds in the Northern Territory. I do not think it would be proper for me to answer the question in any further detail for the simple reason that the government wants to look at the applicants and fit them into slots. I cannot be any more helpful than that.

Amendment negatived.

Mr ROBERTSON: I move amendment 102.22.

This inserts at the end of clause 15 the provisions relating to the Post-School Advisory Council's term of office.

Mr COLLINS: In speaking against this amendment, I draw attention to the amendment which I have scheduled against 104.10. There is no need to reiterate the reasons for this. The same reasons apply to the amendment which we wish to move to the Education Advisory Council. We believe the extra term provided for would give a greater depth of experience and expertise to members of the council.

Amendment agreed to.

Clause 15, as amended, agreed to.

Clause 16 agreed to.

New clause 16A:

Mr COLLINS: I move amendment 104.11.

This is for the same reasons I gave for the previous amendment.

Mrs LAWRIE: We are talking about a new clause to be inserted after clause 16 which we have just passed. I point out with some malicious delight that we passed clause 16 as printed. This gives the Administrator the right to appoint a member of the Post-School Advisory Council to the chair of the council. The same clause that was amended previously has not been amended this time. I am quite delighted.

Mr ROBERTSON: I thank the member for Nightcliff for pointing that out. You are quite right and I made an error in not picking that up. We will have to recommit it otherwise there will be an inconsistency between the 2 provisions.

The same reasons apply for the government's opposition to new clause 16A as is against 104.11.

New clause negatived.

Clause 17:

Mr ROBERTSON: I move the amendment 102.23.

This is for reasons previously given pertaining to the Education Advisory Council.

Amendment agreed to.

Clause 17, as amended, agreed to.

New clause 17A:

Mr COLLINS: I move amendment 104.12.

This is for the reasons given previously.

Mr ROBERTSON: The government opposes the amendment.

New clause negatived.

Clause 18:

Mr ROBERTSON: I move amendment 104.24.

The provision here is similar to that already accepted in committee relating to the Education Advisory Council. It relates to the fact that the minister shall table reports of the Post-School Advisory Council.

Amendment agreed to.

Clause 18, as amended, agreed to.

Clause 19 agreed to.

New clause 19A:

Mr COLLINS: I move amendment 104.13.

This is to insert a new clause after clause 19 which will read: "In the administration of this act, the minister shall consult with the Education Advisory Council, the Post-School Advisory Council and any other body

established by or under this act before acting where the exercise of a power is in an area that relates to the functions and powers of that council or other body". The opposition originally wanted to restructure clause 19 altogether to bring it more into line with the provisions of the South Australian Education Act. We thought that was a much cleaner and simpler way of doing it. Although it may only be an exercise in nit-picking. I was under the impression that, despite the assertions of the Treasurer yesterday, the committee stage could be taken up with nit-picking if that resulted in better legislation. We felt that there could be a proliferation of advisory councils.

In the system in South Australia, New South Wales and possibly other states, there are no advisory councils,only ad hoc ministerial committees. We felt that it was desirable to make the distinction. Instead of using the words "other advisory councils", we should use "committees". The amendment relates to the problem of coordinating advice between committees to make sure that we do not have a proliferation of advisory committees or councils. This is likely to become very fragmented and could cause many problems. It simply places an onus on the minister to consult only the advisory committee that deals with that subject.

Mr ROBERTSON: Mr Chairman, I do not think that there would be any doubt at all that the minister would consult with the relevant council in the establishment of an ad hoc council in the normal course of events. However, a particular crisis, perhaps in the post-school area, could occur whereby an urgent decision to seek advice from the minister is required. The Post-School Advisory Council has 2 interstate members and it would take time to get them together. The Education Advisory Council itself has people who are scattered right throughout the Northern Territory. Those people also may not be able to come together in the time available. All I can do is assure the House that, as long as I am Minister for Education and such an ad hoc council is required, I would seek the advice of those councils before establishing it. However, I can envisage the necessity for a council, at very short notice, to advise the minister and for that reason the government would be opposing this amendment. Might I say that the reason we called these ad hoc groups "councils" instead of "committees" was so that there was a common clause relating to the payment of fees and allowances and so on. We did not want to confuse the thing with 2 different sets of terms relating to the payment of fees and allowances. I agree that, in a more accurate terminology, their function would be that of committees.

New clause 19A negatived.

Clause 20 agreed to.

Clause 21:

Mr ROBERTSON: I move amendment 102.25.

The consistent representation by the community to us was for the parent to have a more meaningful role. The government has attempted to tackle this very difficult area of intimately involving parents not only in the general welfare of their children but also in their education. There is not only a right of parents in respect to the education of their children but also a responsibility. This amendment is to make the provisions relating to compulsory attendance a fundamental responsibility of the parents.

Mr COLLINS: I move an amendment to the amendment to omit from subclause (1) "Penalty: $200" and substitute "Penalty: $100".

The reasons for this have been canvassed before. This clause is based largely on the South Australian Education Act with the exception that the

penalties provided for in our bill have been doubled. Although that penalty was set in 1974, it was the feeling of the opposition that the emphasis should be placed on education and care rather than on penalties and restrictions.

We support the compulsory enrolment of school children. Where children are not enrolled in school, it would usually be caused through ignorance or because the family had a very poor knowledge of the language and the education system in the Northern Territory. Subsequent enrolment could be accomplished by counselling from welfare authorities or home-liaison officers from the school. We believe that there would be very few occasions where people would deliberately refuse to enrol their children. The bill should not be a repressive one; it should concentrate more on education and care. We feel that $100 is a quite sufficient penalty.

Mr ROBERTSON: I could not agree more with the philosophy of the honourable member for Arnhem. It should be one of education and care. I am quite sure that, where exceptional conditions or circumstances arise, such as those mentioned by the honourable member, the legal system would take that into account. If prosecution did occur by some circumstance, then the court would have regard to those submissions in the mitigation of a penalty. However, there must be some deterrent for the very isolated case where there is a deliberate example of child neglect. That is why the penalty is $200 and why the government would prefer to see it remain at $200. We have 2 sides: the deterrent effect on someone who just does not give a damn about his children and the fact that courts give due regard to circumstances and mitigation. In any event, it is a maximum penalty.

Mrs LAWRIE: I disagree with the proposed amendment. I think the penalty should remain at $200. It is an upper limit. I have known families where parents have neglected to send them to school and have used them as unpaid drudges. It has caused great concern within the school system and for others who tried to counsel the families. In fact, I think that $200 is a fairly low penalty for people who wilfully abuse their children in this way. I see it as child abuse and I certainly would not want to lower the penalty. If a family has acted not out of malice but out of ignorance, the courts would certainly not impose the same rigorous penalty as they would have imposed upon those people who are guilty of deliberate neglect.

Amendment to the amendment negatived.

Amendment agreed to.

Mr ROBERTSON: I move amendment 102.26.

This is purely a correction for accuracy.

Mr COLLINS: I would oppose this amendment with a view to moving my amendment which seeks to delete subclause 3(b) from that clause.

I find that this subclause is not just necessary but particularly offensive. In consideration of the excellent amendment that the government has agreed to provide in other parts of the legislation - such as provision for appeal to a Supreme Court judge in the case of handicapped children - I am surprised that this has been allowed to remain in the bill. I see absolutely no reason why the minister cannot make a decision on whether the child is receiving efficient or suitable education. I see no reason, in the case of parents who feel so strongly about it - and I have discussed this with the minister - why the minister's decision should be conclusive. I believe that, if people disagree with the Minister's decision as to the disposition of their children, they should be able to take the matter to the Supreme Court. It is not likely that

this will occur very often. Where a decision had to be made by a minister, most people would go along with it. In the case of a parent feeling so strongly about it, and I can envisage particular circumstances where this could occur, there should be a right for that person to appeal about what is done with his children. Whether the education is sufficient should be a judicial matter and not a ministerial matter.

It has been truly said that ministerial responsibility is a cornerstone of the parliamentary system. However, it is not true to say that ministers do not abuse this responsibility and this power. One of the most interesting days that I have ever spent in court was last year. The case involved a minister who had used his power to disrupt and disorient the lives of 3 families and have them summarily removed from the community where they had lived for 6 years. The decision was overthrown by the Chief Justice of the Northern Territory Supreme Court. The judgment of the Chief Justice is very interesting to read. He found that the minister had abused his power and used it wrongly to impose his desire for certain people to be removed from a certain place. In fact, there was no justice whatever accorded to those people. In a case taken to the Supreme Court on the grounds that natural justice had not been afforded, the plaintiff won that case and the minister's decision was overthrown.

Let us not have it said continually that ministers are wonderful, extraordinary, superhuman beings who never abuse their power. They do abuse it on occasions and that abuse can be overthrown by courts. A clause should not be there which says that a minister's decision on what a parent is doing with his child, as far as education is concerned, should be conclusive. As far as we are concerned, the clause should end at part (a) where the minister can obtain reports and make decisions. After that happens, if a parent is still unhappy and concerned about his child, he should have the right to take that matter to court on the terms that natural justice has not been afforded to him by the minister.

Amendment agreed to.

Mr COLLINS: I move amendment 104.15.

I have just spoken on this but I feel so strongly about it that it would not hurt to say it again. In the terms of my own experience, it does become a little wearing at times to hear ministers of the Crown continually reiterate that they are such superhuman beings that they would never abuse the powers given to them under legislation. I agree that ministerial responsibility must be maintained properly in legislation. However, I did see a federal minister abuse his powers. The minister was not particularly concerned with or related in any way to the people whom his power so adversely affected. It did not worry him, but the people were constituents of mine and their lives were totally disrupted by that misuse of power by the minister. In fact, they have still not recovered from it to this day. It was a very traumatic experience to be summarily removed from the community in which they had lived and worked for 6 years on no just grounds whatever. Justice Forster did not mince his words when he disposed of that ministerial decision. He was highly critical of it and his judgment makes some very interesting reading. He said, as the case unfolded, that it became "curiouser and curiouser". He eventually overturned the decision of the minister.

Mr EVERINGHAM: Sounds like Alice.

Mr COLLINS: Indeed, the decision of the minister appeared to be an Alice-in-Wonderland decision to the Chief Justice of the Supreme Court. It was an arbitrary application of the minister's powers.

In the particular clause of the bill that we are dealing with, we are

talking about a situation that could arise where a parent disagrees with the minister over the kind of education that his child is getting. In the main, people are prepared to go along with ministerial decisions and say, "fair enough". Where a parent feels strongly enough about it, I have no doubt that he would want to take the matter to court. I feel that the inclusion of this clause in the bill, if it does not make it impossible for the judge to arbitrate, it would certainly make it extremely difficult.

Mr ROBERTSON: Before his Churchillian speech, I was trying to indicate to the honourable member that we accept his amendment.

Amendment agreed to.

Clause 21, as amended, agreed to.

Clause 22:

Mr ROBERTSON: I move amendment 102.27.

This is an amendment suggested by the honourable member for Arnhem. While it is not necessary, because there is provision for the principal to be contacted by a parent, it is desirable.

Amendment agreed to.

Clause 22, as amended, agreed to.

New clause 22A:

Mr ROBERTSON: I move the amendment 102.28.

Again, this deals with parental rights.

Mrs LAWRIE: I just point out to the committee that 22A (2) (a) is acceptable. However, (b) states: "The parent claims to have a conscientious objection to the child's attending the course or part of the course, as the case may be". That is not quite as simple a matter as (a) is. Such objections may be raised to parts of the course which are deemed to be fairly significant in a school curriculum and which may happen to offend a particular parent. I refer to such courses as SEMP and MACOS. I draw it to the attention of the committee that the head teacher of a school has a discretion in that case because it is a discretion which he may wish to use against the wishes of the parents. Where such a course is considered significant, it is quite obviously vital to the child's well-being that the head teacher has that discretion.

New clause 22A agreed to.

Clause 23 agreed to.

Clause 24 negatived.

New clause 24:

Mr ROBERTSON: I move amendment 102.29.

This tackles the problem of separating suspension and expulsion.

New clause 24 agreed to.

Clause 25:

Mr ROBERTSON: I move 102.30.

Amendment agreed to.

Clause 25, as amended, agreed to.

Clause 26 to 28 negatived.

New clauses 26 to 28.

Mr ROBERTSON: I move amendment 102.31.

This proposal was originally put forward by the honourable member for Arnhem. I indicated in the second-reading stage that I regard such things as community government legislation and education legislation as being completely non-party. I find that the wording proposed by the opposition, while it does the same thing as the government is seeking to do, does it slightly better.

Mr ISAACS: I would like to make one remark in regard to these clauses and the previous clause 24. There is a requirement on the minister or someone delegated by him to inform parents in writing of certain action being taken by the government in regard to expulsion or suspension from school for reasons of contagious disease, etc. The difficulty is that some people who might receive a piece of paper with the signature of the honourable minister or someone else will not be helped at all because, in the words of the minister, many people are illiterate. I suspect that the reason for proposing to give them the piece of paper is so that the parents are advised that such and such a decision has been taken.

I would ask the minister, in the exercise of that particular clause, to ensure that, when the piece of paper is delivered to the parents, the terms of the notice are explained to them. It is not sufficient simply to present them with a piece of paper and expect them to understand it. One of the reasons that school councils receive such a poor response from parents is because they believe that, having circulated information to parents, the job is done. They cannot understand why parents do not turn up to school council meetings. The fact is, and this is certainly the case so far as my electorate is concerned, many parents do not turn up because they do not understand what is in the notice.

Mr ROBERTSON: I will refer those comments to the department.

New clauses 26 to 28 agreed to.

Clause 29 agreed to.

Clause 30:

Mr ROBERTSON: I move amendment 102.32.

This amendment results from a community request that members of a police force, as of statutory right, are not authorised officers for the purpose of the act. They may be in particular circumstances, depending on the community's needs.

Amendment agreed to.

Mr ROBERTSON: I move amendment 102.33.

This relates to the issuing and carrying of identity cards.

Amendment agreed to.

Mr ROBERTSON: I move amendment 102.34.

This relates to the same matter.

Mr COLLINS: I would just like to say how pleased we are to see the acceptance by the government of this identification. This part of the bill was modelled on the South Australian act. I was very interested to find that there was at least one change in wording in the bill. In the South Australian act, it said that the authorised person could "accost" a child in the street. When I looked that up in the Oxford English Dictionary, I was rather horrified to find that the first definition I came to of "accost" was to "lay along side of". I think that the fears of one particular area school council in this respect were quite justified. I am sure they will be very pleased to see this in the bill.

Amendment agreed to.

Mr ROBERTSON: I move amendment 102.35.

This sets out the times, circumstances and methods by which a person may call upon a residential address for the purpose of obtaining names of children of compulsory school age. It is necessary to move in line 3 of subclause (3) an uncirculated amendment: after the word "to", it is necessary to add the words "or otherwise". If an authorised officer was told a false name and address by the child that he interviewed and subsequently found out about the false name and address, he would be unable to make investigations. That would be nonsense.

Mr COLLINS: I move an amendment to the amendment as circulated in 104.16.

The key change that this makes to the government's amendment is that it removes the words "any person" and substitutes "a parent of any children". The reason for this is self-explanatory. We believe that it should not be incumbent upon anyone who happens to be in the house to furnish information about the children who happen to be living in that house unless that person is a parent of that child. There is quite an adequate definition of "parent" in the bill.

I was simply putting myself in the position of being present in a house which was not my house and having someone require me to furnish quite confidential and personal information about how many children lived there, where they were and what schools they were enrolled at. For a start, I would probably not have that information. It would offend me to be compelled by law to talk about what the parents of children in that house were doing with their children. I would refuse to give that information. I would simply say to the person, "Mrs X or Mr X is not here at the moment. The best persons to talk to about the children in this house are their parents. I won't give that information. If you want to come back at 5 o'clock, you can talk to the parents of the children". Under this bill, by refusing to divulge information about the parents of the children, I would be liable. I would not like to be put in a position where I could be prosecuted for what I would consider to be a reasonable refusal.

Mrs LAWRIE: I think that the amendment proposed by the honourable member for Arnhem does not carry out its stated purpose. I could be visiting someone's house and as I have children of compulsory school age, I would be compelled to answer. The "parent" does not relate to children of compulsory school age who

have not been attending school but to any person who may happen to be a parent of children of compulsory school age.

Mr COLLINS: The difficulty is easy to understand. My amendment refers to the bill rather than the amendment to the bill. The words "in the dwelling house" will have to be deleted.

Mr ROBERTSON: The government believes the clause should remain in accordance with the amendment.

Amendment to the amendment negatived.

Amendment agreed to.

Clause 30, as amended, agreed to.

Clause 31:

Mr COLLINS: I move amendment 104.18.

This omits "an apparently genuine document" and substitutes "a document". As all members of this House would know, I am against the use of unnecessary verbiage. The advice that I have been given is that, should this matter come before a court of law, "apparently genuine" would have no real effect whatever and is simply unnecessary. "A document" would have the same effect in law as "an apparently genuine document".

Mr ROBERTSON: Our legal advice disagrees.

Amendment negatived.

Clause 31 agreed to.

Part V:

Mr ROBERTSON: I move amendment 102.36.

This relates to the change of heading and it is in keeping with more modern language.

Amendment agreed to.

Clause 32 negatived.

New clause 32:

Mr ROBERTSON: I move amendment 102.37.

This inserts a new clause 32 which is considered by the government to be a better form of wording for that clause.

New clause 32 agreed to.

Mr COLLINS: I move amendment 104.19.

This omits "the minister may" from subclause (1) and substitutes "after consultation with the Education Advisory Council, the Minister shall". Like the honourable member for Nightcliff, I feel that there are particular parts of this legislation where the minister should be compelled to consult. This is one of them. There should not be a discretionary power for setting up a

council for handicapped children. These children pose a significant problem in the Northern Territory. I believe that the minister should be compelled to set up a council to provide for their needs and he should do this in consultation with the Education Advisory Council.

I am very pleased indeed to see the proposed changes that the government is making to this entire part V. In the second-reading debate, I expressed the grave reservations that the opposition had about the powers of the minister and the lack of powers that the parents had. I see that this has been redressed and I like the way in which this new part V will be structured. However, I feel that the minister should form an advisory council. I know that he will; there is no reason why it cannot be "shall" in the bill. He needs to consult with the Education Advisory Council over this matter.

Mr ROBERTSON: The government opposes the amendment. The grounds are similar to those previously given. I think the committee is well aware of those.

Mr ISAACS: I admit to not being as well educated as the minister, but I am not aware of it at all. I received a copy of a letter which was written to the Minister for Education by the Handicapped Childrens Association in which they said that they wished the word "may" to be changed to "shall". I have heard the minister talking about the need to listen to community responses to the bill and, in many cases, he has so responded. Perhaps he might give specific attention to the letter from the Handicapped Childrens Association where they specifically request "may" to be amended to "shall" and give the committee the benefit of his reasons for not complying with their request.

Mr ROBERTSON: The honourable Leader of the Opposition must have been absent or on some errand. As I have indicated in respect of other advisory councils, there is no doubt that the government will establish them. I have been advised that, in dealing with the area of handicapped children, circumstances rapidly change between the problems of one group of children or people and the problems of others. This means that any advisory committee or council that the government sets up for the purpose of advising it on the special needs of handicapped, retarded or gifted children requires a dynamic membership. Again, we have the problem where our committee is scattered right throughout the Northern Territory and is committed to other work-loads in private enterprise, in government service and so on. It is necessary for the minister to seek advice very quickly in some circumstances and the circumstances for the need of advice may vary. In other words, if we have young people with Down's syndrome, they will require a completely different treatment to those who have been treated for polio and the committee which advises the government has to be highly specialised in that particular field. Therefore, a flexibility is needed which cannot be obtained if the matter has to be referred back to the Advisory Committee every time there is a need to change the nature of a particular advisory council. For that reason, the government opposes the amendment.

Mr ISAACS: This has nothing to do with the remarks made by the minister at all. It is not a question of whether he has to consult with a committee but whether he has to establish a committee. Clause 33 reads: "For the purpose of this part, the minister may establish an advisory committee to provide advice". The member for Arnhem maintains that the minister ought to be obliged to establish the committee. We are not talking about receipt of advice; we are talking about whether or not there should be a compulsion upon the minister to establish a committee. I think that is perfectly plain, is it not? The member for Arnhem's amendment says: "The minister shall establish an advisory committee". As to whether or not the minister will have time to consult the committee if a particular problem arises is another matter. There is no problem in that regard at all. We are talking about whether or not the minister

should be obliged to establish the committee in the first place. It is a totally different argument. The Handicapped Childrens Association has requested a perfectly reasonable thing. I heard the minister say in his response to the first question that the minister will establish the committee. If that is the case, why not change it from "may" to "shall"?

Mr PERRON: It all seems nonsensical to me. We all remember the provision in the federal legislation that said the federal government "shall" build a railway line from Port Augusta to Darwin. Unfortunately, it did not say when. The amendment, as proposed by the opposition does not say when either so, if it was acceded to that it shall be "shall", the minister still has the discretion as to when he will do it.

Mrs LAWRIE: Mr Chairman, there are 2 principles embodied in the amendment. It may be that the minister accepts one but not the other. I can see that he is objecting to having to consult with the Education Advisory Council before he establishes a further advisory council that deals specifically with children with special learning needs. What I am seeking from the minister is an indication as to whether, if that part was deleted, he would accept the amendment of the change of the word "may" to "shall". This will make it incumbent upon him to establish the advisory council but not necessarily by having to consult with the Education Advisory Council first.

Mr ROBERTSON: The facts of the matter are as I have outlined. This type of committee is set up when the minister deems it necessary to seek that type of advice. I know it would be a pipe-dream to expect that there will never be a need for such a committee, but the law should allow for that possibility. If you put "shall" in, it opens it up to litigation without warning. It may eventuate that such a committee is not necessary and I do not see any reason to enshrine in law what any sensible educational administration would do anyway. That just seems to me to be tying it down in a totally inflexible and unnecessary manner. I certainly do not see the government agreeing to the proposal of having to consult the Education Advisory Council before it can act independently in seeking advice.

Amendment negatived.

Mr ISAACS: I would hate us to be inconsistent and I am sure the minister means well. When you look at the establishment of the Education Advisory Council, clause 11 (1) says: "There shall be a council to be known as the Education Advisory Council". We did not seem to have too much trouble saying that. Clause 15 (1): "There shall be a council to be known as the Post-school Advisory Council". Again, we did not seem to have much trouble saying "shall". I cannot understand why we have problems saying it on this occasion.

Clause 33 agreed to.

Clause 34:

Mr ROBERTSON: I move amendment 102.38.

The amendment is consistent with the new title for part V.

Amendment agreed to.

Mr ROBERTSON: I move amendment 102.39.

This expands the definition of "handicapped child". I did not cover this in the second-reading speech. It does not mean that there will be a diversion of funds from handicapped children, as we have come to know them, to gifted

children. It has been established that there is about the same percentage on both sides of the spectrum.

Mr COLLINS: Mr Chairman, I am glad to hear that assurance from the minister that it will not result in a diversion of funds away from this very necessary area. I had another representation made to me this morning. I read out portion of the letter in the second-reading speech in relation to the problems that the parents of handicapped children who are attending the Millner Pre-school are having. I know that those people are having on-going discussions with the Education Department on the provision of a pre-school teacher who has been removed from the school. Could I draw to the minister's attention that that has not yet been done. Perhaps he could take steps to see that it will be done very shortly.

Amendment agreed to.

Clause 34, as amended, agreed to.

Clauses 35 to 39 negatived.

New clauses 35 to 39:

Mr ROBERTSON: I move amendment 102.40.

This introduces new clauses to replace those clauses defeated by the committee. They are designed to take up such matters as the right of appeal from ministerial decision. We have decided to completely reverse the order, in consultation with the honourable member for Arnhem, whereby the parent does not have to appeal against the decision of the minister. The minister will have to seek an order of the court to overrule the will of the parents. It is consistent with the provisions relating to the Child Welfare Act, excepting that we are proposing to give original jurisdiction to the Supreme Court as the matter is so sensitive.

New clauses 35 to 39 agreed to.

Clause 40 and 41 agreed to.

Clause 42:

Mr ROBERTSON: I move amendment 102.41.

This is the result of a suggestion put forward by the Darwin Community College. In addition to the word "technology", the words "and trades" are inserted. I fully support the community college's view.

Amendment agreed to.

Clause 42, as amended, agreed to.

Clause 43:

Mr ROBERTSON: I move amendment 102.42.

This restructures the clause and inserts the words relating to trades. It inserts "trades certificates" amongst other things.

Amendment agreed to.

Mr COLLINS: I move amendment 104.20.

This is to omit from subclause (2) (c) the words "with the approval of the minister". In his second-reading speech, the minister had mentioned that certain significant changes had been made when incorporating the Darwin Community College Act into this Education Act. I mentioned a few changes that had been made that had not been mentioned by the minister and this is one of them. The opposition has no objection to the minister needing to approve the establishment of any new educational institutions that might be run by the community college. We do object, and I canvassed the reasons for this during the second-reading speech, to the minister having control over the courses of instruction that are provided at the college. This is totally contrary to the philosophy of colleges of advanced education or universities anywhere else in Australia. I see absolutely no reason why this change should be made. I am prepared to be assured that it was merely a slip of the draftman's pen, but I do not believe that to be the case.

If I may read from the original Darwin Community College Act, section 6 (1): "The college has power to do all things that are necessary or convenient to be done in, or in connection with, the performance of its function". Section 6 (2): "Without limiting the generality of subsection (1), the powers of the college referred to in that subsection include power to (a) enter into an arrangement and ...; (b) to cooperate with other institutions; and (c) to conduct such courses of study and instruction and at such levels, in the kinds and fields of education and training provided by the college, as the council determines or as the minister requires". We have a mention of the minister in that he can, if he wishes to, require the college to do things other than the college council determines. He may feel the need for an extra course in this, that or the other and he may require the college council to provide such a course. I think that is reasonable. However, the wording has been changed. It now reads: "To conduct such courses of study and instruction, at such levels, in the kinds and fields of education and training provided by the college as the council, with the approval of the minister, determines or as the minister requires". That is a rather significant change, Mr Chairman. It is not just a question of the minister being able to require the college to do things that it is not doing. It now means that the minister must approve courses of study that the council has already determined are right for the college. I think that is most inappropriate and I will read from some of the recommendations from the New South Wales working party on the setting up of an education commission. I am not slavishly following this document. As with the students of the Darwin Community College, I am quite capable of sifting the wheat from the chaff. I can look at some parts of a document and accept them and look at other parts of a document and reject them. I accept these particular recommendations.

The report said: "The rights of universities may be summarised as: the right of universities to employ their own staff, both academic and non-academic; the right to choose their own problems for research; the right to decide their own curricula; the right to follow their own teaching methods; and the right to determine their own standards, including those for admissions and awards". It goes on to say: "We agree that universities, more than any other institution, are responsible for the increase of reliable knowledge. They have the right and the duty to pursue that knowledge even where its pursuit requires criticism of the contemporary society and the state of its institutions. We believe that universities cannot do these things unless they have the freedoms listed above. Short of this degree of independence, they become mere clients of government or industry and subject to pressures which may vitiate or even destroy their work". That is absolutely correct and I am not particularly happy to see this little addition that the minister has to approve their course of instruction. I believe that it is not inappropriate to say that we have good reason on this

side of the House for being concerned about this particular added power of the minister.

The minister has made certain remarks recently on the curricula provided by the Darwin Community College - remarks that have been taken up and expanded upon by the Chief Minister himself. I heard again on Sunday, much to my amazement, the Chief Minister talking about his horror of community college courses which instruct people on how to make bombs. I listened very carefully to that broadcast and I have a transcript of some of the things that the Chief Minister said in regard to the curricula of the Darwin Community College. Let me assure this House once again that no course at the Darwin Community College carries instructions for people on how to make bombs although, much to my interest, I did see a correspondence school in New South Wales that offers to provide a correspondence course in the manufacture and use of explosives. The Darwin Community College does not. The Chief Minister is quite incorrect. He obviously gave that college course the same cursory inspection that the Minister for Education did.

The Chief Minister went on to say something that really interested me: "I believe we have a right to be concerned about this course, Col, because, for all I know, there could be Aboriginal people doing that course and, if there were Aboriginal people doing that course, they would accept just anything that Tomlinson handed them as just gospel". That statement of the Chief Minister is interesting in 2 respects. Firstly, he started off by saying "for all I know", thereby admitting that he did not. This did not stop him from criticising. He then went on to say by inference, that the non-Aboriginal people would be quite able to sift out the wheat from the chaff but the poor stupid Aboriginals would not be able to. In the Chief Minister's words, they would "accept everything that Tomlinson said as gospel".

I take particular exception to these remarks because I do not believe that they constitute a particularly innovative approach to the subject of the curricula at the Darwin Community College. I believe it is a genuine concern in the light of the condemnation by the minister of a diploma course - and reference to Hansard will show that that is what happened - after a cursory examination of some of the lecture notes of 1 semester of a 16-semester course.

