NORTHERN TERRITORY OF AUSTRALIA

# LEGISLATIVE ASSEMBLY

Second Assembly
Second Session

# Parliamentary Record

Tuesday 22 April 1980
Wednesday 23 April 1980
Thursday 24 April 1980
Tuesday 29 April 1980
Wednesday 30 April 1980
Thursday 1 May 1980

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

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# PART I

# DEBATES

Mr Speaker MacFarlane took the Chair at 10am.

## PETITION

### Place Name Spelling

Mr VALE (Stuart): I present a petition from 42 citizens of the Northern Territory requesting the change of spelling of 'Tea Tree' to 'Ti Tree'. 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 requests the government to alter all government and public documents and signs with regard to the spelling of 'Tea Tree' to be altered to read 'Ti Tree' and your petitioners, as in duty bound, will ever pray.*

## PETITION

### Cafeteria in Block 8

Mr HARRIS (Port Darwin): Mr Speaker, I present a petition from 364 citizens of Darwin expressing their concern at the proposal to reopen the cafeteria in Block 8 Mitchell Street Darwin. 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 respectfully shows that the proposal to reopen the cafeteria in Block 8 Mitchell Street Darwin is undesirable in that it will be to the detriment of the city business district. It will cause economic hardship in an already depressed economic climate. Your petitioners believe that the allowance of the reopening of the cafeteria would give only minimal convenience to government employees and would cease the necessary movement of public servants and money through the city area and would further jeopardise the existence of food outlets operating in the city, many of whom depend solely on the lunch trade. Your petitioners further believe the method of funding this venture with revenue received from taxes is unprincipled. Your petitioners therefore humbly pray that the decision to reopen the cafeteria will be rescinded and your petitioners, as in duty bound, will ever pray.*

## TABLED PAPER

### Letter to Chief Justice Concerning QCs

Mr EVERINGHAM (Chief Minister): I table a copy of my letter to His Honour the Chief Justice of the Supreme Court of the Northern Territory concerning the appointment of Her Majesty's Counsel.

I draw to the attention of honourable members section 20 of the Legal Practitioners Act which enables the Administrator, by commission, to appoint a legal practitioner to be one of Her Majesty's Counsel for the Northern Territory. Whilst therefore appointment as Queen's Counsel is in the competence of the Executive Council, it is the Chief Justice's view and mine that such appointment

should not be made except upon the recommendation of the Chief Justice. Such practice accords with that of the states and will ensure that any aspirant for a commission in the Northern Territory must have the support of the Supreme Court.

Letters patent appointing barristers as Her Majesty's Counsel are elsewhere issued by the governors as part of their instructions from the Queen. Because of our unique constitutional situation, legislation such as section 20 is necessary to enable appointments to be made here but I would hope that a tradition will become firmly entrenched whereby commissions are issued by the Administrator in Executive Council only upon the recommendation of the Chief Justice. Such a practice should not be, in my opinion, the subject of legislation because one presumes that successive governments will appoint barristers to be Queen's Counsel not by way of dispensing favours but in recognition of their eminence in the legal profession. This, of course, is the significance of such appointments although, in more recent years, most commissions have been given only to counsel who are pre-eminent and considered by the judges to be worthy of appointment. The practice that I have referred to should ensure that appointments in the Northern Territory are not made for reasons divorced from traditional considerations.

I move that the statement be noted.

Mr ISAACS (Opposition Leader): I support the procedure that has been outlined by the Chief Minister with regard to the obtaining of silk in the Northern Territory. It is a practice which does find precedent elsewhere; for example, in New South Wales, although it is a slightly more complicated procedure there with recommendations going from the Bar Association to the Chief of the Supreme Court in New South Wales who makes recommendations to the Attorney-General. I support the Chief Minister's letter to the Chief Justice in that regard.

I would like to make one comment about the state of the legal service in the Territory because I understand that the only Queen's Counsel in the Northern Territory, the Solicitor-General, will leave that position shortly to set up practice in Sydney and will also have share rooms here in Darwin. I understand that Magistrate Enright has left his position in the Northern Territory to return south and that Magistrate Pauling is the Acting Chief Magistrate but will also retire to return to the private bar in Darwin. I merely raise that in the context of the statement by the Chief Minister to draw attention to a depletion of the services of silks and also magistrates. I ask the Chief Minister, as Attorney-General, to ensure that the justice system in the Northern Territory is back to strength as soon as possible.

Motion agreed to.

## MINISTERIAL STATEMENT

### Northern Territory Teaching Service Bill

Mr ROBERTSON (Education) (by leave): Mr Speaker, the Northern Territory Teaching Service Bill will not be passing through all stages at this sittings. I would have thought the reasons for this should have been obvious to all. Simply stated, the bill is incomplete. In its present form, it is quite incapable of being given assent much less being brought into operation. To take a bill which is incapable of either assent or commencement through all stages of the parliamentary process and thereby creating an act of parliament would not only be stupid but would also be pointless. It would border on making a mockery of parliamentary practice. If the executive of the Northern Territory Teachers Federation wants to see a mockery of parliament, it can find itself a vehicle other than myself. The plain fact, Mr Speaker, is that it is impossible for the government to render this bill complete until such time as we have a clear and precise indication of the exact legislative form of the Commonwealth's reciprocal legislation. From what I am told, this will not be forthcoming until

at least August this year. This clearly means that this piece of legislation is incapable of passage during the life of this parliament.

When I first appreciated the likelihood of this situation, I informed the Northern Territory Teachers Federation executive at its meeting at the Nightcliff High School that the government believed in the principles embodied in the present bill. I gave the federation executive an undertaking that a re-elected CLP government would re-introduce this legislation as a matter of priority, such as to lead to the establishment of the Northern Territory Teaching Service by the beginning of the next academic year. I state unequivocally that it is still my desire to do so. Nevertheless, in the light of events in the past week or so, I must make a very serious observation. Throughout the past 15 months, I have used every possible endeavour available to me to reach a reasoned and reasonable accommodation with the federation. The bill before this House recognises the Northern Territory Teachers Federation as a union. That union is proposed to be given a significant role in the operation of this act to be and is such that it behoves the federation to display an appropriate attitude. The union's latest threats to secure unreasonable demands at the expense of children by way of threats of strike action indicate to me that it may well lack the degree of professionalism and responsibility required of a union to be involved in the operation of this act and in the way envisaged in the bill before us.

Let me make it quite clear that I meet that threat of strike action with another threat. If the present unprofessional behaviour of the federation executive continues, that behaviour and that behaviour alone would cause me to reconsider the wisdom of some of the philosophies contained in this bill. In other words, at the moment, there is a grave possibility that the membership of the teaching profession may well be let down by the executive of its own union and certain unprofessional minority elements within its membership. It is becoming patently obvious to me that the union's executive has overplayed its hand to the disappointment of myself, to the detriment of those responsible and dedicated teachers whose numbers make up the vast majority of its membership and I dare say to the disgust of parents.

I would want to wait until a reaction comes forward from the federation executive to what I have just stated here and I hope that it is a very positive reaction. Further, the statement is a rather short one. Furthermore, the opposition has not had a chance to see the statement in advance. Therefore, I move that the statement be noted and seek leave to continue my remarks at a later hour.

Mr COLLINS (Arnhem) (by leave): I am just slightly annoyed with the honourable Minister for Education because, on past occasions, he has given to me a fair degree of courtesy in the passage of business through this House. I received a note this morning explaining that certain procedures were to take place this morning in regard to the Mining Bill. I had not expected this and, as a result of this note, I left the House to obtain certain documents that will be necessary in the debate. As a result of leaving the House, I am afraid I missed the first half of the statement of the honourable Minister for Education because that honourable gentleman did not do me the courtesy of advising me that he was going to present that statement this morning. If he had, I would certainly not have left the House and I could have given his remarks the attention they deserve. I am rather disappointed that he did not extend that courtesy to me on this occasion because I certainly would not have left the Chamber if I had known this would come on.

Mr Robertson: That is the reason I wanted to debate it tomorrow.

Mr COLLINS: As shadow minister for education, I have consulted closely and regularly with the Teachers Federation over this whole extraordinary fiasco

of the Teaching Service Bill and the way it has been treated by the government. A few moments ago, the honourable minister talked about a lack of professionalism. I think that the government has amply demonstrated that there has been a gross lack of professionalism attached to the handling of this Teaching Service Bill and all of it has been on the part of the government, certainly none on the part of the Teachers Federation. In fact, I am surprised at the restraint they have shown in their public statements. I do not know how they have had the patience to deal with the honourable Minister for Education in the way they have for as long as they have because they have certainly been treated in an atrocious fashion. A working party report containing recommendations on a teaching service was tabled in this House in July last year. I regularly visit schools inside and outside my electorate and I can assure the Minister for Education that morale in the teaching service in the Northern Territory is at absolute rock bottom. I would suggest that perhaps the honourable minister should talk to teachers outside of Alice Springs every now and again - or outside of Alice Springs High School specifically - if he wants to obtain some sort of input as to how teachers feel about the way they are being treated by the government.

I feel that the Chief Minister with his responsibility for industrial relations should give the honourable Minister for Education 10 minutes of his valuable time for a little bit of advice about the basics of industrial relations. If this entire situation needed a little bit of inflammatory material to speed it along to an unfortunate end, the minister provided that this morning. What an extraordinary thing for the minister to say! However, it is no more extraordinary than the statement he made on Saturday morning. The minister is looking puzzled; he needn't be. I'll just relate to the minister what he said on Saturday morning. I will take the House back to the entire debate on the teaching service.

As the minister knows full well, the bill reflects substantially the recommendations of the working party's report. That has been covered in detail in debates in this House and that is why we supported it. I commended the minister for the wide circulation and distribution of the report. However, a week before the bill came into the House, we had a public statement from the Institute of Senior Education Officers, the Northern Territory's equivalent of school inspectors. It is headlined across the top 'Newsletter No 1'. Where have these gurus in the Education Department been for the last year? The minister knows as well as I do who they are and the senior professional rank they hold in the Education Department and yet they put out 'Newsletter No 1', much to the surprise of many schoolteachers who have never heard of the Institute of Senior Education Officers and, I will be quite honest, neither had I.

These gentlemen are, in fact, the fifth floor of the T & G - the top echelon of the executive of the Department of Education. We have not heard a peep out of them for a year. The working party report is substantially the same as the provisions of the bill, yet a week before it is to go through the last stages of its passage in the House, we have 'Newsletter No 1' from the Institute of Senior Education Officers and various other interested parties. Where have they been for the last 12 months while teachers have been worrying about what was going to happen to their careers?

What have teachers had to reassure them over the last 12 months about what will happen to their careers? What they have had in effect is nothing but statements from the minister. Perhaps, the minister would say that teachers should be reassured by statements from the minister and that, when he tells them he will be making a statement in the House at this sittings they should be reassured by that and that should be enough. Yet, on Saturday morning's radio program, when we had this fiasco over the passage of this bill, the honourable minister made a statement. Many teachers listened to that radio program, as I did myself, looking for reassurance from the minister. The honourable

minister said that he cannot understand why teachers are getting so concerned about the passage of this bill through the House at this sittings. He asked what relevance there is in having the bill completed and going through its third stages at this sittings of the House because 'teachers would have to be very naive not to believe that a government could simply amend the legislation after the election'. The minister nods. That is right; that is exactly what he did say. Well, in all fairness to the honourable minister, that enraged the teachers whom I spoke to who listened to that program. The minister of course was careful to use the words 'a government' not 'my government' or 'the government'.

When there are 1,700 school teachers who have been wondering about what is going to happen to their furture for a year, newsletters from the Teachers Federation saying the minister said something, statements from the minister describing their news releases as 'malicious rubbish', it is patently obvious to everybody that what the Teachers Federation said was nothing more nor less than the unvarnished truth. The minister has expressed reassurance that the bill would proceed through all stages at this sittings. I would like to hear him deny that he said that because I have a copy of the press release. Of course, we must get into the question of semantics. The question was asked: 'Will the government proceed with the bill in the April sittings?' Now,there is an easier way to answer that question. You can either say 'yes' or 'no'. Of course, the minister was careful not to do that. The minister said: 'If I had not intended to proceed with the bill during the April sittings'. Remember? Well, if you are going to get into semantics and hair-splitting, I suppose you could say that that gives him a legal out there. In terms of honest dealing between a government and a union which represents in excess of 80% of the teaching profession of the Northenr Territory, that was clearly meant to indicate that the bill would proceed at this sittings of the Assembly. The minister described the statement from the Teachers Federation - that the bill would not proceed - as 'malicious rubbish'. We find now that the stand of the Teachers Federation, which the minister has just described as being an unprofessional group which is not worthy of his trust, has been totally vindicated by the events of this morning and the minister's reassurances, public statements and press releases have in fact been malicious rubbish.

I would certainly not blame a single schoolteacher in the Northern Territory for having absolutely no faith whatsoever in the Minister for Education. I can certainly understand the motions that were passed by the Teachers Federation in his home borough of Alice Springs calling for the honourable minister's resignation. I can certainly understand all those things. I had a meeting with the Teachers Federation but I do not want to embarrass the honourable minister by reading out the resolution that was passed at that meeting. I was not prepared to take at face value the things that were being said to me by the Teachers Federation.

Mr Perron: Don't you trust them?

Mr COLLINS: I like to check things out too. I do not like to listen to either one side or the other. The Teachers Federation came to me with an account of the meeting it had had with the minister. It told me that the minister had stated categorically - and both representatives from the Teachers Federation who were at the meeting told me the same story - that he could no longer give them a guarantee that the bill would proceed and that it was quite likely that he would not be able to honour the undertakings he had given them because Cabinet was likely to overturn those recommendations.

Mr Robertson: That is not true.

Mr COLLINS: That was the version of the meeting with the minister that the Teachers Federation gave to me. I was not prepared to launch into print at

that stage. I think the honourable minister will have to acknowledge that, apart from press releases earlier this year in February urging the government to proceed, I had made no public comment on this matter whatsoever because I wanted to wait until this sittings of the Assembly to find out who was telling the truth. The cold hard facts are that, had this bill proceeded at this sittings as the minister himself stated in the press release only 2 weeks ago, then the Teachers Federation would have been misleading me and not the minister. Had the bill lapsed at this sittings, as the Teachers Federation allegedly had been told, then it was the Teachers Federation that was vindicated and the minister who has been misleading me, this House and the entire teaching profession of the Northern Territory. That is in fact what has happened this morning. To cap it off, we had the statement from the minister that nobody can trust anything he said. On Saturday morning, he said: 'Why should anybody have any faith in me? We can put something up to satisfy the Teachers Federation at this sittings but how naive teachers would be if they believe that we could not simply amend it after the election'. That is pure 'Animal Farm' stuff, Mr Speaker. What you see on the blackboard today is not what is going to be there tomorrow morning. Now you see it, now you don't.

That is the way the government treats its legislation in this House and a professional group of union representatives who represent 80% of the workforce to which this piece of legislation applies. Disgraceful! The minister stated himself: 'You cannot have any faith in statements I make because after the elections are over, after we have got your votes by waffling and putting up stories about complementary legislation being passed in the federal House etc, we can amend the legislation'.

As the minister knows, 12 months has been allowed for public comment. The minister has finally admitted in the House, as he had to, that it will not proceed. The teachers, once again, are left hanging in the air. What have they got to hang on to? All they have to hang on to, to believe in as far as their careers are concerned, are whatever statements the minister might make in this House at this sittings concerning their future. The minister himself told us on Saturday morning that they do not have to believe any of that, they cannot believe it because he can change his position very easily after the election.

On top of that, Mr Speaker, just to stir the pot a little more and to make the relationship between the government and teachers just a little bit easier, we have the honourable minister this morning issuing threats. 'Yes, they have threatened us', said the honourable minister, 'and , just to show what professionals we are in the field of industrial relations, I will threaten them right back'.

The minister talks about disadvantaging school children in the Northern Territory. In this entire affair of the teaching service, he has displayed a most unprofessional control over his job as Minister for Education and, as a result of this morning's statement, every single teacher in the Northern Territory would be justified in calling for the minister's resignation.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I think that, after listening to the diatribe from the honourable member for Arnhem who, as my colleague the Minister for Education mentioned earlier, seems to be taking what might be called a very timely interest in education, an area that he seems to have honoured in breach rather than in observance for the past 2½ years, it is possibly as well that we should go back over the history of the Northern Territory teaching service and the government's relations with it on the matter.

Honourable members may recall that, in 1977, this government set off to pursue the road to constitutional development. There was rooted obstruction and opposition from the members sitting opposite. Mr Speaker, you will recall the

snide attacks on self-government, the fear and the panic which the opposition attempted to spread throughout the community and the concern it caused to financial arrangments in the community. Even then this government was working towards a Northern Territory teaching service and it had nailed its colours on the matter to the mast and told the Teachers Federation as early as that that it was determined to have a Northern Territory teaching service.

I might say that, even though I have not had a chance to go into research because I also was not ready for this debate, my recollection is that resolutions were passed at that time by the Northern Territory Teachers Federation opposing a Northern Territory teaching service and reaffirming its determination to remain part of the Commonwealth Teaching Service. The Northern Territory Teaching Federation conversion to a Northern Territory teaching service has been fairly recent and rather akin to that of St Paul's conversion to Christianity on the road to Damascus. Be that as it may, it has been a conversion and, as with converts, in many cases the religion is really overdone. I believe that the Teachers Federation is being quite unreasonable in its stance at this particular time, as unreasonable indeed as it was in opposing the Northern Territory government's efforts to have the Commonwealth government devolve education on the Territory government on 1 July 1978 rather than putting it off until 1 July 1979. We have not even had 12 months of this responsibility yet we are copping the sort of diatribe that the honourable member for Arnhem felt inclined to dish out this morning.

On the time frame matter, I believe the people who can best blame themselves for the situation they are in at present is the Teachers Federation because they have opposed our moves to get education in the Territory sorted out a year earlier than we have now been allowed. The Teachers Federation only recently has gone along with the concept of a Northern Territory teaching service. The minister set up the working party to prepare the report on the teaching service last year and that report was tabled in this House and was debated. The government accepted the results of the working party's recommendations and proceeded to frame legislation which embodied those philosophies.

I know something of this matter because I was acting as Minister for Education while my colleague went overseas to attend a parliamentary seminar earlier this year. At that time, I dispatched to Canberra 5 of the Territory's most senior public servants to attempt to come to arrangements with the Commonwealth for the breaking off of the Territory's arrangements with the Commonwealth Teaching Service and the transfer of the people in the Commonwealth Teaching Service in the Territory to our own Northern Territory teaching service. I did not dispatch a light-weight division to attempt to hurry the Commonwealth along on this course but rather heads of departments headed by the Director-General of my own department. Having introduced the teaching service legislation, it was the government's wish that the teaching service be set up without delay and, if possible, to come into operation on 1 July.

We have met with delays on the part of the Commonwealth. Honourable members should realise that a Northern Territory teaching service does not have the same order of priority in Commonwealth eyes as it might have in the eyes of the Northern Territory government. The Commonwealth has Australia-wide concerns to attend to and a Northern Territory teaching service is not on the top of its list. We are certainly doing the best we can to agitate it along and meetings are continuing to sort out the many and varied problems that we cannot proceed to legislate on in the Territory without clarification from the Commonwealth and seeing the form of its bill. I can quote many examples.

The Supreme Court transfer had to be deferred and the Supreme Court is certainly a more important arm of the constitution than the Northern Territory

teaching service. Nevertheless, you will recall that the bill required staging provisions for us to bring it into effect and indeed the transfer itself had to be deferred. We will be seeing another bill introduced at this sittings to amend the Aboriginal Lands Act of the Northern Territory. The Northern Territory would have been ready to introduce and pass this bill months ago but it has been impossible because we had not seen the Commonwealth amendment to the Aboriginal Land Rights Act. Our amendments will relate to the setting up a permit system over the public roads on Aboriginal lands.

There is nothing sinister in the delays to this bill. I give the same assurances as my colleague, the Minister for Education, who has worked damn hard at getting this bill into shape and damn hard to set up a Northern Territory teaching service over the opposition of the very people who are now caterwauling, screaming and conniving against him. The Minister for Education will re-introduce this bill, embodying the same philosophies, after the election when this government will be returned. The teachers have no reason to be concerned because the things that we want to protect are in their own best interests - the portability of their superannuation, the protection of their entrenched rights and so on. One of the reasons why they are so anxious to vacate the Commonwealth Teaching Service at the moment is that their rights and privileges are being derogated from by the Commonwealth. They know that the Northern Territory government, having accepted people on compulsory transfer on 1 July 1978 and subsequently, has certainly not derogated from their rights because it has undertaken not to do so. They are anxious to be in a service administered by a government of principle that does not derogate from entrenched rights that it agrees it will uphold.

I resent the slurs on Cabinet made by the member for Arnhem who apparently imputed to Cabinet a desire to torpedo the Teaching Service Bill. Without the full backing of Cabinet, the minister would have got nowhere near where he is now. A bill embodying these principles will be reintroduced in the first sittings after the election by which time we are assured by the Commonwealth that its legislation will have been introduced, its methodology established and we will be able to proceed to establish the service by the beginning of 1981.

Mr ISAACS (Opposition Leader): I do not normally contribute to the debates on education but neither does the Chief Minister but he seems to have taken it upon himself to be minister for just about everything in the current government. During the 3 weeks when the Education Minister was overseas attending to CPA duties, the Chief Minister was acting as Minister for Education. Therein lies the problem. The Minister for Education had established the working party on the teaching service and it is true to say that the Teachers Federation had a change of attitude about their coming into an independent teaching service. Plenty of people have changed their minds. I am sure it will not surprise members of this House to learn that not only has the Labor Party changed its mind but so has the Country Liberal Party. We are all allowed to change our attitude as to whether or not there ought to be an independent teaching service or whether teachers should be part of the CTS.

The Teachers Federation, in taking part in the working party, received a number of assurances from the Minister for Education. As I recall it, the first assurance was that the new teaching service would come into operation on 1 January this year. That timetable could not be met and the minister under-took in a second assurance to them that the teaching service would commence on 1 July this year. I do not think there was any great fuss about that. We now have an assurance from the other Minister for Education, the Chief Minister, that it will start on 1 January next year.

There is a very interesting story about ministers and the way they treat certain sections of their electorate. I would like to relate the story to

honourable members - not to honourable members of the government because they rarely listen to what is put to them anyway but to members on my side because when we are in government we will have to listen to various sectional groups. It relates to a colleague of mine in the federal parliament, Kep Enderby. During the 1975 election, somebody was unkind enough to run a sticker which read 'Topple Keppel'. Kep Enderby, the Attorney-General at the time, wanted to establish a police force of Australia. The ACT police, the NT police, the Labor Party of the Northern Territory, the CLP of the Northern Territory and everybody else opposed it. Nonetheless, Kep decided he would proceed with it. When he addressed a meeting of the ACT Police Association, they complained bitterly to him. He said, 'Your destiny is in your own hands. If you don't like it, you can vote against me'. At 2 o'clock on the morning after the 1975 federal election, there was a telephone call to Kep's house. The caller said: 'I'm a policeman, Mr Enderby. You probably won't remember me but you addressed a meeting of our association. You told us that, if we don't like what you are doing, we could vote against it. 800 of us just have'. That is a timely reminder to members opposite. There is no doubt that this government has led the Teachers Federation of the Northern Territory up the garden path. Perhaps the Minister for Education himself is not totally responsible for it, but there is no question that the government has led them up the garden path.

The Chief Minister carried on at great length about how the Teachers Federation had obstructed the establishment of a teaching service. He said that the government had wanted to introduce the education portfolio much earlier and had been obstructed all the time. In July 1977, there was a letter from the Minister for the Northern Territory, Evan Adermann, which set out the time-table for the transfer of powers and education was to be transferred at the time in fact it was. There has been no obstruction. There has been a great deal of public debate over the last 12 months and a working party on the teaching service. The Teachers Federation took part in it and received assurances from the minister. Those assurances have come to nought.

There is something further that I wish to address myself to in this debate. In his opening address, the Minister for Education said that he cannot proceed with the Teaching Service Bill until he knows the exact legislative form of the Commonwealth legislation. That has not stopped the government from proceeding in the past. The Chief Minister himself mentioned the Supreme Court legislation. When the Supreme Court Bill was introduced into this parliament, an officer of the federal Attorney-General's Department asked me for a copy because he had not received one. That did not stop the Territory government from proceeding, in its own strategic way, to introduce Supreme Court legislation and would have passed it here before the federal parliament had passed the complementary legislation. The Aviation Act is another example. We now see amendments to that bill being introduced at this sittings. There is no doubt that the Aviation Bill was introduced and passed through all stages before the federal complementary legislation was even introduced. The argument of the Minister for Education and the Chief Minister that we cannot proceed because complementary federal legislation has not been introduced is baloney and they know it.

In all the discussions which have taken place, one simple fact emerges: the Teachers Federation is concerned that the assurances given by the government have come to nought. We have heard today that the principles of the bill will be emobdied in any new legislation to be introduced after the election. The member for Arnhem has already reflected on the minister's own words on the ABC program on Saturday. What we have not heard in this debate today is what I think is the nub of the question: will there be an independent teaching service, as embodied in a bill after 1 January next year or will it in fact be part of the Northern Territory Public Service? It seems to me that that is the question and that is certainly the issue which all of a sudden produced out of the mush-room the disorganisation which the member of Arnhem referred to and which nobody

had ever heard of, not even a minister. Also, the Confederation of Industry - Lord knows where it had been - poked its head up and said, 'Oh yes, we are upset about it as well'. There has been 12 months for discussion but only now does the confederation believe that the service ought to be part of the NTPS. What we need from the minister is an assurance that the teaching service will be an independent organisation which has an independent commissioner as embodied in the current provisions of the bill.

I suppose he is in a Catch 22 position. Because he told the public on Saturday that it really does not matter what we do now because, after the election, it will be a different ball game, I suppose that certainly will qualify any statement that he will make now. Nonetheless, it would be important for the minister and the government to at least try to re-establish themselves in that regard. On the weekend, I was at Maningrida and the teachers there made a special effort to tell me that they are concerned about the agitation which is going on at the moment and the confusion which has been caused by the government's position on this matter. They stressed that they believe that the teaching service ought to be independent and not a part of the NTPS. Although there will be a qualification on the minister's reply, it would assist if he would give an undertaking that the teaching service will be independent.

Mr Speaker, I would like to conclude on one final matter. The minister has shown himself to be quite intemperate in his handling of the Teachers Federation. The Northern Territory News and the Darwin Star carry all sorts of headlines: 'Robertson - Federation on collision' and 'Breach of Faith-Teachers Claim'. It is quite obvious that there is a very great strain in the relationship between the government and the federation, between the minister himself and the federation. The federation reports in public newsletters to its members something of its conversations with the minister and the minister categorically denies that those conversations ever took place. Just to cap it off, the member for Arnhem said that the Minister for Education showed his real competence in the sphere of industrial relations by issuing another threat to a perceived threat from the Teachers Federation.

Mr Perron: A perceived threat!

Mr ISAACS: Certainly it perceived it as a threat and the minister responded in kind because he sees it as correct. That is quite apart from the fact that, as a way of dealing with an industrial organisation, it is just absurd for a minister to respond in that way. The inconsistency is incredible. The minister condemns the federation for daring to threaten the government and then proceeds to threaten the federation in a like manner. In terms of internal logic, that just does not hang together.

The Teachers Federation, the public and the parents have been let down badly by the confusion caused by the government. The federation has proceeded with faith and with honest dealing with the minister. I believe it probably could have accepted delays if they were occasioned by reasonable obstructions. If the federal government is in some way being obstructive, I am sure the federation itself would be reasonable as well. There has been a breakdown in relations between them; it is a very sad day for education. It is certainly a very sad day when the minister himself responds in the manner in which he has done.

Mr Speaker, there has been a great deal of humbug spoken by the government on this matter. There is no reason whatever why the legislation cannot be passed through this sittings. It has done it before in similar circumstances; it could do it again. By its delaying it, by the comments of the minister on Saturday, it has shown the public, the Teachers Federation, the parents and children that they could have no faith whatever in any statements which come from the government or indeed the minister.

Mr SPEAKER: Honourable members, there is a motion before the House. The debate is on a motion by the honourable the member for Arnhem upon his being granted leave that the statement by the Minister for Education be noted.

Mr ROBERTSON: I moved that the statement be noted and sought leave to continue my remarks. The honourable member for Arnhem denied me leave to continue my remarks therefore it reverted back to my motion that the statement be noted.

Mr SPEAKER: No. There was no dissension from the request by the honourable member for Arnhem that leave be granted.

Mr ROBERTSON: Mr Speaker, I would like to pursue the point of order. When I finished my statement, I used the words,'I move that the statement be noted and seek leave to continue my remarks at a later date'. The honourable member for Arnhem then stood up and said, 'I would like to speak to the bill now'. He was given leave to do that, not to move the motion. The motion in fact was moved by myself and I propose replying to my own motion now.

Mr SPEAKER: There was a motion before the Chair.

Mrs LAWRIE: I want to speak to the point of order. My understanding is that the Minister for Education has leave to continue his remarks at a later hour and only requires someone to adjourn this debate.

Mr SPEAKER: There is no point of order. The Minister for Education in reply closing the debate.

Mr ROBERTSON: I would like to deal with what I thought was a rather positive and moderate contribution to the debate by the Leader of the Opposition. He sought from the government certain assurances and quite properly so. Firstly, I will try to clarify the reason behind my concern at the Teachers Federation Executive and this is the executive within each individual school. The potential for anarchy ought to be obvious to all honourable members but I will not pursue that point here. I again unequivocally state that the prinicples embodied in this legislation have the support of the government. When re-elected to government, that will still be its attittde. However, having put into that legislation a very significant and, I believe, proper role for the Northern Territory Teachers Federation as a union - in the same manner as we did in the Police Administration Act with the police union - and recognising properly the roles of unions in those organisations in the arbitral system and so on, it then falls to the government to convince parents that that was a wise move.

Mr Speaker, the Northern Territory Teachers Federation or elements within it are not threatening the government and I am not reacting to any threat against the government because there has been none. Indeed, the threat is directed at parents and children and that is the difference. The main expressionof concern from the public and from such groups as the Chamber of Industries is the role of the federation as being the principal adviser of the Northern Territory Teaching Service Commissioner and a very significant and proper role in the arbitral tribunals, the appeals panels and so on. Where parents have difficulty in understanding that the federation is prepared to deny their children education, it becomes difficult for the government to maintain that area of the philosophy of the bill. That is what I am talking about.

Let me state clearly and unequivocally that the Northern Territory teaching service under a CLP government will be an independent teaching service having its own commissioner. That is firm, solid and final. It will have that commissioner as the employer. The principles embodied in the appeals provisions

which every public servant in the system has under the proposed section 20 in this bill are identical provisions with section 65 of the Public Service Act. Teachers are entitled to the same rights of redress of wrong as any other officers in the public employ and this government will guarantee those rights. Without question and no matter what happens in the industrial arena, that will be the nature of the legislation which will be reintroduced as a matter of priority by this government. Let there be no mistake about that and let teachers be reassured. That is not what we are on about at all. It is the difficulty of maintaining the public's confidence in a union having a very significant role in the operation of this act and I cannot emphasise my motives more strongly. They have nothing to do with the principles of the thing. We stand by them.

We heard all sorts of diatribe in one of the poorest performances I have ever heard from the honourable member for Arnhem. There were no facts and this is where he got himself into difficulty. He claims that, on 9 April or a couple of weeks ago - he did not know the exact date - I issued a press statement. His words were: 'If the government did not intend to proceed with the bill in the April sittings, it would not have introduced it at the last sittings of the Assembly'. Of course, the honourable member quite mischieviously and quite falsely inserted the words 'during the April Sittings' in the press statement. There it is, Mr Speaker. I am quite happy to table it. The words 'in the April sittings' are not there at all.

Mr Collins: Read it out.

Mr ROBERTSON: I will read it out: 'If the government did not intend to proceed with the bill, it would not have introduced it at the last sittings of the Assembly'. There is no mention of the April sittings. He admits he was wrong. What an extraordinary thing the gentleman has finally admitted that he is not infallible. Of course, what he does is twist and turn and corrupt words for his own political ends. If the Northern Territory teaching service is to look to that gentleman as a potential minister, then I think it will have far more to fear than what they have over here. The gentleman wandered into Alice Springs, which he has mentioned on several occasions simply because it happens to be in my electorate and even the Centralian Advocate, as impartial a newspaper as ever there was, had to observe that, in one of his rare visits to Alice Springs, he was there to solve all of the problems in 24 hours.

Mr Collins: You said that!

Mr ROBERTSON: Of course, what happened is that this gentleman twists written words and inserts words in them for his own ends. He is not what one would call the most highly reliable person, Mr Speaker.

Much play was made by the opposition, particularly the honourable member for Arnhem, about my radio broadcast which was the most incredible sequence of events. We have the journalist in the gallery at present. We had about 2 tape-recording breakdowns and I think a tape of my own was finally played back so I really do remember the context of that conversation; I repeated it a number of times. I was not saying that 'this government' would alter its mind. He did point out that I said 'a government'. What the Northern Territory Teachers Federation has been using as its principal argument as to why this legislation should go through at this sittings is that it is trying to convince its membership that, once a thing becomes an act, it gives a greater degree of security than a bill. I was trying to point out that this bill reflects this government's attitude and we can do no more to reflect that attitude. The bill which has gone through the Cabinet process, which I have introduced into this Chamber and to which I have given a second-reading speech in support clearly demonstrates the government's good intentions. It gains no more assurance of

the government's intentions by having it pass through a third reading because it still has the same effect as an expression of intent. I was simply trying to demonstrate that it does not matter if an act has been in operation for 20 years; it is still open to any government, particularly a changed one, to repeal the legislation. There was no implied threat in what I was saying in respect of that comment, none at all.

The Leader of the Opposition is having the same difficulty in understanding the logic that I have put to the House and to the federation as to why this legislation cannot proceed during this sittings and he cited the Supreme Court Act and the Aviation Act. Can I clear this up? The facts are that both of those pieces of legislation, when they were bills and passed through this House to the third-reading stage, were capable of assent and of being brought into operation when complementary legislation allowed it - but in their own right. In other words, they were complete. Given the consent of reciprocal legislation from the Commonwealth, His Honour the Administrator was in a position to assent to them and to bring them into operation. This legislation is incomplete and under no circumstances whatsoever and no matter what legislation the Commonwealth brought in could this legislation be assented to in this form. Therefore, the parliament is being asked to pass in the form of an act of this parliament something which at law is meaningless. It is unable to be assented to and, in its present form, it is unable to be commenced. That is the reason. They are quite different. Those 2 acts were able to be assented to; this bill is not.

It is my view that it would be improper to proceed with this piece of legislation through all stages. Further, what is to be gained by doing that? It will not speed up the process of the commencement of the Northern Territory teaching service. We are stuck with the time schedules of the Commonwealth. I am not being critical of the Commonwealth in this exercise. I think it has used its best endeavours. Nonetheless, when I first introduced this legislation, I did wish it to go through at this sittings. Nonetheless, the Commonwealth is not in a position, because of its very heavy legislative program - and I will not be critical of it till August - to enact complementary legislation. Passing this bill now will not assist in the earlier introducation of the Northern Territory teaching service. There is nothing to be gained in terms of time. If only teachers can be assured that they have nothing to fear from the intention of this government - I have given those assurances yet again - and, in view of the fact that people are asking for further time to consider it - COGSO included - then what useful purpose could be served by putting it through now and stultifying the request for further discussion?

It is not true to say that a bill which brings in a Northern Territory teaching service is only relevant to the career structure of teachers; it is intrinsically and totally interwoven with the education system. How well a Northern Territory teaching service works will totally influence how well education works. The matter of a Northern Teaching Service Act is not solely a matter for teachers; it is a matter for parents as well. They need time to look at it. Now we have heard that the Northern Territory working party's report was widely circulated through the community and there were all sorts of opportunities available at that time for comment. I agree with the honourable member for Arnhem that these people should have commented at that stage but, as I said this morning in an answer to a question, it is very often only when you spell out a philosophy in the legalese and table it in the House that the penny drops to people that it really is going to happen. It is only at that stage that you start to get your reaction. The Mining Bill is a classic example of this. The minister spent weeks trying to get ideas out of the mining industry - I think years is more appropriate - and it was only when he tabled this piece of legislation that he got the reaction he had been seeking. The same occurs here. People will look at a broad philosophical document like the working party's report and say 'Oh yes, that's fine. I wonder if they will ever do anything about it'. Once a bill gets into this place, people say, 'This is



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for real. My God, that's the implications of it. Let's get our input in'. As I indicated this morning, this government wants to be responsive to that sort of input.

Under no circumstances will this government contemplate the type of scare that the Leader of the Opposition was trying to put forward that it would become part of the NTPS. The teaching service will be an independent teaching service with its own commissioner outside of the public service. There is no question about that at all. All entitlements, rights and privileges will be protected and all rights of appeal will be ensured. Access to the Conciliation and Arbitration Commission, which is the right of every public servant or officer of the public service in the Northern Territory, will be enshrined in the legislation to make it available in the same manner as it is available to any other officer of the public service.

Mr Speaker, that is the position. I hope that this issue has been resolved to the satisfaction of teachers as far as it can be. I am disappointed that it is not going through in this sittings. I say that quite honestly. The reality is that it cannot but, nonetheless, let the teachers be reassured that this government will give them the type of teaching service which is embodied in the principles of the present bill. It will do so as a matter of priority when re-elected.

Motion agreed to.

## MATTER OF PUBLIC IMPORTANCE

### Maladministration of Correctional Services Division

Mrs LAWRIE (Nightcliff): Mr Speaker, before commencing to get into the substance of this discussion, I wish to make 2 points quite clear. I shall not be discussing the Prisons Bill as that would be contrary to Standing Orders. There is no necessity in the context of this matter of public importance to drag in concerns of the future. My concern is for the present administration, or lack of it, of the Correction Services Division. However, I shall allude to clear policy statements made by the Minister for Community Development, statements which have my approval and support and, I believe, the approval and support of all honourable members in the House. I shall not be commenting upon certain alleged incidents which supposedly took place at Berrimah Gaol last month and which occasioned certain headlines in the paper. Charges have been made against the prisoners and I believe it would be quite improper to deal with that affair. Suffice to say, that once it comes to a court hearing, which I hope would be an open court hearing, there will be ample opportunity for discussion at that time. Certainly, some disturbance did occur but, prior to that, we are all well aware that prison officers in the Top End and throughout the Territory went on strike.

My concern with the maladministration of the Correctional Services Division relates to the sufferings of the prison officers and the sufferings of the prisoners. It is not one against the other as some would have us believe. It is not a matter of officers versus prisoners or the reverse; they are all in the same rapidly sinking boat and they have shown to me that they have a great deal of sympathy for each other. Prison officers are a disciplined group of people who undergo certain training and observe the same discipline as police officers. For them to go on strike, it was certainly something of importance. The minister must be aware that they have been close to going on strike twice in the last few weeks and this is hardly a sign of good relations and good administration of Darwin Prison.

On a number of occasions prison officers have approached me in my capacity as a member of this Assembly and spoken to me of the problems they face. They

have a particularly sensitive job. They have the day-to-day control of peoples' lives. They need adequate training and, most certainly, adequate direction. Unhappily, they do not appear to be receiving this competent direction. They tell of conflicting orders concerning prisoners and their own conduct. Searches have been conducted of prison officers which caused them some distress and the prisoners were aware of this and there was perhaps a consequent lack of respect for the officers.

Most importantly, there appears to be a lack of official backing for any rehabilitative programs. New legislation is not required to introduce some form of rehabilitation but there seems to be a need for a change of the minister's philosophy because we do come back to ministerial responsibility. It is not my intention to lay the problems of the Correctional Services Division at the feet of the public servants; they are there to advise their minister but he runs the division.

The prison officers have had money owing to them at times for weeks - overtime payments and other payments. They have tried to go through the proper channels to shake up the wages clerk and they have had to wait literally weeks for money owing to them. This does not do much for morale and it causes many problems for orderly budgeting. The prisoners appreciate some of these difficulties facing officers and they say with commendable logic, 'If they are unhappy, what hope have we got?'. The prison officers have demonstrated clearly that they wish to be more than what is commonly termed 'screws'. They do not wish to simply turn the key and forget the prisoners. However, because of the lack of direction from above to introduce proper rehabilitation programs, they are put in an invidious position and one which they resent. If I am not correct and all is sweet and rosy, why did they strike? The proof of the pudding is in the eating. There is grave dissatisfaction amongst people who are working in the particularly difficult occupation of prison officer in the Northern Territory Correctional Services Division.

Prison officers working at Gunn Point have particular disadvantages. Firstly, there is the degree of isolation and travel involved. I would say this particularly for the member for Tiwi who seems to think that the catering division is doing a marvellous job: the officers have made particular complaints about the standard of food they receive at the prison farm. I have also had complaints from the prisoners but, at the moment, I am dealing with the prison officers. They complain bitterly about the quality of the food, its presentation, its cleanliness and the cleanliness of the preparation area. Officers have spoken to me, and the minister must be aware of this, about being attacked by hordes of cockroaches. If they go into the kitchen area after the normal daily preparations have been completed, the cockroaches apparently appear in their hundreds. As late as this month, food served to officers at Gunn Point has been inedible, undercooked and fatty. They have gone without rather than try and eat it. Two officers have been moved to say that they would not be surprised to see an outbreak of disease. They hope that it will not occur but, they say that the fact that it has not broken out is more attributable to the grace of God than to the actions of the Correctional Services Division. These prison officers have very serious complaints which are apparently being ignored because they are current complaints.

There has been dissatisfaction expressed that, when the Director of Correctional Services visits Gunn Point, he does not speak with prisoners who would like to have the opportunity to express their grievances to him. I think that is a pity because he would be a safety valve and he would give them some form of reassurance. However, I cannot direct the person concerned; only the minister can do that and it is quite obvious he has seen fit to ignore the whole situation.

Prisoners at Gunn Point have made certain complaints about their clothing. It is a fairly dirty place in the sense that it is either very dusty in the dry season or muddy in the wet season. They have made requests for more than the normal change of clothing because of the particular conditions under which they work. They were told that the department did not have the money for any extra changes of clothes. However, after certain agitation, I understand that clothes were found and that they had been in storage all the time.

Now, Mr Speaker, we move on to the good news. The good news is that the minister, the Country Liberal Party and the government of the day support the concept of the rehabilitation of prisoners. I draw the attention of the House to the excellent statement made by the minister on 22 November last year which is reported on page 2482 of Hansard: 'We also support corrective services providing for rehabilitation of those in custody and their effective reinstatement in the community, welfare services where appropriate to prisoners and their families and improved assessment, training and education facilities to prisoners'. The minister went on to say: 'Emphasis must be placed on the augmentation of rehabilitation programs. By these innovations, it will be possible to equip the prisoners with the necessary prerequisites to enable them to be readily accepted within the community upon their release. The age-old view of a prisoner being locked away in a cell serving no useful purpose either during the period of detention or after release has been replaced with the new concept of implementing programs which impart various survival skills considered best to serve the inmate upon his release. These skills vary from basic trade courses through to research, investigation and eventual guidance where personality problems exist'. May I express my admiration for that sentiment. I am pleased to see that this is the philosophy of the Country Liberal Party, the present government and the minister.

However, although it is the current philosophy and does not need a change in legislation to be implemented, it would seem that the minister speaketh with 2 tongues. That is the statement he made in the House and which we all supported. However, female prisoners at Darwin Prison found, somewhat to their dismay, that when they attempted to initiate for themselves some rehabilitative programs, they did not get very far. Several of them requested time for extra study. They are allowed to study in their free time but, as we are dealing with prisoners in a secure institution, that is not quite sufficient. No one griped to me about the fact that she had been sentenced by the court; it is the treatment that they receive when they are in prison which merits the censure. These ladies were not able to obtain what they believe was the necessary assistance to enable their own rehabilitation and eventual release back into the community.

Historically, we have tended to think of female prisoners in the Northern Territory as lacking in intelligence, coming from a variety of ethnic backgrounds and lacking in basic hygiene. To a degree, that was true because they were sentenced for street offences, vagrancy and prostitution. In the old days - and I speak of my first contact about 15 years ago - probably simple programs in hygiene were okay but now we are dealing with white, Anglo-Saxon, intelligent, articulate women. These women are from different ethnic backgrounds; they have the same drive for rehabilitation and they have received long sentences from courts. They have decided that the best way out of this fix is to study, improve themselves so that, on their eventual release, they will have some skills to fall back on. They have no wish to offend again.

Following what they thought was a discouraging reply to their requests for study time and assistance, they wrote to the director complaining about the lack of rehabilitation programs being offered female prisoners at Darwin Prison. They received a reply from the director which caused them a great deal of concern and which has been given to me through the proper channels by the women concerned. It has been checked by the prison authority. Everybody from the

director to the minister is well aware that I have these letters. I have the permission of the ladies to use them. I seek your leave, Sir, to have this letter incorporated in Hansard. It is a letter to a female prisoner from the director. Her name has been deleted for obvious reasons. I have copies for all honourable members. I refer members particularly to the following: 'Criminal offenders are not sent to prison for rehabilitative purposes. It is commonly accepted that offenders go to prison for retribution and to protect the community from their depredations'. It goes on: 'Whilst in prison, in order to occupy their time, they are given work to do where this is possible and, on occasion, education facilities are provided'.

Leave granted.

*I am in receipt of your letter of 24 February in which you complain of the lack of rehabilitation being offered to you and other female prisoners at Darwin Prison.*

*I would like to make several points clear.*

1. *Criminal offenders are not sent to prison for rehabilitative purposes. It is commonly accepted that offenders go to prison for retribution and to protect the community from their depredations.*

2. *Whilst in prison, in order to occupy their time, prisoners are given work to do where this is possible and, on occasion, educational facilities are provided.*

3. *The use of the educational, recreational and occupational facilities provided in penal institutions is entirely up to the individual prisoner.*

*It is not felt appropriate to enforce personality change procedures in such an unusual environment. On the other hand, it is felt desirable that, in so far as it is possible, inmates should be forced to make choices about the allocations of their time as they would have to do were they living in a normal society, i.e. choices between exercise, recreation, work, study or personality development.*

*Although the physical constraints of Northern Territory prisons are limited, as indeed are all prison systems, and it is appreciated that your circumstances, from time to time, must appear very depressing to you, I am not prepared to make special arrangements for you so that you can study while your fellow inmates work.*

*R.F. Donnelly*
*DIRECTOR*

*3 March 1980.*

Mrs LAWRIE: This is a rather strange letter because the sentiments expressed are the exact opposite of the undertakings and the policy given in this House by the minister. I repeat: 'We support corrective services providing for rehabilitation of those in custody and their effective reinstatement...'. What do we find here? 'Criminal offenders are not sent to prison for rehabilitative purposes. It is commonly accepted they go to prison for retribution and to protect the community from their depredations'. This is incredible! One would think that it is just an officer or department expressing a policy which is diametrically opposite to that of the government of the day but that is not so.

On receipt of this most disappointing letter, the ladies wrote to the

minister expressing their disquiet and concern at the tenor of the reply received from the director. Again, through the proper channels, I have obtained a letter written by the minister to those women who protested. I seek leave to have this short letter incorporated in Hansard. I have copies for all members.

Leave granted.

*Thank you for your most recent letter in which you express your disappointment at the attitudes demonstrated by the Director of Correctional Services about rehabilitation in Northern Territory prisons.*

*May I firstly say that I have complete faith in the officers of my Department who are administering a very difficult and complex area.*

*Whilst I appreciate that from time to time you experience some frustrations in your day-to-day existence in the prison, I am mindful of the fact that you have been found guilty by the Courts of a quite serious offence and, as a result, have been sentenced for a period of imprisonment.*

*I feel there is little point in continuing correspondence on this matter.*

*Yours sincerely,*

*NICK DONDAS*

*Darwin Prison*
*BERRIMAH N.T. 5788.*

Mrs LAWRIE: This letter states quite clearly that the minister supports the policies outlined by his Director of Correctional Services. It is not a matter of a public servant speaking on the one hand and the minister speaking on the other. As we read the letter, it becomes apparent that it is the minister's policy. He is supporting his director. The director would hardly write such a letter without the approval of his minister. This is a strange contradiction: in the House in November we were all in favour of rehabilitation which can be provided for under the present act but now we are stating categorically as a Country Liberal Party government, 'you are not there for rehabilitation; you are there for retribution so keep quiet and get about your business'.

Mr Speaker, I think that is an appalling state of affairs. Would the minister state clearly in his reply just what is the government's policy on rehabilitation or otherwise. I believed his statements in the House and publicly supported them but I find that it is a different story if you happen to be a lady in prison trying to rehabilitate yourself. The story is there in black and white: the minister made his statement in November, the director wrote a letter to the ladies in March and the minister wrote his letter of support in April. The chronological sequence of events proves that the minister has seriously misled this House, a most dramatic and unfortunate occurrence in the Westminster system. Not only that, we have the superintendent of the prison stating to a lawyer representing prisoners - I will give his name in private so you can check - 'I am waging a war of attrition'. That statement came from the superintendent of the prison. We have the minister saying in the House that he is all in favour of rehabilitation, the minister and his director saying to the prisoners that they should rehabilitate themselves and the superintendent saying that he is waging a war of attrition. Is there any wonder there is a problem at Darwin Prison?

The honourable minister's letter and the director's letter referred to work programs. Let me tell you what the female prisoners' work consists of besides a few general cleaning duties to keep the place looking in a reasonable condition. Bear in mind that the minister referred to work which would fit them for return to society in a way which would enable them to rehabilitate themselves and not re-offend. What do they do? They sew on buttons. End of story. I said to them: 'You must have an inexhaustible supply of buttons to keep you all working from 8 o'clock to 4.30 sewing on buttons'. They said, 'We soon woke up to this. It is the most boring and deadening work ever. We sewed the buttons on in such a fashion that the shirts might well disintegrate but the buttons would never come off'. I said: 'That must have fixed that problem. What work did they find for you to do then?'. I do not mind prisoners working, let's have no dispute about that. They said, 'The shirts came back with scissor marks where the buttons had been cut off'. This is in 1980. I controlled myself admirably and expressed a certain amount of surprise. I said, 'Are you sure?'. A couple of them said, 'Yes, the same shirt came back 3 times in a week'. That is the work fitting these girls for a return to society: sewing on blasted buttons!

There is more to the problem for female prisoners than the lack of constructive work. I am very bitter about the fact that, in 1980, they are sewing on blasted buttons. They are not complaining about the fact that they received their sentences. There is no suggestion of that. It is what happens to them after the receipt of the sentence. The prison issue is as follows: soap, toothpaste and brush, plastic brush and comb, 2 uniforms, 2 pairs of pants referred to by the girls as 'Boston stranglers' and a government issue bra. The women find prison underwear particularly degrading. I heard a whisper that perhaps a change of heart will come and the girls will be provided with their own underwear.

There is no shampoo nor deodorant issued to the girls even though this is a tropical area and we have women confined together in a very small space. Remember too that these prisoners occupy a far smaller area than the male prisoners do. For the first 28 days after their sentence, they earn the magnificent sum of 10c a day and then 30c a day for the next 14 days. It takes 6 weeks before they can buy shampoo and deodorants and return to feeling like human beings. That cannot be allowed to continue; it is a disgrace. Shampoo is bad enough but no deodorant issued nor allowed is just a little bit over the fence.

The restrictions on female prisoners seem to be more severe than those accorded male prisoners. One girl had a birthday not so long ago and her brother turned up at the gate with a bunch of flowers. He was not allowed to give them to her. What the hell security risk is a bunch of flowers. They were not poppies in case anyone was going to think of that. This is the kind of restraint under which they are kept - petty restraints which do not help the administration or their return to sanity and the real world. Might I say that one thing which does help them is the consideration with which they are afforded by female prison officers. They are well aware of the way in which officers at times approached the superintendent on the girls' behalf, trying to get them extra study leave and other small things. They are most appreciative.

Male prisoners have certain problems regarding the maladministration of this incredible department too. I will give you a couple of specific examples. One prisoner was due for parole. He knew he was due for parole, he was geared up for it and he was anxiously awaiting it. Four days before his parole was due, he was told he would not get it. He asked, 'Why? Have I done something wrong? Could I speak about it?' They said, 'You'll find out. Go away and don't bother us. You'll hear about it later'. Of course, he kept up the pressure because he was within 4 days of release. Finally, he was told he was not going to get it and he spoke to another parole officer who apparently could not attend him. I will use the language. I do not think it unparliamentary. He was told: 'They've stuffed up your warrants. I'm sorry. We all thought you were

going to go out but your sentences aren't concurrent. It turns out they are cumulative. We didn't read the warrants properly'. He was faced with another 11 months. This is an intolerable and incredible blow to a person. If he had known all along the length of sentence he would have to serve, it would have been all right. He could cope with that. But he could not cope, when about to be released in 4 days with being told: 'Sorry, we didn't read the warrants properly. You're there for another 11 months'.

Another prisoner was segregated and confined in a maximum security cell. He could not understand why. He said, 'I haven't been charged with anything'. The answer: 'Keep quiet, fella. Don't get into any more strife'. Finally, he managed to see the visiting justice - and I would like to have a few words to say about that system which is not working at all well at the moment - and he said to the visiting justice, 'Could you find out what I'm charged with because I'm being held securely?' They do not have solitary confinement; they just call it another name. The visiting justice had a look through the book and came back and said, 'Well, you're not charged with anything'. So they let him out.

They feel this injustice very strongly. It is easy for us - we do not have every minute of our day monitored - to adopt a more philosophical approach but this kind of treatment of prisoners by the administration - because it is not individual ill will on the part of any officer - is working against the orderly running of the prisons in the Northern Territory, against the interests of the prison officers who are supposed to be dealing with these day-to-day debacles and against the rehabilitation of the prisoners.

Prisoners have complained of being denied access to medical officers despite repeated requests. Certainly, they are very bitter about being kept in the maximum security area under secure conditions - at one stage one prisoner was only let out for 23 hours out of 24 - without charges being laid. In one specific instance, it took some time before charges were laid against a prisoner which would in some way show why he was being kept in a secure situation. Mr Speaker, I have yet another letter given to me through the correct channels.

Before I run out of time again, I place on record the fact that, notwithstanding our widely-diverging views on the efficient administration of Darwin Prison Berrimah, there has been no attempt by the officials or by the minister to interfere with my legitimate visits to that prison to speak to prisoners when they have requested my presence. I think that should be on the record. I have been treated with every courtesy and consideration notwithstanding the fact that the minister and I have completely different views as to what constitutes a rehabilitative program or in fact what his government's policy is because I am totally confused.

Sir, I have for distribution to honourable members another letter written to a female prisoner by the minister in which he again defends his present policy. A couple of the points he makes are correct. There is a problem there at the moment with one very disruptive prisoner and little can be done about it. I ask for distribution of this letter and I seek your guidance as to whether it will be allowed to be incorporated in Hansard as it is not very long. Might I ask the minister, in his reply, to indicate how does sewing on a button constitute the opportunity to develop skills both personal and academic that will enable this lady to survive without committing further offences upon her release.

> *I am in receipt of your recent letter in which you complain about being confined in the company of a particular female prisoner. I am informed that prisoner is being held in Darwin Prison on the specific direction of the Court, and the Court's wishes must be acceded to.*
>
> *You also wrote at some length about the Government's policies of*

*rehabilitation being frustrated by your imprisonment. It is true that the Government strongly hopes for the rehabilitation of individuals. It is also understood, however, that rehabilitation cannot be imposed, but must be self-initiated. I am sure that to steadfastly maintain your course towards rehabilitation must be extremely difficult when confined in a prison. Regrettably, this is something over which I have no control.*

*Some of the difficulties to which you refer are factors associated with the small prison population of females in the Northern Territory, and the need to make special provision for their custody. I have been assured that every effort is being made to ensure your personal safety and, at the same time, provide you with opportunities to develop the skills, both personal and academic, that will enable you to survive without committing further offences after you have been released from prison.*

*Finally, I move to your suggestion for a review of the Government policy regarding the movement of female prisoners interstate. I have to inform you that the Northern Territory is, at present, limited in this regard by the terms of the Removal of Prisoners (Territories) Act which defines the specific circumstances by which individuals may be transferred.*

*However, you may be interested to know that the Northern Territory together with the States of the Commonwealth are in the process of attempting to develop parallel legislation that will enable, in time, prisoners to be transferred between the States much more freely than is presently the case.*

*Yours sincerely*

*NICK DONDAS*

*6 March 1980*

Leave granted.

Mrs LAWRIE: Mr Speaker, I do not need to say much more. I have given some specific instances of maladministration in the prison. I could give a lot more. I have here a file an inch thick on what is being put to me about the problems within the prison both by prisoners and prison officers. It would have been far more fitting for me to have been able to move for a judicial inquiry into the administration of the Correctional Services Division and giving protection to the witnesses who would come from within the ranks of the prison officers and the prison. Given the fact that we are going to have an election within a couple of months, it is pretty obvious to me that such an inquiry would not have been agreed to. I would have been wasting time to have suggested it. What I have attempted to do is to indicate to the House the serious maladministration of Berrimah Prison and the great difficulties which are being faced at Gunn Point by both prison officers and prisoners. I had best also say that the visiting justice is not interviewing the prisoners in the way it is believed it should be done under the regulations. Upon repeated requests, they sometimes get to see the visiting justice. The most serious point and where this chaotic situation starts, of course, is from the minister's conflicting statements.

Mr DONDAS (Community Development): Mr Speaker, I rise to comment on the remarks of the member for Nightcliff. Last year, I had the opportunity to meet with ministerial colleagues responsible for correctional services throughout Australia. I thought at the time how lucky we were to have such a relatively passive scene in prison administration in the Territory. Since that time, the

events that I have referred to earlier have caused me to change my mind. Prison ministers and prison administrators throughout Australia are under continuing attack. The common catchcries emanate from a particular section of society who claim that not enough is being done for prisoners. Yet another section of the community feels that, in the humanitarian and liberal approach to the prison system, we have gone too far. The prison officers caught up in this social conflict take another position often accompanied by industrial action. Their attitudes reflect the problems of interpretation which they face as those who live cheek by jowl with prisoners in the day-to-day situation.

Like many others throughout Australia, this goverment has initiated a number of community-based programs. These are aimed at finding alternatives to people serving their sentences in gaol, This very attitude, commendable though it may be, raises its own set of problems. The prognosis for the future is that it will be the more difficult and more violent types of criminals who will become the occupants of our gaols. In many cases, because of the general improvement in the standard of education throughout Australia and a knowledge of civil rights, they will take every opportunity to exploit their situation to the full. I am sure that the signs evident throughout Australia are now apparent in the Territory, particularly having regard to the circumstances that I have outlined previously.

Let me talk for a few moments about crime and prison situations in the Northern Territory. I read from a report which I would like to incorporate in the Hansard, Mr Speaker. I have shown you the size of the document and I will briefly allude to it and then pass it to you for a decision. This particular report was complied by David Biles who is the Assistant Commissioner of the Crimes Prevention Council for Australia. He states: 'The Northern Territory again recorded the highest average rate for this offence (rape) with 16.37 per 100,000 population. The report also found that the Territory had the highest rates for motor vehicle, theft and frauds, forgery and false pretences offences. Vehicle theft in the Territory, according to the report, rose from 68 thefts in 1964-65 to 645 by 1977-78. Commenting on the report, Mr Biles said recently that the Northern Territory was Australia's major crime problem. The Northern Territory is Australia's "Wild West". It is a place of rapid development, has a relatively young population, a high masculinity rate, alcohol consumption is very high and it should be remembered that young single males are the high risk people in crime'. He goes on to talk about the various types of problems we are encountering in the Northern Territory. Mr Speaker, I would ask that this particular document be incorporated in Hansard.

Leave granted.

*The crime rate in Australia more than trebled between 1964-65 and 1977-78, however, the homicide rate remained relatively stable during that period, according to a recent report, 'The Size of the Crime Problem in Australia', by the Institute's Assistant Director (Research) Mr David Biles.*

*The increase of 158.1 per cent in the crime rate had occurred about a population growth of 25.5 per cent according to the report which was based on data, published annually in editions of the 'Year Book Australia', on seven major categories of crime.*

*The report was prepared partly in response to questions on the level of crime raised at the national conference of the Australian Crime Prevention Council held in Hobart in August. It also updates the data in chaper 2 of 'Crime and Justice in Australia'.*

*Crime categories examined were homicide, serious assault, robbery,*

*rape, breaking and entering, motor vehicle theft and fraud, forgery and false pretences.*

*The report found that, although homicide rates had remained stable, there were significant differences between jurisdictions with the Northern Territory recording the highest average rate of 17.02 homicides per 100,000 of the population during the 14-year period.*

*Queensland had the second highest (4.16), followed by New South Wales (3.92), and Victoria (3.03).*

*A sharp increase in the rate of robberies had occurred during the sixties but had since levelled off. New South Wales, the Northern Territory and Victoria respectively had significantly higher rates of this offence that the other jurisdictions.*

*The incidence of rape had trebled according to data in the report but Mr Biles suggested that the increase could have been due to more victims reporting the offence.*

*'The influence of rape crisis centres, the feminist movement and changed court procedures which reduce the trauma for rape victims may have contributed to increased reportability, but without repeated victimisation surveys, this is no more than speculation', he said.*

*Data indicated that the rate of increase of rape had been relatively lower in Queensland, Victoria and the Australian Capital Territory than in the other jurisdictions.*

*The Northern Territory again recorded the highest average rate for this offence with 16.37 per 100,000 population. The report also found that the Territory had the highest rates for motor vehicle theft and fraud, forgery and false pretences offences.*

*Vehicle theft in the Territory, according to the report, rose from 68 thefts in 1964-65 to 645 by 1977-78.*

*Commenting on the report, Mr Biles said recently that the Northern Territory was Australia's major crime problem.*

*'The Northern Territory is Australia's "Wild West", it is a place of rapid development, it has a relatively young population, a high masculinity rate, alcohol consumption is very high and it should be remembered that young single males are the high risk people in crime', he said.*

*There was also a problem of 'cultural clash' with the Aboriginal population in the Territory.*

*He said the actual numbers of major offences such as murder in the Territory were few but high patterns of crime were shown when such offences were seen against a background of the relatively small population in the Territory (about 100,000).*

*The national rate of vehicle theft per 100,000 of population had doubled during the 14-year period. However, when related to the increase in registered vehicles, the rate per 1,000 vehicles had only increased from 6.42 in 1964-65 to 8.95 in 1977-78.*

*Mr Biles said large variations in the rates of vehicle theft between jurisdictions could possibly be explained by police and media campaigns*

*aimed at reducing the offence.*

*Breaking and entering had the highest incidence of the seven categories of offences, occurring more often than any of the inter-personal offences.*

*South Australia recorded the high rate, with 15,273 break and enters in 1977-78.*

*Tasmania had the lowest rate of offences in the fraud, forgery and false pretences category, recording 1,298 offences in 1977-78 compared with 16,578 in New South Wales in the same year.*

*Mr Biles said it was clear that there had been a 'significant' increase in most categories of crime in Australia.*

*He said variations in crime patterns reflected by the data could be used to identify legislative provisions, police policies and sentencing and correctional practices which were most effective in combatting crime.*

*'The effects of social, economic and educational policies should also be examined', he said.*

*He pointed to the problem of the 'dark figure' of unreported crime and said official statistics, particularly for such offences as rape, represented only a minority of the offences which occurred.*

*The publication in June of the first national crime victims survey conducted in Australia by the Australian Bureau of Statistics had shown an average reportability rate for all types of crime of 42 per cent.*

*He said crime levels indicated in the report, however, did not justify harsher penalties being imposed on the small proportion of offenders who were caught and convicted.*

*Although some crime rates had increased dramatically in the 1960s, the rates for most serious offences had been relatively stable for most of the 1970s.*

*'It should also be borne in mind that violent crime rates in Australia are generally low by international standards', he said.*

I will comment on some Northern Territory statistics that are available to me. The Northern Territory average prison population for 1977-78 is 120% greater than the Australian rate. The Northern Territory pre-sentencing report completed for 1977-78 is 178% greater than that of the Australian rate; the Northern Territory adult parolees, 15% more than the Australian rate; and the Northern Territory adult probationers 42% less than the Australian rate.

The honourable member for Nighcliff alluded to some correspondence that I forwarded to some inmates in the Berrimah gaol. She also went on to say that, in my second-reading speech, I said that the Corrective Services Division would probide rehabilitation for those in custody to facilitate their reinstatement in the community. It is true the Director of Correctional Services has advised certain prisoners that they are not sent to gaol for rehabilitation. The statement must be taken in its context. It was in response to a demand by certain prisoners for rehabilitation as a right. The director was not in a position to guarantee that right as he pointed out. Although you can provide the facilities by which people may rehabilitate themselves, it is impossible to ensure that

they take advantage of those facilities. It is a case of leading a horse to water but not being able to make it drink.

I am not alone in my attitude in this regard. Today, prison action groups, academics and correctional administrators from all over the world have put aside the medical treatment oriented approach to correction of the late 1960s and early 1970s in the face of overwhelming evidence that it does not work. Dr Benjamin Frank writing in a prestigious American journal, Federal Probation, of September 1979, asserts: 'The century-old prison reform movement aimed at shaping the prison into an effective rehabilitation agency has come to an end. The idea that prison , even under the best conditions, does not and cannot cure criminals is now deeply embedded in commonplace wisdom'. Dr Frank identifies a growing consensus amongst policy makers that the assumptions underlying the rehabilitative ideal are being rejected as having been disastrously wrong. Selected for particular criticism are: the belief that future behaviour of prisoners could be predicted, the practice relating the forced participation in treatment and training programs to the conditions of paroled release and the involuntary coercive aspects of correctional rehabilitation which enable the over-zealous practitioner and administrator to disregard the civil liberties of the prisoner.

Dr J Morgan writing in June 1979 issue of the Australian and New Zealand Journal of Criminology quotes from 'Struggle for Justice: a Report on Crime and Punishment in America ' prepared for the American Friends Service Committee: 'Major criticisms of legally imposed rehabilitation are the assumptions that are made concerning who are criminlas and what is crime. Treatment ideology assumes that we know something about the individual causes of crime. This is somewhat questionable for such knowledge would have to be based on a scientific approach which involves the study of a representative sample both of criminals and of control groups of non-criminals'.

Morgan also refers to Leslie T. Wilkins who in 'Putting Treatment on Trial' Hasting Centre Reports 5 February 1975 stated: 'The term "treatment" should be dropped as a dishonest description of what is done to offenders. Instead we should be using words which honestly describe the activities occurring'.