In the light of the further attack made last Sunday on the curricula of the community college - a most ignorant statement by the Chief Minister of the Northern Territory - I believe we have a right to be concerned with this little addition that the courses at the college must be approved by the minister. I want to see it deleted.

Mr ROBERTSON: I am not surprised that the honourable member for Arnhem used this opportunity to have a second slice of the cherry. As I said to him before, his cherries are inevitably very small. We have the honourable gentlemen of the opposition making impassioned pleas to try to impress us with their commonsense, rational approach and then we have an insidious aside like that - so much for their sincerity.

It would be a very poor show if any member in this place, be he a minister or otherwise, was constrained from making comment on courses delivered in any school in the Northern Territory. I was not talking as Minister for Education. I indicated that they had a right to understand what I thought as Minister for Education and then I said, very precisely, that my comments were those of somebody with an interest in the welfare field. I do not care if it was 1 lecture or 50 lectures, 30 seminars or 1 seminar. The point I was making was that its entirety was devoted to one intractable theme: that the only role for a social worker in modern-day society is to overturn the present order. At no time did I

intimate whatsoever that, as minister, I would seek to interfere in that course. At no time have I approached the community college at all with a view to interfering in that course.

I was giving a response to public demand for a comment consequential upon 3 days of public comment in the popular press. I did not criticise the course itself. I was making comments from a welfare point of view and saying how utterly wrong I thought it was to devote a full semester to teaching that the fundamental role of a social worker was to overturn the social order. I think that is most unfortunate and I do not support it for a moment. I have not said that I will interfere, and nor will I, in terms of instructing the Community College. It was a full seminar. Even if I did not have all of the notes, I have yet to see the ones that the member for Arnhem has. I had over 1,000 pages of information so I would assume that was a fair slice of it.

In relation to the question of the approval of the minister, there is another vehicle for government to interfere in the affairs of every statutory body and every department within its sphere of influence and control: the power of the purse. To say that, by removing this, you will remove the threat of governmental interference is clearly nonsense. The government could simply say to the community college: "If you run that course, we will cut you back by the equivalent of its running".

Incidentally, I might point out to the honourable member for Arnhem that it is not a university but a community college. It has a wide range of offerings from hobby courses through to college of advanced education courses. To equate it with the university,as he did for his own purposes, is crass nonsense.

I have discussed this matter very briefly with my colleagues. I missed it as being such a hard point as stating "with the approval of the minister". I certainly do not want to interfere in the autonomy of the community college. There are other methods of government communication with the community college. I am quite sure that, if we act in a responsive manner to it, it will act in a responsive manner to government. Accordingly, I would be happy to see the amendment agreed to.

Amendment agreed to.

Clause 43, as amended, agreed to.

Clause 44 agreed to.

Clause 45:

Mr ROBERTSON: I move amendment 102.43.

This relates to a staff-elected college council.

Amendment agreed to.

Mr ROBERTSON: I move amendment 102.44.

This is in response to an overwhelming view of the opposition - and I have no particular views on it one way or the other - relating to the removal of the 4 appointments by the Darwin Community College Council to its own council. I spoke with the chairman of the council and the principal of the Darwin Community College yesterday and I understand that the college has had communication with the opposition. I personally do not see any harm in the retention of those 4 positions. I can see value in the college council being in a position to react quickly when an appointment is necessary. I would just like to hear the

current thinking of the opposition on this.

Mr ISAACS: I have had communications with the chairman of the Darwin Community College Council. She pointed out to me the history of the particular insertion. Apparently, it was inserted by Dick Ward and there were historical reasons for it. I believe the amendments 102.44 and 102.45 ought to be proceeded with but let me make this qualification: I do not believe it is appropriate for a council to have the capacity to appoint its own additional members. I talked about that in the second-reading debate. There is a very real need to ensure that the people who are appointed to the Darwin Community College Council are people who have the time and the capacity to perform hard work. One of the reasons for the college itself seeking to appoint 4 other people was that it felt that the government was out of touch and was appointing people to the Darwin Community College Council who may have excellent attributes and excellent qualificiations but did not have the time to perform the necessary hard work on the various committees of the Darwin Community College Council.

I believe that there ought to be discussions and consultations between the college and the minister before appointments are made. I do not believe that the college council ought to be given the right to demand of the minister that he appoint certain people but I do believe their point of view ought to be made known to the minister before he makes the appointments. For example, when I was a member of the Northern Territory Port Authority, the executive member at the time, my predecessor as the member for Millner, consulted with the Northern Territory Port Authority in relation to people being put on the Board of the Port Authority. So long as the minister does consult with the senior and long-standing members of the college council to get an idea of the sort of qualities required and the various attributes of people under consideration, we can overcome the difficulty.

The amendments ought to be supported but I do say that the minister should give an undertaking to this committee that, in the appointment of people to the college council, he will consult with the college council so that, at least, he is aware of the requirements of the college council. I believe that there were historical reasons for it and, from my discussions with the chairman of the council, it has worked well. The college council has been able to say: "We need such and such a person with certain qualifications and the ideal person is person X because that person has the time to do the work". Those are the requirements that the college council has and they can be met by close consultation with the minister on the appointments to be made.

Mr ROBERTSON: Recently, the Leader of the Opposition asked me to consult with him on a union appointment to the Darwin Community College Council. I accepted that appointment. Would he propose that recommendation of the union be overturned by the will of the council?

Amendment agreed to.

Mr ROBERTSON: I move amendment 102.45.

This is consequential upon the previous amendment.

Amendment agreed to.

Mr ISAACS: I would be delighted to answer the minister if I understood the question. Perhaps he might, at this stage, give some indication whether or not he would ensure that such consultations would take place with the Darwin Community College Council now that we have taken away their right to appoint people of their choosing.

Mr ROBERTSON: Such consultations already have taken place although the Northern Territory government has never had the responsibility for those recommendations to Executive Council. They are introduced by the Administrator pursuant to the federal legislation.

Clause 45, as amended, agreed to.

Clause 46:

Mr ROBERTSON: Mr Chairman I move amendment 102.46.

This is to clarify the position in relation to staff-elected positions on the council.

Amendment agreed to.

Mr ROBERTSON: I move amendment 102.47.

Again, this is an amendment at the request of both the Darwin Community College Council and the Staff Association whereby it provides for the possibility of both the academic staff and the non-academic staff being elected to the council.

Amendment agreed to.

Mr ROBERTSON: I move amendment 102.48.

This is consequential upon amendment 102.47.

Amendment agreed to.

Clause 46, as amended, agreed to.

Clause 47:

Mr ROBERTSON: I move amendment 102.49.

This allows the Chairman of the Darwin Community College Council to appoint a person for an unexpired term of office to replace a person who has resigned or retired from the council. The power previously lay with the Administrator and it was a very complex procedure that could leave rather serious gaps in the ranks of the Darwin Community College Council. I do know that the college has had difficulties in the past, particularly in filling out the numerous committees of management and advice that it has, as a consequence of resignations. This is to assist the college to run more efficiently through the management of its own affairs. The only yardstick is that the chairman of the council will have to have regard to the period of the unexpired term and thus decide whether or not it is worth making that new appointment.

Amendment agreed to.

Mr ROBERTSON: I move amendment 102.50.

Mr ISAACS: This is the item that I specifically referred to. It means that the student-elected member of the college council will be in the same position as the staff-elected member; that is, there is no limit on the number of times that they can be elected. The bill as it stood said that a student member could only be elected on 2 occasions and after that he was ineligible to stand.

Amendment agreed to.

Clause 47, as amended, agreed to.

Clauses 48 to 54 agreed to.

Clause 55:

Mr COLLINS: I move amendment 104.21.

This is to omit paragraph (c) from clause 55. Clause 55 reads: "No act or proceedings of a council, or of the members of any committee of the council, is invalidated by reasons of ... a defect in the convening of a meeting". I am not suggesting that this is a major amendment, but I do not particularly like that clause. I would not like to see it in the constitution of any committee or council.

It only requires 50% of the members of the Darwin Community College Council to constitute a quorum. I am not suggesting that there is anything improper or sinister in the way that the community college convenes its meetings. It strikes me as being extremely unusual that, where a person convening the meeting conveniently failed to mention to half the members of the council that a meeting was to be convened, the proceedings of that meeting cannot be invalidated. We find in the bill that any motions passed by that council meeting would have effect. They would be quite legal and binding and they would not be invalidated by the fact that half the council members had not been advised that there was a meeting. I do not believe that there is any objection to paragraph (c) "a defect in the appointment or election of a member". That is a subject that has been discussed in this House before.

There is no reason why meetings should not be convened properly if they are to pass binding motions, which in this case they would be, and these motions would have effect. One of the basic criterion for calling any just and fair meeting together is that all members of the council should be advised that the meeting is to take place. If that was not done, that would constitute a defect in the convening of the meeting. I believe that such a defect should invalidate any motions that were passed by that particular meeting. We seek the removal of this clause.

Mr ROBERTSON: I think it casts an awful slight on this council or any other council. I am quite sure that was not really the intention of the honourable member. If we look back at clause 54 (1) (a): "may convene meetings of the council and shall comply with any resolution of the council with respect to the convening of meetings ..." It may transpire that, in good faith, a meeting of the council is called together that does not strictly comply with numerous resolutions or directions of the council. The government thinks that the council should have the protection of this provision.

Mr COLLINS: Clause 54 (1) states: "The chairman or deputy chairman (a) may convene meetings of the council and shall comply with any resolution of the council with respect to the convening of meetings". That is precisely what I am talking about. The council passes a resolution to deal with things that must be done to convene a meeting properly. There is no objection to that. One of those resolutions would probably be that all members of the council, where possible, should be advised that the meeting was to take place. I do not know why the minister has referred back to clause 54 because, as far as the legal standing of the motions of the council are concerned, clause 55 (c) removes the imposition placed by 54 (1) (a). This is precisely what it does. Certainly, the chairman must comply with the resolutions. Should he fail to do so, thereby causing a defect in the convening of the meeting, he is excused

from doing that by 55 (c). If 54 (1) (a) is to make any sense, as it should because the council deals with fairly substantial business, (c) should be removed. The council should be convened properly, according to 54 (1) (a), but it should not be relieved of those responsibilities by 55 (c). This is why we are seeking its defeat.

Mr ROBERTSON: It does not relieve anyone of any responsibilities at all. If you are going to hold with the lack of logic that the member has just presented, you would have to remove 55 (a). By leaving 55 (a) in, on his own argument, it means that it relieves the responsibility of the rest of the act as to the appointment and election of the council itself. The argument clearly is fallacious. This is similar to laws that we have seen passed here in great reams. You have it in things like the Consumer Protection Council which certainly has an executive role. You have it in the Planning Act if I remember rightly. It is quite a common provision to prevent action, for no other reason than capricious motives, from being launched by people who are disappointed by decisions. If the rule is that everyone has to be advised, you only need 1 person to really foulup the cogs. He could do this easily by making sure that he does not get the information, then denying that he was informed of the meeting and then going to the Supreme Court. We cannot have a community college council placed in that position.

Amendment negatived.

Clause 56 agreed to.

Clause 57:

Mr COLLINS: I move amendment 104.22.

This omits the words "with the approval of the Administrator". This is another one of the changes which the government has made to the original Darwin Community College Act. Under the wording of the original act, the college council could set the terms and conditions of its employment of staff without the approval of the Administrator who, as the Minister for Education informed us this morning, is in fact the Administrator-in-Council.

I was not surprised at all at the remarks of the Treasurer that he had not listened to what I had said during the second-reading debate. I was surprised to find that the Minister for Education had not listened either. He said a few moments ago that he could not understand why I was comparing the Darwin Community College to a university. I was merely trying to save the time of the committee. I compared the Darwin Community College not just to a university but also to the status enjoyed by colleges of advanced education elsewhere in Australia. I was going to relieve the committee of the tedious repetition of points that I had made during my second-reading speech. Colleges of advanced education in other places enjoy a similar autonomy to that possessed by universities.

The experience in New South Wales is: "Once accredited, the college may teach that course by whatever method it chooses with the proviso that the board may subsequently reassess the course to ensure that standards are being maintained. Within the limits of their funding, colleges may undertake whatever specific research projects they wish, though funding bodies have suggested that colleges should favour applied rather than pure research. We believe that the colleges' present degree of independence is the least they must have if they are to research and teach with that freedom to criticise,which is essential to the discovery of new information and necessary to imaginative professional preparation of students".

I do not apologise for comparing the Darwin Community College with a university. We do not have a university and we do not have any colleges of advanced education; we have the Darwin Community College which occupies not just a unique place in the academic life of the Northern Territory but a unique place in the academic life of Australia. I compare it to universities and colleges of advanced education as an acknowledgement of the unique position that it does hold in the Northern Territory community. I believe that it should be autonomous.

The Minister for Education has told us something that we all knew: the government will be supplying the money and they can put fiscal controls on the college. That is precisely the point that I am making: they can do that and therefore, there is no need for the Administrator-in-Council to interfere with a system of setting terms and conditions that has existed quite satisfactorily since the inception of the college. The college council has proven that it is perfectly capable of running the affairs of the college and setting the terms and conditions of the employment of staff. Every professional educator that I have spoken to here and in New South Wales agrees that it is desirable for the college to retain its proper autonomy as an employer.

Mr ROBERTSON: The honourable member said that he wanted this college council to have the same advantages as other universities and CAEs in all of the states. Perhaps he could name those states that give the right to the council or board to set terms and conditions for their staff. I might educate the honourable gentleman because he is clearly floored by the question. The fact is that, in no state of the Commonwealth of Australia, do any CAEs or any universities have the right to set terms and conditions, including salaries, of their staff. The only exception is in New South Wales where it is set by the councils of the college and universities and approved by the Public Service Board of that state. It is not as if we are denying the community college anything that other organisations have.

The Darwin Community College was the creation of perhaps the most esteemed person who has ever stood in this place, Mr Justice Ward. Historically, it was a very valid attempt at wresting some sort of control in the field of education away from the Commonwealth. The philosophy behind the tremendous degree of autonomy that it had - and substantially I would like to see it preserved - was the wresting of it away from the Commonwealth. I am surprised that the Legislative Council of the day got away with it. It was quite a coup. I remember they pulled an even better coup in respect of the Museums and Art Galleries Board. They actually had the Museums and Art Galleries Board defined by law as not being an instrumentality of government at all. In other words, the government could not tell it to do a thing.

Those were the days when the Territory was doing battle with the Commonwealth. We are not talking about that any more. This is a government of the Northern Territory in the same manner as applies in the states. The Darwin Community College, I am proud to say, is a statutory authority of the Northern Territory government on behalf of the people. We are answerable as a government to the taxpayer and so is the college council. We are talking about expenditure and therefore the government owes a responsibility to the people to have its finger on that expenditure.

As regards salaries, no other officer anywhere in the entire range of government statutory authorities has the right that is being asked for by the opposition. If any organisations should have that right, business enterprises such as the Housing Commission and the Electricity Commission certainly should. It would be an absurdity for the Northern Territory to completely breach the standard pattern which has developed around Australia of either the Governor-in-Council or the Public Service Board - I would not impose that on them -

determining terms and conditions. The salary levels and terms and conditions necessary for the Darwin. Community College Council must be commensurate with attracting competent staff to maintain and develop the accreditations that that college has worked so hard to develop. Obviously, the terms and conditions have to be more than competitive and this government is very well aware of that. However, this government will not abdicate its responsibility under the Northern Territory (Self-Government) Act and the charter given to it at the polls of setting salaries and conditions for any statutory authority under its control.

Mr ISAACS: One question which the Minister for Education has not addressed his mind to is the question raised by the member for Arnhem relating to the fact that the current act provides that the Darwin Community College Council sets the terms and conditions for members of staff. Is it the case that the Darwin Community College Council, in the 5 or so years that it has been operating, has not operated effectively or has somehow abused its power in that regard? Has it set salaries and conditions too high or even too low? Quite clearly, it has been setting wages and conditions appropriately. It is all very well for the minister to talk about a coup but it has always been in the hands of the Legislative Assembly to have the legislation changed in any event.

The key to it all is that, currently, the community college operates under a situation where it is not subject to either the Public Service Commissioner or the government. The Administrator-in-Council is acting on the advice of 6 ministers. With the greatest respect to 6 members opposite and even to members of a prospective Labor Cabinet, none of us has the qualification to determine whether or not the salaries set are appropriate. Obviously, you have to rely on the advice, presumably, of the Public Service Commissioner. It seems to me that the college council has been operating effectively. It is bound by the same wage indexation guidelines as everybody else is. It seems to have set its terms and conditions effectively and suitably. It has attracted excellent staff to the college to lecture to the students in the Northern Territory. Perhaps the minister could climb down from his ladder a little to answer the question whether or not the college council has set the salaries appropriately.

There is one other matter that I would like to speak about and that is the salary of the principal. Currently, the principal's salary is set by the Remuneration Tribunal. Perhaps the minister might indicate who will set the salary and conditions of service for the principal of the college from 1 July this year.

Mr ROBERTSON: Let me say that I am not casting any disparaging comments whatsoever on the management of the Darwin Community College Council. You would find far broader changes to the act if the government had any concern about that organisation. I think that its performance has been outstanding and the mere fact that it has gained the accreditations it has is sufficient to gain the confidence of any government. We are talking about a philosophical matter. It is not a matter of condemning them for past deeds or misdeeds. We are now going into education as a self-governing exercise. It is quite different from wresting what little powers we possibly could over the years away from the Commonwealth. It is a philosophical approach.

The honourable Leader of the Opposition is quite right that the principal's salary has been set by the Remuneration Tribunal. There is a question before that tribunal pertaining to that salary at the moment. Since he is an employee of the college council, that position would be dealt with in the same manner as any other employee of the council. That will be one of the advisory functions of the Post-School Advisory Council to the Executive Council. Part of its task will be to make sure that we keep up with the Joneses in salaries, terms and conditions. Certainly, I am casting no arrows whatsoever at the manner in which

the Darwin Community College Council has conducted its salary structure.

Mr COLLINS: Like the government, the opposition is also talking about philosophy. One of the tiresome habits of the frontbench, in particular of the Minister for Mines and Energy and the Chief Minister, is attributing statements to the people that they do not make and then answering them. It is interesting to see that this same habit has spread to the Minister for Education. He said that I talked about the autonomy enjoyed by colleges of advanced education and universities all over Australia. I did nothing of the sort. I referred specifically to New South Wales and I went to some pains to make it clear just precisely what document I was quoting from: the working pary for the establishment of an education commission in New South Wales. As the minister quite correctly stated, colleges of advanced education and universities in New South Wales do enjoy this autonomy and I believe it has produced positive results.

The minister also quite incorrectly stated that he was proud to say that the Darwin Community College was a statutory authority. Of course, it is not yet a statutory authority. When he mentioned NSW as the only place that possessed this autonomy, he forgot the Darwin Community College itself. Before the passing of this legislation, the college certainly did possess this autonomy. As I have said, it used its autonomy in a very positive and beneficial manner. I do applaud the degree of autonomy that universities and colleges possess in New South Wales and I believe that the Darwin Community College Council has shown effectively that it can administer the college satisfactorily.

I do not particularly like having to do this but it does seem to be necessary to quote again from the findings of the working party of New South Wales on the current state of autonomy enjoyed by universities and colleges in New South Wales: "3.36. Colleges of advanced education in New South Wales possess considerable independence in employing staff, in deciding what research they will undertake, in determining the content of the courses they teach ...". Again, 3.42 states: "As with universities, independence in matters affecting staffing, teaching and research requires a proper system of internal accountability. In terms of the principles that have been discussed in relation to universities, we believe that colleges should also take steps to see that their methods of internal accountability are above reproach and are publicly seen to be so".

The philosophic approach that is adopted in New South Wales is that colleges of advanced education and universities should possess autonomy in the employment of staff and in the setting of wages and conditions providing that they publicly show that they are responsible. Should the college show that it is no longer capable of administering this responsibility in a proper manner, then the minister has at his disposal the power to amend legislation to overcome that problem. If, as the minister himself has admitted, the college has shown that it can carry out this responsibility without interference or oversight from government, why is this amendment necessary now? Why can't the wording of this particular clause be left as it was in the original act? I did not realise that it was the subject of a coup but I am pleased to hear it. Should the college, by some strange aberration after years of excellent management, suddenly show that it is not capable of responsibly performing this role, I am sure the minister will intervene. As I am sure this will never happen, particularly as the government has the means of appointing members of the council, I see no reason why the wording cannot be left as it is.

Mr ROBERTSON: I really don't know what to make of the honourable member for Arnhem. It must be a deliberate exercise to try to waste time. He has contradicted himself in that speech at least 3 times. Not only that, he contradicted what he said before. I wrote the words down and Hansard will prove that

I am right. We were debating the terms and conditions of the Darwin Community College Council and nothing else; we were not talking about courses. He said that the Darwin Community College should have the advantages shared by other CAEs and universities around Australia. I checked it and I was right about other universities and colleges not having that right of appointing their own staff, terms and conditions.

We come back to the brilliant book he has of the committee of inquiry into an education commission for the state of New South Wales. He tried to convince the committee that that backs up his argument. He tried to convince the committee that New South Wales has a system similar to the one that he is proposing for the Darwin Community College. His own words never even brought out his own argument. What he said was: "It is necessary that universities and colleges of advanced education possess considerable independence in respect of staff and courses". That is exactly what we are talking about: "considerable independence". It does not say that they have the same system that the Darwin Community College is proposed to have under the opposition's amendment. Then he went on to say that the philosphical approach "should be", not that it is. In other words, what the committee of inquiry in New South Wales has been doing is making recommendations to the government. It is not stating facts at all. It is there for the purpose of making recommendations to a government which itself has not yet adopted those recommendations.

Amendment negatived.

Clause 57 agreed to.

Clauses 58 to 60 agreed to.

Clause 61 negatived.

New clauses 61 to 61E:

Mr ROBERTSON: I move amendment 102.51.

This is consequential upon the submission made to us by a private organisation and that private school had the benefit of a legislative draftsman to assist it. It was originally the government's proposal to spell out in regulations the method of application for registration of private schools. It was quite validly drawn to our attention that there was no statutory right to register if they complied with all the provisions of the regulations. It was suggested that it would have more effect to provide a statutory right of registration under law.

New clauses 61 to 61E agreed to.

Clause 62:

Mr ROBERTSON: I move amendment 102.52.

This makes clear the difference between a school other than a government school and a registered non-government school.

Amendment agreed to.

Clause 62, as amended, agreed to.

Clause 63:

Mr ROBERTSON: I move amendment 102.53.

This is a similar amendment.

Amendment agreed to.

Clause 63, as amended, agreed to.

Clause 64:

Mr COLLINS: I move amendment 104.23.

This omits the whole of subclauses (1) and (2). The wording of the oppositions's proposal is precisely the same wording that is contained in the 1974 South Australian Education Act dealing with courses of instruction. We believe, for many reasons, that it is a much more desirable way of wording it. It is not quite as complicated, and the philosophical approach that is adopted in this wording is better. It determines that the secretary is responsible for the curriculum and also sets up 2 advisory curriculum boards, one for primary education and one for secondary education.

In the second-reading speech, I spoke about the problem the Territory has in relation to size. I said then that the Territory shares a similar problem with other states in quality. We have a small education service but that is no reason why we should not attempt to provide the best possible education to the users of that education service. Obviously, the government does not see any problem in setting up the necessary advisory councils and committees that are going to be essential for maintaining this quality. The opposition believes that a secondary curriculum board and a primary curriculum board would be very desirable things indeed. We are not suggesting that these boards should have the ability to determine what the curriculum is going to be. The wording itself makes it clear that they are advisory committees. The wording says: "advisory curriculum board for primary education, advisory curriculum board for secondary education and such other advisory committees as the minister may determine on the recommendation of the secretary". The boards would be in a position to advise the minister on curriculum for primary and secondary schools in the Northern Territory. I believe that a specialist board with responsibility for curricula is very desirable.

The other thing that the bill does, and I know that this will not come as any great surprise to the minister because representations have been made to him along these lines by the Northern Territory Teachers Federation, is emphasise examinations. The minister is aware that South Australia has examinations and the Northern Territory had them for many years from South Australia. The emphasis on examinations is removed from the wording of the bill. The impact is no less: "the secretary shall be responsible for the curriculum to the minister". I believe that the wording is clearer, more desirable, more flexible, more innovative, more forward-looking and it provides for the specialist attention of 2 advisory boards on curriculum alone .

Mr ROBERTSON: Mr Chairman, while I have found most of the suggestions put forward by the opposition very useful in terms of their clarity and precision, all of the arguments put forward by the honourable member in respect of his proposed amendment to clause 64 are self-defeating. There seems to be absolutely no reason in law why we should state the obvious. It merely says: "may set up curriculum advisory boards" and, by the provisions which already exist in the bill, the minister may do that anyway. As to the payment of salaries and

allowances, which is covered in 2 (a) of the proposed amendments, he may also do that by clause 20 (1). There would be absolutely nothing gained in accepting his amendment other than to further clutter up the legislation. The government will be opposing the amendment.

Mr COLLINS: Mr Chairman, the purpose of moving this amendment is to simplify the legislation. The opposition is moving this particular amendment to make the provisions for courses of instruction more concise. I believe the South Australian act does that. The Northern Territory's working party also thought that the South Australian act did that and recommended accordingly. They made a general recommendation that the whole of the Northern Territory's education legislation should be based as far as possible on the South Australian legislation for the purpose of keeping it concise. That is the reason for moving this particular amendment. The logic of the minister's arguments as to why curriculum boards should not be spelt out in the legislation escape me completely. The honourable minister himself has spoken many times in this house on the justification of government even placing political emphasis in legislation. We had the honourable Minister for Education telling us that it was perfectly legitimate to introduce a bill into this House which simply changed a reference to the Minister of the Northern Territory from clause B by shifting it to clause A. The Minister for Education told us on that occasion that it was a totally justifiable thing to put political emphasis in the legislation as to where the Northern Territory government thought the Northern Territory minister should be. It amazes me to hear the minister say "we do not need particular reference to curriculum advisory boards because, if we need them, we will set them up anyway". Why not apply that same sort of logic to all of the other advisory councils that are specifically provided for in the bill? As an explanation to the Minister for Education, we are moving this amendment because we believe that particular emphasis should be put on having specialist advisory boards on curricula included in the bill.

Mr ROBERTSON: Mr Chairman, that tirade is not really worth answering. It seems to me that if the honourable member loses a debate, he starts inventing and that is about the kindest word I can use within parliamentary language.

The committee divided:

Ayes 7	Noes 10
Mr Collins	Mr Ballantyne
Mr Doolan	Mr Dondas
Ms D'Rozario	Mr Harris
Mr Isaacs	Mr Oliver
Mrs Lawrie	Mrs Padgham-Purich
Mrs O'Neil	Mr Perron
Mr Perkins	Mr Robertson
	Mr Steele
	Mr Tuxworth
	Mr Vale.

Amendment negatived.

Mr ROBERTSON: I move amendment 102.54.

We would hate to interfere in such things as seminaries.

Amendment agreed to.

Mrs LAWRIE: I move amendment 105.3.

This is to insert in subsection (2), after "the secretary", the words "after seeking the advice of the Education Advisory Council". I deliberately did not seek to put these words in clause 64 (1). "The secretary is made responsible to the minister for curricula in accordance with which instructions provided in government schools ... and the standards of education". However, subclause 64 (2) says: "Without limiting the generality of subsection (1), the secretary may provide either generally or in relation to a particular educational institution" a whole range of things. It was with regard to clause 64 (2) that I received great response from both Nightcliff High School and Nightcliff Primary School. They felt that in these particular areas the community should give the advice to the minister. They therefore seek to allow the Education Advisory Council to have an input into clause 64 (2).

The honourable minister will be aware that I have a further amendment to 64 (2) (b) which depends on whether this amendment is accepted. I ask him to consider that the community wishes to be involved at this level through the Advisory Council.

Mr ROBERTSON: Mr Chairman, the government opposes the amendment. Whilst I can understand the rationale behind the honourable member's thinking, the fact is that both the advisory councils are ministerial advisory councils. There will be an awful mess if we allow the Education Advisory Council to advise the secretary because we will have to completely rewrite the whole thing. It would destroy the meaning of the advisory councils. In the areas of examinations and assessments that the honourable member is concerned about, the minister would automatically be seeking the advice of the advisory councils. The deed will be done, as it were, but I would hate to see this whole thing confused by adding the secretary to it. I can understand the attitude that gave rise to this request. The government cannot support the proposed amendment.

Mrs LAWRIE: Mr Chairman, I do not propose to put up a great case to fight for the adoption of this amendment because I accept the assurance of the minister that, in these most important areas, he will be seeking the advice of the Education Advisory Council anyway. The only problem is that ministers come and go whereas legislation goes on forever. If another minister was not so accommodating, we would then have to seek a change in the legislation to accord with the community's desire.

Amendment negatived.

Mr ROBERTSON: I move amendment 102.55.

Amendment agreed to.

Mrs LAWRIE: I move amendment 105.4.

This is to insert after subclause (2) (b) the following paragraph: (ba) "where a government school has a school council established under section 65, for the matters set out in paragraph (b) after consultation with the school council".

I must apologise to the honourable sponsor. I approached him earlier and said that I wanted a formal amendment to make it : "matters set out in paragraphs (a) and (b)". I can only say that,as the legislation is so complex, I misunderstood what I wished to do. I do not want it to refer to (a) as I am specifically referring to clause (b): "in the case of a government school, such curriculum guidelines and directions as to the content, method and evaluation

of teaching and learning as he considers appropriate". There was great concern expressed at school council level in regard to this. They all appreciated the need for core curricula to be set right throughout the Territory. That is catered for under clause 64 (1) (a). When we consider clause 64 (2) (b) "curriculum guidelines and directions", the school council felt most strongly that, above and beyond core curricula which unfortunately is not defined in the legislation, the school council should have a direct access to the secretary and the minister as to what other curricula should be allowed to be included in the school syllabus. There is no quarrel at all with core curricula. When school councils felt that they should have the right to indicate to the secretary and to the minister other extra subjects that they consider of prime importance to their particular school - and this will vary greatly from school to school and perhaps region to region - then all I would ask for is that, where a school council exists in a government school, they shall be consulted regarding school curricula. There is no suggestion that they will attack the principle of core curricula throughout the Territory. They do want to have a say in general curricula. I ask him to consider my amendment favourably.

Mr ROBERTSON: Mr Chairman, I have certainly considered this at quite some length. I hope I have given proper consideration to everything that has come across here today. The principle of school councils being able to provide input to curricula, even core curricula, is a very commendable one. However, the idea behind the brief mention of school councils in the legislation is to design, under regulation, a series of models for each individual school's need. I can assure the honourable member that the Nightcliff high and primary schools want to be involved in this sort of thing. I have said before that I invite those 2 school councils to make representations to me as to exactly how they think the school council should operate. If they want to be involved, then I will certainly do everything I can to involve them in it. It would be far better not to insist that all school councils have to accord. I have promised to school councils that they will have the functions they want and I will not impose. If we do it by imposition in the legislation, it will mean that they will have to consider them. I certainly undertake to favourably consider regulations allowing them to involve themselves in these fields, but I could not support the idea of inflicting it on every school council by statute.

Mrs LAWRIE: Mr Chairman, I have to take the minister's point because he has the numbers, but the question is only one of consultation. If a school council decides that it does not wish to make any recommendations, then it is not incumbent upon it to do so. I am sure that not all the intelligent people live in Nightcliff but Nightcliff High School has had a curriculum subcommittee operating at school council level for years. Nightcliff Primary School now has the same subcommittee of the school council which specifically advises on curricula. If it is to be done by regulation, I know both of those schools will make an immediate approach to the minister. There would be many urban schools which have already taken this step and wish it now to be validated by the legislation. We are only asking for consultation which is all a school body can ask for. I do not see it as imposing a burden or a necessity upon any school council which does not want it. However, I acknowledge the fact that the minister has given a public undertaking in this House that those schools which will grasp the nettle will have the opportunity to do so by way of regulation.

Amendment negatived.

Mr ROBERTSON: I move amendment 102.56.

This is to amend a provision that not only raised the ire of teachers, but a number of parents as well.

Clause 64, as amended, agreed to.

Clause 65:

Mrs LAWRIE: I move amendment 105.5.

This is to add the following subclause to clause 65: "In exercising his discretion under subsection (1), the minister shall have regard to a request to establish the council from a member of the community served by the institution". Honourable members will be aware that we are now dealing with the minister's prerogative to facilitate the establishment of a council of any government educational institution. That has both my support and wide community support. What is thought to be placed in the legislation is a compulsion upon a minister - and of course we are not talking about the present minister - to at least consider a request for the establishment of a school council. In my second-reading speech, I drew an analogy between this and the Aboriginal Land Rights Act which states that, where members of a community express their desire for a separate council to the minister, the minister must consider that request - he does not have to agree to it; nor does the minister in this case. One cannot compel him to agree, but I do seek to compel any minister to consider a request for the establishment of a school council when such a request comes from the community.

If the honourable minister feels that the wording "a member of the community" is a little too broad, I would agree to a formal amendment making it "members of the community". It is only a fine point, but only by the inclusion of this clause will there be a way of ensuring that any future minister shall have regard to community desire for the establishment of a school council.

Mr ROBERTSON: I do not know why people keep citing federal acts. It would also be consistent with the Community Government Act: "In exercising his discretion under subsection (1), the minister shall have regard to the wish of members of the community served by the institution". That is exactly what the minister would do anyway and I think it gives weight to the community's rights. It seems to me that, if you do spell it out, people can at least identify their rights.

I move an amendment to the amendment. This removes after the word "to" (first occurring) the words "a request to establish the council from a member" and inserts in their stead the words "the wish of members". It would then read: "In exercising his discretion under subsection (1), the minister shall have regard to the wish of members of the community served by the institution".

Mrs LAWRIE: That is not exactly what was requested of me by the people with whom I spoke. What they particularly wanted was the ability to request to the minister that a council be established and for the initial request to come from members of the community. They wanted him to have to consider the request. My amendment would be: "In exercising his discretion in subsection (1), the minister shall have regard to a request to establish the council from members of the community served by the institution". That is the point I am trying to make. They want to have the ability to request the minister to establish a school council and, if they so request, he shall have regard to their request and, whether or not he agrees to it, he shall consider it.

Mr ROBERTSON: I seek leave of the committee to withdraw my amendment to the amendment.

Leave granted.

Amendment agreed to.

Clause 65, as amended, agreed to.

Clauses 66 and 67 agreed to.

Clause 68:

Mr ROBERTSON: I move amendment 102.57.

This relates to parental right to obtain, wherever practicable, courses in religious instruction. I spent some time with the Director of Catholic Education and, indeed, I was with My Lord the Bishop all the way to Alice Springs in a Fokker Friendship. It appeared to him that there are some difficulties with the present provisions. The wording of the amendment is in response to representations made at a public meeting in Alice Springs. I do not think everyone will be happy with the opposition's or the government's amendments but it is impossible, in this context, to please everyone. However, the government does believe that the wording it proposes is better than that proposed by the opposition.

Mr COLLINS: I move the amendment be amended by deleting all words after "subclause (2)" and inserting the following words: "Where a parent requests in writing that a child of his/hers in attendance at a government school receive religious instruction from a minister of religion nominated by the parent, the secretary shall, where he considers it practicable to let the minister of religion or a person authorised by the minister of religion, give the child religious instruction for not less than half an hour in every week when instruction is provided at the school on such days and at such times as the secretary determines".

We have already passed 68 (1) whereby the secretary may make regular provision for religious instruction to be given. I think it would be better to retain subclause (2) which deals with withdrawal of a child and add one of the amendments - both of which appear to me to be pretty well the same - as subclause (3). I do not think subclause (2) should be withdrawn.

Amendment to the amendment negatived.

Amendment agreed to.

Clause 68, as amended, agreed to.

Clauses 69 and 70 agreed to.

Clause 71:

Mr ROBERTSON: I move amendment 102.58.

This is quite obviously for clarification.

Amendment agreed to.

See Minutes for uncirculated amendment to clause 71 agreed to without debate.

Mr ROBERTSON: I move amendment 102.59.

This is designed to give non-government schools time to register if they so wish.

Mr COLLINS: In speaking in support of this amendment, I would like to say that the opposition wants to record its appreciation of the cooperation of the government in affording to us the services of a draftsman who prepared the

opposition amendments. It made the work of the House a lot easier. I thank the draftsman for his very professional assistance and I thank the minister for the provision of the draftsman.

Amendment agreed to.

Clause 71, as amended, agreed to.

Schedules 1 and 2 agreed to.

Title agreed to.

Bill reported.

In Assembly:

Mrs LAWRIE: I wish to record my appreciation of the services of the draftsman. I wish to point out to the Minister for Education that he intended to recommit the bill for further consideration of clause 16.

Mr ROBERTSON: Mr Speaker, I move that the bill be recommitted for further consideration of clause 16.

Motion agreed to.

In committee:

Clause 16 - on recommittal:

Mr ROBERTSON: I move that the word "may" in subclause (1) be deleted and the word "shall" substituted.

Amendment agreed to.

Clause 16, as amended, agreed to.

Bill reported; report adopted.

Bill read a third time.

PAYROLL TAX BILL
(Serial 288)

Continued from 29 May 1979.

In committee:

Clause 11:

Mr PERRON: I move amendment 87.3.

Section 173 provides for members of the group to nominate which members shall be entitled to any or all of the general exemptions and the amount which may be deducted in monthly returns. Honourable members will recall that this is about grouping provisions within the payroll tax bill. The new words make it clear that the single nominated deduction allowed on behalf of the group for the period concerned is not to exceed the maximum calculated according to the new section 8 (1).

Amendment agreed to.

Mr PERRON: I move amendment 87.4.

The explanation is the same as for the previous amendment. As the prescribed amount is now defined in section 8 (1), it is necessary to make this clear in this subclause.

Amendment agreed to.

Mr PERRON: I move amendment 87.5.

This is a drafting amendment.

Amendment agreed to.

Clause 11, as amended, agreed to.

Clauses 12 to 14 agreed to.

Clause 15:

Mr PERRON: I move amendment 87.6.

These 2 new subsclauses render certain the application of the act as now amended to all wages paid after 1 July 1979 while preserving the existing provisions in respect of all wages paid up to that date.

Amendment agreed to.

Clause 15, as amended, agreed to.

Bill passed remaining stage without debate.

ARALUEN ARTS AND CULTURAL TRUST BILL
(Serial 256)

Continued from 6 March 1979.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I welcome the introduction of this bill as it marks an important step towards the establishment in Alice Springs of a centre to encourage and facilitate artistic, cultural and performing arts activities. I would like to congratulate the people in Alice Springs who have worked so hard towards this goal. The passage of this bill heralds the construction of a centre in Alice Springs and makes provision for the establishment of a trust to manage that centre. The people who have been actively working towards this goal are to be congratulated. It is to be hoped that we will not have to wait much longer before we take some further steps towards the establishment of a performing-arts centre in Darwin. Buildings are not all that are required to facilitate cultural activities. People are much more important. Through my involvement with the Northern Territory Arts Council I know of the work done, particularly in the smaller centres outside of Darwin. It is impossible to provide staff in these small centres and the work is nearly all voluntary. People involved in areas such as theatre, music, craft and folklore are to be congratulated.

I have one reservation with the bill and I confess that I have not seen the aims and objects of the Araluen Foundation for Arts and Cultural Conservation Incorporated. I would suspect that its aims and objects have been absorbed by the objects and powers of this trust as described in clause 18. I wonder

whether it is necessary for that foundation to continue in operation after the Araluen Arts and Cultural Trust is established. Obviously, it will have one role and that will be to provide 4 - in fact the majority - of these new trustees. I have spoken to people in Alice Springs who are involved in this area and they seem quite happy, but I would point out to the Assembly that it is contrary to the principle that we all accepted a short while ago in legislation relating to the Darwin Community College in which we passed amendments ensuring that the members of that college council should all be appointed directly by the Administrator. In this case, the trust will have 4 of its 7 members nominated by the Araluen Foundation. Without having seen the aims of the foundation, I wonder what the foundation is going to do, apart from providing those 4 members, once the trust is established. I bring this to the acting minister's attention. I am not going to oppose it vigorously because people in Alice Springs seem to be happy with it, but it is contrary to the policy which this Assembly just established in relation to the community college - a much more important organisation. The minister will have to be most careful to see that the Araluen Foundation for Arts and Cultural Conservation continues to represent all the people involved in artistic endeavours in Alice Springs so that the majority of the members of the trust will be representative of the people of Alice Springs involved in this area.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I rise to support the bill. I welcome the establishment of the foundation and the trust in Alice Springs to oversee the proposed Araluen complex.

In Alice Springs I have often heard the comment that Alice Springs is not just a desert, but it is also a cultural desert in that it provides little opportunity for people to partake of cultural activities. While I would agree that there may be a lack of opportunity so far as buildings are concerned in Alice Springs, I am firmly of the belief that Alice Springs is not a cultural desert by any means. It does have a great deal to offer its own community so far as cultural activities go.

Recently, I had the honour and the pleasure to open an art show at the gardener's cottage at the old Araluen homestead. This art show displayed the works of a Miss Julie Eastern, a young lady who has lived there for some time and who undoubtedly has a lot of talent. I asked her what prompted her to put on the art show. She replied, "Well, Roger Vale talked me into it. I wasn't very keen on it because there is nowhere in Alice Springs to put on a show of this nature. When you put it on out in the open, it is very risky because you have only got to have a spot of bad weather and a lot of damage can be done to your work. Really, the old gardener's cottage is too small for an art exhibition but it doesn't matter because it's going to go anyway". That rather interested me because I have known of the gardener's cottage for some time and I said to the young lady, "Where is it going to go?" She said, "They are going to push it over when they develop the new complex".

I was quite surprised and dismayed at the suggestion that the gardener's cottage would be pushed down as a part of the redevelopment of the project. It should be preserved and kept as a part of the heritage of the old Araluen homestead. This new project, which I think will make a great contribution towards the cultural activities of the people of Alice Springs, should be built around the existing buildings and infrastructure.

I support the bill because I think it is a great innovation for the centre.

Mr OLIVER (Alice Springs): Mr Speaker, I too rise to speak about the Araluen Arts and Cultural Trust Bill. This bill represents the culmination of several years of work by dedicated groups of people. It is a

success story. It is the story of the success of a group of far-thinking people against the then officials of the day. As the honourable sponsor of the bill said in his second-reading speech, the original town plan was to turn the Araluen site into a residential area. I was in the Lands Branch at the time and I recall the long and hard struggle that the foundation people had before the town plan was changed. The fact that they succeeded is indeed a credit to them.

One could ask what is the importance of the Araluen site and why is it the preferred site. Briefly, Araluen is the homestead that was once owned by Mr Eddie Connellan who founded Connellan Airways that we know now as Connair. In the late 1930s, it was the site of a great pioneering saga and I think we have to accept that. There are many stories and legends that emanate from that era. It was also the administrative area of the old town site aerodrome. This has now been built on and largely forgotten. There are many residents in the Gillen area who still do not realise that they are residing on what was once an historic landing place. There are several agricultural leases adjacent to Araluen that were also owned by Mr Connellan and it is largely on these areas that the complex is going to be sited.

Historically, this is the preferred site and this was borne out recently by the opening of the Central Australia Aviation Museum. This is housed in one of the original Connair hangars and that museum is another story illustrating the results of the hard work and dedication by another group of people. These are not 2 isolated cases of community effort. Over the years, throughout the Northern Territory, there have been many such instances of people getting together to achieve a common goal, be it a swimming pool, race-track, guide hall, showground or whatever. In many cases, a government grant was forthcoming to provide financial assistance, but people had to get together first to prove that they could do something. This community spirit and this willingness to cooperate and participate is a wonderful characteristic of the people of the Northern Territory and I hope that we never lose it. Now that we have our own government, that government is now much closer to the people and much closer to the action. This bill is an example of how this government is willing to help those who are willing to help themselves to achieve a common, worthwhile goal.

Turning to the bill itself, I have little comment to make. I believe it is a good, workable bill and should be most effective in its operation. Under the bill, particularly clause 18, the Araluen Arts and Cultural Trust has been entrusted with a great responsibility and that is to encourage and facilitate the artistic, cultural and performing arts activities throughout the Alice Springs region. The bill is sufficiently broad to enable the trust to do just that.

Clause 19 of the bill is most necessary. With the art centre that is envisaged, it would be impossible for the trust to operate successfully without staff, be it caretaker, maintenance or clerical staff. The bill enables the trust to operate with a large degree of flexibility and, if the trust is going to execute the responsibility successfully, restraints other than a normal safeguard should not be, and thankfully are not, considered in the bill. I support the bill.

Mr VALE (Stuart): Mr Speaker, I would like also to speak in support of this legislation. Alice Springs has for many years benefited from cultural and artistic talent and activity. It has benefited from the tremendous depth of cultural talent amongst its people, but suffered because, in many cases, inadequate facilities have inhibited full development of the wide range of cultural and artistic talent available. The development of the Araluen facility will go a long way towards removing that barrier.

Briefly, there are several points I would like to mention. The Alice Springs theatre group will obviously have a close and personal interest in the development, construction and use of the facility. For many years up until her death, Mrs Mona Greatorex was one of the strongest supporters and members of the theatre group. Mrs Greatorex was the wife of a former Legislative Council member and president, Tony Greatorex. At the time of her death, consideration was given to building and naming a theatre after her. I believe that it would be a fitting tribute to Mona Greatorex if her early work could in some way be recorded at Araluen.

The gardener's cottage at Araluen is presently occupied and used by the Central Australian Folk Society and should be retained and incorporated into the total complex development. I am aware that the Minister for Education, in whose electorate the facility will be established, has already made public comment in support of this. Likewise, the Minister for Health, when he recently opened an art exhibition on the lawns in front of the cottage, supported the retention of the cottage in conjunction with total facility development. It might accurately be said that this art exhibition has created history by being held on that site well before this legislation was passed or the Araluen complex constructed.

In conclusion, I would like to compliment the foundation members of the Araluen Foundation, including the member for Gillen, and all members of the various art and cultural groups in Alice Springs who waited so patiently for a facility such as the one proposed in the legislation.

Mr DONDAS (Community Development): Mr Speaker, I thank honourable members for their support of this bill. The honourable member for Fannie Bay expressed concern about the actual members of the foundation. The organisations that are members of the foundation are the Central Australian Folk Society, the Central Australian Aviation Society, the Central Australian Gem and Mineral Club, the Central Australian Craft Association, the Alice Springs Art Foundation, the Alice Springs Film Society, the Alice Springs Theatre Group, the Alice Springs Musical Society, the Society for Growing Australian Plants, the National Trust and the Quota Club. It is quite noticeable that the foundation appears to enjoy support from a cross-section of the community.

The other fear that was brought to the attention of the House related to the foundation actually dissolving. If that did happen, the minister would have to appoint 5 of the trustees. The president of the foundation has advised the department that it will be playing a supportive role for the new foundation. Further, the objects of their organisation - I will provide them for the honourable member - will be amended to comply with the legislation that is being introduced now. I thank all honourable members for their support.

Motion agreed to; bill read a second time.

In committee:

Mr CHAIRMAN: The question is that the bill be taken as a whole.

Mr ROBERTSON: I should perhaps have waited for the third reading. It is a source of tremendous gratification to have been party to the Araluen proposal. The honourable member for Fannie Bay's queries had occurred to all of us. It is essential to remember that the 4 nominees of the foundation to the trust will be elected by the foundation. The other thing is that there is a very long history in Alice Springs of those groups named by the Acting Minister for Community Development. I see no difficulty in the provisions of the various clauses being maintained for a very long time. I think that the Alice Springs Theatre Group is

a good example of that. Until last year, it was the only organisation that I knew of in the performing arts or any other form of cultural activity in the Northern Territory that has never put its hand out to government for a single nickel. When you have a group as stable as that and as self-sufficient as that, it does augur well for the future of the Araluen Foundation.

Bill taken as a whole and agreed to.

Bill reported; report adopted.

Bill read a third time.

ADJOURNMENT

Mr STEELE (Transport and Works): Mr Speaker, I move that the Assembly do now adjourn.

I would like to take the opportunity to reply to a couple of questions asked of me this morning. The member for Fannie Bay asked a question relating to the dumping of material behind Richardson Park. I found out that the material has been dumped quite legally and with departmental blessing behind Richardson Park. It is fill from the Arafura site which is presently being cleaned up. I do not think there is any problem with it unless the honourable member can raise any further objections to it.

The other question is directed to the Minister for Health concerning the Meneling Abattoirs. The report I have is that the abattoirs had been closed down under one of the pieces of legislation in my control. It was closed down for minor works and has since been reopened.

Mr HARRIS (Port Darwin): Mr Speaker, this morning I made a statement to the House about the public hearings of the Advisory Council on Intergovernmental Relations. I would like to apologise to the opposition for not having been able to circulate the statement. It was important that I presented it at this sittings because the hearings are to be held in August.

At the first meeting that I attended on behalf of the Chief Minister on February 22, I was handed a schedule which detailed where and when public hearings would be held on local government prospects for the future. I was surprised to see that they had listed the Northern Territory for hearings to be held in Port Augusta or Port Pirie. I indicated that, if hearings at which Northern Territory representatives were to give evidence were to be held outside the Northern Territory, there would be severe limitations placed on the number of witnesses who would be able to give evidence. I went on to say that I felt that perhaps it would be limited to government personnel. Other interested groups may not have been able to attend because of the financial burden placed on them, particularly Aboriginal interest groups. Under these circumstances, the evidence given would be incomplete.

During March, the Chief Administrative Officer, Mr Andrew Smith, came to Darwin. I was able to arrange for him to meet various members of the government departments and also the Mayor of Darwin. It was made quite clear then that any hearings that were to deal with the Northern Territory should be held in the Northern Territory and not in some other state of Australia.

At the last Advisory Council on Intergovernmental Relations meeting, which I attended in Brisbane on the Friday before this sittings, I put forward a proposal that the next council meeting scheduled for Friday 10 August be held in Darwin in conjunction with hearings for the local government inquiry. The

decision was not unanimous but I was successful in convincing them to hold both the council meeting and the hearings in the Northern Territory. Perhaps the council was looking to a financial contribution. As members would be aware, at this stage, the Northern Territory does not contribute financially to the operations of the advisory council. The other states, as well as the Australian Council of Local Government Associations, all contribute. There is no set formula for arriving at the rate of contribution but, on gaining full status, the Northern Territory will definitely be required to pay something. Perhaps the weather up here in August may have been the swinging point.

We must make sure that we contribute to the material already gained by the council. We are not dealing with an established local government. The local government in the Northern Territory can, and hopefully will, benefit from all the other states. We should be able to have an input into the system and also receive benefits. Large areas in the Northern Territory are still to be given the opportunity to participate in government and the climate is ripe for such a fresh approach at this time.

In conclusion, I would again like to apologise to the opposition for not having circulated the statement. I hope all members of this Assembly will help make these hearings a success and I hope that all members will welcome the members of the Advisory Council on Intergovernmental Relations when they come to the Northern Territory.

Mr COLLINS (Arnhem): Mr Speaker, on a previous occasion, I spoke of the shooting of 1800 buffalo at Murgenella - 1200 buffalo in the first shoot and 600 in the second shoot. When I made that statement to the House, I had in my possession the full facts and, had I wished to, I could have named the personalities involved in that operation. I could have named who had negotiated or not negotiated with Aboriginal people or I could have named who had supervised and controlled the shoot. I scrupulously avoided doing that.

Unfortunately, when the Chief Minister replied to what I said, he did in fact name a person as is his wont. Unfortunately, this person has now been forced into making a press release. Knowing the man personally, I am quite sure it was a very painful thing for him to do. I do not imagine that he has ever done it in his life before. I have a copy of it here. I do not know if it is, in fact, in the press; I hope it is. To keep the record straight, I wish to read it:

> *The Northern Territory News of 25 May 1979 carries a report of an exchange in the House of Assembly between the Chief Minister, Mr Everingham, and the MLA for Arnhem, Mr Bob Collins. Mr Everingham is reported to have said in reply to a question from Mr Collins that permission had been given by myself for the Territory Parks and Wildlife Service to carry out a buffalo extermination program in the Murgenella area. If this report is correct, then this statement needs to be clarified.*
>
> *About one month ago, I was contacted by an officer of the Territory Parks and Wildlife Service by telephone who advised that the service proposed to commence a buffalo shooting program "in a couple of days". I asked the officer whether he was aware that Aborigines at Croker Island were interested in a commercial buffalo shooting operation in this area. He stated that the program involved only "a few small pockets" where "a lot of damage was being done". He inferred that commercial opportunities would not be affected by the program. I also inquired whether traditional owners of the area had been properly consulted and was told they had been consulted and had given their consent. As the purpose of the telephone call was to inform me that the program would be commencing, no question of consent by the Northern Land Council was raised by the Northern Territory Parks and Wildlife Service officer or myself.*

I wish to make clear that nothing in that conversation indicated that as many as "1800 buffalo", as quoted by Mr Collins, were to be shot. I reiterate that, as far as my recollection of the telephone conversation is concerned, permission for the extermination program was neither sought nor given. Signed, Gavin O'Brien, Senior Field Officer, Northern Land Council.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, this afternoon, I would like to speak about something which has been spoken about many times in this House and has also been vehemently discussed by the Chief Minister and others. I am discussing this matter as it has affected me for a long time and it affects everyone else who is a Western Australian living in the Northern Territory and everyone who travels from Darwin to Perth. I am referring to the air services between Perth and Darwin. I am not commenting on the individual officers of MMA who, until recently, were the only people we dealt with. Lately, it has been with TAA officers as well. These people do their utmost, in terms of their employment, to try to make the travel of the general public less rigorous and as agreeable as possible.

For years, we travelled at the whim of the airline companies as regards the time of day or night we left Darwin and arrived in Perth or vice versa. It always seemed that we were leaving one end about 1 in the morning. This time is rather late to stay up and travel and far too early to get up for the day. If a plane leaves at 1 am, the people seeing off the travellers do not get to bed until about 2 am or later.

I have travelled many times to Perth and the trip that is to be avoided at all costs at night - and unfortunately this seems to be the one that we are forced to go on - is the milk run. This is the one that seems to be going up and down all night once you get on it. However, this is bad enough for an adult, but for an adult with children it is figurative murder. I do not know whether it is supposed to be for the convenience of businessmen who work one day, travel at night and work the next day, but I do not think they would be worth much the next day for business or anything else. It has been said that our flight departures and arrivals must fit in with intra-Territory flights. I believe that our capital city flights should take precedence over any smaller centre flights, having regard to the enormous difference in population and the number of people who travel and leave Darwin at more reasonable times.

Now we come to the meals and I am talking about a first-class flight. These were first-class fares that one was forced to take on Fellowships and Friendships if one wanted to travel at that time. People have been paying first-class fares on all flights to Western Australia until TAA agitated to bring DC9s onto this run. This meant that there were second-class fares. For about 15 years or more, I have been actively writing letters to MMA officers regarding their second-class boarding house meals offered on their first-class flights but to no avail. I will not mention the seat sizes in the planes and I am not rather large around the rear. It is only necessary to make a comparison between the meals on the Darwin-Perth run and the Adelaide-Perth run for first-class passengers. When I travelled from Perth to Darwin a couple of weeks ago, what was offered to me for breakfast was about what I would offer to my dogs and it did not look much better.

Finally, I would welcome some real competition on this particular run and I look forward to the day when this competition, coupled with a rationalisation of the whole exercise, takes place.

Mrs O'NEIL (Fannie Bay): It seems to be the afternoon to talk about planes. I want to talk about the Aviation Historical Society. Most people will be aware that an area in Fannie Bay was the Darwin aerodrome before the war and was continued to be used during the war. It is something which the residents are

quite proud of and interested in. There are a number of memorials in the area which record the more historic flights that landed at that place. The 4 houses of the school are named after members of the Ross Smith and Keith Smith party which landed in 1919: Bennett, Smith, Hudson and Shiers. In fact, in the school badge, they also have a representation of that plane. The neighbourhood is quite interested in and proud of the fact that Ross Smith Avenue was the first airstrip. The memorials are there. In fact, the crescents such as Georges Crescent were revetments during the war.

As a sort of memorial to those days, DCA have a workshop in the area. It is in a pre-war hangar which I am told by experts is quite an interesting building and worth preserving. The area in which it is situated is most unsuitable for a workshop because it is a residential area. However, the Aviation Historical Society, which is a very active and worthwhile organisation, would very much like to have access to that hangar in the future so that it could be preserved as a memorial to those days and be used as an aviation museum. It has a large area inside and therefore is most suitable for preserving fuselages of aircraft and also it has an external grassed area which would be most appropriate for outside displays. I think this is a very worthwhile idea. I think the community in Fannie Bay would support it very much as it is aware of the history of the area. I hope that the Northern Territory government will do what it can to encourage the federal department to move out of that hangar, which they are using as a workshop in a residential area, and to re-establish themselves at the Darwin Airport which is the more appropriate place for them. The hangar could then be handed over, preserved historically and hopefully used as an aviation museum.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

REMUNERATION TRIBUNAL REVIEW 1979

Mr EVERINGHAM (Chief Minister): I table the report the the Remuneration Tribunal on the NT Legislative Assembly and I move that it be noted.

Pursuant to the Legislative Assembly Remuneration Allowances and Entitlements Act 1978, the Assembly appointed the Commonwealth Remuneration Tribunal to be the arbiter of the salaries, entitlements and allowances of Northern Territory parliamentarians. Recently, the tribunal held hearings in the Northern Territory to gauge the worth of the salaries and allowances presently being paid to members of this Assembly.

I would refer honourable members to paragraph 12 of the statement attached to the report where the tribunal remarks: "Difficult though it is to apply the same criteria in the parliamentary area as are applied in other areas, we are satisfied that there has been an increase in work value which is a ground for wage increase under the indexation guidelines. The Northern Territory (Self-Government) Act 1978 has had a considerable impact on the Assembly and on the level of responsibility carried by its members. This act also established, for the first time, ministerial responsibility and control of the government's own finances". In paragraph 14, the tribunal remarks: "Over the period since wage indexation began, the range of salary increases for members of state parliaments has varied between 29.2% and 77.3%. We see little sense in applying a formula approach in such circumstances".