The foregoing are sentiments with which I wholly concur. I support the director and staff of the Correctional Services Division in their honest approach to difficult problems associated with the protection of society from its criminal offenders including, at the same time, their attempts to provide sufficient opportunities for those who genuinely wish to change their lot. I would like to refer to the letter that I wrote to a particular prisoner on 1 April 1980 where I stated that I supported and had complete faith in officers of my department. I reiterate that I still give that support.

The honourable member for Nightcliff said there were delays in the payment of salaries to certain prison officers. That is true. Due to the unprecedented increase in prison office staff, the workload that fell upon the salaries section of the Correctional Services Division was such that some difficulties were experienced in meeting computer deadlines. This resulted in the delay of payment to some of the officers. Negotiations were entered into with prison officers and clerical officers. Additional staff were recruited and staff were redeployed within the division so that an early resolution of these problems was achieved. The Prison Officers Association is involved in continued discussions aimed at increasing the efficiency of the section in the future.

The honourable member for Nighcliff spoke about food. There were a number of complaints that I received from prisoners at Berrimah gaol. Some of the complaints related to prisoners receiving only 2 slices of peaches instead of 3 and the food being so mouldy that it was inedible. That is not true. I am

talking about food in general. The Health Department does have input into the type and the quality of the food served in Territory prisons. I might make a further comment. We had a chef from the Don Hotel who was employed by the Correctional Services Division. He had a great deal of catering experience. Unfortunately, that person left our employ and went elsewhere. During the transition period involved in employing somebody else, there was a slight drop in the standard of food but that particular situation was rectified very quickly.

I am surprised that the honourable member states there are current situations of industrial unrest. She has knowledge that is not available to me as minister or to officers of the Correctional Services Division. In October last year, a substantial number of matters were subject to negotiation between the Prison Officers Association and my department under the chairmanship of Commissioner Stanton. In the majority of cases, a satisfactory resolution was found. There are matters of major policy still under examination and about which a contribution is awaited from the Prison Officers Association. During those negotiations, an allegation about the quality of food at Gunn Point was withdrawn. A number of matters were raised in the dispute by both the prison officers and management alike These matters were registered before the Commonwealth Arbitration and Conciliation Commissioner Stanton for further negotiation. A great number of these matters have been resolved. Eighty points were in the log of claims and to date 63 have been resolved and the others are under consideration.

The honourable member raised a number of other peripheral issues and I would like to comment on them briefly. I had some difficulty in understanding her reference to the clothing of prisoners at Gunn Point. On the one hand, she stated that there was no money available to procure clothing and then indicated that clothing was already in store. I can find no record of her problem about the issue of clothing generally other than the fact that some prisoners have complained that they have had to wear clothing which, even though it had been laundered, had been worn by other prisoners. At the moment, prisoners at Gunn Point receive 6 issues of clothing and 2 bed changes a week. They can wash their undies at any time they like.

The honourable member for Nighcliff also talked about the searching of prison officers. Complaints made from within the prison that certain officers were pilfering goods and food were investigated. The searching of certain officers was necessary to investigate these complaints. From the remarks of the honourable member, one would assume that this action takes place as a regular event. I can assure her that that is not the case.

In defence of the current Superintendent of Darwin Prison, I must respond to some of the adverse remarks made by the honourable member and put into the context the words about acts of attrition. My inquiries revealed that the superintendent made the remark that he felt that he was subject to acts of attrition. If this is the case, it is a far cry from the context in which the honourable member used the words.

I am delighted the honourable member has drawn attention to the limitations which exist in the current prison regulations which make it mandatory for sewing and laundry work to be undertaken by female prisoners. The bill currently before the House and the proposed amendments to regulations will remove these discriminatory practices. It is a very strange thing that the honourable member was in this place several years ago when amendments were made to the prison regulations in 1972. Prior to 1972, other amendments of the regulations were made: 13 of 1967 states: 'Regulation 141 of the prison regulations is

repealed and the following regulation is inserted in its stead: "The prison officers in charge of female prisoners shall ensure, as far as possible, that female prisoners are employed within the prisons for sewing, washing and ironing"'. If the honourable member for Nightcliff had felt that way in 1972 or at other times, why didn't she make it her business to amend the regulations?

I note the heart-rending plea for the niceties for females as far as shampoo and deodorants are concerned. I note also the hardship endured by other people in our community such as pensioners, who cannot afford to buy shampoo and have all those other lovely things that we would wish them to have. When I listen to the honourable member, I therefore question which section of the community she chooses to be privileged.

I feel very sorry about the 'Boston strangler' she referred to but there are classes out there at the gaol which have sewing machines and all kinds of things. Why can't they fix up their own underwear so that they are not as bad as she made them out to be?

In relation to a question that was asked of me by the honourable member for MacDonnell ...

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

Mrs O'NEIL (Fannie Bay): Mr Speaker, it it obvious that I need to speak on this matter because I fear that the minister who has responsibility in this matter completely missed the point of the very serious charges made by the member for Nightcliff this morning. I am sure that the honourable minister's staff did not miss the point but, in the speech which they wrote for him, they chose to try to pretend that it did not exist. What has happened is that the minister has dug himself an even greater hole this afternoon than he was in to start with.

Mr DONDAS: A point of order, Mr Speaker! I look at the clock up there and I see that it is only 16 minutes past 2. I was under the impression that we have 20 minutes for debate.

Mr SPEAKER: Standing Orders state that the proposer has 20 minutes and any other member 15 minutes.

Mrs O'NEIL: We have had this afternoon from the minister responsible for correctional services apparently yet another change in policy. What he said this afternoon is completely contradictory to the policy he outlined to this Assembly last November. I don't think that policy can bear repeating too often because it was an admirable one and I am sure members supported it at the time. He said:

> *My government's policy on community protection supports continuing improvement in facilities and servicing, the expansion of qualified staff in prison, probation and after-care services. We also support corrective services providing for rehabilitation of those in custody and their effective reinstatement in the community, training and education facilities for prisoners.*

Now that is what the minister said in this Assembly on Thursday 22 November. Mr Speaker, this Assembly and the community generally had no idea in fact that that was not the minister's and the government's policy. Apparently, it is not the policy of the Director of Correctional Services because on 3 March that gentleman wrote, as members now know: 'Criminal offenders are not sent to prison for rehabilitative services. It is commonly accepted that offenders go to prison for retribution and to protect the community from their depredations'.

We cannot have 2 policies. We cannot have the minister enunciating one policy in this Assembly and the director apparently choosing to write a completely different policy to people who happen to be in prison. There can only be one policy and when the policy is determined by the government and outlined by the minister, then that is the policy his staff must uphold. If they do not, then that is a very grave fault on the part of the minister and he is clearly deficient in his duty as minister responsible for that department.

We know that the Director of Correctional Services said that on 3 March. What happened then? On 6 March, only a couple of days later, the minister in a letter to a prisoner repeated: 'I have been assured that every effort is being made to ensure your personal safety and to provide you with opportunities to develop the skills both personal and academic that will enable you to survive without committing further offences'. We have 2 completely contradictory letters within the space of a couple of days. We come to 1 April when the minister said that he had complete faith in the officers of his department, which is very admirable for them. The problem is that the officers of his department are stating completely contradictory policies to that which the minister has stated before in this House. Finally, this afternoon, to my and everybody else's complete amazement, we find the minister reading a statement in which he says that rehabilitation is a waste of time and quoting authorities to support that view.

The minister is entitled to believe that rehabilitation is a waste of time but, if he has completely done a turnabout on his policy on correctional services and the value of rehabilitation between 22 November and now, he should have told this Assembly that his policy has gone through 180 degrees. Apparently, it did not go through the 180 degrees turn until the member for Nightcliff, to her credit, raised the matter as one of public importance in this Assembly today. So the minister must tell us what his policy is. Is it the policy on which he stated the Correctional Services Bill is based - one of rehabilitation services for those in custody and opportunity for education and so forth - or is it one of retribution?

Further to the question of rehabilitation and particularly the access of female prisoners to facilities for their rehabilitation and education, the minister said - and he probably thought he was being funny: 'You can lead a horse to water but you can't make it drink'. He inferred that some female prisoners are not interested in being rehabilitated. That might well be so but it certainly was not the case with the person who wrote to him, 'I do not have any opportunities for rehabilitation'. This person went through the proper channels, requested the minister to assist her in ensuring that she would not return to a life of crime after she was released from prison and yet the minister said, 'Well, she was not interested. You can lead a horse to water but you can't make it drink'. The problem as we know from answers to questions in the Notice Paper before us today, is that there is no 'water' for female prisoners to drink out there; there are no rehabilitative facilities for female prisoners at all. They can sew on buttons all day. I do not think you will find 1 person in the Northern Territory who earns a living by sewing on buttons all day. That is not rehabilitation and the minister knows it is not rehabilitation.

In answer to a question from the honourable member for MacDonnell, which conincidentally appears in today's question paper, we find out exactly what is available for female prisoners at Darwin Prison Berrimah. They have external correspondence courses available. Their work is cleaning the female section, laundry and medical rooms, and prison sewing requirements which is sewing on buttons which have been deliberately cut off.

In his answer to the member for MacDonnell, the minister said, 'But there might in the future, subject to availability of instructors, be courses in typing and shorthand writing. It is proposed that there will be future programs for physical education, deportment, hair and beauty care, and domestic science'. It is nice to know that the female prisoners, despite their lack of deodorant and shampoo, will look pretty when they come out of prison. I suppose that will make them more suitable for the occupation of prostitution or something like that but it certainly does not compare with what is available for men. Males, I understand, undertake trade courses in mechanics, carpentry, metal work, vehicle maintenance, boiler-house ticket training, catering courses and lawn keeping. Nothing comparable is available for the female prisoners but maybe they will get a little bit of hair and beauty care some time in the future. There is not even a suggestion that will be a trade course, that they will be able to do an apprenticeship in hairdressing - they can teach themselves to look pretty.

Mr Speaker, that is thoroughly disgraceful and the minister apparently thinks it is a wonderful thing. Judging from what he said just a few minutes ago, we can expect that he will be cutting out the trade courses that are available for men because he has now enunciated a government policy that rehabilitation is a waste of time. That is exactly what he said. I hope that everybody took notice of it. It is completely contradictory to what the minister said less than 6 months ago in this Assembly and it is thoroughly disgraceful.

Mr PERKINS (MacDonnell): Mr Speaker, I remind honourable members of the original motion as moved by the honourable member for Nightcliff. It refers in particular to the apparent maladministration of the Correctional Services Division which is within the Department of Community Development. I think it is important that we remain within the confines of that motion. In this House, we ought to be debating exactly what that motion is about. Unfortunately, I was unimpressed, as I would gather other members on this side of the House were unimpressed, with the response which was given to that motion and the debate which was outlined here this morning by the honourable the member for Nightcliff.

I must say that I expected more from the Minister for Community Development in response to this particular motion because it is a serious matter. I am concerned at the way in which it has been treated by honourable members opposite: the honourable Treasurer has been asleep for most of the debate, the Chief Minister has been absent from this House for most of the debate, the honourable the Minister for Health ...

Mr SPEAKER: Order! Would the honourable member speak to the motion.

Mr PERKINS: I am speaking to the motion, Mr Speaker. I am trying to point out the seriousness of the motion and the manner in which is has been treated by honourable members opposite. It is unfortunate that they are treating this motion with contempt. I would have thought they would have the decency, the time and the moral and the political rectitude to treat this motion with more seriousness. As I mentioned, I am not impressed by the response given by the minister because he has not really answered the specific claims which have been made by the honourable member for Nightcliff whom everybody knows is a well-known and ardent campaigner for the rights of prisoners in the prison institutions of the Northern Territory. She is a person who has a wide range of knowledge and experience in relation to the penal institutions of the Territory and the injustices which have been committed against the prisoners of the Territory. I believe that a number of serious allegations have been made today which ought to be responded to in a proper fashion by the Minister for Community Development. In this debate, we have not had a proper response on the



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part of the minister. Instead, we have had a diatribe. We have had a prepared speech in which he made a mass of generalisations about the problems of penal institutions in the Territory, particularly rehabilitation. I was astounded to note that, in his diatribe, he had the audacity to confess that rehabilitation is a waste of time in the penal institutions of the Northern Territory. I am absolutely disappointed at that remark because I would have expected more from the Minister for Community Development.

However, be that as it may, there is no doubt in my mind that, in the Northern Territory, a serious situation exists in relation to the administration of prisons. The honourable member for Nightcliff emphasised the point that it is not only the prisoners who are suffering as result of this administration but also the prison officers. She went on to list in eloquent style and in a manner which convinced me but which, unfortunately, has escaped the honourable members opposite, a number of grievances on the part of prison officers in particular: they were receiving conflicting orders at times which emanated from the administration, there had been a lack of official backing for official rehabilitation programs and there were moneys owing to them over a period of weeks and about which they were concerned. I note that the minister admitted that moneys were owing to prison officers. He then embarked upon an outline which I thought was rather vague, apologetic and inadequate as a response to the particular claim which was made.

The key point which is going over the heads of the honourable members opposite is the fact that the minister concerned made a categoric announcement in this House that it was the policy of his government to emphasise the need for rehabilitation of prisoners in the Northern Territory and yet, on the other hand, we have an indication which has been circulated to honourable members and which emanated from the Director of Correctional Services that criminal offenders are not actually sent to prison for rehabilitative purposes but for retribution and to protect the community from their depredations. I would have thought it was clear that, in relation to those 2 statements, there is a conflict of policy. On the other hand, the minster, who is a representative of his government, is emphasising the fact that rehabilitation is important in relation to prisoners in the Territory and made great play of this fact in the debate on the Prisons Bill and, on the other hand, we have one of his officers who is obviously in conflict with that particular espousal of policy and who even said that he believes that retribution rather than rehabilitation is the main reason why our prisoners and criminal offenders of the Northern Territory are sent to gaol. Unfortunately, I do not believe we have had a definite indication from the Minister for Community Development in this debate as to what is the true position of the government in this regard. The point was ably raised by the honourable the member for Fannie Bay and I concur with her remarks. I would like an indication from the minister as to what in fact is the policy. Are we to believe the policy he outlined in the debate on the Prisons Bill or are we to believe the policy which has been espoused in the correspondence dated 3 March 1980 by the Director of the Correctional Services Division?

I do not wish to suggest that public servants of the Northern Territory ought to be blamed in relation to the conflict of policy which has occurred in this situation because ultimately the minister himself is responsible. He is accountable to this parliament and he is accountable to the people of the Northern Territory. He ought to do the decent and honourable thing and give us a definite indication as to what is the true policy position. I would have thought that this issue is one of the key points implicit in the motion which has been moved by the honourable the member for Nightcliff. I would like to commend the honourable member for having the patience and the forthrightness in being able to bring these matters to the attention of the parliament because they are serious matters. I understand that the honourable member for Nightcliff has

additional evidence to that which she has outlined today and which is important in relation to this debate. Unfortunately, she is not able to introduce evidence in this debate because there are legal proceedings underway in relation to some of the prisoners who are connected with the Berrimah gaol.

Mr Speaker, I rise to support the motion because I believe that these are serious matters of concern. Unfortunately, they have not received an adequate and proper response from the members opposite, particularly the Minister for Community Development. I would hope that he will take into adequate account the concerns which have been raised today and that he has at heart the problems which occur at the Berrimah gaol in relation not only to the prisoners but also the prison officers. He should do all within his powers to ensure that these particular problems are rectified. Unfortunately, at this stage, we have not received a proper indication as to whether the matters raised by the honourable member for Nightcliff will in fact receive the attention they deserve by the government. Indeed, I was concerned to note that the minister spent most of his time referring to the reasons why the people are in gaol and I think it is important to note that the member for Nightcliff was not particularly concerned about the reasons why they were in gaol but about what happens to those people when they are in gaol. I think that is a matter of considerable concern in this debate and I do not think it is good that the minister responsible for correctional services in the Northern Territory has the audacity to treat this matter lightly and even to the point of mockery. I believe that he ought to have given more consideration to the matters raised in the debate today and he ought to have indicated to this House that he was sufficiently concerned to do something about these problems.

I would venture to say that one of the significant problems to arise out of this debate is the question of rehabilitation of prisoners in the Northern Territory penal institutions and the question of facilities which are available for those prisoners. It would seem that this particular issue has been ridden over roughshod by the Minister for Community Development and that he has not given it sufficient attention. It would appear that the rehabilitation facilities which exist at the Berrimah gaol and other prisons in the Northern Territory are not particularly adequate. There ought to be action on the part of government to provide adequate and proper rehabilitation facilities to prisoners whether they are female or male. Unfortunately, this House and the public have not been accorded a proper response by the minister in relation to that particular problem.

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

Mr ROBERTSON (Education): Mr Speaker, unfortunately I was otherwise occupied and the honourable minister did not get an extension of time which would have been his normal right under our arrangement as he is the minister responsible. I will try to pick up a couple of points.

I think that everyone on the government side believes that this sort of debate is useful. I am quite sure that the honourable minister has listened with interest to what was said from the opposite side. Nonetheless, I think that a little bit of the history needs to be repeated of the efforts of this government and the policy of the government in relation to correctional services. While I have been out of that ministerial portfolio for some time, I do have some knowledge of it.

Mr Speaker, let us not delude ourselves. The basic responsibility of any government is to the people at large. In the area of crimes against society, crimes of violence and theft, the basic responsibility of government must be to the community and to the protection of that community. That is the spirit in

which the director, I am quite sure, wrote the letter.

Nonetheless, having faced the unfortunate position in all western society, and I dare say communist societies are in much the same position, that people will transgress against society and will end up in gaol, I think that this government, having regard to the resources available to it, has a record second to none in the efforts it has made. As the minister has pointed out, we have a very high crime rate in the Northern Territory and a particularly nasty type of crime is all too prevalent in the Northern Territory. As a result, when it took over responsibility for correctional services, this government found itself in a position of having to double, at a time of ever-escalating wage structures, the number of people required to administer its prisons. This resulted from a report by Mr Guard, the Director of Correctional Services in South Australia and the most experienced director in Australia, as to the best form of the correctional services personnel structure. In addition to doubling the number of staff, this government has devoted an awful lot of the taxpayers' money to service post-sentence and post-prison activity. We were the third area in the Commonwealth to bring in alternative sentencing, the reporting centres and community service orders and so on.

It will take time to reach the second most important area in the management of the criminal problem: the rehabilitative stage. This government is firmly committed. The statements the minister made in his second-reading speech will stand absolutely. Let us not become confused between the 2 sides and indeed the 2 priorities. This government does have as a high priority the necessity to have a correctional service which will give people who have got themselves into trouble the maximum possible chance of leading a useful and civil, if you like, life thereafter. Within our system here, you will find that the courts over the years, particularly recently, have shown a very great reluctance to send people to gaol. I think it would be true to say that the only people who are sent to gaol here are those that society needs protection from.

Mrs Lawrie: That is not true.

Mr ROBERTSON: It is true. I know the interjection was meant in good faith but there is little doubt.

Mr Collins: I have lots of friends in Berrimah.

Mr ROBERTSON: It seems rather odd to be listening to the other side saying that it is not true that the courts are reluctant to impose serious sentences when less than a couple of weeks ago we had the opposition spokesman on law reform, the honourable member for MacDonnell, saying that the courts ought to be more severe. Let us be consistent please.

Not only does this government try to tackle the problem of rehabilitation through the Correctional Services Divison of the Department of Community Development, it has problems outside, more particularly in my Department of Education. While the honourable member for Nightcliff shakes her head, I would refer her perhaps back to the budget documents of this year and probably the one before that. In each of the 3 major gaols, we have fulltime staff who are charged with the responsibility for internal education programs. I pick up the point of the honourable member for Nighcliff that perhaps I can do more in my area for female prisoners. I will certainly be doing what I can to implement a better program through the education system in consultation with my colleague, the Minister for Community Development, in another financial year. I think there is more we can do but we must again look at our overall priorities and the resources available to us.

In addition to that, there are external programs which are being conducted in each of the prisons by the Department of Education which range through to a fairly high level. Indeed, there are external courses being conducted from the Institute of Technology of Western Australia and the South Australian Institute of Technology. I do not know how many female prisoners are currently in the Darwin gaols but, as at 12 March, there were 29 people doing external, vocationally-oriented courses in the Darwin gaol, 21 of whom were male and 8 were female. The females have not been left out at all. Similar programs are in train at Gunn Point and Alice Springs. Of course, females are in short supply at Gunn Point.

It is not a matter of the government ignoring this issue and it is certainly not a matter of the government ignoring the contents of this debate. I am very conscious of what is being said here and I am quite sure that value does come out of this type of debate. Without wishing to pass any judgment on your decision to admit this debate, Sir, I think the public would question this is all that important. We in government believe it is and I am quite sure the opposition does but I am talking about the general public. If you did a straw survey of the public and asked their main interest in correctional services, I think the public answer would be protecting the community from ill. I am quite certain that that would be the general public response.

As I have already said, the government will look at the content of these discussions. All we have heard is allegations. We have had no substantiated proof of what the honourable member for Nighcliff said. The honourable member for Nightcliff twisted words around when she said the minister was espousing a certain theory in relation to rehabilitative programs being no good. In fact, what he was saying was merely that a Dr Frank had expressed an alternative view.

Mrs Lawrie: I did not open my mouth.

Mr ROBERTSON: That indeed is what she said. I went to the minister and asked if she said that and he showed me the exact documents from which he read. He was merely saying that a person had expressed an alternative view.

In conclusion, the government is very conscious of its responsibility to improve within its resources those facilities which are available for the rehabilitation of prisoners. It is committed to that philosophy without question. However, there is a wide range of other demands. We have now developed, in the Top End particularly, a sophisticated system of correctional services. Hopefully, we can progress step by step not only through the tremendous training program that the Department of Community Development has instituted for prison officers but also through progressive policies working towards a better prospect of people not being recidivist.

## PERSONAL EXPLANATION

Mrs LAWRIE (Nightcliff) (by leave): Mr Speaker, I claim to have been misrepresented. The honourable Manager of Government Business stated that I had mentioned Dr Frank in the context of the debate which is proceeding. I did not mention a Dr Frank. I was most careful to make the charges about ministerial policy on the evidence of documents which I circulated to all members and I based my case on nothing more than the written statements of the minister.

Mr Robertson: Sorry, it was the member for Fannie Bay. You are quite right.

## PUBLIC SERVICE BILL
(Serial 394)

Continued from 20 February 1980.

Ms D'ROZARIO (Sanderson): Mr Speaker, the opposition supports this bill as indeed we did at the last sittings when we were advised that this bill would have urgency. Of course, we know it did not go through at that time. The proposals are simply to standardise the reporting provisions of all departments within the public service. Not only prescribed authorities which are covered by the Financial Administration and Audit Act but also Chief Executive Officers and departments prescribed under the Public Service Act will have uniform reporting provisions and will table reports within 6 sitting days of the House.

Motion agreed to; bill read a second time.

In committee.

Clauses 1 to 12 agreed to.

Clause 13:

Mr EVERINGHAM: I move amendment 172.1.

The bill, as drafted, would require departments and authorities which had previously prepared reports on a calendar year base to prepare a report as at 31 December 1979 and another one as at 30 June 1980. The introduction of the bill came while departments and authorities were working on the preparation or completion of their reports to 30 December 1979. Depending on progress, the bill, if passed in its present form, could lead to some areas completing current work and having to start immediately on the 6 month report to 30 June. That would mean a needless waste of resources. The bill, as amended, will permit departments and authorities which have not completed their 1979 report to make a single report to 30 June 1980.

Amendment agreed to.

Clause 13, as amended, agreed to.

Title agreed to.

In Assembly:

Bill reported; report adopted.

Bill read a third time.

## HOUSING BILL
(Serial 398)

Continued from 13 February 1980.

Ms D'ROZARIO (Sanderson): Mr Speaker, the opposition supports this bill, but I must remark that I find it to be a very interesting little bill indeed. What we have is government recognition that the Housing Commission ought to be involved in the management of properties other than residential ones. I think the member for Fannie Bay might know quite well that people living in large blocks of flats under Housing Commission management have approached the commission on several occasions to do certain things and the commission has always come back with the answer that it cannot do so because it is beyond the

powers that are available to it under the Housing Act. One of the things that has been mentioned is the establishment of childcare facilities within large blocks of flats. I can remember dealing with a group of ladies in 1973 on this particular problem. We tried very hard to have a creche set up at the Kurringal flats. We were told that the commission could not make accommodation available for this purpose. We certainly support the notion that housing authorities ought to be more comprehensive than they have hitherto been in the Northern Territory. We certainly support the notion that the Housing Commission ought to become involved in the provision of accommodation for non-residential purposes. Child-minding facilities and community accommodation of other types are all certainly welcomed by us. My only reservation is that the role and resources of the Housing Commission are such at the moment that it can scarcely keep up with its primary responsibility of the provision of public housing. We will now have resources available to the Housing Commission being devoted to other purposes as well.

Whilst we do not oppose this, I would like to hear from the Treasurer what arrangements he has made to supply the commission with additional funds for carrying out this new task. I would hope that the Treasurer does not envisage that funds that have already been allocated in the last two budgets to the Housing Commission will be diverted to this purpose. As I mentioned during those debates, we have already seen significant cutbacks in the amounts of money that are available for public housing. Whilst we commend this breakthrough as far as the Housing Commission's role is concerned, I would like an assurance from the minister that funds will be made available for this purpose. I do not anticipate that the commission will be taking up this new-found power in the future. I think the commission is already flat to the boards in the provision of public housing but I appreciate the need to have this particular amendment in the Housing Act because I have been involved with it personally since 1973 and I am sure that other members have as well. If 7 years is the lead time to get something into this Housing Act, it is certainly not something that we are going to complain about.

Mr HARRIS (Port Darwin): I rise to speak in support of this bill. The intentions are to be commended. The bill opens another avenue whereby assistance is able to be given to approved bodies which promote services and programs in our communities. However, I have one reservation and that is to do with the non-requirement of buildings which can be acquired by the commission to comply with the building code. There are many old buildings situated around Darwin which fall into this category and which need to have a great deal of work carried out on them to bring them to a satisfactory standard. Under this bill, the Housing Commission is able to acquire these buildings, to let them or to sell them and I believe that it would be irresponsible without some assurance from the minister that these places would be upgraded.

My particular concern is that we do have a requirement that people in our society must build to certain code requirements. I believe that we must be consistent. It appears to be irresponsible to have a situation where a government is able, through the commission, to acquire buildings which are not up to the requirements of other people in the community. If a piece flies off a particular building and damages the building next door or causes injury to a person, the government is responsible. One could not blame anyone who said that he had to upgrade his house to a certain standard at considerable cost, which has indeed added to the cost of building in the Territory, but the government did not have to do this.

I would like the minister to comment on these particular aspects and to assure me that buildings which are acquired by the commission under this bill will be brought up to the building requirements. As I said at the outset, I support the bill. It will provide another avenue for assistance to approved

bodies but I do believe that we must be consistent with other building requirements placed on the community.

Mr PERRON (Treasurer): Mr Speaker, the honourable member for Sanderson made a strange remark about this amendment to the act which we were 'imposing' upon the Housing Commission. I would like to assure her that this legislation emanated from the Housing Commission. There can be no construction placed upon it whatsoever that the government is imposing upon the Housing Commission this arduous responsibility which she in fact admits it should have.

As far as the funds are concerned, she was also concerned that we may be seeking to take funds from the Housing Commission, which were allocated to providing houses for families, and allocate them to this particular purpose. The system of budgeting by this government is that we will allocate during the budgetary process according to our assessed priorities of the needs of the Northern Territory. She can construe what she likes but any funds that might be provided to the commission could indeed be funds provided to the commission to provide houses. By the same token you could look at a whole range of other allocations by the Territory government and say they should have been allocated to the Housing Commission to build houses as well. I do not think the question will arise but no doubt the allegations will be made.

The member for Port Darwin raised the valid point that it would be completely inequitable for the Housing Commission, being an arm of government, to let dwellings which are not up to cyclone standard when they come into its possession under the amendment that is being processed here. We have a difficult situation in regard to some dwellings inherited by the commission which would normally be demolished. There has been a recent case of this where, through community pressure, it was conceded that an organisation would take over such a dwelling. It was simply out of the questionto upgrade the dwelling to cyclone standard. It is a house that should not be where it is as far as sensible planning is concerned and we would certainly not contemplate spending $10,000 or $20,000 or whatever to upgrade an old house to full cyclone standard when the destiny of that house is demolition.

We are in a situation where we are faced with fulfilling a human and community need by allowing persons to occupy such dwellings without having them cyclone-proofed. The law provides that houses do not have to be cyclone-proofed unless they were over 50% destroyed during the cyclone. Houses which were not so damaged can in fact remain quite lawfully in their pre-cyclone condition. I suspect that the house that I speak of is in that condition and would certainly be a legal dwelling, not one that has been in any way condemned.

In implementing the provision before us, the Housing Commission will provide facilities for specific organisations where it is recognised that the government could assist. The Housing Commission seems to be the appropriate vehicle for that purpose. That still leaves a range of flexibility in regard to how that assistance is provided. The Housing Commission could provide design and construction expertise to an organisation that has funds from other sources be they private or government. The Housing Commission could provide funds itself as well as design and construction expertise or it could purchase an already completed premise which suited the organisation with either government funds or funds provided from elsewhere.

The amendments provide us with a completely flexible range of approaches to problems which face us from time to time by these organisations. I appreciated members' support in principle of the bill.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

## MEDICAL PRACTITIONERS REGISTRATION BILL
(Serial 388)

Continued from 13 February 1980.

Mrs O'NEIL (Fannie Bay): Mr Speaker, the purpose of the bill is to enable the Medical Board to suspend or cancel the registration of a medical practitioner whose registration in another state or territory has been suspended or cancelled. The opposition supports the bill. I understand that it is the intention of those states which do not have provisions of this nature in their acts to also amend their acts in the same way as we are doing here today. It is particularly important in the Northern Territory because we do have a very high turnover of medical practitioners and consequently have a large number of practitioners on our rolls who are not practising in the Northern Territory.

I was interested to see in the Public Service Commissioner's Report for the year 1979, which was tabled only this morning, that there is a turnover in the medical group of 34% which is a very high turnover indeed. That, of course, is in the public sector. There is also a turnover in the private sector. It is important that, where necessary, the board can cancel or suspend the registration of a person whose registration has been suspended or cancelled in another state without going through the fairly cumbersome hearing procedures which the act properly requires. However, there will still be a provision for an appeal which is as it should be. The opposition supports the bill.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, I would like briefly to speak on the bill. I think that the amendment to the principle act is not a very large one. However, I believe it is considered a most important one. Section 23(e) of the principal act is amended to insert the new subsections 1A(a) and (b) as drafted in the bill. The amendment is a vital one but, and I say this with respect, it often concerns me that we have to introduce amendments to the principal act in this way. I often wonder why it was left out in the first place. However, these things do happen and I am always astounded when they happen. However, the amendment will give the power to cancel and suspend any medical practitioner in the Northern Territory who has been deregistered in another state. Such cases will go before the tribunal which will make the decision.

If one looks at the number of registrations in the Territory which have been gazetted, there are quite a number of practitioners who register in the Territory but do not practise here. Perhaps the oversight has been that we do not take much notice of people operating in other states. They come here to work because they have been deregistered for some misendeavour in another state. They may operate here quite professionally but, at the same time, they have caused problems in another state. It is very strange that these things have happened. However, I believe that the provisions in the bill give the medical practitioners the right of appeal if they are brought before the tribunal for some misendeavour.

I have spoken to medical practitioners about this amendment and they are quite happy to accept it. I believe that is has been introduced in other states. Where it has not been introduced, it is on the way so I have nothing against the provisions. I have also said that I have spoken to medical practitioners who agree with its content. They also wonder why it was not there in the first place. I have much pleasure in supporting the bill. I compliment the minister for bringing it to our attention.

Motion agreed to; bill read a second time.

Mr TUXWORTH (Health) (by leave): I move that the third reading of the bill be taken forthwith.

Motion agreed to; bill read a third time.

## FIREARMS BILL
(Serial 396)

Continued from 14 February 1980.

Mr ISAACS (Opposition Leader): Mr Speaker, the Firearms Bill amends the Firearms Act No 2 which we passed last year and is really a tidying up exercise in terms of picking up amendments which we should have picked up then and also to take into account the introduction of the Fish and Fisheries Act which also excluded the definition of 'spear-gun' which we ought not to have done. The opposition supports the bill.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker I rise this afternoon to speak briefly in support of this bill which is an amendment to the Firearms Act. My remarks are chiefly concerned with situations in my electorate as presented to me by people with differing interests. First, I will comment briefly on the bill.

Clause 8, as I see it, clarifies the earlier legislation. I spoke to members of the gun and pistol clubs about clause 11(3)(b). There is no dispute with this at all. I understand this clause puts the onus on the pistol club itself to decide whether a person is a suitable person to hold a shooter's licence rather than having the Commissioner of Police or some other person make a direct recommendation. I have been told that a person in a pistol club has to attend a certain number of meetings and show a certain active and conscientious interest before he will be considered as a suitable person for this particular licence.

The declaration of restricted areas is of particular concern to people in my electorate. At the moment, the legislation says that a local government has the power to declare a restricted area without any discussion with the minister. The legislation before us now says that the minister and the local government together have to declare a restricted area in a local government area.

This brings me to how the firearms legislation affects certain people in my electorate. There are roughly 3 groups concerned. There are the people who shoot, the people who do not shoot and the things that are shot. Fortunately, there have not been any people shot out our way yet. These 2 sorts of people need not necessarily be at variance in their interests. There are the legitimate shooters who consider shooting as a very exciting sport and there are non-shooters who become very upset and apprehensive when they hear firearms discharged, not necessarily about their own safety but about the safety of animals and children who do not always stay in the confines of their blocks.

There is an area near Gunn Point Road in the vicinity of the Forestry reserve and the Howard Springs reserve about which there have been several complaints. The police and certain public service officials have been notified about the undesirability of people shooting in this area. Even though it will not settle the problem completely, the people who are against shooting in this area want to put up 'No Shooting' signs. They feel that this will perhaps inhibit people who feel the need to lairise around with a gun at the weekend. On the other hand, there are poeple who are very interested in shooting as a sport and these people are again pretty active in the rural area. Just recently, I went along to a very pleasant meeting of the Top End Gun Club. These people are conscientious. They are very careful people who consider safety above everything else.

It is unfortunate that, at the moment, these 2 groups of people cannot see eye to eye on all matters. I think the situation is gradually being remedied

from the point of view of the organised shooters because they realise that, to indulge in this sport without acrimonious discussion with members of the public who are not shooters, they must step up their public relations. This particular club has very good public relations with the people in the area.

In certain parts of New South Wales, I understand there are restricted areas in which people cannot shoot. I imagine there are situations in which they could obtain permission to shoot. However, I feel that consideration should be given to declaring some restricted areas in the rural area. It has been put to me that we could declare restricted areas around Darwin and these restricted areas would gradually expand as the rural population spread out from Darwin. We would have restricted areas perhaps around all the large towns and eventually perhaps all these restricted areas would meet and you would not be able to shoot in the bush anywhere in the Northern Territory. That may be carrying things to their logical conclusion but I think it is wholly unlikely that that situation would arise. It was also put to me that the declaration of restricted areas will not stop people shooting illegally. That argument does not hold water because it is the same as saying that to declare murder a crime will not stop the criminals from killing people. While declaring a restricted area may not stop all the illegal shooters, it will certainly inhibit them.

Mr EVERINGHAM (Chief Minister): I thank the Leader of the Opposition and the honourable member for Tiwi for their remarks in relation to this bill. Principally, it is a tidying up exercise as the Leader of the Opposition indicated. I have noted the concerns of the honourable member for Tiwi and I will refer them to the Commissioner of Police who will have administrative responsibility for the legislation when it is brought into operation. I might mention that it is proposed that the Firearms Act will be implemented administratively using a computer process and programming is proceeding to that end at the present time. I believe it is hoped to commence the new act on or about July this year. Hopefully, procedures involving the computer will be better than those experienced by people under the operation of the old Firearms Act.

Motion agreed to; bill read a second time.

Mr EVERINGHAM (Chief Minister) (by leave): I move that the third reading of this bill be taken forthwith.

Motion agreed to; bill read a third time.

## ADJOURNMENT

Mr TUXWORTH (Mines and Energy): I move that the House do now adjourn.

Mr COLLINS (Arnhem): I want to say a few words about the policies of the Department of Mines and Energy in the area of extractive minerals. Some time ago, there was a meeting of concerned residents in the Bees Creek area about some gravel extraction operations that were taking place on the single piece of Crown land that was still available for that purpose. The Director of the Mines Branch, Mr Meiklejohn, attended the meeting and so did the operation of the company which was actually extracting the gravel.

The meeting was an excellent example of just how much can be accomplished by negotiation, by people getting together and talking things out to solve problems. The meeting was finished in a very satisfactory manner. I was quite impressed by the attitude of the contractor concerned, the forthright way in which he put his particular problem to the meeting and the way in which the meeting responded to that. As a result of the meeting, a motion was moved that

a deputation of people should appraoch the minister to indicate their concern at what was going on.

Subsequent to that totally rational performance, the minister responded to my press release in the following terms: 'Mines and Energy Minister, Ian Tuxworth, said today that the attack by the Labor spokesman for mining on the government was in fact nothing more than a slanderous assault on the staff of the Department of Mines and Energy'. I might add that this extraordinary press release was printed in the Tennant Creek Times. I did not see it in any of the Darwin papers; perhaps it was another one that the minister embargoed. He finished the press release by saying: 'The minister said that the criticism by the member for Arnhem was totally spurious and that it was not the first time the Labor Party had attacked the government over an issue knowing only too well that the government was in fact acting to clear up the problems. Mr Tuxworth said that it was nothing short of grubby politics'.

Until that point, I had had a totally successful meeting with the Director of Mines and with the residents concerned. I had had a totally amicable morning talking to officers of the Mines Branch about the problem. They conceded that they absolutely agreed that the policies of the branch in the past had certainly been an ad hoc approach to the problem, that they were working on the problem and a rational policy was needed for the extractive minerals industry.

I would like to quote from my press release, this 'grubby politics' and 'slanderous attack' on public servants: 'Labor shadow Minister for Mines, Bob Collins, said today there is an urgent need for the Northern Territory Mines Branch to develop rational policies for the supply of extractive minerals ... Mr Collins said the Mines Branch had for years been responsible for ad hoc policies in respect of extractive minerals to the detriment of areas surrounding Darwin'. This is something that anyone with half an eye would see at Shoal Bay and Howard Springs and officers of the Mines Branch are only too happy to acknowledge it. They are just as concerned about it as anyone else. 'The Mines Branch must upgrade its research program to identify more suitable deposits of sand, gravel and topsoil'.

That was basically the text of the press release. It was a totally moderate statement on a problem on which the government should announce a rational policy. Part of the minister's answer is as follows: 'Mr Tuxworth said he felt the efforts of all staff involved had reached the point where the government would be able to announce, later this year, how the future sand and gravel extraction could be carried out in an orderly manner'. That was precisely what I was asking for. I thought it was totally unnecessary to convert that reasonable demand for a rational policy on extractive minerals in the area to what the minister subsequently described as a 'slanderous assault' on the staff of the Department of Mines and Energy.

The honourable Minister for Mines and Energy seems to have great difficulty in understanding how parliament works. Indeed, it is the proper concern of all members of the Legislative Assembly to inquire into the operation of public service departments under the control of ministers. I noticed just a short time ago the minister does appear to have a very slight grasp of the way in which parliament is supposed to work. I did not have the pleasure of hearing his remarks on my tabling of the Arnold report in the last sittings because I was out of the Assembly at the time. That was another quite extraordinary speech from the honourable Minister for Mines and Energy. He said that he would not pay any attention whatsoever to debates in this House or to anything that I said in this House and also that I had no credibility with public servants, his department or anyone else. I know from personal knowledge that they keep those feelings well hidden because all the meetings I have ever had with the

Department of Mines officers have been totally amicable and positive.

Mr Deputy Speaker, I turn now to a second matter which is of continuing concern to my electorate: the actions of mining people or surveying people. I have raised these matters in the House before and I continue to receive assurances from government that the sorts of things that continue to happen will not continue to happen. My remarks this afternoon concern a particular branch of the Chief Minister's Department, the Office of Aboriginal Liaison. That organisation is supposed to exist to act in a supportive role to Aboriginal communities, to act as a liaison between Aboriginal communities and the government, to act as a buffer between Aboriginal communities and government departments and to sort out problems between government departments and Aboriginal communities.

I would suggest to the Chief Minister that he has a look at the operations of that department because, if it is to maintain any credibility with Aboriginal communities as being a supportive and a helpful agency, an agency which is on-side with Aboriginal people and puts an Aboriginal point of view, then it will have to stop writing to Aboriginal communities the kinds of letters that it writes at the moment. I do not think you would find a more sensitive area for mining in the Northern Territory from an Aboriginal point of view than Oenpelli. They are surrounded by mines at the moment and any further action that is taken is a matter of great concern to them. Last year - and this matter was raised with me then - they received a telegram dated 7/9/79. The telegram arrived in the community - I must say this for the benefit of the Chief Minister - before there were any telephones so there was no telephone communication from Oenpelli to Darwin. The telegram arrived in Oenpelli on the Friday afternoon sched and advised the council that officers were coming out on the following Monday. The telegram arrived on Friday to tell the people that people would be there to start work on the following Monday: 'We would like to notify you that 4 officers of Land Conservation Unit will be soil surveying in the Nabarlek - Coopers Creek Region from 10 to 16 September and a further 2 officers from 12 - 15 September. All officers have passes to enter Aboriginal land' - that is, the automatic permits issued by the Chief Minister - 'and are aware of restricted areas. Mr K. Day is the officer responsible. Phone Darwin 897444'. That would have been nice if they had a telephone.

As a result of that, a letter was sent from the Town Clerk at Oenpelli to the Aboriginal Liaison Unit. The reason it was sent to the Aboriginal Liaison Unit is clear. They did not send it to the people the telegram came from because they saw the Aboriginal Liaison Unit as the organisation which would help them out with this problem. They wrote and complained about the fact that they only had 2 days notice - a weekend - of the impending visit from the surveyors. They asked which restricted areas were referred to in the telegram and how the officers concerned knew they were restricted areas. They finished off by saying:

> *We would like all government departments to give us, where possible, a full month's notice and complete details in writing of any proposed activities in this area for the council and traditional owners to consider slowly instead of people rushing in to do their job without due respect of us and our land. We would like government departments to wait for us to give an answer instead of rushing in. Can you please pass this information on to all government departments.*
>
> *Yours faithfully, Donald Gumadoor Assistant Town Clerk.*

Donald Gumadoor received the following letter from the Aboriginal Liaison Unit of the Chief Minister's Department:

*Dear Mr Gumadoor,*

*Further to my reply of 13 November 1979 to your inquiry about the activities of members of the Land Conservation Unit in the Nabarlek-Coopers Creek region, I have received detailed information from the Territory Parks and Wildlife Commission about these activities. The Activities were confined to the Coopers Creek claypan on which 18 steel pickets were placed in 3 traverses and source collected for chemical analysis. In the Cooper Creek area around Nabarlek mine site, work was confined to the mine site and for a distance of 10 kilometres to the north of the mine site.*

*The staff concerned were informed of the major sacred sites in the area which are well documented and were instructed to keep away from those areas and treat them with due respect. to this end, traverses and sampling sites were chosen to avoid known sacred sites such as Mount Borradaile and Nimbuwah. Since the survey was specific to the Nabarlek mine area, adequate aerial photography was available. The unit did not request a guide. The work is being carried out by the unit in conjunction with the supervisory scientist of the Commonwealth Department of Science and Environment and in association with the Nabarlek mining agreement.*

*As indicated in your letter, reasonable notice of the activity was given to the council especially bearing in mind that there was an urgency to collect the baseline data prior to the completion of the mining. In sending advice of the visits, the Land Conservation Unit did provide a telephone contact if the council required further information. More details of the location of the fixed monitoring points can be provided. As soon as they are mapped, the officers of the Land Conservation Unit will be willing to discuss the program.*

*There is little to suggest that the activity was undertaken, as your letter mentions, by people rushing in to do their job without respect to your people and your land. The Land Conservation Unit affirms there was no intention to do any such thing. Their officers have always been available to discuss the program. I have no doubt that the restricted areas or areas that Mr Day referred to would be mapped sacred sites in the area details of which he was careful to give to the staff carrying out the survey.*

*In the last paragraph of your letter, you request, where possible, at least a full month's notice and complete details in writing of proposed activities for council and traditional owners to consider slowly and give an answer. Whilst sympathetic to your request and recognising the importance of adequate communication, it would in practice be difficult to accede to your request not least in the terms of the time and cost involved. Further, the Aboriginal Lands Act includes no such requirements. The NT government faces a problem in that it has received varying press from other communities. As the agreement of the land councils and government, both Commonwealth and Northern Territory, and the traditional owners is important in these matters, it would be desirable for you to take up any variation of the present arrangements you desire with the Northern Land Council.*

*I hope the foregoing will help in clarifying the matters that you have raised and that you will appreciate there are problems that the government and its officers face in these matters as well as those that are of concern to you. I am sending a copy of this letter for the Northern Land Council.*

Honourable members could be forgiven for thinking that the letter came from Pancontinental Mining or some other mining company. It did in fact extremely disconcert the council at Oenpelli. They had written the letter to the Aboriginal Liaison Unit and, if any member can find one word of support in it in any way at all, I would like him to find it for me because I cannot find it. It certainly did disconcert the people at Oenpelli.

It is interesting to me to know the timescale with which the mining operations were carried out. Justice Fox, as honourable members will recall, recommended that a national park be established and that all of this information be gathered before the mining started. But, as we all know, they started to dig the hole the day after the agreement was signed. None of the stuff that was supposed to be done before the mining started was done. But now that is the Aboriginal people's fault. All of the baseline date, the declaration of the national park, all of the things that were supposed to take place before mining commenced, were not done. Because they were not done for the protection of the Aboriginal people and the environment, the Aboriginal people now, according to the Aboriginal Liaison Unit, are just going to have to wear that.

I would say very strongly, and in fact I would suspect the Chief Minister would probably be as unhappy with this letter as the community at Oenpelli were, that an Aboriginal Liaison Unit operating under a Labor government, in correspondence with an area of the Territory that is so politically sensitive to mining as Oenpelli - if in fact it was even necessary to convey those sentiments to the community - would have done so on a personal basis and not by a rather officious, cold and totally unsupportive letter.

Donald Gumadoor and Nathanael, the chairman, told me that, if they are looking for help for problems that they have in the future with government departments, they will not be looking to the Aboriginal Liaison Unit for that help.

Mrs LAWRIE (Nightcliff): Mr Speaker, I rise to speak on a matter of particular concern to some residents of my electorate. It concerns block 4641 Nightcliff which might explain the rather inscrutable little map which I have circulated to all honourable members. I think it is on the south-west corner which is the bottom left-hand edge of the page. There are 4 large blocks of land, one of which is block 4641. My concern is what is going to happen to block 4641 Nightcliff.

The block is presently vacant Crown land and is zoned R2. Following approaches from residents in the immediate vicinity who have a direct interest in the future use of that land, I had a good look at it and spoke to every resident with a property adjoining and some with properties not immediately adjacent but close to it. With one exception, they objected very much to the use of this land as R2 medium density development. The one exception said that, as she was a flat dweller and leaving soon, she was not really concerned but she vaguely agreed with me and wished me luck. In other words, the majority of people echoed the concern first brought to my attention by adjacent residents which is that it would be a better use for this land if it were rezoned as open-space recreational land 01.

I did the democratic thing one Sunday talking to the residents. I did not ask them if they want that land as a park, as a medium density classification or anything quite as simplistic as that. I sought their views on the development of the whole area. I then submitted a proposal dated 26 February to the Chairman of the Town Planning Authority asking for a rezoning of 4641 from R2 to 01. I gave several supporting reasons some of which were outlined in the popular press and, in fact, there was some mention on television. Firstly, I

stated that the surrounding area is heavily developed with a large number of flats. If we look at the map, we will see that Hickory Street in particular is so developed and that there is insufficient recreational land to cater for the large number of children living in the immediate vicinity. At the moment, these kids play in Hickory Street and Kurrajong Crescent. There is considerable vehicular traffic and they are a great danger to themselves and a danger to the vehicular traffic that might have to take evasive action.

Lot 4722, which is slightly larger than the normal block, is in Hickory Street. It is in fact a small park but it is not a recreational type of park. It is a well-ordered, delightful, heavily-timbered little interlude between the flats but it is certainly not suitable for kids to kick a football or play a game of cricket. The nearest open space where children would have good recreational facilities are blocks 4516 to 4519 which are along Casuarina Drive fronting the beach on the seaward side of Banksia Street. the honourable member for Port Darwin will be well aware of this area and it is a particularly delightful spot. However, it is a long way from the area of my concern: lot 4641.

If we are talking in terms of children having to cross fairly busy streets in order to obtain such recreational facilities, the foreshore area adjacent to block 4641, which is on the curve of Progress Drive and Casuarina Drive, consists of rubble, building materials, iron spikes and various other stuff dumped there by the council in an attempt to stop erosion on the seaward side of the road. This particular area of Nightcliff is in the primary surge zone and is almost below high tide mark in times of high storm activity as I think the member for Port Darwin will agree. Waves have been known to break across Progress Drive and over blocks 4639, 4640 and other blocks in that area. It is really a primary surge zone.

If people wish to live in that area, they have a perfect right to do so. If they buy the blocks and build houses, they do so with the full knowledge of what they can expect in terms of king tides, storm activity or, God help us, another cyclone. Certainly, if it coincided with another high tide, the area would be inundated and the force of the waves somewhat horrific. Thus, I have a variety of reasons for not wishing 4641 or the other blocks to be developed for medium-density housing. If people want to buy those blocks and live there in their own single dwellings, that is their business. Progress Drive and Casuarina Drive are already inadequate to cope with the traffic which is generated by the development in the general area and would be totally inadequate for any more medium-density development.

Bearing all these things in mind, I approached the Town Planning Authority and they accepted it as a recommendation for a draft planning instrument to be prepared. I was invited to support my case at a meeting which subsequently took place on 3 April. I did little more than reiterate the case I had outlined in writing some weeks prior to the meeting. Some of my constituents were present. I waited with bated breath to see what would be the outcome of the deliberations of this august body. Lo and behold, yesterday I received a letter from the Department of Lands and Housing signed by some person for the Director of the Planning Branch which states as follows:

*Dear Madam,*

*Lot 4641 Nightcliff*

*I refer to your letter of the 26 February 1980 requesting the Planning Authority to prepare a draft planning instrument to rezone block 4641 as O1. I wish to advise that the authority, in its meeting of 2 April 1980, after due consideration of your proposal, resolved not to*

*proceed with your request for the following reasons:*

1. *The lot would be unsuitable for the purpose of public open space because of its limited accessibility being 'a battle axe' lot surrounded by residential development.*

2. *The medium-density residential development for which the lot is presently zoned would be appropriate in view of its proximity to the commercial facilities in the area and the foreshore area.*

*Yours faithfully.*

Mr Deputy Speaker, have you ever heard such rot! If it is not suitable for development as an open space recreational area because of its lack of access, how could it be suitable for medium-density development as R2? It doesn't have any access - they are quite right - other than this very narrow walkway. Thus, I treat this reply from the Department of Lands and Housing with a great deal of disdain and irreverence. Perhaps my irreverence is tempered by the very real concern it has caused those of my constituents who have approached me on the matter and who were following this saga with more than a passing interest.

I draw it to the attention of the House because, at one stage in the meeting, I was told by a member of the Town Planning Authority that my residents were only 'speaking out of self-interest'. Of course they are. Their neighbours, their area and the way in which they live are of close interest to people and it is very democratic that they ask their local member to take certain steps. Hoping for acquiescence to my request, I was prepared for some kind of answer which said, 'As it is vacant Crown land and given the problem of access, we have decided in fact to take no action until the whole matter of that area can be looked at and decided upon'. I think that would have been a reasonable answer because block 4641, a rather strange block as far as access goes, is in limbo. However, I received the incredible answer that it cannot be rezoned because there is no access but it is suitable for medium-density development.

If we look at the other reasons given for its suitability - ha, ha - for medium-density development, there is its proximity to the foreshore area. Certainly, it has proximity to the commercial facilities but the foreshore in that area consists of rubble, car bodies, lumps of concrete and iron spike dumped there by the council in a desperate attempt to stop Progress Drive disappearing into the Indian Ocean by way of the Darwin Harbour. I think that the reasons given are somewhat spurious.

They have completely ignored what I think was the relevant point: whether it is in the interest of all concerned for the government to allow, particularly where vacant Crown land is concerned, medium-density development in a primary surge area. When I say 'primary surge', I mean 'primary surge'. This is not just a line drawn on a map; it is a very low-lying area which is subject to wave action in times of high tide and storm activity. My own opinion is that the government should not proceed with medium-density development. If people wish to purchase blocks in that area and live on them in their own private homes, that is their business; they know the risks, let them take them.

If the government went halfway and said it would rezone it for single dwellings, there would still be a need for relief from residential development which cannot be afforded by the foreshore area. Lots 4660, 4639 and 4550 are privately owned and the only Crown land is 4641. I believe that, before any development of 4641 can go ahead, there will be an acquisition in the area. Not being the Minister for Lands and Housing, I do not know which particular block his advisers are proposing to acquire. Obviously, one must be acquired because



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the area is landlocked.

I rise this evening to express my extreme displeasure with the terms of the non-agreement to my proposition as presented to me by the Planning Branch of the Town Planning Authority. It is utterly ludicrous. We can't have a park because we can't get into it but we can have medium-density residential development. I would hope that the minister would take steps, not necessarily to accede to its rezoning as O1, but to ensure that nothing will happen until the acquisition of whatever block is necessary and until we have a reasonable plan for the development of the bottom corner of Progress Drive and Casuarina Drive.

The minister could legitimately say that my constituents did not raise any great objections at the exhibition of the Darwin Town Plan. In answer to that, might I say that the Darwin Town Plan was a massive document and it was really expecting too much for all these points to be noticed and brought to attention at that time. It is a good democratic process that people have time to reflect and make their views known to the relevant authorities through their local member. In this case, they are all opposed to medium-density development on block 4641.

Mr EVERINGHAM (Jingili): I have listened with interest to the speech of the honourable member for Nightcliff. It is interesting that she is also frustrated on this occasion, as I have been many times during the course of my career as a solicitor, by the actions of town planners, town planning boards and town planning tribunals which I have regarded as prophylactics on the organs of progress in many cases. The particular case that has been adverted to by the honourable the member for Nightcliff is one that I found particularly interesting because I am not quite sure what the honourable member for Nightcliff wants.

I agree with her entirely that it is good that there be this democratic process whereby people have put their views to the tribunal through their member. Of course, the tribunal has been set up by legislation of this Assembly and it has been constituted with a majority of representatives on it from the Corporation of the City of Darwin. As we know, the corporation chose to put 4 aldermen into the tribunal as its representatives. Thus, these people are elected representatives of the people and they have chosen to bounce the ball back to the honourable member for Nightcliff and say that her submission is not successful. She now comes into this Assembly and bemoans her fate at the hands of the tribunal.

I would ask the honourable member for Nightcliff to make quite clear what she is asking to be done because I would not want to labour under any misapprehension about it. What I gather she is asking to be done is that the minister himself override the decision of the tribunal which was set up by this Assembly. If that is what she is asking, then I would ask her to ask that in no equivocal or ambiguous terms. She should come straight to the point and say so and then we will know where we stand because the only action that is now left open is for the minister to override the tribunal. I look forward to hearing from the honourable member for Nightcliff on this subject at the next opportunity she has to contribute to an adjournment debate.

I was also interested to hear the contribution of the honourable member for Arnhem. Since I know nothing of the incident that he described this afternoon, I propose to seek information from members of my Aboriginal Liaison Unit. I would say that I have full confidence in all the officers of the Aboriginal Liaison Unit and I reiterate my confidence in them. Indeed, the reason why I do not want to say anything about the incident this afternoon is that it is a question of once bitten twice shy with the honourable member for Arnhem.

I can remember an occasion at a meeting at Galiwinku last year where the

honourable member for Arnhem, in the presence of a large number of Aboriginal people from Galiwinku and other communities in Arnhem Land, came up with what he described as an embarrassing incident as far as I was concerned because I was representing the Northern Territory government at that meeting. The honourable member for Arnhem had a charge concerning surveyors employed under contract by the Department of Lands and Housing or the Department of Mines and Energy - it was a long time ago. I think the contract was awarded to Gutteridge, Haskins & Davey from memory. They had to carry out some sort of survey in the Liverpool River area. The honourable member for Arnhem charged, without any qualification, that these surveyors had landed in this area without any approval from the traditional owners of the area. Naturally, I was taken aback by this. I said that I would stop action of that kind because I agree that people going onto Aboriginal land must receive the permission of the relevant authorities. On investigation, it transpired that these surveyors had sought approval through the Northern Land Council which had referred to the Maningrida Community Council and approval had been given. Certainly, that community council did not consult with the particular traditional owner but is the surveyor to blame? I don't think so. That is why I say that it is a question of once bitten twice shy with the honourable member for Arnhem.

I will check into this carefully before I say anything about it because the honourable member for Arnhem has a long history of going around Aboriginal communities misrepresenting government policy and letters to Aboriginal communities. For instance, there is the matter of tourism. I have chosen to write to the communities in an effort to indicate that our help is available to them if they are interested in becoming involved in an industry that can create jobs. The honourable member for Arnhem and the unfortunately absent honourable member for Victoria River have often said that it is our task and our duty to push along - and I agree with them entirely - with the task of creating jobs in Aboriginal communities. We will do everything we can in that regard but we are not helped by the scare tactics of the honourable member for Arnhem.

I come now to what I really wanted to say in this debate. This is an expression of concern at the lack of activity on the part of the Australian government, particularly the Minister for Foreign Affairs, in relation to obtaining approvals for former residents of East Timor who are attempting to get out of Indonesia and into Australia. As I understand the position - and I do not claim to be infallible on this subject - the people who are trying to get out of Indonesia very largely have approval to come to Australia but, for some arbitrary reason of the Indonesian government, these people are being refused permission to leave that country. Quite frankly, I just cannot understand the attitude of the Indonesian government. Whilst I appreciate that, generally speaking, consuls are sent to a place to represent their government for trade purposes, because the Indonesian consul is here in Darwin, I have taken the opportunity of writing to him. I believe he should know the attitude of the Northern Territory government in this matter, particularly because the Northern Territory is an area very close to South-east Asia. I think that he should appreciate that the people in this part of Australia watch carefully the activities going on just to the north of them. For that reason, I have written to the Indonesian Consul here.

What I would like to say though is that I very strongly disapprove of Australian policy towards Indonesia on this matter. I am ashamed also that the Australian government, as far as I can tell, is taking meekly the refusal to grant a visa to an Australian journalist attached to Radio Australia who is seeking to take up a position to which he has been transferred in Indonesia. Furthermore, I am rather ashamed to think that a government of a country so close to this country would have the temerity to refuse such a visa on the blatant grounds that the Radio Australia network is apparently not treating

Indonesia or the Indonesian government as nicely as it would like. I would hope that Australia will decide to take a fairly firm stand on this matter.

All that I can say of Australian policy in this regard - and it was Australian policy before this government but I do not attempt to exculpate this government on those grounds because I am rather ashamed of the way things are going - is that we seem to be tiros in South-east Asia. However, where our commercial interests are affected, we behave like Shylocks and are selfish and aggressive. We attempt to hog the airways; we keep up the tariff wall; we do very little to attempt to promote trade except on terms as completely favourable to us as possible. Where it is a matter of principle or morals, then we have very little aggression in us and we go for conciliation and back-pedalling as fast as we can. I do not want to say any more than that. I really do believe that the Australian people are disappointed in the South-east Asian foreign policy of their government and I would ask the Australian government to take very firm steps with the Indonesian government to secure nothing less than the release of these people from Indonesia.

Mrs PADGHAM-PURICH (Tiwi): I would like to talk on 2 subjects in this adjournment debate. The first one concerns the small beginnings of something which may develop into something bigger later on. I refer to a seminar on goats which I organised with the help of officers of the Department of Primary Production on Saturday at the showground.

For a number of years, even before I was in the Legislative Assembly, I felt that there was a lack in a certain area of the Department of Primary Production. I felt that there was no outgoing cooperation between public service officers in fulfilling their duties to the agricultural and pastoral people given that the very reason for their existence was these people on the land. There was a very good extension officer who was stationed in Darwin about 18 years ago and his work was admirable. However, to my way of thinking - and I have voiced my comments publicly to the people concerned, to the minister and to the officers in the Department of Primary Production - there is a lack of public relations with the rural public. For that reason, I thought it would be a good idea to do something practical for the people who are starting out with this small project. Most of the people who keep goats in the Northern Territory live in my electorate. I will not rise to the bait of anyone saying I am a goat or they are goats because goats are very intelligent creatures.

In particular, I would like to thank the following officers of the Primary Production Department. I have spoken to the minister and I will be putting this in writing. I approached the secretary, Dr Peter Hooper, and received every assistance from him. I also approached Dr Best, Dr Fallon, Dr Thompson, Mr Lemcke and Dr Hill who is a private practitioner. That day at the showground was only the small start of something which may be a little bit bigger as time progresses. To my knowledge, it was the first time that any public interest had been shown in goats in the Northern Territory apart from people exhibiting their goats in the Darwin Show every year in July.

There has been an upsurge of interest in Australia in the keeping of goats for their meat, their milk and their hair. During the trade mission that I went on overseas some time ago, interest was shown to the north of Australia in importing goat meat and live animals from the Northern Territory. Even now, the number of goats is nowhere near large enough to supply these markets and it will not be large enough for some years. I am not criticising the government of the Northern Territory as such; I think it goes deeper than that. I think it goes back to the neglect that the Commonwealth showed the Northern Territory back to 1911 when it took over the management of affairs in the Northern Territory from the South Australian government.

In the very early days before the turn of the century, there was a great interest in primary production in the Northern Territory. We have a small property down at Batchelor and part of that property was an experimental farm which was in operation in the 1980s. There are still some trees growing there which were planted there. They are rather an unusual species. I have looked up old Residents reports and have seen references to particular parts of the property and particular crops grown. It was very interesting to read of the interest shown in agriculture in the Northern Territory in those very early days. From 1911 on, when the Commonwealth had control of the Northern Territory, they really did not have the interests of the Northern Territory at heart. It just happened to be a place where public servants were sent - and that was the main industry of the Northern Territory - as a sort of a sentence. They were considered to be 2-year tourists and they got out of here as quickly as they could when their 2 years were up.

As I said earlier, this goat seminar was only a small start. I expected about 30 people and actually 34 people came. This was the first time that people interested in one particular section of primary industry had been brought together. I think it was very interesting not only to the people who keep goats but also to the vets, the agronomists and the Department of Primary Production to know the interests of the rural people and to know perhaps where they could be doing some work in the future.

While I am on the subject, I think there will be an interest shown by people in pigs, poultry and small crops. There have been field days conducted by the Department of Primary Production over the years. These take place at experimental farms and they are very useful but they have been oriented to cattle and to cropping for the full-time farmer and no attention has been paid to the small producer who has a few animals and grows a little primary produce. The day is coming when these small producers, taken as a whole, will contribute quite a bit to the agricultural development of the Top End.

The next subject on which I would like to talk is the Territory Development Corporation. Whilst not criticising the activities of the Territory Development Corporation, I would like to pass on certain comments from people in my electorate. I feel that perhaps another look could be given by members of the Territory Development Corporation to certain parameters of their work and certain criteria under which they operate.

I have friends who work with the Territory Development Corporation. I have friends on the Territory Development Corporation as members. The comments I am about to make about certain people have not been gained from these people; they have been gained from people in my electorate who have and have not secured loans from the Territory Development Corporation. I have purposely not spoken to anybody in the Territory Development Corporation, either a member or an employee, about these particular cases because I regard confidentiality as important. No doubt I could have found out the other side of the story that the people in my electorate were putting to me because to every story there are 2 sides. I felt it would be abusing the confidentiality which is necessary in the Territory Development Corporation.

The Labor Pary has said publicly that, if it becomes the government, it would like to see the workings of the Territory Development Corporation made public. I do not really know how open it would like the workings to be because, if all the particular applications were made public, that certainly would not encourage people to apply for loans which they really need for the development of their particular little project which helps in the overall development of the Northern Territory. Although I did not get the information from either the members or the employees of the Territory Development Corporation, it seems that everybody else around the countryside knows what is going on as regards who gets

what loan for what, where they get it and when it has to be repaid. I did not find it very hard to find out details about different things that are going on in my electorate. As I said, it was not from these 2 sorts of people.

It has been put into the legislation that the Territory Development Corporation is a lender of last resort. While I think this is necessary because there are always people who are hard workers, who have initiative but, as regards the banks lending them money, are a poor risk, I wonder if another look could be given to this lending as a last resort to these people because 2 particular instances have been brought to my attention of loans made by the Territory Development Corporation. I am not referring to the 2 particular instances made public in the House - a certain fishing venture and a buffalo-shooting venture. I am referring to 2 much smaller ventures. Without putting too fine a point on it, these 2 people are as timy as 2-bob watches and, if anybody knew anything about them, they would not have loaned them a single dollar.

These 2 people were loaned money by the Territory Development Corporation. Perhaps it will be repaid; perhaps it will not be repaid. I wonder how the Territory Development Corporation would compare with a bank as regards repayment of loans. To get any development started in the Northern Territory, especially agricultural development which is in its infancy at the moment, there has to be a certain amount of risk taken. I agree that the Territory Development Corporation is taking a risk but I would hate to see it take such a risk that it endangers its financial position by lending money to people who are only eligible for last resort money.

I have asked for but I have not yet received a booklet giving the parameters of consideration regarding applications to the Territory Development Corporation. However, I have seen a letter written to a particular applicant in which it was said that retail and wholesale projects were excluded from consideration and, while agreeing with this in one way, I do not agree with it in another. This particular person was not a poor risk. He happened to have a retail business but he did not get a loan. He is still going on nevertheless and he has obtained a loan from the bank at a much higher interest rate. I know this particular person personally; he is a very hard worker. His business in the area is not in competition with anbody else, either wholesale or retail, and I felt that perhaps he could have been considered a little more kindly by the Territory Development Corporation. Nevertheless, he is going ahead with his project.