The Remuneration Tribunal has determined that the salaries of members of the Legislative Assembly should be $21,000 per annum. It has determined that each honourable member should be entitled to the services of a full-time secretarial assistant or stenographer. It has approved the application for the recognition of the position of Deputy Leader of the Opposition and has granted him a special addition to his salary of $3,000 per annum. It is recognised that the opposition Whip and the government Whip have the same status and responsibility and the salaries of ministers and the Leader of the Opposition will, in future, amount to about $32,000 per annum. The salary of the Deputy Chief Minister will be about $37,000 per annum and the salary of the Chief Minister will be about $42,000 per annum.

Debate adjourned.

ENVIRONMENTAL SURVEY OF ABORIGINAL COMMUNITIES

Mr TUXWORTH (Health): Mr Speaker, I present a report entitled "An Environmental Survey of Aboriginal Communities in the Northern Territory 1977/78" conducted by the Northern Territory Department of Health. I move that the report be noted.

The Health Department has made several initiatives in the field of Aboriginal health which have led the way in Australia, not the least of which was the Aboriginal health-worker training program. Moreover, the Northern Territory is frequently the only area in Australia with reliable figures on such items as Aboriginal health and Aboriginal infant mortality rates. I point out that most states have no figures at all. Unfortunately, this situation has often led to the southern media publishing Northern Territory based data with pious horror, not realising that the Northern Territory figure is likely to be better than the figures applying in their own states. I am afraid that, more than likely, such will again be the case with this publication. Let Australia take note that the environmental conditions carefully measured and described in this book are also, in most cases, a fair description of conditions in similar communities in Australia as a whole.

In the rural areas of the Northern Territory, we have a far-flung health service which is fully integrated with our hospital system by way of the aerial medical service. This system of service is making continuous inroads into the health problems of the Northern Territory. Last year, our Aboriginal infant mortality rate fell below 50 deaths per 1,000 live births for the first time on record. The rest of our community has a figure which is lower than for Australia as a whole and indeed is one of the lowest in the world: 9.7 deaths per 1,000 live births.

Since assuming governmental responsibility in the Territory on 1 July last year - this government did not assume responsibility for health function until the beginning of this year - we have instituted a survey of all remote communities in the Northern Territory with a view to indentifying positively their needs in relation to the creation of a suitable environment in which to live. Upon completion of this survey, we will formulate a 5-year plan to achieve a situation where each community will have adequate supplies of water and electricity and will be provided with an efficient sewage disposal mechanism and the other adjuncts of life which we in the urban centres consider to be our normal right and entitlement.

As honourable members on both sides of this House are aware, the Northern Territory has suffered greatly under the yoke of the Commonwealth for many decades. Nowhere is evidence of the Commonwealth misrule more striking than in this report. It is a callous indictment of Canberra control in the Northern Territory. However, there is a positive side. We should not lose sight of the fact that we have in this report what social scientists would call a base-line study. Very simply, Mr Speaker, I would call it a stock-take. In this publication, we have identified the environmental problems which must be overcome to bring Aboriginal health into line with the rest of the society and community in which we live. The Northern Territory government intends that the not inconsiderable effort put into its publication will be handsomely repaid in terms of additional health benefits and improved living conditions for our fellow citizens in the Northern Territory.

I conclude by saying that I believe this book is an inventory of the state of communities throughout the Northern Territory. I look forward to the debate that will follow this report in a few months time.

Debate adjourned.

FORESTRY PROGRAM REPORT

Mr EVERINGHAM (Chief Minister): Mr Speaker, I table a report on the forestry program of the Top End of the Northern Territory and adjacent islands. I move that the report be noted.

Honourable members will recall a question asked of me last week by the honourable member for Arnhem relating to forestry. At that stage, I undertook to dig out this report and to table it in the Assembly. The report was prepared at the request of the then Minister for the Northern Territory, Mr Evan Adermann in July 1978. I think it was commissioned in about March or April 1978 following the report of the House of Representatives Standing Committee on Public Accounts on forestry in the Northern Territory. Honourable members will no doubt recall that report and the associated publicity and public comment on its finding.

This report by senior Queensland foresters is an objective document that offers a practical appraisal of conditions within the Northern Territory and, most important of all, it offers policy proposals. Unlike its predecessor, it is concerned primarily with a technical evaluation of the softwood-planting

program. The investigation team visited the Territory from 19 to 24 June 1978 and held detailed discussions with officers of the forestry branch in the northern regional stations of the CSIRO's division of forest research. Field inspections were undertaken and the team assessed a considerable volume of written information that was made available.

The report itemises the history of forestry programs in the Territory and 9 major recommendations were put forward by the team. In addition, a technical evaluation of the softwood-planting program has been provided.

Of equal significance is the report's recommendations that there should be continued research and work in the immediate future and this should concentrate on 4 specific areas: caribbean pine plantations, cypress pine plantations, native cypress forests and tropical eucalypt forests. Outside specialist advice should be sought in the planning of some of these projects, particularly from Queensland, to keep abreast of current techniques and findings. The comments on expenditure are related to the softwood-planting program and based on calculations utilising Queensland standards for comparison in measures of efficiency. Because the cost-benefit analysis undertaken by the forestry branch in 1973 was criticised on grounds of methodological deficiencies, it was recommended that more modern methods be utilised.

One of the recommendations, as I recall it without looking at the report, is that we continue planting at least 185 hectares of pinus caribbea per annum. All we have planted since I have been in charge of the forestry unit is 60 acres or so between Milikapiti and Pikataramor on Melville Island. We have not lived up to the recommendations of that report. I am anxious to hasten slowly in the forestry area and I believe that you can tell as much from 60 acres of pinus caribbea as you can from 180 hectares. I think we should evaluate the performance of pinus caribbea before we embark on too much more large-scale planting.

Debate adjourned.

ELEVENTH AND TWELFTH REPORTS OF THE SUBORDINATE LEGISLATION AND TABLED PAPERS COMMITTEE

Mr OLIVER (Alice Springs): Mr Speaker, I move that the report be noted.

We had little criticism to make concerning report 11 although papers 134, 138 and 139 did warrant some attention. Turning to report 12, I wish to say a few words in respect of the electricity bylaws which came before the committee on that particular paper. The committee had a great deal of difficulty in determining whether certain bylaws were legal in the sense that the law-making power was insufficient and therefore unable to stand as a base for the bylaws themselves. I emphasise at the outset that this is not to say that the committee as a whole disagreed with the substance of the bylaws or what they meant to achieve. In this particular instance, the function of the committee was to determine whether there was sufficient power in the act to make the bylaws which purport to cover certain fields. The committee took some time to deliberate on this issue and individual members, as well as the committee as a whole, sought legal advice. The committee finally resolved to disallow bylaws 6, 7, 11, 12, 13, 14, 21, 22, 25, 26, 27 and 30.

I will briefly explain the reason behind the committee's thinking in respect of each bylaw. By way of explanation, the bylaw-making power is set out in section 36 of the Electricity Commission Act. Bylaw 6 provides that the commission cannot be compelled to supply or continue to supply electricity. The committee does not agree with this and queries whether the bylaw-making power in section 26 is a sufficient base for such a bylaw.

Bylaw 7 provides that the commission is not liable for damages for not supplying electricity in the failure of the supply from unavoidable cause or accident. Subclause (2) provides that the commission is not liable for damages for supplying electricity for an irregular or fluctuating voltage. The committee is not satisfied that the regulation-making power of this act is sufficiently wide to stop this bylaw from being ultra vires.

Bylaw 11 requires a person, before receiving a supply of electricity, to lodge a deposit as security for payment of charges and a security for the proper care and custody of Elcom's apparatus. Paragraph 2 requires the lodging of a further deposit where the commission requires it. This is not an objectionable requirement but it is not properly supported by a particular bylaw-making power in the act.

Bylaw 12 gives the commission an absolute discretion to refund all or a portion of the deposit lodged with it. This not only raises an ultra vires question but also seems objectionable per se to the committee. In the committee's view, there should be set out in the bylaw exactly which matters the commission will take into account in the exercising of discretion as to whether or not to refund the deposits.

Bylaw 13 provides that, where electricity is cut off, the consumer shall apply within 3 months for a refund of his deposit and any amount owing for supply will be offset against the deposit. This is a perfectly appropriate procedure but, in the committee's view, is not within the bylaw-making power as set out in section 26 of the act.

Bylaw 14 provides that, if no application for refund of deposit is made within 3 months, the consumer forfeits his deposit, and any right to it, to the commission. The committee not only finds this bylaw ultra vires but also objectionable in the strongest terms.

Bylaw 21 provides that a meter reading is evidence of the quantity of electricity supplied. This bylaw deals with evidence in courts and is certainly ultra vires under section 26 of the act.

Bylaw 22 provides that, in the case of damage, however occasioned, to the meter or equipment, the consumer shall pay the cost of damage to the commission. This is not a bylaw which the bylaw-making power conferred by section 26 (1) (D).

Bylaw 25 provides that commission equipment which is on land shall not be taken under any proceedings of bankruptcy against the person who owns the land upon which they are situated. In the committee's view, there is no power to validate this bylaw under section 26 of the act.

Bylaw 26 deals with the service of notices. This bylaw is unnecessary because it is already covered by section 35 of the act itself.

Bylaw 27 relates to proceedings for breach of bylaws and is unnecessary as the issue is covered by the general law of the Territory. Apart from that, the bylaw-making power of section 26 of the act does not authorise such proceedings.

Bylaw 30 deals with hazards on property which prevent the reading of meters. There is no power in the act to make this bylaw, although this provision ought to be in the act.

I am sure members will realise the complexity of issues which the committee faced and I regret to say that, because of the time which the committee took to deliberate, the time for disallowing the bylaws under the Interpretation

Act had elapsed and there is no mechanism readily available to the committee whereby it could recommend to the House that the regulations be disallowed. Notwithstanding that, the committee maintains in the tabled paper that the schedule to the bylaws was poorly drafted and suggests that a re-examination be made by the authority concerned with a view to redrafting a new schedule.

Further in the paper, the committee recommends to the responsible minister that he should have the bylaws closely scrutinised and redrafted. The committee is unanimous in its opinion that these regulations have been incorrectly drafted and are of doubtful validity. I have made the committee's view known to the Chief Minister and he has given me certain undertakings and I understand he proposes to address the House on those later today.

Mrs LAWRIE (Nightcliff): Mr Speaker, as a member of the Subordinate Legislation and Tabled Papers Committee and the person who recommended for disallowance of most of these bylaws, I welcome the opportunity to speak on the poor drafting of the bylaws and on the operation of the committee in the way it attacked a most complex matter.

The bylaws of the Electricity Commission were presented to us with a very simplistic cover note from the authority that said there was little problem with those bylaws. Even the most cursory examination would lead any member of the committee to the realisation that some of the bylaws appeared to be invalid. Having made that assumption, it was very difficult for the committee to obtain the necessary expert legal advice on the bylaws that were suspect.

I approached 2 private legal firms with copies of the bylaws and requested their opinions as to validity. Members of these firms spent hours studying the bylaws and confirmed my worst fears and, subsequently, the committee's worst fears. Several of them were invalid and many of them were poorly drafted. These people did this work for nothing. I bring this to the attention of the House because the committee may seek in future the power to obtain independent legal opinion when it feels necessary. There is no trained legal person on the committee, which is not surprising as there is only one in the entire Assembly.

I ask any honourable member with an interest in subordinate legislation to have a look at the bylaws as they were presented to see what they purported to do. They will then come to the understanding that subordinate legislation is just as important and receives the same attention as the enabling acts. Other members may say that that is why we have a subordinate legislation committee but I think more attention needs to be paid to the subordinate legislation being tabled in the House.

I wonder how the bylaws came to be drafted and presented in the way they were. Some of them are clearly invalid, many of them are suspect and it is still a matter of differing opinion as to whether they should be disallowed or not. The committee has recommended that the minister pay particular attention to some of these bylaws. It is only fair to point out to the House that there is still doubt among the members of the committee about the validity of some of the other bylaws. I am sure the chairman will be making those particular points to the minister. We do not want to see the Electricity Commission being sued in the courts because of a doubt as to its powers. That is why the committee is so disturbed at the way in which the bylaws are presented. We cannot possibly legislate to put authorities such as the Electricity Commission at risk and be thought to be doing our job responsibly.

There is a recommendation from the Subordinate Legislation Committee which suggests that the schedule to the bylaws was poorly drafted and that a re-examination should be made by the authority concerned with a view to redrafting

a new schedule. I want to address a few remarks specifically to the schedule because I am appalled at the way in which it is presented. In fact, in making my report to the members of the Subordinate Legislation Committee, I said: "The schedule to the bylaws appears to have been copied from a staff manual or other internal document written in loose informal language". An exhaustive analysis would take too much time but the language excerpts underlined in the schedule will indicate that this document requires redrafting.

The schedule is headed "Service and Installation Rules". I stand by my assertion that it appears to be an indication from one officer to another as to how the rules should apply rather than a proper document outlining the rules. Certain aspects of the language are vague and almost incomprehensible. Such language as "the neutral conductor of the system is solidly earthed to the source of supply without a circuit breaker or a fuse of current limiting resistance... it follows that the method of control required ..." - that is not the proper language for law. They also state: "Connected to the commission's systems is that set out in SAA wiring rule number 2.15 in these rules". That is not the proper manner for expressing the rules of a body. They talk about appropriate standards of the Electricity Supply Association of Australia. That is too vague. Are we to have litigation on what is an appropriate standard? The standard must be specified. It goes on: "and advice has been received that the supply will be given" and "the commission reserves the right". This is imprecise and vague. One paragraph says: "No expense should be incurred by a prospective consumer nor any installation work carried out by an electrical contractor without first ascertaining the availability of supply". That is good advice but it is nothing more than that. It should not be expressed in that manner in these rules.

"The commission will install only one service to supply one building or any group of buildings on the one property". What does "one property" mean? Is it a house? Is it a lot? Is it a farm? There is a further glaring mis-statement here: "The consumer will be required to arrange the cost of that portion of the service in excess of 20 metres with an electrical contractor". One must assume that they mean "meet the cost" but it is not stated. "Unless approved by the commission, under-ground services are required in central business districts and some shopping centres". this is so vague that it becomes meaningless and that is a legal opinion, not simply mine. Further on, it refers to service lines and overhead consumer mains on private property: "The minimum requirements for the purpose of subrule 1 are: (a) The Standards Association of Australia wiring rules part 1, wiring methods and (b) any instructions by the Northern Territory Electricity Commission". These could be in conflict. That is not the way to draft rules.

They talk about "consumers installation" and notices "have to be delivered to the commission's area office and must be given on a printed form provided by the commission in all commission area offices. Work shall not commence before advice in writing shall be given by the electrical inspector". The way in which it is worded is nonsense. They say later that "instructions made under subrule 1 shall be complied with", but there are no instructions under subrule 1. It therefore becomes incomprehensible if one is talking about law. It is comprehensible from Joe Blow to Jack Blob sitting on the next desk having a chat about it but no more than that.

I will be happy to give the detailed comments which I gave to the Sub-ordinate Legislation Committee, and which the committee has seen fit to agree with, to whichever minister will issue instructions for the redrafting of this schedule. I would be happy to supply detailed comments not only on those bylaws which the committee has recommended as being invalid at law but I would also welcome the opportunity to give the legal opinions that I have obtained

on the possible invalidity of other bylaws. I will make a plea to responsible ministers and to the Chief Minister in particular that, when subordinate legislation is being drafted and gazetted, greater care be taken to ensure that the subordinate legislation is in line with Territory law. It is obvious that these bylaws have been drafted by someone who ruled a line through "South Australia", "Western Australia" or any other state and put in "Northern Territory". Certainly, the schedule is a most incredible document. It bears little relevance to the validating act which was passed through this House.

I am deeply disturbed that the committee should have received such poorly drafted subordinate legislation. The committee's work is extremely onerous. The subordinate legislation coming to us is complex and voluminous. At the very least, we should expect that it has been drafted by Northern Territory legislative draftsmen who know the way in which our laws are drafted. I do not believe these bylaws and the schedule were drafted by such skilled people. I ask that, in future, every attempt be made to ensure that subordinate legislation is drafted by or at least is examined by Northern Territory legislative draftsmen. I know they are overworked and we may have to recruit more but it would prevent this situation ever occurring again.

Ms D'ROZARIO (Sanderson): Mr Speaker, I am sure that the Assembly should be indebted to the honourable member for Nightcliff for taking legal advice on the question of the validity of the bylaws.

I would like to raise the question of the security deposit that at least one area office in the Northern Territory has been accepting from prospective consumers of electricity. Mr Speaker, some weeks ago, I received a complaint from a constituent of yours that the area office in the Katherine region is requesting that people going into flats should now pay a $50 deposit for electricity. This was referred to as a security deposit. I checked with the area officer and I also checked with the Darwin area office. At that time, I was moved to remark upon the difference in approach taken by these 2 particular area officers. The area officer of the Katherine region informed me that the security deposit could be sought from people going into flats and that there were now new bylaws which enabled him to do this. He said the he had taken this course because the commission had outstanding debts in the Katherine region of some $6,000. I then checked with the Darwin office and asked whether any security deposits were being taken from people in the Darwin region. I was informed that they were not using this particular method. The arrangement was that area managers would have the discretion as to whether or not they would seek these deposits from consumers of electricity. As one can imagine, the outstanding debts in the Darwin region are larger than those in the Katherine region.

The person from whom this deposit was sought followed up this matter in every quarter. He even went so far as to seek the advice of the Ombudsman. That office returned advice that the seeking of a deposit was quite appropriate having regard to the bylaws. The point is that, quite clearly, the Electricity Commission has accepted deposits from some people under a bylaw which we are now told might be invalid. I therefore ask the honourable minister responsible to take such steps as are necessary to have the deposit refunded to these people from whom the Electricity Commission has accepted them. The deposit is quite large and it has been sought from all consumers in the Katherine area who have been going into flats.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I wish to express my thanks to the Chairman of the Subordinate Legislation Committee and also to the honourable member for Nightcliff for drawing these matters to my attention.

I think it demonstrated good public spirit when private legal practitioners were prepared to provide advice to the honourable member for Nightcliff. However, I do point out that legal advice should be available to the committee simply by its clerk requesting such advice from the Department of Law. Indeed, as soon as the chairman of the committee drew the matter to my attention, I immediately arranged an appointment for him to see the Crown Solicitor.

I have some difficulty in reconciling how these bylaws passed through because my understanding is that they came through the legislative draftsman's office. I believe there is some argument over the interpretation of the regulation-making powers contained in the act but I think that it is always better to be safe. Obviously, if the bylaw-making powers contained in the act should be extended, then we will legislate to extend them. I am having a paper prepared for consideration that perhaps some of these matters should be the subject of legislation other than regulation. If this is the case, we will introduce the necessary legislation at the next sittings. The honourable Minister for Mines and Energy has a bill in relation to the Electricity Commission. I understand that proposals regarding the independence - I use the word in a very loose fashion; I think the term really means its existence outside the Northern Territory Public Service as a statutory body - of the Electricity Commission are proceeding. It may well be that legislation to that end may be brought before this Assembly in September. We could see quite a substantial Electricity Commission amendment bill being introduced by my colleague at that time.

As a result of consultations that I have had with the Department of Law in relation to these bylaws, I have already written to the honourable Minister for Mines and Energy requesting him to direct the Electricity Commission not to act in relation to any of the bylaws that have been considered as being suitable for disallowance. I am sure that my colleague will act immediately to instruct the Electricity Commission in that regard. I believe that this has been a regrettable but a worthwhile exercise. The steps that have had to be taken have been an illumination to me. It is the first experience that I have had of these problems arising. If it should occur again, we will certainly know how to go about it more quickly. I reiterate that legal advise is available at all times to these committees upon their request.

Motion agreed to; reports noted.

PERSONAL EXPLANATION

Mr EVERINGHAM (Chief Minister) (By leave): Mr Speaker, I was asked earlier this morning whether I had read today's edition of the Darwin Star and I indicated that I had only glanced at it. However, it appears that the Solicitor-General has read it in more detail and his concern went to the extent of coming to see me. Apparently, there is a misrepresentation in the Darwin Star today that alleges that the Solicitor-General and I are conspiring to make the Northern Territory independent of the Commonwealth of Australia. Indeed, it is alleged that I authorised the extraordinary sum of $300 to be paid to Dr Darryl Lumb, a reader and lecturer in constitutional law at the University of Queensland and one of the 2 leading constitutional lawyers in Australia.

The report in the Star is a complete distortion of events. Dr Lumb is a constitutional expert retained by the Solicitor-General to give advice in the many complex constitutional issues arising from self-government. He was asked to give advice about various aspects of the Legislative Assembly and, in particular, the extent to which Territory laws could properly refer to the Assembly as a parliament. A consideration of what legislative bodies could properly be described as parliaments form part of the exercise. As a result of Dr Lumb's opinion, the government introduced the recent Interpretation Act

Amendment Bill which provides, amongst other things, that the "parliament" means this "Assembly". The only purpose of the amendment was to enhance the standing of this Assembly by emphasising that it is in fact the Northern Territory's parliament.

ABORIGINAL LAND BILL
(Serial 312)

Bill presented by leave and read a first time.

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

This bill is a machinery piece of legislation and its need came to notice during the negotiations in respect of access by people to the Nabarlek uranium mining site. It is the result of negotiations between the Commonwealth, the Northern Land Council and the Northern Territory government and will enable agreements that have been reached to be enforced. This remedies a technical oversight that should have been included when the bill was originally passed.

Debate adjourned.

ELECTRICITY COMMISSION BILL
(Serial 310)

Bill presented by leave and read a first time.

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

The intention of this amendment to the Northern Territory Electricity Commission Act is a very simple one. It will enable the government to increase the size of the commission from 3 members to 5. This particular matter was debated at length during the passage of the bill and, at the time, the government said that it would be quite prepared to review the position in 12 months and introduce any amendments that would enlarge the commission if this was deemed necessary.

There is no doubt in the mind of the government that the workload of the commissioners is considerable and that it is reasonable that an increase be made from 3 members to 5. This increase would facilitate the capacity of the board to provide an acting chairman from within its members to relieve the chairman during his absence. This is difficult to do when there are only 3 members on the board and one lives 800 kilometres from Darwin.

The second part of the bill seeks to make it clear that the commission is not responsible for damages occasioned by irregular or fluctuating power supply. This provision was originally sought to be inserted in the bylaws of the commission. However, the government took the view that, as it related directly to the legal liability of the commission, it ought to be spelled out succinctly and definitely in the act itself. The electricity supply system was inherited in a rather poor state from the Commonwealth and this government is doing all within its power to correct the inadequacies of the system. It is the government's view that, providing the commission has acted properly in maintenance and other matters, it ought not to be responsible for a fluctuating supply over which it has little or no control.

We do not intend to finalise these bills at these sittings but will process

them during the sittings in September.

Debate adjourned.

POLICE AND POLICE OFFENCES BILL
(Serial 305)

Bill presented and read a first time.

Mr DONDAS (Community Development): Mr Speaker, I move that the bill be now read a second time.

This bill deals with a matter in which the Chief Minister has responsibility. The matter is normally a local government responsibility, however it has been incorporated in the Police Offences Act because of the need for it to extend beyond local government boundaries and to have a Territory-wide application. This year is the International Year of the Child and we should be directing our attention to matters which are associated with the care and the well-being of children.

The bill is closely associated with the protection of children. It introduces a safety measure which may be instrumental in saving their lives. Each year we hear of children dying through suffocation after climbing into an article such as a refrigerator. Usually, this has been negligently or thoughtlessly abandoned where children are likely to play. We all know the attraction that these items have for children and we have a responsibility to ensure that the effects of irresponsible acts such as those to which this legislation is addressed are minimised. Similar legislation to this has already been enacted in some other states. I commend the bill.

Debate adjourned.

BROADCASTING OF ASSEMBLY PROCEEDINGS

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that the resolution of the Assembly relating to the broadcasting of its proceedings passed on 7 March 1979 be amended by inserting after the first resolution the following resolution: "That this Assembly also authorises the broadcasting of its proceedings to the offices of the legislative draftsmen in block 2".

The reasons for the motion are simple. The Department of Law, including the legislative draftsmen, is shortly to move into block 2 which is being refurnished for them at the present time. It is obviously going to be of convenience to this Assembly and to the draftsmen if they can listen to its proceedings in their offices because they will be able to spend more time on their work. Perhaps then, electricity commission bylaws will attain a much higher standard.

Mr ISAACS (Opposition Leader): Mr Speaker, the opposition supports the motion for the reasons given by the Chief Minister. There are 2 comments that I would like to make. The first is that we mentioned block 2. I recall a statement being made some time ago by the Chief Minister saying that blocks 1 to 8 no longer existed and that they were known by such famous names as Ward, Chan and so on. As long as the Chief Minister and Mr Speaker understand what is meant by "block 2", then this resolution will not need to be changed.

The second thing is that I wonder whether we require the terms "block 2" or "Chan Building" to be included anyway. I suspect that the legislative

draftsmen are not going to be in block 2 for the rest of their lives. It may be appropriate at some later stage to have the whole resolution recast. The opposition supports the motion.

Motion agreed to.

LOCAL GOVERNMENT BILL
(Serial 311)

Bill presented and read a first time.

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

Mr Speaker, this legislation is designed to clarify directions to voters on the ballot papers for local government elections of both mayor and aldermen. The bill provides an amendment to the fourth schedule which makes it clear to the voter that, if he wishes to vote for one candidate only, he may do so. At the same time, if he wishes to continue to indicate a preference for any other candidate listed, he may continue to mark the ballot paper to show that preference. In either event, the ballot paper will be a valid one.

As the ballot paper stands at the moment, the voter is directed to mark his ballot paper by placing the numbers 1, 2 and so on, as the case requires, in the squares opposite the names of the respective candidate to indicate his preference. This amendment, however, informs him that he is able to exercise his choice as to the number of the other candidates to whom he may wish to show a preference. There have been complaints concerning the instructions shown on the ballot paper and, in particular, to their inconsistency with a description relating to the informal ballot paper contained in the other sections of the act. Complaints were also made alleging misleading advertising at some of the recent supplementary council elections. This section, in effect, creates a system of optional preferential voting by not making a ballot paper informal for the reason only that it does not include a preference for all candidates.

The electoral provisions of the Local Government Act tend to create a confusing situation because of the different voting systems that exist with different elections. A need is present for a total review of the electoral provisions. For instance, where the mayor and 1 alderman are to be elected in a supplementary election, the system is preferential; where there are 2 or more aldermen to be elected at a supplementary election, the election is decided on a first-past-the-post basis. This latter system also applies to the ordinary triennial elections of aldermen.

A review of the electoral provisions of the act is presently being carried out by my department along with other areas of the act that are in need of revision. I commend the bill to honourable members.

Debate adjourned.

WORKMEN'S COMPENSATION BILL
(Serial 302)

Continued from 17 May 1979.

Mr COLLINS (Arnhem): Mr Speaker, this bill is part of the package of cognate bills that established the Territory Insurance Office. It is an essential bill that will plug loopholes that would have otherwise existed in the area of insurance. It sets up a commissioner of insurers who has the

discretion to authorise insurance companies to operate within the Northern Territory. I notice that this absolute discretion has been tempered somewhat by the amendment which has been scheduled to this bill with the addition of a subclause saying that he cannot unreasonably withhold such approval.

The main provisions of the bill are to establish the commissioner himself. He must ensure that, before he gives approval to an insurer to operate within the Northern Territory, he is satisfied that the insurer can provide a satisfactory service to Territorians. The insurer must have an office within the Territory and be capable of maintaining efficient service to Territorians. The insurer must intend to have plans to invest moneys in the Territory. That last one is a very desirable provision. It also provides for the annual renewal of such approval. I note in clause 6 that the commissioner must consider the renewal application as if it was an application in the first instance.

The bill also protects the clients of insurers should their approval to operate within the Territory be revoked. The bill provides for very stiff penalties for insurance companies operating in the Territory without such approval. The penalty is $50,000. I do not believe that, in this case, it is excessive. It also provides that, in the case of an unapproved insurer operating in the Territory who is fortunate enough to collect money, such money is forfeited to the Northern Territory. It places the onus on employers to insure with an approved insurer and it also streamlines court procedures in that the onus of proof is on the employer. There is no need to drag insurance companies into court to prove that the person is not insured.

Transitional arrangements are also provided for in the bill to allow the current situation to carry on as it is for 3 months until these new procedures are implemented. The opposition supports the bill.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 4 agreed to.

Clause 5:

Mr EVERINGHAM: I move amendment 101.1.

This seeks to amend the definition of "insurer" to specifically exclude resinsurance business. We received representations on this matter from the Insurance Council of Australia. We have acceded to their requests that it should be made quite clear that reinsurance is not intended to be affected by the bill.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Clause 7:

Mr EVERINGHAM: I move amendments 101.2 and 101.3.

These amendments are being moved to enable an appeal against the decision of the insurance commissioner. The Insurance Council of Australia felt that the terms of the legislation were too arbitrary and we have agreed that there should

be provisions for appeal by way of prerogative writ. The effect of removing the words "his absolute discretion" in subclause (2) and inserting "an approval under subsection (2) will not be unreasonably withheld" will give an insurance company an avenue to the Supreme Court if there has been any denial of natural justice.

Amendment agreed to.

Clause 7, as amended, agreed to.

Bill passed remaining stages without debate.

PUBLIC TRUSTEE BILL
(Serial 244)

Continued from 29 May 1979.

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr EVERINGHAM: I move amendment 103.1.

May I point out to the committee that the reason for the considerable number of amendments to this bill is that the draft was sent to all public trustees throughout Australia and New Zealand for their comments. All of them replied with suggestions on how the bill could be improved as they saw it. The incorporation of many of these suggestions will mean a great improvement in the bill.

This amendment is a technical drafting correction.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5:

Mr EVERINGHAM: I move amendments 103.2, 103.3 and 103.4.

These all relate to definitions. The new definition of an "estate" is necessary to ensure that references in the act to an estate do not refer only to a deceased estate. The altered definition of "public trustee" is consequential on new provisions for the appointment of an acting public trustee. The definition in 103.4 is to correct the omitted definition which previously was legally incorrect in its reference to an executor before the grant of probate.

Amendments agreed to.

Clause 5, as amended, agreed to.

Clauses 6 and 7 agreed to.

Clause 8 negatived.

Clause 9:

Mr EVERINGHAM: I move amendment 103.5.

This inserts a new subclause which allows the appointment of an acting public trustee.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clause 9A:

Mr EVERINGHAM: I move amendment 103.6.

This inserts a new clause. It is the old clause 8 redrafted and provides for incorporation of and judicial recognition of acts of the Public Trustee.

New clause 9A agreed to.

Clause 10 agreed to.

Clause 11:

Mr EVERINGHAM: I move amendment 103.7.

This omits words that have become meaningless because of the redrafting of clause 8.

Amendment agreed to.

Clause 11, as amended, agreed to.

Clauses 12 and 13 agreed to.

Part IV:

Mr EVERINGHAM: I move amendment 103.11.

This omits from the heading to part IV the words "and investments" because it relates that part only to accounts.

Amendment agreed to.

Clauses 14 to 16 agreed to.

Clause 17:

Mr EVERINGHAM: I move amendment 103.12.

This amendment ties the account that may be opened under this clause to monies received by the Public Trustee under section 23 which he cannot, because of a contradictory instruction, invest in a common fund.

Amendment agreed to.

Clause 17, as amended, agreed to.

Clauses 18 and 19 agreed to.

Clause 20:

Mr EVERINGHAM: I move amendment 103.13.

This corrects a grammatical error.

Amendment agreed to.

Clause 20, as amended, agreed to.

Clause 21:

Mr EVERINGHAM: I move amendment 103.14.

This ensures that the Public Trustee will open a common fund. It does not leave this important matter to his discretion. To do so would defeat the purpose of the bill.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 103.15.

This change will ensure that all monies not covered by other sections of the act will be paid into the common fund. It again removes the Public Trustee's discretion and, with other amendments, it makes perfectly clear what the Public Trustee will be required to do with all the monies that he receives.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 103.16.

This new paragraph states that the distribution of interest shall be calculated on the minimum monthly balance. It is a redraft of the latter part of 21 (2) and incorporates that addition.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 103.17.

This new paragraph states the times at which the Public Trustee is required or able to distribute interest. It gives him a greater discretion than was available in the clause as originally drafted.

Amendment agreed to.

Clause 21, as amended, agreed to.

Clauses 22 and 23 agreed to.

Clause 24:

Mr EVERINGHAM: I move amendment 103.18.

This corrects an obvious error.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 103.19.

This is to make references to the person administering the act consistent.

They will all read "minister" unless the power is appropriate to the legal functions of the Attorney-General.

Amendment agreed to.

Clause 24, as amended, agreed to.

Clause 25:

Mr EVERINGHAM: I move amendment 103.20.

This changes clause 25 by giving the Public Trustee a discretion to charge interest and redrafts the clause to make its purpose more clear. This discretion is necessary if the Public Trustee is to compete in the field of commercial mortgages.

Amendment agreed to.

Clause 25, as amended, agreed to.

Clauses 26 to 29 agreed to.

Clause 30:

Mr EVERINGHAM: I move amendment 103.21.

This amendment is to make it clear that this clause refers both to powers and discretions and is not limited to powers the Public Trustee must exercise. This implication is possible in the clause as drafted.

Amendment agreed to.

Clause 30, as amended, agreed to.

Clause 31 agreed to.

Clause 32:

Mr EVERINGHAM: I move amendment 103.22.

This amendment makes additions to the capacities in which the Public Trustee may act. In the bill, "executor" and "administrator" were implied and "agent" was omitted. An administrator, pendente lite, is a special type of administrator that needs to be specified. It has been decided that the implied powers should be stated and that "agent" will give a useful additional power.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 103.23.

This subclause is omitted as the point is adequately covered by clause 36 (1).

Amendment agreed to.

Mr EVERINGHAM: I move amendment 103.24.

This change makes it clear that an outgoing trustee is not discharged of a

breach of trust that occurred before the Public Trustee became trustee.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 103.25.

This additional subclause is to ensure that the Public Trustee is not obliged to take action against the previous trustee for any action of that trustee.

Amendment agreed to.

Clause 32, as amended, agreed to.

Clause 33:

Mr EVERINGHAM: I move amendment 103.26.

This amendment omits references to a trustee. It is not necessary that the Public Trustee should get the court's permission for his appointment in substitution of another trustee as the original would have not been appointed by a court order.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 103.27.

This change makes clear the application for consent under subclause (1).

Amendment agreed to.

Clause 33, as amended, agreed to.

Clause 34:

Mr EVERINGHAM: I move amendment 103.28.

This new subclause is necessary to ensure that the estate is effectively transferred to the executor or administrator so that he will have all the necessary powers to administer it.

Amendment agreed to.

Clause 34, as amended, agreed to.

Clause 35:

Mr EVERINGHAM: I move amendment 103.29.

This is to increase the limit on smaller estates and it is made because the original limit was too low to be useful. In the states, the usual limit is $15,000 but this is not appropriate at this stage. As altered, it will match the increase recently made to small estates in the Administration and Probate Act.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 103.30.

A new subclause (3) makes the advertising condition imposed on the Public

Trustee more strict. It was considered that the bill as drafted was a little uncertain.

Amendment agreed to.

Clause 35, as amended, agreed to.

Clause 36:

Mr EVERINGHAM: I move amendment 103.31.

Amendment agreed to.

Clause 36, as amended, agreed to.

Clause 37:

Mr EVERINGHAM: I move amendment 103.32.

This amendment removes the implication that the Administrator is acting as trustee. The 2 positions are quite distinct.

Amendment agreed to.

Clause 37, as amended, agreed to.

Clause 38:

Mr EVERINGHAM: I move amendment 103.33.

This omits subclause (2). It will be combined with clause 57 (1).

Amendment agreed to.

Clause 38, as amended, agreed to.

Clause 39:

Mr EVERINGHAM: I move amendment 103.35.

This makes it clear that the Public Trustee is entitled to costs where another person obtains a grant. It was considered that clause 43 might not cover the situation.

Amendment agreed to.

Clause 39, as amended, agreed to.

Clauses 40 to 42 agreed to.

Clause 43:

Mr EVERINGHAM: I move amendment 103.36.

This is a technical correction.

Amendment agreed to.

Clause 43, as amended, agreed to.

Clause 44:

Mr EVERINGHAM: I move amendment 103.37.

This change makes it obligatory for the Registrar of Probates to provide the Public Trustee with a copy of any caveat.

Amendment agreed to.

Clause 44, as amended, agreed to.

Clause 45 agreed to.

Clause 46:

Mr EVERINGHAM: I move amendments 103.38 and 103.39.

These ensure that clause 46 allows the Public Trustee to collect estate property, if necessary, but that he cannot distribute it to beneficiaries. This would not be appropriate as the intention of section 51 of the Administration and Probate Act is merely to fill a gap in title to not give the Public Trustee wide powers to deal with property.

Amendments agreed to.

Clause 46, as amended, agreed to.

Clause 47:

Mr EVERINGHAM: I move amendments 103.40, 103.41 and 103.42.

The first is a drafting correction and the second is a grammatical correction. Amendment 103.42 amplifies the circumstances in which the Public Trustee can act before he gives notice. As redrafted, it will require the Public Trustee to give notice but will allow him to act before he gives notice if the circumstances warrant action.

Amendments agreed to.

Clause 47, as amended, agreed to.

Clause 48 agreed to.

Clause 49:

Mr EVERINGHAM: I move amendment 103.43.

This is to correct an error of syntax.

Amendment agreed to.

Clause 49, as amended, agreed to.

Clause 50 agreed to.

Clause 51:

Mr EVERINGHAM: I move amendment 103.44.

This change places a time limit within which the order and statement must

be delivered to the Public Trustee.

Amendment agreed to.

Clause 51, as amended, agreed to.

Clauses 52 to 54 agreed to.

Clause 55:

Mr EVERINGHAM: I move amendment 103.45.

This omits subclause (2) because its legal effect is doubtful. The effect of acts of the Public Trustee on property outside the Territory is a matter for the law of the place where the property is situated and not for the law of the Territory.

Amendment agreed to.

Clause 55, as amended, agreed to.

Clause 56 agreed to.

Clause 57:

Mr EVERINGHAM: I move amendment 103.46.

This new paragraph is the redrafted subclause 38 (2). It has the same effect as that clause in that it makes certificates of property evidence of the facts contained in a court proceedings.

Amendment agreed to.

Clause 57, as amended, agreed to.

Clause 58 agreed to.

Clause 59:

Mr EVERINGHAM: I move amendmentments 103.47 and 103.48.

The first is simply to correct a printing omission. The second makes it clear that, if the Public Trustee applies for an order vesting property in him, that property is vested in him as a manager and not in any sense absolutely.

Amendments agreed to.

Clause 59, as amended, agreed to.

Clause 60:

Mr EVERINGHAM: I move amendment 103.49.

This gives a new power to the Public Trustee which will be useful when he is managing property.

Amendment agreed to.

Clause 60, as amended, agreed to.

Clauses 61 to 65 agreed to.

Clause 66:

Mr EVERINGHAM: I move amendment 103.50.

This change makes the references to "ascertain" consistent throughout the clause.

Amendment agreed to.

Clause 66, as amended, agreed to.

Clause 67 agreed to.

Clause 68:

Mr EVERINGHAM: I move amendment 103.51.

This change is merely a redrafting of the subclause and it does not change its meaning. It allows the Public Trustee to summons persons so their claims can be investigated by the court.

Amendment agreed to.

Clause 68, as amended, agreed to.

Clauses 69 to 71 agreed to.

Clause 72:

Mr EVERINGHAM: I move amendment 103.52.

This change ensures that the original Public Trustee must comply with both the original instrument setting up the trust and any instrument which is appointed in substitution.

Amendment agreed to.

Clause 72, as amended, agreed to.

Clauses 73 and 74 agreed to.

Clause 75:

Mr EVERINGHAM: I move amendments 103.53 and 103.54.

The first change omits meaningless words and the second is to ensure that the wording is consistent between this bill and the new Supreme Court Bill. In the latter, all actions and suits in the Supreme Court will be called proceedings.

Amendments agreed to.

Clause 75, as amended, agreed to.

Clause 76 agreed to.

Clause 77:

Mr EVERINGHAM: I move amendment 103.55.

This omits an incorrect reference which was too narrow. As amended, this clause covers both creditors and beneficiaries.

Amendment agreed to.

Clause 77, as amended, agreed to.

Clauses 78 to 90 agreed to.

Clause 91:

Mr EVERINGHAM: I move amendment 103.56.

This change is to make it easier for the Public Trustee, when he invests in company shares, to keep track of which estates the shares belong to. Often, companies do not list shares as held on trust and the beneficial owner may be difficult to ascertain if shares are held for 2 or more estates by the same company.

Amendment agreed to.

Clause 91, as amended, agreed to.

Clause 92 negatived.

New clause 92:

Mr EVERINGHAM: I move amendment 103.57.

This is a redraft to make it clear that the Public Trustee cannot enter into a contract with himself acting in a personal capacity but only in his official capacity. This will allow him to sell estate property to another estate consistent with his duties as trustee.

New clause 92 agreed to.

Clause 93:

Mr EVERINGHAM: I move amendment 103.58.

This change is to ensure that the clause covers all property administered in any capacity by the Public Trustee and is not limited to property in the physical possession of the Public Trustee.

Amendment agreed to.

Clause 93, as amended, agreed to.

Clause 94 agreed to.

Clause 95:

Mr EVERINGHAM: I move amendment 103.59.

This is a redraft to correct a misprint but it does not change the meaning

of the clause.

Amendment agreed to.

Clause 95, as amended, agreed to.

Clause 96:

Mr EVERINGHAM: I move amendment 103.60.

This is a grammatical correction.

Amendment agreed to.

Clause 96, as amended, agreed to.

Clauses 97 to 99 agreed to.

Clause 100:

Mr EVERINGHAM: I move amendments 103.61 and 103.62.

The first is to ensure that the clause covers all the Public Trustee's powers and not only those under this act. As drafted, the clause would make it impossible for the Public Trustee to execute a deed in escrow. The amendment therefore omits the provision that signature implies delivery.

Amendments agreed to.

Clause 100, as amended, agreed to.

Remainder of the bill taken as a whole and agreed to.

ADMINISTRATION AND PROBATE BILL
(Serial 268)

In committee:

Clauses 1 to 9 agreed to.

New clause 9A:

Mr EVERINGHAM: I move amendment 95.1.

The new clause allows the Public Trustee to apply to the Supreme Court for a traditional distribution of the estate of an intestate Aboriginal. Members will recall that the legislation to allow such a distribution under the Supreme Court Act was passed at the last sittings of the Assembly.

New clause 9A agreed to.

Clause 10 agreed to.

Clause 11 negatived.

New clause 11:

Mr EVERINGHAM: I move amendment 95.3.

This replaces the old saving provision which was unclear in its operation.

This new clause will make it clear that, if a person dies before commencement of this act, his estate will be administered by the Public Trustee who will, in effect, be exercising the powers of the curator of the estates of deceased persons under the repealed provisions.

New clause 11 agreed to.

Title agreed to.

Bills reported; report adopted.

Bills read a third time.

SUPREME COURT BILL
(Serial 200)

CRIMINAL LAW CONSOLIDATION BILL
(Serial 284)

SHERIFF BILL
(Serial 285)

INTERPRETATION BILL
(Serial 286)

Continued from 29 May 1979.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I think the debate on the bills was a good one and it certainly has been of benefit to the government to hear the views of honourable members. I should make it clear that the bills were submitted to the present judges of the Northern Territory Supreme Court for their consideration prior to introduction in this House and their comments have been taken into account.

The Leader of the Opposition suggested the other day that the words "Chief Justice" should be defined with reference to clause 28. Such definition would probably be inadequate in view of clause 31 which empowers the next senior judge to exercise the powers of the Chief Justice when there is a vacancy or the Chief Justice is absent. A definition, as suggested, is unnecessary as would also be similar definitions of "judge", "Master" and "Deputy Master".

The Leader of the Opposition also suggested that the words "or not" be omitted from the definition of "proceedings". The words were inserted for a particular reason. Not all proceedings are between parties; for example, in certain circumstances, a person may seek a declaration of paternity or maternity, under sections 11 and 12 of the Status of Children Act, without there being any other party to the proceedings.

The government has given very careful consideration to the suggestions made by the Leader of the Opposition which were made in a very constructive sense. It is only after the most careful examination that his suggestions have either been accepted or discarded. The Leader of the Opposition made reference to clause 13 which provides that the jurisdiction of the court is exercisable at any place, including a place in Australia, outside the Territory. Just recently, the Supreme Court of the Northern Territory sat at Rockhampton in Queensland where it decided a case that involved a paraplegic person who was unable to be brought to the Northern Territory. A substantial judgment was entered - in the order of $600,000. It is fairly obvious that the power is necessary. There have been sittings in the past in Adelaide and Melbourne. The

Leader of the Opposition said the other day that "any place" might include all sorts of places. It does mean just that and it is intended to. The purpose of subclause (3) is to allow the court to sit anywhere including under a palm tree if the circumstances warrant it. Such circumstances may well arise in the case of a cyclone or other natural disaster.

The Leader of the Opposition also said that the words "inferior courts" should be defined. I believe that this is unnecessary because clause 12 provides that the new Supreme Court shall be the superior court of record of the Northern Territory and it follows, therefore, that all other courts are inferior courts. When the Master is exercising the jurisdiction of the Supreme Court, it is obvious that he is exercising the jurisdiction of that court and not some undefined and unnamed inferior court.

The Leader of the Opposition also made some comment on clause 19. He said it might well be in an applicant's interest to have matters of cross-action set off and counter-claims divided and he ought to be given the opportunity not to have such matters dealt with at the same time. The provision is a standard one. It appears almost word for word in the South Australian Supreme Court Act and in several other Supreme Court acts. It has been judicially ruled upon for over 50 years and the government is not prepared to change this clause without good reason.

In respect of clause 21, the government accepts the point made by the opposition yesterday that the Full Court should be empowered to decline to hear a matter referred to it by a single judge. We are proposing an amendment inserting a new clause 21 which has been redrafted to take account of this point. The clause will make provision for a full court - that is different from the Court of Appeal. The Full Court is simply the court constituted by at least 3 judges. I anticipate that the Full Court will sit only rarely. Its purpose is to hear matters of particular importance. Its judgments will generally carry more weight than the judgments of a single judge. They will establish the law with greater certainty and reduce the likelihood of expensive appeals.

In relation to clause 24, the reason for the insertion of the words "or published" is that they make it unnecessary for each judgment to be actually read in full in court. This accords with the present practice of the court. Although the honourable Leader of the Opposition rightly drew attention to this point the other day, the error had in fact been discovered and provision has been made in the amendments for correction.

I think the member for Fannie Bay suggested, in relation to clause 26, that magistrates ought to be included within the scope of this clause. I can see no reason why a magistrate could not be appointed as a referee.

The Leader of the Opposition drew attention to a possible conflict between clause 25 (1) and clause 27 (2) (d). He also pointed out that the words "person affected" in clause 27 (3) could possibly have been interpreted to include a person who is not a party to a proceedings. I understand that those words have not been construed in comparative legislation as the honourable Leader of the Opposition feared they might be. However, any possible doubts with respect to the points raised will be clarified.

The Leader of the Opposition raised a couple of points in respect of clause 28 which sets out who may be judges of the court and how they are to be appointed. Firstly, I do not think there is any substance to the suggestion that subclause (1) (b) presents any difficulty. Secondly, I see no reason why a suitable academic who has been enrolled for 10 years should not be

appointed a judge even if he has not been practising for 10 years. There are quite a number of precedents for highly qualified academics being appointed judges. In the Territory, in particular, it may not always be easy to attract long-standing practitioners to the bench. We are of the firm view that flexibility in the appointment of judges, whilst maintaining a very high standard, is essential.

Clause 30 provides that the Chief Justice will be responsible for arranging the business of the court. We see no reason to amend this clause or redraft it, as was suggested by the Leader of the Opposition.

He also said that clause 31 should conclude with the words "until the Chief Justice returns or a new Chief Justice is appointed, as the case may be". In my view, the additional words are entirely superfluous. The clause clearly states that it only operates when the Chief Justice is absent or if there is a vacancy in the office.

In respect of clause 37, which provides for the remuneration of judges, I wish to make it clear to the House that I have given a written undertaking to the judges that their conditions will be no less favourable after the transfer than they were immediately before the transfer. How their conditions will be adjusted in future has not been finally settled. I would imagine that their salaries and allowances would continue to be determined by the Remuneration Tribunal.

In respect of the appointment of a Master, which is dealt with in clause 42, the Leader of the Opposition said the Master should not be appointed unless he has been qualified for some 3 to 5 years. Generally speaking, I would agree that it is extremely likely that no person will be appointed to the office of Master unless he has been practising for substantially more than 5 years. It is also on the cards that a highly-qualified lay person such as a managing clerk who has not actually been admitted as a practitioner, could be appointed. There are still some firms in the south that are, with great respect to their principals, held together by managing clerks who do all the work and know the ropes probably better than the principals. They call them legal executives these days. In fact, they have an institute in Victoria called the Institute of Legal Executives. These people have gained their experience over the years through practice and many of them may have sat for the Solicitor and Barristers Admission Board examination. One of them might well be an applicant at some time and I believe his application should be able to be considered, as should that of a reasonably qualified academic.

The honourable Leader of the Opposition raised some points on clause 48 which relates to the Court of Appeal. He maintains that its jurisdiction must be exercised by at least 3 justices. I agree that an appeal should not lie to Casesar from a judgment of Caesar. I do not think in practice that it will but in the Territory circumstances it would not be in our best interests at this stage to place an absolute ban on this happening. With some reluctance, I cannot bring myself to agree entirely with his suggestion that the possibility should be ruled out altogether.

In respect of clause 51, the Leader of the Opposition drew our attention to a few points which I hope will be rectified by amendment. The rules of court will be made by the judges and they will be subject to disallowance by this Assembly, as in the case of all subordinate legislation.

In the Northern Territory, the Family Court is a branch of the Supreme Court in the sense that Supreme Court judges are invested with jurisdiction in the Family Court. I might point out that the salaries offered to Family

Court judges are equivalent to those offered to our magistrates. However, they are called judges. One might think then that our Supreme Court judges could possibly be people of higher professional qualities than normal Family Court judges. I am not saying that this is so nor am I saying that this is not so. The Family Court here is generally looked after by one particular judge. There is no backlog of cases that I know of and this is the only place in Australia where cases of custody, maintenance and property applications are dealt with speedily. In other states, the backlog is horrendous and there is a continual cry for the appointment of new judges.

I also think that we should bear in mind some of the legislation that we have passed at this sittings. This should reduce some of the workload of the judges of the Supreme Court and I believe that they will have more time available to deal with Family Court matters. I am not of the same mind as the Western Australian government which has established its own family court. I believe that we should work cooperatively with the Commonwealth government in this area. We will receive visitations from Family Court judges from time to time in the future. I am sure that the benefit of their experience in more hectic jurisdictions in the south will be of advantage to our bench.

My own view is that our Supreme Court judges should continue to be invested with jurisdiction in Family Court matters and I believe that the federal Attorney-General intends that this will be so. Generally speaking, I am very happy with the situation in relation to the disposal of Family Court matters. There could be some improvements in counselling and the like but this has not been our concern up to the present time. It will become our concern to a certain extent with the transfer of the Supreme Court. The House should be informed that the government is making arrangements in this area with the Commonwealth government and there is correspondence between myself and the federal Attorney-General that dates back to last year. I have a letter from him dated 3 January 1979 that sets out the position fairly succinctly. I commend the bill to all honourable members.

Motion agreed to; bill read a second time.

SUPREME COURT BILL
(Serial 200)

In committee:

Clause 1 agreed to.

Clause 2 negatived.

New clause 2:

Mr EVERINGHAM: I move amendment 108.1.

The clause, as amended, enables the act other than part III, which relates to the Court of Appeal, to come into operation immediately after complementary Commonwealth legislation is enacted. Part III will come into operation at a later date and relates to the Court of Appeal.

New clause 2 agreed to.

Clauses 3 to 6 agreed to.

Clause 7:

Mr EVERINGHAM: I move amendment 108.2.

This is to omit subclause (3). The reason for omitting subclause (3) is that it is unnecessary at present to preserve the appointments of those non-resident judges who now hold Territory as well as federal commissions. There are enough resident judges and the poisiton will be kept under review.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clauses 8 to 13 agreed to.

Clause 14:

Mr EVERINGHAM: I move amendment 108.3.

This omits subclause (2). The reason is that the Territory does not have power to vest federal jurisdiction in itself. This must be done by the Commonwealth.

Amendment agreed to.

Clause 14, as amended, agreed to.

Clauses 15 to 20 agreed to.

Clause 21 negatived.

New clause 21:

Mr EVERINGHAM: I move amendment 108.4.

This will enable the Full Court to be established.

New clause 21 agreed to.

Clauses 22 and 23 agreed to.

Clause 24:

Mr EVERINGHAM: I move amendment 108.5.

This relates to the publication of judgments.

Amendment agreed to.

Clause 24, as amended, agreed to.

Division 4:

Mr EVERINGHAM: I move amendment 108.6.

The reason for the amendment is that division 4 is no longer to relate only to inquiries and trials by the Master and referee.

Amendment agreed to.

New clause 24A:

Mr EVERINGHAM: I move amendment 108.7.

This amendment inserts a new clause to provide that the rules may empower the Master to exercise limited jurisdiction. Powers given to the Master under the rules are in addition to any specific powers given to him under this or any other act. The reasons for inserting this clause in the ambit of division 4 are twofold: firstly, the existing rule-making power under clause 81 does not adequately define the powers and duties of the Master or state the effect of a judgment made by him; and, secondly, it is desirable that all provisions relating to the judicial power of the Master be in one part of the act.

New clause 24A agreed to.

Clauses 25 and 26 agreed to.

Clause 27 negatived.

New clauses 27 to 27C:

Mr EVERINGHAM: I move amendment 108.8.

The substance of the former clause 27 is repeated but with some amendments. The new clauses are also enlarged as a consequence of the inclusion of new clause 24A which deals with the powers of the Master under the rules.

New clauses 27 to 27C agreed to.

Clauses 28 to 50 agreed to.

Clause 51:

Mr EVERINGHAM: I move amendment 108.9.

The insertion of the word "civil" before "proceeding" removes any doubt that subclause (2) (c) refers only to civil matters.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 108.10.

The insertion of the words "in a criminal proceeding" makes clear that subclause (5) has no application to civil court hearings.

Amendment agreed to.

Clause 51, as amended, agreed to.

Clauses 52 to 55 agreed to.

Clause 56:

Mr EVERINGHAM: I move amendment 108.11.

This is identical to the change made in clause 24.

Amendment agreed to.

Clause 56, as amended, agreed to.

Clauses 57 to 73 agreed to.

Clause 74:

Mr EVERINGHAM: I move amendment 108.12.

This will enable the Attorney-General to intervene in matters before the court which involve the interpretation of a Commonwealth or Territory law where he feels it is in the public interest to do so.

Amendment agreed to.

Clause 74, as amended, agreed to.

Clause 75:

Mr EVERINGHAM: I move amendment 108.13.

This clause, as amended, will enable the court to require notice to be served on the Attorney-General where a proceeding relates to a matter involving the interpretation of a law of the Territory or of the Commonwealth.

Amendment agreed to.

Clause 75, as amended, agreed to.

Clauses 76 to 81 agreed to.

Clause 82 negatived.

New clause 82:

Mr EVERINGHAM: I move the amendment 108.14.

This sets out the powers of the judges to make rules for the conduct of the business of the court. These rules will be subject to disallowance or at least review by the Assembly.

New clause 82 agreed to.

Remainder of the bill taken together and agreed to.

CRIMINAL LAW CONSOLIDATION BILL
(Serial 284)

In committee:

Bill taken as a whole and agreed to.

SHERIFF BILL
(Serial 285)

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr EVERINGHAM: I move amendment 106.1.

This relates to the date of commencement of the act.

Amendment agreed to.

Clause 3, as amended, agreed to.

Remainder of bill agreed to.

INTERPRETATION BILL
(Serial 286)

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr EVERINGHAM: I move amendment 107.1.

This relates to the commencement of the Supreme Court Act.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4 agreed to.

Bills reported; report adopted.

Bills read a third time.

APPROPRIATION BILL
(Serial 295)

Continued from 16 May 1979.

Mr ISAACS (Opposition Leader): Mr Speaker, most appropriation bills give an indication of where the government is heading. The Assembly may or may not be delighted to hear that the lengthy tirade that I was going to deliver on this government's meagre economic performance will not be delivered. It seems such a pleasant slumbering afternoon that it would be a very great shame to interrupt it. Nonetheless, I think it is timely to make a number of comments, albeit not as detailed as I would have liked, to point out just what mistakes this government is making. Although it is true to say that they will not be the government in 12 months time, they are the government now and they have to do something to inject some life into the Northern Territory economy.

The Treasurer's favourite word appears to be "flexible". Flexibility does not provide sound economic management and I am afraid that the flexible and ad hoc attitude, which has marked this government's economic performance, has brought some great disasters to the Northern Territory economy. You only have to look at the list of businesses that are either on the rocks or have gone through the hoop to realise that the government's policies are not working. They are not assisted, I might add, by the disastrous policies of the federal government who appear to take great delight in chopping away at the pay packets of wage and salary earners not realising that, although it is true to say that wages and salaries are a cost to employers, they provide the whole basis of consumer demand. That is what it is all about. When wage and salary earners have their pay packets chipped away, they cannot afford to spend money with small businesses in Australia and especially the Northern Territory. The policies of both the federal government and the Northern Territory government

are disadvantaging people right across the Northern Territory.