Another person who spoke to me was the owner of a certain caravan park in the rural area who again was an unsuccessful applicant for a loan. I was told by these people that the Territory Development Corporation does not consider caravan parks in their loan schemes. I have not received any correspondence from these people but I was told this verbally. I cannot quite see the reason for that. I know these people personally and they are hard workers. Like the person I have just been speaking about, they have proved their initiative, drive and business acumen in the past. I do not know whether these people will be able to obtain a loan from the bank or not but they are stayers in the Territory. They have been operating for perhaps 10 years and have proved by operating successfully for so long, albeit in a small way, that they are stayers. I would like to see the Territory Development Corporation periodically examine the reasons why it grants loans and why it refuses loans to see if it is going in a particular direction when it perhaps should be going in another direction.

Motion agreed to; Assembly adjourned.

# DEBATES

Wednesday 23 April 1980

Mr Speaker MacFarlane took the Chair at 10 am.

## MESSAGES FROM THE ADMINISTRATOR

Mr SPEAKER: Honourable members, I have messages Nos 16 and 17 from His Honour the Administrator of the Northern Territory.

Message No 16 reads:

*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 Bill 1980-81 to make interim provision for the appropriation of money out of the consolidated fund for the service of the year ending 30 June 1981.*

*Dated this 22nd day of April 1980.*

*J.A. England, Administrator.*

Message No 17 reads:

*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 Payroll Tax Bill 1980 to amend the Payroll Tax Act.*

*Dated this 22nd day of April 1980.*

*J.A. England, Administrator.*

## DISTINGUISHED VISITOR

Mr SPEAKER: Honourable members, I draw your attention to the presence in the gallery of Sir Asher Joel, formerly a member of the New South Wales Legislative Council. On you behalf, I extend a cordial welcome to this distinguished visitor.

Members: Hear, hear!

## MATTER OF PUBLIC IMPORTANCE

### Disadvantaged Schools in the Northern Territory

Mr SPEAKER: Honourable members, I have received from the honourable member for Arnhem a proposal for the discussion of a definite matter of public importance: the failure of the government to properly care for the disadvantaged schools of the Northern Territory. Is the proposal supported? The proposal is supported.

Mr COLLINS (Arnhem): If I needed a quote to begin this discussion, I

could not possibly have asked for a better one than that supplied to me by the honourable Minister for Education this morning. He said he could not understand why the Commonwealth Treasury could not simply supply the Northern Territory with its money - give it the nuts and bolts and it would do the job. Perhaps over the next 15 minutes I can enlighten the honourable Minister for Education as to why the Federal Treasury would have some reservations about doing this and why it considers that, for some time to come, it will have to assemble the nuts and bolts in Canberra and send them up to the Northern Territory as fully-imported models. The reason for that is very clear. When the Commonwealth Treasury sends money to the Northern Territory, which is required for specific purposes, the Northern Territory government sees fit not to use it for those purposes. I am referring to the sum of $257,000 which was, to use a kind word, 'misallocated' by the Northern Territory government. Other organisations involved in this matter have actually been unkind enough to use the word 'misappropriated' though I do not think that is correct. I think 'misallocated' is the best term.

I hope that the honourable Minister for Education will bear with me for a few moments. Many members of this House would not be aware of the terms of the motion unless they understood what the Schools Commission is, what the purpose of its grants were and what disadvantaged schools are. Perhaps I could explain them first. The Schools Commission is a federal authority responsible for making large amounts of funds available for education services in Australia. They are applied to many purposes such as general recurrent grants programs and a whole host of specific grants programs for special purposes covering things such as disadvantaged schools, disadvantaged country areas, children in institutions, multi-cultural programs and so on.

How is that scheme meant to work in the Northern Territory? The schools Commission published a report in June last year covering details of its expenditure and the way in which that expenditure must be spent within the Northern Territory. This report covers an interim period from July 1979 to 31 December 1980. The Schools Commission allocates funds on a calendar-year basis not on a financial-year basis.

Paragraph 3.19 of the report deals with disadvantaged schools and what they are: 'In determining the list of eligible schools, each state gives consideration to such factors as parental occupation, migrancy, aboriginality and school achievement. The period July to December 1979 will allow the Northern Territory to work out the indicators it will use to determine particular schools to be declared disadvantaged'. Shortly, I will return to the way in which the Northern Territory was supposed to work this out.

Paragraph 3.21 states: 'It will be the responsibility of the Northern Territory Minister for Education to declare those schools he wishes to be considered disadvantaged in terms of receiving assistance under the program. As in the states, the Northern Territory may declare schools as disadvantaged up to a maximum total enrolment'. That figure was set for the Northern Territory at 2,500 pupils. It goes on in paragraph 3.26: 'The Northern Territory Education Minister will notify the Commonwealth Education Minister of which schools the Northern Territory Education Minister considers should be regarded as special schools to be eligible to receive assistance through the program'. As stated clearly in this report, this was supposed to have been done between July last year and December last year.

I will now turn to the way in which it was supposed to have been done. This is covered in chapter 6 of the report: 'This chapter recommends the

arrangements which the commission believes should apply in relation to the administration of the commission's programs within the Northern Territory. 6.2:'In the preceding chapters, the commission recommends a level of funding which it believes to be appropriate. The commission believes the most appropriate way of providing the funding recommended is for the Northern Territory allocations to be included in the states grants schools assistance legislation in a similar way to that applied to the programs supported in the states. The commission believes that, in the distribution and allocation of the funds provided through its various programs, there should be involvement of all those interested and associated with the education process. In the states, the programs are administered on this basis. If the pattern which exists in most states were taken, the following committees would be established'. It then goes on to list the committees. I stress again that this was supposed to have taken place in the interim period between July last year and December last year.

Unfortunately, despite repeated requests from the organisations which were supposed to have been represented on that committee, that committee was not formed until 17 March this year. However, because of a classic piece of bungling on the part of the Northern Territory government, the entire funds of $257,000, which was supposed to be administered by the Schools Commission's special programs committee in the Northern Territory, was allocated to the Northern Territory budget in August last year. That money - I think this is the correct term - was subsumed within the Department of Education's normal vote. Despite the fact that the guildelines clearly stated that money was to be used for the assistance of disadvantaged schools, all that money was subsumed for the interim period from July to December and the entire financial year from January to the end of June this year in the department's normal budget. Therefore, it was not available for the programs for which it was designed and for which the guidelines in this report clearly laid out.

I turn now to the question of what is a disadvantaged school. I quote from the Schools Commission circular of January this year: 'The disadvantaged school program enables a higher than normal level of resources to be employed in those schools in which a large proportion of students are educationally disadvantaged and assists school communities to adapt their educational programs to the special needs of their students. The funds provided are for positive discrimination, additional to the normal systems provision. The 2 elements of the program focus respectively on disadvantaged schools and disadvantaged country areas'. There is also allocation for disadvantaged non-government schools.

Let us look at the actual funds that are covered further on in the report. There is an allocation for disadvantaged government schools of $137,000, an allocation for disadvantaged non-government schools of $7,500 and an allocation for disadvantaged country areas of $112,000 - a total of $257,000. We heard the honourable minister yesterday state that he has advised, as he was recommended to do by the committee, the Commonwealth minister that all the areas outside of Alice Springs and Darwin in the Northern Territory should be declared disadvantaged country areas. I certainly agree with that. However, there is a bit of a problem. It may have some difficulty in capitalising on that recommendation and getting the money back out of the general funds of the Education Department because it has been lost in the morass of normal programs supplied to schools.

As a result of the size of the Northern Territory's education system, it was determined quite properly by the authorities in the Northern Territory that it would be ridiculous to have a separate committee for each one of the

programs that the Schools Commission has designed. In NSW, you are looking at a pupil level of several hundred thousand but in the Northern Territory it must be kept to a maximum total of 2,500 pupils. They decided that one committee would be sufficient to make recommendations as to how this money should be spent in the Territory. I agree with that decision; it is a sensible one. They also decided to vary slightly the criteria used for determining what is a disadvantaged school and I also agree with that. For example, leaving out the aboriginality criterion makes sense because that sort of thing can be picked up by income levels.

Unfortunately, despite the fact that it was supposed to set up this committee last year and was repeatedly asked by Northern Territory bodies to do so, the government failed to do so. It did not meet till the end of March this year. The money had been allocated in the previous August. Programs were already underway and the money was in the general fund.

Let us have a look at what has happened to that money. It is a bit difficult to work out exactly where it has gone. I understand that it is possible to get some of it back, that it has not been allocates as yet, but there is a problem with that. The programs committee that has been set up is legally entitled to make recommendations on the disposition of that $257,000 as from July this year. Legally speaking, there is nothing to stop the committee making recommendations from July this year as to how that money should be spent. However, there is a rather large practical reason why it cannot do that. The reason is that programs have been initiated in schools involving the employment of schoolteachers. In fact, I was given some figures this morning relating to a number of schoolteachers who have been employed with this money.

If the committee exercises its right to make recommendations in July this year which are contrary to the allocations of money already made, quite improperly, by the Department of Education, it will cause problems. There might be some teachers put out of work or there might be some teachers relocated from one area to another. I would have no doubt, knowing that the committee consists of fairly sensible people, that it will not seek to do that and will eventually agree that it is a fait accompli: the bungle has been completed, the money has been misallocated and not been used for the purpose in which it was intended, the Schools Commission guidelines have not been fully complied with by the government and the $257,000 is gone. This means that the special purposes grant which was provided for disadvantaged schools will not be able to be properly administered until the 1981 school year. I would be very surprised if the committee seeks to make recommendations to vary any of the programs because it involves the employment and deployment of teachers. Its hands have been effectively tied by government bungling for the entire school year of 1980. It will not be able to functionally operate until 1981.

The department has nominated 5 disadvantaged schools - Alice Springs High School, Nightcliff High School, Berrimah Primary School, Millner Primary School and Rapid Creek Primary School - plus a segment of disadvantaged country areas involving a funding of $112,000.

I was told several weeks ago, and I understand that the honourable member for Nightcliff also heard, that there has been some rather frantic activity in the T & G over the last couple of weeks to put together retrospective programs to attempt to justify the way in which the money, some $68,000, has already been allocated for this year. The indications are that much of this

money has been spent in the employment of schoolteachers. No responsible person on that committee would seek to make recommendations, different to those already decided on by the department, that would affect the employment of schoolteachers. Therefore, it cannot function till the 1981 school year.

There are a number of questions which need to be answered. Despite the fact that the Schools Commission's report detailing the expenditure of $257,000 of special purpose money in the Territory clearly stated that the committee to recommend its disbursement was to be organised between July and December last year, the government did not do it. Despite the fact that a number of organisations, as detailed in this report, which should have had representation on this committee, lobbied the government and asked for this committee to be set up, it was not done. The committee was not formed until 17 March this year. On top of that, it can now no longer function until 1981 as a result of this bungling by the government with this misallocation of money.

I would like to know from the minister why the committee was not set up last year as the Schools Commission indicated it should be and its Northern Territory organisations demanded it should be? Why were the School Commission guidelines not complied with? Why did not the Schools Commission funding appear as a separate item in the departmental budget instead of being subsumed within the total allocation? I would also like to know, for the sake of the list of disadvantaged schools I have here, whether this money can be extracted back out of the departmental funds. I am sure a lot of it has already been spent. Let me assure the minister that no amount of retrospective budgeting or programming on the part of the department or the minister, now that this furphy has been detected, will convince me that that money was allocated properly. I would like to know how the minister sees the programs committee operating for the rest of this year. I am sure that Treasury, for example, would be extremely interested to know why the Schools Commission guidelines were not complied with.

To conclude, I was interested to hear the honourable minister say in respect of a sum of $150,000 that I mentioned: 'Why can't the federal government just send us the nuts and bolts and we will get on with the job?' I suggest that that is an excellent reason why they should not.

Mr ROBERTSON (Education): Mr Speaker, obviously a certain amount of information has been made available to the honourable member for Arnhem. I suppose some documents have fallen off the back of a truck. The trouble is that only half of them have fallen off and that is his dilemma. I am going to find it extremely difficult to reply without appearing to treat this matter in a cavalier fashion because I am quite sure the honourable member, knowing his sincerity, is not treating it that way at all nor does he want me to seem as if I am treating it that way. The fact is that, in order to answer, it will probably take about a minute.

The Schools Commission funding for the first half of this year, the $257,000 which he quite rightly points out, has been spent in accordance with an agreement entered into for that period between the Commonwealth, the Schools Commission and myself. There has been no slight of hand; there has been no misappropriation of funds. The plain fact of the matter is that I have communicated directly with the person to whom the Schools Commission itself is answerable: the federal minister.

Mr Collins: When?

Mr ROBERTSON (Education): Mr Speaker, if the honourable member for Arnhem really wants justice done to allegations that he has made in this House, he might have given the House and the minister the courtesy of sufficient time to get all the documents and data in here instead of one hour before the Assembly sits. Clearly, I do not have copies of that correspondence on me so I cannot give him the dates. The fact is that the money that has been spent in the area of disadvantaged schools has been spent with the agreement of the Schools Commission and the federal minister. There is no justification to say that the money has simply been buried.

The Schools Commission made a recommendation that a committee be set up for the purpose and, certainly, that committee was not set up for the period recommended by the Schools Commission. Mr Speaker, that was a unilateral recommendation. I think all honourable members would be well aware - at the risk of sounding like I am making excuses although I suppose that is really all I can do in an exercise like this - that there were a lot of very urgent and pressing matters before government at that time. It takes a certain period of time to set up the type of advisory committee which was required.

The honourable member has thrown in an awful lot of red herrings; for instance, his reference to staff which he believes was funded out of the $257,000. In fact, the staff - other than at those 5 disadvantaged schools which come through this Cabinet's system - were recommended to the CTS Commissioner as necessary increases in staff. They were made in that light, not in the light that the honourable member puts it.

Mr Collins: That is not what I was told by your department this morning.

Mr ROBERTSON: Well, I have my briefing notes as well, such as they are in the time you have allowed me to do justice to this debate. The fact is that there is going to be no hamstringing of the committee which has been established, the Northern Territory Schools Commission Programs Committee. It will function for the rest of this year as it was designed to function. It will not be limited in funds between now and the end of the year as a result of this government taking a conscious decision to increase the number of teachers available to students. I would hope that the opposition is not knocking that.

The 2 questions are quite distinct. The actions taken by the government and the minister were in consultation within an agreement with both the Schools Commission and the federal minister that the funding allocations will not affect the operation of the Schools Commission programs committee for the remainder of this year. The member's suggestion is completely fallacious. Indeed, I hope that the committee functions from now on in the manner which was envisaged by the Schools Committee.

The allegations contained in the honourable member's statement are completely inaccurate. There is really very little else I can add. It is rather hard to respond in detail to a debate of this nature when the 2 fundamental issues he raised are both false and inaccurate. I thought that the honourable member was going to talk about each individual school and the needs of various underprivileged schools of which many are disadvantaged. In towns like Tennant Creek and Katherine, the disadvantage is not so much that of resources in the school as that of the lack of access to community facilities such as theatres and art galleries. Special funds are required there. I had no idea that the whole of this debate would be based on 2 false allegations. Really, all I can do is simply say the 2 allegations are false and the debate

must clearly cease at this point.

Mr EVERINGHAM: Mr Speaker, I move that Notices Government Business be now brought on.

Motion agreed to.

## SUPPLY BILL

(Serial 430)

Bill presented and read a first time.

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

Mr Speaker, authority to spend money from the annual Appropriation Acts Nos 1 and 2 lapses on 30 June this year. Legislation is therefore necessary before 30 June to provide for expenditure between July and the passage of the Appropriation Bill for the coming financial year.

The Supply Act normally covers a 5-month expenditure period for the continuation of capital works programs, roadworks and normal services of government. In effect, it is an interim Appropriation Bill. This bill provides for a total expenditure of $248m allocated by division and subdivision to the various departments and authorities. I wish to emphasise that the Supply Bill is not to be interpreted in any way as anticipating what amounts might be included for any particular service in the 1980-81 budget of the Northern Territory. In normal circumstances, the amounts included in the Supply Bill are calculated as a proportion of the previous year's appropriation, not the forthcoming budget. However, there are special circumstances associated with this bill including one-off payments which fall due in the supply period and revoted capital expenditure which must be paid for during the supply period.

Members will note the bill contains an appropriation of $5m entitled 'Advance to the Treasurer' from which the Treasurer may allocate funds to meet emergent and unforeseen expenditure 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.

I comment briefly on some of the expenditure items included in the bill. Funding is provided for the following: capital works sponsored by departments - $43.6m; repairs and maintenance including roads, highways and buildings - $15.4m; the construction and loan programs of the Housing Commission -$19.2m; education including the colleges -$32.6m; the Territory Development Corporation -$3.5m; and the Conservation Commission -$5.1m. Provision has also been included in the bill for a substantial expansion of the Tourist Commission's activities, the development of agriculture and horticulture in the Territory including extensive soil surveys and for the initial expenditures in the establishment of a zoo in the Darwin area. The provisions will allow commencement of these important announced government initiatives early in the new financial year.

Mr Speaker, as it will be necessary to have the funds appropriated in the bill available from 1 July, I foreshadow the passage of this bill through all stages during the current sittings. I commend the bill to honourable members.

Debate adjourned.

# ABORIGINAL LAND BILL

(Serial 437)

Bill presented and read a first time.

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

This amending bill to the Aboriginal Land Act is designed to be complementary to the bill amending the Aboriginal Land Rights (Northern Territory) Act at present before the federal parliament. So far as they are material to the bill now before the House, the amendments to the federal act are designed to settle the dispute between the Commonwealth and the Northern Territory as to the way in which deeds of grant of Aboriginal land should be drawn and to enable the schedule 1 deeds to be registered. As part of the agreement with the Commonwealth, the Northern Territory agreed to introduce complementary legislation to provide for a permit system in respect of certain roads traversing Aboriginal land which is the object of the bill before the House now.

Honourable members will recall the history of the matter but I feel it is necessary to reiterate the events leading to this bill in order that the government's position may be properly and clearly understood. As honourable members know, the Aboriginal Land Rights (Northern Territory) Act provides that the freehold titles of the areas of land listed in the first schedule to the act should be given to the appropriate Aboriginal land trusts without the necessity of any land claims made to the Aboriginal Land Commissioner. The areas concerned cover all the Aboriginal reserves existing at the date of the Land Rights Act together with the Alligator Rivers region. Mr Speaker, the Northern Territory government has absolutely no objection to that and fully supports that and, indeed, only recently it was discovered that a small island off the coast of Bathurst Island had been omitted from schedule 1. The Northern Territory government has given its consent immediately and without any reserve to schedule 1 being amended to include this additional small island.

Various roads, as we know, run across all the land and in some cases provide important communication links. Examples of the roads that I refer to are the road from the Gove Airport to Nhulunbuy, the road from Western Australia to Ayers Rock through Docker River, the road from Hooker Creek linking the Tanami road to the Buchanan Highway. The Aboriginal Land Rights Act, before the current amendments now before the federal House, specifically excluded from Aboriginal land roads over which the public has a right of way. The act was quite specific and I refer honourable members to the following sections:' 3(5) A description of land in schedule 1 shall be deemed not to include any land on which there is, at the commencement of this section, a road over which the public has a right of way; 13(3) A deed of grant under this section - (a) shall identify any land in which there is at the time of the grant a road over which the public has a right of way; and (b) shall be expressed to exclude such land from the grant'.

With few exceptions, when the deeds were drawn, public roads were not excluded. The Registrar-General was requrested to register the titles and was advised by the Solicitor-General that he should not do so because they

did not identify land on which there were roads over which the public had a right of way. As originally drawn, quite simply the deeds of grant were wrong and in fact the federal government was told of the Registrar-General's attitude before the titles were handed out. But the Registrar-General's attitude has not been obstructed as evidenced by the fact that he waived the requirement of survey in respect of each title which could have taken years and years.

After many and lengthy discussions between my government, the Minister for Aboriginal Affairs and the land councils, the Commonwealth agreed to amend the Aboriginal Land Rights (Northern Territory) Act to provide that public roads are excluded from the schedule 1 grant but that they need not be identified. The amendment preserved the status quo so that the grants can be registered without further delay and an agreement can then be reached or a judicial declaration made as to which roads are public roads if the need ever arises. In respect of those roads, it will be necessary for the traveller to obtain a permit even though they are public roads.

The system takes account of the anxiety of the land councils that people should not have unrestricted access along the roads which traverse Aboriginal land. The system contemplated by the amendments is that a permit will be required by any person wishing to enter upon Aboriginal land or travel on a public road which traverses Aboriginal land. The difference between a permit to enter upon Aboriginal land and a permit to travel upon a road will be that, in respect to the latter, an appeal lies to the Administrator from a refusal of a land council or traditional owners to grant a permit or to deal with an application for a permit. However, I would expect, administratively, that one permit will simply issue rather than 2 separate permits.

New deeds of grant are presently being prepared to take account of the amendments for the Commonwealth act and it is the hope of my government that they will be registered in the near future. I can assure honourable members that this government has had no quarrel with the land councils in this matter. The right of the Aboriginal people to the land is not an issue and it has never been our desire to frustrate or impede the operation of the Land Rights Act. Our quarrel has been with the Commonwealth for not taking into account what my government believes to be the clear intention of the Land Rights Act and, with the amendments to the Commonwealth act, the issue has been satisfactorily resolved.

Debate adjourned.

## MINING BILL

(Serial 351)

Continued from 19 February 1980.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I seek leave of the Assembly to withdraw the Mining Bill 1979 (Serial 351). By way of explanation, I refer to the closing remarks I made when I presented this bill. Honourable members will recall that I invited representation from interested parties to make submissions on suggested improvements to the bill. Because of the nature and the number of amendments, it is preferable to incorporate them in a completely new bill which I intend to present as soon as this one has been dealt with.

Leave granted; bill withdrawn.

## SUSPENSION OF STANDING ORDERS

Mr TUXWORTH (Mines and Energy): Mr Speaker, I move that so much of the Standing Orders be suspended as would prevent the introduction of the Mining Bill Serial 423 without notice and the bill passing through all stages at this sittings.

Mr COLLINS (Arnhem): Mr Speaker, the opposition opposes the suspension of Standing Orders for the passage of this legislation. We are not opposing in any way the withdrawal of the bill. I agree that it is very necessary to withdraw a 192 clause bill that has 392 amendments. The government has been talking about 200 amendments to the bill but an amendment schedule with 264 amendments has been circulated. Amendments of a formal or minor nature have not been included in this schedule.

I have done a considerable amount of work on this piece of legislation. The minister interjected the other day when I said that I did not particularly like the way this was being mucked around. He said, 'You supported the bill'. Indeed I did but, if the minister would refer to my speech, he will see that although I supported the broad concepts of the bill - and I still do - I said that, because it was such a major piece of legislation which required careful work to tie it in with all the other pieces of legislation required with mining, I could well have amendments in the committee stage that I had not foreshadowed in my second-reading speech.

I was fortunate enough to be able to obtain some advice from interstate on the bill. The advice was that the bill was a legal nightmare. In fact, the people who were working on it for me in New South Wales told me that the mass of legal clarification that was necessary was overwhelming. They sent me some of it. I was fortunate to be able to correspond with them at some length on it. I was not sure, without a considerable amount of legislative assistance and the services of the entire drafting department - and I commend whoever had to work on this legislation - how I, as an opposition shadow minister, was going to cope with the amendments that were required. I stress again that I am not talking about philosophical amendments. I have no particular worries with the philosophy of the bill. I applauded the minister for the introduction of the retention lease idea which I think is excellent. The amendments in the bill to tighten up environmental provisions are good but what worries me is that this is just one more example of a major piece of legislation that simply has not been given enough time.

I would like to go through the circumstances surrounding my relationship with this piece of legislation. I was contacted a few weeks ago by officers of the Mines Branch who had been asked by the minister to get in touch with me about numerous amendments to the bill. I was helped greatly by those officers and I received a great deal of cooperation and advice from them. It is a question of resources. Mr Speaker, I do not think that I have come across a piece of legislation in the 3 years that I have been here that is as complicated or requires such delving through the mass of conflicting legislation that has to be tied in with it.

The 2 schedules that I was given were these and there is a significant thing attached to them too. I say again that I admire greatly the officers of the Mines Branch who had the job of wading through this. They have done a fantastic job. I have mark 1 amendments and mark 2 amendments. As the honourable minister knows, these are not even amendments; in fact, the majority of them are drafting instructions. I just want to make this clear in anticipation of the honourable minister's statement that I was consulted at length on

the proposed amendments. As the minister would be well aware, the majority of these documents are drafting instructions. For example, to quote from the very first one: 'Throughout the bill reference is made to licences, leases claims or permits. It would seem essential to define these terms ...'. They are merely drafting instructions.

I started off on this one but there is another one. This schedule of drafting instructions comprises a total of 205 amendments. These occurred because of the first run through that officers of the Mines Branch had with this piece of legislation. They then went through it a second time and they came up with a further 187 amendments. This made a total of 392 amendments.

I can assure the honourable Minister for Mines and Energy that I spent several weekends in a row working on this and I am very familiar with the impact of all these amendments. The majority of them are amendments requiring drafting corrections and legal clarification. They are not amendments of substance. They are areas in the bill where they found the cross-referencing did not match and the legal clarification was not there. In fact, in a number of places the actual drafting instructions were incorrect in that they did not match the clauses of the bill they were supposed to match. I do not want to bore the House with tedious details of just how many of these mistakes there are but I have it all noted down.

When I went through the first schedule, I looked at what I called amendments of substance; that is, amendments that were not drafting or clarification amendments. In this first schedule, there were 31 amendments that I very generously call amendments of substance. There were 185 drafting, legal clarification and cross-referencing errors. In the second schedule, there were 2 amendments of substance and 185 drafting and legal clarification errors. I might add, because of the honourable minister's predisposition to credit me with criticising public servants when in fact I am criticising him, I commend the officers and I do not particularly envy the job they have had to do.

This is mark 1 and this is mark 2. The question I asked was: 'What would happen if somebody, particularly somebody from outside the Northern Territory with considerable mining expertise, did a mark 3?' On many occasions in this House, the minister has emphasised again and again that mining is the most important industry of the Northern Territory. I agree that it is and it should be protected and regulated by the best possible set of laws.

We have a mining bill with 192 clauses in it and 392 amendments, most of which are legal and drafting amendments. From the discussions I had with many people on this bill, nobody seems terribly unhappy about the prospect of its being delayed a little while longer. Legally, this is a brand new piece of legislation. I received it the other day with an amendment schedule - 'amendment' actually in quotes - simply indicating those parts of the bill which were changed and excluding all amendments of a minor, consequential or inconsequential nature. Also this amendment schedule does not include cross-reference changes that have been made. With the exclusion of drafting, cross-reference, formal and minor consequential errors, there are still 264 amendments in this schedule as against 392 altogether.

For the sake, the safety and the proper regulation of the mining industry of the Northern Territory, seeing that we have been operating on archaic laws for many years, it will not affect the industry adversely if this bill is proceeded with in a proper parliamentary manner and is held over until the next sittings as it should be. I can understand the government pushing through

bills, as they have on so many occasions, by suspensions of Standing Orders but never before has the government attempted to push through the House in one sittings a bill of such a substantial nature that has been so radically altered. It has not been radically altered in terms of philosophy but in terms of law. If the honourable minister wants to get into a debate with me over the legal hassles that are attached to mining in Australia, I am quite happy to take him on. It is necessary that this bill be watertight legally. For the proper administration of the mining industry and for proper government in the Northern Territory, this bill should be treated in the proper parliamentary manner and laid over until the next sittings.

Why the haste? I can only think of one reason: this will be the last sittings before an election. If it is not, there is no reason why this cannot be held over until the June sittings. I would like to see the minister put up a reason why the mining industry will be substantially disadvatnaged if this does not come up for another 2 months. The mining industry has been suffering under bad laws now for the last 100 years. I am sure that, for the sake of proper legislation, it can wait another 2 months. I suspect that this is the last sittings before the elections. Therefore, the minister wants to be able to go to the people and say, 'I'm responsible for creating a new mining bill'. His only claim to fame at the last elections was that he had inserted a new clause into the Mining Safety Ordinance. This time, he will be able to say that he has been responsible for introducing what is in fact a substantial and commendable piece of legislation.

I suggest that it is not proper parliamentary procedure that, for the electoral convenience of the Country Liberal Party, legislation as important as this to industry in the Northern Territory should be dealt with in such a cavalier manner. For all practical purposes, this is a brand new piece of legislation. It is one of the most substantial pieces of legislation that has appeared before this House. It is certainly the most substantial piece of legislation that I think any government would attempt to push through in one sittings of the Assembly without proper consideration. The opposition completely opposes the suspension of Standing Orders.

Mr TUXWORTH (Mines and Energy): Mr Speaker, if ever there was any indication of an election season being in the wind, it certainly has been coming out of the member for Arnhem's area over the last couple of days. It is important that we deal with a few facts about what has been happening and not so much what political mileage the honourable member might want to make out of it for himself. He has touched on quite a few issues this morning but I would just like to reflect on the progress of the bill over the last 4 or 5 years.

Work was commenced at least 4 years ago in the first Assembly at a public and departmental level. A great deal of work was done by the industry and officers of the department. During this present Assembly, it has gained momentum and it has come forward as a bill. When this bill was in preparation, it was considered by the government and the department that it was a rather unique piece of legislation which had a lot of merit. There did not seem to be many pitfalls in it but, nevertheless, the government was prepared to take great steps to see that there was reasonable consultation with everybody concerned so that any possible bugs could be ironed out. To this end, the bill was circulated to every mining company that has ever carried out an activity in the Northern Territory. Some of the most eminent legal people in Australia put in submissions on the bill on how they saw its operation. Officers of the department went to Canberra to speak with the federal government.

They spoke with state governments, land councils and with anybody else who they thought might have a contribution to make to the bill. This was a pretty time-consuming exercise and, unless my memory fails me, the bill was introduced on 20 September last year. We indicated there was no hurry with it and we proceeded along the lines that we would get there when we can. Some of the submissions were very good and pointed out a lot of things that we could do to improve the bill. I am sure that honourable members would expect that of us. The submissions also gave rise to other considerations by our own legal people to refine the bill as best we could and this was done.

Mr Speaker, in the first sittings this year, there was a feeling of impatience to get it finished and I said that we should take our time with the bill, be cautious and work our way through it. Members of this side of the House supported me in that. After the sittings, I put it to the department that we should refine the bill and have it ready for completion this sittings. They came back to me and said: 'Yeah, we are ready to go. We have got it pretty well sorted out'. My advice is that we have 264 amendments, most of which are mechanical, and there is no change to the philosophy of the bill as a result of these amendments.

My first reaction was to say: "Well, we'll hold the House up for a day or 2 and just work our way through the amendments one by one'. It occurred to me that, because of the nature of the amendments, I might save the House a lot of time and effort if the bill was reprinted with the amendments in it so that it could be taken as a whole at this sittings. Given that this has been going on for years, the cries from the honourable member about lack of consultation and undue haste just ring pretty hollow.

In my efforts, I tried to ring the honourable member for Arnhem who was out and his lass was unable to give me a time as to when he would be back and, because I had to go out, I took the liberty of ringing the honourable member for Fannie Bay who is the Opposition Whip. I explained the case to her and she said, 'Well, that sounds like a pretty good idea to me if you are able to proceed on that basis'. I rang the Department of Mines, spoke to the officers and said: 'I have not been able to get hold of the honourable member for Arnhem but the honourable member for Fannie Bay, who is the Opposition Whip, thinks it is quite acceptable to proceed on this basis. I would like you gentlemen to go to Mr Collins at a time convenient to him and discuss with him all the amendments in any amount of detail that he wants and, if there are any objections to any amendments, he can indicate them and we will hold them out of the reprinted bill and deal with them in the committee stage'. They duly did this. The officers rang me and said: 'We have been to see Mr Collins. He has no problems with the amendments and everything is all right'. Taking them at their word, I proceeded with the consolidation of the bill.

Now from that day to this, I have not had one word from the honourable member about his dissatisfaction with any of the amendments and with the proposition of consolidating the legislation. I have not heard a word from the honourable Opposition Whip to say that the original proposal was not satisfactory and that we should reconsider it.

The other amazing thing that fascinated me was that the press picked up the fact that there were a large number of amendments to this legislation and came out with suggestions that the government's legislative program was in disarray and, because there were so many amendments, what was so terribly wrong. I put it to honourable members that, if I try to save time of the House, the government's legislative program is in disarray. If I come in here with a couple of hundred amendments and fill the time of the House, they all

go off to sleep because you never hear an 'aye' or a 'no' during the committee stages.

The honourable member for Arnhem suggested that the consolidated bill is a legal nightmare.

Mr Collins: No! I did not say that at all.

Mr TUXWORTH: They were his words; I wrote them down. I would like to put it to him that, at this stage, he has not raised what particular part is the legal nightmare. He also went on to say that the House has not had enough time to consider this legislation. We have been preparing this bill for years. It has been in the House since September - 8 months - and he is now suggesting that, because this action has been taken, we are hurrying the bill through for electoral purposes. I would like to put it to the honourable member that I cannot remember when any bill was ever put into this House and left there for 8 months for consideration.

I cannot see anything wrong with the proposition of consolidating amendments into a bill for the convenience of the House. If that is what the honourable member is saying, he has had plenty of opportunity to say so in previous debates where we did the same thing; for example, the Police Act, the Fisheries Act and the Liquor Act. I put it to the House that the action taken by myself and the department in advising the honourable member of the opposition what was going on has been complete and honourable. Nothing has been hidden from them at all. I put it to the House that the honourable member for Arnhem is just doing a little bit of cheap politicking himself to get a few lines in the press and to hold up the Mining Bill for as long as possible. There is no doubt in my mind- I am sure many people in the electorate think this too - that the opposition is regarded as the anti-mining party of the Northern Territory and will do anything it can to prevent the progress of mining in any way at all. It is all right for the honourable member to groan Mr Speaker. That is how the people of the Northern Territory regard it. I do not see that that should come into it and I think that this bill should proceed. I propose that the second reading be taken today and that the bill be dealt with at the end of the sittings.

## PERSONAL EXPLANATION

Mrs O'NEIL (Fannie Bay): Mr Speaker, I wish to make a personal explanation. I claim to have been misrepresented. The honourable Minister for Mines and Energy quoted me as saying: 'That sounds like a pretty good idea to me if we are able to proceed on that basis'. Anybody who knows both the honourable minister and I would realise that that sounds exactly like the sort of language the minister uses. It is not the sort of language which I tend to use. The minister did indeed ring me. I thanked him for his courtesy in advising us. I said I would advise the honourable member for Arnhem who is responsible to the opposition on mining matters. Obviously, it was his decision as to how the opposition should proceed. It is not my role as whip and nobody would suggest that it was. I certainly did not say those words to the honourable minister.

Motion agreed to.

## MINING BILL

(Serial 423)

Bill presented and read a first time.

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

Late last year, I introduced into this Assembly a mining bill serial 351. The bill was widely circulated to the mining industry as well as to all other interested parties for comments and suggestions as to how it could be improved. This resulted in a large number of submissions giving rise to 264 scheduled amendments. It should be noted that the vast majority of these amendments are purely of a minor and technical nature. It is our intention, when framing legislation of this nature, to have it drafted in such a form and language that it is as easily understood by the layman as it is by the corporate lawyer.

The majority of these amendments merely serve to clarify certain aspects and in no way has the philosophy of the original bill been altered. It was my intention to seek as much public comment as possible regarding the previous bill and I am gratified by the response. It should be remembered that, when I introduced the previous bill, I said that it was a complex and important piece of legislation replacing a 40-year-old mining act. It would have been irresponsible to press ahead with the previous bill without taking note of the relevant and constructive comments.

For the bill to progress through the committee stage with some 264 scheduled amendments, it would be a very time-consuming exercise. It is to avoid this that we have reintroduced the bill in a consolidated form. There has been some slight restructuring necessary to part IV dealing with the mineral leases. A new division, division 5, has been added. This deals with the reporting requirements of a mineral lessee. These were previously inappropriately included in division 3 dealing with surrenders.

Provision has also been made for the holder of a mineral claim to report annually on activities of his claim. This now brings mineral claims into line with exploration licences, exploration retention leases and mineral leases as far as the requirements for reporting are concerned and will assist in ensuring that the claim is being held and used for the purpose for which it was granted.

An important addition is the provision for the holder of a mining tenure over land which is a park or reserve to be liable to pay compensation for any unreasonable damage caused by him to that park or reserve. The compensation payable can, if necessary, be determined by the Supreme Court. Provision is also made for the miner to be liable for compensation to a pastoral lessee for any undue damage. These provisions acknowledge and protect the rights and privileges of others who use the land.

The concern felt by many over unauthorised and indiscriminate sand and gravel mining has been catered for by the addition of a $1,000 penalty for each day that this type of activity is practised over and above the $10,000 penalty prescribed in the previous bill. Honourable members will be aware of a similar provision existing in the current Mining Act which was not carried forward in the previous bill. With today's sophisticated and high-capacity earth-moving equipment, an unscrupulous operator could move in and rip out a vast quantity of material from an area whilst his application is being investigated. It is our determined aim to stamp out this kind of irresponsible behaviour.

Mr Speaker, as I have said, this is an important bill that brings the legislation governing the mining industry into the 1980s and acknowledges the

major advances made in the industry. It is a bill that has been thoroughly considered by all concerned. It is therefore proposed that this bill be passed through all stages in these sittings and I commend the bill to honourable members.

Debate adjourned.

## PRISONS (CORRECTIONAL SERVICES) BILL

(Serial 365)

Continued from 19 February 1980.

Ms D'ROZARIO (Sanderson): This debate has had quite a deal of input from members of this House and many of the matters have already been raised, canvassed at great length, reported in the press and so on. However, there are still a few matters which I would like specifically to speak about. I know that other members may have taken up some of these matters but, because they are of some particular interest to me, I would also like to record some remarks about them.

Mr Speaker, the first matter of concern has been canvassed quite successfully by other members and this concerns the classification of prison offences. I hope that members who have spoken to this particular point would have convinced the minister. I am sorry that I do not see his amendments before us although the amendments of the honourable members for Nightcliff and MacDonnell have been circulated. I sincerely hope that we have managed to convey to the honourable minister that the matter of deciding category 1 and 2 offences as they stand in the bill at the moment are completely unacceptable to members of the public and to members on this side of the House. It is absolutely essential that the categories of offences be prescribed by regulation and not simply be left to ministerial discretion as is the intention of clause 31 of the current bill. Other members have tended to diminish the importance of this point and I particularly remember the remarks made by the honourable member for Port Darwin. He read out the consequences of a conviction of a prisoner of a category 1 offence as prescribed by clause 32 of the act. He read the 4 consequences of this particular clause and concluded that they were not so severe as to require a proscription. I must disagree with that particular view. I think that the consequences that may ensue from a conviction of a category 1 offence are quite severe. If the member for Port Darwin were to place himself in the position of prisoners that are dealt with even under the current regulations, he would understand what we mean.

Some members of this House attended the magisterial sittings that were held within Berrimah gaol a few months ago. We were able to observe these proceedings and also to see the sort of penalties that can be inflicted. The forfeiture of not more than 3 days' remission of sentence of a prisoner might mean very little to the member for Port Darwin but I can assure him that it means quite a bit to the prisoners in Berrimah gaol. Similarly, the forfeiture of the use of amenities for a period not exceeding 30 days means quite a lot to them. Members on both sides of the House have often said that a person goes to gaol as a punishment, not to be further punished. This attitude was very eloquently expressed by the member for MacDonnell who spoke first on our behalf. The suspension of the use of amenities for up to 30 days is quite a severe penalty indeed. All we are asking is that these matters not be simply at the discretion of the minister and that prisoners and

members of the public alike know in advance what are the categories of offences which attract this sort of penalty.

The other point that has already been made and which I would also like to reinforce is the hearing of these offences. It has already been stressed by other members that there is no legal representation implicit in this particular section. Having regard to the fact that many people who end up in gaol are already disadvantaged, this should be attended to by the minister.

I would like to speak about the question of visitors. The honourable member for MacDonnell has circulated an amendment to which I hope the minister has given his attention. The intention of his amendment is to extend the category of person who may visit the prisons subject to the terms and conditions imposed by the director. He has extended this category to include members of the Legislative Assembly and the Ombudsman or his staff. In the recent past, I have been requested on 2 occasions to give my aid to the people at the Berrimah gaol and I am sure that is occurs frequently with other members as well. I see no reason why a member representing an elector, even though the elector might be held in a gaol, should be denied access to that particular person. We must remember that this clause applies to remand prisoners as well, prisoners who have not been convicted of any offence but are held in gaol until their cases come to court. I can see no reason why members of the Legislative Assembly should not have access to these people if their presence is requested.

The third matter that I wanted to raise relates to part XI. I find that the intention of clause 46 is somewhat unclear. On the one hand, it says that a conversation or a visit between a prisoner and his legal representative may not be monitored but, on the other hand, it also says than any document passing between these 2 parties may be inspected and censored by an officer. This is a completely intolerable situation. We all subscribe to the view that everybody is entitled to legal representation and that the transactions and communications which occur between prisoners and their legal representatives are confidential between those 2 parties. It seems to me that the minister is saying that, whilst they will not monitor these visits, they may censor documents which pass between a prisoner and his legal representative. The question arises: how does one get a notion of what to censor if the visit is not being monitored? In the second place, having regard to the fact that this particular clause makes no distinction between remand prisoners and convicted prisonsers, it is completely unacceptable to people who are legitimately obtaining advice in preparation for the appearances at the court.

The next matter which I wanted to raise relates to clause 97. Here we have a most extraordinary confusion between the role of the director, his perceived rights in protecting public property and the role of the courts. A prisoner may be convicted under a law enforced in the Territory in connection with his having caused damage or destruction to property and also inflicting injury or injuring himself. Presumably, these matters are dealt with by the courts and it is also the normal practice for all courts to decide the level of compensation if any. Here, subsequent to the court deciding the matter, we have the director setting himself up as some sort of quasi-court, deciding the level of compensation and directing the prisoner to make restitution. This is totally unacceptable. The courts have that role; it is not one for the director to become involved in.

It becomes worse in subclause (2) of clause 97. We see that the

failure of the prisoner to comply with the directions given by the director as to the restitution that he must make is also an offence. That is punishable, on conviction, by imprisonment for one day for each $10 or part thereof of the amount required to be paid but remaining unpaid at the end of the period allowed by the director for its payment. This raises a number of interesting questions. A person might be sentenced to a relatively short term of imprisonment and perhaps cause quite a deal of damage to prison property. He may be dealt with by the courts but the courts perhaps make no order for compensation. The director may then demand that he pay at this or that level - God only knows how he comes to it but presumably he obtains a valuation - and we could conceivably find the person being sentenced to a term of imprisonment far exceeding the term for which he was originally sentenced by the mere fact of the director deciding the level of compensation. I do not think that this is a responsibility that the director should bear. This matter is quite competently handled by courts at the moment and should continue to be so handled.

I come to the contentious question of rehabilitation, a matter which was canvassed at some length in this House yesterday. I must confess that I am completely confused as to what is the present government's policy on the rehabilitation of prisoners.

Mrs Lawrie: There isn't any.

Ms D'ROZARIO: I suspect the interjection of the member for Nightcliff gives a clue to the answer.

In the recent past, we have been in contact with people who visit the prison. It has been brought to the attention of some members of this House that rehabilitation programs are markedly absent at Berrimah gaol at the moment. Whether or not the minister has now come to the conclusion that rehabilitation is a waste of time, the weight of evidence, certainly in western countries, is that rehabilitation is not only essential to the after-care, if one likes to put it that way, of the prisoner but it also contributes to a reduction in the rate of recidivism.

I am of the view that people are not committed to gaols to be further punished. The courts decide punishment; the courts decide that a person's liberty is to be constrained but it is not then up to other individuals to take upon themselves the role of meting out further punishment at will. I consider that the deprivation of meaningful work or the opportunity to undertake useful programs within the gaol itself to fit one for life outside prison is indeed a punishment.

We heard yesterday the remark that rehabilitation is not a right but something that would be awarded presumably at the behest of the minister or the Director of Correctional Services. I do believe that rehabilitation ought to be a right for prisoners. It ought to be a right simply because the minister has promised that in his second-reading speech. He said that it was the policy of his government. By that statement, he has given prisoners who are currently incarcerated in Territory gaols and those who might have the prospect of being imprisoned, the expectation that there will be rehabilitation programs. It is not appropriate for the government to talk about whether or not these matters are the rights of prisoners or whether they should be given as some kind of bonus or favour. The weight of evidence is that rehabilitation is essential to prisoner after-care.

The courts decide what sort of penalty is to be extracted from an offender. However, in the majority of cases, after having served their sentences, the

prisoners have trouble finding work. They have trouble finding work not only because they have lost skills or because they have not had the opportunity to acquire any whilst in gaol but also because of the stigma attaching to imprisonment. Perhaps there is not much we can do about employers having second thoughts or not considering at all a person who has already served a term in gaol. Perhaps that person is looking down the barrel of extended unemployment.

The minister has given an undertaking that meaningful rehabilitation programs ought to be instituted in Territory gaols. Some matters do not require the government to do much in this respect. I refer particularly to courses of external study from matriculation and tertiary education that are offered by other institutions. It merely requires the prison management to make sure that those prisoners affected by those courses are able to continue to participate in them. That does not require any expenditure of money on the part of the government itself. These courses are provided elsewhere, not by the government.

The honourable member for Tiwi raised the question of women prisoners not having the option of serving at Gunn Point Prison Farm. I must say that I agree with her point that women prisoners in Territory gaols, presumably because of their small number, are disadvantaged to some extent in what programs they can participate in whilst they are in prison. I think that the minister ought to look at programs that would involve them a little bit more actively than the sewing on of buttons.

These are just a few remarks I wanted to make because they are of particular interest to me. I did not want to take up other points that have been made eloquently by other members. We would be most interested if the minister would give us notice of his amendments because there will then be 3 schedules. We would require some time to look at the amendments in detail in order to make this bill more humane than it is at the moment.

Mr EVERINGHAM (Chief Minister): Mr Speaker, in joining this debate on the Prisons Bill, I simply want to refer to some areas of the bill which do concern me as Attorney-General. They relate to the punishment for offences against prison regulations and against the law. In the bill before the House, I would concede personally that a cumbersome method has been devised whereby different categories of offences will be treated in different ways. The methods of handling the conviction and punishment of offenders has been rightly criticised to some extent by honourable members.

It is my view though that offences against prison regulations should be dealt with in the context of the prison itself. These offences are not offences against the law as such. They are not criminal offences; they are disciplinary offences and I believe they can be handled within the prison. Where there appears to be an injustice, that person may take the matter to the visiting justice. This is what I would propose as a satisfactory resolution in respect of the offences against prison discipline. I would expect that my colleague, the Minister for Community Development, will be enlarging on this in his reply and I understand that he has had discussions with some honourable members at least in relation to proposed amendments in respect of the handling of breaches of discipline and breaches of the law within Northern Territory prisons.

As to offences against the law, from what I have heard, magistrates in the Northern Territory who have conducted hearings in prisons are not entirely pleased at the inference that appears to have come out of this debate that

these hearings would have been in some way prejudiced by being conducted inside prison walls, which is certainly not an unusual event in Australia or elsewhere in the world. Nevertheless, I can see this as a matter of logistics. It is as simple as that. I do not believe that any person appointed as a magistrate in the Northern Territory to conduct a hearing within a prison would permit that hearing to be conducted in any way except in total conformance with the law. The magistrate would see that justice was done and the inferences that this might not be the case are, to my mind, totally unworthy of honourable members and are, with great respect, a reflection on the capacity of the magisterial bench of this Territory. I believe that the bench, Supreme Court and magisterial, of this Territory has nothing to fear when compared with their counterparts anywhere else in Australia.

It is a matter of logistics. Why bring the magistrates to the prisoners when the prisoners can just as easily be brought to the magistrates. A vehicle containing prisoners on remand, who are of necessity brought before the court, departs the prison every day so why not use that vehicle to bring prisoners charged with offences against the law committed within the prison before the courts in any event. It is the normal place to hold court and I proposed to my colleague the Minister for Community Development that this should be so. He has agreed with me. I would certainly refute any contention that this proposal is made upon the basis that any injustice might be done to a prisoner who was tried before a magistrate in a prison situation. To me, it is simply a matter of logistics. Why bring a court to the gaol when the remand prisoners are being regularly sent to the court? I am not referring solely to remand prisoners being sent into the courts for hearing of charges against the law but I am saying that, every day, remand prisoners are being sent to the courts so why not send any other prisoners charged with offences against the law with them.

Mr Speaker, I understand that amendments along these lines will be brought forward in the committee stage by my colleague but, in so doing, I must make it absolutely clear that I accept no imputation against the character of the magistracy of this Territory who I believe are fit custodians who will see that, wherever a court is held, the procedures of the law are observed and justice is not only done but seen to be done.

Mr DONDAS (Community Development): Mr Speaker, in the spirit in which the Minister for Education spoke earlier in these sittings, this bill was introduced in November to enable the widest possible community consultation to occur. Honourable members can be assured that, under no circumstances, was there any matter raised that was not the subject of a thorough investigation.

To further the aim of community participation since the last sittings of this Assembly, I have, in conjunction with the officers of the Department of Community Development, embarked on a program of community consultation of both a formal and informal nature. The end result is that, in addition to amendments suggested during debate in the Assembly, others have been received from interested government departments, individuals and a variety of community groups. Where suggested amendments have caused a digression from the original concept but still remain within the realms of practicality, I propose to adopt them. After careful consideration of all points raised, I propose to introduce a series of amendments in the committee stage. I consider it appropriate at this stage to offer replies to various comments raised by the honourable members of the opposition. In doing so, where there has been a duplication of views, I have combined them accordingly.

Clause 7(1) relates to delegation. It was suggested at a public meeting

of the Australian Crime Prevention Council that this area should be tightened up to refer to particular officers and it was also suggested that delegation powers should not go all the way down the hierarchy to the prison guards. The member for Nightcliff also made considerable comment on this clause but, in doing so, made specific reference to the hearing of prison officers. I will cover this in the appropriate order when I reach part VIII. Mr Speaker, in reply to the Australian Crime Prevent Council, the division deliberately chose the word 'person' so that the clerical officers and private persons who are employing prisoners under work-release conditions, doctors and nurses who are treating prisoners in hospital etc can receive delegated power from the director if at any time this is found necessary.

Clause 8(1) relates to the appointment of prison officers. The member for MacDonnell indicated there was not sufficient detail in relation to the appointment of prison officers. He stated that detail in the present legislation has not been carried forward. I have to advise the member that the government does not intend to repeal part II of the present act which refers to the Prison Arbitral Tribunal.

Clause 15 relates to procedure on reception. The member for MacDonnell commented that there were insufficient details in reception methods. It was not felt necessary or desirable to enshrine in legislation reception procedures which will vary according to the institution. I am anxious to have maximum flexibility having regard to the individual circumstances of the various prisons throughout the Territory.

Part V relates to official visits. The member for MacDonnell commented that the bill does not define who the official visitor might be. Mr Speaker, the bill does define an official visitor in clause 5. The definition has been kept as broad as possible so as to allow as wide a spectrum of the community as possible to be appointed. The official visitor no longer exercises the judicial function previously carried out by visiting justices. In the past, difficulty has occurred in finding sufficient visiting justices to visit regularly. The clause is aimed at overcoming this difficulty. The member for MacDonnell indicated there is no specific time period within which the official visitor must submit a report after a visit. For the honourable member's information, it is anticipated that people who are appointed will be of standing in the community and will have other demands on their time. It would not be practical to include time limits. It is hoped to encourage the early submission of reports and to have administrative support available to official visitors should they require it. The honourable member also raised the fact that other persons should be included as well as official visitors and that they should be permitted to inspect a visitors book. After consideration of these points, it was considered appropriate to delete clause 26 in its entirety and make provision for the report provided for under clause 22 to be directed to the minister in the first instance. Finally, in this particular area, the Australian Crime Prevent Council suggested that, instead of an official visitor and other persons being given access to the prison, a prison advisory committee should be formed and the general community should give advice directly to the minister without passing through the administrative filter. In reply, I feel the creation of such a formal group is not felt necessary at this point of time. There are already a variety of ways in which community involvement in prisons is encouraged with good effect.

Part VII relates to visiting magistrates. The Australian Crime Prevention Council expressed concern over the hearing of kangaroo courts in prisons. It was suggested that the hearings at present being carried out at Darwin Prison and Alice Springs Prison were not open to the public although any member of

the public who turns up is admitted. I propose certain amendments to the bill concerning prison offences.

The members for MacDonnell, Nightcliff, Fannie Bay and the Leader of the Opposition all spoke at great length on part VIII. Their particular concerns were the issue of category 1 and 2 offences and the ability of the director to hear charges. These points were raised also by the Australian Crime Prevention Council. The Chief Minister also spoke to the subject and it is not necessary for me to elaborate further except to say all criminal offences will be dealt with by the Northern Territory courts. All minor disciplinary matters known as prison offences will remain the responsibility of the director.

Mrs Lawrie: Shame!

Mr DONDAS: You talk about shame. Some offences in prisons such as prisoners swearing should not waste the time of the courts. I am surprised at the member for Nightcliff.

The member for Nightcliff also suggested that clause 33(3)(b) should read 'and or' not 'or'. This will be adjusted by amendment. The member also queried the fact that legal aid will not be provided for category 1 offenders. With the deletion of the 2 categories, this is no longer an issue. Criminal actions lend themselves to normal access to legal aid. The Australian Crime Prevention Council sought an expansion to clause 29(1) to include an order for payment of compensation or imprisonment to be appealable to the visiting magistrate. The proposed appeal provisions will be incorporated in an amalgamation of clauses 26 and 97(1). The member for Nightcliff sought clarification of whether there were any discussions with the Chief Magistrate or any magistrates regarding this particular piece of legislation. I am pleased to advise that discussions have been held with the Chief Magistrate.

Part X relates to prison visits. The Leader of the Opposition, the member for MacDonnell and the Ombudsman sought the inclusion of members of this Assembly and the Ombudsman as persons permitted to visit a prison. Members of the Legislative Assembly were omitted from the original list in error and the oversight has been corrected. Investigations in southern states indicated that the Ombudsman's counterparts have unrestricted access and it is proposed to amend the bill accordingly.

Part XI relates to legal representatives. Clause 45 relates to visits from legal representatives. The Australian Crime Prevention Council has indicated that it considers this clause should be more specific to allow a prisoner to receive visits from his legal representative at all reasonable times. This proposal is acceptable and has been incorporated in the amendments.

Clause 46 relates to the monitoring of visits. The members for MacDonnell and Nightcliff as well as the Australian Crime Prevention Council seek the withdrawal of censorship provisions based mainly on the assumption that lawyers have their own code of ethics. An amendment will be introduced placing the onus on the legal representatives to ensure any matters passing between them and their clients do not breach any law of the Territory.

Part XII deals with communication. The member for MacDonnell stated that the policy of the ALP calls for the abolition of censorship of all prison letters. I am afraid that this statement only amplifies the lack of research, investigation and indeed simple forethought taken by the member prior to debating the bill. I ask the member, in all seriousness, to reconsider the

statement and to bear in mind that censorship is a necessary vehicle to maintain security. The total abolition of censorship is therefore strongly opposed by my government. The Leader of the Opposition made specific references to clause 51(1)(c). He queried the sense in destroying a letter if it is in his own language. Letters written in a foreign language should not be destroyed. If they are not capable of translation, given an indication of coding practices, they will be returned to the author or placed in the addressee's property. It is agreed 51(1)(c) should be deleted.

Part XIII deals with female prisoners. The Australian Crime Prevention Council suggested that female prisoners in the Northern Territory are at a great disadvantage, have few facilities regarding education, occupation and recreation and their rights are not equal to male prisoners. This comment has no relevance to the bill but I want to reassure the House of my wish to continue the improvements in conditions for female prisoners including additional supportive programs.

The Leader of the Opposition queried the necessity to have the minister involved in the granting of leave of absence. He suggested that such matters could be handled by the director or by the Correctional Services Division. I endorse his suggestion.

By clause 77, the prisoner may be required to be examined. It was suggested by the Australian Crime Prevention Council that this particular clause gives the power to the director to require a prisoner to undergo any form of medical treatment. This could include such things as brain surgery or castration. The clause has the purpose of ensuring prisoners do not deliberately refuse medical treatment but the power will not be abused. The ethics of the medical personnel involved will, in any case, prevent such misuse.

Clause 78 relates to forced feeding. The honourable Leader of the Opposition has sought the elimination of this clause entirely whereas the honourable member for Nightcliff has suggested the addition of the words 'under medical supervision'. The latter approach is seen as appropriate and modification is proposed.

Part XXIII relates to attendance at religious services. The member for MacDonnell stated that he did not think it provides sufficiently for Moslems, the religious rituals of Aboriginal people or the Jewish people. I am at a loss to understand the basis of his concern. The part provides for all religions and beliefs.

Part XXIV relates to food and exercise. The member for MacDonnell said that no provisions for the examination of the quality of the food by a recognised authority has been made. Further, there is no provision for reports on the quality and the quantity of the food. Stipulations as to the quality and quantity of the food has previously been provided for by regulation and the department calls upon the advice of the Department of Health dieticians. The wishes of the honourable member will be continued to be provided for in the regulations in the new act.

Part XXV relates to internal management. The member for MacDonnell said that it is important to ensure that prisoners are made aware of their rights, duties, responsibilities and liabilities. I agree that it is also important that they understand what they are. There may need to be provisions for interpretation facilities; for example, for Aboriginal, migrant or illiterate

prisoners. He further states that there ought to be an onus on the director to assure himself that all necessary steps have been taken to allow a prisoner to understand what his obligations and rights are. If the person does not speak English, interpreters ought to be made available. This part is drafted with the aim of ensuring prisoners learn what their rights and obligations are. Whilst every effort will be made to explain to prisoners and information may be given, understanding cannot be enforced. It is also unrealistic to insist that the office of the correctional services maintain full oral and written interpreter facilities at each of its institutions for major European, African and Asian languages groups as well as the numerous Aboriginal dialects.

Part XXVI relates to offences. The Leader of the Opposition commented that he considered paragraph 96(1)(c) to be superfluous. He backed this up by indicating that it would appear a person ought not to be considered to be loitering until he is urged to move on.It is necessary to maintain this clause as a security measure in order to be able to prevent people wishing to encroach on prison property.

The honourable Leader of the Opposition also sought the tightening of the wording of paragraph 96(1)(j) so that the obviously innocent parties will not be guilty of an offence. For the same reason that it is necessary to maintain cencorship on written communications, it is necessary to do the same with other forms of communication for security purposes. I intend to retain this paragraph.

The Australian Crime Prevention Council pointed out that offences scheduled under clause 96(1) would normally be committed by people who were not in prison. It was suggested that this clause be amended to ensure that those offences would be dealt with in a court outside the prison. It was never intended that offenders under this part would be dealt with in any way other than before a court. The legal advice given to me is that such an amendment is not necessary.

Clause 97(1) relates to compensation. It was suggested by the Australian Crime Prevention Council that the amount of compensation could rip the prisoner off for quite a lot of things. It was stated that it overruled the Criminal Law Compensation Act which should apply and that there is no limit to the amount of compensation that can be required. Additionally, it was suggested that other acts provide for an amount of $25 for one day's imprisonment whereas this clause suggests imprisonment for one day for $10 or part thereof. Concern was also expressed that this imposition is at the discretion of the director and not before the court. Similarly, there are no provisions for appeal from the director's assessment. A provision allowing for an appeal from the director's assessment has been made. The suggestion to alter the amount from $10 to $25 per day of imprisonment has also been accepted.

The Leader of the Opposition, in reference to clause 97, stated that he thought this position was covered by clause 36 and wondered why this clause is needed. He felt the only difference between clauses 36 and 97 was that clause 36 refers to damage caused while committing an offence. In reply, clause 36 only refers to damage to property in the commission of an offence but clause 97(1) refers as well to damage caused by negligence, self-injury, damage to the person and or property of other prisoners. To avoid confusion, the draftsman has been instructed to amalgamate the 2 clauses.

In conclusion, I would like to express my gratitude to all parties who

have contributed to the bill on a formal and informal basis and to thank members of the House for their contribution.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

## STATEMENT

### Alleged Case of Amoebic Meningitis

Mr TUXWORTH (Health)(by leave): Mr Speaker, I wish to put an end to rumours concerning a recent outbreak of amoebic meningitis. Assembly members may know that a child became seriously ill after a stay in the Northern Territory and has since died in hospital in Perth. There were unsubstantiated claims that the child had contracted amoebic meningitis in the Northern Territory. This disease is extremely rare. The deadly organism can be found in fresh water and, while it has never been recorded in the Northern Territory, there have been some cases in the past in Western Australia. I wish now to report to the Assembly that a post mortem on the child has revealed that it died of viral encephalitis, not amoebic meningitis.

I am concerned at some aspects of the incident and the spate of rumours which has abounded since the incident. I hear that one women has claimed that she had secret information that the disease had been contracted at a popular inland swimming spot south of Darwin. I am sure honourable members would join me in condemning such a malicious rumour-mongering campaign. I am also disturbed by the reactions of the Western Australian health authorities in prematurely and, as it turned out, wrongly announcing a diagnosis of amoebic meningitis.

## RADIOGRAPHERS BILL

(Serial 401)

Continued from 19 February 1980.

Mrs O'NEIL (Fannie Bay): Mr Speaker, the purpose of this bill is to correct deficiencies in the existing Radiographers Act. The member for Nhulunbuy will be disturbed to find that this was not a perfect piece of legislation and that it passed through this Assembly with slight deficiencies. As a result of experience, those deficiencies will be corrected. Our legislation controlling the operation of radiographers and radiographic procedures in the Territory is quite good compared with legislation in other states. I am sure that many radiographers in places such as Victoria would be more than happy to operate under it even in its existing state. They have been working very hard on making substantial submissions to their governments to change the acts in other states.

The bill will allow the Radiographers Registration Board to issue practising certificates to radiographers, to grant provisional registration to persons and allow for gazettal of those persons who are registered and also persons who are granted permits under the act. The most important aspect of the bill relates to the issue of permits. One of the deficiencies of the existing legislation is that properly qualified radiographers receive a practising certificate for 12 months. Persons who receive permits under the existing legislation receive one apparently indefinitely. Persons who require permits and obtain permits are people such as dentists, doctors in remote areas

and others who are not qualified. We have this anomaly whereby qualified persons are allowed to practise for 12 months and then have their registration reviewed whereas persons who are not qualified receive an indefinite permit. The bill before us seeks to remove that deficiency in the act so that permits are also issued for a definite period of time. The opposition supports this bill as do persons practising that profession in the Northern Territory.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, I would like to say a few words on the bill and also to thank the honourable member for Fannie Bay for her compliment to me. Before doing so, I would like to say the bill itself is a very essential piece of legislation in the Northern Territory and it has been very well received. It has the effect of controlling the use of medical x-rays by those people who use that very complicated and quite lethal equipment. The people working the equipment must be qualified; it must not be used by those who are not qualified.

The bill merely tidies up the present act to provide a certificate for those people who are registered on a 12-monthly basis. In the past, people were registered for an indefinite period and there was no real check on them. There was no real knowledge of whether those people were still practising, had left the Northern Territory, ceased to practise or may have died. The requirement for annual registration will have the effect of ensuring the keeping of proper records and a proper register of those who are qualified. This is in line with the normal registration of medical officers and so on in the Territory. I think that those sorts of things should be automatic.

The legislation also provides for those people who have not been fully endorsed by the board. They can work in the industry on a provisional basis until such time as a formal decision has been made by the board. I think that is really essential.

The tightening up of the use of x-ray equipment by people who are not fully qualified radiographers but who are permitted to use it under the act is another point. The amendment will only allow those people holding permits to use it. These too will be required to be reviewed every 12 months. It seems ridiculous that an unqualified person could be permitted to use a machine indefinitely whereas professionals were subject to a time limit. That is the major change in the bill. The permit holders who are using the equipment and operating the procedures will now be checked yearly.

I would say that this is a very important amendment. I say that knowing the calibre of the radiographers and the equipment that they are using. I am sure that they would be already doing certain checks and carrying out certain procedures every day. I am sure that anyone who has worked with x-ray equipment would know the care that these people take. They are some of the safest workers in industry. I have worked with not only x-rays but also beta-rays and alpha-rays and so on. These people do act very safely. Not only do they protect their own safety by ensuring that the machine is working correctly, they have to think of the patients who are being x-rayed.

I would like to speak about the radiographers themselves and the type of work that they do. Over the last decade, the technology in radiography, radiotherapy and nuclear medicine has advanced greatly. There have been dramatic changes in the construction of the equipment and also the image reconstruction through the use of computers and micro-processors. There is a special need for up-to-date training in the Territory for people working in this field. In the long term, we should look at introducing these sorts of courses in our proposed university as post-graduate courses. Perhaps the Darwin Community

College could look at that. You need numbers to promote a course, but I am sure that it would attract people from outside. The present Darwin Hospital has a special cat-scanner. Those people who operate that equipment would need special training. If the opportunity arose, people from places such as Nhulunbuy or Tennant Creek, wherever they have radiographers, could be trained on that equipment to keep themsleves up to date with the present technology.

I always look upon a radiographer as a jack of all trades. To my knowledge, he acts in many capacities - ambulance driver, nursing aide, hospital orderly, clerk, electrician, engineer and even psychologist. He must be able to handle x-ray work from x-raying a broken toe to x-raying a rare brain tumour. This is a very important job and one which we should look at in the future. We must keep our radiographers up to date with the latest equipment and trained in the Territory so that they can carry out their job more efficiently.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr TUXWORTH: I invite defeat of clause 4.

The definition of 'certificate of registration' will become unnecessary with the defeat of clause 9 which I will be later moving.

Clause 4 negatived.

Clause 5 to 8 agreed to.

Clause 9:

Mr TUXWORTH: I invite defeat of clause 9.

The new section 14A inserted by this clause requires return of certificates of registration to have been cancelled in accordance with section 14. The board considers that this requirement would serve no purpose at all and has recommended its deletion from the bill.

Clause 9 negatived.

Clause 10 and 11 agreed to.

Title agreed to.

Bill passed remaining stages without debate.

## AVIATION AMENDMENT BILL

(Serial 415)

Continued from 19 February 1980.

Ms D'ROZARIO (Sanderson): Mr Speaker, the opposition supports this bill. It has been made necessary by complementary legislation which has recently



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been discussed in the federal houses of parliament and by a change of mind on the part of the minister. The amending bill is a fairly lengthy one and rearranges large portions of the original act. Whilst the essential intention is the same, and I do not quarrel with any provision that is in the new bill, I would like to ask the minister for some of the reasons for the changes, particularly in respect of his new part relating to regular public transport services.

In the original act, the 3 types of licences are charter operations, aerial work and public transport operations. The control of these types of licences was all vested in the Director of Transport. The minister has now removed one particular area of operations, regular public transport operations, and incorporated a new part. It is now intended that the minister have control of that particular area of operations. No doubt there are good reasons for this rearrangement but I wonder whether the minister will be good enough to outline what the reasons are. I have reread his speech several times now and I am afraid that there are no apparent reasons that could not be equally applicable to the director controlling this type of licence. The minister said when he introduced this amending bill: 'Although the original act placed licensing powers of all types of licences in the hands of the Director of Transport, I am of the view that it is now more appropriate that the control of the regular public transport operations should be vested in the minister personally. Thus a new part of the act is proposed that deals solely and specifically with regular public transport operations'. He went on to outline the desirability of awarding charter operators certain parts of routes for regular public transport. The only question that I would like to put to the minister is what is the reason for taking this particular area of operation out of the hands of the Director of Transport and placing the control in the hands of the minister. As I said, there is no reason given which would not apply equally to the Director of Transport; that is, the reasons he has given are equally within the competence of the Director of Transport.

There is no provision of the bill that we find offensive. It has now become obvious by complementary legislation that has been recently discussed in the federal parliament that there will now have to be 2 licences for operators: intra-Territory licences as well as those governing operations which occur beyond the borders of the Northern Territory. With that request for explanation, we support this bill.

Motion agreed to; bill read a second time.

Committee stage to be later taken.

## WORKMEN'S COMPENSATION BILL

(Serial 408)

Continued from 20 February 1980.

Mr ISAACS (Opposition Leader): Mr Speaker, this particular bill tidies up a number of provisions of the Workmen's Compensation Act. It takes into account certain matters which have come to light particularly with the demise of 2 insurance companies: Northumberland and Palmdale. From my reading of the bill, they are most important provisions indeed.

First, the position is clarified with regard to an employer because, under an interpretation of the act as it stands, an employer who complied with

everything as required of him under the Workmen's Compensation Act - that is, insured with a registered insurance company - could find himself in a position where he has to fork out money to the Nominal Insurer through the collapse of his own insurance company. The Workmen's Compensation Bill before the parliament ensures that the employer will not be put at risk; that is, if he has done everything under this legislation, he will no longer be required to pay a percentage to the Nominal Insurer.

It also gives the Nominal Insurer power to recover from the estate of a failed insurer or makes it clear that he does have that power and that it is also worthwhile. One item which pleases me is the tightening up of the approval conditions of insurance companies. Certainly, after the incident with Palmdale, we would be very happy with that indeed.

The final matter which the bill attends to has had 2 attempts at rectification regarding payments to partially and totally incapacitated workmen. The position was such that a partially incapacitated worker on the second schedule received higher weekly payments than a totally incapacitated worker, which is an absurd proposition. I understand it came about through the previous amendment which we carried in this parliament at the last sittings.

Those are the 4 major items which the bill attends to. They have the support of the opposition.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I thank the Leader of the Opposition for his support of the proposals contained in this bill. I might mention that I foreshadow a couple of amendments. The principal effect of the major amendments will be to provide that workmen's compensation benefits may be fixed in future by regulation rather than by an act of this Assembly. Whilst I realise that is a substantive amendment, I believe that it is a worthwhile one and I will be proposing it to the Assembly in the committee stage.

Motion agreed to; bill read a second time.

Committee stage to be later taken.

## ADJOURNMENT

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

Mrs O'NEIL (Fannie Bay): Mr Speaker, some years ago, when the Chief Minister was a less eminent person and simply the member for Jingili, he referred to the silver-tail electorate of Fannie Bay by which he implied that it had some very pleasant and rather affluent aspects to it. In fact, it does not simply consist of such pleasant, suburban, middle-class areas. Within my electorate of Fannie Bay, there are nearly 300 Housing Commission flats - more than most electorates if not all electorates of the Assembly - including the very largest of the Housing Commission complexes: Kurringal. In these flats there are large numbers of people recognised as disadvantaged groups in our community - aged and invalid pensioners, many supporting parents and other people on very low incomes.

It is about the single parents whom I would like to talk because most people would agree that large flat complexes are not the ideal circumstances,

at least in our society, in which to raise small children and certainly not the place where one would like to keep them over a period of time. This was certainly the view of the Housing Commission in the past. It had an admirable policy of offering single parents living in Housing Commission complexes a transfer to one of the Housing Commission townhouse complexes after they had served a period of time in the large flat complexes. Officers of the Housing Commission refer to them as the salt mines. This was an admirable policy because it gave those parents the opportunity to move to townhouses where children had better access to gardens and a more suitable environment to grow up in.

Some time last year, the Housing Commission changed this policy. It ceased to transfer single parents from complexes to townhouses. When I inquired of the Housing Commission why this was so, it gave me an understandable but rather depressing reason: the number of single parents in the complexes is increasing and there are a very limited number of townhouses because of the limitations on building programs. Unfortunately, the Housing Commission did not bother to keep its commitment to those people who had been promised a transfer from the complexes to the townhouses before it changed its policy. If it had changed its policy in respect of new people coming onto its list, that would have been regrettable but understandable. It changed its policy in midstream with these people. It did not even give them the courtesy of writing to let them know that it had changed its policy. These people moved into the flats having been assured by the Housing Commission that, after 12 or 18 months, they would be transferred to a townhouse. They waited, the time arrived, the Housing Commission did not transfer them and, when they inquired, they were told: 'Oh, I'm sorry, we have changed our policy'. But the Housing Commission has not bothered to tell them in the meantime.

They are finding now that other people on the Housing Commission list are, if they are lucky, getting into the townhouses without waiting any time in the less desirable complexes while these people are trying to bring up children in blocks of flats. In Kurringal, there are 224 flats and I would not want to raise a child in one.

I am told that there are not many people left who are caught by this policy - 18 single parents with children. They were promised a transfer to a townhouse but were not given one. I urge the minister and the Housing Commission to do the right thing by these people. It is not a large number of people in terms of the total tenancy list of the Housing Commission. Over a period of time, I feel sure it could maintain its original commitment to those people and I urge it to do so.

Mr Deputy Speaker, there is one other issue I want to raise in the adjournment debate this afternoon. It is also to do with children; it is to do with pre-schools. For many years the Northern Territory has had an admirable system of pre-schools. It has been admired and envied by people living in other states. Originally, the pre-schools were separate institutions. In 1976, the Education Department decided to incorporate administratively the pre-schools into the school system. For example, the teachers in pre-schools became teachers within the neighbourhood school although the funding arrangements remained slightly different.

At the same time, some pressure was put on many if not all pre-school committees to disband. These were very active organisations. They were told to become part of the school associations. Most of the pre-school committees resisted that for fairly sound reasons. Pre-schools have a very commendable record of involving parents in the running of the schools in a way that was

envied by primary schools and most certainly by secondary schools. There is a great deal of involvement with parents within the pre-school system and the separate pre-school committees enhanced this attitude.

The honourable minister will know, because of the separate financial arrangements that existed with pre-schools in the past, that much of the equipment in pre-schools is owned by the parent associations having been purchased by them with funds raised over a period of time. So it is not surprising that, when it was suggested in 1976, generally speaking, parents did not agree with the change of system. Suddenly, we find that the pressure is being applied now.

If it is the Education Department's policy to encourage pre-school associations to disband, as has been suggested to me by people in pre-school committees where this pressure has been applied - I can assure the minister of that - then the Education Department ought to come out and say what it is doing. I know of one pre-school in Darwin where the association disbanded on the recommendation of the principal of that school. Honourable members will know that, because pre-schools have a small number of children, there is a great turnover of parents. You may have an annual general meeting where the parents do no know much about what is going on. The principal perhaps will say, 'Well, you are much better off just being part of the school association really'. They think they know what he is saying and they agree. At least one pre-school association in Darwin disbanded this year as a result of such a suggestion. I know the suggestion has been put by principals of some other schools. Certainly, parents are gaining the impression that there is a determined attempt to force pre-school associations out of existence.

The minister has just indicated, by way of interjection, that that is not the policy of his department. I am pleased to hear it. I am sure that parents of most pre-school children will be pelased to hear it. We can hope that there will not be this pressure being put on pre-school associations to cease their existence against the will of the parents.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I must confirm that I had an experience in respect of Jingili Pre-school that did cause me some concern. I do not know where the pressure comes from but it is certain that a suggestion was made to the Jingili Pre-school Parents Committee that it should join with the Jingili Primary School Parents Council. When I was asked by the ladies and gentlemen on the Jingili Pre-school PTA, I suggested very firmly that they stay in existence because it is certainly not government policy that any organisation that wants to support secondary, primary or pre-schools go out of existence. As I see it, they are in the business of raising funds to help their kids in the pre-schools, the primary schools or the secondary schools. This is a laudable act. We have what is called universal, compulsory and free education. I think Sir Henry Parkes or someone suggested that is what it was. No matter what you do, there will always be some things in the life of a school where government funding does not cover the situation. Indeed, there are some things that government funding should not be extended to.

I do not believe that these bodies will have the motivation to raise any money to help their kids in the pre-schools unless there is the particular aim in their minds that they are helping their own kids. If a pre-school committee is asked to go out of business or to go into business with a primary school committee, then I do not think the same motivation exists. It has certainly been my advice to the committees in my electorate that they should carry on business as usual. If there is pressure, as suggested by the honourable member for Fannie Bay, then I do not know where it is coming from. It certainly does

not emanate from the government. I will certainly ask the Minister for Education to investigate where it might be coming from in the Department of Education if indeed it is coming from that department.

I would like now to talk about the fishing industry. I was somewhat surprised this morning to hear an announcement by Mr Michael Kailis that he proposed to close down his plant at Bartalumba Bay where he has been conducting prawn processing operations and other processing operations for some time now and employing in the order of 60 people. I was surprised because Mr Kailis has had no previous consultation on his proposed closure with the Minister for Industrial Development or myself. It came as something of a bolt out of the blue to us.

I understand that Mr Kailis has given as his reason for closing the plant that the government - unspecified - has brought the prawn industry back to a boom or bust situation and that certain privileges enjoyed by him, whereby he had a 60-kilometre zone around Bartalumba Bay where depot ships were not permitted to trade, have been withdrawn. If this is the case, the privileges enjoyed by Mr Kailis have certainly not been withdrawn by the Northern Territory government because it has never been able to grant such privileges. Presumably, they have been withdrawn from him by the Commonwealth government.

My inquiries from the fishing industry at the present time have ascertained certain information that is rather depressing for that industry. I understand that at Karumba, Markwell Fisheries, which has operated for a very long time in the Gulf has had a very bad season and there appears to be a drought of prawns. I understand Markwell is down $5m this season and it has an urgent appointment with the Deputy Prime Minister to discuss relief measures. I understand that Wales Fisheries of Cairns has also requested an appointment with federal authorities to discuss relief measures because of the particularly poor season. I believe that Raftos Fishery is also trying to get at the ears of federal authorities. I understand that our local operator, Northern Prawn Research, is not having a particularly good time either.

I am told by a very reliable source from within the fishing industry that there are 2 particular reasons for this at the present time. The first is the drought of prawns in the Gulf. They are not catching any banana prawns at all and very few tigers. The season has been a complete disaster. The other side of the coin is that they are barely able to sell the few prawns they are catching because, for some reason, the Japanese market has dropped abysmally. There is no market for Australian prawns in Japan. Of course, Kailis and Northern Prawn Research in Darwin depend heavily on the Japanese market. What prawns they have been able to catch, they have had to sell apparently for less than they have been able to sell them in previous years. With cost escalations, especially in diesoline for the prawn boats - it is a very fuel-intensive industry, especially in the Gulf and along the northern coast where long distances must be covered - costs are running way ahead of income.

It appears to me that Mr Kailis has made a chivalrous action out of an economic necessity. I would like to say that it concerns me very greatly that any number of people in the Northern Territory should lose their employment. If Mr Kailis ascribes the closure of that particular processing plant to his loss of a particular closed trading zone for himself, then I personally am prepared to go to the Prime Minister or the Deputy Prime Minister to endeavour to secure the closure of that area for Mr Kailis without delay upon Mr Kailis' unequivocal undertaking to reopen his processing plant should that area be restored to him. I do not really believe that that is the cure

at this particular time. Nevertheless, I am quite prepared to do it and I believe I will have the backing of the whole of my Cabinet in so doing.

At the same time, I would like to say that the Northern Territory government regards seasonal vicissitudes in the fishing industry in the same way as it regards seasonal vicissitudes in other primary industries. This government will be putting forward proposals of its own to alleviate the hardship being caused to Northern Territory registered prawning vessels and other fishing vessels that may be affected by seasonal vicissitudes. We will be going to the Prime Minister from whom we received only a week or two ago a request for a proposal to be made by every state for relief in respect of drought affecting the pastoral industry. We will be saying to the Prime Minister that, if the pastoral industry is worthy of consideration in a drought situation, then so too is the fishing industry because they are both primary industries and they are both industries that are very important to the Northern Territory. We will be doing our best to keep the prawning men going until the next prawn season starts. Let us hope it is a good one. If it is not, we will have to look at the situation again. We will be asking the federal government to help us. If Mr Kailis is prepared to reopen his plant, I am certainly prepared to see the Prime Minister to try to get that closed zone back.

Mr COLLINS (Arnhem): Mr Deputy Speaker, I must say that I am very pleased to hear the Chief Minister's assurances on the subject because this particular industry is within my electorate. I must say that I was fairly shattered also to hear this piece of news. The last time I spoke to the management at Bartalumba Bay, it was a fairly happy picture. In fact, one of the reasons that I have had cause to speak to the management was that of the well-publicised plans of the company to develop its prawning enterprise and to have Aboriginal involvement in the enterprise and in the ownership of fishing boats. At that stage, the company was negotiating with the Aboriginal community at Angurugu for extensions of its lease at Bartalumba Bay to install the necessary extra equipment and processing sheds. Kailis has always had an excellent reputation in its employment of Aboriginal people and many Aboriginal people, particularly women, from Angurugu have employment and have had employment at Kailis Fisheries for some considerable time.

When I heard the news, I was absolutely shattered by it. It is certainly a substantial business enterprise and it does seem to be an action that has been taken without any particular warning. I am a little puzzled - and perhaps I could get some clarification from the Minister for Industrial Development about it - about the Chief Minister's statement that, as far as he knows, the company has made no approach to the government on this problem. I must say to the Chief Minister that I am only intrigued by this statement because of an article in the Northern Territory News which I have just read which contains a statement from the Minister for Industrial Development. In fact, it is a little confusing in some places in this press release as to which government Mr Kailis is referring to but he does make specific allegations of lack of support from the Northern Territory government. He says a number of things that perhaps the honourable minister can clarify:'"The principle of developing a permanent base is not acceptable to the NT", Mr Kailis said'. This is a very surprising statement. He then says, 'We are asking the NT to recognise the fact that, if it wants industry to be developed and maintained, it has to stand up and be counted'. Here he is talking about the Northern Territory government specifically. He said the company had been seeking government assurance of a high volume product through licences to ensure viability and also wanted assistance from the government for the infrastructure of the

operation.

I would like some clarification on that statement of the Chief Minister that the company had not approached the government about the problems it has been having. Let me assure the Chief Minister that this is not intended in any critical vein. The Minister for Industrial Development made a statement that is reported in the NT News this evening. He said that the NT government had fought tooth and nail with the federal government to allow the 100-kilometre protective limit around Groote Eylandt to be retained. It seems from the honourable minister's statement that the government certainly has been aware of the problems Mr Kailis has been facing with a federal government decision to withdraw the limit.

Again, the minister stated: 'The Territory government had also totally supported the granting of 6 additional prawning licences to the company but these were rejected by the federal government. Mr Steele said that Mr Kailis had made an application for assistance through the Territory Development Corporation but had failed to follow this application up with requested additional important information'. The minister then went on to say that the viability of the company's Groote Eylandt operation had probably been affected by a 35% drop in prices on the world prawn market. The action does appear to be rather precipitated.

Seeing that the honourable Minister for Industrial Development has in fact made a public statement, perhaps he could clarify those issues in the House now.

Mr STEELE (Ludmilla): Mr Speaker, I can only lend support to the statement made by the Chief Minister. I am very disappointed in Michael Kailis. We have worked very closely together over a wide range of problems in the fishing industry, particularly the prawn industry around the Gulf. In fact, I looked to him for advice in this particular portfolio area. It is a very complex area and there is only one other prawn processor fisherman in the Northern Territory to seek advice from and that is John Hickman. The rest of 'them' live in Cairns, Sydney, Perth or some other place.

It has been very difficult for us to convince the Commonwealth of what Northern Territory policy as far as prawn fishing should be. We tried on quite a number of occasions to hammer through our point of view in the Northern Fisheries Committee and, at every turn of the road, we were defeated. We were defeated by the Commonwealth and the Queensland delegates ganging up on us. In recent weeks, we have kept a low profile in that respect because we are waiting till the federal legislation is amended in August/September this year. That involves new regulations and new joint authority arrangements whereby the Commonwealth and the Northern Territory will work out the ramifications for Northern Territory prawn fishermen.

I am a little disappointed in Michael. If I did not know him so well, I would call it a mongrel dog act. Because I know him fairly well, I can only say that he is playing politics. In calling it a mongrel dog act, I would liken it to the SAATAS withdrawal where some 40 employees got the sack. It was quite distressing to try and resolve that particular problem.

I can answer the questions raised by the honourable member opposite. The changing of Michael Kailis' prawn processing plant to a receiving depot was new to us last night. He could have at least given us some sort of warning. We knew we were not being very successful with out attempts to remedy the problems he was experiencing. His argument that the government did not

support his processing plant at Groote Eylandt is a long way from the true facts. We were the only people to support his application for 6 licences in the face of considerable pressure form the other 280 licensees who act like a pack of locusts around the Gulf without any specific management from the Commonwealth and the other states. There is no due regard to Northern Territory developmental interests, and the whole scene has been one of extreme disappointment to me.

Michael Kailis' problems in respect of his development at Groote Eylandt involved his attempt to obtain more land for that particular proposal. The Territory Development Corporation paid due regard to that necessity before making a recommendation to government in respect of his proposals. I am very disappointed with the episode.

Mr VALE (Stuart): Mr Speaker, there are 2 points that I would like to touch on this afternoon. Before I get onto those, I would like to follow up points raised by the honourable member for Fannie Bay and the Chief Minister concerning pre-school associations. For 4 years in Alice Springs, I was president of the Teppa Hill Pre-school Association. I can only say this about the Education Department. There was never any move to force or encourage us as a pre-school committee to shut down. On a number of occasions, there was probably a bit of empire building by certain head teachers attached to the pre-school and that was fought hard by the committee. I can only say that, if any of the pre-school committees in Alice Springs are approached by the Education Department and encouraged to fold up, they will fight tooth and nail. As a 4-year president of a pre-school committee in Alice Springs, I can only say that old presidents do not die; they just become consultative advisers.

Yesterday I presented a petition on behalf of 42 residents of the Northern Territory - most of them are residents in Ti Tree - calling on government and private organisations to officially recognise the correct spelling of Ti Tree. I request all ministers, statutory authorities and other organisations in the Northern Territory to take note of that official call. I am aware that the Minister for Transport and Works, who was instrumental in organising this petition with me, has already instructed at least one of his departments and I pay compliment for that. I also ask that the Minister for Transport and Works have his department immediately bulldoze or chop down the signs both north and south of Ti Tree and erect new signs with the correct spelling.

While I am speaking about names, many years ago in Central Australia, a creek which runs most of the time was known by the very popular name: the Temple Bar. Almost overnight, the residents of Central Australia found the signs had been changed and it then became the Roe Creek. To my knowledge, there was abosultely no consultation with residents of Central Australia, no discussion with any authorities or organisations in Central Australia and I believe that it was singularly an unpopular move. I therefore ask the Minister for Lands and Housing to request his officers to approach the Place Names Committee and have Temple Bar Creek signs reconstructed and the name reinstated on official government documents.

I asked the Minister for Transport and Works today about emission control equipment on motor vehicles in the Northern Territory as a result of queries raised with me by residents in Central Australia. I was aware that it was not required under any law in the Northern Territory but I was uncertain as to what would happen if equipment was torn off without first consulting suppliers in terms of not voiding warranties. From a small family car to a large family

car, the emission control equipment is costing somewhere between 2½ to 8½ miles per gallon. In a 12 gallon tank, that is up to 98 miles. In terms of rising prices, it would lead to valuable savings if this equipment could be thrown away.

I would ask that, if the press report the question this morning, they give the 2 answers the widest possible coverage: (a) the equipment is not required by Territory legislation and (b)before people remove it, they check with their suppliers to determine whether they void their warranty. I am aware that South Australia, Victoria, Western Australia and Queensland do not require it under legislation. New South Wales and possibly Tasmania still require it. I would think both of those states, particularly New South Wales with its large outback areas, are flying in the face of public opposition. I know that the lead content of motor spirits is a problem. However, the engineers whom I have spoken to are of the firm opinion that most of the emission control problems in the major cities are not caused by the lead content of petrol but rather badly tuned cars and inexpert driving.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, this afternoon I would like to speak on several matters. The first one relates to the reason for my asking the questions of the honourable Chief Minister this morning regarding the harvesting of certain fauna in the Northern Territory and elsewhere. These requests for the dugong, turtles and kangaroos were put to me by the residents of the Tiwi islands. In the case of the kangaroos, they could see kangaroos in one part of Australia being harvested and sent out of Australia for human or pet use. They thought that this slaughter of kangaroos in New South Wales was wasting a commodity. In both these cases, their reasoning was understandable. If there is a good market for a product in Australia, why send it overseas? If this kangaroo meat in New South Wales is to be wasted, it seems to be a similar situation to the Murgenella Plains where about 1,600 buffaloes were just shot and left.

It is not a facetious comment that I am making but I feel that consideration has to be given to this matter. I would hope that the Conservation Commission gives full consideration to this issue of bringing kangaroos from another state to the Northern Territory, not only to let them loose in the Northern Territory, but to let them loose in the confined circumstances of the Tiwi islands. The Chief Minister said at the end of the question that live agile wallabies could be taken over to Bathurst Island. This is quite an interesting subject which was also discussed over there and I think it might be discussed further.

The time is fast coming when Australians generally will realise the importance of their native fauna, not only to look at and to admire in their native surroundings and perhaps in domestic surroundings but also as a source of income for Australians prepared to invest a certain amount of work and capital into a project. I am not talking about the vicious exploitation of our native fauna; I am talking about the harvesting and farming of native fauna. I think the time is fast coming when serious consideration will be given to this matter.

The other question that I asked the Chief Minister this morning about the harvesting of dugong and turtles was also put to me by people in my electorate on the 2 Tiwi islands. If I could cite a particular case of the reasoning behind this and also the general reasoning behind the request, there was an instance told to me of a certain person who, because it was his ground where the dugong and turtles were or because he had a boat and the skill to catch dugong and turtles, was approached to go out by members of the

community to get some dugong and turtles. This particular man had a paying job. If he went out on behalf of his friends to get the dugong and turtles, while he was away he would not be paid for his job. It seems fair that, if somebody forgoes his pay from a particular job because he is doing you a favour and you catch something in this trip away, he is paid for it. This is where it first came up and it seems to me that there is certainly justice in that operation.

I can also see, as did the people to whom I spoke, that you cannot have over-exploitation of particularly tasty dugong and turtles because there will not be enough for future generations. The Aboriginals as well as Europeans realise that our future generations have to be considered to have a share in the wildlife that exists at the present. That was my reason for asking the question of the Chief Minister this morning. I think that serious consideration has to be given to the question of the dugong, the turtles and the kangaroos.

The next subject which I would like to speak about this afternoon is one which I have spoken of several times in this House. I will not say I am tired of bringing it up because, if something is finally done about it, it certainly will have paid off. Members are probably a bit weary about hearing about it. I am referring to the Howard Springs turn-off and its increasing deterioration because motorists are expected to use that turn-off. I speak with some self-interest because I had occasion to drive onto Howard Springs Road the other afternoon and, although the pavement had gradually eroded on either side, I was not aware that it was in such a bad condition until I pulled up on the pipeline on the turn-off. I was going into Howard Springs and coming the other way was a loaded sand truck with a trailer, which is rather a large vehicle. When I pulled up onto this section of pipe, I felt that I could not move because there was about 12 inches to spare between me and the trailer. The centre of gravity of the truck and trailer was a lot higher than my centre of gravity so, if there had been a slight misjudgment on my part, it would have been dire for me. I stayed where I was because, if I had proceeded, there was a piece of concrete on the left of the road over which my wheels would have gone. The concrete was slanted up which possibly could have slanted my car again into the back wheels of the trailer with dire consequences. I will be approaching the minister to ask him when will something be done about the Howard Springs turn-off. Until something is done, I feel that it must be continually brought to the attention of the relevant authority.

Finally, I would like to speak on the subject raised by the honourable member for Stuart: the workings of the Place Names Committee. I have often raised the matter of the Place Names Committee arbitrarily deciding on the names of places in the Northern Territory. I feel that provision must be there for restoring the old names to which the people were accustomed in the past.

Mrs LAWRIE (Nightcliff): Mr Speaker, I am sorry that the Minister for Industrial Development and Transport and Works has already spoken because I hoped he would be in a position to reply. I am going to offer him an invitation to come with me in my little red car and proceed along Bagot Road, through the well-named Crystal Corner intersection and along Nightcliff Road towards the beach. It was reported that the Chief Minister turned on the lights at this intersection. Like so many things that the Chief Minister does, it is not quite right. He might have turned on the lights and, I presume, made some nice speech about the marvellous job the government has done. Certainly, putting lights at that intersection and realigning some of the roads has meant an improvement to what must have been the most notorious inter-

section in Darwin.

Unfortunately, something has gone wrong. Traffic proceeding through the intersection and taking the left-hand turn from Bagot Road to head along Nightcliff Road rather than turning left into Progress Drive is faced by a very awkward triangular traffic island, the apex of which seems to intrude into the road laneway. The traffic heading towards the Nightcliff beach have to actually deviate to the extreme right of the road or they will hit the island and overturn. Perhaps this is a plot to do away with my good Nightcliff constituents who alway vote so wisely but I think that, in the interests of road safety and perhaps reducing the mayhem on our roads, I might ask the honourable member if he will agree to come with me in my car to judge for himself if there is a mistake in the engineering which ought to be rectified at the earliest possible opportunity.

Mr OLIVER (Alice Springs): Mr Speaker, this morning the Minister for Mines and Energy replied to a question from the member for Tiwi relating to electricity rates at caravan parks. In his reply, the minister said that there is an option for caravan park proprietors to install separate metres at each site and the charges for each caravan would then be at the domestic rate rather than the commercial rate which is usually applied to caravan parks. My mind boggles a little bit. I can imagine the situation with the normal turnover at a caravan park where caravans are coming and going fairly frequently. Imagine the number of times that these meters would have to be read and charges calculated for the caravan occupiers by the caravan proprietor. When the meters are read by the Northern Territory Electricity Commission, I can well imagine the confusion and the calculations endured once again by the caravan park proprietor. He would be faced with the problem of charging permanents who have been there for some time but not for the full quarter. The exercise would certainly need an extremely extensive accounting system to keep check of it all. I think that having every caravan site metered would be expensive and unwieldy.

Perhaps I cannot see the forest for the trees but I feel certain that there is an easier way to do it. I put the suggestion to the minister that only 2 meters are necessary at caravan parks. One meter would serve the ablution block, toilet blocks and general lighting and that would be charged at the commercial rate. The other meter would serve all the caravans through power-lines separate form those serving the service areas. The electricity through this second meter would be charged to the proprietor at the domestic rate. The ususal custom at caravan parks is that the electricity cost is included in the site hire. There would be a one-off cost to the caravan park proprietor in installing additional powerlines to serve the service areas but I believe that this system would be more economical, much easier to control and, in the long term, probably cheaper for the caravan park people.

The second point I would like to raise relates to a question asked of the Minister for Transport and Works yesterday concerning stickers for motor vehicles carrying handicapped people. This is quite a problem which has been raised with me by certain handicapped people in Alice Springs. With the growth of Alice Springs and Darwin, there are more and more restricted areas. Quite often, these restricted areas are close to some of the main shops: loading zones, taxi zones etc. These vehicles legally cannot stand there while handicapped persons get in and out of the motor vehicle. My idea - and the Traffic Act might have to be amended to cover this - is that any vehicle carrying a handicapped person sticker would be legally entitled to stand in these areas while people get in or out of the motor vehicle. I envisage that

the stickers would be issued by the Motor Vehicle Registry on applications supported by a medical certificate indicating the severity of the handicap and possibly even the duration of the handicap.

Ms D'ROZARIO (Sanderson): Mr Speaker, I would like to take up the question of electricity consumers in caravan parks because I have 2 very large caravan parks in my electorate. We have managed to make some progress on this contentious question of electricity charges to consumers in caravan parks. Members resident in Darwin might recall that, a few weeks ago, there was some concern in the caravan park in my electorate about the question of charges for appliances as well as the management's decision to increase the rents. In the final event, the whole question was resolved very amicably to the mutual satisfaction of the residents and the management and we did get some way towards solving the more long-term question of power charges to caravan park consumers.

Let me say that the status of caravan park residents is an extremely dicey one in terms of the Tenancy Act. When we were talking about that bill in this House last year, the present Minister for Education had charge of that portfolio. I raised the question about tenants in caravan parks and his response was that, if problems became evident, they would be seen to in due course. Events last month in my electorate showed that problems have become evident with the status of tenants in caravan parks. It was clear that, at the time the government put through the new Tenancy Act, the intention was that residents in caravan parks would not be covered in terms of their ability to apply for fair rent determinations to the Commissioner for Tenancies.

The irony arises that caravans which are not situatied in caravan parks - for example, caravans that are situated in people's backyards - are protected. In strict terms, where there is a caravan in somebody's backyard, that is an illegal occupancy. The situation is a little bit tricky in that an illegal occupancy is protected in terms of the Tenancy Act but not a perfectly legal occupancy which is that of a caravan dweller living in an established caravan park. This is the first problem that has come to light.

We come to the question of the electricity charges. I must say that I find that the honourable member for Alice Springs' concerns are a little bit ill-founded. Believe me, people in my caravan park have gone into this in some detail and perhaps we might be able to enlighten him as to how this particular matter will be managed. It is not true to say that all caravan dwellers are transients and tourists. In fact, in the majority of cases in Darwin, we find that they are long-term residents who have long-term occupancies, if not tenancies, in caravan parks and in backyard sites. It is certainly not the conventional image of a caravan being towed at the back of a car for tourist and recreational purposes. Most people who are resident in caravans have this as their normal abode. The romanticism which normally attaches to caravan dwelling and caravan touring is certainly not evident in the Darwin area nor, I imagine, in the Alice Springs area. It would be sensible to regard tenants in caravans in much the same way as we would regard tenants in houses and flats; that is, as people who are contributing to the local community, who have jobs in the community and who have been, in some cases, residents in the town for a number of years.

To the immense satisfaction of the residents in the caravan park in my electorate, the management was able to negotiate a deal with the Electricity Commission whereby a cost-sharing agreement would be entered into with the commission on the question of separate metering. There are one or two caravan parks in the Darwin area which already have separate meters. These have

been installed privately by the management and the meters are not approved installations as far as the Northern Territory Electricity Commission is concerned.

The cost-sharing agreement which has been worked out in the caravan park in McMillans Road is that the Electricity Commission will supply the meters and the park management will pay for their installation. When this is done, the tenants will be able to avail themselves of the domestic tariff. At the moment, because the caravan parks are charged the commercial rate, these rates are quite naturally passed onto the consumers and we find that, in terms of the payment for electricity charges, caravan park tenants are again disadvantaged. The honourable Minister for Mines and Energy has given an undertaking that the regulations will be amended along the lines of the existing regulation which says that,where, in a boarding house, the rooms are separately metered, the electricity tariff will be at the domestic rate.

The member for Alice Springs feared that this would require the setting up of an expensive accounting system. Perhaps I can tell him what has been decided in this particular caravan park of which I have some knowledge. It will be the tenant's responsibility each week to read his own meter, inform the management of the amount consumed and pay for it at the same time as he pays his weekly rent. At the end of the quarter or the normal period at which the NTEC meter readers read the meters, any discrepancy will be taken up. If there is a shortfall, the tenant will be asked to pay the difference and, if he has paid too much, the management will refund the difference. Having regard to the fact that these people are not transients and that the turnover is not all that high, this seems to be a reasonably amicable solution to this very inequitable situation of high electricity charges.

The second reason why this particular matter is of great interest is that, at the moment, managements are making very arbitrary decisions as to how much they will charge tenants for both the consumption of electricity and for additional electrical appliances. In the park which is of concern to me, a component of the rent includes the electricity charges for the lighting of the park and for the lighting of the ablution block and so on. In addition to that, they pay additional charges on a weekly basis if they have other appliances. This is all very arbitrary and, indeed, it has given rise to wastage of electricity because some consumers have taken the view that, if they are paying on a weekly basis anyway, they might as well use the power and not make any attempt to conserve electricity. If individual meters are installed, it would be in the hands of the tenants themselves to institute their own conservation scheme and there would also be reduced arguments as to whether or not the management is overcharging.

I offer this particular story to the honourable member for Alice Springs because some park managements have had extensive discussions with the Electricity Commission and this matter has been resolved to the satisfaction of not only the Electricity Commission and the park management but indeed also of tenants. The tenants are willing to assume the responsibility of reading their own meters. To guard against the prospect of tenants leaving the park, the management will also be empowered by the new regulations to keep bonds in trust for the tenants. I am not absolutely certain that that particular mechanism will have to be used because most caravan park tenants pay rent in advance in any event and so there would be very little point in towing a caravan out in the dead of night to evade the electricity charges. Having regard again to the fact that these people are pernament residents, I can assure the honourable member for Alice Springs that, if he cares to visit my caravan park, he will see that most of the caravans have their wheels off

anyway. It is not a simple matter of just towing them out. I offer that to him to allay any fears that he might have. Perhaps he could take this matter up in parks in his own electorate.

Motion agreed to; the Assembly adjourned.

# DEBATES

Thursday 24 April 1980

Mr Speaker MacFarlane took the Chair at 10 am.

## PETITION

### Open Space Area at Rapid Creek

Mr ISAACS (Opposition Leader): I present a petition from 40 citizens of the Northern Territory concerning the zone 2 proposal at the Rapid Creek recreational project and the disadvantage caused to horse riders. 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 showeth that numerous residents of the northern suburbs of Darwin currently use an area of open space alongside Rapid Creek for a variety of recreational pursuits, and a major recreational use of this open space is by horse riders exercising horses and practising for equestrian displays etc. If the zone 2 proposal of the Rapid Creek recreational project goes ahead as planned then these citizens will be serverely disadvantaged because there is currently no other suitable area available for their use. Your petitioners therefore humbly pray that the Northern Territory government will not implement the zone 2 proposals unless another area in the immediate vicinity is made available for horse riders and your petitioners, as in duty bound, will ever pray.*

## MINISTERIAL STATEMENT

### Electricity Supply Plans for Darwin

Mr TUXWORTH (Mines and Energy)(by leave): Mr Speaker, I believe that energy is perhaps the most critical issue facing this Territory today. For 2 years, it has been the subject of exhaustive research and this government has refused to be stampeded into panic or half-thought-out decisions because the wrong decision perhaps would be disastrous for the Territory in the long term. In the light of the facts now before us, I wish to report to the Assembly today that the government has now formulated long-term plans for Darwin's power supply. These plans are based on the obvious need to displace oil as a fuel in power generation and the need to augment electricity generation capacity by 1986 to meet the further load growth.

Darwin is so remote that it cannot be connected to the major electricity grids in the south and east of the continent. The Territory has no proven economic coal reserves and only limited hydro-electric resources. Oil is a readily transportable fuel and, until the energy crisis of 1973-74, was a relatively cheap fuel. Therefore, imported oil is used in the Stokes Hill Power-station. On the basis of current load growth estimates of 9% per annum, additional power generation capacity will be required for Darwin by 1986. In addition, reliance on oil-fired power generation is becoming prohibitively expensive and supplies have become potentially unreliable.



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In view of these considerations, planning will commence immediately for a new power-station at a new site which will allow the impact on the environment to be minimised. The site selected will be suitable for either coal-firing or the use of natural gas as a fuel. Initial planning will concentrate on the development of a 300-megawatt coal-fired steam power-station to be completed by 1993 with the first set being commissioned by 1986. Subsequent sets would be installed rapidly so that the existing Stokes Hill oil-fired power-station could be progressively closed down for cold stand-by duty by 1989. The estimated cost of the new station is $330m at current prices. Coal will need to be imported from interstate.

The government carefully considered the possibility of an immediate commitment to the use of natural gas for electricity generation but an economic natural gas source for Darwin has yet to be proved. Natural gas resources in the offshore section of the Bonaparte Gulf Basin are possibly large enough to meet the anticipated demand for electrical energy in Darwin and the Top End for up to 70 years. However, much additional work needs to be done before a reasonably reliable calculation on reserves can be made. This work is a prerequisite for a detailed feasibility study and is expected to require a number of years for completion.

The investment required in offshore platforms, wells and pipelines would be very large and it is not yet clear whether electricity generation using natural gas from this source would be cheaper or more expensive than power from a coal-fired station. There are onshore reserves of natural gas in the Amadeus Basin but further exploration and production testing is needed before sufficient reserves could be proven and pipeline and power plant schemes could be considered. In this regard, the proposed $30m exploration program in the Amadeus Basin, which was announced last week, is an encouraging development.

The conversion of Stokes Hill Power-station to coal-firing and its expansion to meet load growth was also considered by the government. This option was rejected by the government for 2 important reasons. The Stokes Hill site is becoming increasingly congested which considerably limits further expansion and development at that location. Hence a new power-station could be deferred for only 4 years. Moreover, the close proximity of the site to the Darwin town area could result in environmental problems that would be of great concern to the government. Although an economically proven natural gas source for the Darwin power generation has not yet been proven, the government recognises that it is desirable to plan the new coal-fired power-station so as to preserve for as long as possible the option of switching to gas in the event that an economic supply of natural gas for power generation in Darwin is proven. Planning will proceed on that basis.

The joint taskforce of Territory and Commonwealth officers which was established to investigate the transmission of electricity to Darwin from the proposed Ord Dam hydro power-station has completed its report and consideration of this report is proceeding. The 600 kilometre Ord to Darwin transmission line, which is estimated to cost nearly $50m, would add the equivalent of one 30-megawatt set to the Darwin power system. Power from this source could be available by 1984. Ord electricity would provide cost savings. It would also allow the commissioning of the first set of the new power-station to be deferred by one year. This would provide additional time to consider the viability of the natural gas option for electricity generation in Darwin.

The prospect of an Ord to Darwin transmission line would mean that a

partly explored onshore natural gas field in the vicinity of the transmission line might be developed for onsite electricity generation in conjunction with the State Electricity Commission of Western Australia. This electricity could be fed into the Ord-Darwin transmission line, improving the anticipated return from the line and reducing Ord power supply risks arising from the variability of water inflow patterns into the Ord Dam. It is envisaged that funds will be committed in the 1980-81 period to undertake preliminary engineering and long lead time tender documentation for the Ord transmission line, and to investigate the use of onshore Bonaparte Gulf Basin natural gas in conjunction with the State Electricity Commission of Western Australia.

The new power-station proposals that I have announced in conjunction with the Ord hydro-power and on site gas turbine electricity generation in the vicinity of the Ord-Darwin transmission line would provide the maximum degree of planning flexibility. This will enable the Territory to take advantage of the most efficient and economical power generation scheme available. The Territory government is very conscious of the importance of an efficient electricity supply industry for the development of the economy and the welfare of Territorians. I am confident that the plans I have announced today will enhance the development prospects of the Territory and greatly contribute to the security and the wellbeing of Territorians.

Mr Speaker, I move that the statement be noted.

Mr ISAACS (Leader of the Opposition): Mr Speaker, I welcome the statement by the minister. It is as though he has just discovered that energy is a problem. I am sure that the reason we have this statement today is simply because, a fortnight ago, the ALP made a significant statement on energy and its future importance to the Territory. The statement made by the minister would not do justice to the primary school children who are sitting in the gallery today. It was a puerile statement which does not come to grips with the problems of the energy difficulties for the Territory and for Australia. What the minister has done is to say - and it is a most world-shattering statement - that we must get away from our dependence on oil. He does not need to be a genius to work that one out. The Treasurer has already indicated that the Electricity Commission is running at a loss of about $40m because of the increase in the price of oil. Last year, it was something in the order of $23m. Who knows what it will be next year? There is no question that we must get away from our dependence on oil.

The minister says that we must turn to coal because natural gas has not proven itself a viable proposition in the Territory. However, he admits that it is likely that we have natural gas reserves that would keep the Top End going for another 70 years. Nonetheless,coal seems to be the answer. He does not tell us where we will put our coal-fired power-station although I guess he is simply dusting off the old Department of Northern Territory proposal to site it at East Arm. He does not tell us the problems involved with coal and its environmental damage but he says we will have a coal-fired steam power-station which will have a capacity of about 300 megawatts.

I want to inform the House of the danger in the government's policy to put ourselves in the hands of coal. It is quite true that, since 1973, when the price of oil started to go through the roof, people have realised the problems of having oil-fired power-stations. It is only in the last couple of years that we have realised what a dangerous proposition it was. Ten years ago, when the Stokes Hill power-station was being built and augmented in size, nobody could have said that we would be in this position now. However, we are in a position right now to know what will happen to coal.

It is well documented in financial journals around Australia that coal suffers from what is known as the OPEC factor. That is a parallel price factor which shows that the price of coal is increasing virtually at the same rate as the price of oil. There seems to be a lag time of about 12 to 18 months but the increase in coal is well documented. The price of coal has doubled in the last 12 months. That is an indication of what is happening to the price of coal. It may appear right now that coal might be an economic proposition but the OPEC factor is well documented.

There are other good reasons why I suggest that coal at the moment is not a proposition for the Territory. The minister, quite rightly, said that the Territory does not have its own viable source of coal. There are 2 fairly scratchy sources in the Gove area and the Port Keats area, but nothing to supply the sort of requirements we need. We have to go to the east coast. We would be competing with a few people for the supply of coal from the east coast. In the last couple of weeks, there was a coal contract signed with the Japanese Mitsubishi Company for a mere $700m. We will find that there will be sufficient coal to supply our export market and not very much at all for the Territory. We will be in there fighting and struggling against a few industrial giants who will leave the Territory for dead. You can see that there are very great problems inherent in the proposition about coal.

The minister says that we do not know enough about our natural gas resources although it looks as though they might be sufficient. He quotes 70 years. We know that in the report commissioned by one of the partners in the offshore area an estimation was given the quarter of the size of the north-west shelf. Clearly, it is a very promising area. We ought to be doing something about proving up the reserves there. Of course, our government is very eager to do that. We know that Aquitaine Australia which is involved there will not be drilling this year offshore. We also know that, when the opportunity arose for the Northern Territory government to involve itself in natural gas exploration onshore in the Keep River area, it delayed its decision for some 6 months and decided it would not go ahead with it. Even though the Electricity Commission itself sought to involve itself in the preliminary stages of exploration of the natural gas in the Keep River area, the government deferred and deferred its option and finally said that it was not interested. The minister and I had a bit of contretemps in the press about it. I said it would cost in the order of $100,000. The minister said that I did not know what I was talking about and that it would cost $150,000. Big deal!

The minister and his government have passed up an excellent opportunity to get in on the ground floor of natural gas exploration which the minister himself says is the sort of option we ought to be looking at. Right through his speech, there is an inference that perhaps we ought to be turning to natural gas because natural gas has a number of advantages. They keep putting it off. They put if off through their actions such as failing to take up opportunities which are presented to them.

The idea of governments being involved in natural gas exploration or energy exploration is nothing new. It is not a dreadful socialist phenomenon as members opposite might think. It is a sensible, rational policy which governments are taking up. The dreadful, socialist Tonkin government in South Australia, recently elected to do the right thing by the private sector in South Australia, is involved in a $30m energy exploration program over the next 5 years. Do members opposite say what a dreadful socialist thing that is? The Victorian Gas and Fuel Corporation is similarly involved in energy

exploration. It is sensible and correct for governments to protect the birthright of their people: reliable energy for the future. Heaven knows, we have been given an excellent lesson by the Middle East countries in terms of oil. Where we have our own energy resources in the Territory, which are able to be developed for the use of the Territory, we ought to be doing everything we can to ensure that they are developed for our purposes. Our government is so interested in the energy future of the Territory that it decides to pass up a golden opportunity to get itself into natural gas exploration.

There are great advantages to the use of natural gas. Natural gas is clean. The government has not quite explained yet how it will overcome the difficulties of coal dust. I recall when a certain gentleman - I will not embarrass him by naming him but he is very high up in the current Electricity Commission - first came to Darwin. He explained to me how the coal-fired power-station was to be established. He said it would be placed at East Arm but we should not worry about the prevailing winds because they are from the south-east. He said, 'We all know East Darwin is out there', and he pointed through the window at Cox Peninsula. I explained to him that East Arm was right in the path of prevailing wind. That is a difficulty which people will have to accommodate. I do not know where the government will place this coal-fired power-station but if it is at a place like East Arm, there will be some very upset people.

There is a great need to take seriously the problem of energy resources. The minister mentioned the Ord and said that, at a cost of $50m, we would have a transmission line to Darwin which would provide an additional 30 megawatts. That is highly commendable and I certainly hope it gets off the ground. Of course, it is not just $50m for the reticulation; there is another $50m involved for the construction of a power generation plant at the Ord. Somewhere along the line, the Western Australian government, the federal government and the NT government will have to find $100m for an additional 30 megawatts. Certainly, we will need it by 1986 but will have to find the money as well.

There is a great need to diversify our energy resources and our energy uses. We have learned that and we must do something about it. I was very disappointed that there was not one reference to solar technology in the minister's speech. I was very disappointed with the minister's response yesterday to my question about developing Australian solar technology. Six years ago, Australia led the field in solar technology research and development. It was the Whitlam government which sky-rocketed the allocations made to research and development in the field of solar technology from a pittance of about $10,000 or $20,000 a year in 1972 to around the $0.5m mark and even further.

Mr Robertson: That would have kept up with the inflation they created.

Mr ISAACS: That is a very sensible and intelligent remark from the Minister of Education and it shows that the government does not understand what I am talking about. Solar technology was an area where Australia led the field. I happen to be proud about that. I am sorry that the minister is not. We have allowed overseas corporations to take away these advances that we made.

The minister trips off to America. He is wined and dined by McDonnell Douglas and says, 'You beauty! Let us have a $10m plant at Yulara Tourist Village for 1 megawatt. Nevermind that Anutech, a well-known Australian company, is developing solar technology at White Cliffs under that wicked

government in New South Wales and does have the technological expertise to go even further'. I can assure the minister that they are as advanced as McDonnell Douglas. The position is that Australian technology ought to be encouraged.

The point is this. Nowhere in the minister's speech is there mention of solar technology. I believe that the plan which the Labor Party put out a fortnight ago with regard to harnessing the ample sunlight and ample space that we have here in the Territory has taken on amongst Territory people. It shows how much the government understands what people are on about and what our energy needs are. There was not one word in the minister's speech about the use of solar technology for electricity generation in Darwin. It is a shame. The minister had better wake up to himself because, if we put all our eggs into the one basket, as one very eminent journalist has described it, the Territory will find itself in 10 years' time in the same boat it is in now. So there is a requirement to diversify our energy needs as much as possible. The plan put up by the Labor Party to establish a solar appliance manufacturing centre obviously has great merit. It is a great shame the government does not have the common sense to accept it and try to do something about it.

Mr Speaker, the speech made by the minister, quite frankly, is a puerile attempt. I am afraid it makes a very great mistake by seeing coal as a major source of energy fuel. There is no doubt that we have to get off oil. I believe the government is making a great mistake getting into coal. We do not have a supply of it; we have to get it from somewhere else. We will be competing with industrial giants right around the world. Also, the price of coal is increasing as rapidly as the price of oil. We are going to find ourselves in 10 years' time exactly in the same position as we are now.

The financial agreement between the Australian government and the Territory government looks to the Electricity Commission being self-sufficient in the future. I believe that is an admirable philosophy to have. We do not have to do it tomorrow or in 2 years' time. I am sure everybody recognises the common sense in that proposition. There is a very simple way to make the Electricity Commission self-sufficient right now: double the electricity charges. That is just not a sensible option but coal will not reduce our deficit either. I believe that natural gas - with its various uses of electricity generation, reticulation, conversion possibilities etc - is the answer. We are sitting in an area where we can take great advantage of our natural gas reserves and I do not know why it is that the government does not involve itself to a greater extent. Apparently, it has this fear that the federal government will whack on a world import parity price and blow the price of it through the roof as it did with oil. That is not so; the minister knows it. It is about time they recognised it.

Mr Speaker, the minister said, belatedly I might add, that energy is the issue of the 1980s and I believe that people in the Territory and around Australia are very concerned at just what will happen to the cost of oil and the depletion of oil. They are looking to governments to show a lead in providing alternative energy resources and tapping into the natural resources we have. I would urge the government to take very serious note of what I have been saying both about natural gas and solar technology.

Mr PERRON (Treasurer): Mr Speaker, I would like to make a few comments on some of the points raised by the Leader of the Opposition. No doubt my colleague, the Minister for Mines and Energy, will comment in more detail. The Leader of the Opposition tried to paint a picture that coal use is not a

proposition for the Northern Territory. Those were the phrases he used. One of his primary arguments was that, if we are going to buy coal in large quantities, we will face some pretty stiff competition from people across the world trying to buy into Australia's abundant coal reserves. It seems that he has dismissed any possibility of large national concerns being interested in buying gas as well. Does he propose that, should a large-scale commerical gas find be discovered in the Northern Territory, no one will look over anyone's shoulder to buy into that. No, the Territory government will have the only running for that gas so it has to be absolutely cheap. We will touch on how cheap it will be in a little while.

Mr Speaker, as the minister's statement indicated, we need additional generating capacity by 1986. The lead time in building a powerhouse is quite extensive. A powerhouse of the magnitude mentioned could probably be built in about 4½ or 5 years at a considerable cost but normal lead times put it into the 6-year bracket. Before starting even to design a powerhouse or select the site, one needs to know exactly, absolutely and firmly what sort of energy source one has for the powerhouse. One fact is very clear in this regard. To date, there has not been a gas deposit within reasonable proximity of Darwin which has been proven economically.

The Leader of the Opposition told us about how they were going to encourage exploration and get into the act by throwing taxpayers' dollars around freely on the assumption that they were going to get the gas by 1986 ready to pump into the powerhouse. After we have designed a powerhouse and spent 6 years building it, what would happen if the gas field did not turn out to be economic? It is not just a matter of finding gas; you also have some infrastructure costs involved with gas. You also have them with coal but the ALP policy statement says that infrastructure costs for natural gas are very much cheaper than coal. That is a pretty rash statement when one considers the hundreds of millions of dollars possibly involved in getting gas to Darwin, depending on where the field is. All that money has to be capitalised; it is not just written off overnight.

Infrastructure costs for coal in the Northern Territory probably would not be that high for a single powerhouse even a large one. We would need unloading and storage facilities but the infrastructure costs of the coal itself, the extraction from the mines, is already there in the churning out of millions and millions of tonnes for Australia's export business. The infrastructure costs are largely there; we are not paying for them to be installed just for our powerhouse. The Leader of the Opposition talked about putting all our eggs in one basket. If building a powerhouse, which has to commence within a year, on the basis of a gas field that has not even been proven economic is not putting all our eggs in one basket, I just do not know what the expression means at all.

The Leader of the Opposition made some criticism that the statement did not cover extensively subjects like solar energy. If he had listened carefully, the minister's statement was about a new powerhouse for Darwin; it was not a policy statement on energy by the Northern Territory government. Such a policy will certainly include alternate energy sources but we were talking about a new powerhouse.

I would like to touch on a couple of points which are relevant to this debate from the recently announced energy policy of the ALP. They make a point that it is the Territory government which will set the price paid by the Electricity Commission for natural gas usage. That is an interesting point. I wonder whether they tie that power of setting the price to their 25%

ownership of a mining company in Central Australia and also Aquitaine of which they are proposing to purchase 25%. Is that 25% supposed to give them a controlling interest in the price of gas when it is found? It just sounds like throwing money away on a token measure. Of course the Northern Territory government will have a role in setting the price of any of its commodities and I regard minerals, gas and oil as Northern Territory commodities. They belong to the people of the Northern Territory and royalties and such are set. A government certainly has a role to play in the price that is established. However, buying 25% of a mining company will not give it that role. One wonders why we should waste taxpayers' dollars in a high risk field where there is private capital to do that very job.

They flatly state that infrastructure costs for gas are cheaper than for coal. That statement could certainly be torn apart in the situation regarding a new powerhouse for Darwin. On the Central Australian situation, they state that a pipeline will be constructed by the government. Goodness me, we seem to have this supposed new socialist government really getting involved. Why would the government want to build the pipeline? We have a mining company there that has a deposit and we hope that it will prove to be a much bigger one than it is at present. Certainly, gas will be piped to Alice Springs and used in a refinery for domestic appliances and possibly for a powerhouse. Why should the government put in $10m to the infrastructure costs involved in buying a commodity off a private organisation. It seems to be a cheap way to try to impress people and it surely smacks of a lousy financial policy.

'Labor will negotiate with Aquitaine Australia to take up a 25% interest in the promising Keep River exploration area'. I am sure my colleague, the Minister for Mines and Energy, will pick up that point. However, I make the point: why? If there is commercial scale gas there,it will be found and it will be available. The government does not have to put its taxpayers' dollars into that situation. That theory cannot be related, as the opposition has attempted to do, to this government's proposal to buy into the Ranger project. The concept is quite different. Whilst the Northern Territory owns the gas and other minerals in the Northern Territory, it does not own uranium.

My last point is in relation to the federal policy on the subject of fuel pricing. 'Labor supports federal Labor policy' - of course they do; they are bound by it - 'of freezing the price of oil for 12 months and subsequently allowing increases at the rate of movements of...'. After all their fuss about this terrible federal government that has special levies on the importation of fuel and the production of fuel in Australia and which is allegedly ripping off the Australian people, they are not going to abolish it but freeze it. What a charade! That is all I can say: what a charade!

Ms D'ROZARIO (Sanderson): Mr Deputy Speaker, the problem with the statement that has been delivered here this morning is that it simply leads us from 1 crisis to another at intervals of about 1 decade. We have had the honourable minister tell us the earth-shattering news that we must get away from out dependence on oil. It apparently passes him completely by that the dependence on oil from which we have to remove ourselves today is equivalent to the dependence on coal that we will have to remove ourselves from in about 6 or 7 years' time. The honourable minister apparently will not read, and he will not ask his staff to read, the events that are reported daily in the international press about energy sources. This, of course, is his difficulty. He does not understand that coal is now being used as a substitute and that, because of the prices of oil being controlled by the Middle Eastern cartels, the price of oil is also going to be beyond reach as an energy source in a few years' time. He does not understand that nor does his Treasurer. The

Treasurer stated that the same thing might happen with gas. What he does not understand - he apparently does not even read the statements given by his ministerial colleague - is that we do have gas resources within the Territory. The exploration is far advanced and even the Minister for Mines and Energy grudgingly admits that we might well have to turn to gas.

The honourable Treasurer told us that there was a long lead time for the construction of a new power-station and that one needed to know exactly, absolutely and firmly the energy source. That was his statement. That is quite so. In the ideal circumstances, of course we would want to know. But then we come to the statement given by the honourable Minister for Mines and Energy only a few minutes ago that we will preserve for as long as possible the option of switching to gas in the event that an economic supply of natural gas for power generation in Darwin is proven. Planning will proceed on that basis. Clearly, the honourable Minister for Mines and Energy does not wish to know exactly, absolutely and firmly what the energy source will be. He is quite happy to switch his plans in midstream in order to accommodate gas as an energy source. Mind you, we have not even been told where the site of this structure is to be and apparently the planning will start next year. We can only assume that it is the site at East Arm. However, the minister should tell us whether in fact that will be the site and whether or not the environmental impact statements which are required by the federal legislation will be truncated or whether the public of Darwin will have an opportunity to say something about the siting.

The honourable Treasurer imputed from the statements of the Leader of the Opposition that the opposition was also putting its eggs in one basket. I do not know whether the honourable Treasurer listens to things that go on in this House. He is often seen dozing. He did not listen because, if he had, he would have heard that the Leader of the Opposition supported the proposal to generate power from the hydro-electric scheme in Western Australia. He supported the application of solar technology and the main barrel that we are pushing, if I might use that pun, is the one of natural gas. These, of course, are 3 baskets but the honourable Treasurer does not understand that.

The honourable Treasurer also asked a question that we find rather amazing on this side of the House. He asked us why, in our Labor government energy policy, we were asking that the government build the gas pipeline. He said, 'Why should the government do this? There is a mining company there, there is an exploration company there and, if there are commercially proven resources, they can be mined and they can do the construction'. The government has never been worried about parting with its tax dollars before when it comes to assisting mining companies. One might ask why the government constructs roads to mine sites for mining companies. Yesterday, we were told by the Chief Minister that the government had constructed the road to the Kailis prawn factory. Why? The answer is quite simple. Governments often find it in their interests and in the interests of the economy to assist private firms by the injection of capital to construct this sort of trunk line that will do more than simply assist the mining company. Although we might not like it, we often have to pay in order to get very important utilities to the general public. That is why the Leader of the Opposition put in his proposal that the gas pipeline would be constructed by the government.

This whole matter of planning for a new power-station in Darwin has been discussed now for a number of years and we still seem to find nothing new in the statements that the honourable minister has given us this morning. We have now got a few dates. The minister is worried about some of these dates. We do not know whether we can meet them. He talks about requiring excess

capacity in 1986 and says that we perhaps will not get our final power-station until 1993. Nevertheless, we will have the first stage by 1986 which might be able to accommodate our increased generation requirements. He has also said that, in midstream, planning of this power-station might be able to be changed to accommodate natural gas as the energy source and all these other things. Mr Deputy Speaker, we on this side are well aware that this statement is all about a new power-station for Darwin but I wish to Christ the honourable minister would just tell us what his government's view is ...

Mr Robertson: That's a bit rough.

Ms D'ROZARIO: I have said nothing rough at all by using the name of the deity in this particular circumstance, Mr Deputy Speaker. I wish the honourable minister would just tell us in unequivocal terms what his government's proposal is for this new power-station. As I mentioned, we do not even know the site yet. More than that, the honourable Treasurer wants to know the energy source and so would we all. If the minister is just going to simply trot out an ancient proposal which was written at the time when the oil crisis had not caught up with Australia, when coal did seem a likely proposition, well it just does not tell us enough. It is certainly not good enough as a statement from the honourable Minister for Mines and Energy.

Mr EVERINGHAM (Chief Minister): Mr Speaker, my colleague, the Minister for Mines and Energy, rose in this House this morning to tell honourable members that this government is taking an extremely responsible attitude to the people of Darwin, Katherine and the Top End generally. It is proceeding to build a powerhouse that will be needed by the people of this city, if its natural growth at present rates is to continue, by the year 1986. If that powerhouse is not there by 1986, with at least part of its turbine producing electricity, the people of Darwin will not have electricity for their fans, their refrigerators and they will find that civilisation as we know it will come grinding to a halt.

This responsible attitude taken by the Minister for Mines and Energy is being attacked by a totally irresponsible opposition which has taken the opportunity to carry on about its trumpery policy. After two and three-quarter years of knocking, it has finally come out with one policy. One whole policy after two and three-quarter years! It started knocking self-government in 1977 and it knocked self-government in 1978. It knocked the financial agreement and it knocked everything. It is even knocking our plans for a solar power plant for Ayers Rock now. It has at least marshalled all its thoughts together and come up with one policy in 3 years of opposition. Naturally, it wants to hang it out on the line for everyone to see and it is paying the paper to put ads in because the press obviously has more sense than to print it itself. We are all supposed to dance around in a ring because the honourable the Leader of the Opposition has come up with a policy. After the time of an elephant, the gestation period has arrived.

It is a totally irresponsible policy and it lets the people of the Northern Territory down in just the same way as this opposition has continually undermined the interests of the people of the Northern Territory for the last two and three-quarter years. Do you know why this policy is totally unsound, Mr Deputy Speaker? It is totally unsound on 2 heads. Firstly, it ignores uranium entirely. Here we are in the Northern Territory sitting on uranium reserves that have the energy equivalent of Saudi Arabia and Kuwait and the mighty opposition policy on energy does not even say that a Labor Party will close down the mines as soon as it gets into power as it is bound to do by its federal policy. It does not even go as far as to say that there will be

a lot more jobs needed in solar power appliance factories to accommodate all the unemployed from the uranium mine and all the ancillary industries that will have to pack up and go bankrupt when the mines are closed. This great knocking opposition does not even have the guts to come clean with its alleged principles. Thus, it is unsound on that footing. If a responsible opposition, which has held itself out to the people of the Northern Territory as being fit to govern, can ignore 20% of the world's uranium reserve in its energy policy, what sort of policy is it?

One could say that the principal underpinning of this so-called policy, this tissue, this farrago of nonsense is that everything in the Northern Territory really is going to happen with gas. We are going to be cooking with gas, Mr Deputy Speaker.I might add, at vast expense because, if it reticulates gas in Alice Springs and Darwin, I would say that perhaps a few of the better class areas of Fannie Bay will be able to afford the gas but I would suspect that it will be gold coins only in the slots at the caravan parks. It has not done any costing at all of its ridiculous scheme. The total irresponsibility of this is that Darwin is to be condemned to go without electrical power because this party over there, which says it is a responsible party, has deemed that Darwin's future power needs will be met by generation from gas and the gas just is not there as far as we know. We hope it is there. We pray it is there. If it is there, the future of the Northern Territory is bright. And my God, I pray that we have these large reserves that we are hoping for. Do you remember the north-west shelf? They first started proving up the north-west shelf in the 1950s. Are they pulling gas out of the north-west shelf yet? Is my government, a government that is responsible for people's lives, supposed to go out on the end of a limb like these fools over there and commit us to generating electricity from gas immediately without any possibility of redress?

The Minister for Mines and Energy introduced a very responsible statement. He has not specified a site for the coal-fired power-station because a number of sites are being investigated. A full environmental impact statement will be prepared and it will be made available for public comment and objection. This government is not putting itself out on the end of a limb; it is not going to walk the plank. It is hedging its bets. If we can switch to gas towards the end of the planning period, then allowance has been made for this to be done.

How this opposition can hold out this document that they call a policy as a genuine effort to assist the Northern Territory develop, I just cannot conceive. In one part, it says that there are gas deposits at Mereenie and Palm Valley that are going to be used to power Alice Springs. There are gas deposits at Palm Valley and Mereenie but so sound is its knowledge that it does not even realise that the gas at Mereenie has to be used to push the oil out of the ground. That is how sound the Northern Territory opposition's alleged energy policy is. The people of Darwin will rue the day if they are even foolish enough to swallow this tissue of nonsense which has come up after two and three-quarter years of knocking everything and which it calls a policy.

The point has been laboured on the $10m pipeline that is proposed in this policy to be built from somewhere in Central Australia to Alice Springs. Certainly, a pipeline is needed there but I would like you to start adding up the sort of dollars that this opposition is proposing to put into ventures that private enterprise is only too willing to carry out. If it is not willing to carry them out, then there is something a little bit wonky with the ventures. If you add it all up - exploration here, buy in there - it comes to millions over the years. If the prospects are any good, we can tell

the exploration companies what they have to do by a detailed program in their exploration licence and make them spend the money and not waste one Northern Territory citizen's dollar in a search that is fraught with hazard. Sure, we must have it, but there are plenty of people interested in obtaining our exploration licences without the government rushing in. When they do discover anything up here in the way of oil or gas, the government has them pretty well where it wants them as far as marketing is concerned.

It is a totally irresponsible policy. In this House, we disposed of a budget of $560m this year to give people in the Territory roads, schools, hospitals and housing. We have heard from the honourable members opposite that there was not enough money for housing and there was not enough money for schools and there was not enough money for community health. They said that many times. Of that $560m, they are going to take away tens of millions of dollars to hazard on reckless things like Keep River. That company has been there for 15 years and has not yet come up with anything. Of course, they are trying to get some government money into it and the greenhorns from the bush across the road will rush in and give it to them straight away. You will get 1 less school or a few less highways or $10m fewer houses or no home loan scheme if you spend $10m on a pipeline. That is the way I put it to you, Mr Deputy Speaker. That is reckless, extravagant expenditure of public money without any thought or head. I condemn the opposition for the way it has taken this responsible statement this morning. I support my colleague in having it noted.

Mr COLLINS (Arnhem): Mr Deputy Speaker, one of the absolutely reliable barometers of the government's performance in this House over the last 3 years has been the personal performance of the Chief Minister. When the Chief Minister starts shaking his fist at you and is carried away with flights or oratory, when he starts indulging in calls upon celestial help - as the honourable member for Sanderson also did - when he starts throwing around personal abuse, it is very obvious that the Chief Minister does not have very much in his bag to pull out. The Chief Minister's performance in this regard has been absolutely consistent over the last 3 years. When the Chief Minister starts to yell and scream abuse, which he does not do particularly well, there is nothing left. I was very interested in what the Chief Minister had to say. On a number of occasions, I was tempted to stand on a point of order as he did not seem to want to address himself to the subject of the Darwin powerhouse at all. I assumed that, because of the wideranging debate of the Chief Minister, other honourable members in this House were going to be given the same opportunity to cast their nets a little wide as well. It certainly was a wideranging debate. Rather than talk about the Darwin powerhouse, which is what this ministerial statement is all about, the Chief Minister in his flights of rhetoric spent most of his time on an election speech criticising the opposition. He trotted out all the tired old cliches that he has been trotting out over the last 3 years.

There are a couple of things that concern me about the plans for the Darwin powerhouse. Although it is impossible with this particular government to raise even a cautionary note without being accused of totally opposing everything - we have had that from the honourable Minister for Mines and Energy yesterday and again from the Chief Minister this morning - it is necessary for a responsible opposition to question some of the aspects of the government's proposal. Other members on this side of the House have covered the subject broadly. The Leader of the Opposition certainly addressed himself to the statement but there is one particular aspect that I am concerned with. The Minister for Mines and Energy, being such a professional person, is well aware of the environmental hazards of coal-fired power-stations. I hope

I can make this statement without simply being subjected to a tirade of abuse from the Minister for Mines and Energy that I am now opposing coal-fired power-stations.