The Northern Territory government, by its lack of intervention into the economy, appears to believe that the private sector will pull itself out of the quandary, out of the dilemma and out of the morass. The Minister for Mines and Energy appears to think that uranium mining will be the salvation of the Northern Territory economy. When he spoke on Thursday 30 November 1978 in a debate on the expected benefits to the Northern Territory economy of uranium mining - a debate that has still not come to fruition in this House, which shows how important the government believes it is - he said, "Surely today there can be no question in the minds of honourable members in this House that, without an improved Northern Territory economic climate, without increased business activity, there simply can be no improved employment opportunities. Uranium development offers those opportunities. The CLP government has recognised this problem and has sought to encourage the only industry which realistically can provide both an immediate short-term economic response and long-term continuing benefits". The Northern Territory government, through its uranium-mining spokesman, believes that the Northern Territory economy's only salvation is uranium mining.

It is a great shame that the Northern Territory government does not always get its act together as consistently as it might. The Northern Territory Treasury was far more honest in its approach when it made its submissions to the Grants Commission. Mind you, there is a difference. The Minister for Mines and Energy can say what he likes in this parliament but, when the Northern Territory Treasury makes a submission to a semi-judicial body like the Grants Commission, it has to be very careful.

I would like to contrast the pro-uranium story of the Minister for Mines and Energy to the very sober comments of the Northern Territory Treasury. I quote from page 7 of the Northern Territory submission to the Grants Commission: "MIning exports contribute significantly to Australia's earnings of foreign exchange. It is of particular concern that the economy of the Northern Territory benefits to a surprisingly small extent by the employment and income multiplier effects from mining. Leakages in the form of profits to companies and savings by way of the import of goods and services are high. For example, a large amount of food and building materials is imported from Queensland". In pinning hopes for the Northern Territory economy on uranium mining, the Minister for Mines and Energy tries to kid us that governments do not have to do anything and it is all in the very capable hands of the private sector. It is all very well for him to say that in this Assembly, but when it comes to speaking to a judicial body, the truth comes out. Indeed, it also came in the Northern Territory Treasury's submission to the Grants Commission. It is important that governments intervene in the economy when the economy is as slack as it is. There can be no doubt that that is the position here in the Northern Territory. I was going to give some demonstration of the problems which confront the Northern Territory economy but, in view of the notice paper and the time, I will leave that out.

The Treasurer seems pleased that he has been able to accumulate a savings of some $30m in the appropriations for the 1978/79 financial year. When you examine that $30m, you find that it does not quite come to that because somethink like $12m is for the Electricity Commission. A $12m saving in the Electricity Commission is simply a transfer from one department to another as the Electricity Commission itself was transferred from one department to another. The problem with the bill is that it is impossible to determine where the savings have in fact been made. What programs have not come to fruition? Which projects have been chopped off? Which are the programs relating to the

building industry where progress payments have not been made because of delays? Although it sounds quite commendable that a $30m saving has been made and therefore the Territory government is showing how flexible it will be, the fact is that the bill does not tell us very much at all.

Some of the programs have been debated in the Assembly. The establishment of the Territory Insurance Office rates a mention in this bill; some $200,000 has been allocated for it. The marvellous thing is that, when we suggested some 10 or 11 months ago that a similar appropriation ought to be made to establish a GIO, we were told that we had gone off half-cocked. Nonetheless, we are very pleased when these small titbits come our way. We are delighted to see provision being made in this bill for the TIO.

The Treasurer mentioned the contributions to the uranium mining area. Some quarter of a million dollars is to be paid by the Northern Territory government for the establishment in Jabiru of a special police unit for the uranium province. The Northern Territory government will be funding more services in the uranium industry. Since the Treasurer gave that very sober comment to the Grants Commission about the limited economic benefit of uranium mining and mining generally, it would be most beneficial if the Territory people were given a cost-benefit analysis of uranium mining. The Minister for Mines and Energy expanded at great length about the expected benefits of uranium mining but that has been seen not to have been qualified. It is important that, at some future time, the Northern Territory government should make available to the people of the Northern Territory the benefits and costs of uranium mining in quantifiable terms.

The $0.25 in the Appropriation Bill is not recoverable from the Australian government; we are paying for it. Indeed, there was another gem in the submissions to the Grants Commission which made me sit up. In his submission, the Chief Minister said in relation to uranium mining: "The department" - that is, the Chief Minister's Department - "is bearing uranium mining co-ordination costs". It seems to me that the Northern Territory government is bearing the cost of a number of the projects in the uranium mining area. Most certainly, we will get some benefit from the development. However, we have heard some very glib talk from members opposite about the benefits of uranium mining but it would be most interesting to find out what the costs are to us.

The bill re-allocates some $30m which, in the words of the Treasurer, have been saved on the proposed expenditures. It is not true to say that the whole of that $30m is pure savings. Much of it is simple transfers from one department to another as various functions have been transferred from one department to another.

Mr COLLINS (Arnhem): Mr Speaker, when discussing the ALP's contribution to budget debates, the Treasurer mentioned, with some disparity, that when members of the House talk on budget matters, they talk about parochial issues and not about explicit budget concerns. As the Treasurer would know, in appropriation debates it is a perfectly legitimate procedure for members to push whatever particular financial barrow they like. The one I want to talk about is the Northern Territory government's neglect in appropriations for the primary industry area of the Northern Territory economy, in particular the areas of agriculture and beef production.

The Northern Territory government seems unable to grasp the role that this vital area of production plays as far as the Northern Territory is concerned. There is very little point in the Northern Territory government initiating trade missions to South-east Asia or to anywhere else if we have

nothing to sell to people. It is no good saying that we will find the markets first and then deliver the goods. The goods have to be produced in the Territory and markets then found for them overseas. It is no good sending trade missions away unless we develop the means in the Territory of producing things to sell overseas. We preside over a vast area of the earth's surface in the Northern Territory, one sixth of Australia, and we extract from that earth a tiny amount of yield. The potential is there but its development has gone begging for obvious reasons of neglect.

I would like to touch on some of the problems that do need the attention of the Northern Territory government and some suggested solutions. For years, distance from southern markets has been the problem in the Territory. In the 1970s a few latter day prophets - such as you, Mr Speaker, and the PIB's Rob Wesley-Smith - have tried to draw our attention to our nearness to new and logical markets in South-east Asia. Before we can supply those markets, we have to produce the goods. The ALP, mainly through the honourable member for Victoria River, made formal pleas to develop trade with South-east Asia but our government's role in this area has been inadequate. We need more productive, hard-nose business missions to South-east Asia followed up with home liaison here. This follow-up has been neglected. This is the way for the future. The DPI needs the urgent attention of the government as it has only 2 staff to cover the whole neglected fields of economics, marketing and farm management. This is woefully inadequate. We must be able to tie in marketing with production, quantity and quality control, timing of supply and transport.

The Leader of the Opposition has already touched on remarks made by the honourable Minister for Mines and Energy. He quite correctly quoted the honourable minister as saying that uranium mining is the only way the Territory will be able to pull itself out of its economic problems. It is nonsense to suggest that mining will do such a thing. Mining is capital intensive, not labour intensive. The most successful way for any economy to pull itself out in the long term is in the primary industry of the Territory. That is where people are employed; that is how money will stay in this community.

Let us take the so-called Northern Territory crop development scheme. For years,the ALP has called for such a scheme. What does the Northern Territory government do? It does too little, too late. It delays any announced plans until well into the wet season - in fact, it was in November 1978 - gives little publicity to the scheme and then limits it to 3 crops: mung beans, maize and peanuts. Its agronomical staff is entirely inadequate to do the research in extension and management, not just for this scheme but for all field crops in the Northern Territory. It has little expertise in machinery development, no real harvesting plans and absolutely no marketing guarantees. In fact, I do not know how they would do it if they wanted to. Where is the staff and the DPI to do it? They do not exist. Whilst the ALP was pleased to see such a small start, we want to see the scheme extended to rice and other crops and also to pasture seeds with a guaranteed purchase of 80% first payment. That was raised in this House earlier by the honourable member for Victoria River. There needs to be a management and machinery management component built in and there needs to be a doubling of the crop agronomy expertise available and soon.

We have heard a lot of talk about the energy crisis. The Ord River hydro scheme only came about after the honourable member for Sanderson first suggested it in this House and the idea was then further developed by an astute agronomist. For all of us here in the Territory, one scenario has been overlooked by this government and that is the primary industry area. We could be growing starch-rich crops in the Territory such as cassava for the brewing of power alcohol. More and more discussion is being held on this and there has been quite a lot of talk on the news recently about the use of ethanol as a fuel additive.

Up to 20% of the product could be added to existing fuels to increase performance, eliminate the need for the addition of lead to petrol and reduce pollution. This sort of thing should be available in the Territory or, at least, research should be directed towards it.

The ALP is calling for programs of research and development on power alcohol production for use in the Northern Territory. This program would involve initially at least 2 agronomists, chemists or chemical engineers. The benefits of such a program will extend to the whole economic life of the Northern Territory, provide increased profits in the rural base, reduce imports, create exports and create jobs which will last and not wither away as mines close.

The growing of cassava can almost certainly be integrated with any damming scheme that will be developed for hydro power in the Territory, for example, the scheme that was being discussed the other day for the Daly. The cassava top growth would prove of huge benefit to our Top End cattle industry as a high protein feed and the roots would be available as animal food or for other industrial purposes. It is interesting that, in the early seventies, we had agronomic staff, skilled in this area, in the Territory. They have gone.

In the saga of Northern Territory government incompetence, we can certainly include the Willeroo scandal. The government failed to either run the project properly or purchase the property for the benefit of the people of the Northern Territory at what was a bargain-basement price. Willeroo was ideal for the production of gua and the Northern Territory led Australia in the development of that crop. It commanded guaranteed markets and an associated industry. It would be of some interest to members to know that that very viable industry has been lost by the Territory and is now thriving in Queensland. It has been lost because of our neglect.

The pasture seed harvesting industry perhaps could have been a major industry for the Northern Territory. It was certainly very important in the late sixties, when I first came to the Territory, but by now it has almost withered away. The ALP has already said it should be added to the crop development scheme but, additionally, we need a seeds industry agronomist and the services of an agricultural engineer.

We cannot feed ourselves in the Territory. During the war, when the population of the Territory was more than double its present level, the army did not have any trouble feeding the 200,000 plus who were in the Territory. In fact, I have photographs of some of the early gardens that supplied the army with produce. We challenge the government to state what professional staff it has had working recently in the fields of vegetable and fruit horticulture. I can tell them the answer. We have had one technical officer working on horticulture. That has been the situation for years. What is the government doing to benefit from his experience? It does not really matter because we will all be wiped out by noxious weeks. I have spoken about this before and so has the honourable member for Victoria River. It has been an absolute scandal in recent years and it is certainly not the fault of the Territory government.

The mimosa-control program was stopped after years of very expensive work because the resources had to be spread into other areas. Because that program was stopped, all the money that had been spent on it went down the drain. We now have an overwhelming mimosa problem in the Northern Territory. It is almost unstoppable; the day of the triffids is soon to arrive. There is an immediate need for at least 2 extra weed agronomists in the Northern Territory plus expert eradication teams that are properly equipped.

Let us examine the cattle industry. I remember the honourable member for

Stuart calling for Dr Patterson of the Labor ministry to resign because of a slump in rural profitability at one stage. The CLP presided over 4 years of rural depression during which it did practically nothing to assist. Now that the depression has ended for cattlemen, we see the results of this neglect in reduced herds in some places, extended herds in other places and lack of cash, labour and facilities to capitalise on the market. Meatworks in the Northern Territory have been taken further away from the interests of Northern Territory cattlemen. We see massive movements of cattle out of the Northern Territory, due to the poorer prices paid here, yet we see the squandering of public money on new and upgraded meatworks without any prior feasibility studies and with little likelihood of benefit. Even that towering figure of the Country Party, Bill Gunn, for years argued for fewer but bigger meatworks. These white elephants must be opposed and other options taken such as moves to increase prices, killing seasons and efficiency and to provide service killing facilities. The ALP, through the Leader of the Opposition and the honourable member for Victoria River, has canvassed all these ideas many times.

In Alice Springs, we need better control of the size of herds to maintain safeguards against over-grazing. In the Top End, we need development for wet season turn-off for the live shipping trade and for local markets. The technology is here but it needs to be expanded and refined. Costs should be reduced in large-scale implementation work because work in such areas is very expensive. Answers to questions from the ALP have shown that the animal production section of the DPI is woefully understaffed compared to our needs or, in fact, to the needs of any state down south.

We need officers in the Gulf region of the Territory. We need extra staff in all Top End regions plus support staff for experiment stations and staff to control feral animals. It is ironical that, during the years of depression, 1974 to 1978, the DPI's ability to research was also reduced by savage staff cutbacks under the benevolent Malcolm Fraser. At the time, even farmers seemed to resent public service salaries in the primary industry field. It was an illogical reaction but a very natural one.

The research answers for the Territory are wanted now, not in 10 years time. Our scientists in the Territory have worked under unacceptable conditions through all these years. They need time and support to document their work, to study literature that is available around the world and to visit other areas. Without this, the service of the DPI to the Territory will remain inadequate, morale will remain at its present low ebb and staff turn-overs will continue.

It is essential to introduce administrative systems to service the technical requirements of divisions such as the DPI and not to have them subservient to the needs of the administration. This brings us back to yet another ALP suggestion that was made some time ago. The ALP proposed that the DPI and land conservation become a department in its own right, controlling its own administration and have a greater delegation of financial powers to field officers along the lines of the CSIRO. That kind of flexibility and autonomy has had positive results in CSIRO. This alone would probably yield an extra 30% on work output by technical staff. Surely, this is a gain the Territory government cannot afford to overlook. The integration of effort to reduce transport costs of equipment and fertilisers is essential. Top End farmers pay double the price for their fertilisers than is paid by anyone else in Australia and yet the government ignores them.

We have not even touched on animal health or the scientific services available to primary industry. The DPI staff in the Territory rose magnificently to the problem of blue tongue but, because they were so stretched to the limit,

it was at the cost of neglecting other work. Whilst our problems with blue tongue are diminishing at present, even this could explode again if we have a succession of heavy wet seasons. There is a whole host of other exotic diseases that are simply waiting to wipe out Australia's rural industry. Clearly, we do not and cannot every have enough vets and trained staff to cope with all these problems. We can certainly add to the numbers we have now. Let us not forget the problems that we almost had with oriental fruit fly.

We find a very sorry story of DPI neglect. Whilst it seems no trouble at all for the Chief Minister to employ hosts of highly-paid public relations people and professional lobbyists in Canberra, he has refused a single soul to the DPI. He has refused to look at schemes for rural employment or to get rural education off the ground at Katherine. He is presiding over the breakdown of the system and, unless he takes action soon, he will be presiding over the dismantling of research facilities and experiment stations in the Territory. We already see totally unused nutrition research facilities at Berrimah. They have been unused for years. There is no backup for the small animals adviser. There is absolutely no dairy research in the Territory yet that is an area that has certainly been proven to be viable. When I first came to the Territory, I worked at a dairy in Katherine which was subsequently bought by Pauls at a highly inflated price and then closed down. There is no practical breeding work going on in the Northern Territory to suit Northern Territory conditions. There is no productive work on feral animals. As we found out just recently, the Northern Territory Wildlife Service has subverted efforts to harvest and use this resource. I am not dramatising these facts; I am simply explaining them. We suggest that the needs of the DPI and our own rural industries would be well served by immediately converting the DPI into its own department - as is the case in every other state of Australia - incorporating land conservation and some of the marketing people and improving administrative procedures.

I turn to specific recommendations to government. Where the money is to come from is the government's problem but these are the needs of the Territory. As far as crop research is concerned, there is a need right now for at least 3 more crop agronomists. The crop development area needs at least one agronomist right now plus marketing, management and economic input. A research program into alcohol-fuel development in the Territory would require 2 agronomists plus 2 chemists. The weeds agronomy and eradication area needs at least 2 or 3 agronomists plus an eradication team to carry out the work. Pastures research development, including the seed trade, requires 2 agronomists plus engineering input. The horticulture area, an obvious area of neglect in the Territory, has had 1 technical officer for as long as I can remember. There needs to be at least 2 agronomists appointed immediately to that particular area. There is a need for at least 4 more animal production officers and an animal production officer who specialises in the dairy industry in the Northern Territory. We require at least 2 animal production officers working on feral animals and another 2 working on reproduction and breeding research. There is an urgent need for 4 technical officers to support the experimental station management in the Territory. We are short of people in the marketing areas and we need more vets, at least 1 more chemist and a nucleus of professional extension people.

Certainly, that is expensive but potential returns to the Territory of that kind of new impetus and new attention to the primary industries of the Territory are potentially very great indeed. It is not beyond the realms of imagination that, if the government does shift its priorities somewhat and looks more closely at agricultural and beef production in the Territory, we could see the Top End feeding us all, exporting crops and beef to South-east Asia and supplying 20% of our own fuel from agro-industrial crops. We could see a rice industry in the Territory worth $40m and roads, railways, ports and rural services with amenities

to match. We could see increased attention to the buffalo industry in the Territory. We could see the sons and daughters of Territorians going onto the land after receiving training at Katherine agricultural college and on selected farms in the Territory. We could see a thriving cattle industry, major diseases eradicated and prosperity for the Northern Territory. The majority of the money could remain in the Territory and that would be a feature of primary industry that is not shared by other industries. All this is possible. I ask the government to lift its eyes and to change its priorities otherwise we will have to wait for the people of the Territory to decide to get progress and vote for the ALP.

Mr EVERINGHAM (Chief Minister): Mr Speaker, it has been interesting to listen to the Leader of the Opposition and the member for Arnhem speaking about the Northern Territory economy. What either of them would know about managing an economy really escapes me. When their masters had the chance to manage the Australian economy for a period of 4 years, they smashed it up to the extent that we are still attempting to battle our way free of the sort of schemes that resulted in deficits of thousands of millions of dollars each year. The Northern Territory economy is burgeoning. Evidence can be seen of that by the people who are prepared to invest their money in this Northern Territory. They have been prepared to do it since self-government because they realise that this government is interested in seeing the potential of the Northern Territory developed.

For instance, let us take the new ship-repair facility that is being established in the port of Darwin. John Holland Constructions, a large Australian enterprise which has been represented in the Territory in the construction field for some years, is now going to put some money into an entirely different field of endeavour. They are going to establish the only ship-repair facility along the north Australian coast between Cairns and Fremantle. That will be established here in Darwin. It will have facilities to handle up to five 350-tonne vessels at any one time and these facilities can be expanded as the trade demands it. The number of people who will be employed in the facility will be in the order of 90 and there will be a tremendous flow-on to other industries that are associated with it. This is the sort of thing that is happening; not just mining developments, which I certainly support, but developments in other fields.

The government is negotiating for agreements with other people who are interested in developing the fishing industry directly. Mr Kailis is proposing to set up a substantially larger establishment on Groote Eylandt than is presently there. This man is one of Australia's shrewdest, most go-getting businessmen and earns Australia a great deal of export income. He is prepared to put his money into the Northern Territory because he knows that this part of Australia is really on the road to great development.

The Northern Territory is unlike the socialist-controlled state of South Australia where stagnation is the order of the day and where business is frightened away by rules and regulations that absolutely inhibit and choke it. One reads and hears of South Australian businessmen wanting to build factories in South Australia but, after they have been refused about the 21st permit to do something or other, they decide to set up in Victoria - and we know that the South Australian government is concerned about that - or even move as far away as Queensland.

The new wharf that the government is honouring its commitment to build will be another facility that will enhance the attractiveness of Darwin harbour to shipping, both coastal and overseas. It is hoped that, by pressuring the federal government, the railway line will be built; and not just from Alice Springs to

Tennant Creek, as would satisfy the Leader of the Opposition, but all the way through to Darwin. I would subscribe to a bipartisan approach to get the railway line from Alice Springs to Darwin but I am not going to go to the Commonwealth government and say, "I will be satisfied, Mr Fraser, if you put the railway through just to Tennant Creek".

We certainly agreed with some of the things that had to be said to the Grants Commission in the summational submission of all the departmental submissions that were prepared by the Northern Territory Treasury and formally delivered to the Grants Commission by myself. The reason is that much of the benefit that the Northern Territory should have derived from mining developments has been cancelled by a lax Commonwealth policy that allowed the developments to orient themselves logistically to Queensland. They have not been encouraged or, indeed, coerced to establish secondary-type processing facilities in the Northern Territory. These are the very things that the Northern Territory government must set about doing, and we are going to do them. When these industries have agreements with the Commonwealth government that tie them hand and foot for years and years, there is very little that the Northern Territory government can do.

Only last year I made it quite plain to the management of Nabalco that, if they proceeded to establish an alumina smelter outside the Northern Territory without considering the possibility of establishing it in the Northern Territory, then this government would certainly not be looking on Nabalco very kindly and would be endeavouring to recoup from Nabalco, in other ways, what we would lose by the establishment of the smelter outside the Northern Territory. I made it quite plain to them that the government would do everything in its power to make available adequate sources of electricity.

We have a long way to go in our attempts to re-orient the direction of the mining companies. I must congratulate the Northern Territory Chamber of Industries for its recent trade mission from Darwin to Gove and Groote as better trade links must be established. These have not been helped in the past by disputes in the barge industry. If dumb barges were used today, the coastal shipping position along the Northern Territory coast would be greatly improved as freight costs would be reduced and the volume of freight that could be transported to missions and mining settlements would be increased. We will endeavour to continue to pursue every possible avenue to ensure that as much as can be gained for the Territory out of the mining industry will be gained. We have to reverse years of Commonwealth neglect because their attitude - although it is difficult for me to understand as a person committed to the Northern Territory - was that this was just part of Australia and that it did not really matter where the money came from or where it went.

We must overcome problems in transport orientation. The Gallagher report was tabled here yesterday. The findings of Mr Gallagher, who was commissioned by the government to look at the impact on the Northern Territory of air transports and other transports both from within the Territory and from interstate, are that there will be considerable future development of air traffic across the top, through Cairns, Gove to Darwin and down into Western Australia. This will be good for the tourist industry. We want people to move through the Territory from either Western Australia or Queensland and, if possible, to come here. There are some problems in the transport service between Gove and Cairns and between Groote and Cairns. Unless we improve these services, many people will continue to orient themselves to Queensland rather than feel the links that we believe they should feel with the Northern Territory.

We heard the honourable member for Arnhem speak about research and cropping programs. I will name just a few of the things that the Northern Territory government has done in the last 11 months. Not only are we keeping an eye on

what is happening in relation to cassava development and research but at least 2 senior officials have visited the cassava research station being maintained by a private firm in Bundaberg. They are experimenting to try to overcome the big drawback to any cassava planting operation in Australia, and that is to devise a cassava harvesting machine. Cassava is well suited to some Asian countries that are labour-intensive but, as a crop for Australia, it is totally impracticable at the present time and will continue as such until we devise a harvester.

We all know that the cane harvester was designed in Bundaberg. They now export them to places as far away as Cuba so a cassava harvester may be in sight. They are also researching into the commercial possibilities of cassava which are acknowledged as being good and which must be enhanced by the declining world supply of timber and petroleum. This is because its by-product is like the bagasse that comes from sugar cane. It can be used to make building boards and power alcohol. I believe that we should work in concert with Queensland in this field because for many years in Queensland there has been a power alcohol distillery in the Mackay district. Power alcohol was - I do not know whether it still is - compulsorily added to all petrol in north Queensland. Those are the sort of people that we should be working with in this field and they know of our interest. There has been government contact because they have quite a lead in this field. The honourable Minister for Industrial Development reminds me that Fielders, the firm from Bundaberg, is sending representatives to the Northern Territory this week so we are not letting the grass, or the cassava, grow under our feet.

In respect of fertiliser, there has been a program this year - I am not in a position to give full details - to conduct tests with limestone or phosphate in the Rum Jungle area. If the tests are successful, more can be made of those particular resources. There has been an approach by one concern to establish a limestone plant in the Katherine region and this is related to uranium mining. It may result in the establishment of a cement plant in that area.

Those are just some of the exciting developments that are taking place. We do not keep beating the drum about them because it is best, as far as possible, not to make announcements until there is something more concrete achieved. Those happenings are taking place here almost every day. I would not see one fiftieth of the letters that come across my desk and the letters that go over the desk of the secretary of the Department of Industrial Development are numerous. They indicate the breadth of interest that is being shown, from right across the world, in the Northern Territory.

I agree with the honourable member for Arnhem that there is no future for agriculture in the Territory unless something is done about marketing. This was a conclusion of mine quite some time ago but nothing was done by the previous Commonwealth administration. If you walk down a city street anywhere else in Australia, you are liable to see any one of the following signs on a doorway: "French Bean Marketing Board" or "Maize Marketing Board" or "Bean Marketing Board" or "Sunflower Seed Marketing Board". We have to establish the wherewithal so that producers do not have to worry about marketing for themselves. It is unreasonable to expect producers to have to look after the marketing side of things.

Officers from the Department of Primary Industry in Queensland came to the Northern Territory in March and April. They spent some time here and are now back in Queensland preparing a report to us on the feasibility of establishing a marketing organisation. We will probably have one sort of marketing organisation in the Northern Territory for the time being. That is my view - I do not know what will be in the report. However, we have to do something to provide

security for growers because it is no good growing sorghum or mung beans unless there is some guarantee of a return to the producer. As much as anything else, that has been the cause of the failure of agriculture in the Northern Territory.

We are told that insufficient funds are going to the division of primary industry. I cannot remember the exact figures but I have a reasonably good memory and I think these figures are illustrative. The total yield to the Northern Territory from primary industry, excluding fisheries, is something like $16m per annum. I think the Alice Springs district returns the greatest amount of money to the Northern Territory from cattle production; the Barkly Tableland district returns a reasonable amount; the Victoria River district somewhat less; and the Darwin and gulf area is the lowest yielding area of the Northern Territory. I am almost certain that the amount budgeted for expenditure in the primary industry area this financial year was between $11m and $12m. If that is not a reasonable amount of money to put in when you are only getting $16m out, I do not know what is.

Tourism is a bigger industry and certainly a more labour-intensive industry than primary industry. I am not decrying primary industry. It is most important and it is essential to have people settle on the land as the member for Arnhem said. I do not think there is a great deal of difference between us on many practical points; it is the approach. We must have people settle on the land and we must help them to do it. We certainly are putting a reasonable amount of money into it. When you realise that we spend about $2m a year in government promotion on tourism, our second major industry after mining, primary industry is doing extremely well by comparison.

In conclusion, the Public Service Commission has been very busy since self-government. It has had to handle the hand-over of health and it is now in the throes of the hand-over of education. It is now in the process of reviewing the Department of Industrial Development staffing position. I understand that we will receive this review in the next few weeks. The government has been acting as fast as it can, consistent with the resources available to it, to assess the proper requirements of the division. We will take action when we receive the report to see that all reasonable recommendations are carried out. This is being done not just in primary industry but right throughout the government. I think you can see that things are happening in this Northern Territory. I believe that our economy is one that the rest of Australia will look at with envy. Contrary to what many people in the south believe, as a north Australian coming from north Queensland and having lived all my working life in the Northern Territory, I believe that northern Australia has a far greater future than southern Australia. The Northern Territory government is doing its very best to ensure that we take our fair share of the future as quickly as we can.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I would like to take issue with some of the remarks made by honourable members opposite. I listened to the speech of the honourable member for Arnhem and it sounded like a chapter out of a book, "The Last of the Big Spenders", by Big Bob. This afternoon the honourable member has displayed the same appreciation of money that his federal colleagues displayed over several years. God help us, Mr Speaker, if these people ever get hold of the Treasury benches in the Northern Territory. They do not understand what it is and they do not understand how you get it. It is stuff that you print in the basement every night and you have a ball with it the next morning.

The honourable member for Arnhem and the Leader of the Opposition made light of the benefits that will be derived from uranium mining in the Northern Territory. Uranium mining in the Northern Territory is about 3 months

old in actual activity. Let them tell the 500 fellows who are earning their pay packets out there every fortnight how light it is. Let them tell those people how unimportant uranium mining is to the Northern Territory. The honourable member for Arnhem, the shadow minister for mines and energy, openly professes that his job in political life is to stop uranium mining. Tell the guys out in the province where they are going to get their next pay packet from. I just do not understand.

The honourable members made light of the fact that capital was coming into the Northern Territory and they were quite derisive about the fact that mining was capital intensive and that we were looking for industry that was labour intensive. I would not argue that labour intensive industry is a bad thing. I think it is a good thing but let us look around at the reality in this big, bad world of ours. Let us look at the countries that have teeming millions hanging over their boundaries. They do not have capital and what have they got? What are they going to do? They are probably going to starve. The guts of the message is that, if you do not have the capital, you do not have an economy. The sooner honourable members on the other side wake up to that, the better off we will be.