The environmental problems of coal-fired power-stations are numerous. In fact, coal-fired stations, as the Minister for Mines and Energy would know, also emit radioactivity because of the amounts of thorium and other minerals in the coal that is burnt in the power-stations. The honourable Minister for Mines and Energy would know that many detailed and responsible scientific programs have been carried out on the amount of racioactivity emitted by coal-fired power-stations. In fact, many of those studies have been carried out with a view to proving - and of course the results are debatable as they always are in this area - as to whether coal-fired power-stations constitute a greater risk of radioactive contamination to a community than nuclear power-stations. The honourable minister will be well aware of all of those studies.

What I am simply putting to the honourable minister for Mines and Energy is this: it is of considerable concern to me, and I am sure to many citizens of the Northern Territory, that we have a proposition to establish at some unknown site in Darwin a coal-fired power-station which constitutes a significant environmental problem to the community. We do not know where it will be sited but we have a statement from the government this morning that they will start building it next year.

To take some licence from the Chief Minister's debate this morning, and this is in fact to the point, this government's performance over the last 3 years in this House has indicated that the protection of both people and the environment in the Northern Territory comes pretty low on their list of priorities. The Chief Minister talked at length about uranium mining and the ALP's policies on uranium. I would just like to address myself to the question of environmental protection in regard to this power-station and the care and study required to locate it carefully if it is not to pose a long-term environmental health hazard for the people of this community. The Chief Minister went to some length to talk about civilisation grinding to a halt in 1986. There is a very crude expression which refers to spoiling the environment of the place in which you are living. It refers to the nesting habits of birds as a matter of fact. I will not use that expression but there needs to be some degree of caution if, in supplying the electricity needs of Darwin with an extremely expensive establishment, we are going to ruin the place as a decent place in which to live. I have been to numerous coal-fired power-stations in New South Wales and Queensland many of which are located well away from urban areas.

Mr Tuxworth: Next to the pit.

Mr COLLINS: Quite often they are. Unfortunately, we have a problem in that we do not have a pit and we will have to import our coal from Queensland.

The honourable minister is well aware that East Arm has been one of the locations considered for this power-station. I do not consider that the environmental research that is absolutely essential for the protection of this community would be able to be done before this power-station could be built next year. I am extremely concerned that construction of a very large enterprise which will emit significant amounts of pollutants into the air will start next year at an unknown site. If you have a look at the government's performance in regard to these matters, you will find it is not a very commendable one. In fact, the personal performance of the Minister for Mines and Energy in his

dual capacity also as Minister for Health has been abysmal over these last 3 years. We have significant . . .

Mr Everingham: You are getting down to personalities.

Mr COLLINS: Not at all. I have not views one way or the other on the personality - be that even in existence - of the honourable Minister for Mines and Energy but rather on his performance as minister.

We had significant health problems in the uranium industry involving the protection of workers. These problems were recounted in the House in a responsible manner last year and were treated by the Minister for Mines and Energy with complete contempt. He dismissed them out of hand and said there was no substance in them. We now find that the serious problems that were raised by the health physicist concerned and myself have been largely substantiated. The performance of the government in the environmental and health protection of this community during its term of office has been abysmal. I think it is necessary to raise the problem that this government will simply not take enough care in the location of this power-station to protect the health and the environment of the citizens of Darwin.

A number of statements made by other ministers this morning showed the complete inconsistency of this government. The Chief Minister raised the question of uranium. Perhaps I could ask him if, when he was talking about uranium, he was talking about the Darwin powerhouse. Does he envisage nuclear energy as being a method of supplying the Darwin powerhouse because that was what the statement was supposed to be about? I have heard speculation that we could have a nuclear power-station in Darwin. The Minister for Mines and Energy, the Treasurer and the Chief Minister would be well aware that these installations cost somewhere in excess of $1 billion to build. I am just wondering if perhaps the Chief Minister could indicate whether he was talking about the Darwin powerhouse.

The other statement that deserves some degree of comment was the extraordinary statement from the Treasurer that the socialistic ALP wants to spend money in encouraging private enterprise in the Northern Territory. What a dreadful thing to do! Every month, at least, I drive along an extremely expensive highway to Ranger. As I drive along that highway, I am next to a powerline that was constructed by the government to an iron ore project that went defunct many years ago. As has been pointed out already by the member for Sanderson, that is a completely fallacious argument from the Treasurer. Governments routinely spend huge amounts of taxpayers' money in encouraging private enterprise in Australia and we certainly intend to do the same thing.

In conclusion, I would like to know from the Minister for Mines and Energy this morning, in some detail, in consideration of the fact that they are looking at the commencement of this power-station within the next 12 months, what plans the government has to begin an environmental impact survey on that power-station.

Mr TUXWORTH (Mines and Energy): Mr Speaker, there have been a great number of points touched on this morning by honourable members, some which are hardly worthy of further comment and some that I would like to comment on in detail. I think that the nexus of the debate hinges on the availability of gas to the people of the Northern Territory as a feed stock for a powerhouse. I would like to point out that I believe the Leader of the Opposition and his colleagues are looking at life through rose-tinted glasses. The realities of life are very different from what they see and the facts of life will be hard

for the Northern Territory and all in the world to come to grips with. If honourable members have followed the news over the last 48 hours and people in the Northern Territory think they have a problem with energy, they should have a hard look at the Japanese situation today.

I will touch on 2 paragraphs of the Leader of the Opposition's policy because I think they highlight the difference between our 2 stances. The honourable leader says: 'Natural gas is the key to the Territory's energy future because it is the only locally available fuel which offers a viable, long-term solution for a reliable low-cost electricity generation'. He goes on to say: 'Proven natural gas reserves are already sufficient to meet the Territory's needs well into the next century'. Therein, Mr Speaker, is the problem. Both of those statements are lies. They are incorrect and they do not address themselves to the facts of life today. The only locally available supply of fuel alluded to is gas and, apart from the Palm Valley field in Alice Springs, I would be very grateful to hear from the honourable member just where this gas reserve is that he is talking about. He is talking about a reliable, local, low-cost electricity generation feed stock. I will come back to the cost of getting the gas to the shoreline shortly. The reality that people in the world have to face today is that low-cost electricity is not on anymore. All energy has become expensive and will remain expensive. 'Proven natural gas reserves are already sufficient to meet the Territory's needs well into the next century'. If ever there was a written lie, that is it. That is the difference between our stance and the stance of the opposition over the consideration of feed stock for the Darwin powerhouse.

Mr Speaker, the statement this morning was about the Darwin powerhouse. We got on to solar and other issues but I would like to come back to it. The Leader of the Opposition raised the OPEC factor and said coal is tied to the price of oil and, whatever oil does, coal will follow. Might I advise the honourable member that every energy base that is known to man today is in some way tied to the cost of oil from the Middle East. Coal is but one of them and uranium is another. If you look at the increases in all the prices of these products in the last few years, you will find that they follow the oil up the chart like sheep after the herdsman. The cost of coal will always be approximately 50% of the cost of oil. That fact is not going to change because the 50% difference is in the cost of changing that coal into oil. Coal will always be a reasonably cheap feed stock compared to the price of gasoline, oil or whatever.

There are some places where gas is a reasonably cheap feed stock and it is used in many places because it is cheap. Looking 10 or 15 years ahead, there is no way that the people of the Northern Territory or anywhere else can be assured that the price of gas will remain cheap in some places. There is every indication, if one follows the charts of price increases in gas supplies in the world today, that gas in the late 1980s and the 1990s will equal or surpass the price of petrol. One of the things that really will bring it on in a rush is the activities that are occurring at the moment where the Middle East people turn off the supply of crude to people like the Japanese who are then forced to move quickly into gas at whatever cost. We cannot put coal or nuclear power in cars. We have not got solar cars yet, but we can convert cars to gas. For that reason, gas is more likely to be the leader of the expensive fuels in the 1980s. With that possibility, we want to be pretty careful about how we jump into the use of gas supplies given that we have any.

The Leader of the Opposition went on to say that we do not have any coal supplies but we do not have any gas supplies either. He can recognise one but

he cannot recognise the other. We do have the capacity to buy gas on the Australian continent from other places such as Queensland and New South Wales at a cost that is considerably less than other fuels and the supply is guaranteed. I accept that there may be a supply problem in the late 1980s or the 1990s because there may not be enough infrastructure which is all the more reason to take a decision on a coal-fired station now. The reality is that in Queensland alone we have over 400 years supply of coal available at current extraction rates. It sure beats gas and it sure beats oil for a supply position at the moment.

The honourable member said that there were no local supplies here. There are no supplies in Japan either but the Leader of the Opposition did suggest that the Japanese had just signed some very large contracts for the future purchase of coal. They are not putting their eggs in one basket either; they are trying to get themselves out of the same position. We have 2 possible gas fields in the Bonaparte Basin: Petrel and Tern. The Tern is on the Western Australian side of the border and has had some considerable drilling done on it. The Petrel is on the Northern Territory side of the border and there has been a limited amount of work done on that. However, the preliminary investigations show that the chances are good but, because they are drilling at depth and the deposit is a long way from the consumption base, they are not big enough in their own right to become world suppliers out of these wells and there is a need for liquifaction plants to be established - they do present a problem.

Let us consider 2 aspects of this. The first one is the financial aspect. The company is looking down the gun barrel at $90m for exploration costs before it can say it has a gas supply or not. We need to do more work to get the gas and to determine there is a supply. We would then have further expenditure on platforms and wells which might run into hundreds of millions of dollars. If you have the gas, you can certainly jump in and spend that sort of money. Having proven the gas, we may then have to build a pipeline from those fields to Darwin - if we use gas as a feed stock - at a cost of at least $250m. That is the starting price today.

Let us deal with the other problem in this exercise : lead time. If we wheeled in barrow loads of money today and dumped it there and we were able to get drilling rigs and we were able to do all the things that we wanted to do, we would have 7 years from today before we could get any gas onto the shore. That is the minimum time. It would be pretty difficult for the government to take a firm decision in the next 12 months relating to the feed stock for a powerhouse given that all those contingencies exist. We have to deal with the known facts.

We have left our options open. We are saying that, if gas were available, if it could be got to shore at the right price and if it were sufficient to be a feed stock, we ought to be able to avail ourselves of the opportunity. At the moment, the rest is all poppycock. We do know that we have to start providing today for a power-station to meet the demand in 1986. Our present generating capacity just does not enable us to do that. We could stick an extra generator in Stokes Hill or we might get another 30 megawatts out of the Ord transmission line but that is not addressing ourselves to the problem. We have to go all the way.

I would just like to touch on this issue of Aquitaine. I have a few interesting facts for the honourable member who seems to have some of them but not all of them. There was a proposal put up that the Northern Territory Electricity Commission take a 25% interest in Aquitaine's exploration program

in the Keep River area. That is not a problem. If the risks are good and the opportunities are great, then that is the game to be in. I cannot think of a worse game to be in if the risks are bad and the opportunities are not so good because the costs are absolutely stupendous. We are dealing with taxpayers' money and we have to collect it from the people. The people feel that they are paying plenty now. The proposal to go into Aquitaine was not $150,000; it was $150,000 for the first year and similar amounts for the next 4 years which left us with a tag of nearly $2m. For that $2m, we might get something. Then again, we might not.

Looking at the project rationally, the thing to consider is what are our chances. If the chances were really hot stuff, Aquitaine would not be farming in. Why would they? We would not be if we were in their position and the chances were good. The indication was that the chances were middling to fair. Given also that Aquitaine has been active in that area for a long time - I think the Chief Minister said 15 years - its performance in actually delivering the goods has not been great. The other thing to consider is that Aquitaine had farmed in at least a half a dozen other companies which would indicate that spreading of the risk was necessary because the prospects were not that great. They are the facts of life which we have to deal with.

I suggested a moment ago that there was not really a great advantage to the Territory in the long term in sticking bits on the end of Stokes Hill or getting small amounts of hydro-power from one area or another. I am very keen that the hydro comes into effect if that is possible because it will help us take our eggs out of one basket if only by a small amount. But there are several things that we need to know in the early days of the planning of a power-station. One is the energy source or the feed stock and the other is the size of the station. From there we can determine things like sites and move into the design, planning and environmental impact stages etc. The honourable member for Arnhem and someone else suggested that, because East Arm had been the previous site, it would be picked up and dusted off and taken again as the site for the Northern Territory's new 300-megawatt station. Could I point out to the honourable member that I am of the opinion, and he may prove me to be wrong, that the East Arm station was set aside as 120 megawatt power-station to be commenced some years ago and it was mothballed. Having made the decision on the knowledge that we have today that we need a 300-megawatt station, the East Arm site cannot be automatically considered and we really are back in the ball game now to determine what sites we have available to us to seriously consider.

The planning that relates to the powerhouse is pretty extensive. Just the ordering of turbines will leave us with a lead time of 3 or 4 years for delivery; that is, if everything goes according to Hoyle. There is no reason to believe that that will automatically be the case. I am of the view, and my colleagues support me, that the Northern Territory must take a stance now. We are in no worse position than many other places today but we are not exactly in the best position in the world either. We have to deal with the realities of life.

I would just like to touch on a point that was raised by the member for Sanderson about the legitimacy of taking a course that would enable us to switch from coal to gas at a later stage. There is a train of thought in the electricity generating industry that we should not be using gas unless we have to. There is a very good argument to be using it because it is locally supplied and we can be absolutely sure of its availability, but we can say that about coal too. There is a further development emerging in the technology of the industry today and that is a combination of both. There are many people



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working on the technology of using gas as a catalyst to obtain greater efficiency from the burning of coal. In the next 3 to 5 years, that is likely to emerge as a new technology that is very important in our particular instance. That is another good reason why we should be holding our decision until the last possible moment on whether we commit to one or the other or to both. Given that we never get any gas, that will not be a hard decision to take.

I thing there was a suggestion by the opposition of the government's opposition to the principle of being involved in pipelines. We do not particularly see the value of spending government dollars on something that someone else can do just as well. We are not opposed to the concept of using gas. I think the Palm Valley - Alice Springs power-station exercise is a fine example. We accept that the use of gas there as a feed stock has much benefit. It will help prove the field, it will give us an alternative to what we are doing there and it will perhaps help us contain costs. It is not true to say that we are opposed to this exercise in its entirety.

There was also a suggestion relating to the control of gas and oil companies and how the government will control the price. The minerals are vested in the Crown. The Crown issues the exploration licences and leases; the Crown sets the royalities and sales and permits or does not permit the sales contracts. After all those things, if we need to buy an oil company or an oil field to get control of it, we should give it away because we have not done our job in the first 5 steps.

I would like to move on to the points raised by the member for Arnhem relating to the hazards of coal. It is fair to say that every energy source today has its hazards. It is a matter of relativity when you come to make your decision about whether you will use one or the other. I accept that coal will have its environmental hazards. It will not be easy to live with it but, like many other people in the world, we have to live with reality. The proposal by the ALP to use gas is not without its hazards because there is no gas. What sort of proposal is that? Does that not have its hazards? Nuclear power has its hazards. If you think oil does not have its hazards, just check with the Japanese who are having a little bit of trouble at the moment getting hold of any.

The Leader of the Opposition said this morning that there was no mention of solar power in this statement and the government was devoid of responsibility because it had not addressed itself to solar power. For the benefit of the Leader of the Opposition, this exercise is about the Darwin power-station that has a potential of 300 megawatts. We are having great difficulty getting organised to build 1 and 2 megawatt power-stations and we cannot really see how we are going to adapt solar power to the Darwin situation. The government is interested in solar power and it is accepting its responsibilities. We have taken the responsible attitude and the responsible course at the moment in dealing with people in the solar game who want to come to us and say, 'We are prepared to do things in a certain manner at a fixed price'. I do not accept the premiss by the Leader of the Opposition that, because we did not mention solar in the Darwin power-station statement this morning, there is no responsibility by this government or myself towards the issue. I think activities and actions by the government will prove in the long term that we are right and that he is wrong.

We must deal today with the facts of life and the facts of life do not leave all that many options open to the Northern Territory. We have to take a decision on our future power generating capacity. We have to live with the

realities that we do not have gas and we do have coal and we do not have a big enough load base to even consider the concept of nuclear generation in the Northern Territory. Solar is not practicable and it is important that we get out of oil as fast as we can. Given all of those facts, I think that the right course has been taken.

I would like to touch on a point that concerns me. I did not intend to mention this earlier but, since the debate has become so wideranging in some quarters, I did not think I would miss out on the chance. The Leader of the Opposition put out a press statement the other day and we have heard about it in various quarters. There are some aspects of it that really need clarification and consideration by the public at large. I went through the statement and I found that they want to convert oil-fired powerhouses to natural gas. I can accept that Alice Springs is a fact and Darwin a possibility. There is no mention of the other powerhouses that we will have to keep on oil. There is no costing in all this and that is the cause of my concern. The honourable member talks about reticulating natural gas to Darwin and Alice Springs. I assume that the reticulation would be inside the town boundaries and not from the oil fields such as Palm Valley to Darwin. The cost of that is not cheap. If you go to other places around the world, you will find that reticulation as proposed by the honourable member is not the way to go. There are better and cheaper ways of putting gas into premises without reticulating every house in the town.

He will take up a 25% interest in Aquitaine and, if the project is successfull, will continue a pipeline to Darwin. There is no reference at all as to where the money will come from for the 25% in Aquitaine. I think that is terribly irresponsible given that the $2m original commitment was just the starting price and that there could be tens of millions of dollars commitment following that because, if you fail to maintain your 25% interest all the way through the drilling program which might go on for 10 or 12 years, you will lose the lot. The honourable member also suggests taking up a 25% shareholding in Magellan. Again, the money has to come from somewhere. Could we hear how the honourable member will raise all this money?

He will establish a fund to accelerate coal exploration programs by the Territory Energy Commission. Coal exploration programs are only cheaper than one thing and that is oil exploration programs. It must be the most expensive sort of exploration that you can get into unless you happen to live in the Bowen Basin where you trip over it in outcrops. The indication in the Northern Territory is that our coal starts at 300 feet and runs through to a couple of thousand feet and we have 3 inch stringers that are 4 inches apart. That is not a terribly promising basis on which to commit funds for a large government exploration program.

The honourable member says that he would support the Ord River hydroelectric scheme subject to a favourable feasibility study. I reckon that that is probably the most rational thing that has come out of the whole proposal in his policy. He then goes on to introduce an accelerated program of replacing expensive additional generating sets in isolated communities with solar and/or wind generation. The problem is that the best solar and wind generating units that are available at the moment are about 5 KVA. Most of the areas in which we would be providing such units would require 20 or 30 KVA. The cost at the moment - and this will fall as the technology improves - is about $80,000 per unit. We are prepared to buy a couple of these units to put them in some of the very remote areas for health centres and schools to see how they go.

The honourable member says that he will fund research into solar, wind and tidal power. This is a pretty admirable step. My understanding is that, last year, the world figure for exploration in solar energy was about $400m and that limited progress is being made. The amount of money that the Northern Territory could contribute to such a program would be pretty limited. It must raise the question whether we would be better off saving our pennies to buy the technology when it has been developed, rather than chuck away money on something that has not yet been established.

The honourable member then talks about upgrading Katherine Experimental Farm and instituting major research programs for fuel crops. I would not argue with that. One of the things is that it has to be paid for. Fuel cropping technology has been researched all over the world in dozens of places at a great cost. Again, we might be better off to buy the technology or the process when it has been developed.

The Leader of the Opposition stated that he would convert public buildings to solar power. I can understand the honourable member saying that he would build new buildings with solar power but it is a different proposition to converting old ones where the conversion can often cost more than the existing building.

I would like to say that there is a great deal of costing to be done on how we could afford the ALP's energy program. We have been asked by them today to consider using a product that does not exist for generation in a powerhouse that we must build as soon as possible. They have asked us to commit ourselves to programs that have absolutely no cost tags on them and no indication of where the cost will end. I believe that the statement this morning indicated the right attitude and direction for the government to be taking. I thank honourable members for their support.

Motion agreed to.

## CROWN LANDS AMENDMENT BILL

(Serial 431)

Bill presented and read a first time.

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

This bill is directed at the implementation of the government's policy to change the Territory's land tenure system from one based on leasehold to one largely based on freehold title. This significant change to the Territory's property laws was foreshadowed during the February session of the Assembly. It will have an impact on Territory development and economic progress second only to the attainment of self-government. The creation of unconditional freehold title will give Territory residents land ownership rights similar to those which exist in the states. Administration of our property laws will become more efficient and streamlined and the existing complicated system of a confusing array of leases and conditions will be consigned to the dustbin. The control and enforcement of land development through lease conditions in the Territory would largely come to an end.

Mr Speaker, as announced during the February sittings, the legislation now before honourable members does not cover large pastoral holdings. The question of pastoral tenure is now the subject of a separate and independent

inquiry. This legislation provides for the creation of unconditional freehold title to land within the whole of the Northern Territory with the exception of extensive areas held under large pastoral leases, special purposes leases and other exemptions as listed in the second schedule to the bill. It provides for the creation of unconditional freehold title for more than 14,000 existing leases. Passage of this legislation will bring automatic and free of cost conversion to freehold title for Darwin town area leases, church lands leases, town land leases, agricultural leases, miscellaneous leases and some mini-pastoral leases which have a gross area of less than 150 square kilometres. The existing conversion provisions will driectly affect existing lessees once assent is granted. However, no application procedure will be necessary. Leases will be recalled on a systematic basis to allow for necessary amendments to be made to the title instrument. It will be an automatic system with no charge to the lessees.

The bill also establishes machinery for the disposal of crown lands under the freehold system and specifies that the maximum size of a grant will not exceed 150 square kilometres. Provision is made for sale through auction, tender or ballot or through the invitation of applications. As I stated in February, the government will retain the right to retain some leases in the future based on development considerations. Uses may include residential subdivisions of land for business and industrial purposes. Conversion to freehold will be contingent on compliance with lease conditions. Other examples where this retained power of leasehold would come into effect relate to concessional land grants to sporting and cultural organisations and the like.

Honourable members will note that the bill provides for the continuation of leasehold tenure at Yulara Village. The second schedule specifies other exemptions from the freehold provisions. The first group of leases in part I of the second schedule comprise leases under current forfeiture action, the casino leases in Darwin and Alice Springs, and pastoral leases over uneconomic areas where the opportunity exists for application to consolidate with a large pastoral lease.

Part II of the second schedule specifies areas where leases will shortly be granted but which are not intended to fall within the automatic provision for conversion to freehold. These include the waterfront area in Frances Bay and that part of the Darwin Golf Club's special purpose lease at Marrara which is expected to be surrendered. Conversion to freehold in all cases specified will be considered on completion of specific development plans. Gazette notification will be a prerequisite for any such conversion. Similarly, if a current forfeiture action should be discontinued, conversion of that lease to freehold would require publication of a Gazette notice.

There may be some leases in the Territory which will convert to freehold through the provisions of the bill from which public roads have not been excluded. Provision is made for the resumption of roads on such leases with compensation payable in accordance with the Lands Acquisition Act. It is possible that the existence of a road through such a lease may not come under notice when the freehold title is issued. In such cases, it is important that the indefeasibility of title over the entire property including the road be placed beyond doubt. The bill contains such a provision.

In the automatic conversion of leases to freehold, existing interests such as mortgages and subleases will be protected and, where the land and improvements, if any, is being paid for by instalments, the unpaid balance will continue to be payable. Provision is made for current subdivisions of leases to continue and for freehold titles to issue upon the progressive completion

of these subdivisions. This applies to town land subdivisional leases, Darwin town area leases, leases of town land, agricultural leases and miscellaneous leases. These subdivisions are being permitted to continue in accordance with the existing approvals, the reason simply being that those approvals would no longer be valid if the leases being subdivided were immediately converted to freehold.

The massive changes proposed to the Territory's system of land tenure will necessarily make sections of our existing law redundant. Schedule 1 specifies some 62 pieces of legislation proposed for repeal and sections of the Crown Lands Act as specified in the bill itself. The pastoral lease provisions in the principal act will remain unchanged except in relation to an exchange for an agricultural or miscellaneous lease. As these would no longer be possible, the provisions have been broadened to make it possible for a lease for any purpose or an estate in fee simple to be offered in exchange.

Those familiar with the Territory's existing land tenure system will appreciate that the measures contained in the legislation are momentous. Over many months, a great deal of effort has been exerted to ensure that the change to freehold will be as smooth as possible. The government has encouraged discussion on the subject. It has moved cautiously towards the implementation of its policy goal and has subjected the existing body of law to searching examination.

The bill now before the House proposes dismantling land control which evolved in the Territory and its replacement with a system giving Territorians the security of freehold title which is commonplace elsewhere. I commend the bill to honourable members.

Debate adjourned.

## TERRITORY DEVELOPMENT BILL

(Serial 421)

Bill presented and read a first time.

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

This is a very short bill that seeks to amend the Territory Development Act so that the granting of guarantees to any bank, lending company, institution or other body making a loan to a person or company will be effected by the Treasurer. Section 19 of the act, as it stands, provides for these guarantees to be executed by the Minister for Industrial Development. It is considered that the responsibility for this type of action, which commits the government financially, should rest with the Treasurer. This is a normal practice for governments and, accordingly, I commend the bill to the House.

Debate adjourned.

## LOCAL GOVERNMENT BILL

(Serial 438)

Bill presented and read a first time.

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

This legislation is designed to synchronise the timing of local government elections and to increase the term of office for mayors and aldermen from 3 to 4 years. Its proposals come from the Northern Territory Local Government Association. The government supports the view of the association that 4-year terms for aldermen will assist long-term development of strong local government. A common local government election day will be of benefit to electors in the Territory. The bill provides for the removal from section 5 of the definition of '3-year elections' and for the insertion of the definition for 'ordinary elections' being a term which better describes the routine election of council members.

I commend the bill to honourable members and indicate that I will be seeking the agreement of the House for the legislation to pass through all stages in these sittings.

Debate adjourned.

## PAYROLL TAX BILL

(Serial 428)

Bill presented and read a first time.

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

Payroll tax is a productive revenue source for state governments which far outstrips any other locally-based tax. Indeed, it approximates all other state taxes put together. The position is very similar in the Northern Territory. The Commonwealth gave payroll tax powers to the states in 1971 in response to demands for a growth tax. It is a growth tax but it is also seen as a disincentive to employment and condemned in business and government alike. The Territory government is committed to joining forces with our state counterparts to secure a more general form of funding allowing for the complete abolition of payroll tax in Australia.

The Northern Territory government has a record of expressed antagonism to payroll tax. As a levy on wage bills, it is an added burden to employers and thereby a tax on jobs. In this year's budget, the Territory established itself as a national leader in the assault on payroll tax. The relief granted in the budget fully exempted an estimated 540 Territory firms from payroll tax payments and some 70 others were partially exempted. The then existing total exemption on annual wage bills of $60,000 was raised to $150,000.

In my second-reading speech on Appropriation Bill No 2 in February, I foreshadowed that the budget in 1980-81 would offer further payroll tax concessions. This bill maintains our defined attack on payroll tax but in another direction. It is as well to remember that the effect of payroll tax on employers is not uniform. It is harder on some businesses than on others. Those upon which it imposes particular difficulty include small businesses, those in remote locations, those trying to get established and those employing workmen who may be necessarily inexperienced.

At a relatively modest cost, steps can be taken to ease the worst cases of

hardship in such circumstances. Different states have different approaches to payroll tax relief. As far as the Territory is concerned, our increase in the exemption available to small businesses this year to $150,000 was a pace-setter in Australia. It is the purpose of this bill to enable payroll tax relief to be extended to employers in relation to defined activities in certain places or for certain types of employees. In a particular case, the relief may extend only to a certain part of the overall business of an employer. Regulations made from time to time will schedule the type of wages subject to relief and the percentage applicable.

This measure which, in effect, is an incentive, will become another weapon in our aggressive push to broaden the Territory's industrial base and create greater local opportunities for Territorians. The relief will necessarily be by way of rebate as annual payroll tax liability does not become fixed until the end of the financial year due to fluctuating monthly wage bills. Employers with wages in rebate categories will know what part of the tax will be returned to them and the government will ensure that the rebate will be paid within the first few weeks of July each year. I commend the bill to honourable members.

Debate adjourned.

## ADJOURNMENT

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

Motion agreed to; Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

## STATEMENT

### Northern Territory Oral History Program

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker, a little more than a year ago my government's Oral History Committee held its first meeting and soon afterwards the Territory's first official government sponsored oral history program was launched. There has been considerable progress since field work began last July and public interest in the work appears to remain extremely high. The government believes that it is time again to report on the direction that the program is taking and the more important details of the work already done.

It is important to note that those groups of people and some individuals who had been collecting material and recording older Territorians for some years prior to the launching of the government's program, have been most cooperative and are now associated directly in one way or another with the program. The Oral History Committee now has amongst its membership representatives of the National Trust of Australia, the Historical Society, the Darwin Community College and the recently formed Territory branch of the Oral History Association of Australia. These organisations are all dedicated to the preservation of the Territory's heritage and the recording of our history.

There are now in safe keeping some 80 cassettes and tapes of 90 or 120 minutes duration each. Several hundreds of pages of transcript have been completed and many old Territory documents and material, most of substantial value to the compilation and preservation of our history, have been collected. The program began with 6 tape recorders and other equipment to enable transcription work to proceed as the critical work of recording goes on.

Detailed attention has been given to the legal implications of this program. With the assistance of the Department of Law, documents have been produced and are in use which, to the extent to which this is reasonably possible, will safeguard copyright material, protect the persons interviewed, those who do the interviewing and the government. A full printed report of the proceedings of last November's seminar on the Territory's heritage, responsibilities and options will be available shortly for the information of honourable members and any other interested Territorians.

One of Australia's leading authorities and practitioners in oral history work and techniques is Miss Kathy Santamaria. She attended this seminar and was able to provide valuable additional guidelines and advice on the program. Since then, the committee's most experienced interviewers have conducted a workshop at the Casuarina Library which resulted in the recruitment of new and promising talent in the interviewing field. Over the weekend of 3 and 4 May, again in conjunction with the National Trust, the committee is conducting a seminar in Alice Springs. This is a district rich in history where interest is very high indeed and interviewers have already been strongly at work.

The Oral History Committee has turned its attention in other directions in the compilation of past and contemporary history. It is recognised that specific topics - for example, trade unions, political parties and indentities, biographies, mining, the Ghan, droving, changing technologies in the pastoral industry, local government and mounted police - will require a coordinated and detailed approach and treatment. This initiative will ensure that, in addition to the recollections of old Territorians, today's history will be recorded and properly documented for posterity so far as resources allow.

I will depart from the prepared text at this point to mention that only the other day I received a written submission from the Darwin Community College as a result of various discussions that I held with members of the college staff and the principal regarding the video taping of interviews with elderly persons in the Territory who have details of interest that we would want to record. I have approved funding, in principle, subject to the Treasurer's ability to sustain the amount involved, to enable the Darwin Community College to proceed with video taping interviews with many old Territory indentities so that we will have film as well as tape. This work will not interfere with the vital role of proceeding with the reminiscences and attitudes of older residents who must be recorded while they remain with us and are still willing to participate. As a matter of interest, I am able to tell you that the oldest former Territorian on tape is Mr Les Perriman who, at 96 years of age, has remarkable clarity of memory and has also provided the program with important documents, slides and photographs and leads to other souce material. The program has already cast new light on the past and revealed a great deal of the devastating hardships of earlier days.

Mr Speaker, I commend this important program to yourself and honourable members. On behalf of the government, I express appreciation to all those who have so far carried the program. I extend also an invitation to interested people who believe they can contribute to join operations of the committee through tomorrow's history.

## SUSPENSION OF STANDING ORDERS

Mr TUXWORTH (Mines and Energy) (by leave): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent 3 bills relating to industrial safety being presented and read a first time together and one motion being put in regard to respectively the second reading and the committee's report stages and the third reading of the bills together, and the consideration of the bills separately in the committee of the whole.

## CONSTRUCTION SAFETY BILL
(Serial 425)

## INSPECTION OF MACHINERY BILL
(Serial 426)

## EXPLOSIVES BILL
(Serial 427)

Bills presented and read a first time.

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

Mr Speaker, I approach this matter with a sense of considerable urgency. As a result of a coroner's inquest conducted last month, it became apparent that the safety provisions of the Construction Safety Act were not being viewed by all employers with the degree of responsibility that one would expect. The case in point became the subject of editorial comment in a Darwin newspaper and I commend the writer for his concern. The fact that the lives of Territory workers are being placed in jeopardy for the sake of speed of construction, for expediency, for cost-cutting or for whatever reason represents a situation that will not be tolerated by this government. One would have thought that, in this day and age, we had succeeded in this country in placing a higher value on human lives.

At any rate, the question of enforcing employer attention to the safety requirement of the Construction Safety Act, the Inspection of Machinery Act and the Explosives Act became of immediate and deep concern to the government and, as soon as we became aware of the situation, we undertook an immediate review of the penalty provisions of these acts. We took the view that, if the present penalties were such that a major employer found it more expedient to ignore the safety provisions of these acts and run the risk of just having to pay a fine, then we would have to make the fine so costly that the employer would find it cheaper to bear the cost of maintaining proper safety standards. We now therefore propose a scale of financial penalties that is much more severe. As an example, in the Construction Safety Act, the present lowest fine of $50 will be increased to $1,000. For more serious offences such as allowing dangerous trenching or poor lighting at a work site, the proposed fine is $2,000 rather than the present $400. For allowing dangerous working procedures, such as revealed in the Coroner's inquest, where the use of scaffolding is involved the proposed fine would be $5,000. In the case of the Inspection of Machinery Act, fines at $2,000 and $5,000 are similarly proposed according to the seriousness of the offence. This is likewise the case with the Explosives Bill.

In the case of these 2 bills, we have also introduced the concept of a default penalty already contained in other acts. Thus, in cases of failure to comply with an inspector's safety order properly given, the fine of $5,000 would carry with it a further fine of $100 per day that the failure continues. We believe this measure will prove very effective in ensuring compliance with the acts. I commend these bills to all honourable members.

Debate adjourned.

## DANGEROUS GOODS BILL
(Serial 420)

Bill presented and read a first time.

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

Mr Speaker, at this time the Territory does not have comprehensive legislation convering the handling of goods and substances which are likely to cause injury or damage. The few provisions that do exist are scattered throughout the Northern Territory legislation. Although the Territory has been relatively free of incidents involving dangerous goods, recent experience elsewhere, particularly overseas, has highlighted the need for comprehensive legislation of this kind. As the industrial basis of the Territory expands, accident possibilities are multiplied and it is the purpose of this bill to ensure not only public safety but also protection of the environment when dangerous goods are being handled.

The bill defines 'dangerous goods' as substances including chemicals and gases declared under section 14 to be dangerous goods. This definition is intentionally broad in its application so that existing and newly-developed dangerous goods come under the umbrella of its provisions. Goods will be classified in regulations and, according to the internationally accepted system, will have the same requirements for packaging and labelling.

This bill, however, covers only 8 of the 9 categories of dangerous goods as class 7, radioactive substances, by their nature have been already covered in other Territory legislation; namely, the Radiation Safety Control Act and the Radioactive Ores and Concentrates Packaging and Transport Act. This bill will also not apply to mines as the handling and use of dangerous goods in these areas are adequately covered by the Mines Safety Control Act.

Firstly, the bill provides for the appointment of inspectorial staff, the majority of whom will come from the Industrial Safety Branch of my department. However, to meet a specific case, transport inspectors and Port Authority officers will be appointed as inspectors. The powers of inspectors are specified in the bill and these include the power to destroy dangerous goods in the interests of public safety. The manufacture, storage and transport of dangerous goods will be subject to licensing. In the case of storage and transport, the regulations will prescribe amounts which are exempt from licensing. A licence will be required when selling certain dangerous goods and particularly explosives. Similarly, a licence to possess and purchase dangerous goods will also be required.

Mr Speaker, we have included in this bill the right of appeal to the minister for any person who is dissatisfied with the decision of the chief inspector and the minister may confirm, vary or reject the appeals decision. The regulation-making powers include those dealing with the design and handling of containers, examination of dangerous goods, the notification of accidents dealing with dangerous goods and the qualifications of persons using specific dangerous goods. As can be seen, this bill will bring the Territory into line with the rest of the world in its handling of dangerous goods. It will ensure the protection of the Territory's people and environment from incidents involving these goods. I commend the bill to honourable members.

Debate adjourned.

## SUPREME COURT (JUDGES PENSIONS) BILL
(Serial 383)

Continued from 21 February 1980.

Mr ISAACS (Opposition Leader): Mr Speaker, the Opposition supports this bill which will give new appointees to the bench of the Northern Territory's Supreme Court the same pension rights as are given to existing judges of the Northern Territory under the current pension scheme. The pension scheme is quite lucrative but I wish to make some observations about the terms and conditions and payment to judges. These will serve also as my remarks for the later bill, the Supreme Court (Judges Long Service Leave Payments) Bill.

When people are appointed to take up judicial office, by and large, they give up extremely lucrative private practices. It is not unusual for top silks in Australia, and I dare say it would apply to the Northern Territory, to be earning in excess of $100,000 a year. That being so, appointees to judicial office give up very lucrative practices in order to take on a position as judge. In many cases, they will suffer a significant loss of earnings. Secondly, I suspect that the life of a judge is somewhat lonely. There are various deprivations which judges will suffer, not least of which is a social life because judges are in some way set apart and required to be aloof. On the other hand, judges do obtain a certain status which is not enjoyed by other members of the community. Nonetheless, they do suffer these social and financial deprivations.

It is important that judges be paid appropriately and are given proper terms and conditions. It is important that judges behave in a manner which is fitting to their office and are not subject to any taint of bribery or whatever. I am pleased to say that that is most certainly the position with the holders of judicial office in the Northern Territory. In order to ensure that that does continue, it is most important the judges are paid well and are given terms and conditions which ensure that they are beyond the bribe. To that extent, I find this bill to be appropriate. It is a lucrative pension scheme providing, after 10 years' service, a 60% of salary pension to judges and also appropriate benefits to widows or widowers and dependent children if the judge dies after that period of time in office. I make those remarks because, by and large, I think people misunderstand the role of judicial office and they do not have a full

appreciation of the various deprivations that judges suffer. The opposition supports the bill.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, my remarks will be brief. I will only be speaking on one particular matter which perhaps is not really important but I think it should be mentioned. There is legislation current in the Northern Territory which states that, where one sex is mentioned in legislation and where it is applicable, both sexes are implied. It is very generally known that women live longer than men. Most of the elderly people around are women. The point I am making relates to the inconsistency in nomenclature of the relict of the judge. In 99.9% of cases, the relict of the judge would be a woman but in only 1 clause in this legislation is reference made to a judge and a widow. Clause 10(3)(a) mentions the former spouse of a judge. I feel that, for the legislation to be consistent, some consideration could be given to the either calling the widow a spouse or calling the spouse a widow throughout the bill.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I did not intend to reply but I would have thought that the Interpretation Act would cover the problem raised by the honourable member for Tiwi.

Motion agreed to; bill read a second time.

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker, I move that the third reading of this bill be forthwith taken.

Bill read a third time.

## LOTTERY AND GAMING BILL
(Serial 409)

Continued from Thursday 21 February 1980.

Ms D'ROZARIO (Sanderson): Mr Speaker, the matter of turnover tax on bookmakers, which is the main subject matter of this bill, is one that comes up with some regularity in this House. We are now celebrating the second anniversary of the time when we first considered the matter of the turnover tax on bookmakers. Three times in this House we have discussed the question of taxation of the racing industry and we now have the third attempt before us of the Treasurer trying to calibrate the level of the tax.

On 1 July 1978, a turnover tax was imposed upon bookmakers as a means of raising revenue. On 1 July 1979, those schedules were replaced with a new sliding tax scale and the debate on that matter is to be found in the Hansard of May 1979. Approximately a year later, we are again amending the rates of turnover tax on bookmakers and these new levels of taxation are to come into effect on 1 July 1980. It appears that every year on 1 July, the Treasurer will present a new taxation rate for bookmakers in the Northern Territory.

This whole debate is becoming more than a little tiresome. We keep hearing from the Treasurer that the changes in the rates will do this or that. We were told in July 1979 that there will be an injection of $47,000 back to the bookmakers. The Treasurer admitted when he presented this bill that his sliding scales did not do what they were intended to do and we are now told that there will be an injection of $27,300 back to the industry. Whatever the Treasurer says and with all the expectations of various injections, it still appears that his rates of taxation are simply not achieving the targets for which they were presumably designed. Bookmakers are continually leaving the industry. We now have the

turf clubs, not to mention punters, complaining about reduced levels of service and, all in all, I think it is about time that the Treasurer sat down and worked out a new method of taxing the racing industry.

Mr Speaker, I propose an amendment to the second reading. It has been circulated. I move that all the words after 'that' be removed and the following words be substituted: 'The Assembly declines to give the bill a second reading as it is of the opinion that a comprehensive inquiry into taxing the racing industry ought to be undertaken'. As I said, on 1 July every year a new taxation is levied on the racing industry. Two previous attempts appear to have failed and the Treasurer has openly admitted that. It seems that turnover tax might well not be the answer in this particular sector of the gaming industry. Perhaps the Treasurer ought to look again at what is an equitable and reasonable level of taxation that could be extracted from this sector of the gaming industry.

The matter has now gone so far and so many operators have left the industry since turnover tax was first introduced that it is impossible even to pursue the original alternative proposal that was put by the Labor Party when the question of turnover tax was first mooted. At that stage, we said that it would be far better to have a known level of tax and we proposed a fielding tax or standup fee which would be met by all the operators in the industry at the time. But, with defections from this industry, the burden would now get so heavy that that proposal simply cannot be forwarded in the present circumstances.

For the July 1979 taxation proposals the House will recall that during that debate I complained somewhat bitterly that we had not been told the reasons behind the new sliding scales. I outlined in this House that I had attempted to obtain a briefing from the Racing and Gaming Commissioner so that that commissioner could perhaps tell us the reasoning behind the new taxation scales what the targets were to be and how they were to be achieved. Honourable members may recall that the Treasurer stepped in and said that this briefing would not take place. He said in the House that these were matters of government policy and that, if the opposition wanted access to all arms of government, then it should attempt to obtain government. I can assure him that that is about to happen.

In this new attempt at taxing the racing industry - this new flat rate - again we do not know the basis. We have been told several times, and I do not doubt it, that the Racing and Gaming Commissioner has undertaken a comprehensive review of the racing industry. We know that he has presented a detailed report to the Treasurer. But what we do not know is why the Treasurer has now decided that he should amend the taxation rate. That information is not available to us; it is available to nobody except the Treasurer. We have recently had released a small portion of the commissioner's report relating to racecourse development and I am very pleased to see the sensible approach taken to that particular aspect of racing. Again, these taxation rates are being formulated in absolute secrecy as were the last ones. I repeat again, the opposition was not given a briefing as to why those scales were being changed and now the public and operators in the bookmaking industry still are none the wiser as to why the Treasurer is amending this particular taxation rate. All we have is the Treasurer's admission that his previous rate did not achieve the targets for which it was designed. That is the only information we have as to his reasons for changing the rate.

People in the industry are getting a little bit sick and tired of all these matters being decided in secrecy. The Treasurer knows, no doubt, that there has been quite a deal of pressure to release the findings of the Racing and Gaming Commissioner and to release the whole of the report except these parts which apparently would identify specific individuals. One can only assume that

either the taxation proposals in the commissioner's report are not acceptable to the racing industry in an election year or that the Treasurer simply does not know what method is best for the industry. That is why I now propose that all sectors of the racing industry be called together and consulted with and that a new taxation proposal be devised for this segment of the industry. Basically, what I am proposing is that the method of taxation remain as it is, that the current sliding scales continue, until the Treasurer has devised a new method of taxing the racing industry.

When we first spoke about a turnover tax, I said that perhaps a fairer method of taxing the racing industry might be a tax on gross profits. This matter was followed up in the second debate on turnover tax which occurred in May last year. Quite frankly, the reasons that the Treasurer gave do not seem to gel with what is happening in other sectors of the gaming industry. We know, and the Treasurer would definitely know, that gross profits of the casino are taxed. We know that the casino does not have to pay tax on the money that is paid out on winning bets. In the racing industry we have the bookmaker paying tax on the volume of transactions.

When the Treasurer took this matter up in the second debate in May 1979, he said that the reason why a taxation proposal on gross profits could not be entertained was because there was not the same level of scrutiny with bookmakers' operations as there was with the casino. Of course, that is true. We know that the casino boxes are sealed and that the contents are counted in the presence of inspectors. Nobody is suggesting for a moment that the casino is doing anything underhand. Here, we are taxing the volume of transactions and we are equally reliant upon bookmakers acting properly and on reporting properly in order to tax them.

What I interpret from what the Treasurer is saying is that he acknowledges that there will be leakages from the system and that is why the taxation base for bookmakers is the volume of transactions whereas, with the casino, it is merely gross profits. If that is the view of the Treasurer, then I think his government is being rather punitive to those bookmakers who might well be reporting correctly and paying their taxes promptly and on the volume of transactions that they have incurred rather than on those that they report. If it is a question of scrutiny, we are as reliant on bookmakers acting properly when we tax on the volume of transactions as we would be if we taxed on gross profits. I do not think that the reason the Treasurer gave in respect of not being able to tax on gross profits is a very valid one.

Mr Speaker, I am standing here today to tell the Treasurer that even our proposal which we first put forward is not now suitable because the bookmaking industry is now so depeleted that the burden of taxation on existing operators would be too much. The import of my amendment is that the taxation scales should remain as they are for the moment and that all sectors of the industry be invited to participate in devising a new method of taxing the racing industry. I commend this amendment to the Treasurer.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I rise to support my colleague's proposed legislation and to speak against the amendment that the honourable member for Sanderson was putting forward because I can see that it would have little value in the short term. I do not have any quibbles with the suggestion of the honourable memeber for Sanderson that we ought to have an investigative review of the taxing system of the industry but, as I understand the proposed legislation before us, the legislation is endeavouring to remedy some inequity in the system to give the bookmakers a bit of taxation relief and to ensure that the clubs obtain some additional funds necessary to keep their doors open. To adopt the amendment would, in the short term, deny both these groups the justice that they are looking for.

I think it is probably equitable to put forward a proposal to change the turnover tax structure and we have been through all of that before. What my colleague is suggesting is that we increase by 15% or about $81,000 this year the payment to the race clubs, that we abolish the sliding scale of taxation which was adopted last year as an alternative and that we adopt the 1.55% level of taxation. The legislation also proposes that the greyhound industry have some controls imposed on it and be given a bit more respectability, and that the clubs be allowed to retain the 12.5% of the oncourse tote. I accept that that does not have an immediate impact on the situation.

What my colleague is doing, and I support this wholeheartedly, is trying to instil some equity and some rationale in the racing industry. Certainly, we will not do that by adopting the member for Sanderson's amendment and stopping everything and not giving anybody a chance in the meantime. The concept of the turnover tax in the Northern Territory is 2-years old. I would think that it is prudent for the government to come forward every 12 months with a review of how the system was working until it was finally tuned to a satisfactory degree. In the Northern Territory, we do not have the benefits in this particular instance of being able to fall back on the states and ask what they have done for the last 50 years. For want of a better expression, we are treading on eggs and we are endeavouring to make the most equitable situation we can for all the parties concerned. I believe that the proposed legislation will do this. It will give the clubs the extra funds, it will give the bookmakers a little relief and it might even give the honourable member for Sanderson a little time to get on with the proposal that she is talking about. From my knowledge of the way the honourable the Treasurer operates, these things are not done in an arbitrary and isolated manner. They are well thought out and researched. I have complete confidence in the way we are going. I commend the legislation.

Mr ISAACS (Opposition Leader): I would like to support the amendment moved by the member for Sanderson. What the racing industry requires is what industry generally requires in the Territory: consistency of government action, something this government is pathologically incapable of providing. The member for Sanderson outlined the chops and changes which have occurred in government policy in regard to the racing industry. She is suggesting that we call a halt to this chopping and changing and get the various compartments of the industry together to determine, on some long-term basis, what ought to be the best method of taxing the industry.

The method she suggests - to hold the taxation levels as they are and to bring the parties together to discuss this matter in order to find an equitable way out - seems to be a very commendable way of doing it. Indeed, the Minister for Mines and Energy could not see anything wrong with it either. What he said was that we ought to fix up the inequities which exist and that this bill does that. Of course, it does not do that. First of all, it leaves the position, so far as oncourse and country bookmakers are concerned, exactly as is. With regard to the sliding scale which was devised last year, we now have that taken away so everybody is charged at the same rate of 2%. That means that some will be charged less and some will be charged more. If that is alleviating inequities, then perhaps we ought to have a look at just what that word means. The smaller bookmakers will be charged less because their sliding scale went up to 2.25%. The larger bookmakers who are down to 1.75% will now go up to 2%. If that is equitable, then we ought to resurrect the old English dictionary and find out what the word means.

I recall the Treasurer going on at great length last year on what the rationale behind the sliding scale was all about. It was to provide encourage

ment somehow or other for larger bookmakers. Twelve months ago that seemed to be most appropriate so far as the Treasurer was concerned but now it is inequitable according to the Minister for Mines and Energy. As I said at the commencement of this speech, consistency is required by the industry and this government is absolutely incapable of providing that. I believe that, given the confusion which has been created, the number of bookmakers who are now leaving the field and the complaints which I receive and I am sure other members receive from punters, the proposition of the honourable member for Sanderson is the only sensible one. Let us not change it yet again prior to our having some consultation with the various components of the industry. I support the amendment.

Mr SPEAKER: You are supporting the amendment. You have spoken to both the amendment and the bill. I think you will find under Standing Orders that you have spoken to both.

Mr PERRON (Treasurer): Mr Speaker, if I could just seek clarification of that point. I was under the understanding that members were speaking to the bill and the honourable member for Sanderson had foreshadowed an amendment and spoke to that as well. I would seek to speak to both and close debate.

Mr SPEAKER: The honourable the Treasurer can only speak to the amendment because the amendment has to be put before the question that the motion be agreed to.

Mr PERRON (Treasurer): Mr Speaker, the amendment is an example of how little concern the opposition has for the industry for which it professes to have a great concern. The amendment would in fact negate any further consideration of the bill in the House or certainly the processing of the proposals that the government has before the House until such time as an inquiry was held. Obviously, it would take several months at least depending on the nature and size of the inquiry and we have not had very much detail given to us.

Let us look at the items that would be affected if the honourable member for Sanderson's amendment was carried. The bill proposes to reduce turnover tax as a generality. As I pointed out in my second-reading speech, it is very difficult to assess the true effect, if any, of any reduction or change in turnover tax on individual bookmakers because weekly holds vary significantly and annual holds vary significantly. But overall, it is a reduction in the turnover tax which, according to our calculations, had it been applied this year, would in fact have meant some $27,000 less collected this year from bookmakers. It is certainly a reduction.

One of the other measures in the bill that the amendment would effect is the provision that those racecourses which installed oncourse totalisators could keep all their commissions - about 12½%. Under the old legislation, the government kept about 10% and the clubs kept 2½%. We are proposing in this legislation to encourage the clubs to consider the viability of oncourse totalisators by allowing them to keep the whole of their commissions in that regard.

Those are 2 items dealing specifically with taxation which the opposition seems concerned with. There are 2 other very important items. One is the recognition of the greyhound industry. The greyhound industry has for some time been concerned that it does not have state recognition because there is no government involvement or control in the industry itself. We have moved here to appoint the Racing and Gaming Commissionas controlling authority for greyhound racing in the Northern Territory. Of course, this would be affected by the opposition's amendment which would merely sweep it aside. Let them wait.

Disbursement to clubs is probably the most significant item in this legislation that the amendment would effect; that is, a change to the distribution of taxes that are collected to the clubs. On calculations, if it were applied to this year's income, clubs would get 29% more income than they are getting today. But the opposition is proposing, by this amendment, to sweep all these matters aside while we hold an inquiry into the best method of taxing the racing industry. That does not demonstrate any concern whatsoever for this industry. If the amendment were genuine, it would have been worded better to allow those sections of the bill which would effect and allow the true national recognition of the greyhound industry in the Territory. It would certainly allow the clubs to participate in a 15% extra revenue disbursement and would even allow the reduction in turnover tax for bookmakers and tote tax. Rather than call upon the government in some other way to institute the inquiries it wants, we have this very hasty action which proposes to sweep the whole lot out of the window and say to the racing industry: 'Well, I'm not really greatly concerned about your problems. I'm interested almost solely in bookmakers' turnover tax so all other questions can wait until that's settled'. That is not really a very responsible attitude.

The member for Sanderson went on at some length about the government changing the tax system each 1 July. It certainly has changed the system; it has changed in response to emerging information that has come to hand from time to time. She admitted in fact that the situation had changed so significantly that the ALP now believes that it could not consider introducing its original tax proposal of a flat tax on each race meeting that a bookmaker fielded on. Because of people allegedly leaving the industry, this tax would no longer be viable. Well that is due to a change in circumstances. Taxation bases need to change as well. It seems that it has the right to change its mind but this government cannot. I do not really accept that.

The moves made by this government to change the taxation base from time to time have, in virtually every instance, resulted in an increase of monies flowing to the clubs. They have also increased the taxation paid to the government. Honourable members will recall that before self-government, there was no turnover tax. There was a fairly high ticket tax on the licence fee and an opening fee for offcourse bookmakers. We changed that structure and introduced a turnover tax. As a result of the distribution to clubs, in 1977-78, $211,000 was returned to the clubs. In 1978-79 it was $249,000, an increase of 18% over the previous year. In 1979-80 the estimate is $276,000 which is a further increase of 10%. In 1980-81, under the proposals that have been announced by this government to date - both disbursements through the taxation system that we are proposing through this legislation and a $200,000 grant that has been announced by government - the industry will receive a minimum of $550,000. These are very dramatic increases that flow into the industry to assist it.

I simply cannot accept that the proposed amendment of the member for Sanderson is any way a genuine attempt to get to the bottom of the problem. In fact, it would make life far more difficult by perpetuating the existing inequities which this government has at least got the guts to admit are there.

Amendment negatived.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

## AGRICULTURAL DEVELOPMENT and MARKETING BILL
(Serial 414)

Continued from 20 July 1980.

Mr COLLINS (Arnhem): Mr Speaker, the opposition welcomes this legislation. The legislation is based on very sound socialist principles which is the reason we support it. In answer to the puzzled look on the face of the honourable Minister for Mines and Energy, if he does not consider that the proposal for an organisation to disburse $62m in support of primary industry is not a socialist proposal, I most certainly do.

The history of agricultural development in the Northern Territory has been a very chequered one. One of the things that it has demonstrated - and I trust that this government can learn from mistakes of the past - is that large-scale injections of money into individual projects has been a consistent failure in the past. I do not think that the reasons for the failure of those enterprises are quite as simple as people seem to think. In fact, the reasons are quite complex. One of the things that has been demonstrated is that large-scale development is not necessarily the best way to develop the Northern Territory. After a lifetime on the land, I am very firmly of the view that the most sensible way to develop, not just agriculture but also the society in which we live, is small-scale agricultural development and the encouragement to young people in particular to go onto the land and to give those young people who have the expertise and the energy to be successful pastoralists, agriculturalists or horticulturists the necessary finance to get on with the job. This is where I am a little worried about the capacity of this current government to carry this through.

We heard a great deal of debate last week about the irresponsible proposals of the opposition in regard to investing money in high-risk enterprises such as investigating and promoting the use of natural gas in the Northern Territory to overcome the Territory's crippling energy problems. I think I could say without too much opposition that there would be few areas of investment that would equal agricultural investment as a high-risk area. I do not think there is any more high-risk area of investment than agricultural investment. This is precisely the reason why this money has to be supplied by government. It is such a high-risk area that the money would not be available from banks or lending institutions.

There are many schemes in operation by Westminster system governments to encourage agriculture. One which received some airing on the ABC recently is a scheme which operates in Canada. The government actually purchases land - they have a land commission - and supply it to young farmers who have proven expertise in agriculture. As far as the farmers are concerned, it is a great success. These people who are making a success of produce crops have been actively encouraged by government to go back on the land, a trend which we are continually moving away from. However, it has a political problem attached to it. Because investment on the part of the government is of such a high-risk nature and is a political hot potato, these schemes have unfortunately only survived the lives of the governments that have proposed them.

It is essential that, if a scheme like this is to succeed, and I am talking about the bill before the House now, it has to be done on a totally bipartisan basis. It must have the support of both the government that is proposing it and any future government of the Northern Territory. It certainly has the support of members on this side of the House. The problem is that the whole of the $62m that is to be expended will have to come from the federal government.

I have some personal experience of the attitudes of federal government agencies towards investment of this magnitude in the Northern Territory agriculture.

It is not a very promising one. When I first came to the Territory, it was the year of the pilot farms. In fact, some of the successful growers who are still around today were those pilot farmers. The Bureau of Agricultural Economics is the organisation that is primarily involved in advising government on investments of this nature. After a scant 2 years of trial, the BAE pulled the rug out from under the pilot farms and they were closed down. They never had a chance to get off the ground.

One criticism which was made of the Primary Producers Board highlights another problem that may arise. The loans that were provided by that organisation to encourage agricultural development in the Territory were consistently seen by the industry as being sufficient to get people into trouble but not nearly enough to get them out of it again. One of the great dangers is trying to cut corners and pinch pennies in this kind of operation. One of the great dangers is under-capitalising the people you expect to do the job. If that happens, it is going to be a failure.

It is absolutely essential that stage 1 of this proposal is a success for all kinds of reasons. The major one is that the Territory has been faced with a series of agricultural failures. We are talking about big money. The government is talking about $62m. If stage 1 of this proposal fails, it is not just going to be round one lost but it is going to set us back 20 years. It is absolutely essential that the expertise that is employed by this government to advise them on how this proposal is going to go ahead is the best possible expertise it can get. If they have to look outside the Territory to get expertise, then so be it. It is absolutely essential that this stage 1 is a success.

I do not see that the government will be able to get out of stage 1 for anything under $4m. I do not see how it is possible. The proposal as I understand it, and perhaps the honourable minister can correct me on this, is that initially about 4 farms will be producing rice. I do not see how the government can consider setting it up, if it is going to succeed, for under $1m per farm. If the scheme is to be seen through 5 years, then a figure of $4m is what we are looking for. I do not know where that money will come from. The minister said: 'The Chief Minister has written to the Prime Minister seeking financial support'. It is nice to know that the Chief Minister sent a letter to the Prime Minister. But once the Bureau of Agricultural Economics gets onto this, I am not quite sure just how much support that letter will get. I want to make it clear that I am not knocking the proposal in any way. I applaud it and approve it. But it is going to need money. I would like to know just exactly when it is proposed to get stage 1 off the ground. I would like also to know just exactly how much money the government is prepared to invest in it. I would also like to know if the government is prepared to make a complete philosophical commitment to allocation that money and to be prepared to bite the bullet if the money is lost as it may well be. If this kind of development was not a high-risk area, this money would be available from private lending institutions. Quite demonstrably, it is not. It is therefore up to the government to find this money. I would be interested in hearing the minister's thoughts on how much money he sees as necessary for getting stage 1 through to a successful conclusion.

I see another problem. The government is talking about basing a great deal of the first part of the scheme on rice. It is of some concern to me, and has been for some time, to have seen the gradual erosion and decay of the research areas of the primary industries branch in the Northern Territory. That erosion and that decay are continuing. I believe that, in the main, innovative research into the agricultural problems of the Northern Territory is moribund. I only know of one officer who specialised in rice research. To the best of my knowledge, that officer has now left the Territory to study overseas. Yet the government appears to have based substantially the first stage on rice production. I just wonder how much expertise will be put into investing these huge sums of money.

The other problem is that marketing is a specialist area. We have sent trade missions overseas and I am not knocking that either. But I think the Territory is going to get a lot more benefit out of sending a marketing expert overseas than any number of politicians. Despite the fact that we might establish all kinds of desirable personal contacts, the hard economic facts are that marketing is a specialist area as national farmers organisations, wheat boards and so on have found out in the past. You cannot simply put somebody on a board and say that he has had a successful background as a farmer because he might be an excellent wheat grower or horticulturist. He is not necessarily going to know how to sell the product. You need a specialist in that area.

I question also the desirability of having a part-time chairman. If this is going to be a worthwhile project, I really query whether 2 full-time people and 1 part-time chairman is a sufficient resource to competently go into this scheme with because it is not a scheme which should be gone into lightly at all.

I think that many people in the community will not realise the significance of this proposal. So far, the history of large-scale agricultural development in the Northern Territory has been a failure. The only people who have proved that they can be successful producers in the Territory economically have been people doing it on their own such as small producers like Ron Hersey in Katherine who must certainly be one of the most outstanding primary producers in the Northern Territory as far as horticultural and marketing success are concerned. Therefore, I believe the eventual aim of this project, as is stated clearly in the minister's speech, should be the encouragement of a large number of small growers. It talks about 120 farms. We believe that is the right direction.

I say again, the government has been talking over the last week of the bad aspects of investing money in high-risk area. It talked about the stupidity of opposition proposals to invest sums of money, which do not approach the amount being talked about here, in the exploration and development of natural gas to solve energy problems inthe Territory. But is this government prepared to expend $62m of taxpayers' money on what is certainly an equally high-risk area? I would like to know what plans the government has for diversification. Is it going to be concentrating on 1 or 2 particular crops in the Territory or is it going to diversify? I see a potential problem here too. If the government tends to strike out in all directions at once, there is a serious risk of this proposal being a failure. I believe it is essential to determine carefully and cold-bloodedly what the marketing and agricultural potential of a crop is and then to stick to a small number of crops and do it properly.

To conclude, we support this proposal absolutely. Should the Labor Party be successful at the next elections, we give an absolute commitment that this proposal will continue. In fact, I am sure that under a Labor government it will be improved upon. When is it proposed that stage 1 of this scheme will commence? How much money is the government prepared to commit now, before the scheme starts, to seeing it through the first 5 years of its development?

Mr HARRIS (Port Darwin): It gives me pleasure to rise to speak in support of this bill, but I sound a note of caution. The minister and the member for Arnhem have touched on the mistakes of the past. I presume that other members who will be speaking to this bill will also touch on the mistakes of the past. While the member for Arnhem has mentioned that some of the reasons for all these failures were very complex, there were a number of the mistakes which were in fact very basic mistakes. Failures resulted from the lack of understanding of farming procedure and not allowing proven farmers a free rein as far as their planting programs were concerned.

I have been closely associated with agriculture for a number of years, not only in the practical sense but also in the sense of following developments that have taken place in the Territory and other parts of northern Australia. At one stage, I had considered applying for one of the pilot farms in the Batchelor area which resulted from the Forster Report. Because of the lack of flexibility in that particular scheme, I decided not to go ahead. I am aware of the pitfalls that pioneer farmers are likely to experience. It is very pleasing to note that the Northern Territory government is continuing to support agricultural development despite these disasters which have already been mentioned.

There has never been any doubt in my mind that agricultural and horticultural development can be successful in the Northern Territory. In fact, there are many cases where growers have been successful. The problem has not been that we cannot be successful in this field. It has been in the application of the information that we have available and in the insufficient use of the resources that we also have available. I speak here of the people of the Northern Territory and these people have been sadly neglected in the past. These resources are quite considerable. We have farmers with proven ability who are quite capable of producing crops of a very high quality. We also have a number of people in the Territory who are experienced in local knowledge and farming procedures and these people would be able to guide any prospective farmer in the future.

However, one starts to wonder about the worth of the various reports that have come out over a number of years - reports on agricultural development in the Northern Territory, northern Queensland and northern Western Australia. There have been many reports on this very subject. Much of the material supplied in those reports is repeated - material dealing with climatic conditions and soil conditions. I wonder about the value in terms of time, effort and money that one receives from some of these reports. There have also been a number of books written on this particular subject. One such book was 'The Northern Myth' which in parts had the philosophy that, if something could be grown better in some other part of Australia, why worry about the Northern Territory. At the time the book was written, we only had some 12,000 people living in the Northern Territory. At that time, no one bothered about growing things in the wet season. There were far too many problems in this area relating to pest control and fertiliser application etc. Today, because of improved communications, transport links and the growth of our population, which has been stimulated by government initiative, this whole attitude has changed.

I always prefer to see in practical terms if something will work. There is a need for scientific data as the fuel for our search to improve methods of production and methods of obtaining higher quality produce. However, what we need in the Northern Territory at present is people who are experienced in the field, not those who are experienced in saying that, if you put a seed so far under the ground and apply so much fertiliser, it will grow. This type of information can be obtained from books and reports.

In the past, there has been no incentive to encourage the field worker to remain in the field, to stay with the job that he has been trained to do. There have been a number of reasons for this but the basic reason is the dollar. He will seek promotion and end up in an office earning a great deal more than he would in the field. I believe that we need to look very closely at the promotion system. If we do not, we will lose these people who are vital in the development of horticulture and agriculture in the Northern Territory. At this time, it is very difficult to find people who have had 10 to 15 years' experience in the field. If you are lucky enough to find someone who has had that experience, you will find that he is close to retirement age. However, we are still able to call on his expertise and experience. We should aim to try to keep these people in

the Northern Territory. When their children grow up, many farmers and businessmen no longer wish to continue in their particular line of work. They tend to retire in some other part of Australia, generally on the Gold Coast. I would like us to see some incentive for those experienced farmers to remain here. They are worth a lot of money and I think we should do everything possible to try to keep them here in the Territory. I make these comments because, if we are to be successful, it is very important to have these people who are experienced and who have the local knowledge.

The purpose of the bill is to set up an independent authority to implement the programs outlined by the Minister for Industrial Development in his second-reading speech. I agree with him on the setting up of such a scheme. However, I do believe that, for the authority to be able to operate successfully and carry out its intended charter, we need to make certain amendments to the bill itself. There are several points I would like to raise in talking to the bill itself. I believe some of these points have been drafting oversights. My first point is not covered in the amendments that are circulating so perhaps I am wrong. Clause 7(2) deals with the chairman: 'The chairman shall preside at all meetings of the authority'. It appears to me that this clause would not stand up if the chairman was absent. Clause 10(2) says that the minister may appoint an acting chairman but, if this were the case, it would be necessary to change the definition of 'chairman' to include any person acting as a chairman.

I support the minister's statement in the second-reading debate where he said: 'Every possible assistance will be given by government to ensure that the scheme gets off the ground, that crops are produced and the marketing organisation is able to deal with the crops to the advantage of the farmers and the betterment of the economic development of the Northern Territory'. I wholeheartedly support those words. For these 3 stages to be met, the functions of the authority as set out under clause 13 of the bill would have to be amended. I am pleased to see such an amendment circulating. I believe that we should include the words 'continued operation of agricultural projects'. The clause would then read: 'The functions of the authority are to investigate, organise and assist in the development and continued operation of agricultural projects in the Northern Territory'. Once a project has been developed, it is often necessary to continue to put money into it. For our own protection and for the protection of the large amount of public money that will be spent in this particular scheme, we have to assist from start to finish.

I also note that there is no provision for the removal of members of the agricultural, development and marketing authority. Whilst on that subject, I have always wondered, when setting up various authorities or corporations, why the principle of standardisation in drafting cannot be pursued. I speak here of the routine sections of acts which seem to appear in many different shapes and forms depending on the draftsman of the day. They are the sections which deal with establishment, appointment of the chairman, appointment of the acting chairman, keeping of records, resignation of members, removal from office, disclosure of interests etc. The composition of authorities, the period of appointment and the functions of the authorities themselves vary very considerably but I do feel that the sections which I have mentioned could be standardised through much of our legislation.

One of the biggest problems that farmers have been confronted with in the past has been their inability to provide a continued supply of produce. I am a little concerned that, under clause 20, restriction for advice and assistance in management areas relating to marketing could occur. I am not sure about this point but I believe it is necessary for us to pursue the matter here. Perhaps the minister could comment in his reply. It says that the authority may provide to a person engaged in agricultural activities in the Territory or in the marketing

of agricultural products produced in the Territory managerial and technical advice etc. As I have already mentioned, the continuity of supply may be necessary in order to keep pace with a particular outlet that you have but, because of problems associated with disease or problems associated with seasons, it may be necessary for us to look towards bringing in produce from outside the Northern Territory. Suppose I agree to supply Woolworths with tomatoes for 6 months. After 2 months, I see problems arising and I go to the authority but I cannot receive adivce on bringing in produce from another state. I feel it is necessary in this clause to have the flexibility to enable advice on how to maintain this continuity of supply to cover all possibilities. In order to do that, we may have to call on produce from outside the Northern Territory. The same thing could happen with grain crops. One could say that a person bringing in produce from another state is no longer engaged in agricultural activities but is engaged in the importation of produce. This was probably the reason it was included in the first place in the bill. Perhaps this problem could be overcome by the addition of the word 'normally' so that the clause would then read: 'The authority may provide to a person or body normally engaged in agricultural activities in the Territory ...'. This would then enable advice to be sought on products produced outside the Northern Territory and it would still keep the door shut against the hawkers and importers making use of the authority for a purpose that it was not set up to cater for. I cannot stress enough the importance of having that continuity of supply.

There is only one thing that I am a little upset about in the whole scheme and this is not really a criticism of the shceme. It is a shame that proven small farmers cannot be assisted more than they are at present. I hope to be working in this particular area myself at a later date. As the minister mentioned in his second-reading speech, we cannot help financially everyone in the Top End. However, I do believe that there are those who have proved that they are able to produce quality crops and we should be able to assist them because they can contribute a great deal to the development with minimal support from the government. For example, there is a person in the Northern Territory at the moment who is able to grow tomatoes in the wet season. He has a proven variety that can set fruit in the hot weather. As far as I have been able to find out, no other person in Australia has been able to do this. If we have someone here who is capable of growing tomatoes in the wet season, we should try to encourage that person. He is finding it hard because he cannot obtain a piece of land on which to carry out this particular project.

These are the main points that I wanted to bring to the attention of the minister. There are matters relating to the financial aspects in this particular bill which I understand other speakers will be touching on. I did not really need any report to inform me that agricultural and horticultural development in the Territory could be carried out successfully. I am aware, however, that because of the disasters of the past it has been necessary for us to commission reports.

The biggest problem is in the field of marketing; that is, being able to produce a guaranteed supply. The Northern Territory government has carried out the groundwork in maintaining these markets by the various trade missions but the continuity of supply will be up to the growers and the authority set up under this bill. I support the bill.

Mr OLIVER (Alcie Springs): Mr Speaker, the ultimate objective of this bill is to turn the higher rainfall areas of the Top End into a highly productive food bowl. For the Northern Territory, this is good news both socially and economically and, for the near Asian countries, it is probably even better news. I know from my trip to Singapore last year on the trade mission and an earlier private tour of the Asian countries that there is a vast market that needs satisfying and,

most certainly, the object of this bill is to do that. It is to the north we must turn because the Top End is too economically remote from the southern market.

I appreciate that available funds will stretch only so far but I am somewhat disappointed that, in his second-reading speech, the Minister for Transport and Works made no reference to the southern part of this Territory although he did speak of 'encouraging enterprise in other areas'. For some years now, there has been talk of opening up a new farm area in the Alice Springs district. The existing farm area is becoming a very doubtful propositon.

The underground water is increasing in salinity and experience has shown that there is insufficient water to withstand a prolonged dry spell. However, within 180 kilometres of Alice Springs, there are at least 3 areas with sufficient quantities of underground water for new farm areas. There are experienced farmers in the Alice Springs district who would jump at the chance to move to a more productive area. The production from Alice Springs would not, and I quote again from the second-reading speech, 'increase the number of ships filled with fertiliser and produce' but, most certainly, the production from Alice Springs could possibly fill a few railway trucks for the southern market. I can only hope that the appropriate ministers, the Minister for Transport and Works and the Minister for the Lands and Housing, will give some thought to the agricultural development of the furthest flung regions of the Northern Territory. Notwithstanding my disappointment, I do wish the development outlined by the honourable minister in his second-reading speech well and indeed I give it my wholehearted support.

I join with the previous speakers, particularly the honourable member for Arnhem, not so much in sounding a note of warning, but in sounding a note of care. It is terribly important that this development succeed for, as the honourable member for Arnhem said, failure could set us back some 20 years and that would be very disappointing. There have been quite a few failures in agriculture in the Top End and these have been brought about by various causes. In the past, I believe it was the lack of markets that caused them to fail. Of course, there were also the insect pests and the uncontrollable diseases. Lastly, it is my belief that people move in too large a scale too quickly and with insufficient expertise to be successful. I am sure that, with the knowledge of the history of agriculture in the Top End, the government and the authority to be set up by this bill will proceed with care and with the necessary expertise in production and marketing.

Remarking briefly on the supporting interim report on agricultural production, I must say it is indeed a carefully prepared and comprehensive paper. It certainly supports the expansion of agricultural development in the high rainfall area in the Top End but not without bringing to notice those factors that could cause some concern. I am glad to see that because quite a few reports of that nature are all too glowing and tend to gloss over those areas where development or expansion could be impeded.

The Queensland Department of Primary Industries did a good job and no doubt they were aided by our own Department of Primary Production. But how much more beneficial to the long-term development would it be if our own local expertise had compiled that report? The underlying philosophy of course is that, if we had that full expertise, and most certainly we have had it over the years, then I would not feel quite so cautious about this development.

I have nothing to say on the bill and the amendments that have been circulated. I have no disagreement with any sections and I support it wholeheartedly.

Mrs PADGHAM-PURICH (Tiwi): This afternoon I rise to speak to this bill with a great deal of pleasure. On the whole, it is an admirable attempt to change the outlook for agriculture in the Northern Territory. This bill is so wide-ranging that its implementation must imply that the whole scene of agriculture will be given a massive boost and I am not referring to money here. To have this legislation a success means that not only will this agricultural and marketing development become activated but there will be more small farmers on theland, more fencing contractors working, more roads getting built and more goods for all this brought to the Northern Territory; for example, star pickets, barbed wire, cattle yards, steel, gates, farm machinery, food and furniture. The spin-off is enormous. It means a great increase in the staff of the Department of Primary Producation. I feel sure this increase will come and with it I hope comes a better morale and real enthusiasm for work. In the first place, before the scheme can get going, it means more work in the Lands Branch with the number of surveyors increasing and therefore the number of chain men increasing. These numbers will go up.

Initially, the knockers may deprecate the increase in the public service but it must come about. In the Northern Territory, agriculture is in its infancy but it is a lusty infant and will grow to full stature in time. I realise that we must have marketing before the crops are grown but I hope that this marketing infrastructure does not gallop away and become a top-heavy useless infrastructure. I will say again that it must always be borne in mind by the public servants who work in the Department of Primary Production and the people who will be employed in this agricultural development and marketing scheme that the farmer is the sole purpose for their being and this must never be forgotten. The farmer has carried many things on his back over the years and I think the farmer now wants to know that, for all the things he has carried on his back over the years, he will obtain his reward.

After reading through the bill and the minister's second-reading speech, I think before stage 1 can proceed land must be available. The land is made available after survey by particular people in the Lands Branch. I hope that they do it a little bit quicker than they did with a recent subdivision of pastoral land. To my knowledge, the plan for the Marrakai subdivision took 7 years to come to fruition. Admittedly, in the beginning, it might have only been a gleam in somebody's eye but, to wait 7 years for something like that to happen, is straining people's patience a little bit too far.

With the increase in the personnel of the Department of Primary Production will come not only an increase in general personnel but an increase in the research and field staff personnel. In order that there is no duplication of work, because it would be a waste of time duplicating work that is done in another place, I would like to see more consideration being given to the research work being done in the top end of Queensland and the top end of Western Australia. I would like to see a complete free-ranging scientific intercourse between the 3 top end states. I am calling the Northern Territory a state for this purpose.

I will be commenting a little later about the Lappidge Report which is the main basis for making this bill. I would like to say that that report was excellent. Everything connected with agriculture was covered and the depth of the investigations was enormous. However, I wish to comment on the Forster Report. I have a little more information than other speakers who have spoken before me so I would like to make that known now.

The Forster Report was commissoned in 1958 and out of that report came 3 pilot farms: Sullivan's, Wilkes' and Keiran's. Those 3 pilot farms together cost $800,000. Sullivan's farm was supposed to be for improved pastures and cattle. Wilkes' and Keiran's farms were for improved pasture, cattle and rice. Of those

3 farmers, there is only one man still working and that is Jim Sullivan. That man is a friend of mine and I believe he must be complimented on the real hardships he has overcome. In the early days, he was threatened with court action for debts that he would have to repay to the Commonwealth. However, he stuck it out and he is still farming successfully down at Adelaide River. In complimenting Jim Sullivan, I am not casting aspersions on either Mr Wilkes or Mr Keiran. It was not because of any lack of hard work or expertise on their part that they could not stick it out but because circumstances were just too great to overcome.

The government only allowed Mr Wilkes to grow 2 crops of rice and then the Commonwealth economists axed it. That was the end of Mr Wilkes' growing of rice. Now this might look as though Mr Wilkes did not have much staying power. However, the true story was that, just prior to these 3 pilot farms starting, water resources had recommended that 6-foot banks be built across the Adelaide River flood plains to turn the water from the rice fields. In March 1966, there was a major flood which washed this bank away and did $10,000 worth of damage. The Federal Cabinet then, on the recommendation of the economists, said that the scheme would not go any further. In 1964-65, the first crop of rice was put in and, in the next growing year, a new rice variety was introduced from the Philippines which gave a 50% yield increase. The following year there was a further variety introduced, IR8, which doubled the previous year's yield but Mr Wilkes was never allowed to plant it. The figures that I have for the yields were pretty good. The first year, Mr Wilkes got about 0.75 tons per acre. The second year, with the improved rice variety, he got 1.25 tons per acre. The third year, in which he was not allowed to continue rice farming, the IR8 variety gave 1.75 to 2 tons per acre. That shows that there is a possibility of rice being a definite goer in the Northern Territory.

Jim Sullivan has farmed rice on his own initiative. He has taken the risks entirely and he has proved that rice can be grown up here successfully. Mr Wilkes went very close to success on his pilot farm but at that time the federal government got cold feet after the March 1966 flood so that was the end of Mr Wilkes and the rice.

Rice together with stock would give excellent stock prospects for any scheme that started up here. However, an important thing to bear in mind is that, if the government plans to start something as big as this scheme, there will be setbacks because we cannot predict the seasons from one year to another. There may be floods and there may be droughts but, for some time to come, the government just must stick it out even if it means extra expenditure. For example, the Ord River scheme started out to grow cotton and struck very hard times. The Western Australian government stuck to that scheme and finally the whole scheme is beginning to pay off. Up to date, that scheme cost about $100m.

When this marketing authority is set up, it must take into account 2 or 3 other organisations. I do not know whether it will take them into account only, cooperate with them, work with them or take them over. The first thing that must be considered is that, at the moment in the Territory Development Corporation in the trade and industries section, 10 people are employed at an annual salary bill of $159,218. That is one consideration. Will their work be duplicated or are they going to be doing another sort of work or what? The second consideration is the Adelaide River Producers Co-operative. I must declare an interest here because I am one of the directors of that co-operative and have been for a number of years. Two-thirds of this co-operative are fulltime farmers. The co-operative was started as a company and it became a co-operative in about 1970. At the moment, the co-operative is operating in a very enthusiastic way even if it is on

rather a small scale. I would not like to see that co-operative disbanded or engulfed completely unless full consideration was given to its future workings. The third consideration is that, in the Territory now, there is one or more representatives of the federal Department of Trade and Industries.

They are the 3 things that must be taken into full consideration when the operation of this marketing authority is considered. For the full success of this agricultural development and for its implementation, it must be carried out with the meticulousness and conscientiousness that the importance of this particular piece of legislation to agriculture warrants. If I could draw a parallel, as I understand it, in Western Australia there is a bulk-handling authority and a grain-pool authority. I do not know how it is going to work out but perhaps the bulk-handling authority in the Northern Territory could be considered in parallel with the Adelaide River Producers Co-operative and perhaps the grain pool could be considered in parallel to the future marketing authority. I am always on the side of the little farmer, Mr Deputy Speaker. There is a cropping development scheme in operation and this is the second growing year that it has been in operation. In other meetings where members of the public sit, they are granted a sitting fee. I think I am correct in saying the farmers do not receive a sitting fee. Those farmers who sit in on the cropping development scheme meetings receive their meals but no fees. I would like to see consideration give to this. Some of the small farmers are becoming sick and tired of being considered the poor relations of agriculturalists when really they are the backbone of the industry.

I would like to comment now on some points in the minister's second-reading speech which I found very comprehensive. Other members have spoken about large-scale agriculture and the risks involved. That is also commented on in the Lapidge Report. I do not really think that, in that report, the true conclusions were drawn. I think everybody who has lived up here for a number of years is aware that great care must be exercised in any large-scale agricultural or pastoral operation.

I was very pleased to see in the minister's second-reading speech that there will be increased agricultural research to help iron out the problems farmers may face. I would like to think that that does not apply only to future farmers but also to current farmers because they do have problems. It is not that they do not get cooperation from the Department of Primary Producation but, in most cases, they must make the first move. I think there should be at least a 50-50 movement.

I would like to comment also on what the minister said about discussions with landholders to determine their attitude to the scheme and clear the way towards the use of their land. I do not know whether he was referring to the current farmers. If this means Department of Primary Producation people will go out into the field to consult with the farmers, then I heartily endorse it.

The honourable member for Arnhem stressed that he thought that the success of stage 1 was very important. I do not agree with him on many things but I would agree with him on that. It is very important that stage 1 be a success. Not only must it be a success in what it sets out to do, it must be a success in the time it takes because people cannot hang around for years and years waiting to get started like a couple who came to see me when I was first elected for the Assembly. They wanted to buy some land on Marrakai. For a number of years, they had heard that this land would be subdivided and they had a certain sum of money. That money represented to them many years' hard work at another occupation. By the time the subdivison occurred and the land was up for sale, they had had to spend their capital. They did not have the capital available to spend on the

land that they would have liked to have bought. I hope something like that does not happen here.

The minister said that there will be a sunset clause in the legislation. This is good because it will ensure that people will review the situation. I hope that, when it is reviewed on 30 June 1985, there will be some optimism having regard to the 3 pilot farms that were started after the Forster Report came out. It will require much care and work. The minister said that this authority will have the power to coordinate the activities of appropriate organisations in matters of land settlement, settler selection, farm planning, infrastructure, planning into construction and product handling and marketing. It will be really massive. I would like to see the groundwork laid with a great deal of care because, unless that is done, we could have a scheme which will not have the sound foundations that it should have.

The minister also commented on rigid schemes followed in the past with limited attention to the knowledge and experience of farmers. I do not think this will happen in the future. I think everybody should know now that when we are dealing with nature, and agriculture is dealing with nature, we cannot be rigid in our guidelines.

I will deal briefly with the 2 sections of the Lapidge Report as I feel it relates to the legislation and the current production problems. The finding of this report was as follows: 'The best land is tied up in large leases, mainly pastoral, which prevent access by specialist farmers. It may be said that the present lessees could develop large-scale cropping on their leases. This has been tried at Humpty Doo, Tipperary and Willeroo with disastrous results'. I do not know whether the implication there is that, because they were large scale, they were disastrous. I think this was mentioned before. I would consider that to be just a statement and it is not tied necessarily with the large area cropped. There were deficiencies in the system then which all contributed to the bad results that came from those large schemes.

The report also mentioned that a major problem in the Northern Territory field cropping is one of scale. I do not think that this can be confined solely to the Northern Territory because it would also apply in the other 2 top end states. The report queries the shortage of machinery for field production of crops. I query that. It talks about prime movers, ploughs, cultivating machinery, planting equipment and spraying equipment. These people have done more work than I have. I am just relying on general observation around the countryside. Mention is made of the high cost of machinery, fertilisers and chemicals that are very serious impediments to agricultural production in the Northern Territory. I would heartily agree with that. Machinery may be scarce in quality and quantity in the Northern Territory but farmers being sensible people are not going to over-capitalise on lots of machinery which may be necessary down south where they have higher-paying crops or greater production. Up here, the situation is not as bad as it is depicted in the report.

I would like to point out that the Northern Territory government, for this growing season and last growing season, has operated a scheme whereby farmers can get some relief from the terrific transport costs of fertiliser. It is $40 per tonne if a farmer uses between 2 tonnes and 100 tonnes of fertiliser. Some consideration should be given to the purchase of farm machinery because it is one of the biggest expenditures that the farmer has. It is something that he buys once in a lifetime and not every year. The transport costs and the tax on farm machinery is phenomenal. One piece of machinery might set the farmer back many years in production to pay for it.

Comment was made in the report about imported seed: 'This situation is likely to persist until production expands to the level where seed companies are encouraged to produce seed in the Territory'. I heartily endorse this. I do not know how it could be encouraged but it certainly would give a boost to the farmers and the officers of the Department of Primary Production, particularly if they could work together with private companies in the Northern Territory. The only example that I can call to mind in another state is the work that Fielders are doing in Bundaberg with cassava.

I think that the comments made about the Northern Territory Producers Co-operative are a little bit harsh: 'The marketing infrastructure for agriculture in the Northern Territory is almost non-existent'. It may be practically non-existend for large-scale operations but, when you consider that 5 of the members on the co-operative are full-time farmers who do not receive any sitting fees, come to the directors meetings at Adelaide River completely at their own expense - 2 members travelling from Katherine - on their own time which could be put more profitably working their own farms, anything that is being done by these full-time, small-time farmers on the Northern Territory Producers Co-operative has got to be applauded and endorsed because they have kept going through great hardship for 12 years. It is only by encouraging small-time interests in agriculture that agriculture on a big scale will succeed in the Northern Territory.

The report states: 'The Northern Territory Producers Co-operative is installing storage facilities with aeration equipment. These facilities will probably be sufficient for the small-scale farming now being carried out but would be hopelessly inadequate if there were any major expansion'. Again I think that is a little bit hard. Nevertheless, it is the truth. Major expansion is not going to take place overnight so that somewhere along the line there will be perhaps a phasing out of certain work done by the producers co-operative and a phasing in of work done by the marketing authority. I think full consideration has to be given to that.

Under current marketing methods, it states: 'Last year the co-operative sold a small parcel of mung beans in Singapore. However, the sale price was lower than prices obtained by the Queensland Grain Growers Association'. The manager at Adelaide River went to a lot of trouble, with the help of officers of the Territory Development Corporation, to find this market. There seemsto be an implication that that was all he could do. Mr Deputy Speaker, that was the whole crop of mung beans that was produced. Admittedly, it was only a small crop but a start has to be made somewhere. I do not feel that the implied condemnation is warranted.

In the paragraph headed 'Marketing Problems Domestic', it says: 'Stock feed users are compelled therefore to look for growers who have grain to sell'. That implies that the stock feed users do not know about the producers co-operative or they do not use it. I think that this would be wrong because the people who are stock feed users in the Top End know about this co-operative and they use it. On the one hand, the report seems to be complaining about the inadequacy of the producers co-operative and then it says the users have to look elsewhere for grain. Well they do have to look elsewhere for some grains but I do not feel that that condemnation is completely warranted.

I turn now to the part of the report relating to marketing organisation. There are 3 alternatives given. The first one is to leave the handling of marketing produce to private enterprise, the second is to encourage the development of the primary producers co-operative association and the third is to set up a statutory organisation to perform these functions. The report recommends the third option - setting up a statutory organisation. I would not like to see this set up without some regard being given to a primary producers co-operative association and its future. Assuming the continued existence of the

producers co-operative with a government-organised marketing authority, the ideal situation would be to establish this authority at Adelaide River where the organisation is sited now. Before this could be done, much consideration would have to be given to many things. Adelaide River is a small town. Offices would have to be built and housing would have to be provided for officers. Many people could live there and they could need many amenities. They could need many more amenities than the town could provide. That is just a thought that I had regarding the establishment of this marketing authority.

Further on, the report says that consideration might be given to an authority comprising 6 people: an independent chairman and 5 others. I disagree with that because I think that it would be too unwieldy. It would be better for it to be smaller. Perhaps 6 may become necessary when the authority is underway and everything is bursting out all over but, for the beginning, I think that 6 would be far too many.

In reference to marketing intelligence, the report says: 'The only requirements that we can perceive are, firstly, that a designated officer in the Division of Agriculture and Stock be required to accept responsibility for acquiring the background to grain and oil seed marketing and, secondly, that suitable arrangements be made to plug into existing intelligence systems in the states and the Commonwealth'. There must be some cooperation with the present officers in the Territory Development Corporation before this recommendation is carried out.

The next paragraph states : 'It should be stressed that, for many years, the quantities of grain and oil seed likely to be produced in the Territory would have no noticeable impact on world markets. However, it would appear necessary that a Territory officer with a substantial economic background and preferably also substantial marketing expertise be given responsibility for collecting information already available in the states and disseminating such information to producers and marketing authorities'. We must have advisory officers to advise properly. Before the farmer learns where he can sell his stuff, he must have some idea what to grow otherwise he could be growing the wrong crop for the wrong market. The report also refers to skilled organisations in other states regarding marketing. Again, I would like to stress that I would not like to see useless duplication of work already done in the Northern Territory. I would like to see cooperation with existing structures in the Northern Territory.

I think this is an admirable bill which will go a long way towards starting off agriculture once more in the Northern Territory. Clause 6 says that the authority will consist of 3 members. I agree with that. I did think that 5 would be a better number but, if in the future 3 members are not considered sufficient, the legislation can be changed to have 5 members.

The minister will be exercising a lot of discretion. He will be exercising his discretion regarding acting appointments and he will also be exercising his discretion over further powers of the authority. The authority will be given very wide-ranging powers. The Territory Development Corporation is also in the minister's portfolio and he must ensure that there will not be duplication of work and there will be cooperation with other marketing organisations.

Clause 19 is headed 'Consultants may be engaged'. It says: 'The authority may engage consultants and may make arrangements to be provided with such technical and scientific advice as it thinks fit'. It is not quite clear whether that means a referral to officers of the Department of Primary Production or whether it cuts across work done by them. Again, I would like to see cooperation.

The honourable member for Port Darwin made some comment on clause 20 and the provision of managerial advice and assistance. I think he was talking about individuals there. The producers co-operative at Adelaide River is the first thing that came to my mind when talking about marketing agricultural products.

I see this legislation as the beginning of something big for agriculture in the Northern Territory. I would not like to see it developed into a massive organisation without a strong foundation of real production. I think common sense demands that there must be a very strong base of production before the marketing can go ahead. With the optimism shown by people who have gone into agriculture in the Northern Territory in previous years, this can only go ahead with success.

Mr PERRON (Treasurer): I will not keep the time of the House for very long on this particular subject of which I certainly do not have any expertise. The Territory has had enormous 'smash' failures in agriculture but I believe we should not be deterred by these failures. I am sure that a lot of people have been deterred and that is probably the reason why nothing very much has happened for a long time now. We should at least look at those lessons and learn from them. They were expensive lessons and we can surely learn from them. I do not see them at all as being a deterrent to pressing on further. It will cost an enormous amount of money over a period, not only government money but other peoples' money as well. It will be probably a very long time before we see any surplus return from the investment. Again, I say we should not be deterred by this. As the honourable member for Arnhem said, such schemes should transcend governments and I think this is very important and is one of the keys to success.

I believe that the Northern Territory can achieve the status of a large-scale agricultural producer. It may take 20 years; I hope it does not. I hope that it takes only a few years to prove that it can be done successfully here. But we must succeed. I am sure that, with will, determination and cooperation, it will succeed.

Mr MacFARLANE (Elsey): I was very pleased to see this bill introduced. Some people say that $62m is a lot of money over 10 years. I suppose it is but money is money anyway. It is what you are going to get out of it that counts; in this case, 165 farms over 10 years. The infrastructure would cost about $40,000 per farm. In years gone by, many pastoral lease applicants were expected to have $350,000 of their own money to fully develop a mini-pastoral lease. On the one hand, it was the government putting up the money and, on the other hand, it was private enterprise putting up the money. But I do not think that many pastoral lessees would expect to make about $200,000 worth of produce each year after the year 10.

When we start talking about $60m and divide it by 10, although you might want a lot more money in the early stages than in the later stages, you have got to remember that no one complained much about the Darwin Community College which gets $7m in an off year and more when it wants more. That is a lot of money too. But it is a different kind of development. Let me point out that nowhere in Australia did any state develop without an agricultural base. As soon as Captain Cook landed, he sent his men out to look for a bit of arable land. I think they found it at Rose Hill near Parramatta and they scratched about and planted a bit of wheat. That might not have been the best beginning but it was the start of Australian agriculture and every state has an agricultural base. We are a territory and that is our problem. The federal government did not worry about an agricultural base for us. I am not talking about the last 20, 30, 40, or 50 years; I am talking about the time things started to develop, 80 to 100 years ago.

There are miles of prime agricultural land on the Daly River and we have had that knowledge for many years. It is not all on Tipperary and Oolloo; it is also on the Daly River Reserve so we can look forward to agricultural development there when the Aboriginals decide on that course. There are vast areas in the Northern Territory which are suited to rice. They are not all on Adelaide River. Rice has been grown successfully for years on an experimental basis at Mainoru in Arnhem Land. Many other crops have been grown there too. I think they had about 3,500 acres under cultivation this year and that was without government assistance. Years ago, a crop of sorghum was grown on Sturt Plain near Dunmarra. Heavy rain flooded the crop and spoiled it.

Agriculture is not new and successful agriculture is not new but successful commercial agriculture is new. One of the things that has always held us back is the cost of fertiliser. Fertiliser doubles in price when the cost of freight is considered. It costs $100 down south and the freight doubles its cost. If you could take away the freight component, you could use double the amount of fertiliser and probably get an economic crop instead of a failure.

This cob of corn was grown by Jim Baily at Katherine. It is a beautiful cob. He used 4 cwt of superphosphate per acre and no nitrogen. But that is only one example. There are other things grown around Katherine. There are good sorghum crops this year. There are about 800 tonnes coming up to the produce mills near Darwin. This is nowhere near enough; they want another 2,000 tonnes which will come from Kununurra. But it is all in the one area and the limiting factor on agriculture is the freight on the fertiliser. I put forward a scheme a couple of years ago that this government, to show its earnest, should bring in a ship-load of phosphate dust from Christmas Island, which is not very far away, and convert it into superphosphate here. Sulphuric acid is available and a fertilister plant would be a great asset to this country. It would make agriculture economic. At the moment, it is not.

One of the other things - and I hope I do not rock the boat with this one - is that you are going to get 165 farmers around Adelaide River and that is wonderful. But you are going to get them from south. When the honourable the Chief Minister spoke about our work rate going up 9.8%, he did not mention that 99% of that, nearly 100%, came from south. They were not Territorians because Territorians have not got any training for that kind of work in the uranium province. We were under the federal yoke for so long that we became used to having them think for us. It is only in the last couple of years that we have been allowed to do a bit of thinking for ourselves.

I presume an agricultural college is somewhere where you train people in agriculture. If you train people in agriculture down south where there are agricultural colleges, you do not train them in the kinds of agriculture they would be expected to do up here. There will need to be an accent on tropical agriculture. The idea is not mine. It was first mooted by Bill Curteis who was Director of Agriculture back in the 1960s or 1950s. Later, it was put forward by Goff Letts. I only picked up the idea in 1968. In the 12 years since then, I have not seen any progress worth writing home about. However, it is needed not only by farmers around Katherine but up here by rice farmers and farmers who will grow peanuts and oil crops etc around Adelaide River.

Are we going to import experienced farmers or are we going to train them? We can be self-sufficient in farmers if we think a bit ahead or we can import them. I put it to this Assembly that what we are on about is looking after Territorians. It is as simple as that. The sooner Tortilla Flats is turned into an agricultural college, and I put this up early last year, the better. We can then train youths in the art of growing rice and crops which grow best in



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that part of the Top End. Similarly, around Katherine you can grow many things and I will refer to them in a minute. That is why you want an agricultural college geared to that particular part of the country. Agriculture in the Northern Territory does not stop and start with rice, peanuts, oil seeds and things like that.

In 1977, the Division of Primary Industry released a paper titled: 'Crops for the Katherine District'. It says about sorghum: 'Sorghum has been grown commercially for a number of years and the future prospects are sound only if costs can be reduced or yields increased'. If you can give the farmer cheaper superphosphate - and I am not talking about the $40 a tonne off the freight; that is not enough - sorghum can become a viable crop and that will mean that we can start producing stock feed for the Northern Territory and make ourselves self-sufficient even though that is not a very popular word.

Peanuts will be grown near Adelaide River and have been grown commercially in the NT in the past. The paper states: 'Future propspects are excellent for the large Virginia bunch types'. That was a couple of years ago. I suppose the prospects are still excellent but I have not seen much done to teach farmers how to grow sorghum or peanuts or maize or mung beans, although mung beans have been grown at the 15-mile farm. I understand they are being harvested at the present time.

We do not have to be limited to rice. We do not have to have our farming at Adelaide River. It is interesting to note that the minister said in his second-reading speech, 'Indeed, every effort will be made to encourage enterprise in other areas'. That is very encouraging. Luckily, I am a politician and I should not really be enthusiastic at all. However, I am pleased with the encouragement by the honourable the minister that every effort will be made to encourage enterprise in other areas. I am very pleased because they might even get down to the Stuart electorate and grow some more cabbages. I might mention that the demand for mung beans is unlimited. Anything we grow and everything we could grow can be sold. You have got to get it from here to there and make sure you get your money, that is all. The minister mentioned the third world countries, especially those in our region. We sent trade missions over there. We realised the demand and, some years later, we have come into the picture with a scheme which should have been put forward by the Agriculture Branch immediately this government was elected. That scheme should not have had to come from a firm of consultants. It should have been waiting on the minister's desk the day that self-government hit this place. One could almost be excused for thinking that the Agriculture Branch was without direction, and you can quote me on that.

Some successful commercial crops of mung beans have been grown. The paper states: 'Overall, there has been little experience with this crop in the NT and the future prospects appear good but depend on further market research. The world price fluctuates markedly and good quality beans are essential'. Anyone who has been to South-east Asia and had a Chinese or Japanese meal will know that he will have mung bean shoots in the food and they are delicious. They cannot get enough of them yet we are sitting here waiting for a couple of years for a scheme like this. We know the demand is there, we know we can grow them here yet we have had to wait. However, I am not knocking the scheme because of that.

'Soy beans are a potentially good future prospect, assuming satisfactory commercial yields can be attained. The state of commercial development of guar is experimental only'. I understand guar is being grown at Mataranka and at Elsey Station on sandy soil. For every type of soil, for every rainfall, there is something we can grow that can be sold if people want it. There are 250 million people over there. Some of them are starving and many of them are very rich. There are ways of financing this. We must grow it here and get it there.

We have the rainfall, we have the empty arable land and we have the sunshine. All we need is the enthusiasm and the expertise. 'The market for guar is essentially unlimited but we cannot yet be sure that we can attain economic yields in the NT'. We should be sure; that is what we are here for. 'A 30,000 hectare area of guar could support a mill for extraction of the gum-bearing fraction. The meat is used for cattle feeds'. It sounds like a pretty easy crop to grow. We are concentrating on the area. I hope that the minister will take note that, although it is the prime agricultural country where the government has wisely decided to start this scheme, there are other areas where this kind of money may not be needed but the enthusiasm of the government, its marketing ability, its extension officers and its expertise will be needed.

If you are going to have any kind of pastoral development, you must have hay and stock feed. Cow peas, lablab and other hay crops are being grown successfully in Katherine now. In fact, some of the best crops may be an embarrassment to the market; we may need to export some. It has been a very good year down there for certain crops. It has not been so good for sorghum because we had a late rain which is very good for hay crops. 'The future prospects for cow peas, lablab and other hay crops are steady for local consumption; possibly some growth for feeding live cattle if this industry grows. The meatworks is worrying because it is growing. The potential for exporting pellets is largely unexplored'. That was a few years ago. I hope somebody has explored the market for exporting pellets by now.

'The future prospects for seed crops is good, providing greater diversity and stability of production and marketing'. When we talk about seed crops, we talk about crops like Townsville sylo that can be grown well in other areas, not necessarily in the Northern Territory. In the Philippines, there are areas with the same rainfall and the same climatic conditions as Katherine. It is fairly easy to make a package deal of supplying everything including the expertise. We could take these over and supply everything: plant them, do the fencing, supply the cattle and take the money. Townsville stylo grows pretty well; it is not the complete answer but it is better than some.

I think I have said enough about horticultural crops around Katherine over the years to impress on people that there are some top farmers down there. They are not on the best land in the world but they have expertise which is going to waste. Ron Hersey would be the best farmer in the tropical north. His lettuces are sought after everywhere and some of his other salad crops too. He has it all in his head but we do not have cadets with him trying to learn what he knows.

'The future prospects for horticultural crops is good provided production is efficient and attention is paid to marketing'. Our old mate cassava is mentioned. They do not know much about it. The last I heard about it, the Israelis were talking to Charlie Court about using some of the land over there to grow cassava. They might be ahead of this government at this stage. We do not seem to be promoting it but it certainly is a crop which is interesting many people in many places.

Then there is our old friend Leucaena. I remember being at a reception with the Treasurer. I think it was for the Thai Ambassador. He was delighted with coffee bush because he said they eat it in his country yet it is a waste here.

It does not have to be rice at the Adelaide River or peanuts or oil seeds on Tipperary or whatever; it can be many things. I hope the government does not concentrate all its efforts on this one scheme. I hope it gets a top man, a troubleshooter, as the chairman of this committee. I hope it gets a project

manager, not a full-time man for 10 years but someone to grow a specific crop and make sure it is grown. It is interesting that, on the Ord, there are 40 full-time members of the Primary Producation Department. I think we have more than that over here in block 2 or block 1. I do not have much to do with them but they have not come up with this scheme which is what it is all about.

There are many things that take place after the growing of a crop and I note that this government has given much thought to them. Marketing and storage are the main things; they call it infrastructure. I do not know where it starts and stops but it has apparently nothing to do with the farmer. It gets the produce from the gate to the consumer. When people start thinking about $62m, I hope they put things in the right perspective and realise that there are many schemes which are not producing much on about that amount of money a year. We could do with much more money than we are getting here to get agriculture going because it has been neglected and we are starting from taws. I would like to congratulate the government on coming up with a scheme like this. It is pretty belated; we have lost a couple of years but it does appear to be well thought out and I wish them every success.

Mr VALE (Stuart): Mr Deputy Speaker, I rise to support this bill because I believe that, after too many false starts in the development of an agricultural and horticultural industry, we now have the ingredients for a successful establishment on a major and long-term scale. Ostensibly, the bill relates to the establishment of an agricultural development and marketing authority and I will talk in a moment about what this means to the farmers. There will be those who might say, 'Here we go again with the establishment of yet another statutory authority. What's wrong with the Department of Primary Production?'. There is absolutely nothing wrong, considering the job expected of it as a public service department. This type of organisation has inherent inflexibility and this results to some extent from the otherwise outstanding form of government - the Westminster system. We need a separate organisation in the field of agricultural development and marketing so that red tape is almost non-existent. Departmental lines can be crossed expeditiously and the government can get on with the job with minimum delay.

The thrust of the minister's second-reading speech related to carefully planned development in specific areas of the Top End. These are the ones considered to have the greatest chance of success. I commend the minister and his officials for the care that they have taken to ensure that the general benefits of this bill will be felt in many other parts of the Northern Territory. He has undertaken to promote the expansion of horticulture in existing areas of endeavour of this type. Perhaps I need to remind the House that these areas are found almost as far away from the Top End as one can go in the Territory.

The Dahlenburg operation at Ti Tree, an outstanding development and admittedly a lonely one geographically speaking, is not the only example of horticultural potential in Central Australia. With further investigations of water and soil resources throughout the Northern Territory, the geographical spread of this industry is virtually guaranteed. Indeed, I confidently expect that agricultural and horticultural produce will be flowing from the southern half of the Territory in greater tonnages than it is now long before we see the establishment of the 165 new Top End farms that the minister referred to in his speech. This will happen for several reasons. Significant amongst them will be the predictable impetus that the Adelaide River and Douglas/Daly scheme will give to producers in other areas. They will benefit from the adoption of new and better methods of cultivation, Territory-wide economies of scale in the much larger importation of, for example, fertiliser, and the drastic increase in the volume of export produce over our wharves and overland to the interstate markets and, most importantly, the increasing attention to handling and marketing requirements.

Clause 20 of the bill particularly pleases me. It enables deserving producers to engage government assistance in a Territory managment or even reconstruction of their operations. For far too long, the small man on the land has often wondered where to turn for expert assistance when he has run out of ideas for getting out of strife. The Territory Development Corporation, quite commendably, has already established a small business advisory service. I do not know the extent of its terms of reference but I have no doubt that it would be eager and competent to investigate particular problems of some primary producers. However, clause 20, implemented through the agency of the proposed agricultural development and marketing authority, means that expert farming advice will be even closer at hand.

I referred earlier to further investigation of water resources. In this context, I wonder how many honourable members have given thought to the great potential benefits to primary industry through the work over many years in the search for oil and gas by the exploration companies. While oil, gas and minerals are their specific preoccupations, they cannot but help turn up new reserves of water and most of them have already afforded a great deal of assistance to the government in making these finds known.

Whilst we are still to capitalise on this data to any great extent, the pleasing fact is that it is constantly being added to . The proper implementation of this legislation can wipe out the doubt and hesitancy that seems to have existed in the past over the Territory's capacity to become a substantial producer of food. The bigger failures of the past are now legend. It is not difficult to establish a grain sack full of reasons why they crashed into oblivion. Many of them relate to insufficient knowledge of the natural environment of the Territory and to the lack of expertise on the means of coping with it. The scientists, technocrats and others have come a long way since then. Substantial reservoirs of knowledge exist now to the extent that the government can have every confidence in supporting primary industry schemes of the type and magnitude it now has in mind. This legislation is vital to this momentum proceeding further. I support the bill.

Ms D'ROZARIO (Sanderson): Mr Deputy Speaker, I would like to take up 1 or 2 points in which I have some special interest. The debate on this bill has ranged very widely and indeed it has been a most enjoyable debate to listen to. Some extremely good points have been raised and I think that, as the Treasurer said, the past failures of agricultural enterprise in the Northern Territory are not a good reason for doing nothing but they are certainly a good reason for addressing our minds to some of the problems that we know from experience we might encounter.

Does the development of agriculture necessarily require the setting up of a new authority? We know at the moment that the government can appropriate money to put into agricultural development so that is not a reason for setting up an agricultural development and marketing authority. However, I am pleased to say that the bill itself gives powers to this new authority which go a little bit further than powers that are available at the moment to the Department of Primary Production. We certainly do not argue that this authority should not be set up but agricultural development requires inputs of 3 broad kinds: capital input, input of skills and expertise, and favourable climatic conditions.

The government has given an indication that it is proposing to inject some $62.5m over the next few years into agricultural development and indeed the opposition certainly commends that. There is no doubt that the Territory has favourable climatic conditions for the cultivation of many grain crops and horticultural crops so that should present no particular problem.

It is in the area of skills and marketing that I am particularly interested and I would just like to record a few comments about that particular aspect. As the honourable member for Elsey said, there is a market for anything that can be grown in the Northern Territory. That has some truth in it although I would point out that food habits change relatively slowly. Nevertheless, it is possible to encourage the development of a market. I can remember that, when I first came to this country some 14 years ago, it was virtually impossible to buy a clove of garlic. I can remember, in my first week here, trying to find the English word for that particular object. I walked into a shop and I had to draw a picture because not only could I not see this item anywhere on the shelves but I did not even know what to ask for. Nowadays, anyone can buy a clove of garlic from even such places as Woolworths. A further example is the development in such food commodities as bean sprouts. A few years ago, the eating of bean sprouts, yoghurt and things like that would only occur amongst immigrant families in Australia but now I find that Australians are settling down and heartily tucking into these sorts of foods. So, although food habits change slowly, it is possible to create markets.

What we mean when we talk about developing markets and disposing of food crops is the application of an extremely specialised set of skills. Whilst others have sounded a word of caution about agricultural development itself, I would hope that, in years to come, the Northern Territory might develop those skills which are necessary to seek out markets, to develop markets and to dispose of our crops in a world situation which is extremely competitive.

The skills to market agricultural crops is an area in which the Territory is lacking. The Lapidge Report gives some instances of this and indeed noted that there was an almost total lack of expertise in this particular area. I appreciate the remarks made by the honourable member for Tiwi that an organisation that she has knowledge of does a very good job in its own particular set of circumstances. But we are talking about an extremely large-scale operation. We are not talking about the disposal of a few hundred tonnes here or there; we are talking about the capture of world markets and not just the removal of a few tonnes of stock feed between the particular growers and stock agents. Whilst I am sure that the instance that was recorded in this report was not meant to impugn the ability of the organisation to which the honourable member for Tiwi referred, I think we have to address our minds to the question of what sort of scale we are looking at. This is where we have fallen down in the past. We have been totally unable to comprehend and we take as criticism remarks which are put in good faith. This is a very competitive market. The selling of crops on world markets is something where you take the price. He who gets there first and lines up his markets is the one that gets the custom.

It is sensible in that context to identify at least broadly some set of consumers. Some passing reference is made to our being a food bowl for third world countries in the near region. There is room for marketing in these particular areas but what we have to remember is that other producers are trying the same thing. We are in a slightly different situation with our agriculture to other suppliers of the same products. Other states and countries are disposing of surplus crops; that is, they already have the impetus for agriculture, they are already in production and they are disposing of surpluses. We have a problem of small scale. We are talking about stimulating agricultural development for the express purpose of selling on world markets which is a completely different ball game to simply disposing of surplus. Given that this development is to take place with the express purpose of selling on world markets, it is sensible to do the rounds and to see where we might be able to sell. Whilst we are doing that, it is also sensible to find out what these people might want. There is no point in producing crops which have no particular market because this only leads to dumping. As I mentioned, we can create markets but this is a reasonably long-term prospect.

If there is a reservoir of customers in some near region, then presumably they have some needs which should be met. Although the numbers of crops given here are quite extensive, and there should be some choice as to what we grow given the environmental and geographic limitations, I think that work which is taking place to develop markets ought to continue.

The Lapidge Report paid a good deal of attention to marketing problems that might be encountered by the proposed Territory agricultural development and marketing authority. These marketing problems were divided up into domestic problems and export problems. I must say that I did not take too much offence because I think that these sorts of reports ought to be frank as to the size of the problem confronting us. Certainly, the domestic ones seem a bit easier to tackle in the short term. With regard to agricultural crops, we are told that our domestic problems are the lack of an effective marketing organisation which would guarantee continuity of supply and the lack of storage facilities. One hopes that the setting up of this marketing authority will take care of the first problem; that is, the provision of the marketing organisation. I am certainly heartened to read in the second-reading speech of the minister that, together with the development of some 165 small farms within the next 12 years, there will also be the development of infrastructure with particular reference to storage and handling facilities.

The international marketing problems that are facing us are ones that I cannot see being solved by the end of the first stage of this particular program which I think is 5 years. I think that the question of scale is the major one confronting us and I am not optimistic that this one will be solved within 5 years. I think it might take us a little longer than that to get to the scale required to market competitively on export markets. I have every confidence that the setting up of a marketing authority will lead to some improvement in market information that is available to our growers and I personally support the bill from that point of view.

A few remarks are required about the pool of skills that we have and might have in the future. It has been noted that there are very few people engaged in full-time farming in the Northern Territory and this is a problem that we share in common with all other places in Australia. Recently in Queensland, a call was made to give assistance to young farmers between 25 and 35 years of age to remain on the land. I think it was the Chairman of the Country Party or the executive director who called for the establishment of a loan system which would enable young farmers to remain on the land, to keep their skills and to develop them further. The flight from the land and the taking of their skills with them is a problem that we share with other places. There again, we have to be competitive in our approach. If we are to attract skilled people and make a decent effort at increasing the skills of the farming population, then we must be competitive with other places which are trying to do the same thing and other places include the top end of Queensland to which the honourable member for Tiwi made reference.

Whilst the proposed injections of capital expenditure and our favourable climatical conditions are conducive to agricultural and horticultural development, there is this other question of the manpower requirements and the skills that are required to make the scheme a success. However, like the Treasurer, I do not believe that this prospect that we will not have these in the short term is any reason not to proceed with this particular bill. I think that the sooner we do have this authority the sooner we will find that we can develop some meaningful program of development of skills and marketing expertise.

There are 1 or 2 quesions relating to the bill itself which perhaps are more appropriate to bring up in the committee stage. I do commend this bill. We

look forward to assessing the result at the end of 5 years and may I just say in closing that it is a sensible thing that the minister has given notice of that the first stages of development will take place in the Adelaide River and Douglas/ Daly River regions. The honourable member for Alice Springs was disappointed that there was no express commitment to development in the Centre. But I think that, if we are to show some results in the short term, then it is sensible to choose those areas which have got the best likelihood of success because, with success at the end of the first stage, we might be able to attract the other types of inputs which we require also to make this marketing and agricultural development authority a success.

Mr STEELE (Industrial Development): Mr Speaker, I am going to be battling to cover all the points that members have raised. I will try to cover them where I can and I certainly thank members for what could be described as a foraging debate on an agricultural subject. Certainly, the debate has emphasised past failures, the lack of infrastructure, government support in the past etc. The theme seems to be fairly constant: the required specifications of new farmers. If those specifications can be met inside the Territory, well why not? Certainly, there will be specifications. That is my approach to the matter.

This whole exercise has required quite a lot of portfolio consideration. I was concerned that we would never get agriculture off the ground in the Northern Territory because of past failures. In consideration of what should be placed before the government, I personally inspected schemes that have been established over many years in other places such as the Fitzroy Basin in Queensland, the Heytesbury Scheme in Victoria and, right at the last gasp, I thought I had better go down to the Ord which is an area where I had some experience many years before. The farm owner-manager approach is definitely the concept that must be supported. The large schemes seemed to run out of cash at the wrong time. The Tipperary scheme was part of a gigantic public shareholding exercise. People were selling off shares. I think there was a lot of pressure placed on the support of that scheme. These are the failures that people are concerned about when looking at agriculture in the Northern Territory.

The staging process is the key to the whole exercise to avoid, as the honourable member for Arnhem indicated in more than one way, putting back agriculture a further 20 years. I think the staging process will effectively tell government where a large-scale scheme can be developed successfully. It will allow for examination by interested persons and interested groups such as the BAE to assist us in our approaches for money from the federal government. I think it is fairly important that the whole exercise be staged.

I think the emphasis that members did not get around to, except perhaps for one or two, was that the management of agriculture in the Northern Territory was undertaken from far away. I think the member for Elsey said: 'the federal yoke'. That seems to be the whole crux of the matter - the management, the accountability and the responsibility for agriculture now vests in local people. Government can take these decisions as they need to be taken. The availability of funds certainly for the first stage - I could not put the $4m figure that the honourable member for Arnhem put on it - will be a decision of government. We certainly agree with him that we cannot afford another failure. The areas of expertise and management were mentioned and I certainly have to support the suggestions.

To answer one of the questions, an initial amount of $750,000 has been allowed for in the supply legislation under the heading of the TDC and that is only for administrative purposes. That money no doubt will be transferred across as and when this legislation is completed. The management has been installed in the agricultural marketing and development authority.

The question of research was raised. I suppose you can accept the criticism that there are not enough research people but, with this program, there will be enough research people to make sure that the scheme is successful. The present staffing position of the authority itself is under consideration. We are not considering necessarily,a part-time chairman,as I indicated in the second-reading speech. The legislation does provide for flexibility in this regard. The decision has not yet been taken and it may be that we will have to veer away from my suggestion in the second-reading speech depending upon on what management we can attract. Certainly, we will be aiming at the best and those are questions that we are addressing ourselves to at this very time.

There was some comment on small producers. It is an indication of the lack of success in the Northern Territory that we can only talk about 2 producers: Ron Hersey and Ian Dahlenburg. I think that is the very reason why we have gone into agriculture. When I sit on the Australian Agricultural Council meetings every 6 months or so, the debate ranges around wheat quotas, barley shipments, sugar etc. I can understand the remarks that free-ranging intercourse and sound socialist principles must come together because obviously there has been a fair bit of socialism in agriculture right from when this country first got underway. It is not brand new. No doubt we borrowed it from somewhere else.

Ms D'Rozario: Karl Marx.

Mr STEELE: I have never met him in my trips down south.

There has been some emphasis on using local landholders in the Adelaide River region and I think that is important. The process down at the Douglas/ Daly Rivers region will be somewhat slower because land will have to be secured or even acquired. Discussions have taken place with some of the landholders in that region and we are hoping that satisfactory arrangements can be made. The target will be that the project farms will be underway in the wet season of 1980-81. There are quite a lot of logistic problems in getting that underway at that time. I admit quite freely that all the finer details have yet to be worked out as to the exact amount of assistance to give farmers in the pre-development of land process. One thing is evident from all the schemes that I examined. They have been going on for a couple of generations and they have had government support during that time. That is the consistent feature of most of the schemes in this country. If you put farmers on the land in a scheme like this, you have to back them consistently over 30 or 40 years. I can tell by the debate that most people would accept that as a proposition.

On the subject of horticultural development, I have often thought that, if we are ever going to break the nexus between South Australia and the Northern Territory, farms would have to be developed. Perhaps not necessarily in this high rainfall area where we are developing these schemes but certainly I believe that Tennant Creek, Ti Tree, Alice Springs and Katherine are places where we will eventually be, to use those horrible words of yours Sir, 'self-sufficient'. There is no doubt a role for farmers growing small crops as well as farming their 2,000 hectares of the crops that we are asking them to grow. The very important part of stage 1 is that farm budgets will be established by that experience. On the Ord, when the farmers got into a fairly dire situation and wanted to change crops, the government of the day brought in farmers, placed them on land there and paid them to stay and grow crops so that budgets could be established for the future viability of the whole area. I sometimes think that, if the northern region of Western Australia had been included in the Northern Territory, their progress would have accelerated somewhat. The last time I was down there, I could see that they had no real shipping facilities for grain. It seemed that there was a heck of a lot of cutlasses being flashed around between the units of the public service administration in Western Australia and it seemed so crucial

that farmers were suing individual units of administration for putting chemicals in drains and things of that nature. It seemed that being 2,500 miles away from Perth was not doing that scheme a lot of good at all.

The honourable member for Tiwi emphasised small farmers. I am sorry that we have had to expedite this legislation to keep up with our program. The report obviously was not debated in the way that she would have liked. I take the point of the member for Sanderson. Certainly, I would say that the gentleman who wrote that report would not be reflecting on the expertise of the people concerned with the Adealide River Co-operative. In support of that, if you go round central Queensland where most of the grain is grown, you will not find people there talking about not entering into this sort of debate. They have been successful for dozens of years and all they can talk about is growing more grain and getting more infrastructure. They are certainly not talking about what you should do with marketing exercises and people to do this and that.

The member for Alice Springs raised the point about the concentration in the north. I remind him that, in recent months, we connected water to an extra 14 farmers down at Emily Gap which might be useful for small crops at least. Certainly, it will not pick up the question in the short term.

The question of machinery was raised. There has never been a farming community in northern Australia where people could go and get machinery. That is a real part of the problem of how to outfit these farmers before they go onto their farms. I am not sure exactly what we can do. We may have an authority-owned pool of machinery. It would be too savage a cost to place on farmers commencing their farming career in the Northern Territory and it may be that this is something we will have to do. Certainly, our heart is in the right place with all of these matters.

The member for Elsey raised the question of agricultural colleges. I do not know which comes first, the chicken or the egg. The one at Emerald seems to cost $1m a year just to get a hundred kids through. If we had that sort of money, I suppose that is what we should be doing. However, the whole concept of farming on the Douglas/Daly region and the Adelaide River area will create new problems and the solutions will not be readily available. I can see a brand new transportation and grain handling technology developing that has not been experienced in other places unless we can get the railway through first. We are entirely dependent on trucks and the right sort of infrastructure in the port. If we do not go to the full extent of creating all the infrastructure that is required, bearing in mind the economies of scale, there is no possible chance of this scheme being successful. I think that stage 1 will tell us whether we should do just that.

There has been little mention of the natural hazards in farming such as the predators, the fires and the floods. I think these are things we have to contend with in the management. I think that anybody with faith in the Northern Territory, who is prepared to carry the load of these problems with the right sort of support, can be assured of some measure of success in the longer term.

I did say that there has been interest in the scheme from right around Australia. That was a result of one press statement in the southern press. I would hate to envisage the amount of work we would have to do if we placed advertisements down south at the moment. We will be placing advertisements in due course for various reasons and no doubt there will be a fair bit of attraction at that time.

In advance of this legislation being compdeted, the government has a working party looking at all aspects of roads and services, locations and the land questions. Planning is fairly well advanced and I hope that, with the completion

of the legislation, recruitment of the top executives of the authority can go ahead. The member for Tiwi raised the point of locating a management unit in Adelaide River. It might not be such a bad idea if the new management was located in Adelaide River provided that we can accommodate them down there. I think that the whole key to the scheme is adequate qualified management with the proper technical and professional abilities, and finance in the form of grants and loans. Part of the financing could be under some form of grant.

As I said earlier, both parties are on record as supporting this scheme. I commend the legislation to the honourable members.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr STEELE: I move amendment 177.1.

The Northern Territory Development Corporation cannot legally hold an interest in land and, for this reason, this House has enacted special legislation to create the Northern Territory Development Land Corporation which does have that power. This amendment is necessary to allow the transfer of all real property assets to the land corporation on the expiration of the Agricultural Development and Marketing Authority in 1985; that is, if this action is required at that time.

Amendment agreed to.

Mr STEELE: I move the amendment 177.2.

This permits the transfer to the Northern Territory Development Land Corporation.

Amendment agreed to.

Mr STEELE: I move amendment 177.2.

This achieves the same purpose as the preceding 2 amendments.

Amendment agreed to.

Mr STEELE: I move amendment 177.4.

This is necessary to clarify the previous amendments.

Amendment agreed to.

Clause 3, as amended, agreed to.

Caluses 4 to 12:

Ms D'ROZARIO: I wish to speak to clause 9 under which a member may resign his office by writing which is signed and delivered to the minister. There does not seem to be any provision for removal of a member. I wonder if the minister could tell us how we get rid of a member whom we do not particularly want.

Mr STEELE: I am advised that what I had proposed would limit termination to those particular subclauses. In addition to that, the members on the corporation will be employees as much as being part-time people. For that purpose, it was felt that we should not limit the minister to those particular reasons for expulsion or dismissal.

Ms D'ROZARIO: I am not really convinced by the minister's reply. There is a provision in clause 9 which say that, where persons become members of the authority and they were employees of the public service, then certain terms and conditions will attach to their appointment. Of course, they will not then be employees under the Public Service Act at all. It is still necessary to know how the minister proposed to remove a member from office for any of these reasons which he has in his amendment which is not going through now. As I mentioned, we could have people sitting as members of this authority who simply decline to resign. I do not think that that would be very conducive to the success of this organisation.

Mr STEELE: I am advised that I have those powers under the Interpretation Act.

Clauses 4 to 12 agreed to.

Clause 13:

Mr STEELE: I move amendment 177.6.

The role of the authority is intended not only to develop agricultural projects but also to assist in their operations after the development phase or as long as it is necessary to ensure profitable operation under any conditions. In the initial phase and until the aims of the scheme are realised by achieving enconomies of scale, extensive assistance will be required. Following that phase, the authority will continue to give assistance to protect the industry from the inevitable fluctuations of price and demand for crops which could cause difficulties to the farmers.

I did not adequately respond to the member for Port Darwin in respect of his query about crops being required to be from interstate. His concern will be covered by separate contracts being written out with the farmers. There is no intention at this stage that this legislation would or could be considered as an orderly marketing scheme on its own. Certainly, it has powers under clause 14 to become or have an orderly marketing scheme at a later time.

Amendment agreed to.

Clause 13, as amended, agreed to.

Clause 14:

Mr STEELE: I move amendment 177.7.

The authority must have the flexibility to be able to investigate problems or any matters in the industry on its own behalf as well as undertake the studies which the minister will require from time to time.

Amendment agreed to.

Mr STEELE: I move amendment 177.8.

The authority must have the power to enter into arrangements with authorities or landholders to achieve development targets and to acquire security under these arrangements.

Amendment agreed to.

Clause 14, as amended, agreed to.

Clause 15 agreed to.

Clause 16:

Mr STEELE: I move amendments 177.9 and 177.10.

This and several other amendments are required to bring the authority clearly under the constraints of the Financial Administration and Audit Act which defines the reporting and accountability of requirements of statutory bodies. I might point out that advice I have received indicates that, in tight money markets such as are prevailing currently, state marketing boards are facing difficulties in acquiring sufficient reserves of funds for advanced payments to growers and for capital works. Maximum flexibility in financial arrangements is necessary for marketing boards or authorities to operate efficiently. Hedging against commodity price fluctuations requires boards to take positions on future markets and to forward and sell products and to invest and borrow money at the best commercial rates. As the marketing area of the Agricultural Development and Marketing Authority develops, these problems will become evident. However, the need for accountability and responsibility to government is paramount under the constitutional conditions of the Northern Territory and this amendment and those to follow will ensure that accountability.

Amendments agreed to.

Clause 16, as amended, agreed to.

Clauses 17 to 20 agreed to.

Clause 21:

Mr STEELE: I move amendment 177.11.

This removes the conflict in clause 21 (1)(b).

Amendment agreed to.

Clause 21, as amended, agreed to.

Clause 22 agreed to.

Clauses 23 to 25 negatived.

New clause 23:

Mr STEELE: I move amendment 177.12.

This will require the authority to conduct its activities in accordance with the provisions of the Financial Administration and Audit Act and report to this Assembly on those activities.

New clause 23 inserted.

Clause 26 agreed to.

Title agreed to.

Bill passed remaining stages without debate.

## LEAVE OF ABSENCE

Mr ISAACS (Opposition Leader): Mr Speaker, pursuant to Standing Order 23, I move that leave of absence be granted to the members for Victoria River and MacDonnell for today and for the rest of these sittings for personal reasons. The honourable member for Victoria River is receiving medical attention and the spouse of the member for MacDonnell is extremely ill in Adelaide.

Motion agreed to.

## SUPREME COURT (JUDGES LONG LEAVE PAYMENTS) BILL
(Serial 384)

Continued from 21 February 1980.

Mr ISAACS (Opposition Leader): Mr Speaker, I addressed myself this morning to matters relating to the terms and conditions of judges of the Supreme Court. This particular piece of legislation gives long service leave benefits to judges appointed in future to the Supreme Court of the Northern Territory. The same position which applied to judges' pensions applies to long service leave. Because they are Federal Court judges, current judges receive their long service leave payments under a federal act. The current legislation before the Assembly will give new judges the same long service leave conditions as the current judges receive; that is, after 10 years' service judges will receive long service leave the equivalent to 1 year's salary. That is a condition which is in excess of the normal private sector and even public sector long service leave provisions but the comments I made this morning in regard to payments and conditions to judges certainly apply in this case. The opposition supports the bill.

Motion agreed to; bill read a second time.

Mr EVERINGHAM (Chief Minister) (by leave): I move that the third reading of this bill be forthwith taken.

Motion agreed to; bill read a third time.

## ADJOURNMENT

Mr STEELE (Transport and Works): I move that the Assembly do now adjourn.

Mrs LAWRIE (Nightcliff): I wish to draw to the attention of the House 2 matters tonight. Firstly, I wish to thank the Minister for Transport and Works for making 2 officers of his department available to me to discuss the dreaded Crystal Corner intersection and some of the improvements which have taken place. At considerable risk to life and limb, we sat on the traffic island yesterday at approximately this time watching the traffic flow. I understand that further improvements will be made to the Nightcliff side of that intersection which hopefully will reduce the hazard of which I spoke in the House last Wednesday. I reserve any further comment until those improvements are made. I express my appreciation of the prompt action of the minister in making such advice available.

The other matter I wish to raise is not quite so simply settled. It deals with the dreaded acquisition in the 32-square-mile acquisition area which took place some years ago and which is still occasioning hardship to some of the people who formerly owned land in that area. One such person approached me with his problem and I have a great deal of sympathy for him. The original acquisition was on 15 June 1973 when he was offered compensation for the land and improvements. This was a total of $13,200. This consisted of $8,000 for the land, $200 for the electrical fittings and $4,200 for the dwelling and improvements. On 2 November 1979, the Northern Territory government offered - to use his words - 'to sell my land back to me on a special purposes lease for the sum of $32,000. The breakdown of this was: $21,000 for the land and $11,000 for the dwelling and improvements'.

This man has never accepted the original offer of compensation because he believed it to be grossly inadequate and he did not want to surrender the land anyway. At the time of the original acquisition in 1973, the improvements which were valued at $4,200 included the 15-square house, outbuildings, fences on 3 sides of the block and a totally cleared area of approximately 1 acre surrounding the dwelling. The complete 5 acres had been selectively cleared. There was 3 phase power which was connected to the house including 3 of the regulation power poles, a meter box, earth linkage breaker, 100 yards of 3 phase aerial cable and complete new house wiring and fittings which had been fitted by a registered local electrical firm.

Since 1973, and remember the improvements at that stage were valued at $4,200, the only maintenance which has been carried out by the government has been to put a firebreak through the centre of the block during which process the toilet facilities were demolished and subsequently have never been replaced. After the 1974 cyclone, a length of guttering was supplied to one side of the house and a 1,000 gallon water tank was also supplied and some sheeting which had been damaged was covered but not replaced. All other maintenance has been carried out by the person who still considers himself to be the owner. This included replacing his roof because he was still living in the place and he has done other minor maintenance to ensure safe and reasonable living conditions.

The November 1979 Northern Territory government offer of the resale is a little confusing because many of the improvements which existed at the time of acquisition, which were only valued at $4,200 and which now have increased to $11,000, no longer exist. There are no outbuildings. There are no fences at all left and, except for an area around the house kept clear for fire safety, the block is covered in saplings and fallen trees and is overgrown with spear grass during the wet season. The whole property is falling into disarray.

In 1973, the house was in very good condition but, with the uncertainty of his continued occupancy, it has deteriorated to a large extent. He blames that on 7 years of neglect by the governments, both federal and local. At Christmas, these improvements which have increased in value although they have largely disappeared were to be bulldozed by the Housing Commission as they were considered unsafe and unsuitable as habitable dwellings. He was a little cheesed off at this action. He had a resonable house, had cleared the land and put on the power and then it was compulsorily acquired. He never accepted the compensation because he believed it to be unreasonably low. An offer was made by this government to sell it back to him - although he had never formally acknowledged he had lost it - at a vastly increased price, including the improvements, some of which have disappeared and the others were in a condition which another arm of the same government wanted to demolish as being unsafe. The poor man is missing out all ways.

He started to pay off this block in 1967 and he owned it outright at the time of acquisition, including the house and everything on it. Now he is asked to buy it back again at an increased price and it will eventually put him in debt to the tune of approximately $19,000. I am prepared to make the information I have available to the Minister for Lands and Housing. Honourable members will be aware that I have not used the man's name. From owning something with a partner, a lady, he is now faced with a probable debt of $19,000 and the loss of many of the improvements. He is less than happy.

He received a letter on 2 November 1979 from the Minister's office making him this offer and suggesting that, if he had any queries on the level of valuation, he could ask for a reappraisal. He has done this and he is still awaiting a review of the valuation of the improvements. No such review has been undertaken. The longer the whole process drags on, the more deterioration will occur. I am quite aware that he is not the only person caught in this particular bind in the 32-square-mile acquisition area but I think that, where people have consistently refused to accept levels of compensation and have declared all along that it is still their property, the least they can expect is an immediate review of the current valuation placed upon their land and improvements when they ask for it. Of course, the whole thing is still subject to negotiation but I would ask the Minister for Lands and Housing if he could take some action to expedite these matters, particularly the reviews of valuations, so that these people can receive some measure of appreciation of their peculiar circumstances and, hopefully, some form of settlement.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, I wish to speak today on the matter of crocodiles in the area of Nhulunbuy. The other day I asked a question of the Chief Minister on this matter and he said that perhaps we could erect signs in the recreation areas around Nhulunbuy and other areas of the Territory and that the Parks and Wildlife people could remove some of the crocodiles from the area.

There is some concern at Nhulunbuy at the moment. There have been more sightings than previously. I know the crocodile has always been there. There are more reports coming in that they have been seen around places at Elcho Island and Milingimbi. I was speaking to Dr Webb the other day on the phone and he said that more crocodiles are appearing in some of these areas. That is of concern to me, particularly in light of the fact that last year a young visitor to the town lost his life as a result of a crocodile attack. Recently, a young man who was swimming in the Giddy River disappeared. He has not been found. I am not saying for one minute that he was taken by a crocodile but it was thought at the time that perhaps a crocodile could have taken him. They searched the river and found about 17 animals. Although most of them were small hatchlings, there were 2 larger crocodiles. They went further down the river. They did not find any crocodiles further up from that spot but it did create quite a bit of concern to the people in the town. Since those incidents, there have been crocodiles seen on the town beach and also in the same area where some of the Surf Lifesaving Club members practise their various exercises. There have been crocodiles seen near the sewage lagoon, at East Woody Point and also up behind the golf course which is between East Woody Point and Wirawawoi.