Mrs O'NEIL (Fannie Bay): Mr Speaker, it was most interesting for me to hear the Minister for Health talk about what a great economic manager he is. This week, I asked him how much of the $200m cuts in hospital costs will be borne by the Northern Territory. He said that he did not know but he is sure his mates in Canberra would not do anything bad to us. All the other ministers in all the other states seem to know. In NSW, they tell us it will be $60m and, in Queensland, it will be $40m. It does not depend on the political colour; they seem to be able to manage the health services and know just what that $200m cut by the federal government will mean. This minister, who tells us he is such a great economic manager, apparently does not know. I can get a fair idea by picking up a phone and ringing Canberra. I wonder why he could not do the same.

The Chief Minister started his lengthy dissertation with a defence of his indefensible mates in Canberra. Look at what they have done to the economy and to the people of Australia over the last 4 years. At the end of this, the federal Treasurer can only say that unemployment will stay as high as it is. We know it is over 10% in the Northern Territory. Similarly, inflation will stay as high as it is. I am amazed that the Chief Minister has the courage to say that and I am sure the electors of the Northern Territory will take note. In defence of his economic management, the Chief Minister named 2 companies, Kailis and Holland, who are active in the Northern Territory at the moment. They are 2 big companies and we know the mining companies are active too. We know it is a political philosophy of our friends on the other side to look after the very big companies.

What has happened to the small companies in this town and the Northern Territory? In the last 12 months, how many have been bankrupted, liquidated or forced to enter various schemes or arrangements? I will list them out because apparently the Chief Minister either does not know or does not care what is happening to small businesses in this town. This list is not complete: Gateway Constructions and associated companies, Progressive Builders, Field Distributors, Condor Constructions, Procon Constructions, Day and Dent Constructions, Zorba Welding and Structural Steel, Winnellie Auctions, J.J. Engineering, Polly and Parry, Lombard, Highway Service and Sales, Tom Groggin, Nick Syrimi Holdings, Davel Building Supplies and G.I. And G. Favaro. That is stark testimony to this government's economic mismanagement and incompetency.

There are other firms which have moved out because of the lack of

opportunities and exasperation at the lack of direction of this government: Mauri Brothers and Thompson, Hunter Douglas, Marobi Constructions, Thompson and Harvey, SAATAS, and Radial Industries. To the complete despair of local people and local businesses,this government is giving the Territory economy no direction. I am not prepared to sit here and listen to the Minister for Health tell us that he is the only person who knows something about small businesses. I do too and I know many other people who do and they despair of what is happening to the Northern Territory and what they can see happening to their incomes and their profits.

Originally, my intention in this debate had been to talk about roadworks in my electorate. Unlike some members of the government, I am not ashamed to talk in appropriation debates or any other debates about matters that affect my electorate when it is relevant to a particular debate. Their attitude in saying that it is beneath their dignity to worry about their electorates in appropriation debates is utterly reprehensible. Subdivision 4 of divison 66 refers to roadworks which will affect my electorate. This is a matter of very deep and abiding concern to many in my electorate.

The appropriation allows for additional work to be included in the East Point Road, Gardens Road, McMinn Street reconstruction to make allowance for additional traffic generated by the Coconut Grove - Ludmilla connector which the minister is sometimes pleased to refer to as the Nightcliff - Fannie Bay connector. Call it what you will but it will grossly increase the amount of traffic through the Fannie Bay area. Work is proceeding on the East Point section. Work has not begun on the Coconut Grove connector road yet. I doubt very much whether tenders have been called yet and I predicted that in the last appropriations debate. On the various occasions I have asked the minister questions about it, he has told me that it would go ahead in April. That is $1.5m for capital works from the last appropriation that has not been spent this financial year and is presumably reallocated in this Appropriation Bill.

One of the reasons the road did not go ahead was that negotiations had to be concluded with the Aboriginal people at Kulaluk. Earlier in this sittings, government members expressed their deep concern about the needs claims of Aboriginal people and told us they are cooperating to the fullest to have these sorted out as quickly as possible. Look what happened at Kulaluk! The people there were told that the only way they would get their lease was by agreeing to have the road go through the area. No one wants a road going through his area of land. They were told that was the only way they would get their lease at all. That is bribery and corruption if ever I heard it. Realising they had no other option with this completely heartless government, they finally agreed. Perhaps the connector road will go ahead this week. I am pleased the minister allowed the plans to go on display recently.

There is some related roadwork which will occur in my electorate next year. This is also related to the Coconut Grove connector. It will connect the connector through Douglas Street and extend it through Hudson Fysh Avenue to the Parap area of my electorate. Once again, people are opposed to this. They do not want vast quantities of traffic flowing through a pleasant residential area, creating noise problems and risks to children. This government road policy is completely unimaginative. It has not learnt from the mistakes of other states, cities and countries. Other cities have learnt that it is not a good idea to destroy older, attractive residential areas by creating traffic corridors through them which will bring vast quantities of traffic from outer suburbs and areas into the city.

If there were no other options perhaps the people of Fannie Bay and Parap might say that they were prepared to have their pleasant area sacrificed in the interests of progress. However, there are other options. This government and

its advisers have been most unimaginative in looking at these. I note the absolute surprise and amazement which people express when they discover that the grand overpass which is to be built at the intersection between Stuart Highway and Bagot Road will actually take traffic to where it is already going from where it is already coming. The government is going to spend $1.5m to save people perhaps 3 minutes in travelling from the northern suburbs to town. That is the level of imagination we have in these great policies. That is one example of it and taking roads unnecessarily through the suburb of Fannie Bay and disrupting that very pleasant area is another. I do wish the minister would take the matter seriously and have a thorough look at the lack of direction and the lack of planning of these road programs.

Mr DONDAS (Community Development): The honourable member for Fannie Bay spoke about the Northern Territory government forcing all those poor businesses to disaster and bankruptcy. Let us look at a couple of those. Gateway Constructions and Condor Constructions were well and truly on their way out before this government came into power. In early 1974, before the Assembly elections, Condor Constructions was in trouble with the property that it was developing in Bishop Street opposite the brewery. How can you relate its problems to this government? J & J Engineering is another one. He went back to New Zealand; he just closed up and left. It was not because of lack of business. Mauri Bros and Thompson are a Queensland firm. The only reason they closed the operation down was because they could not obtain adequate management staff. A fellow by the name of Dick Edgar, whom I have known for a long time, told me that himself. Radial Industries would be the only firm that closed or went bankrupt because of economic circumstances. They kept themselves afloat after the cyclone because of the enormous building boom that happened here. When that faded out, so did they. I cannot see how the honourable member for Fannie Bay can say with such conviction that the firms that she mentioned went broke because of the Northern Territory government. It is a load of bulldust, Mr Speaker.

Mr PERRON (Treasurer): Mr Speaker, the Leader of the Opposition adopted the typical negative approach that he has displayed ever since he has been in this House. His contribution to the debate this afternoon was, as usual, a load of nonsense. The Opposition Leader has a rather appalling record in this House and outside this House for making confusing, conflicting and misleading statements on financial affairs. An analysis of financial pronouncements over the last 2 years by the ALP shows that, at best, the party leadership has been guilty of incredible naivety. It could be suggested that a party which purports to be an alternative government could not afford such artlessness. However, after 2 years, there is no evidence that wisdom is tempering the ALP's approach to financial matters. I can only conclude that the party leadership is embarked on a deliberate ploy aimed at undermining confidence in the Northern Territory's future and, through the achievement of that goal, undermining the confidence in this elected government in order that it might present itself as an alternative.

Given Labor's poor comprehension of financial matters, such an event as its becoming the government would be disastrous for a Territory that is still in its self-government infancy. For 2 years now, the ALP has used outlandish financial claims in 3 significant campaigns, 2 of them in the past and 1 we are right in the middle of at present. In the 1977 Legislative Assembly election campaign, Labor used financial scare tactics to drum up electoral support. Labor also spearheaded a campaign, during and after the 1977 elections, arguing that self-government would cost us the earth. Thirdly, there is the campaign which began with self-government on 1 July 1978 when Labor decided that it had lost the fight against self-government and switched tactics to try to discredit the government in an attempt to frustrate our initiatives. The tactics employed in its bid to gain acceptance of its allegations sit oddly with the theory that there

should be honesty and responsibility in politics. The record of lies, half-truths and distortions over 2 years calls into question the credibility of the Labor leadership and demands an answer on whether or not that Labor leadership has been acting in the Northern Territory's interests.

No one would deny that the Australian Labor Party is one of the great political parties of this country. In the Northern Territory, however, the leadership of the ALP is a demonstrable discredit to those who voted for it and a discredit to the Northern Territory generally. We have a modern day leadership here which fought against self-government despite the fact that older and wiser heads in their party had been aiming in this direction for years. We have an opposition which sees itself as the next Territory government yet never misses an opportunity to sow the seeds of confusion and knock efforts designed to advance stability and economic growth in the Territory.

Labor's principal weapon in its supposed armory of financial knowledge is that it prides itself on its ability to criticise government financial management yet, time and again, it has been proved wrong. Time and again, it continues to raise the same spectre of imminent high taxation increases. Let us look at the record so that we may dismiss, once and for all, the litany of lies that has been developed for no other purpose than to further the ambitions of a team of socialists that would deny the Territory its determination and that now aims to deny it a good government. On 19 July 1977, in his campaign speech, the Leader of the Opposition guaranteed that a constitutional change would double the taxation for the Northern Territory. "Let me be absolutely plain about statehood," he said, "it means double taxation". This was not just a statement but an assertion.

Later, in the same speech, the Labor leader promised that he would not go off half-cocked about double taxation. He said that he had researchers working on the subject and that there would be figures produced in about a fortnight's time. He produced these from his impeccable source in the Prime Minister's department and stated that a figure of $15m extra would have to be raised from Territory sources. The then Majority Leader, Dr Goff Letts, described the assertion as "a complete lie". There was no secret deal involving $15m extra Territory revenue yet, even when the passage of time proved him wrong, the Leader of the Opposition refused to accept that he was wrong.

In his July 1977 campaign speech, the Leader of the Opposition claimed that the forthcoming 1977/78 federal budget would be a horror budget for the Territory. That same budget allocated $475m to the Territory and included a $50m single-line appropriation to this Assembly. It represented a 4% increase on the previous year and, in terms of the tight national budgetary position at the time, we had done very well.

The Labor leader combined his campaign against self-government with his bid for Assembly seats in 1977. On 21 July 1977, the Labor leader claimed: "Self-government is a fraud. The Territory is going to have to pay heavily for the privilege of being given state-type functions". On 23 November 1977, he made this amazing claim: "For people to believe that self-government would not bring about taxes, at least in line with the states, would be the greatest piece of political delusion ever worked on a group of Australians". Note the absence of "double tax" in that statement; the level had been reduced to what the other states charge. On that same day, the people read in the Northern Territory News that Mr Isaacs had found out that district allowances and annual airfare entitlements would be removed; living standards would drop and new taxes would be imposed on land and cigarettes to help fund statehood. He did not say that these taxes "might" be imposed or that these entitlements "might" be removed. All these assertions were presented as fact. Were these the assertions of an honest and responsible politician? The Opposition Leader continued to transpose self-government with statehood. This was a blatant attempt to scare Territorians.

The Labor leader's comments on the Grants Commission best illustrates his inability to grasp financial fundamentals. He claimed on 21 July 1977: "The states get their money through the Loans Council and the Grants Commission". Only Queensland is claiming from the Grants Commission and it could hardly be said that the states get their money through the Grants Commission. Early in 1978, he asserted in a press release: "The role of the Grants Commission is irrelevant in determining financial assistance to the Northern Territory". By some odd quirk of misunderstanding and miscalaculation, the same release warned: "If the Grants Commission was the sole arbiter of the Territory's financial needs, then the Northern Territory would face a shortfall in current expenditure levels of 50 to 60 million dollars" and that this hypothetical shortfall "would have to be funded by Northern Territory taxation". The Leader of the Opposition again claimed outside help in making his judgment - this time in the form of advisers from state treasuries. The state treasuries were not named but no doubt the Leader of the Opposition saw them as a handy excuse when he was proved wrong.

On 1 March 1978, the Leader of the Opposition continued his attack on the Grants Commission and the financial arrangements which were being developed for self-government and he issued the following press release: "If one has to look at the assessment made by the Grants Commission, then one finds the following situation: given the sort of income that we would expect from the federal government based on income-sharing arrangements and the population factor which is involved in that and given the assistance which the Grants Commission would recommend, were we a claimant state, in so far as our revenue needs and our expenditure needs are concerned and given the revenue which we already raised in the Northern Territory, then one finds that the Territory would get an allocation of somewhere around $80m". What an incredible statement from a supposedly responsible man! The Leader of the Opposition passed judgment on a determination that was reached after thousands of hours of computer studies and field inspections, and after a tour of the Northern Territory by the Grants Commission and analysis of its submission. All this was done to determine what the Leader of the Opposition had already judged a year ago. Why do we waste our time? I have always believed that, even having regard to political licence, a man in the position of the Leader of the Opposition should be morally bound to make statements that are at least credible.

The Opposition Leader just did not know what the financial arrangements being worked out at the time were all about, despite repeated statements made in the House about the financial arrangements. He was discrediting the basis of an arrangement before he understood it fully and was attempting to panic Territorians into believing that they would be sold down the drain. Subsequently, the financial arrangements negotiated by this government secured a $280m grant for the Northern Territory. The Leader of the Opposition is fully aware of that figure but I have yet to hear him apologise to all the people he misled about his $50m to $80m. Obviously, an apology would be too much to expect.

Having done his best to discredit self-government and the financial agreement which has given the constitutional change a degree of security hitherto absent from the Northern Territory, the Leader of the Opposition changed his tack at the time of self-government. He had lost the race to defer or delay self-government so he had to change tack and the Territory flag had barely unfurled before he was away and running on a new course but with the same underlying theme: "beware of higher taxes". One could have been forgiven for thinking that there had never been a tax increase in this country before or that there had never been a tax increase in the Northern Territory before.

The August session after self-government again saw an old favourite trotted out. The opposition decided to give double taxation another run. It

had been left alone for almost a year up until that time. In just over a year, the Opposition Leader had worked out the theory behind double taxation. In the 1977 elections, he apparently used the phrase to describe normal taxation. Actually, it is a term used to describe supplementary income tax powers held by the states under stage 2 of the tax-sharing arrangements. Last August, on no evidence, the Opposition Leader hazarded the suggestion that double taxation was on its way to the Territory. Double taxation has never been considered by the Northern Territory government. As I said at the time, that suggestion was a complete figment of the Opposition Leader's imagination - another totally unfounded allegation from a person who uses his position to frighten Territorians and to discredit the government.

In the Leader of the Opposition's view, the government had overspent in 1977/78 and bordered on incompetence. On 4 September last year, in another of those interminable knocking press statements, he said that the Northern Territory government "could not afford to be as carefree in its spending this financial year as it has been last year". He was referring of course to 1977/78 when we had in the vicinity of $50m to spend. Of a total appropriation of $52.53m, we had underspent by $39,000. It was just another piece of unfounded nonsense by the Leader of the Opposition to scare and frighten people.

September saw the first Northern Territory government budget brought down after self-government. After listening to their second-reading debate on the Appropriation Bill at the time, we all know what lack-lustre performers the opposition are in financial matters. Members used the entire budget debate to talk about a road in their electorates or a street in their electorates. No reference was made to the future of the Northern Territory or economic expansion, just electorate stuff. The adjournment debate or question time is more appropriate for such matters.

In the Darwin daily newspaper, the Leader of the Opposition said that the budget contained no exciting government initiatives and lacked direction. No doubt, the excitement he was hoping for was the introduction of higher taxation and new tax measures - 2 things he had said that the public at large would be in store for in the forthcoming budget. It must have disappointed him to know that his $50m - $60m shortfall simply was not to be and that his impeccable source in Canberra, who said $15m extra tax would have to be raised from Territory sources, was not so impeccable after all. The budget contained no new or increased state-type tax measures but did the public hear any apologies or retractions by the Leader of the Opposition for his misleading them? They did not. The Leader of the Opposition does not have the fortitude to admit that he was wrong.

The saga went on and more fallacies were propounded as facts. Just about every month, the opposition leadership, their researchers and those well-known interstate contacts have continued to dream up stories designed solely to frighten the populace and discredit the government or its officers. The year 1978 still had 2 months to run when we heard another charge. This time the government had failed to sustain capital works spending. The Minister for Transport and Works described this claim as a totally incorrect allegation designed to spread alarm and uncertainty among building companies and workers. The minister used figures to prove his point. On 2 October, the Minister for Transport and Works said that re-voted works worth about $54m were continuing to be administered as usual, contracts worth about $4m had been let for the building industry alone since June and tenders for building works valued at another $1m were under consideration. It was business as usual at that time of the year but the Leader of the Opposition chose to misrepresent the situation and to spread alarm among the people.

We move to December 13. On that day, a press release from the Leader of

the Opposition's office said: "Mr Jon Isaacs today accused the government of abandoning its budget strategy". In September, the same man was saying the budget had no directional strategy at all yet, 2 months later, the government was accused of abandoning a strategy it did not have. He was having it both ways. It seems that, by this time, he was supporting our strategy and expressed concern that we might not be sticking to it. That is the only conclusion I can come to.

We move on to April this year when we had the furore over the government's half-yearly statement of accounts. The opposition well knows that the format of these accounts is established by convention but, instead of raising its questions and concerns directly with the government, it sought to generate political mileage out of its criticism. The accounts, according to the Leader of the Opposition, were a cover-up. He claimed that there were not enough figures, yet those that were there confused him. To determine Territory receipts, all he needed to do with the 6-monthly accounts was to make a simple addition of 2 figures, but he even got that wrong. He asserted that for the first half of the financial year internal receipts amounted to 30% of the figure expected for the full year, a claim subsequently bandied about on television and other media by the member for Sanderson. In reality, the figure was 10% higher. State taxation and miscellaneous receipts from 31 December totalled just over $15m or 40% of the $37m budget estimate. By this time, it was absolutely clear that the opposition simply did not comprehend what quarterly government statements were for or how to interpret them. Under such circumstances, wiser heads would have found out before making fools of themselves.

The other voice who joined in during the public argument over the quarterly statements was the member for Sanderson. She claimed the position was so bad that a wide range of taxes looked like being increased. Some of her statements showed a greater appreciation than her leader had. She conceded: "At present, the stamp duty in the Northern Territory is lower than in the states". That was a brilliant observation, particularly as we had been saying it for about 12 months. It is one of this government's proposals to retain a low level of stamp duty.

The opposition's thrust in criticising the December quarterly accounts was based on a false assumption that income and expenditure totals should be reflected in even amounts each quarter. The supposition of exact pro-rating is nonsense and it concerned the government that we had to resort again to publicly educate the opposition on a financial fundamental of which it should have been aware. It is interesting to note that the public row again demonstrated the Opposition Leader's ability to argue both for and against himself.

On 2 April, he claimed that the general works area of the Department of Transport and Works had overspent by 42% in the first 6 months of this financial year yet, in October 1978, he had claimed that the government was guilty of underspending in this particular area. He just cannot seem to make up his mind which way to jump. As long as he fails to grasp the basics of government finances, he will continue not knowing which way to jump. Perhaps we should have expected all this nonsense on quarterly accounts as the leader opposite sees the quarterly accounts as just another batch of figures that the government produces from time to time in the interests of keeping the public informed of what is happening.

On 14 December, following publication of the statement for the first quarter, the Chief Minister had to take the Leader of the Opposition to task for his comments on that document. The Chief Minister said that the Opposition Leader's efforts to raise an issue comparing provisions for administrative expenses with that provided for capital works clearly indicated a lack of

interest in budget proceedings. The Leader of the Opposition had said the day before that administrative spending in Transport and Works had exploded and not a cent had been spent on repairs and maintenance of roads. Did the Leader of the Opposition really think that any government would stop spending on road maintenance when the budget provided $12m for road maintenance? It was a deliberate fabrication designed again to do nothing else but cause alarm.

More recently, the Leader of the Opposition found a new source of information to misconstrue because the Grants Commission had arrived on the scene. This time the language was a little more temperate but the aim was the same: to create community concern. I quote the Leader of the Opposition: "There were ominous signs during the Darwin hearings of the Commonwealth Grants Commission last week that the Northern Territory government will have to increase taxes and cut back on the growth of the public service". The press release is dated 23 April. It is a well-worn yarn. There is not even a basis to justify it. The Opposition Leader's statement was marred by fundamental errors such as his assessment that, if liquor tax went up by 1 cent, the price of a glass of beer would go up between 5 and 8 cents. The reality is that, in the event of such a hypothetical increase, a glass of beer would go up 1 cent. The Leader of the Opposition was only wrong by about 500%. Why should he worry? He has never worried about it before.

Notwithstanding the Leader of the Opposition's failure in financial matters, he does still have some friends. The ALP's secretary, Mr John Waters, has gone on record since his leader's famous Grants Commission warning saying that his party is ready to fight an election campaign because it knows the government has overspent and vicious taxation increases are in the pipeline. Note the new theme there: not just increased taxes but vicious taxation increases. Mr Waters does not quote a source for his assumption but clearly felt that his colleague was not being dramatic enough about the whole affair.

Let us stop for just a minute and assess the validity of these claims. We have heard them ever since the 1977 elections and still the same story is repeated: heavy taxation increases are just around the corner; the Territory cannot afford self-government to govern itself and the government will impose huge taxation imposts to meet its shortfall; and the government is guilty of financial mismanagement and is therefore incompetent. Where does the incompetence lie? I suggest it is in the opposition benches. The record I have outlined specifies instances where Labor leadership has twisted facts, distorted the truth and clutched figures out of thin air to support an argument of political criticism.

The opposition leadership fails to appreciate that the government is Territorian and is determined to do its best for the Territory. The opposition seems to suggest by its attitude that in some way the government is a secret partner in some scheme to make things worse for Territorians. It is long past time that the paranoia of the opposition was replaced by sane and sensible political judgments on financial matters. The Leader of the Opposition would do well to recognise and act in accord with responsibilities of his office and the oath he has taken in this House. If the honourable member was half the measure of past Territory Labor stalwarts, he would admit that self-government is the greatest constitutional and political advance the Northern Territory has ever made. He would admit that he has misled Territorians on financial matters since before he was elected to this Assembly. The Leader of the Opposition has clearly demonstrated that he is without credibility and is set on a course aimed at undermining responsible government. He has repeatedly abused the power of his office and brings discredit to the stature of this House.

Motion agreed to; bill read a second time.

In committee:

Schedule:

Divisions 11, 12, 14, 15 and 16:

Revised appropriations agreed to.

Division 18:

Mr OLIVER: I ask the Chief Minister why the police are buying telephoto lenses at a cost of $7,500 and for what use they will be put.

Mr EVERINGHAM: We are buying telescopic lenses in pursuance of the conspiracy between the Solicitor-General and myself to bring the Northern Territory closer towards independence. We have already recruited a squadron leader from the air force and Captain Horatio Hornblower will shortly be going on strength so we thought we had better equip him with a telescope.

Revised appropriation agreed to.

Divisions 19, 25, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 50, 52, 55, 60, 70, 61, 62, 53, 65, 66, 67, 68 and 69:

Revised appropriations agreed to.

Bill passed remaining stage without debate.

SUPPLY BILL 1979-80
(Serial 294)

Contined from 16 May 1979.

Mr ISAACS (Opposition Leader): Mr Speaker, the Treasurer has outlined the need for a Supply Bill. The Supply Bill of some $207m will keep us going until November. It is simply an interim matter. We will see the way the government will allocate its money for the 1979-80 year in the September budget. The opposition supports the bill.

Motion agreed to; bill read a second tim.

Bill passed remaining stages without debate.

TAXATION (ADMINISTRATION) BILL 1979
(Serial 300)

Continued from 23 May 1979.

Mr ISAACS (Opposition Leader): Mr Speaker, this is quite a complex and detailed piece of legislation. It has come about as a result of an independent assessment of the Taxation (Administration) Act. The Treasurer has supplied members of the Assembly with a great deal of detail on the amendments and I would like to thank him for doing it promptly. The amendment of the Taxation (Administration) Act will not increase taxes in any way or impose new taxes. According to the Treasurer himself, it is a means of closing various loopholes which may have existed in the existing legilsation. The Treasurer approached the opposition very early in the sittings to indicate that this was required and that he would be seeking the suspension of Standing Orders for the legislation to be passed quickly. I indicated to him that the opposition supported the principle of what he was saying. The opposition is pleased to cooperate with the

government to close loopholes as quickly as possible to ensure that, because of publicity given to the existence of those loopholes, members of the public would not be able to take advantage of them. I am satisfied that no additional taxes are imposed. The loopholes ought to be removed. The opposition supports the bill.

Motion agreed to; bill read a second time.

Bill passed remaining stage without debate.

STAMP BILL
(Serial 301)

Continued from 23 May 1979.

Mr ISAACS (Opposition Leader): Mr Speaker, the opposition supports this legislation for the same reasons that we supported the previous bill. Again, there appears to have been a rigorous exercise performed on the Stamp Duty Act and various amendments have been introduced to streamline the operations of the administration of the act.

There is one item in the bill which improves the position. I am delighted that the government has acted to exempt school associations from paying stamp duty. I am pleased about it because it was a campaign I commenced in October or November - one of those dreadful campaigns the Treasurer was referring to in an earlier speech. This one, however, appears to have borne fruit and I am delighted.

Some time in November last year, the Rapid Creek School Association wrote to me requesting that action be taken to exempt school trading associations from the provisions of the Stamp Duty Act. They had written to the Commissioner of Taxes and, apparently, had been told that no such exemption could be given under the act. A number of representations were made to the Treasurer. A series of letters emanated from my office and also from various school associations. I had taken steps to apprise many school associations of the actions I had been taking and I sought their support. Indeed, that support was forthcoming. I am very pleased to say that the minister has responded positively in this regard.

I was somewhat amazed and perhaps a little amused when I found out who the President of the Larrakeyah Primary School Association was when I received a response from it. The president of that organisation is a former member of this Legislative Assembly. I was informed, in words not too dissimilar from the words used by the Treasurer, that I had gone off half-cocked as usual. I am used to being told things like that from worthy members opposite but it was a bit staggering to hear it from a school association. They told me that school associations did have exemptions and the Treasurer was going to introduce legislation later to clarify the matter. I am pleased that there is such close consultation between that particular school association and the Treasurer. I politely wrote back and said, "I am sorry but you are misinformed. Wait until the next sittings of the Assembly".

I am delighted that school associations are to be exempt from paying stamp duty. People on school associations work very long hours for no pay to provide support to the schools which really is the responsibility of government. If we take a free education system seriously, than clearly government should provide it. It is not within the available resources of government to supply all these services to schools. In fact, I believe that the school associations do such an excellent job and have such an excellent understanding of what is required that

it would be a great shame to do them out of business. They provide a service which governments would otherwise have to provide. It seemed iniquitous that those school trading associations should have had to pay stamp duty. A number of school associations seemed to be getting around the problem by way of some sort of a society account; I did not quite get to the bottom of that. The position now will be that all school trading associations will be exempt from stamp duty. The opposition supports the bill.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

ROAD ACCIDENT SITUATION - SAFETY MEASURES CURRENT AND PROPOSED

Continued from 29 November 1978.

Motion agreed to; statement noted.

CRIMINAL LAW AND PROCEDURE BILL
(Serial 225)

Continued from 28 February 1979.

Mr ISAACS (Opposition Leader): Mr Speaker, in the words of the Chief Minister when he introduced this bill, this bill will create ultimate security in the law. When the draftsman uses a 12-line, 120-word sentence to clarify the law, somebody is saying something tongue-in-cheek. The purpose of the exercise is to create some consistency in the statutes. The opposition supports the bill.

Motion agreed to;

Bill passed remaining stages without debate.

FINANCIAL ADMINISTRATION AND AUDIT BILL
(Serial 239)

PUBLIC SERVICE BILL
(Serial 240)

Continued from 28 February 1979.

Mr ISAACS (Opposition Leader): Mr Speaker, these 2 bills are designed to streamline the legislative proceedings to establish statutory authorities. The passage of these bills will not in any way diminish the parliamentary scrutiny of the statutory corporations. The opposition supports them.

Motion agreed to; bills read a second time.

Bills passed remaining stages without debate.

HOUSING BILL
(Serial 236)

Continued from 28 February 1979.

Ms D'ROZARIO (Sanderson): Mr Speaker, the opposition certainly supports the principles embodied in this bill. The bill seeks to deal with the

circumstances whereby tenants of the Housing Commission unlawfully erect structures on property rented by them from the Housing Commission. This question has been raised in the House before. The honourable minister is commended for having taken steps to rectify a situation which was quite widespread in the major urban centres.