I call on the Chief Minister to take immediate action and perhaps destroy those crocodiles in those areas where they could be a danger to people's lives or have them removed from those areas. To have them removed would be a costly job and would take time. However, I do make a plea for something to be done before any more attacks occur in that area. People are concerned. As a matter of fact, my wife rang me up after we said we would announce that we would put signs up. She said, 'What are you going to put on the signs. Will they be in crocodilus or in English?' Seriously, I think it is important to inform the public. Perhaps, through Parks and Wildlife, we can make more information avail-

able to people that crocodiles have been there a long time before we arrived. In other areas of the Territory, more crocodiles are being sighted. Despite the great work that Professor Harry Messel has done on this, it seems to me that much of his work has not been in the proper areas. I think that he has a lot to answer for in that respect but I am not an expert on that. I do not have any full knowledge of it but there have been some doubts about the research, the money and time spent over the years by Professor Messel and his crew. I am making a plea that something be done for the people of Nhulunbuy.

I would also like to praise the Surf Lifesaving Club at Nhulunbuy for the work they are doing in their spotting, keeping a lookout while people are swimming and registering where these sightings have taken place. They cannot do a great deal themselves but they do act on behalf of the community to keep an eye on these things and inform the authorities. I know there is a gazettal for a position for a ranger in Nhulunbuy and, hopefully, that position will be filled. We could perhaps give some responsibility to that person to keep an eye out and register where these crocodiles are. I am particularly worried at this stage because they seem to be emerging from everywhere.

Mr COLLINS (Arnhem): Mr Speaker, I raised a matter in question time this morning with the Minister for Community Development and the Leader of the Opposition and I received a private communication from him at a later stage. He said that the Environment Council had in fact received operational funding from the Department of Community Development. To quote the honourable minister, 'It wasn't much but we certainly did fund them'. I find that answer a little confusing and so does the Environment Council. They are in receipt of a letter and I know that the honourable member for Nighcliff has tabled letters in this House before which seem to conflict with what the minister has said and I am about to do the same thing.

The letter is dated 23 November last year and is addressed to the Chairperson of the Environment Council:

> *On 29 October 1979, I wrote to the Director of the Environment Council acknowledging the council's request for assistance during the 1979-80 financial year. I now wish to confirm Mr Spillett's verbal advice to you: the minister's approval of an amount of $9,500 for the purposes of a survey of national estate priority in the Reynolds/Daly River area under the supervision of the Territory Parks and Wildlife Commission. A copy of the conditions attached to the grant is enclosed. Pressing financial commitments do not permit any further assistance to your council and I regret that your application for help with operating costs was unsuccessful.*

I would like to point out to honourable members the significance of that letter. The $9,500 referred to is not a Northern Territory government grant. That amount of money is part of the $150,000 allocated to the Northern Territory under the federal government's national estate program, as it states in the letter, for 1979-80. The $9,500 from the federal government is simply administered by the Northern Territory Department of Community Development. That amount of $9,500 is not a Northern Territory government grant; it is simply part of a tied grant from the federal government specifically allocated for a survey of national estate priorities. The amount of money that I was referring to this morning, particularly in respect of photocopying and other such mundane day-to-day duties of the council, was for operating expenses. As this letter clearly states, the application for Northern Territory government assistance with operating expenses was refused last year. I would be very interested to know how this conflict arises because the Environment Council has certainly confirmed today that it has not received any funding at all from the Northern Territory government. Perhaps



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the minister, as he assured the Leader of the Opposition and myself earlier today, can speak in the adjournment debate this afternoon and advise where this conflict occurred.

The other matter which I want to cover relates to the question I raised the other day with the Minister for Education on participation of the Northern Territory Department of Education, specifically the adult education section, in the preparation of uranium booklets for a private uranium company. The minister responded to my question with an absolutely clear, unambiguous, unequivocal answer and the sentiments of that answer I concur with completely. He said: 'It is not the role of any adult education service to be either pro or anti-uranium mining. Adult educators have been known to be involved in the dissemination of fact and the assistance of understanding and I see that as a reasonable role as long as it does not become either for or against'. That is an absolutely clear, unequivocal and unambiguous statement. I support it and completely concur with it. He concluded: 'It is certainly not the policy of this government that departments and agencies within government should be used for this sort of propaganda at all'. I would like to point the following out to the minister. He began his answer by saying: 'The honourable gentleman has just made an allegation and I have no doubt he wants the media to print it as a statement of fact'. I quite honestly do not care what the media does with it. I certainly have not put out a press statement on it and do not intend to. It is certainly not an allegation; it is a statement of fact.

I would like to read to the honourable minister from this document: 'The Koongarra Story'. The following was printed in rather large letters: 'The Koongarra Story. This booklet has been written to help Aboriginal people understand what will happen at the Koongarra project. It has been prepared with the assistance of the adult education section of the Northern Territory Department of Education'. There certainly is information contained in this booklet and the booklet which goes with it - 'The Proposed Koongarra Project' - which is subject to debate. It continues on page 26: 'Information - The mining people will have a person available to talk to Aboriginal people about mining things that might be worrying them. Aboriginal adult education officers will also help Aboriginal people to understand the work that is being done at the project'. It is certainly the role of the mining company to provide Aboriginal liaison officers, as they do, to explain the workings of the company and to discuss any problems that might occur with Aboriginal people. It is certainly not the role of the Department of Education to provide adult education officers, Aboriginal or otherwise for this purpose.

I repeat the minister's statement: 'It is not the role of any adult education service to be either pro or anti-uranium mining'. I put on record in this House that I would be disgusted with any adult education officer who put a totally anti-uranium point of view when asked to comment on this whole question of nuclear energy. I concede, along with every thinking person, that this whole question of nuclear energy is a highly contentious issue. There are people for it and against it. It would be the role of any responsible officer of the Department of Education to explain to people who ask him for information on the nuclear debate that there is a pro argument which has a great deal of strength attached to it with questions of royalty payments, improvements in health standards, facilities and so on. There is equally an anti argument and any responsible education officer for the Department of Education would be putting both those arguments and leaving it up to adult people. I am talking about adult education officers allowing people to make their own decisions as to whether they are for uranium mining or against it.

There is a problem with this document which concerns me more than the fact that it states clearly in the front that the adult education section of the

Department of Education was involved in its production. I came across this document in an Aboriginal community where it was being used as the basis of a totally biased pro-uranium discussion by the adult education officer in the community who had received the document only the day before. In a very friendly manner, I told this gentleman afterwards that I did not hear one single word in this entire discussion indicating that there was even an opposite point of view to be considered. To justify the line he had taken, he produced these documents and, much to my dismay, I saw that not only was the Department of Education committed on the front page but, on page 26, the services of adult education officers within the department were committed to further explaining the case for this uranium mining company should such assistance be required. He said to me: 'I take it as a reasonable assumption to make that, if we get documents like this sent to us, it is now departmental policy for us to be supporting uranium mining in Aboriginal communities'. Quite frankly, I was very disturbed by that statement.

It is obvious that the minister disagrees with it and I will say again for the benefit of the honourable Minister for Mines and Energy that I am talking this afternoon about education matters not mining matters. I would be sincerely equally disgusted with any adult education officer who put a totally anti-uranium argument without explaining that there was in fact another side to that also. It is not the role of the Department of Education to be involved in this debate at all unless both sides of the story are going to be presented by responsible education officers. I commend the minister for the answer he gave.

However, the problem remains. Adult education officers, especially the one I spoke to, who are cut off from professional contact for the greater part of the year, are under the impression that the department now officially supports a pro-uranium argument. I think it is absolutely essential that copies of the minister's answer to my question be immediately circulated by the department to all adult education officers with a covering letter expanding upon the statement that the minister put stating clearly that it is not official departmental policy for the Department of Education to be promoting an entirely pro-uranium line and that a balanced argument should be put by adult education officers in Aboriginal communities anywhere in the Northern Territory.

Mrs PADGHAM-PURICH (Tiwi): This afternoon, I would like to speak about caravan parks - most of them in the Top End are in my electorate - and the difficulties and hardships of the owners and/or managers. Mention has been made previously about reticulation of electricity to caravan parks and paying caravans in backyards. I will be touching on those but what seems to be causing the greatest concern now is the rather indefinite position that some caravan park operators find themselves in relation to a proposed caravan park that is going to be built or established in the city area. I am referring to the possible establishment of a caravan park at Tracy Village and what status it will have; that is, whether it will be for itinerant people or whether it will be for permanent people, the sum of money that will be involved, will it be government financed or city council financed and what opposition will it present to established caravan parks.

In my electorate, there are 8 caravan parks and the ninth one is in the process of being built. To my knowledge, there are 2 in the electorate of Victoria River, 2 in the electorate of Stuart Park, 1 in the electorate of Sanderson, 1 in the electorate of Nightcliff and maybe another one soon. I stand to be corrected on those figures but there are a lot of caravan parks in the Top End and there are a lot of people who live in those caravan parks permanently as well as tourists who come up here. Something has to be done to make knowledge available to tourists who come up to the Top End that there are caravan parks up here to meet all tastes and pockets.

I have been given information by a particular caravan park owner and operator. I have also been given information by the Territory Development Corporation regarding vacancies and tenancies of the caravan parks. These 2 sets of figures that I have been given are in complete variance. I do not know where these figures came from.

I can cite dates and the names of people who wrote letters. I am quoting the people's names with their permission. The first concern is with Tracy Village and the sort of caravan park that it will be. I do not think any of the caravan operators argue that perhaps a caravan park on the city limits is necessary but they do not seem to know what is going on and they seem to be hearing many rumours which are very disquieting for them. On 10 January 1980, Mr Hoffman, the Town Clerk, wrote to Dr Gorman. In that letter, he said that Tracy Village would only be for tourists on a limited term of occupancy. On 14 February 1980, the Minister for Lands and Housing also wrote to Dr Gorman saying that Tracy Village would be on a short term lease from the Commonwealth.

At a recent meeting of caravan park owners, an organisation was set up to look after their interests. It was put forward as a strong rumour - as somebody said to me yesterday, rumours often have a basis in fact - that the city council was looking at the idea of buying or hiring 50 on-site caravans to hire out. It seems outside the bounds of possibility that these would be hired out for tourists only. It seems more likely that these 50 caravans would be for permanent residents. This is what people heard that the city council is thinking of doing. In the Northern Territory News - I have not seen the newspaper article but I think I am correct - it was reported that the lord Mayor asked the Northern Territory government for $120,000 to tidy up Tracy Village. From the sale of the Mindil Beach Caravan Park, the city council received $700,000. The Northern Territory News reported soon after this event that, after the sale of Mindil Beach Caravan Park - I think Mr Hoffman said this - the massive cost of re-establishment ruled out any plan to go ahead with such a venture in the near future.

In February 1979 in the Northern Territory News, Mr Hoffman stated that the Darwin city council was not interested in re-establishing a caravan park in the city area because there was a quotation from John Holland for $1.7m to $2.5m for this establishment. If $700,000 plus $120,000 is going into Tracy Village for tourists who are only up here for 3 months, it seems like over-capitalisation. However, that is not really my concern but the concern of the city council. If the $820,000 is to be spent and the rumoured plans to have 50 on-site caravans are fact, then it seems that Tracy Village would in reality be for permanent residents. Therefore, it would be in direct competition to small caravan parks. Those small caravan parks are only operating on a small scale but they nevertheless provide very good service to the community as a result of their position and the services offered. In the Tiwi electorate, 7 out of the 9 caravan parks are owned by small family operators.

On 10 January 1980, Mr Hoffman wrote a letter to Dr Gorman of the Darwin Rural Caravan Park and said there had been discussions with representatives of the city council and the Territory Development Corporation. On 20 January 1980, Mr Van der Meulen from the Overlander Caravan Park wrote to the city council. In that letter, he mentioned the Territory Development Corporation advising the city council about Tracy Village. On 18 February 1980, Mr Hoffman replied to Mr Van der Meulen that there was no denial of this.

This is where I come to figures that are in dispute. I have been told that no caravan park in the Darwin area and the Darwin rural area is full nor has been for months or even years. I have also been told by 2 people from the

Territory Development Corporation - I have not received the report yet because it will be sent to me - that, from April to June 1979, 135 people per week were turned away from caravan parks. From July to September 1979, 115 per week were turned away. The Territory Development Corporation officer who gave me that information said that he had been given the information by the caravan park managers themselves. I cannot reconcile those 2 statements and figures. The only thing that I can think of is that perhaps a person goes to one caravan park and cannot find a site and then goes to another caravan park and then to a third and, instead of that being considered as only one application for a site, it is considered as 3.

The honourable member for Sanderson spoke of the KOA caravan park in her electorate. That is one of the biggest caravan parks in Darwin. I have been told that the cost of establishing a single site there is $15,000. I was not told this by the owner of that caravan park but by somebody else who was at the meeting. Evidently, this information came up at the meeting of caravan park operators. I have been told, again at second hand, that another caravan park in the rural area will not proceed. That seems a great shame to me. I know we must have progress but it does seem a shame that small operations do seem to be at risk, especially those in the rural area. I know it is a case of supply and demand. If the tourists do not want to stay in the rural area but rather in the city, perhaps amenities should be provided for them there. However, the people in the rural area do provide good facilities and I do not think enough attention has been paid by the tourist authorities to the fact that there are tourist caravan parks up here to cater for all tastes. If enough information was really given to the people in Katherine, they would not be leaving their caravans on site in Katherine and coming up here and renting hotel rooms thereby making them think that Darwin is a pretty crook place to live in because you cannot go to a caravan park.

The Minister for Mines and Energy wrote to Dr Gorman on 15 April this year stating that electricity at domestic rates is available for tenants of caravan parks if certain things are carried out. First, the operator will be issued a licence to sell the electricity. The operator must install wiring in the base plate for each site. The minister has mentioned this before in reply to a question from me. The operator must erect a separate ablution block per site and must accept the responsibility for electricity charges to tenants. The operator cannot charge the tenants more than the Electricity Commission charges for electricity and the operator cannot take more than a $100 deposit from a tenant for the electiricty. Some of those conditions the operators would agree with but I think some of them are a bit hard. They certainly do not make it any easier for people to run caravan parks up here.

A point worth considering is that the tenants in caravan parks at the moment, unless they have separate metering, are paying commercial rates. If the operator wants to avail himself of domestic rates and so pass that onto the tenants, he must build a single ablution block per site which means that each caravan is considered separately. In the city, as I understand it, a house can have 1 caravan park in the garden or the backyard. It is highly unlikely that that caravan would be charged commercial rates. If it is good enough for a house plus a caravan to be charged domestic rates in the city, it seems pretty hard on an operator in a caravan park to have to provide separate facilities for each block. If he has to do this, at least he should be allowed 2 as is allowed in town.

Another subject on which I would like to speak this afternoon is the random breathalyser. I am not querying the idea of the random breath test but I am querying the siting of the equipment and the vehicles by the police. Perhaps I could give an example. There was one siting of the caravan and associated gear

on the Darwin side of the Howard Springs turnoff. I noticed it whilst going past on this particular night and a retired policeman rang me up to comment on the possible safety or otherwise of its placement. I rang up the traffic section and passed the comments on. I was rung back by a police officer who said that, in their estimation, it seemed quite safe. The next time I saw it, it was placed on the other side of the Howard Springs turn-off and then down the Howard Springs Road which seems to me to be a safer place to put it. Referring to the actual random nature of this breath testing, it has been brought to my attention that, when the breath-testing station was set up on the Arnhem Highway at Humpty Doo, there was a very strong query that these breath tests were not random. It was every vehicle that came along.

Mr Collins: That is not so.

Mrs PADGHAM-PURICH: I am glad to hear it was not so from the honourable member for Arnhem but it was put to me that they were not as random as they should be. People do not mind taking their chances in town but, as it was told to me, they were not very random. I realise that there have been some very bad accidents along the Arnhem Highway. I do not know whether drink was the cause of the accidents. I do not disagree with the fact that something has to be done to keep down the drink-driving problem but I am making public the comments that have been made to me by members in my electorate about this particular question.

Mr DONDAS (Casuarina): I rise this afternoon to answer a question raised by the honourable member for Arnhem in relation to the Environment Council of the Northern Territory. I was asked a question this morning regarding the funding and I asked the honourable member to place it on notice. The reason I did that is that I have refrained in the past from answering questions relating to direct funding to community organisations in the Northern Territory. Last year, the Northern Territory government administered something like $750,000 to community organisations and it would be very difficult for any person to carry around the exact amounts that were given to the various organisations or knowledge of how successful they were in their application for assistance. However, I had remembered that we did provide some financial assistance to the Environment Council. In the 1979-80 financial year, it was for only a small amount of $400. For 1978-79, it was $1,000. Now the honourable member has indicated or assumed that it did not receive the money. Well, I have not had a chance at the moment to check that out but I have been led to believe that $1,000 was approved for 1978-79 and $400 was approved for the 1979-80 financial year. The other $9,500 that he spoke of related to $150,000 that was made available by the federal government. On the recommendation of the Heritage Committee and also my department, I made that $9,500 available. The original application, from memory, was something in the order of $21,000. The difference between the $9,500 and the $21,000 is for administrative expenses.

The Northern Territory government is of the view that these community organisations should still endeavour to raise funds themselves through their various fund-raising efforts and to provide some form of contribution to the particular exercise that they want to go on with. It is not the idea of a government to give full funding to organisations; it is not the idea of the government to deficit fund organisations. Each organisation has a responsibility to try and raise some of its money on its own behalf.

In relation to the access centre, the access centre has been very popular since it opened and there are a number of organisations using it. I have given officers of my department directions as I would like to do an evaluation of the

users of the access industry throughout the Northern Territory. It has come to my attention that organisations such as the Women's Electoral Lobby, and the other organisations mentioned by the honourable member for Arnhem, were taking advantage of the system. When one realises the amount of paper ...

Mr Collins: That is what it is there for.

Mr DONDAS: Yes, that is fine but we have an obligation to the small organisations who do not have the facilities, who do not have the resources and who want to get a message across regarding their organisation. I am quite sure the organisations such as the Women's Electoral Lobby and the Environment Council have been around a long time and know where they can get their work done pretty cheaply.

An evaluation will be done very shortly by myself of the users and, while the evaluation is being done, I have requested the department that any organisation that is using the access centre be limited to 2,000 copies per month as far as photocopying. Nevertheless, the access centre has proved successful. I have receivedletters from small organisations like Downe's Syndrome Group, the Boy Scouts, Girl Guides etc.

There are certain procedures for grants-in-aid. I am not quite sure as to whether the Environment Council at this particular time had gone through the procedures of having the application in by a certain date which was 15 December last year. I think that the application may have been late and, consequently, it may have not received the due consideration that it should have. But other organisations, to the tune of about $2½m, had their applications in by 15 December. Maybe the Environment Council's application had not received its due consideration. I know from memory that the $400 that was given to them this year was really to provide education material of the Environment Council to some of the schools in the Darwin area.

While I am on my feet, I would like to bring up the subject of libraries and to speak of the apparent success of the new Casuarina Library. We have extended the hours and we have been able in the last few months to provide some additional staff for the successful operation of the library. We are now moving into another area where people will be able to go out during the evenings and receive advice from the staff as to how the library operates and how they can quickly and readily find the information they are looking for. Also, the Darwin Library is to be relocated to the Centrepoint in the Mall in the 500-square metres that we have there. It will cerainly provide a service to the people in the Darwin area. If not, we will have to re-evaluate the situation and maybe we will have to get some more space or maybe even find another location. Nevertheless, in the interim period, we are hoping that the Centrepoint Library operation will serve the needs of the Darwin Community.

Ms D'ROZARIO (Sanderson): This morning I asked in question time some questions concerning the future planning of schools in my electorate. The reason I raised this question is that, in the electorate of Sanderson, we have consistently seen the situation where extensive residential development has occurred and the school has not been ready for use until some time after families have moved in. When I say some time after, it has usually been a whole academic year. I have spoken in the past about planning schools such that they are ready for occupation when families move into these areas. It is not that difficult to do because these large-scale residential developments have occurred with the knowledge of what the family structure and what the estimated number of primary school children will be in the area.

At the moment, I have a new subdivision on the eastern edge of my electorate which is now occupied by some hundred families. There is a teeming population

of people under 11-years old there and the school which was planned for this particular district is only now being constructed. We are told it will not be ready for use until the school year starting 1981. The situation at the moment is that children in this area are going to the Wulagi school. Some have been admitted to the Anula school and the bulk of them are being accommodated at Berrimah. I am not saying that there are not schools in the near vicinity at which these children can attend. What has happened is that most of these families have moved in over the last 12 months or so, their children were going to a school somewhere else in Darwin, they are now going temporarily to some other school in the electorate and outside of it and, when the Malak school opens, there will be another change again in the schools to which these children attend. This is causing some problems to a few families and, although they are not insurmountable, the point is that, in the situation that we have had up to now, it is quite easy to see what sort of school age population you will have. Most of these families were on Housing Commission lists and have been on those lists for a minimum of a year. When a family applies for accommodation, members will know that they will have to outline the number of persons in their families - number of children, their ages and so on. So it is quite easy to make an accurate estimate of the number of school-age children that are likely to end up in these particular districts.

The reason I asked about the schools in the proposed new areas of Sanderson is because these developments are now to occur by private subdividers and it is not clear to me, and I will be looking again at the answer given by the honourable Minister for Lands and Housing, as to how the provision of school sites is going to be distributed. We were aware that there were certain subdivision plans which were published; for example, the current street directory which indicated quite clearly where school sites will be. But I gather now that the developers are looking at completely new subdivision patterns and so it will be in the interests of all parties, particularly the Department of Education, to know the distribution and location of these school sites.

The other reason why I asked this question is because, unless these decisions are made and the Department of Education is made well aware of them so it can start planning for these schools and have them ready for occupation by the time the bulk of the residential district are developed, we will have the same situation of school development lagging behind a residential development and the same cycle that I have just described being continued. I might also point out that, in the past, when we gave a town land subdivision lease to a large developer, unfortunately it was not insisted upon, or somehow overlooked, that a primary school site ought to be provided. As it happended, the final subdivision design did not show a primary school; it did show a small pre-school, the land for which was to be donated back to the government. It did not show a primary school site although it made provision for some thousands of residential allotments. In the event, we all know that that subdivision did not proceed but, nevertheless, at the last minute, when the Education Department saw the plans, it had to run around making alternative arrangements for residents in that subdivision to attend at other schools.

I make these remarks because it would be good to know in advance where these schools are to go. I imagine that they will have to be programmed quite soon because we are told that these residential allotments will be available within the next 12 months or so. In fact, the first few are expected by Christmas this year. I can assure the honourable minister concerned that the proportion of primary school aged children in the northern suburbs is much higher than it is in the inner suburbs and, if we are to have children attending schools in their own residential district, then schools planning must be undertaken concurrently with residential development.

Mr ROBERTSON (Gillen): Mr Speaker, in rising this afternoon, I would like to thank the honourable member for Arnhem for bringing to my attention the document that he referred to over the last 2 days, 'The Koongarra Story', and indeed the positive and reasonable way in which he has done it. At the outset, I ought to briefly touch on my attitude to the Department of Education's adult education section being involved with such matters as uranium mining or any matter of public controversy when it comes to the dissemination of that information to Aboriginal people or anyone else. I believe that the Department of Education is precisly that. It is involved in a process of education and nothing else and it certainly should not have a partisan view or a biased view in any direction one way or the other. Since assuming this ministry, I have always had the utmost confidence in the department and I think what has transpired in this matter has justified that confidence.

Mr Speaker, I know that the honourable member for Arnhem was not saying that the department should not be involved in this sort of activity through its adult education program. I think he was simply seeking assurances, particularly for adult educators in the field, that indeed the government was not using some undue influence with officers within the dpeartment for the promotion of a certain line of thinking.

The best way I can handle this matter is to read from the documents which emanated from the department. No documents have emanated from the government because I certainly issued no instructions in relation to this matter whatsoever. My briefing indicates that the officers of the department first became aware of the proposed booklet when the Technical and Further Education Branch was approached by Noranda for educational advice, not on how to sell an idea at all - I emphasise 'educational advice' - and also advice on the language aspect of the booklet. On reading the draft, it was suggested that the majority of Aboriginal adults - and I want to make quite clear that this is not being paternalistic at all; it is reality and I don't think anyone in this House will disagree with that - would not be able to understand the difficult technical language and concepts together with the large volume of written material proposed. The branch made suggestions on the sentence structure and word usage which the Aboriginal people would more readily understand and Noranda expressed acknowledgement for this minimal assistance.

This type of assistance is being given by the department from time to time to other departments and private organisations and I hope that it continues to do so. What is important is the way in which this information was sent out to other adult educators and adult Aboriginal educators. It is quite clear from the documents before me that there were in fact 2 separate documents. One was the original put out by Noranda which was a highly complex and technical document and the other one was also put out by Noranda but resulted from advice as to language structure, not altering the content, not assisting them but merely advice on language content. The simplified version is the one the honourable member for Arnhem referred to earlier.

The Director of Technical and Further Education, a man in whom I have the utmost confidence and I have no reason to believe my honourable friend opposite would not also have the utmost confidence in him, endorsed the transmission of both of those books to adult educators with very precisely and, I believe, very correctly worded instructions. It reads:

> *I have given approval for the mining company Noranda to send booklets and material to you concerning the proposed mining prospect, Koongarra, which is located south of Jabiru. The materials and booklet have been prepared at the instigation of the Department of Aboriginal Affairs.*

I dare say they were also concerned to see that Aboriginal people had the assistance of a government agency to ensure Aboriginal people understood what was being put out in the notice. It refers to 'materials and booklets'. There are a range of them.

> *One of the booklets has been developed with the assistance of the Principal Education Officer, Adult Education and officers of this section in an effort to present information about the mining prospect in a format which is readable and easily understood. The other booklet examines the mining project in greater detail.*
>
> *I am aware, however, that the mining of uranium is a very sensitive issue and one over which much of the Australian community in general is divided. I leave it therefore to the professional judgment of adult educators and others engaged in adult education to decide whether to make use of the materials which are to be provided by Noranda. It should not be necessary for me to add, however, that I will expect that any adult education program on the subject conducted by an officer of this department will be treated in a balanced non-partisan way which is unlikely to provoke or raise sensitivities further. Should you wish to provide an educational service on this subject in your community, you may find the materials in this booklet very helpful.*

It was simply assistance to a company in framing into words and in a manner which Aboriginal people could clearly understand. It merely simplified the language of material made available to them and then the Director of Technical and Further Education made it quite clear by way of specific instructions to Aboriginal adult educators that they must use their professional judgment as to how they would use the material. In any event, that instruction was designed to ensure that they presented it in a balanced way. I think it would be a sad day if a company or anyone else could not refer people to the Department of Education for assistance and understanding.

Motion agreed to, the Assembly adjourned.

# DEBATES

Wednesday 30 April 1980

Mr Speaker MacFarlane took the Chair at 10 am.

## PETITION

### Vehicle Access to Oasis Shopping Centre

Mr STEELE (Ludmilla): Mr Speaker, I present a petition from 72 citizens of the Northern Territory expressing their concern of the traffic hazards and dangers to children created by vehicle access through the Narrows near the Oasis Shopping Centre. 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 citizens of the Northern Territory respectfully showeth that the residents in the Narrows area adjoining the Oasis Shopping Centre are subjected to traffic hazards and dangers to children in the area created by vehicle access through the Narrows via the shopping centre to Bagot Road or to the Stuart Highway and lack of landscaping and gardens and insufficient sealed car parks in the shopping centre area. Your petitioners humbly pray that the ministers of government in the Legislative Assembly act to ensure that the owners of the Oasis Shopping Centre and the Darwin city council fulfil their obligations in regard to land under their control and request that Narrows Road be closed with the Oasis Shopping Centre entrance or the Bagot Road entrance as a permanent solution to this longstanding problem, and your petitioners, as in duty bound, will ever pray.*

## PETITION

### Conveyance Allowance for School Children

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, I present a petition from 39 residents of the rural area adjacent to Darwin expressing their concern at the reduced conveyance allowance for school children. 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 residents of the rural areas adjacent to Darwin respectfully showeth that the reduced conveyance allowance for school children is quite inadequate to maintain a vehicle for the purpose of ensuring the attendance of children at school in areas not served by school buses. Your petitioners are concerned that the allowance should have been reduced with very little notice and at a time of escalating fuel costs. Your petitioners therefore humbly pray that the government of the Northern Territory restore the allowance to its previous level*

*and make provisions for automatic increases as future increases in fuel costs occur, and your petitioners, as in duty bound,will ever pray.*

## MINISTERIAL STATEMENT

### Policies for the Improvement of Aboriginal Communities

Mr EVERINGHAM (Chief Minister)(by leave): I seek leave to table 3 draft reports outlining policies and measures which the government would propose to take over the next 5 years to bring about a significant improvement in the environmental conditions of Aboriginal people in their remote communities in the Northern Territory. The reports I refer to are: a discussion paper called 'Development of Aboriginal Rural Towns'; a 5-year development plan for essential services at remote communities - a preliminary consultation paper and cost advice on which quite a deal more work is required; and, thirdly, a proposal to improve housing conditions for Aboriginal communities in the Northern Territory.

My purpose in tabling these documents is to enable comments to be made by members of the Assembly and to allow for feedback form the electorate. The World Health Organisation defined 'good health' as 'complete physical, mental and social well-being' and this is the goal we would be seeking to achieve for Aboriginal people in the Northern Territory. In the run-up to self-government in late 1977 and early 1978 and during the period since the commencement of self-government, there have been many issues to which this Assembly and the Northern Territory government have had to devote their time and energy which have inhibited the extra effort which the government would have liked to devote to the upgrading of environmental conditions in remote communities. The constitutional matters which had to be sorted out, the development of sound financial arrangements with the Commonwealth, the consideration of domestic internal financial measures, the enormous legislative program which we have had to encompass, the transfer of Commonwealth functions and departments and the setting up of important new statutory bodies are some of the areas to which a new self-governing Northern Territory has had to devote its first attention. In addition, I believe the consolidation of land rights, the recognition of title to land, control of their own futures as well as the right to recognition as a distinct ethnic group have been uppermost in the minds of Northern Territory Aboriginal people generally to the extent that any consideration they may have given for the improvement of their environmental conditions have been peripheral during this time.

It is evident that many of these early responsibilities of government have been or are close to being resolved as have the priorities which Aboriginal people have set for themselves and the time is right for us all to think in more definitive terms about policies for the improvement of Aboriginal communities and for the Northern Territory government to enter into a firm commitment. Anyone who has travelledaround the communities will know that, while large sums of money have been spent on their development over a number of years, they still lack the standard of services which we enjoy in Darwin and the other major towns in the Territory. Power and water supplies are not as reliable as they should be nor is their distribution adequate in many places. Water-borne sewerage systems often do not exist and, in many places, the alternative means of human waste disposal, especially in view of the congregation of large numbers of people in one location, are downright dangerous. All people should have access to adequate, reliable and safe water supplies and a safe waste disposal system in or near their dwellings if preventive health

measures are to be more effective. Sealed roads are non-existent within built-up areas and many places lack reliable all-weather access.

The discussion paper prepared by the Northern Territory Department of Health on the development of Aboriginal rural towns is a positive proposal for policies to make an impact on the backlog of needs within a time-scale of 5 years. It restates many well-known facts about the establishment of Aboriginal towns within the Northern Territory. It makes the point that, while there has been, over the last decade, a move back to a more traditional way of life by many Aboriginals, such a move has not been complete and is unlikely to be. The towns themselves are wanted by many Aboriginal people and will continue to exist as resource centres. Therefore, the needs are real and the proposals to upgrade them to a more reasonable standard can be justified on a financial basis if no other.

A 5-year development plan must take account of the number of changes which have occurred during the last decade. The policies of self-determination, self-management and self-reliance have meant that Aboriginal communities have reduced the number of specialist employees resident within the communities and therefore the operation and day-to-day maintenance of essential services are becoming increasingly the responsibility of the local community councils. Any policy to upgrade these should insist that there be standardisation and that plant and facilities be kept as uncomplicated as possible. It is also important that the development of a 5-year plan be undertaken with communities themselves to ensure that the plan reflects the needs and the priorities as they see them. This approach will also help to ensure that communities are conversant with proposals and are themselves committed to them.

Such community commitment is as important as government commitment if the final products are to be accepted and used in the manner intended. Indeed, these documents, and particularly document B which sets out the various allocations of funds under the heading of the particular types of work to be engaged in, have taken about 18 months in the preparation because of the degree of consultation that has gone on with the various communities involved. I understand that officers of the Department of Community Development and the Department of Transport and Works have, to their credit, visited virtually every community in the Territory and have sought written feedback as well.

Self-management and self-reliance for Aboriginal communities is meaningless unless Aboriginal people themselves are being given skills to bring about the state of affairs and the employment opportunities to enable them to attain a greater degree of independence. A 5-year development plan provides an ideal opportunity for training in many skills and for direct employment. The opportunity should be afforded to Aboriginal organisations to undertake as much of the work as they are able and willing to undertake. The discussion paper covers vocational training and employment in some detail.

Whilst on the subject of employment, I take the opportunity to inform honourable members that the Northern Territory government will aim to raise the level of employment of Aboriginal people in the public service and statutory bodies by improving programs to enable Aboriginal people to be eligible for such employment. Furthermore, it will urge the Commonwealth government and the private sector to follow suit. In addition, it will examine government works programs and activities with an Aboriginal content to see how vocational or in-service training can be applied to ensure a greater degree of Aboriginal involvement and to promote the aboriginalisation of employment in Aboriginal towns whilst providing strong administrative, professional and technical support.

Our target at these places will be to reach an overall average of 95% aboriginalisation of such programs as general administration, health, housing construction and maintenance, education and in other relevant areas. The achievement of these objectives in employment will require a commitment on the part of the Aboriginal people themselves to accept such employment and to make every effort to ensure that their young people undertake measures to equip themselves for employment of this kind.

The discussion paper draws attention to the need for an innovative and effective administrative system to be set up to ensure that a 5-year plan will, in fact, reach fruition on target and, in the process, it will involve Aboriginal people in the decision-making processes and ensure that departmental resources are fully utilised and properly coordinated. To this end, I propose to set up a high-level taskforce to implement the plan. It will consist of the Secretaries of the Departments of Community Development and Transport and Works under the chairmanship of the Coordinator-General in the Chief Minister's Department who will be established at the top executive level of the service in recognition of the importance of the task and in the expectation of its being properly performed. The Secretaries of the Departments of Health and Education will be seconded to that committee as and when required as will other people who may have information to contribute at relevant times.

The paper on the 5-year development plan for essential services at remote communities is a progress report on the stage reached in the development of such a plan. An essential part in the preparation of the development plan is the involvement of the communities concerned in its preparation. Remote communities have been visited, their requirements have been documented, their priorities taken into account and draft proposals have been sent back to them for their consideration. Responses are still being sought from the majority of communities involved. I am sure that honourable members will understand why the plan has taken so long to complete and appreciate the very necessary consultative processes which have had to be undertaken.

You will note from the attachments to the report that the development plan provides for the construction and upgrading of electricity supplies, water supplies, sewerage works, public toilets, air communications, roadworks and drainage, cyclone shelters, barge landings and camp improvements. The highest priority will be given to the provision of water and electricity with the provision of a sewerage system next in the order of priority. In the provision of powers to remote communities, the Northern Territory government will be looking closely at the applicability of new technology being developed in the use of natural energy sources. Solar or wind energy may be ideally suited to some of the small communities, especially outstations, and may well become an economic reality during the time-span of this development plan.

At this stage, the cost of the undertaking is becoming clearer for each location although I stress that these figures represent cost advices and more accurate figures will emerge as the actual program becomes firm with priorities established, specifications provided, design and costing undertaken. It is evident, however, that the plan will cost at least $120m at today's costs which represents a commitment of at least $25m per annum over the next 5 years by this government. The question will no doubt arise in the minds of honourable members as to where these funds will come from. The Northern Territory government already undertakes a civil works program in these areas in the order of about $10m a year. It considers that, in assuming responsibility for these functions in remote communities, it was left with the situation which would represent a serious disability for this section of the population when compared with other parts of Australia and it therefore has grounds to

justify a special approach to the Commonwealth to reduce this disability. It is expected that this will be the source of portion of these funds and, in any case, it will have to re-examine its own priorities to ensure that the needs of these people are given proper consideration.

Any scheme to upgrade the environmental conditions of remote communities will be incomplete if it is not related to and coordinated with the scheme to ensure that the residents of these communities are properly accommodated. It is a well known fact that the backlog of housing needs for Aboriginal people throughout Australia is astronomical and the cost of rectifying the situation makes governments blanch. Even in the Northern Territory, it is probable that 2,400 houses would be needed to lift housing conditions to a satisfactory level. In addition to this, there is an ongoing requirement as young Aboriginal people marry and new families are formed. This requirement in itself is quite demanding. While community housing in its present form commands a large budget both from the Commonwealth and Territory government sources and many of the schemes specifically designed to meet Aboriginal needs are making some impact and can be said to be successful, it is a sad fact that a substantial portion of these funds could be utilised to far greater effect. Monetary losses through damage and inexperienced landlord management techniques are also quite high.

The paper, 'Proposal for Achieving Improved Housing Conditions for Aboriginal Communities in the Northern Territory', produced by the Northern Territory Housing Commission is aimed at rationalising community housing without disruption to the principle of self-management enshrined in the Aboriginal Housing Association scheme. It has in it these elements which I believe make it attractive and it is certainly a very good discussion paper on the subject. I have not seen better. It offers the expertise in design, building construction and maintenance, contractual arrangements and management techniques which the Housing Commission has been able to build up over many years. It recognises the diversity of design which Aboriginal communities will want to consider in any scheme which is devised to overcome housing shortages. It offers suggestions to involve Aboriginal people in the many matters which a housing organisation has to face on a day-to-day basis by way of advisory and management committees. Policies for allocation, rental, repairs, occupation, purchase and tenant counselling are but a few of the issues which will be required to be resolved and which will have to take into account local mores. It takes note in a positive way of the ideal opportunity that these schemes present for vocational training in a wide range of skills and the employment which will be possible in these locations of scarce employment opportunities.

The proposal also deals with the problem of the provision of departmental housing on Aboriginal land, especially for Aboriginal government employees who have a right to such accommodation. This is a sensitive issue which, in some places, has caused division between Aboriginal councils which wish to control Aboriginal housing and allocate housing in accordance with rules which they have developed and Aboriginal employees, such as teachers and health workers, who consider they should exercise their right to departmental housing. It also recognises that land tenure for any departmental housing initiatives in these areas is a matter which must be worked out with land councils which have a responsibility for the administration of Aboriginal land and which, in negotiations of this sort, act for traditional owners and communities.

The Housing Commission points out the functional and financial roles which the Territory and Commonwealth governments have in the provision of community housing in its various forms and recommends that negotiations be undertaken to reach agreement on arrangements which it considers will provide

optimum results for the Territory. It suggests that its services should be not only available to the Territory government but it should be offered on an agency basis to the Commonwealth government and to community councils in its areas of expertise in community housing.

The Northern Territory government, in December 1978, approved the provision of 20 positions within the Department of Community Development on the basis that the positions were outside the Northern Territory Public Service and on a contract basis of no longer than 3 years. The object of the community worker program is simple: to enable Aboriginal people maximum opportunity to do things for themselves in their own way rather than have other people provide services for them. This means Aboriginal people gain employment opportunities and training in areas that previously were not open to them. After one year of operation, it is clear that there are 3 separate complementary categories of Aboriginal personnel that make up a balanced community worker program.

Firstly, there is an Aboriginal community work unit. Officers of this unit would be located in Darwin and Alice Springs and would have administrative, policy coordinating, training and support functions for community workers. Secondly, departmental community workers would be involved in the work of the department in so far as it relates to the community in which they live. Thirdly, grant-in-aid community workers would be employed by and responsible to the community councils and would work to achieve objectives set by the community councils. The establishment of grants-in-aid workers could be considered as the second phase of the program. Forty Aboriginal communities have been consulted about this program and the response has been most favourable. Eighteen community workers have been appointed and have been trained to complete a wide variety of departmental tasks from probation supervision to assisting the development of appropriate town camps in the Darwin area.

The Northern Territory government accepts its responsibilities to its citizens for the full extent intended when it was granted self-government on 1 July 1978. It has worked conscientiously towards identifying its responsibilities, developing policies about them and has not shirked its responsibility to grasp the nettle even where it is known that it would suffer the sting. The 3 papers which I seek to table deal with an area of need which will be an indictment upon a Territory or Commonwealth government if it is not recognised, considered and dealt with in a courageous and positive manner. It is an area which another government might want to redirect back to the Commonwealth on the grounds that the Commonwealth has some special responsibilities as a result of the 1967 referendum. We do not intend to do that. We have asked for these matters to be considered. We have sought advice on initiatives which we might take to deal with the backlog in works and we are seriously considering the information and the recommendations which we have before us. We are prepared to play our part and ask the Commonwealth to do its share. There are still aspects to be negotiated with the Commonwealth and with Aboriginal communities but we are well along the way and it is the intention of this government to undertake commitments to formulate a definitive plan to bring about a significant improvement in services and facilities for Aboriginal communities over the next 5 years. Mr Speaker, I move that the report be noted.

Mr COLLINS (Arnhem): I think it goes without saying that the opposition welcomes the statement just made by the Chief Minister and certainly the implementation of this 5-year plan. It is, of course, the second forward-looking and soundly-based-on-socialist-principles plan we have had from the government in 48 hours. The opposition supports it. It is also a plan which transcends governments of the day.

The opposition is aware that discussions and negotiations in respect of

this plan have been going on for some considerable time. Communities that are going to be involved in the plan have had community leaders brought into Darwin by the Northern Territory government and have had week-long discussions with officers of the Department of Community Development. The degree of community involvement in the preparation of this plan has in fact been considerable.

I would like to commend the officers who have prepared the discussion papers that are attached to this plan. They are extremely thought provoking and they are very soundly based. I am sure they will result in a great deal of positive feedback from communities as copies of these documents are circulated. Certainly, a great deal of extremely hard work has been put into preparing this paper.

Aboriginal communities have been subjected to a bewildering variety of experiments over the 15 years that I have been involved with Aboriginal communities in the Northern Territory. The wheel seems to be turning at considerable speed these days. Certainly, communities' priorities are becoming more paramount and the totally paternalistic way in which Aboriginal communities were administered years ago seems to be a thing of the past and that is good.

One of the communities with which I was closely involved is Maningrida. At the time that I first went there - this is something which received considerable report and is well documented - there were somewhere in the vicinity of 250 to 300 European staff present in the community. The raio at the time was 1 European staff member to 2 Aboriginal residents. It was an absolutely nonsensical arrangement and was under the administration of the Welfare Branch of the day and its director. That situation eventually resulted in a massive and, at one point, violent reaction from the community which considered itself to be smothered in wise advisers and community workers. It culminated - in what has now become a historical fact - with the superintendent of the day taking a rather courageous stand and dismissing all of the employees of the department who were resident in the community. It was the turning point in the provision of services in Aboriginal communities. At that stage, it was never considered - and I do not use the word loosely - that Aboriginal communities should administer themselves. It was a real turning point in the life of Northern Territory Aboriginal communities.

This brings me to the point I wish to discuss. The 5-year plan which the opposition fully supports will result in a great deal of activity involving numerous non-community personnel. The success and the acceptability of this plan perhaps could be compared with random breath tests. The success or failure of random breath tests received considerable comment from many members in this House that it depended very much on the people on the ground who were going to administer it. This particular scheme, admirable as it is, will depend to a very great degree on the attitudes and behaviour of the numerous people who will administer and implement it over the next 5 years. Although there are many Aboriginal people in the Northern Territory for whom the Aboriginal (Land Rights) Act 1976 provided no relief and little possibility of their ever obtaining any, it is becoming the norm in the Northern Territory to regard those people whose traditional country lies within the boundaries of the Northern Territory Aboriginal reserves as being the winners. At least, we are comfortably telling ourselves now that those people have received the simple justice that Justice Woodward talked about in the preamble to his report on land rights. From my own personal observations over a long period of time, the reality of land rights in practice is a much tougher game which is played at a local community level and is far removed from the dignity of the rules, if you like, of a court room, the Legislative Assembly, press statements or,

indeed, any symposium on land rights. In this respect, I would like to turn to one paragraph of the statement itself: 'In addition, I believe the consolidation of land rights, the recognition of title to land, control of their own land and the right and ability to determine their own futures as well as the right to recognition as a distinct ethnic group have been uppermost in the minds of the Northern Territory Aboriginals generally to the extent that any consideration they may have given to the improvement of the environmental conditions have been peripheral during this time '.

It is patently obvious that the success or failure of practical land rights goes hand in glove with improved living conditions in Aboriginal communities. The major impediment to practical Aboriginal land rights in the Northern Territory lies entirely in white Australians' perceptions of Aboriginal land use, particularly in the perceptions of those who are responsible for the preparation and delivery of services such as education, health care, housing and basic communications in Aboriginal communities. The Aboriginal people's relationship with land and particularly their desire to re-occupy the land -'to be on top of the country' as the Mudbra people so succinctly put it - remains a total mystery still to many white Australians.

In the early 1970s, I remember very well when the so-called outstation movement began to gather momentum at Maningrida where I was living. The reactions of many of the white service personnel, the people on the ground in the community, were negative in the extreme. In fact, despite the clear fact that there was a genuine Aboriginal desire to do this, the scheme was frustrated and opposed almost entirely by the people delivering services within the communities. Their reactions ranged from a moderate stance of, 'They'll be back when the mossies come' to absolutely ferocious opposition which was expressed in terms such as, 'Why should anything be done for them? Let them live in the bush or starve'. The irony was that the people making these comments, who lived at the end of an umbilical chord of supply, communication and services which stretched back to their temporarily transposed cultural source in Darwin, disappeared to escape the critics.

For many of these people, and Maningrida was certainly no isolated case, the fact that Aboriginal people were moving back to their land represented a nuisance and a vexing one at that. This demographic untidiness of Aboriginal people doing their own thing, if you like, cut across the grain of an orderly school program, an orderly housing program, the opening hours of the health clinic and the stock control of the local store. It was the living proof, if you like, of the walkabout syndrome - that cyclical behaviour attributed often, very wrongly, to Aboriginal people which provides a satisfactory explanation to whites for a multitude of failed cross-cultural experiments. I certainly hope that the implementation on the ground of this 5-year scheme will not be another one of these. It was extremely difficult in those days to run the argument that Aboriginal Australians had every right to demand the small and simple infrastructure of services which 30 to 100 white Australians would demand as a right should they form an isolated community anywhere else in Australia. Coming as I do from an extremely isolated tiny rural community in north-western New South Wales, I know perfectly well the things that white Australians demand as of right in these communities. Indeed, although there had been improvement with the establishment in communities of resource centres for homeland groups, and reassuring statements such as this one from government about service deliveries, housing, improvements in health and so on, there is still, most definitely, a lack of positive philosophy of commitment on the ground to the support of those Aboriginal people who want to make land rights a practical and persisting reality.

I do not wish to denigrate in any way the many dedicated and selfless people who have given a great deal and, in some cases, their entire lives over the years to Aboriginal communities. However, we would be deluding ourselves if we thought that land rights are achieved with the simple handing over of a piece of paper or the signing of a bill. It might be salutary to remind ourselves regularly that land rights in practice in the Northern Territory are very often more a function of a health sister's attitude and workload than of legislation, more a function of a headmaster's timetable and attitude and a housing association's manager, attitude and staff ratio than a land council's stewardship.

In commending this statement, I say again, and with great feeling, that at this time and at this level heads and hearts in the Northern Territory must be changed.

Mr EVERINGHAM (Chief Minister): Very briefly in reply, it is interesting as a matter of historical note - the honourable member for Arnhem had his back to the gentleman or otherwise I am sure he would have noted the fact - that Colonel Sid Kyle-Little, who first established a post at Maningrida many years ago, was here to hear the debate on this particular subject in which the honourable member for Arnhem referred to his experiences at Maningrida. I think that the vein of the member for Arnhem's contribution to this debate was that he was not questioning that the government will allocate the funds but how the services will be delivered and the sincerity of the people who will be seeing that the job is done.

Mr Speaker, I cannot vouch for anyone - and I do not really like to name names because to name one person and not name another is perhaps invidious - but there at al least 2 people whose commitment to the achievement of these objectives has very much impressed me in the time that I have been dealing with them over the last couple of years. Indeed, if my enthusiasm for getting this program on the road has ever flagged, then these people have pressed me on. It is not that one's enthusiasm really flags, it is just such a mammoth task and there are so many other mammoth tasks to be undertaken. Ray McHenry, the departmental head of the Department of Community Development, is very committed to this particular program and I am certain that he and the staff of his department will see that, from their side, everything is done sympathetically and sensitively and that there will be the maximum consultation and Aboriginal input into the realisation of the program. On the other hand, Dr Charles Gurd, the head of the Department of Health, has greatly helped me on a philosophical level because I have found Dr Gurd a person of great depth with whom I enjoy batting around philosophical points in trying to put together a program such as this. Also, Don Darben, the head of the Department of Transport and Works, has one ambition and that is to get things done. I believe that he will get things done and the other 2 gentlemen will see that he gets them done as sensitively as possible.

On the other hand, it was necessary to put somebody over the top as it were - not really over the top because they are all partners - and also because I have a particular interest in the program and in maintaining a direct access to it to see how things are going. Therefore the Coordinator-General, whose office is a very important one, has been raised in status so that he can deal with departmental heads on the same basis. He will provide the input from the Chief Minister's Department and also endeavour to see that everything operates smoothly. I am sure that those people will see that the people lower down the rungs are approaching their task with sympathy and sensitivity.

Motion agreed to.

# MINISTERIAL STATEMENT

## Dhupuma College

Mr ROBERTSON (Education)(by leave): Mr Speaker, since the Northern Territory government took over responsibility for education last year, a constant concern has been Dhupuma College. There is no need for me to tell members of the nature of our concern. It is clear to anyone who visits the college that we have inherited from the Commonwealth government what could at best be described as temporary facilities. I have already stated publicly the need to redevelop from the ground up and I think the time is right to indicate more specifically the government's intentions in carrying out that work.

The college will be rebuilt on its present site in 2 stages with detailed planning for this reconstruction to commence immediately. This will mean that the first intake of students into the new college facilities will occur at the beginning of the 1983 school year. I believe members would agree that there are some short-term needs at the college which are already overdue. The most pressing need is to improve staff accommodation and I take the slightly unusual step of committing the government, even before budgetary considerations, to providing on-site accommodation facilities for teachers in the next financial year. In addition, the government will provide funds for the purpose of maintaining and, where necessary, improving student accommodation. By that, I mean to include the maintenance and improvement of learning accommodation at the college.

An important part of the redevelopment of Dhupuma College must involve the communities from which students come. In that regard, I can assure honourable members that the community leaders from surrounding areas will be consulted on the major decisions on the college's future. As a matter of interest, the college presently takes students from 10 communities. There is a total enrolment of 21 males attending technical and further education courses and some 8 females studying pre-vocational and short-term courses. Secondary education is provided at the college for 94 students of which 56 are girls. The communities providing students to the college in order of number of enrolment are as follows: Maningrida 17, Elcho 14, Yirrkala 13, Milingimbi 10, Lake Evella 9, Umbakumba 9, Ramingining 8, Numbulwar 3, and Angurugu 2. It is the sincere hope of the government that the declared intention to redevelop Dhupuma will see increased enrolments in the new college.

I have already made a statement on the government's intention in relation to Dhupuma College. I think it would be appropriate if I also put on record some of the major initiatives of the government in Aboriginal education over the past 10 years for members' information. It is my view that, in the past, the key area of advice has been lacking in studying the whole question of Aboriginal education. The key area about which I am speaking is the availability of advice from people with grassroots knowledge of Aboriginal expectations. To a great extent, the increasing role of the Northern Territory Aboriginal Consultative Group is providing this level of advice. The group had its first meeting in October 1978 and,although established at the time of Commonwealth responsibility for education, was formed with the full support of the Northern Territory government.

The 13-member, all-Aboriginal group, which has adopted the name Feppi, which I understand means rock or foundation, meets 4 times per year. The government will be looking to Feppi as a major input of advice on the development of policy on general Aboriginal education matters. More importantly,

Feppi will provide to the Education Department direct feedback on the success and effects of policies and programs already implemented in Aboriginal schools. The group, by nature of its composition, provides a direct link between Aboriginal communities and the department and this means the government is able to judge community response to its programs in the field of education. A concrete example of the increasing influence of Feppi is the establishment of a subcommittee of the group to recommend on the composition of the board of governors for Batchelor College.

A special program in education administration is being established at that college for senior Aboriginal teachers. The program, commencing in June, should provide opportunities for senior Aboriginal teachers so that they may take an active part in education administration. We expect about 20 people to attend for the first 4 or 5 week course which will continue over a 2-year period.

Not specifically related is a further development at the Batchelor College which will provide for a fourth year of teacher education for Aboriginal teachers. The Darwin Community College is seeking national accreditation of a 4-year course. Aboriginal teachers who successfully complete the course will receive, upon course accreditation, their Diploma of Teaching. On-site teacher training which provided over the last 2 years the same level of training as the first-year course at Batchelor is also being expanded. This follows a survey of individual schools carried out by the department and my office which showed a need for additional staff and resources at some schools for a more effective program. I know that this move will be welcomed by most teachers at Aboriginal schools.

At another level of post-secondary education, I was pleased to be able to announce last week that the government is finalising negotiations for the purchase of the so-called Sportarama building in Priest Street, Alice Springs. Senior staff of the Community College of Central Australia, the Technical and Further Education Branch and the Education Department and an architect of the Department of Transport and Works have inspected the building to see what modifications are necessary for expanded trade courses to be taught there. I realise that there have been protracted negotiations for the purchase of this building but these were unavoidable. Finalisation of the purchase of this complex will allow expanded trade and apprentice training which will include Aboriginal vocational training and pre-employment courses for students from Yirara College to commence at the start of third term this year. Community councils are now actively involved in identifying employment needs within their communities and, through liaison with the residential colleges and the Community College of Central Australia, courses are now being tailored that will train students to fill these needs.

Lastly, and particularly in view of the question from the opposition spokesman on education, it is worth mentioning that bilingual education in Aboriginal schools is to be put on a firmer footing following evaluation presently being carried out. As members will be aware, the bilingual education program has been operating on a pilot basis for some 7 years and the time is now appropriate to assess and, if the program is to be successful, accredit bilingual education in a number of schools. Honourable members may be interested to know that the program is now conducted in 13 departmental and 2 mission schools in Aboriginal communities and has an annual budget of $1.1m. This is a fairly large commitment of money to a restricted area within the educational responsibility. However, the government believes the program to be very worth while. As evidence of this, a program was expanded this year with the addition of 11 staff and now includes 7 headquarters staff, 13 teacher linguists, 5 field linguists, 8 literacy production

supervisors, 16 literacy workers and a number of part-time field staff. Additional specialist staff are employed by the 2 mission schools.

Some schools are likely to achieve accreditation in bilingual education this year while others can expect accreditation by the end of 1982. Accreditation will lead to a permanent allocation of staff in schools carrying out the bilingual program. This program is designed to establish literacy skills in a child's own vernacular language. These skills are then used to allow effective transition to English, the major language of instruction. However, literacy in the vernacular is emphasised even after competence in English is reached. As part of the program, traditional arts, crafts and skills are taught. It is hoped that, in this way, Aboriginal school children are given the advantage of education in preparing for entry into the wider Australian community without losing the all-important sense of identity and understanding of cultural values of their own community. It is a maxim of success within any chosen lifestyle that it should be built on a solid foundation of home cultural values, a principle obviously recognised by the Aboriginal consultative group in its choice of the word 'Feppi' as its adopted name.

I move that the statement be noted.

Mr COLLINS (Arnhem): Mr Speaker, the opposition welcomes the absolutely categorical statement of the Minister for Education about the location of Dhupuma College and I am well aware that it is not an entirely popular decision in certain quarters. A year or so ago, when discussions were being held in Aboriginal communities on the possible closure of Dhupuma, the minister is well aware that this received an extremely strong reaction from Aboriginal communities right across my electorate and, I dare say, many other places. I personally attended a number of the discussions that were held between communities and officers of the Department of Education and listened to the arguments that were being put.

The one that came across consistently was that many parents approved of Dhupuma and wanted their children to go to Dhupuma rather than Kormilda because of the isolation of the college, the fact that it was in the bush and the fact that it was completely separated from the problems of alcohol, particularly. This is not to be considered, in any way, as a denigration of Kormilda College which is a very fine institution but many parents of Aboriginal children who see their kids go away for the year were concerned about the proximity of Kormilda to the Berrimah Hotel. I am merely reiterating the arguments which were voiced again and again and again in communities right across my electorate. One of the features of Dhupuma that appealed to Aboriginal parents was the fact that it was a contained community where proper supervision would be easily applied and children would not be subjected to the problems of alcohol.

I know that there are a number of options being considered for the location of Dhupuma College and I suppose, on a pure bricks and mortar economic level, these alternative sites would have been jusitifed. I think it would have been patently obvious that it would have been very false economy indeed if the college had been located, at the desire of the planners, in the most economically viable area totally against the wishes of the Aboriginal people whom it was serving. One of the problems that Dhupuma has is that of falling attendances. I concur with the minister's wish that this new upgrading of facilities will correct that problem. This has nothing to do with any lack of educational standards at Dhupuma but has been significantly affected by the very poor facilities that have existed for some considerable time. Certainly, from a bricks and mortar point of view, the location might not be the ideal place to have the college, but in the perception of the Aboriginal parents who

send their children there, it is. Therefore, the opposition supports the minister's decision, which must have been a difficult one, to locate the college where it is.

I know there will be significant problems, for example, with the reticulation of electricity to the college. I know that there will be problems associated with access to the college along the road. As the minister is also aware, Nabalco has plans eventually to mine the current location of the airport which is situated on some very rich deposits. That will result in a complete relocation of the current roadway and therefore the maintenance of that road, from a purely economic point of view, will also be a problem. There are many problems associated with having the college where it is but they pale into insignificance and are nonsensical problems when one considers the educational results and the social results of locating the college positively where Aboriginal people did not want it put. We support the decision.

The minister referred to the fact that I had made some comments recently on the question of bilingual education programs in the Northern Territory. In February, the Department of Education published a new set of guidelines to these programs which many Aboriginal people perceived as a threat to the continued viability and success of the program. One of the positive feedbacks was the very reaction that this perceived threat provoked. The minister would be aware that there were large meetings held at 2 places at which this bilingual program is demonstrably effective: Milingimbi and Galiwinku. Many professional educators believe that the bilingual program at Milingimbi is one of the most successful in Australia; in fact, it could be of international standard. The community reacted very strongly to the prospect of losing the bilingual program.

I want to have some discussion on this question of bilingual education because it is true that the scheme could be said to have been operating for 7 years but it had very small beginnings. In fact, the scheme has only received any significant strength in the last 3 or 4 years and the ultimate goal of the bilingual education program as far as staffing is concerned is to have an academic to develop the language skills and be able to translate them into a form that teachers can use, a teacher-linguist to apply these skills and a literature production centre and supervisor to be able to produce the absolutely essential printed material in the language. That level has only been achieved in 3 schools. There are 13 schools where bilingual education is given to Aboriginal people. Out of those 13 schools, only 3 have achieved this optimum level of staffing. Whilst it is easy to say that bilingual education has been going for 7 years, it is a little simplistic to make that statement; it does not stand up to close examination. The majority of schools in which bilingual education is taught have not yet achieved the optimum level of staffing to efficiently provide those services.

One of the developments of bilingual education - and I have been a very close observer of the program administered in both Milingimbi and Galiwinku - is that its original concept was simply to teach literacy skills to Aboriginal people in English. It was considered as a vehicle to transpose Aboriginal children from being skilled in the vernacular to being skilled in English. But over the last few years, an aspect of the bilingual program has developed that I consider to be an admirable one; that is, bilingual schools are not simply teaching literacy in the vernacular and there is a very distinct difference there. Aboriginal children are not simply taught literacy skills but are being taught in the vernacular.

One of the positive results that I have seen from the bilingual program has been the blossoming of confidence and skill in Aboriginal teaching aides. I can remember the administration of Aboriginal schools in Welfare Branch days when there was no such thing as an Aboriginal teaching aide; they did not exist. Aboriginal people were taught and it was not considered that Aboriginal people could possibly have any part whatever in the teaching process itself. We then went to a stage where Aboriginal teacher aides were employed. I consider that the teaching aide program is the most positive and successful one in which to train Aboriginal teachers - giving them experience in close cooperation with and support from a European environment. In many cases, they were not comfortable about teaching in a language which was indeed a second language to them. I do not think the scheme developed or was in any way particularly successful. What has made it a success has been the implementation of bilingual programs in Aboriginal schools. It is a very rewarding experience to spend half a day in a classroom watching and listening to an Aboriginal teacher teaching a class of Aboriginal children in an Aboriginal language.

The bilingual education programs are not unique to Australia by any means. They are applied internationally. In many countries of the world, bilingual education programs exist. There is not the slightest doubt that we, in the Territory, with our demographic situation, are in a position to become world leaders in this particular field. In order to do this, it will be necessary to spend large sums of money. I believe that the results of the bilingual program, purely in the encouragement of initiative and confidence and pride in Aboriginal people, certainly equal the positive results achieved in a purely educational sense. The bilingual education program certainly goes far beyond a simple education process. It has given Aboriginal people a pride in their culture. It has given them a pride in their ability to teach their own children in their own language.

However, Aboriginal people have had a great degree of concern at statements - again, I am not in the habit nor will I be of banding names around in the Legislative Assembly - from many senior education officers within the department who have held quite legitimate views totally opposed to bilingual education. People considered it to be quite a waste of money. In fact, people have considered it to be positively harmful, from an educational point of view, in that it held back the progress of students. One of the things that has always concerned me about these statements, and they are statements that have filtered back down to Aboriginal communities, is that they have never been based on any research. Nobody can ever come up with any hard and fast educational data that will justify these statements and yet people have what you would have to call gut reactions. They have never been based on any hard data or research. One of the positive things that I hope will come out of this new assessment is that there will be some hard data which I am sure will show the success of the program purely from an educational point of view. I hope also, although I can see the problems of being objective about it, that there will be some method devolved by the department in this assessment program of investigating the benefits to the community of the bilingual program outside the strict education application of the scheme because this is just as valid a point and it has to be looked at.

The Department of Aboriginal Affairs conducted some research into the administration of the bilingual education program quite recently in the Northern Territory. The report that was prepared by their researcher was rather disturbing. It included references such as:

> *I feel, therefore, I have a fairly good overview of what is happening in the education field as it affects Aboriginal people and*

*it is apparent that, in many communities, there is cause for grave concern. My work with the IYC Aboriginal subcommittee indicated that Aboriginal people viewed the current education system with misgivings and, in fact, saw the school as the single, most alienating factor in many Aboriginal communities. Most of their criticism was levelled at the failure of the Education Department to extend bilingual education programs to all schools as part of the process of cultural strengthening and identity reinforcement. From several other sources, I have received similar indications that bilingual education, which is a policy commitment of both DAA and the Education Department, is labouring under serious difficulties not related to the value of the program itself but to a failure by education authorities to support it.*

I have mentioned before in this regard that, in most Aboriginal communities, the school is in fact the single biggest bloc of non-Aboriginal, non-indigenous community people in any community. If it is handled sensibly by the people on the ground, the school can be a positive benefit to the community. If it is not, it can be certainly the single most destructive factor in an Aboriginal community.

'Deficiencies in support for bilingual programs can be identified in the following areas ...'. It goes on to talk about structural failures and the lack of staff. I am aware that this report is dated. It is 12 months old. I am aware that significant staff increases have occurred since this report was written. It goes on to talk about technical failures: 'The Education Department currently has 5 linguists, 11 teacher-linguists and 6 literacy production supervisors servicing 12 schools in 14 different languages'. There has been an update of that. 'A viable bilingual program, to be effective, requires a full staff complement of a linguist, teacher-linguist and literacy production supervisor. This can be seen from the attached table. The only communities which have a thriving dynamic program are Yuendumu and Yirrkala'. There is now a third that has joined that list out of 13. 'Another aspect of technical failure is the fact that insufficient positions are available to employ SIL graduates in bilingual programs - an incredible waste of Aboriginal talent. I want to concentrate in conclusion on that last point. There is still a grave need of funding in the Northern Territory Department of Education's program for the employment of Aboriginal informants. It is necessary, for any program to be viable, that at least 400 hours a year need to be allocated in any community for Aboriginal informants to provide the raw data for the linguist, teacher-linguist and literature production supervisor to turn into an educational program. There is certainly still insufficient funding for this very vital area in the bilingual program'. I am pleased to see that this assessment will take place. I am pleased to see the reaction from Aboriginal communities to the publishing of the new guidelines which are perceived as a threat to the program. I believe that is one of the healthiest signs of the success of the program so far. I hope that the Education Department will be able to accredit a number of bilingual schools fairly early in this assessment program to allay the fears of those bilingual schools that see themselves as being under threat.

Mrs LAWRIE (Nightcliff): I wish to speak to the statements made by the honourable the Minister for Education and some of the points made by the honourable member for Arnhem who is opposition spokesman on education affairs. I have a particular interest in Aboriginal education which I have had since I was first elected in 1971. I have this belief that education does not do any harm to anybody; it does only good. To give people an appreciation of the world around them can only advance those people. There is of course a train of thought which says that educating people and raising their expectations too

high can be quite harmful. To leave people in sublime ignorance of the complex world in which they live is not the answer. I appreciate the efforts of the Department of Education, the obvious impetus coming from the minister for bilingual education, to make the education system as relevant as possible to the people whom it is serving. In the context of this debate, that is the Aboriginal people.

Some years ago, I visited coastal Aboriginal settlements and spoke with the people in the teaching services. By and large, they were disappointed with the drop in attendance numbers when the students reached secondary school age. They felt strongly that it was not the students wish to give up the education service being provided but it was the community wish because the community did not see the relevance of continuing education for these teenage children. Quite obviously, the community wishes have to be considered but I would hope that, in the 1980s, the communities begin to appreciate the necessity for the education of their young people, not the nicety but the necessity.

How often do we see press reports, particularly from the northern part of Queensland and WA, where politicians and others complain about white people stirring up Aboriginal people, particularly on land rights or the entrance of mining companies? They talk about these Aboriginal people and their 'white advisers' as if, in dealing with land matters, we do not have white advisers. Of course we have lawyers and other professional people. Aboriginal people should have the same recourse to the same advice, but the tragedy of it is that they are, of necessity, white advisers. How many black lawyers have we in Australia? In particular, how many fullblood black lawyers, how many fullblood black medical practitioners and how many other fullblood professionally qualified people do we have? For them to be able to obtain those professional qualifications to assist their own people, they must first go through the primary and secondary school courses. Before they can have advisers of their own race and ethnic origin, this system of Aboriginal education and training has to be brought into play. Any government which assists that happening will have my full support in that regard.