The sort of structures that tenants most often build are things like sheds, outbuildings and perhaps chicken runs. We need to ask why people do these things. Speaking for my own electorate, the most common structure illegally erected by Housing Commission tenants is a shed. The houses rented by the Housing Commission do not have any provision for lock-up storage of property. In fact, the basic fittings in the houses are extremely moderate and this is one of the reasons why people buy prefabricated sheds and have them positioned on their allotments. Several people in my electorate have been contacted by the Housing Commission and instructed to have sheds removed. One particular family had saved for many weeks to buy a lawnmower and, having purchased a lawnmower, it was stolen within 2 weeks because there was nowhere to store it. That family promptly went out and bought a small lockup shed and erected it on the allotment. They were then told that this shed would have to be removed. This occurrence is likely to become more frequent with the government's decision to have all houses at ground level. The high set houses contain not only a usable floor area beneath the house but also a very valuable lock-up facility where the family could store things like garden implements and lawnmowers.

It is quite proper that the government should take action to protect Housing Commission assets. We have a building code that specifies that sheds and outbuildings can be constructed only within certain specifications. I was certainly not trying to give the impression that we criticise the government for taking this action. The proposal is that a person could be given permission to erect an outbuilding or shed if that person first obtained the permission of the Building Board - that is as it should be. The Housing Commission has quite a large investment in public housing in most of the urban centres and it is quite proper that not only should that property but also the life and limb of tenants be protected from wind-borne debris should another cyclone occur.

I had cause to question the necessity for this legislation, particularly when a letter was sent to a constituent of the honourable member for Casuarina regarding the construction of sheds on Housing Commission properties. This letter caused me to wonder at the necessity for this legislation. The letter is from the Housing Commission to a tenant in the electorate of Casuarina. The tenor of the letter is that laws already exist to prevent the illegal construction of sheds. The letter reads:

Dear Sir,

Re: Garden Shed

A perusal of our records indicates that you were given permission to approach the Building Authority to obtain a permit for your garden shed. A check of Building Authority records fails to find any trace of an application having been lodged. You are thereby advised that, at present, you are in conflict with the laws of the Northern Territory and we strongly advise you to immediately apply to the above authority on the ground floor, Moonta House, Mitchell Street for a permit and an inspection for a certificate of compliance, copies of which, if granted, are to be submitted to us for inclusion on your file.

Please note that we will be forced to institute corrective action should the above application not be commenced or the shed demolished within 28 days of the date of this letter.

It is signed by the Manager Technical. I should have thought that the correct thing would have been Technical Manager.

This letter does imply that there is already a law under which this person could be proceeded against. We now find a bill which aims to do just that thing. Whilst we all agree that people should not construct illegal structures, it is a pity that government departments seek to bluff tenants of Housing Commission properties into submission.

The reference to a certificate of compliance in this letter also caused us to wonder. A couple of weeks ago, the question of certificates of compliance was exciting a great deal of interest both in this House and outside it. We were told in the public media by the present Chairman of the Building Board that a certificate of compliance was not required. In the Northern Territory News of 18 May 1979, Mr Wyatt was reported as saying that the only people who needed a certificate of compliance were home builders requiring a loan from the Home Finance Trustee. None of these people who were erecting garden sheds had applied to the Home Finance Trustee but they were being directed by the Housing Commission to obtain a certificate of compliance. Mr Wyatt further repeated this particular claim in a letter to the editor in the week following the press release that I have just cited. Whilst we agree that tenants of Housing Commission houses should first seek approval to put up these structures, I get the impression that there is one attitude being adopted towards the tenants of Housing Commission houses and another attitude adopted in respect of the Chairman of the Building Board who can sell his house to the government without a certificate of compliance.

I noticed that, whilst the side-note in the relevant clause says "removal of illegal structures", the actual clause reads: "Where the tenant of a dwelling makes an alteration, addition, demolition or erection to premises leased by him from the commission without prior approval from the commission ...". Certain things can happen. Many tenants of Housing Commission dwellings do undertake certain alterations to the house and I do not mean structural alterations: I simply mean altering the interior of the house. I understand that, if a tenant leaves a Housing Commission dwelling without altering that dwelling back to its original state, the Housing Commission may charge that person for the cost of subsequent re-alteration. In some cases, the situation has been absolutely ridiculous. Housing Commission dwellings have very basic fittings. They do not, for example, have built-in wardrobes. One particular tenant in my electorate, at a cost of some hundres of dollars to himself, had the 3 bedrooms of his house fitted with build-in wardrobes from floor to ceiling. This gentleman required those wardrobes in order to store clothing and other such things. He then had to change his address and the Housing Commission proceeded to remove the wardrobes from that house. That in itself was bad enough because it deprived the incoming tenant of the use of those wardrobes but then the commission went one step further and billed the previous tenant for the sum of $178.

This sort of action really points out some of the ludicrous actions that bureaucracies can take. The clause is written in a way that does not differentiate whether any "alteration" or "addition" should be of an unnecessary structural nature or one that would be convenient to the family living in that particular house. I point this out to the honourable sponsor of the bill in the hope that this particular clause will not be interpreted or applied in the ridiculous manner that I have just outlined. As I said before, families take such steps as are necessary to turn their houses into livable homes. The installation of air-conditioning, electric fans, various appliances and the construction of built-in wardrobes are undertaken at great cost to the tenants in order to make life in that house a little more pleasant. I urge the honourable minister to take steps to ensure that this clause is not applied against that type of tenant who simply undertakes an alteration that will assist the convenience of his family.

Mrs LAWRIE (Nightcliff): If we were all reasonable people, we would not need this bill and we would not need 98% of our laws but, to allay the Chief Minister's fears, I suppose we would still need lawyers to tell us what is reasonable and what is unreasonable.

The Minister for Lands and Housing could possibly consider the appointment of an ombudsman to the Housing Commission. There have been some quite unreasonable demands upon tenants by officers of the Housing Commission in their desire to have a house restored to its pristine state. In many cases, the tenant has altered the house in good faith, believing it to be not only in his best interest but in the interests of the commission as well.

Clause 3 of the bill states: "Where a tenant of a dwelling makes any alteration, addition, demolition, or erection to premises leased by him from the commission without prior approval from the commission and the Building Board established under the Building Act..." certain things may follow. When one approaches the Building Board for permission to do certain things, one is referred to the Town Planning Authority. They then take considerable time to deliberate and when a decision is reached, they have to reply back to the Building Board. The inference is that the Building Board will then liaise with the Housing Commission before permission may be given. Meanwhile, the tenant will have died.

I acknowledge the necessity for certain restrictions to be placed upon tenants but I think that the legislation as drafted is a little too broad and could be more specific. "Any alteration" includes the painting of a wall or very minor additions which do not structurally alter a building and which would in no way disadvantage the commission. This bill will have to be interpreted most benevolently when it becomes law so that people will not be further restricted in a way that they will find totally unacceptable and that will not aid them to become good and reasonable tenants of the commission.

The Building Board has interpreted "buildings" to include kennels, catteries and aviaries. The town planners have said that we cannot have this kind of thing in an urban area and that people who want to have kennels should live in the rural districts. This is quite an untenable proposition. I can only assume that if one wants to build an aviary or a cattery or a kennel, one must build it of bamboo and thatch and make it easily transportable. I am well aware that that is not the intention of the sponsor of the bill but I do draw his attention to the fact that this is the way in which it has been interpreted. His officers will have to keep a very close eye on the interpretation and the way in which this legislation is used or we may have to amend it in the very near future.

I would like to offer an example of the way in which bureaucracies become heavy-handed with reasonable people. I moved into a government house in the 1960s. The previous tenant had painted a mural on one wall. The incoming tenants did not mind it but along came a dreaded housing inspector who said, "Get rid of that. It is unacceptable". The outgoing tenant asked why and the building inspector said, "You shall return this house and block to the condition it was in when you first took up tenancy". I am very glad that the tenant did not return it to its former condition because, when he first moved in, the block consisted of dirt, rubble, rocks, thistles and thorns. He had turned it into a most delightfully landscaped garden block. That is just an indication of the way in which bureaucracies can work if they are not checked. I have grave reservations about the bill, having regard to the broad outline of its wording. I hope that the honourable minister will ensure that only the intent is carried out and people will not be unduly harassed.

Mr PERRON (Treasurer): Mr Speaker, the honourable member for Sanderson felt that the reason why people keep putting sheds in backyards is that there is a need for such facilities and they are not provided in the average Housing Commission home. There has been a gradual increase in the standard of Housing Commission homes over a period. Formerly, they contained very few kitchen cupboards but the newer homes now have fairly extensive laminex-covered kitchen cupboards. Formerly, they did not have ceiling fans although they were wired for them. The Housing Commission now puts ceiling fans in their homes in Darwin. There are a range of other matters that are being gradually upgraded.

However, with an upgrading of standards or size, one usually finds that the price is affected. If we want to keep the prices of Housing Commission Homes at the absolute minimum, we need to build houses as economically as possible. The Housing Commission could most certainly put in a garden shed in every backyard. The average garden shed costs anything from $400 to $800 let alone the cost of a concrete slab. I understand that the new designs being developed by the Housing Commission include an outdoor area that is under cover. I am not quite sure whether it will contain a lock-up facility for garden tools.

I believe that the Housing Commission should probably be building another range of homes: the semi-completed home. I envisage a situation whereby people with very limited means will be in a position to have a basic home that, at least, has 2 bedrooms. Other than that, it would be largely an unfinished home. The person could develop it further as time and resources permit. The aim of such a scheme would be to offer an acceptable home for something like $20,000. I am only suggesting that some of these places be built, not that they be adopted as a general rule for the Housing Commission.

The member for Sanderson raised the question of certificates of compliance. One of the recent faux pas of the Leader of the Opposition occurred when he put out a statement saying that people are fined for not having certificates of compliance. This was rather astounding because a certificate of compliance is an administrative document adopted by the Building Board because many people wanted some sort of proof that their houses met the cyclone code. A certificate of compliance evolved adminstratively and a number of groups such as the Home Finance Trustee have required certificates of complieance. Before the last payment of a house is made, they require that a certificate of compliance should be on the file. People such as myself and possibly even the Leader of the Opposition have houses which were built with government loans and did not have certificates of compliance. We bought them in the days when it was not necessary; there was a verbal check with the Building Board that such buildings complied. To make the allegation publicly that people are fined for not having them is really quite absurd. It is not at all unreasonable that the Housing Commission should also request certificates of compliance as a means of proof that a structure has been inspected to ensure that public property is protected.

There was also some criticism that the bill lists any alterations or additions as coming within the realm of those for which approval from the Housing Commission, and possibly the Building Board, is required. Obviously, not all improvements to a premises would have to go before the Building Board because it is limited in its range of operations. It would be difficult in legislation to define what is a minor structure and what is a major structure when we all know that even a small piece of material can cause terrible destruction in a cyclone. What are we asking? We are just asking people to obtain permission. We are not asking them to go through some horrible rigmarole.

As I said in my second-reading speech, the Housing Commission would be using its discretion regarding structures like shade-houses, cubby-houses, aviaries and dog kennels in the administration of this policy. If there are any

examples of heavy-handedness, I would certainly like to know about them. We want people to get permission and we want them to do the work properly. After all, they are undertaking work on somebody else's house. The Housing Commission is structured so that its entire administrative expenses must be recouped through rents. If it costs us even $100 per house to unscrew poorly-build modifications so the house can be made ready for the following tenant, all Housing Commission tenants would pay that $100 through their rent. I do not think it is unfair that we require approval and inspection to ensure that the job has been executed in a professional manner.

The honourable member for Nightcliff suggested an ombudsman for the Housing Commission. I am sure that she was only half serious. We do have an ombudsman and he would certainly be able to inquire into allegations of bureaucratic nonsense that might be undertaken by Housing Commission personnel.

She raised the point that some of the regulations are very stringent or almost absurd as far as cages for pets are concerned. I am not really sure that we should abandon those regulations. A friend of mine who lives in Rapid Creek has a 10-foot crocodile in his backyard. In the interests of the neighbours and children in the vicinity, that particular cage would want to have been inspected by someone with some ability in inspecting these things. I do not think that the planners do act unreasonably in regard to aviaries, dog kennels and the like. I have another friend who has an aviary that is as big as my house and I think that could be overstepping the mark a little. However, it is there and he is not harassed by planners.

I leave honourable members with the thought that, if there are particular problems, I would be very pleased to hear about them. I will inquire into them to see that common sense does play its part.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

NEW PARLIAMENT HOUSE SITE COMMITTEE REPORT

Continued from 7 March 1979.

Mr PERRON (Treasurer): Mr Speaker, I tabled at the last sittings the report of the New Parliament House Site Committee. As indicated in the report, the committee found the site that it was allowed to look at somewhat restrictive. Advice that we received indicated that, whilst it was technically feasible to build a parliament house on this particular site, there were a number of constraints because of its size. The committee resolved to come back to the House and let the members discuss the matter.

The committee needs to know also what the government should take into consideration when planning a new parliament house. Should the new parliament house be completely self-sufficient in all respects or should it consist of a parliamentary core with associated facilities, dispersed over adjoining buildings and controlled by the executive? One of the very important factors was to determir what facilities it should contain. It was very important for us to find out whethe the executive arm of government was to have offices in a new parliament house or whether it would be housed in a separate building. There was also a necessity to decide on such matters as canteen services and other services that some parliamentary buildings elsewhere have. Decisions have to be made on these questions and the committee would appreciate hearing the feelings of the House in general.

The committee attached to its report a report by advisers. The advisers

reported that there are no impediments to building on this site but there are design considerations which may affect the practicability of using the site. Your committee has reservations about this report. The report states: "There will also be restrictions on ceremonial entries whereby vehicle arrivals will be in the street and persons alighting may not have the security that would be afforded by an off-street entrance with portico cover". It seems to me that, despite our talks with them, the advisers have looked at a building in a very traditional sense. They have looked at a building situated almost on the identical spot to the present one, with Mitchell Street and the Esplanade being where they are and the suggestion that perhaps blocks 2 and 3 could go in the longer term. I would like to look at it like this and this is the reason why I support the present site.

We are considering a building to stand for the next century as evidence of the foresight and faith of the generation which brought self-government. I do not think we should look at the site as having a street on each side of it and government office blocks on each other side, particularly when we are looking at a building that probably will stand for 100 years. We should look at the site excluding blocks 1, 2 and 3, excluding the portion of Mitchell Street that is outside this particular building and indeed outside blocks, 1, 2 and 3 and excluding the Esplanade portion that runs past that same piece of land. We should then consider the size of the available piece of land on which we would build what has to be an architecturally magnificent building. Our advisers have said that it is not a good site because people pulling up at the front will not have the degree of security that they should. I envisage a front comprised of lawns stretching across to block 8 and with facilities in the area for vehicles to pull up at the front of parliament house on occasions of ceremony. We have just created a mall in the middle of Smith Street. Let us hope that we have escaped from the constraints of bitumen and concrete that seem to have bound us in the past.

That is one example why I think that this House should change the terms of reference of the committee beyond the site that it had to look at. The House should give the committee an expanded area around that block on which to consider the building of a new parliament house. The Assembly should also give the committee some guidance on the facilities to be incorporated within the parliament house. If the House wants to have an artist's sketch drawn up for testing public reaction, the committee should be empowered to engage a firm to do 1 or 2 imaginative designs. The site we are talking about could contain a most magnificent building that would do justice to the Northern Territory parliament and to the generation that brought self-government to the Territory.

Mrs O'NEIL (Fannie Bay): Mr Speaker, as a member of the committee, I would like to endorse what the Treasurer said about expanding the terms of reference of the committee but for somewhat different reasons. The work that I have done on this committee has brought me to the conclusion that perhaps the Assembly made a decision on this site with a little bit of haste. The reports of the adviers and our consideration has led me to believe that there are, essentially, 3 reasons why we should consider a different site. As the Treasurer said, we are looking at a building which will last for a long time and, hopefully, will be some sort of indication of our foresight. We will all take gasps of horror when we consider that it will probably cost at least $10m. When you consider that we will be erecting a building that is expected to last for a long time and when you consider the huge investment involved, we should make sure we put it on an appropriate site. We should not be crowding it into an area as small as this where it will not be able to be seen in its proper perspective.

The minister suggested blocks 2 and 3 as a possible site and let us face it, they are architectural monstrosities. From past experiences, we know that buildings, even temporary buildings, last for a very long time. I envisage that

blocks 2 and 3, in view of the fact that we are renovating them, are going to be with us for a long time. This new parliament house must be started, as we all know, as soon as possible and preferably within the next few years.

Another disadvantage of the site is its proximity to the executive and government buildings. Traditionally, the parliament should be seen to be separate from the executive arm of government and, as far as possible, from the judicial arm. In the Northern Territory, this is particularly important because people are only just starting to get used to the idea that they have their own parliament. People must realise that we are not just another government department or another form of government but that we are separate. That is a very good reason for having the building away from the normal areas of judicial and departmental activities.

There is another very practical reason for not building on this site. Our advisers inform us that, if we build a new Assembly on this site, we would have to use every square inch of it. This building will have to go and we will have to find some other place where the Assembly can sit and where the staff can work between sittings. That is going to be an extremely difficult thing to do. Not only is office space at a premium but to find an appropriate chamber with the facilities that we require for recording and so forth is going to be extremely difficult. The proposed building is a big one. It will take a long time to build and not just a month or 2. That is another major reason why we should look at other sites.

I would like to comment without prejudice on some of the possible sites that have been mentioned. I do not support the proposal of Fannie Bay Gaol as a site because we cannot retain the historic stone buildings there and build the Assembly at the same time. I am not endorsing the large area of land where the OTC site is at the moment in Giles Street. Flagstaff House has been mentioned and I can see that that site has many advantages. The architects recommended to the committee at one stage to look at the Esplanade as there is a large area of land there. There could be suitable land on Bullocky Point and I do not think we should overlook the fact that East Point has been considered in the past.

When we chose our present site we looked at recommendations that were made during the days of the Darwin Reconstruction Commission. That commission had very grandiose ideas and, because they were looking for such a large area of land, they told the Assembly at the time that there were very few areas of land which would be suitable. I think, now that we have scaled down our expectations somewhat, there must be other areas of land that should be once again considered.

I would like the members of the Assembly to support the suggestion that the terms of reference of the committee be expanded so that we can look at either an expansion of our present site or at other sites in Darwin. Although this might mean a delay of a few months, it would be well worth it when we look at the time perspective in which we are working. We want a fine building which will last for a very long time and which will be a credit to the Northern Territory.

Mr DONDAS (Community Development): Mr Speaker, this particular motion was introduced to the House in May 1978 and again in May 1979 and I do not think we are any better off now than we were then. The recommendations in conclusion 9 of the report said that there are no technical reasons impeding construction on this particular site. We heard the honourable member for Fannie Bay saying that we should be looking at other sites and we have heard the honourable Treasurer suggest we expand on this site by knocking down blocks 2 and 3.

Mr Speaker, as chairman of the committee, you know that we have met on 6

occasions. Most of the meetings have been spent looking at diagrams and plans and talking to the various consultants. You, sir, and an officer of the department, went to Canberra to confer with consultants down there. One year has passed and we are still no better off. I think the only way that this Assembly is going to resolve the practicality of building a new parliament house is to bring it back to the Assembly for a vote as to which site will be selected. The DRC suggested Larrakeyah, East Point and Bullocky Point as possible sites. It comes back to the recommendations and the terms of reference that this particular report referred to and whether this particular site is capable of being used as a parliament. The report says that there is nothing impeding this particular site but it is the judgment of some members of the committee who, after spending a year considering the problem, have concluded that maybe the site is not the logical site. At the same time I can see the other argument of staying close to the arm of government.

I personally feel that the only way we will resolve this particular problem is by bringing it back into the Assembly and asking for a vote to be taken. I would suggest a free vote. The report says that, if this site is used, then we will not be able to remain within these precincts while they rebuild. That would be a problem that we would have to face for possibly 2 or 3 years. Other suitable accommodation would have to be found within the city area and we will need a large space to accommodate the chamber and to facilitate the auxiliary functions of a parliament. At the moment, I am trying desperately to find 2 or 3 thousand square feet of space within the city area to move the library to and I have had no success. What are we going to do if we actually build on this site? Where are we going to find the additional space for 3 years? After 12 months, we are really no better off.

At the time of the motion that a parliamentary site committee be formulated, all members of the Assembly took it as a very good move. Where are we? I do not mind where a new parliament house goes, provided that we get a new parliament house. I certainly hope that it is the resolution of the committee to come back to the Assembly for a full vote on a site in the very near future. The earliest that we can do it now will be in September.

Mrs LAWRIE (Nightcliff): Mr Speaker, the Treasurer said that other sites probably should be considered but there was no constraint to stop us building on this site. The honourable member for Fannie Bay said other sites should be considered and mentioned a few but said that there was no constraint on building on this site if we had to. The honourable Minister for Youth, Sport and Recreation said there was probably no constraint on building on this site and there were other sites available and he did not really care where it would go.

We have not got very far at all but it must be said that there has been considerable discussion between the consultants and your committee. I am well aware that there are no practical constraints on building on this site. If we do choose to build here, other areas will need to be taken into consideration - the adjacent blocks and parts of Mitchell Street and the Esplanade. I see no problem in that. In fact I think it would be advantageous.

We must remember that the first recommendation which came to us was that, wherever we built our parliament house, it should have a harbour outlook. That certainly restricts our options. It is a principle which I wholeheartedly support but let us look at the options available if the Assembly decides to give us the right to examine other sites. We have Emery Point, Bullocky Point, East Point and this site. The Esplanade is not really suitable although it does have a harbour aspect. The only other side which we have not been able to examine in detail, because it was outside our terms of reference and also involves a federal government department, is Larrakeyah. Larrakeyah is a beautiful site. It is larger than Flagstaff House. It would enable the building of a beautiful

parliament house in stages. We are certainly not going to be able to build a $60m monument to our decisions at one go.

If the Assembly gives its committee the right to investigate these sites, I would suggest that the Chief Minister write to the Minister for Defence immediately thereafter and ask for permission to investigate the possibility, because the federal Minister for Defence is not known for responding promptly to any such requests. I discount East Point, Bullocky Point and the old gaol site because they do not have the community support which such a project must have. It is not only our parliament house; it is the parliament house of the people. This site is already reserved for that purpose and there can be no quarrel there. However, in looking at any further reservation of land which may be public land at the moment, we have to remember that the people are now jealous of their foreshore areas and do not wish to see any more of them alienated. I share their concern. Like the Treasurer, I think that the present site has certain distinct advantages but it would need to be expanded. I ask the House to consider widening our terms of reference.

Mr COLLINS (Arnhem): Mr Speaker, I am against building a parliament house on this site for a number of reasons. One is an aesthetic reason. It is obvious that the building will be so expensive and so substantial that it will need to last for many years. It will be a place of pride for all Territorians as a parliament properly should be. I do not think that this particular site offers the scope for such a project to be undertaken. I believe that parliament house should be not just another office block sited in cramped circumstances. I do not see anything particularly wrong in taking some time to discuss it. I know that we have not advanced very far in a year but, as far as I am concerned, I am very glad because, if making a decision within that 12 months had meant making a decision to build a parliament house on this site, I think that it would have been a decision that Territorians would have lived to regret.

My criteria for a site are, first, that it has to be somewhere in the Darwin city area. I do not think that the criticisms raised by the honourable member for Fannie Bay relating to the executive area should be taken lightly. That is a very serious consideration. We have touched before on the difference between parliament and the government of the day. I think that we should strive to have them separated physically. Symbolically,it is very important that the parliament should be seen to be separate from the executive. I do not think that it is appropriate to have parliament straight across the road from the executive building. It would be a shame to build a parliament house without a harbour view.

The parliament house has to be in an area which is not as restricted as this one; it has to be in the city area of Darwin; it has to have a view of the harbour; and it has to be an area that is capable of being properly landscaped so that the parliament house can be put in some sort of aesthetically pleasing setting. I believe that the 2 sites that deserve most consideration are Flagstaff House, because of the position that it occupies but nothing else, and Larrakeyah. I have always been in favour of Larrakeyah. East Point is too far removed from anywhere to be of any use. It has obvious benefits from the point of view of the setting but it is far too out of touch with people.

I am absolutely determined, and certainly I will be voting this way in the Assembly, that the parliament house should not be here. I am enough of a penny-pincher to be frightened by talk of knocking down blocks 1, 2 and 3. I know that this project will be years ahead but we are talking about knocking down expensive buildings. They are not all that old and we are currently spending a lot of money upgrading them - $400,000 on block 2 alone. The constraints of this area will go against a really fine setting for the parliament house. Like the

honourable member for Nightcliff, I believe the terms of reference of the committee should be extended and overtures should be made to the appropriate federal people for at least Larrakeyah to be examined.

There is the very real problem of finding a place to conduct the affairs of the Assembly while the construction is in progress if the Assembly is to be built here. I believe that the problems will be very real. I know that honourable members have spoken about how they can be overcome but I do not believe they can be overcome quite as easily as that. The disruption to the procedures of the Assembly would be severe.

There are many things that the parliament house should have. It should have landscaped grounds and gardens for people to relax in and to lobby in. It should have a restaurant attached to it, not just for members of the House but for the general public. I think some of the members of the Legislative Assembly would make excellent tourist attractions. I could imagine having a restaurant attached to the Assembly where members would have lunch and the general public could also come in to eat. People would be able to look around the room and say: "Goodness me, who is that short fat man sitting over there". Someone else would say, "It is the Chief Minister of the Northern Territory". I think that such a thing would be a great crowd pleaser. I believe that the parliament house could be a very great tourist drawcard just as parliament house in Canberra is, and quite rightly so.

These matters have to be considered carefully. I do not completely agree with the sentiments of the honourable member for Casuarina who said that it is a shame that things have been going on for 12 months without a decision being taken. I was personally very displeased that a decision was taken to build it here. In conclusion, I have had representations made to me this afternoon from a member of the public who comes in here regularly to listen to the debates. He has asked me to say that, when the new parliament house is built, he wants it to have a clock tower with a chiming clock.

Mr PERRON (Treasurer): I believe that the reasons honourable members have given for believing that the current site should not be expanded are not strictly valid. To consider blocks 1, 2 and 3 immovable monsters in the 20 to 30 year time-span is the very type of decision that causes things like our having public servants in Sidney Williams' huts in 1979. It is because no one has turned around and said "Bulldoze them". It should have been done 15 years ago.

One could start on the design work, which will probably take a year or 2, and then start building a parliament house on this very site. By the time the third or fourth year of construction was complete - and I do believe we could leave this chamber here despite what the advisers tell us - we would then move into a very fine building which would be about one quarter of its eventual size. After that fourth year, we could then start looking at the expanded needs. Over the next 5 to 10 years, blocks 2 and 3 could be knocked down and parliament house expanded. Over the following 5 or 10 years, block 1 would go. I am talking about a period of probably 15 years before having a two-thirds completed parliament house. By the turn of the century, when perhaps the House will have 30 or 40 members, we would look at finishing the building that would last 100 years. I envisage a very tall and very expensive piece of architecture that, as the honourable member for Arnhem said, people would come across the country to see. I do not think that the fact that we are spending $400,000 on block 2 and probably another $400,000 on block 3 should inhibit us in the slightest way.

Motion agreed to.

NEW PARLIAMENT HOUSE SITE COMMITTEE - TERMS OF REFERENCE

Mr EVERINGHAM (Chief Minister) (By leave): Mr Speaker, I move that the terms of reference of the sessional committee known as the New Parliament House Site Committee be amended by deletion of the first paragraph and by omitting from the second paragraph the words "the site" and substituting the words "a site" and omitting the word "purpose" and substituting "parliament house".

Motion agreed to.

OMBUDSMAN - SECOND REPORT

Continued from 6 March 1979.

Mr ISAACS (Opposition Leader): Mr Speaker, I will be very brief in speaking to the motion that the second report of the Ombudsman be noted. The new Ombudsman, Mr Watts, has taken up his position. From my own experience and that of some of my constituents who have approached him, I feel that the Ombudsman is doing an extremely fine job. He has taken over from Mr Giese who occupied the position for some 6 months. He has continued Mr Giese's work and has built up a high degree of credibility in the performance of his role. The Ombudsman is an independent statutory office holder and it is most important that that position gain the confidence of the people and that they feel they can obtain a fair hearing from him and his staff. I believe that is happening. He should be commended for enhancing the position of Ombudsman and so enabling the people of the Northern Territory to have the confidence to go to him and have their administrative hassles dealt with promptly and fairly. The report is full of cases with which he has dealt. It shows that there is still some ignorance on the part of the people - and that is understandable - as to exactly what an ombudsman can do and what the Northern Territory Ombudsman can do. Given time, people will come to realise what the Ombudsman can achieve. It is with some pleasure that I note the excellent job being performed by the current Ombudsman.

Motion agreed to.

SPECIAL ADJOURNMENT

Mr STEELE: Mr Speaker, I move that the Assembly, at its rising, adjourn until Tuesday 11 September 1979 at 10.00 am or such other date and time as Mr Speaker might advise by letter or telegram to all members.

Motion agreed to.

ADJOURNMENT

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

Motion agreed to; Assembly adjourned.

ADJOURNMENT

ATTENDANCE OF ADMINISTRATOR 1306

BILLS

MOTIONS

PERSONAL EXPLANATIONS

PETITIONS

PRESENTATION OF MACE 1306

REPORTS

STATEMENTS