It is tragic that secondary school students who happen to be Aboriginals leave school and do not complete studies which will allow them to continue into the tertiary education field. It is too simplistic to say that we do not need to educate them to that extent but should train them to be mechanics, home economists etc. All those things are nice and, of course, not all European people become doctors or lawyers or members of other professions but a percentage of us do, and a percentage of fullblood Aboriginal people should and could. I would ask if the minister or his department have taken any steps to put this point of view to the Aboriginal communities so that, instead of having European advisers in matters of a highly complex nature, be they medical or legal or whatever, that expertise could come from within their own ranks. Indeed, I look forward to the time when the Europeans consult Aboriginal advisers of professional status on matters in which they are competent.

I think there is a clear analogy with other developed countries which have aboriginal minorities, such as Eskimos or the Indians of America. Again, in the African continent, it took quite a while for people to realise that it was a necessity for their children to obtain primary and secondary school education so they could go on to the higher qualifications. We have, particularly from African countries, black jurists of international fame, medical specialists and technologists. I see no reason why, in 20 years' time, we could not have the same highly-trained people who happen to be of Australian Aboriginal blood.

I ask the minister to take account of a particular plea for Aboriginal

girls. There is a series of pressures on these fullblood girls to leave school, most of which come from their own community. I think it is a waste of talent. Perhaps some criticism could be levelled at me as a white middle-class European woman presuming to say what is best for Aboriginal girls living in their own community, but I am taking a longer view and asking why shouldn't all Aboriginal children who have the wish and skills have the right to obtain the further qualifications which will enable them to serve their own community and to gain for that community additional status in the contemporary world.

The points I have raised are most important. Because of the lack of people with professional and semi-professional skills presently in Aboriginal communities, I hope that the honourable minister will take some note of my comments and that other members who come from electorates which have an Aboriginal component will consider carefully my remarks and perhaps use their good offices to point out to the Aboriginal communities whom they represent the desirability of continuing education for their children.

Mr BALLANTYNE (Nhulunbuy): Mr Speaker, I would like to say a few words on the statement delivered by the minister. It pleases me very much to hear of the decision on the Dhupuma College which we all know has been unsure, for the last 3 or 4 years, about where its future lies. Two years ago, there were some doubts about whether it would be continued in 1979 but, through the efforts of the then federal minister, Senator Garrick, and people in the Northern Territory Education Department who spoke to the communities which expressed their concern about its proposed closure, a decision was made to keep it open and undertake a review of its future as a college. I believe it has a future. I believe that the decision that the honourable minister has made is the right one. As the honourable member for Arnhem said, there will be some concern in some quarters, but I think that the most important thing is that there will be no real concern among the people in my electorate, particularly the Aboriginal community and the Aboriginal students themselves. They have expressed all along the view that they want to keep Dhupuma where it is. A very well-known Aboriginal in that area, who has since died, expressed the wish that that school should remain there.

I thank the minister for that decision which was very prompt. Only 2 weeks ago, we were speaking to the teachers, principal and the students of the college. I compliment the minister on this very swift action because it has been a concern in recent days to the teachers and moreover the students. There have been many problems with accommodation because the school was never built as a school in the first place. It has just been a patchwork of spending money on upgrading the facilities as they continually broke down. The place is in a terrible state. When the federal Minister for Education, Senator Garrick, first went to Dhupuma he shook his head and said,'This is disgraceful'. Some of the buildings are quite substantial. The classrooms are quite good. Some of the housing leaves a bit to be desired but can still be used.

The only thing that I would say with regard to rebuilding the school there is that we should look at the type of school that would be best suited to those students. In the past, we built schools with air-conditioning, carpeted areas and all that sort of thing. I do not really believe that that is the type of school that is needed in some of these Aboriginal communities for Aboriginal education. The type of building I envisage would have a cross-flow ventilation which is a system assisted by fans. I think also we could adopt the idea of the Minister for Mines and Energy and look at putting in solar systems for hot water because it is an isolated area. We could also look at a solar system for illumination not so much for power. It does need many units to illuminate a place. Perhaps the existing power-station could

be upgraded for the interim period. There is no need for a gread deal of power because no large machinery or heavy duty motors are used. If you introduced air-conditioning systems which need 3-phase motors, that is where the power will be used.

There will be a problem regarding the access as the honourable member for Arnhem said. That is one that we have to overcome in Katherine or in Nhulunbuy township. We have to make that decision now and I think this can be worked out with the Nabalco organisation with regard to where they are going to mine in the future. I am sure that this can be done without upsetting any access. We must have access out there. It is the only way you can get into the place.

It was first mooted that this building would be placed in town near the golf course and the airport but I stood steadfast and said it should be where it is. I am pleased that that decision has been made. I am really happy about the whole thing. But I would like to give that warning to the minister in looking at the type of building and the type of facilities which are to be provided. I thank him for including that section in his statement about the accommodation for the teachers. They have had all sorts of interim measures. They have 5 caravans at Dhupuma and the annexes have absolutely had it. They have problems with toilets and security lights which can be overcome with proper thought. I hope that the staff can be given better accommodation, if not at Dhupuma College, perhaps in the town in the interim period. I would like to see that as one of the first priorities: upgrade the accommodation.

Aboriginal education is of great concern to everybody. The type of curriculum and the type of streams in which Aboriginal people can be educated are just 2 concerns. The bilingual program is not a very big program but it can be in conjunction with English lessons. I know that the work that is being done out at Yirrkala is excellent. They have developed many books and they have used Aboriginal people to write the stories and do the diagrams and drawings. The way in which the work is proceeding is to their credit. They have produced a tremendous amount of work which is recognised by the academics and the linguists. We have a very good set of books at Yirrkala.

There is probably room for more staff. Naturally, when you first start up a program, it is pretty hard to know just how many people you want. You might be tripping over each other if you have too many. I think they have had enough staff there in recent times but, prior to that, it was a little bit hard to obtain equipment. The correct typewriters for this particular language were not available. They now have a typewriter which can print out the correct lettering.

I believe that the special program for education administration is a very important one. It is one way that the trained Aboriginal people can have a better understanding of their future and Aboriginal teaching. If this continues, it will give a better insight into what their role as Aboriginal teachers is. Mind you, we do not have a great many teachers trained in some areas. There is a lack of trained teachers. There are quite a few being trained. In the outstation movement, there are many problems relating to qualified teachers, semi-trained or assistant teachers. We had a problem earlier this year at an outstation known as Windhawuy with regard to a teacher but this has now been resolved.

To see those children being taught in the outstation schools is really a delight. They do not have much in the way of facilities but they have enthusiastic teachers. The Yirrkala school supplies all the information to them as a base school and these young kids are very bright-eyed and healthy

being taught the 3 Rs. The main thing is that these schools have the kids for only a few years. You cannot take the big schools to those areas. You can only teach them there for a certain time but it does give them the basics. Eventually, they come into the major areas like Yirrkala and later on to Dhupuma College and finally to Nhulunbuy area high school for their further education. Many people are doubtful about the future of outstation teaching schools. I believe that, at the present moment, they are needed.

Most of the other points on the bilingual program have been covered by the honourable member for Arnhem. I believe in many of those ideas and expressions. There is a question mark on bilingual programs in the long term but I believe that we have to continue to make sure that the work continues from where it started. I believe that the only way to go is to continually revue the whole thing and look at it from a positive point of view.

Motion agreed to.

## LOCAL GOVERNMENT BILL

(Serial 438)

Continued from 24 April 1980.

Mr ISAACS (Opposition Leader): Mr Speaker, this bill seeks to do 3 things: to ensure that all local government elections are held on the same day; secondly, that they are held every 4 years; and, thirdly, that they are held on a specified day, the last day in May in that fourth year. These are 3 principles which the opposition wholeheartedly endorses and we welcome the opportunity to debate this matter on this occasion.

When the Local Government Associations made a public statement about the matter in February of this year, the member for MacDonnell, the shadow minister for local government, indicated his support for their desire to have their elections held on the one day and, secondly, for them to be held every 4 years. The matter of 4-yearly elections is receiving some debate generally around Australia. I would like to indicate my personal support of the notion of 4-yearly elections and that elections ought to be held at a specified time so that governments cannot call an early election at whim. The bill will enshrine principles which the opposition wholeheartedly endorses.

However, I put to the minister one problem which I see in this bill being passed at this time. The intention is to have the Alice Springs election run for 4 years so that the next election will be in 1984 and for each of the other local government elections to be held in 1981 and 1984 thereby synchronising them in 1984. This is a most laudable objective which was arrived at very sensibly and very practically. The difficulty is that the nominations for the Alice Springs council closed on Saturday and those nominations were called under the existing legislation which was for a 3-year term. We are now going to pass legislation which will say that the election will be for a 4-year term. It may well be that there is a problem at law that people have nominated for an election which was to be for 3 years and now we find that, by a decision of the legislature, we will make it 4 years. It may well be that people have nominated for the wrong election.

The election has to be held on 24 May this year and nominations close on the 28th day prior to that election. We will have a problem if we want to recall nominations which probably would be the most sensible thing to do. We cannot do that because we have a fixed date for the election. It may well be - and perhaps the draftsman and our legal advisers will have to attend

to this - that we will have to pass yet again some validating legislation with regard to local government elections. Frankly, I am sick and tired of that and I guess members opposite are as well.

I do not raise that point to be churlish or to be obstructive - quite the contrary. I would like the procedure to take place whereby the local government elections are synchronised and where the principles enshrined in the legislation are in fact able to be put into effect. It does worry me that, having called for nominations and closed nominations on the basis of a 3-year election, we are now changing the term of office from 3 years to 4 years. I would like the minister to assure me that there will not be a legal entanglement with regard to the validity of this election.

Mr DONDAS (Community Development): I thank the Leader of the Opposition for his remarks in support of the bill. He has quite rightly stated that it was in February that we spoke to the Local Government Association in relation to this particular legislation. It has taken us some considerable time to prepare the legislation for this Assembly. The common thought is that most of the candidates would know that it was for a 4-year term because it has been discussed at their level. We were hopeful to get this legislation through the Assembly this week on an urgency basis to enable us to inform in Thursday's Advocate not only the candidates who may not have known it was a 4-year period but also the electors. They are the important people to notify because they must elect those particular aldermen to the council. It was felt that, if we did seek urgency and suspend Standing Orders which I have foreshadowed that I would like to do today, then it would give us enough time to at least advise the electors of Alice Springs that a 3-year term would be extended to a 4-year term to bring it in line by 1984 with all the other local government elections. It is generally felt that a 4-year term will strengthen the operation of local government. The aldermen are moving into a new area where they are taking on more responsibility. The Northern Territory government is devolving more responsibility to local government. That is one of the main reasons why we are also anxious to ensure a 4-year term be installed. Nevertheless, the government's view is that we would have enough time to notify the electors of those candidates that the term for aldermen would be extended by 1 year to make it a 4-year term.

I move that so much of Standing Orders be suspended as would prevent the passage of the Local Government Bill (Serial 438) through all stages at this sittings.

Mrs LAWRIE (Nightcliff): Mr Speaker, I wish to speak to the motion for the suspension of Standing Orders. Whilst I appreciate that there are certain difficulties for the government if the suspension of Standing Orders is not carried, I think it would have been far better for the minister to have appraised the people weeks ago that it was the government's intention to increase the length of office for aldermen from 3 years to 4 years. This should have been done long before nominations were called in Alice Springs and before those nominations closed. The minister has made a couple of interesting statements concerning this legislation and the need for suspension of Standing Orders. He has indicated quite clearly that it is admirable, if the suspension is to go forward, for the electors to know prior to the elections that the length of office will be 4 years. One can hardly deny that.

If this Local Government Association put this proposition to the government in February and it accepted it, why was it not made public at that time? It is common practice for ministers to foreshadow legislation to obtain a

community reaction. One does not have to wait until the precise terms of the legislation are available and the bill is presented in this Assembly. If we are dealing with things as fundamental and as important as the length of tenure of elected representatives, surely in February the government's intention could have been made known.

I appreciate the difficulties in which the government finds itself but I am critical of the procedure which allows nominations to be called and closed before anybody else in the community is aware that that length of tenure is to be extended by one year. There was some criticism of our Electoral Bill relating to members of this House when our length of office was extended from 3 to 4 years but at least the people of the Northern Territory had some weeks in which to have a look at that idea and voice their opposition to politicians having that extended length of tenure. It was because of the self-government act that people were aware that our length of office was likely to be extended from 3 to 4 years. I think the government could have made a similar policy in relation to local government elections known in February rather than having the bill introduced last week and passed this week without the people having that foreknowledge.

The minister said before that nominees for election had been made aware of this proposed legislation. I would ask him in reply to my debate on the suspension of Standing Orders to outline to the House precisely how were they made aware. Following the receipt of nominations by the returning officer, were they called in and told that it will not be for 3 years but for 4 years? Obviously, it was not by public advertisement because the public do not know about it. Precisely how does the minister make the government's intended policy made known to those persons who have nominated?

Mr Speaker, as events have been put in train, it will be necessary apparently to pass this legislation at this sittings. I am fairly critical that the government did not make this policy decision known in February. It would not have been setting a precedent. Policy decisions of this nature have been foreshadowed prior to the tabling of bills in the Assembly.

Mr DONDAS (Communtiy Development): I have made a public statement alluding to the fact that council elections would be in future for a 4-year term. I also made an announcement at the opening of the Alice Springs Civic Centre in March. That particular opening was attended by some hundred people. The press were there and I issued a copy of the statement that I read at the inauguration of the civic chambers. It is quite clearly indicated in that statement that the Alice Springs elections would be for a 4-year period. We did run into some problems. There were negotiations with the Local Government Association, especially the Alice Springs branch, as to how we would overcome the timetable to incorporate all the local governments to run at the same time because Alice Springs is out of kilter. Its elections are in May this year and the other corporations have their elections next year. It will take up to 1984 when all the councils throught the whole Territory will have the common term of 4 years and a common election date. There were some problems that had to be sorted out. I am not going to apologise to the honourable member for Nightcliff that it has taken so long but I can assure the House that it is important that this legislation be passed today.

Motion for suspension of Standing Orders agreed to.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

# PRISONS (CORRECTIONAL SERVICES) BILL

(Serial 365)

Continued from 23 April 1980.

In committee:

Clauses 1 and 2 agreed to.

Clauses 3 and 4:

Mr DONDAS: I invite defeat of clauses 3 and 4 so that new clauses may be inserted.

New clause 3 provides for amendment to the original act. The original clause 3 wrongly proposed repealing that act as part IIA of that act will continue. The new clauses provide for an amendment of the act. New clause 4 makes savings and transitional arrangements so that people who were appointed as prison officers or visiting medical officers shall continue to hold those positions and the visiting justice will now become an official visitor. Subclause (3) of the new clause 4 provides that any visiting justice who was a magistrate shall be appointed as a visiting magistrate. By subclause (4), only those prisoners who have earned remission prior to the commencement of the new act shall retain that remission. Subclause (5) means that a prison or police prison currently existing will continue.

Clauses 3 and 4 negatived.

New clauses 3 and 4:

Mr DONDAS: I move amendment 178.1.

Amendment agreed to.

Mr DONDAS: I move amendment 180.1.

This is really an amendment to the amendment. It will omit from subclause (2) of clause 4 the word 'person' and substitute the words 'subject to subsection (3) a person'.

Mrs LAWRIE: I ask the honourable minister to explain the purpose of his amendment. I understand that he has just moved amendment 180.1 to the amendment 178.1. I would ask the purpose of his amendment to clause 4 omitting from subclause (2) ' a person' and substituting 'subject to subsection (3) a person'. It would appear to be stating that a person who was subject to clause (3) will be now considered a visiting justice. Is he saying that persons who, prior to the introduction of this bill, were visiting magistrates shall be, for the purpose of this legislation, visiting justices or is he saying that visiting justices who were appointed under the old act which is to be repealed and replaced by this legislation are to continue as visiting justices?

Mr DONDAS: When the schedule of amendments was drawn up, an error was made. This is to correct an error. It should have read 'subject to subsection (3)'.

Mrs LAWRIE: I am not being facetious. I am asking the minister if people who were appointed as visiting justices, not visiting magistrates, under this

legislation are to continue to hold such an appointment or are we referring specifically, because of the amendment 180.1, to persons who were appointed as visiting magistrates and shall continue in that position?

Mr DONDAS: My understanding is that the people who were appointed as visiting magistrates are now the people who will be subject to that section.

Amendment agreed to.

New clauses 3 and 4 agreed to.

Clause 5:

Mr DONDAS: I move amendment 178.2.

This clause is basically self-explanatory but includes definitions. The amendment ensures that the director is also an officer under the terms of this act.

Amendment agreed to.

Mr DONDAS: I move amendment 178.3.

This allows for the insertion of the definition of the 'Ombudsman'. This is necessary because of the later amendment to clause 42 suggested by the member for Nightcliff and the opposition to include the Ombudsman as a person who may visit a prison at any reasonable time.

Amendment agreed to.

Mr DONDAS: I move amendment 178.4.

This provides for the deletion of the definition of 'prisoner' and the insertion of the definition of 'prison offences'. This insertion is necessary due to a later amendment which takes away category 1 and category 2 offences and leaves only prison offences. The new definition of 'a prisoner' which is also inserted makes provision for people held in prisons under provisions of the Commonwealth Migration Act.

Mrs LAWRIE: I welcome some attempt to define what will be prisoner offences and we see here in this fairly important amendment that prison offences will be defined by being specified in the regulations. Of course, we have a Subordinate Legislation Committee and certain procedures have to be followed. At least, this is one step forward in providing some form of clear definition of what is to be considered a prison offence. Previously, as the bill stood, a category 1 offence would be determined from time to time by the minister. It certainly does not go all the way to meet my objection that there should be any differential in offences for which a prisoner held in custody may be punished. I shall expand on that philosophy when dealing with other clauses. I think it is a matter of such importance that it must be publicly recorded but I think this is only the lesser of the 2 evils.

Amendment agreed to.

Mr DONDAS: I move amendment 180.2

This omits the definition of 'repeal date' as the act is not repealed but

amended.

Amendment agreed to.

Mrs O'NEIL: I would like to advise the committee that, in the absence of the member for MacDonnell, I will be undertaking the carriage of amendments on schedule 174.

Mr Chairman, I move amendment 174.3.

The purpose of this amendment and subsequent amendments on that schedule is to omit the definition of'visiting magistrate'. The intention of the member for MacDonnell was to ensure that all hearings before magistrates were held in open court. As a consequence of a number of amendments which will be moved by the Minister for Community Development, a visiting magistrate will, I believe, have only 2 functions. One will be to hear matters relating to prison offences which have been referred to him by the director or his delegate relating to prison offences. I do not think anyone could speak more eloquently to this than the Chief Minister. In his second-reading speech, he said: 'It is a matter of logistics. Why bring the magistrates to the prisoners when the prisoners could just as easily be brought to the magistrates?' He pointed out that prisoners have been brought daily to the court by vehicle. The purpose of this amendment is to effect the removal of that definition of 'visiting magistrate' so that all matters heard before a magistrate - which we can assume, as a result of amendments to be moved, will be contentious matters and matters which are being appealed - will be heard in an open court.

Mr DONDAS: I cannot support the amendment. It is not this government's view to delete the definition of 'visiting magistrate'. The member for Nightcliff also suggested such amendments. It relates back to a matter of government policy on category 1 offences. For the time being, all offences other than prison offences will be heard in the court, but category 1 offences must be heard within the prison because they are only minor offences. Visiting magistrates - later on in the bill we will see that there are 3 appointed to each prison - will at least be given the opportunity to speak with the prisoners who have complaints or wish to make an appeal against any decision of the director. Consequently, the government opposes that amendment.

Mrs LAWRIE: I do not see why the government should propose an amendment which states that, where a prisoner appeals against a decision of the director, it cannot be dealt with by a magistrate in the normal manner in a court. Why must the magistrate visit the prison. The Minister for Community Development just said, 'Oh, it's only a minor matter and there are only minor penalties under what were termed category 1 offences but are now called prison offences'. If we look at clause 8 of the bill, which is necessary if this debate is to proceed with any coherence, we see the penalties provided for being found guilty of an offence against prison discipline are not as facile as the minister would lead us to believe. The director can order the forfeiture of any amenities of the prisoner for a period not exceeding 30 days, order the exclusion of that prisoner from working etc or caution the prisoner. If the prisoner feels deeply enough to appeal, why should that appeal be held in the prison?

Mr DONDAS: Mr Chairman, if a prisoner fails to obey an order like getting out of bed or refuses to get dressed or go to the toilet, are we going to clog up the courts with small offences like that? Is that the honourable member for Nightcliff's intention?

Mr ISAACS: There is a very simple answer to the minister's question. The answer is no. I understood the members for Nightcliff and Fannie Bay to be talking about the visiting magistrate and his responsibilities in regard to the hearing of appeals or matters referred to him by the director. I do not recall there being any other matters which the visiting magistrate will deal with now that there will not be category 1 and category 2 offences. The question is whether or not these matters are such they they ought to be heard by a magistrate in a court. It is not a question of clogging up the courts with minor matters. The question is whether or not appeals or matters referred to the magistrate by the director ought to be dealt with in a court. With regard to the matters referred to the magistrate by the director - the director I suppose will have a number of reasons for wanting to refer them to the magistrate - one that would bear upon him would be the importance of the matter. Obviously, the director would not be thinking that it was a trivial matter to be dealt with by the magistrate. That would answer part of the minister's question.

With regard to appeals, certainly it is possible for a prisoner to frivolously appeal against any decision of the director. I guess that we will have to deal with those sorts of situations as they occur. I do not think that is the position normally. People do not make a habit of appealing. I do not think that is the position in the current situation.

Mr Everingham: Come on!

Mr ISAACS: Perhaps the Chief Minister has the statistics to show that there are some people who habitually appeal. I do not think that is the position. We are talking about matters of appeal and matters referred to the visiting magistrate. It seems to me that the case made out by the members for Fannie Bay and Nightcliff is substantiated. The minister perhaps might consider the matters raised by them and not matters raised by himself which are not at the base of it at all. The trivial matters which the minister referred to are to be dealt with by the director.

The member for Nightcliff apparently has some problem with that but, so far as I am concerned, it seems to be a reasonable proposition that the director should deal with those trivial matters. Where it is a matter of some moment, the director himself refers to the magistrate and, where it is a matter of appeal, it ought to be heard by the magistrate in an open court.

Mr EVERINGHAM: I spoke during the second-reading debate to assure honourable members that the magistracy rather feels that it is capable of looking after itself in this matter, seeing that justice is able to be done and that it will not be told what it should do by the Director of Correctional Services or anyone else. As I see the situation, there are 2 particular categories of offences referred to in this particular bill and the amendments. They are offences against prison discipline, not offences against the law. These are dealt with by the director or his delegate and, on appeal, may be dealt with by a visiting magistrate or a justice. I see absolutely no reason why they should not be so dealt with. After all, are we imputing against the character of the visiting justice or magistrate that he will permit a hearing to take place when there are coercive influences which will ensure that an unfair hearing occurs?

The other side of it is the offences against the law which will be dealt with outside the prison. It is more than a fair arrangement and it is certainly far more fair to inmates of Northern Territory prisons than persons voluntarily joining Australia's armed forces. I feel absolutely no embarrassment about putting forward to this committee that the arrangements proposed

here are absolutely above board and could not be bettered anywhere in Australia.

Mrs LAWRIE: That was a fascinating aside about the armed forces. How they got into the act, I do not know unless, in order to police the policy, we are going to call in the army. I thought for one glorious moment that the Chief Minister was going to interject and give me a lead on that aside but he restrained himself.

The Chief Minister is also Attorney-General and it is quite relevant and proper for him to defend the magistracy. I do not think there have been any unfair imputations upon their impartiality whatsoever emanating from this Assembly. However, the Chief Minister did say that justice would be done through, in this case, a visiting magistrate. I accept that, but it would be nice for justice to be seen to be done. It is very difficult for the public and the press, if it is interested, to attend hearings which are held within the confines of the prison. The Attorney-General is well aware of that fact.

Amendment negatived.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Clause 7:

Mrs LAWRIE: I move amendment 182.1.

Clause 7 deals with the director's power of delegation. He had a general delegation power. My amendment would insert in subclause (1) after the words 'other than' the words 'his power and functions under part VIII and'.

If we look at part VIII, we are dealing with the power of the director as it stands - and I will seek to amend that later - to hear prison offences, formerly called category 1 offences. The director has the right, if a prisoner is found guilty as charged of a breach of prison regulations, to order certain punishments, including forfeiture of not more than 3 day's remission of sentence, forfeiture of any amenities for a period not exceeding 30 days, the exclusion of the prisoner from working or working in association with other prisoners or a specified prisoner for a period of not exceeding 14 days or he may caution the prisoner. It seems most important to me that, if the director is to be given these powers of punishment, subsequent upon a prisoner being found guilty of a charge against the prison discipline, that power should not be delegated down the ranks of the hierarchy of the Correctional Services Division to somebody who might be intimately involved with the alleged commission of the offence. There is no limitation in clause 7 upon the powers of delegation. Because of the lack of such restrictions, I am extremely concerned to provide that, in dealing with prison offences, no such delegation can take place.

If a person is likely to have some punishment inflicted upon him on the basis of evidence, which may be hearsay evidence because the rules of evidence do not apply, he should be able to have some faith in the impartiality of the person who is making the order of punishment if he is found guilty. It seems totally inappropriate that there could be a provision where a person concerned immediately with the administration of the prison could be in a position to determine a charge about prison discipline. The further removed from the immediate subject, the better justice will be served. I would have preferred all offences carrying a penalty to be heard before a magistrate.

At the very least, I would think the prisoners charged with an offence against prison discipline should have those charges heard by a visiting justice. We find the government's policy is that these charges may be heard by the Director of Correctional Services, something with which I totally disagree. If we look at this clause, those charges may be heard by the superintendent of the prison wherein they occurred or the senior guard on duty at the time, all of which whittle away at the concept of impartiality of the person hearing the charge.

Mr Chairman, if I may have your indulgence, I will speak briefly to amendment 182.2 which is consequential. In discussions I have had with the the minister, I appreciate the problems about 182.1 being carried - the problems which may eventuate with prisons remote from the director. Therefore, I have provided that the director may delegate his responsibilities to the hearing of a charge to a visiting magistrate. That is what 182.2 would provide. I cannot accept a concept which says that people can be judged and punished by persons immediately concerned with the alleged commission of the offence. If this bill goes through without this amendment, why bother to have a hearing?

Mr DONDAS: Mr Chairman, I cannot support amendment 182.1 as circulated by the honourable member. However, she was talking about 182.2 and I may be able to offer her some leeway when we get to clause 34. It is a matter of philosophy again. The philosophy that we have is that the director of the institution should have the power to delegate. That particular power of delegation is in all Northern Territory legislation. What amendment 182.1 would effectively do in relation to Gunn Point and Alice Springs is that, if a particular prisoner committed a minor offence, he would have to wait until such time as the director himself was in those areas before he could hear that particular charge. That could be several weeks and the prisoner would be disadvantaged. Nevertheless, the director must have the power to delegate all the way through the hierarchy to persons who do clerical duties within the institutions and private persons who are employed within the institutions. If he does not have the power of delegation, then I think we will be in all kinds of trouble. I think that the honourable member for Nightcliff, on this occasion, is just really making an attempt to stop the proper function of this act.

Mrs O'NEIL: Mr Chairman, I resent that imputation against the honourable member for Nightcliff and I know she is more than capable of speaking for herself. But the honourable minister well knows the great interest, involvement and expertise the honourable member for Nightcliff has in this sort of legislation. He would do well to listen more carefully to her agruments. The nub of the problem is this. We have a situation in the bill whereby a person who lays a charge against a prisoner can also be the same person who hears it. I am surprised that that has not even gotten through the head of the honourable minister. I would think that most people would find that offensive. The amendments that the member for Nightcliff moved overcome that problem. As she points out, the results of a charge can be quite serious for a prisoner. They can lose amenities for a period of a month. They can spend an extra 3 days in prison. All of that is quite serious, and it is most important that the person who is making such a decision is not a person who has been involved in pressing the charge in the first place. I think that the amendments of the honourable member for Nightcliff are eminently reasonable and the minister really should consider them more seriously.

Mrs LAWRIE: Mr Chairman, I am aghast at some of the comments made by the minister. He doesn't seem to understand the purport of my proposed

amendment at all.

Mr Dondas: You don't understand the powers of delegation.

Mrs LAWRIE: I don't understand the powers of delegation? Heaven help us, Mr Chairman. The honourable member for Fannie Bay supported my case admirably. Would honourable members suggest seriously that magistrates, hearing charges brought against persons, have the power of delegation to the officer in charge of the police station who held the prisoner or who perhaps arrested him on the spot because that is the perfect analogy. We are seeking to divorce the hearing of the charge and the impartiality, which of necessity in our hopefully democratic system is inherent, from the bringing of the charge by persons who feel aggrieved by the actions - in this case, the prisoner. It is as simple as that. The honourable minister said: 'If she takes away the power of delegation which he has to clerks and other people, the whole system will fail'. I am only seeking to limit the power of delegation in the one area and that is the hearing of charges against persons who are alleged to have committed breaches of prison discipline. It is not that they have committed them but they are alleged to have committed them. The whole basis of a hearing is to determine, upon the facts presented to the person presiding, the relevance or otherwise of the case.

Mr EVERINGHAM: I am waiting to hear of one instance from the honourable member for Nightcliff where breaches of prison discipline have been heard by the same person who preferred the charge against the prisoner. If the honourable member for Nightcliff can come forward with a few instances to that effect, then I would certainly be interested to hear about them rather than this theoretical exposition of what might happen. Quite frankly, a power of delegation is not unreasonable and it is presumed in this Assembly that the executive government will act responsibly and will not delegate to hear a charge to the same person who has preferred the charge. If that occurrence happened, then I am quite sure that a prerogative writ would lie without any further ado. I believe that the honourable member for Nightcliff is tilting at windmills as is her wont.

Mrs O'NEIL: Mr Chairman, I was interested to hear the Chief Minister ask the honourable member for Nightcliff for examples. But the Chief Minister, as the Attorney-General, well knows the current status of the law in the Northern Territory. The reason there are no examples of persons involved in hearing charges against prison discipline is that the present act does not allow it. They are all heard by magistrates. If the honourable member for Nightcliff had the right to speak, I am sure that is what she would tell the Chief Minister.

Mr ROBERTSON: The opposition has quite conveniently skirted over the principal point made by the Chief Minister. The existing clause 7(1) says 'any of the powers' not all of them necessarily at once. The point made by the Chief Minister and the point I would like to re-emphasise is that the director, being a responsible officer, will ensure that the power of delegation to hear offences would automatically go to the most senior officer available for the purpose. If he happened to be the person who was actually involved in the detection of the offence, the superintendent, a very senior and experienced officer, would not conduct the hearing himself but refer the matter back to the director. The Chief Minister implied that there is a Don Quixote act opposite. I think that that is precisely what we are getting.

Amendment negatived.

Clause 7 agreed to.

Clause 8:

Mr DONDAS: I move amendment 178.5.

This amendment to subclause (2) merely elaborates the responsibility of the prison officers.

Amendment agreed to.

Clause 8, as amended, agreed to.

New clause 8A:

Mr DONDAS: I move amendment 178.6.

Mrs LAWRIE: Mr Chairman, I resent the form in which these amendments are being brought forward by the minister. When opposition amendments are proposed, we put forward a case. Why is 178.6 necessary? Was it a drafting omission?

Mr DONDAS: The Chief Minister advises me that the prison officers need the same powers as police officers to carry out their duties.

New clause 8A agreed to.

Clause 9 agreed to.

Clause 10:

Mr DONDAS: I move amendment 178.7.

This clause specifies when a prisoner is in lawful custody. An amendment has been made to subclause (b) which broadens the effect of the clause.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clause 11 agreed to.

Clause 12:

Mr DONDAS: I move amendment 178.8.

This clause states that any sentence that a prisoner receives for escaping shall be served at the end of any other sentence he was serving at the time of his escape. The change of the wording in the amendment is to give effect to the intention of the clause. As originally worded in the bill, if a prisoner was already serving a cumulative sentence, the clause would have the effect of ensuring that the sentence imposed for the escape would commence to the expiry of the first part of his sentence. The changed words ensure that it does not commence until he has served a total of any of the aggregation of the sentence that he was serving at the time of his escape.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clause 13 agreed to.

Clause 14:

Mr DONDAS: I move amendment 178.9.

This clause establishes that, after sentencing by a court, a prisoner shall be taken to the nearest reception prison. It enables the director to specify which prison is a reception prison; for example, Gunn Point would not be a reception prison. It enables a prisoner who has a sentence of 28 days or less to serve his sentence in a police prison and that a police prison may be declared a reception prison. The amendment to subclause (2) makes it necessary for the declaration of a reception prison to be recorded in the Gazette. This is to overcome the problem of having to declare a prison or police prison to be a reception prison every time a prisoner is received in it.

Amendment agreed to.

Clause 14, as amended, agreed to.

Clauses 15 and 16 agreed to.

Clause 17:

Mrs O'NEIL: I move amendment 174.5.

The effect of the amendment is to ensure that a prisoner's property is not disposed of without his approval. There are provisions in clause 17 which allow for a prisoner to dispose of possessions which are not allowable possessions in terms of clause 16. He can either dispose of them or the director can arrange for them to be stored on his behalf. This is very reasonable but we do not believe that the prisoner's possessions should be disposed of without the prisoner's approval. If the prisoner does not want his possessions disposed of, then they should be stored on his behalf. The existing clause 17(2)(a) ensures that that shall be done at his expense. We feel that it should not be possible for the director to dispose of the prisoner's belongings without the prisoner's consent.

Mrs LAWRIE: I support the amendment but I think a simpler way would have been to dispose of paragraph (b).

I draw to honourable members' attention that it has been the concern of the prisoners that their personal belongings, which are held for them upon reception, be looked after and returned to them upon their eventual release. One prisoner who is presently serving a sentence at Berrimah gaol has a most serious complaint. When he was received into Fannie Bay Gaol, he had a cassette tape recorder and tools to the total value of approximately $400. They disappeared and he is extremely distressed by the disappearance. Because he is in custody, he feels the distress more keenly, if possible, than those of us who are free to go about our pursuits in an attempt to regain the property. It is very important that the possessions of prisoners be dealt with in a most particular manner.

Mr EVERINGHAM: I do not think the government would have any objection to this particular amendment if it were to relate only to the personal possessions of the prisoners but, as it stands, it relates to houses or furniture and so on.

Mrs Lawrie: It says 'in his possession'. He doesn't carry his house with him.

Mr DONDAS: Clause 17 already provides for personal possessions to be given to relatives or friends at the direction of the prisoner. The amendment says that the director or the person in charge of that institution cannot really dispose of those goods unless he has the prisoner's permission. However, I will accept the amendment.

Amendment agreed to.

Clause 17, as amended, agreed to.

Clause 18:

Mr DONDAS: I move amendment 178.10.

The purpose of this is to identify the date on which sentences commence and it also gives power to the director to vary the time on which a prisoner is discharged on the last day of his sentence. This is an improvement over the present act which requires prisoners to be discharged at 10 o'clock in the morning. That has caused problems. Sometimes a prisoner is released at 10 o'clock and his aircraft has left at 7.30 or 8 o'clock in the morning. This amendment will allow the director to release him at a time convenient for him to depart.

Amendment agreed to.

Clause 18, as amended, agreed to.

Clause 19:

Mrs O'NEIL: I invite defeat of clause 19 with a view to moving amendment 174.6.

This relates to the transportation of prisoners on their release. As we heard in the second reading, prisoners who might be imprisoned in a place remote from their normal place of living can be stranded in Darwin or Alice Springs or wherever they are released unless definite arrangements are made for their transportation back to their home. If clause 19 is defeated, my amendment will ensure that that is done.

Mr DONDAS: I cannot support the proposal to have this clause defeated and a new clause inserted. It is hoped that, when prisoners are released, that it would be in conjunction with Prisoners Aid. If we were to take the responsibility away from the director to arrange transportation for released prisoners and accept the new clause, we might be faced with the problem of having to transport interstate prisoners back to their homes if we were not careful.

Mrs LAWRIE: I have some difficulty with the defeat of clause 19 and the proposed amendment. I understand the intention of the amendment but the way in which it is drafted is a little too wide. His proposed amendments say that the officer in charge of a prison shall ascertain whether a prisoner requires transport when he is discharged from prison. I guess he would because, if you have been discharged from Berrimah gaol, it is a bit of a nuisance.

Mr Everingham: If you want to go on an interstate trip ...

Mrs LAWRIE: The honourable Chief Minister does himself little justice in interjecting because subsection (b) of the proposed amendment specifies clearly that the officer in charge 'may' arrange for transport to a place outside the Territory but not 'shall'.

In 1972, I was visited by a person who had just been released from custody in Fannie Bay and who was in some distress. He had been extradited on a police warrant from Perth to Darwin on a charge of uttering a valueless cheque. The reason for uttering the valueless cheque was to fly down to visit his family who were ill in Perth. When he was released, he wanted to get back to his family who were desperate to receive him back. The department told him to find his own way back. He had about $1. I asked him what he would do and he said that he would write another cheque and fly back. At that stage, I made direct approaches to the Director of Correctional Services and he gave him the means to get back to Perth. It was a bus ticket. This shows that reason must prevail. It was quite ridiculous to release him and tell him to find his own way back to the family.

The way to get around clause 19 is that, if one is dissatisfied with the service being provided to people who are in need upon release, one should approach the minister. The minister is busy shaking his head; he does not like the sound of that. The director is subject at all times to the direction and control of the minister. If I had a person coming to me in distress and who needed to get back to his domicile outside the Territory, I would have no compunction in pressuring the minister to provide such transport. I think that clause 19 is not quite as bad as it appears. I can appreciate that the government is likely to defeat the amendment proposed by the opposition, notwithstanding its good intention, because it is just a little too wide.

Mr COLLINS: If the clause is a little too wide, could I ask the minister to report progress on this. I am not asking him to defer this clause until the next sittings, not that there is likely to be one. I would like him to consider the fact that this involves a very difficult problem for many of my constituents and the honourable member for MacDonnell's constituents. It is a problem which is regularly visited upon my doorstep.

Where a prisoner is an old lag and knows the ropes and requests transportation 14 days prior to his release, there are no problems at all. He gets a ticket. However, in numerous cases where the prisoner is perhaps in prison for the first time and is unaware that he is entitled to this provision and does not ask for it, it is not provided. I can assure the minister that I have numerous prisoners coming to me and asking me if I can pay for their tickets back to Maningrida, Milingimbi or wherever. On many occasions, I have done so because I knew they would be back in gaol within 48 hours if I did not do so.

I would suggest to the minister that if he believes this coy arrangement - if a prisoner knows the ropes, he gets a ticket and, if he does not, he doesn't - is some sort of cost saving, he is wrong. It is false economy of the worst kind. Perhaps the minister could consider the dilemma an Aboriginal person - particularly a young one and, very sadly, the majority of Aboriginal prisoners are young prisoners - who is dumped outside the prison gates in Darwin with a fairly crippling expense to get back to his community. I do not think I have to tell the Minister for Industrial Development the cost of Connair airfares these days. He is up for anything between $120 or $130 to get back to his own community. He has no money to buy food and most of these prisoners are not given any advice or assistance by the prison authorities as

to how they might redress this situation. I am asking the minister to make it mandatory, in these cases, to provide the prisoner with the ticket. Perhaps the minister might suggest that we overcome this by ensuring that Aboriginal prisoners are told of all these requirements when they go into prison. Let me assure him that that is not a solution because most of that simply goes over the heads of young people who are put into gaol for the first time. The problem is that they are left in Darwin with no means of support and an urgent desire in most cases to get back home.

Mr DONDAS: I would like to tell the member for Arnhem the advice that all Aboriginal prisoners are asked before their release whether they require transportation. That is the advice that I have and I am prepared to accept that advice over the advice that some of the prisoners may be giving him. I have been advised that all Aboriginal prisoners are asked if they have any transportation needs. Clause 19, as it stands now, gives the director the discretion to provide transport to a prisoner to a place within the Territory or, if special circumstances require it, to places outside the Territory. In some cases, we have prisoners from Mt Isa who were arrested just inside the border, dealt with in the Territory courts and put in a Territory prison. It would be far better for them to go back to Mt Isa and our clause does give the discretion to the director.

I have been informed that Aboriginal inmates of the prison are asked if they require transportation. If the member for Arnhem can elaborate further and write me a letter indicating where that has not been done, I would be quite happy to investigate the matter.

Mr ISAACS: If that is the case, surely the minister will not object if perhaps we redrafted the amendment to the effect that the director shall ascertain whether a prisoner requires transport on his discharge from prison within 14 days of such discharge. The minister says that that happens anyway and obviously endorses it. There is some question as to whether or not it does happen. He does not oppose it and, if we are all agreed on that, it would tighten up clause 19. It would ensure that whether or not they require transport is ascertained and, if so, the director can make up his mind whether or not he will provide the transport. It will allay the fears of the member for Arnhem that prisoners will not be asked whether or not they require transport. I am not suggesting anything which the minister already does not agree with. He says it happens.

Further consideration of clause 19 postponed.

Clause 20:

Mr DONDAS: I move amendment 178.11.

The purpose of this clause is to allow the minister to transfer juvenile offenders sentenced to a prison to a child welfare institution if it is felt to be in the child's best interests and there to serve the remainder of his sentence until he reaches the age of 17 years when he must be returned to an adult institution. This is merely a machinery amendment.

Amendment agreed to.

Clause 20, as amended, agreed to.

Clause 21:

Mr DONDAS: I move amendment 178.12.

The purpose of this clause is to make arrangements whereby persons outside the prison system may provide a critical overview of activities within institutions. They can also act as a prisoner's friend and provide means of bypassing the hierachical system that exists in most prison organisations. Clause 21 specifically gives the power to the minister to appoint such persons. It also defines the length of the appointment and gives the visitor the right to resign his office in writing. The Australian Crime Prevention Council suggested that, instead of official visitors and other persons being given access to prisons, a prison advisory committee should be formed in the general community to give advice directly to the minister. I stated in my second-reading reply that I did not feel that it was necessary to form such a group because there are quite a number of community organisations that are involved in prisons at the moment. There is access to the Ombudsman, members of parliament and their legal advisers. The amendment 178.12 omits subclause 21(4) and substitutes a new subclause. This subclause gives a minister the power to make payments and allowances to official visitors.

Mrs LAWRIE: Mr Chairman, I have no quarrel with the proposed amendment to clause 21 but I do rise to express certain opinions that have been put to me, and with which I concur, about official visitors per se. The concept of official visitors is welcome in one sense: the more outside contact prisoners have, the better for the prisoners and the whole system. The more people who can get into the prison and promote that contact, the more relevant the whole system becomes. But the prisoners themselves have viewed the official prison visitors with a certain amount of derision. I fear that they will be viewed in the same category as the visiting justice. I cast no aspersions at all upon the visiting justices; I am talking now about how the prisoners see them. I think that, whilst it is an admirable concept, it is not going to have quite the degree of success which this legislature probably hopes for. The prisoners themselves have expressed to me clearly their preference for individual visits by people and view with a degree of derision official visitors. Because they are official visitors, they are seen as belonging to the system and having no great relevance to the prisioners' needs and problems.

Amendment agreed to.

Clause 21, as amended, agreed to.

Clause 22:

Mr DONDAS: I move amendment 178.13.

This clause requires the official visitor to submit a report in writing after his visit on the conditions in the prison. The original bill proposed that this report be made in writing to the director. The honourable member for MacDonnell proposed that this report should be completed within 7 days of the official visit. In my second-reading speech, I did point out that it was anticipated that many of the official visitors would have excessive demands on their time and it would not be practical to impose time limits. However, what we would like to do is encourage the early submission of reports and the amendment requires the official visitors to submit a report as soon as possible after each visit.

The new subclause additionally requires the report to be addressed initially to the minister rather than the director unless the minister determines otherwise.

Amendment agreed to.

Clause 22, as amended, agreed to.

Clause 23:

Mr DONDAS: I move amendment 178.14.

This clause originally proposed that 3 official visitors would be appointed to each prison. It was considered that, under certain circumstances, this might be restricted; that is, extended illness of one or more official visitors or their absence on extended leave. It was thus felt desirable to make it: 'Not less than 3 official visitors to be appointed'.

Amendment agreed to.

Clause 23, as amended, agreed to.

Clause 24:

Mrs LAWRIE: Clause 24 states: 'Prisons shall be visited by an official visitor appointed to the prison at least every month'. Now in the preceding clauses we have seen that official visitors shall inquire into the treatment, behaviour and conditions of the prisoners in the prison in respect of which he is so appointed. The honourable minister has obviously given considerable thought to the provision of official visitors and the way in which they shall conduct themselves within the confines of the prisons. I asked the honourable minister if he will indicate to the House the manner in which he expects the official visitors to ascertain for themselves the matters which are their concern - the treatment, behaviour etc of the prisoners. Are they to sit in the room and interview the prisoners one by one? Are they to have the freedom to go through the prison talking to the prisoners as they go about their various duties? What is the manner envisaged by the minister which will enable the prison visitors to carry out their duties? It is a very important point.

Mr DONDAS: Mr Chairman, it is a very difficult question that the honourable member for Nightcliff poses. I would assume that each of the 3 visiting officials would presumably talk to one another so that they all do not arrive on the doorstep of the prison at the same time. They would be given the same facilities as a visiting medical officer, a visiting school teacher, a visiting member of the Legislative Assembly or the visiting Ombudsman. Facilities will be made available for official visitors to be able to undertake duties in the prison in the correct manner.

Clause 24 agreed to.

Clause 25 agreed to.

Clause 26:

Mr DONDAS: I invite defeat of clause 26.

In my second-reading speech, you will no doubt remember that I said that we would delete clause 26 in its entirety but, as the honourable member for Nightcliff has already criticised me for not giving proper expression as to why I do things, I will read out my notes.

Mrs Lawire: You mean your policy!

Mr DONDAS: My policy. The bill proposes in this clause that an official visitor shall record, in the official visitors book provided at each prison, the time of his arrival and departure and any matters he wishes to bring to the attention of the officer in charge of prisons. The same clause prevents any person other then the minister or the director having access to this book. The honourable member for MacDonnell raised this matter in the debate in the House suggesting that other persons as well as the official visitor and the director and minister should have access to the book. The honourable member for MacDonnell carried this attitude through and his amendment would give effect to his previous expression but, given the fact that clause 22 makes it necessary for visiting justices to report to the minister in the first instance, I had decided to delete the clause in its entirety.

Clause 26 negatived.

Mr DONDAS: I move amendment 178.15.

This is a machinery amendment and it does not alter the effect of the clause proposed in the bill but alters its phraseology in accordance with the advice from the Department of Law.

Amendment agreed to.

Clause 27, as amended, agreed to.

Clause 28:

Mr DONDAS: I invite defeat of this clause. The amendment as circulated invites defeat of the clause and inserts a new clause. This clause gives a power to the director to require a visiting medical officer to perform certain duties. The amendment was initiated on the request of the Department of Health and it is felt that the original bill enabled the director to specify matters which were properly the concern of the medical profession.

Mrs O'NEIL: Mr Chairman, it is normally customary to discuss why it is intended to defeat a clause. I found the minister's explanation inconsistent. The existing clause 28 requires a visiting medical officer to examine the prisoners and that seems reasonable enough. The clause which, if clause 28 is defeated, the minister proposes to insert requires that a visiting medical officer will go a step further. He shall perform actions at the direction of the director and I feel that is expanding the authority of the director over the visiting medical officer rather than the other way around.

Mrs LAWRIE: Mr Chairman, the notes of the minister are 100% in disagreement with his proposed amendment. The minister said that this amendment was put forward by the Department of Health so that the director would not be in the position of medically directing the visiting medical officer. Clause 28 does not in fact give such a direction; it only says that it may require a visiting medical officer to visit and examine the prisoners. The proposed new amendment says that a visiting medical officer shall perform such medical duties as the director may specify. That is totally against medical ethics and it is quite unacceptable to the profession. I think that there is a gross error in drafting here.

Mr DONDAS: I would be quite happy to postpone this clause until I receive further advice.

Clause 28 postponed.

Clause 29 agreed to.

Clause 30:

Mr DONDAS: I invite defeat of clause 30.

This clause was necessary whilst it was proposed to continue to classify offences as category 1 or category 2 offences. As this provision has been deleted by the government and other offences against the law other than prison offences will be heard in normal courts, the clause is no longer required.

Mrs LAWRIE: It is not quite that simple. Clause 30 states: 'A visiting magistrate shall hear complaints relating to offences alleged to have been committed by prisoners in the prison in respect of which he is appointed'. We could leave that clause in and delete the reference to the director hearing prison offences and all honour would be satisfied so the honourable minister's notes are again somewhat deficient. I agree that, if criminal offences are going to be heard in open court, we could in fact leave clause 30 in and use that for the visiting magistrate to hear complaints against alleged breaches of prison discipline. I believe it would be better left in.

Mr DONDAS: The member is saying that a visiting magistrate shall hear complaints relating to offences alleged to have been committed by a prisoner in a prison. It relates back to the original philosophy. Category 1 offences have now been stipulated as prison offences and category 2 offences as senior offences which will be heard in the court. We would just be covering old ground regarding the philosophy of 1 and 2 offences.

Clause 30 negatived.

Clause 31:

Mr DONDAS: I invite defeat of clause 31.

Clause 31 negatived.

New clause 31:

Mr DONDAS: I move amendment 178.18.

This new clause deals with the classification of prison offences. The intention of this clause is to divide prison offences into 2 categories. Category 1 will be minor offences that occur in the day-to-day running of a prison; for example, the refusal of a prisoner to get out of bed in the morning or a refusal to obey the order of a prison officer. Category 2 offences, which will be heard by a visiting magistrate, would be of a more serious nature. The provision was an attempt to ensure that the majority of cases where prisoners were charged with offences would be heard within the prison with subsequent savings in time. However, there has been considerable opposition to the proposal by the members for Nightcliff and MacDonnell. They both stated that there appeared to be a conflict of interest in the director hearing charges under the category 1 offences. The honourable member for Nightcliff felt the director need not be a lawyer, which is quite right, and would be unable to bring impartiality to this consideration of cases. I do not agree. The member for Nightcliff also felt that the offences must be heard initially by a visiting magistrate although she would have preferred to

have all offences heard by a magistrate but, through the other earlier clauses, we now have a visiting magistrate.

Further criticism in the area of prison offences came from the Australian Crime Prevention Council which also expressed concern about the director having the power to decide the form of the inquiry by deciding if a person would be charged under the category 1 or 2 offences. Well that does not exist any more because we do not have category 1 or 2 offences. There was also concern expressed about the lack of definition in possible offices. It was stated that, although a visiting magistrate may refer any matter before him to court, there is no guarantee that he would do so. Similarly, there is no guarantee that legal aid will be granted or that a prisoner shall receive representation. It was suggested that charges should not be laid in writing and, because the charge would be determined by hearing, there was a failure to provide for the rules evidence or to give an indication of the amount of time after a prisoner is charged that will be taken before the inquiry commences. In this part, the member for MacDonnell suggested the government invite defeat of clause 31 and insert a new clause which has the effect of ensuring that the regulations define what the offences are.

The member for Nightcliff produced an amendment which suggests the government invite defeat of clauses 31 to 40 inclusive and insert the new clause which ensures that any offence committed in prison by a prisoner under sentence is heard by a court and gives the court the power to sentence him to a term of imprisonment of up to 2 years together with the power to order forfeiture of up to 30 days' remission, forfeiture of amenities up to 90 days, forfeiture of wages for the same period and prevention of a prisoner from working up to 30 days. It also gives the power to the court to order a prisoner to pay compensation for malicious damage to property.

After due consideration of the representations and discussions with the Chief Minister, we have agreed to delete all references to category 1 and 2 offences. Therefore, I invited the defeat of clause 31 with the hope of inserting a new clause which states the regulations shall declare what shall be a prison offence and gives power to include in the regulations such things as specific offences against the act or the regulations which is really failure to comply with the orders or instructions made by the director or any other nominated officer.

The effect of this amendment is to ensure that all minor offences will be dealt with by the director or his delegates. Serious breaches of the law - for example, assault, stealing and conspiracy to escape - will be dealt with in a normal court of law. I am hoping that this amendment will satisfy the members opposite and take away the concern that they expressed with the original clause.

Mrs LAWRIE: Mr Chairman, it has not taken away one of my concerns. It would be very surprising to this committee if it had. The minister has quite rightly said that now we are going to deal with a lower category of offences: prison offences. To the prisoner, it is still a fairly serious thing to have the prospect of a penalty for alleged offences hanging over his head. I think that his hearing should be seen to be totally impartial. We still have the power of delegation under clause 7 which allows the hearings to be conducted by persons other than the director. There are persons in the Correctional Services Division hierarchy who feel that prison offences transcend the hearing of offences. Remember, we are not bound by the laws of evidence under this new bill. I will give such an example now. There is a prisoner in Ward 1 of Darwin Hospital who was supposed to attend Berrimah

Prison today to hear charges of breaches of prison discipline, not criminal offences, and medical opinion was expressed that he was not fit to plead. He was too ill. Some officers of the Correctional Services Division stated thay they would attend the hospital today and 'physically and forcibly remove him from the hospital to the prison to have those charges heard'. I rang the minister last night and told him what was going on. I gave him full credit because he apparently responded. I was sick to the stomach at the thought of this kind of procedure being allowed to be even thought of let alone carried out. As events transpired this morning, Correctional Services Division apparently had another thought about it. When the magistrate attended Berrimah Prison, they said that the prisoner was not well enough and the hearings were adjourned.

That should have been the opinion of those officers all along. Notwithstanding any denials which might come forward, that was not their opinion yesterday and I gave the names of the officers to the minister. When I heard that certain persons within his department had made statements that they would attend the hospital and remove the prisoner by force, I did the right thing and rang the minister.

If the minister thinks that these procedures are good enough, I do not share his view. Obviously, he took some action last night and the threatened procedure was not carried out. But these proposals were put to professional people who certainly took umbrage. It would be much better for this whole controversy to be removed from the department and placed in the judicial area which would allay all the concern none of which have been answered to my satisfaction by the minister. I do give him due regard for whatever action he took last night.

New clause 31 agreed to:

Clause 32:

Mr DONDAS: I move amendment 178.18.

This clause gives power to the director to hear charges relating to prison offences or, having heard them decide what, if any, penalty shall be imposed. It gives him power to order the forfeiture of not more than 3 days' remission, to take away any amenities from a prisoner for a period not exceeding 30 days or prevent the prisoner from working for a period not exceeding 40 days - this penalty means that the prisoner does not earn wages during that period and thus he is unable to purchase amenities - or, finally, gives him a power to caution the prisoner. The amendment, as circulated, provides for 2 minor consequential alterations to clauses following the dropping of category 1 and 2 offences.

Mrs LAWRIE: Subclause (b) reads: 'order the forfeiture of any amenities of the prisoner for a period not exceeding 30 days'. This is a fairly heavy penalty to a prisoner. Could the minister outline the amenities which are likely to be withdrawn upon the hearing of the charge and the prisoner being found guilty of the alleged offence?

Mr DONDAS: I would imagine such amenities as going to the movies, watching television, having a radio and various other small things. I have often heard the honourable member for Nightcliff explain to me that she has visited 29 prisons in various parts of Australia. I have not been fortunate to visit that many prisons but I have visited many and have spoken to various people

in charge of institutions. They tell me that they do withdraw amenities and privileges from some prisoners if they misbehave themselves. It is done in such a way as to encourage that particular prisoner to toe the line in the interests of the good running of that particular institution. As far as being specific about exactly what amenities would be denied, I am unable to provide that information. However, I will provide it at a later date.

Amendment agreed to.

Clause 32, as amended, agreed to.

Clause 33:

Mr DONDAS: I move amendments 178.19 and 178.20.

This clause gives the power to the director to determine the procedure to be undertaken when hearing a charge against a prisoner in relation to a prison offence and also provides that the director need not be bound by rules to cross-examine anyone who gives evidence against him, call witnesses in his own defence and to give evidence on his own behalf. These guarantees given to the prisoner are not included in present legislation.

By amendment 178.19, it is proposed to omit sublcauses (1) and (2) and replace them with 2 new subclauses. These are merely machinery matters and it is easier to insert the new subclauses rather than rephrase the present one to delete category 1 offences and the use of the word 'complaint' which has a technical meaning relating to charges laid before the court. Amendment 178.20 will allow a prisoner to call a witness and give evidence on his own behalf.

Mrs LAWRIE: I take issue with the statements that 178.19 somehow provides some amenities to a prisoner which do not exist at the moment. Remember that we have just taken a step backwards and we are now saying that all these offences which are categorised as offences against prison discipline will be heard by the director within the confines of the prison and not in a court. The minister has just said it provides something for the prisoner which he does not already have. The present situation is that the prisoner has the right of having Legal Aid defend him in charges against prison discipline. That has just been removed.

Amendments agreed to.

Clause 33, as amended, agreed to.

Clause 34:

Mr DONDAS: I move amendment 178.21.

This is a machinery amendment which deleted reference to category 1 and substitutes the word 'charged' for the word 'complaint'.

Amendment agreed to.

Mrs LAWRIE: I move amendment 182.2.

This will mean that the director may, before or at any time during the hearing of the complaint relating to a prison offence, refer this matter to

a visiting magistrate for hearing. I can only assume that that will have the wholehearted support of the minister and everybody else.

Mr DONDAS: It does have the government's support.

Amendment agreed to.

Mr DONDAS: I move amendment 178.22.

This merely tightens up the wording of the subclause.

Amendment agreed to.

Clause 34, as amended, agreed to.

Clauses 35 and 36 negatived.

New clause 35:

Mr DONDAS: I move amendment 178.23.

The new clause gives the authority to the court or to the director to impose compensation orders on people convicted of offences and to require them, in the event that they do not pay the compensation, to serve a period of imprisonment equal to 1 day for each $25 of the amount imposed.

Mrs LAWRIE: This proposed new amendment absolutely appals me. We will have levels of compensation set by persons, not by courts, and the person does not even have to be the director; it can be his delegate or the chief guard. He could say: 'You have just done $30,000 worth of damage and, since you are earning a couple of dollars a day, you will be here for the rest of your natural life'. This is the sort of provision that allows someone to go into prison for non-payment of a parking fine and never be seen again. It has attracted the ire of many people - lawyers, lay people, anyone who has the slightest idea of the manner in which a prison works.

I would not mind if the level of compensation for damage caused was to be set by a court but it says, 'A court or person convicting a prisoner of an offence, including a prison offence, may, in addition to imposing a penalty, order the prisoner to pay ... the amount specified'. It does not have to be malicious damage but 'damage to any property or injury to any person caused by the prisoner in the commission of the offence'. The person ordering this compensation can be absolutely anybody in a hierarchy of the Correctional Services Division. That is absolutely appalling. I have expressed my total opposition to that concept to the minister and I would ask him again to consider my objections. If he will concede that, following the conviction for an offence, there is a likely case for compensation for damage to personal property that shall be referred to a court, I would have no objection. It does not say that. Anybody who found the prisoner guilty can set the level of compensation. I am only asking that that level of compensation be set by a court.

Mr DONDAS: I have had discussions with the honourable member for Nightcliff regarding this particular clause and I brought to her attention amendments proposed in clause 39 which would allow a prisoner to lodge an appeal in writing to the director not later than 14 days after his decision has been made. There was a further amendment proposed to clause 39 which would allow the visiting magistrate to hear the appeal and to vary the penalty

imposed by the director if it was so necessary. If a particular prisoner feels that he has been treated unjustly or fined unjustly, he still has 2 avenues of appeal, one to the director and the other to the visiting magistrate.

Mrs LAWRIE: Members of this committee perhaps do not quite appreciate what I feel is a very important principle: that a level of compensation can be set for damage, which does not have to be malicious, by other than a court. It does not matter whether it is set inside a prison or outside a prison. What this legislation is saying is that persons who have no legal training and no idea of precedents can set a level of compensation. I am extremely disturbed - and so are other people who have legal backgrounds - at the implications of what we are doing. Honourable members will be aware that there is no limit on this compensation. We are saying that the person who convicts a prisoner of an offence against prison discipline can determine the degree of compensation required for some act done by that prisoner in the commission of the offence. I believe it is totally undesirable for this legislature to say that these people, who may be senior guards or assistant directors of correctional services or the director, shall have the power to order an unlimited amount of compensation. That must be left to a court.

Mr DONDAS: The purpose of the legislation and the new amendment is to ensure that people who commit wilful damage ...

Mrs Lawrie: It doesn't say 'wilful'.

Mr DONDAS: I am saying 'wilful damage'.

Mrs Lawrie: The legislation doesn't.

Mr DONDAS: It will ensure that these people can be held responsible for their actions. By clause 39, a prisoner can appeal to the director within 14 days and he can appeal to the visiting magistrate. The visiting magistrate can reverse the decision of the director.

New clause 35 agreed to.

Clause 37 agreed to.

Clause 38:

Mr DONDAS: I invite defeat of this clause with the intention of inserting a new clause 38.

The purpose of the clause is to ensure that a record of any conviction imposed shall be kept. This clause will not change the effect of the previous clause but will merely elaborate the details that must be recorded and kept in each prison.

Clause 38 negatived.

New clause 38:

Mr DONDAS: I move amendment 178.24.

Mrs LAWRIE: I have no quarrel with new clause 38 as presented; I think it is an improvement on the bill. I ask what is the purpose of this book. Who is going to peruse it? Is it to be tendered in evidence in the event of any appeal? Why have we got this clause?

Mr DONDAS: Originally, there were no records kept of any offences. Presumably, this will help from a statistical point of view to see what was happening with delegated responsibility. I cannot see why a proper record should not be kept of the offences.

Mrs LAWRIE: I cannot see why proper records should not be kept either but it is not good enough just to plonk clauses in legislation because they make the whole thing look better. This is a fairly important clause. Is this book to be called for as evidence in the case of an appeal?

Mr DONDAS: Yes.

New clause 38 agreed to.

Clause 39:

Mr DONDAS: I move amendment 178.25.

The purpose of this clause is to allow an appeal from any decision imposed by the director. The honourable member for MacDonnell suggested the deletion of the word 'visiting'. We dealt with that earlier. The Australian Crime Prevention Council commented that appeal provisions should be expanded to include any orders of compensation or imprisonment. This appears to be a reference to the inclusion of the appeals provision in clause 97(1) which permitted the director to recover money from a prisoner who damaged departmental property. As mentioned earlier, this amendment has been incorporated in the combining of clause 97(1) and the new clause 36. The power that the Australian Crime Prevention Council required is included under this clause. This is a machinery amendment which requires any appeal to be lodged in writing and addressed to the director not later than 14 days after the original decision is made.

Mrs LAWRIE: This is a very interesting amendment. We are dealing with prison offences heard within the prison on hearsay evidence if necessary. The procedure should be as determined by the director. If the prisoner so charged under this incredible set of circumstances is found guilty, the penalties are 3 days' remission of sentence, forfeiture of amenities and exclusion of the prisoner from working for a period not exceeding 14 days. If the prisoner has been excluded from working for 14 days, during which time he gives notice of appeal, the appeal becomes pointless because he has already suffered the penalty. The honourable minister is pulling faces and saying it is nit-picking. Mr Chairman, I can assure you that, if you were a prisoner within the confines of the prison, you would not think it is nit-picking at all because there is no way of giving back amenities which have already been withdrawn and which, upon appeal, were found not to be fitting. I would ask the honourable minister in drafting the regulations to ensure that, upon a conviction for an offence against prison discipline which is being heard by the director, every assistance shall be given to a prisoner to make an immediate appeal so that the withdrawal of privileges shall not apply until such time as that appeal is heard. That is not a small point if you are a prisoner.

Mr DONDAS: I agree with the honourable member for Nightcliff and would hope that it would be drafted in the regulations that those prisoners would not have their liberties taken away from them until such time as their particular offence has been heard.

Mrs O'NEIL: I thank the minister. Can I ask him to make that a bit stronger than hope. I think that the committee would like him to assure it

that the regulations will include a provision that the penalties are not imposed until after the prisoner has that chance to appeal. It occurs to me that one of the amenities which might be withdrawn is in fact writing paper which is needed to ask for an appeal.

Mr DONDAS: I move amendments 178.26 and 178.27.

These are machinery amendments that are necessary because of the deletion of the division between category 1 and category 2 offences. The subclause itself gives power to the visiting magistrate hearing appeals to vary the penalty imposed by the director if necessary.

Amendments agreed to.

Mrs O'NEIL: Mr Chairman, I have a question for the minister on clause 49 which deals with appeals. I note that earlier, when we were dealing with hearing of prison offences, we laid down the procedures that shall be followed either by the director or by a magistrate in place of the director. I cannot find, and I will be happy if the minister will point out to me how it is going to happen, what procedure a magistrate shall follow in the hearing of appeals. Obviously, it will not be according to court rules because it is not a court hearing.

Mr DONDAS: I would imagine that the visiting magistrates would have their procedures. We have to prepare the regulations.

Mr EVERINGHAM: Mr Chairman, I would suggest that a simple letter would suffice.

Mrs LAWRIE: I think it relevant to advise the Attorney-General in the context of this debate that this concern has been expressed to me by magistrates. There is no procedure laid down there and I think perhaps more than a simple letter might suffice.

Mr EVERINGHAM: There are many areas where procedures are not laid down and indeed some people see that as an advantage rather than a disadvantage. Many people's minds, especially legislators on the other side of this Chamber, are sequestered to the idea that everything should be spelt out in writing because they believe that is the only way that no mistake can be made. In fact, that is the way that most mistakes are made. The best legislation is the legislation that leaves a fair bit of discretion; it sets our policy and it provides avenues for people to do things. I certainly believe that there are no problems in people taking action in the circumstances by simply writing letters. Appeals to full courts from prisoners have been instituted by nothing more than a letter and, if there is need for procedures to be laid down in respect of appeals, then I am quite certain that provision can be made in the regulations for those procedures to be set out.

Mrs O'NEIL: The Chief Minister is entitled to his philosophy as to how legislation should be drawn. The trouble is that we have quite an inconsistency in this bill, which is not his responsibility but the responsibility of the Minister for Community Development, whereby we laid down procedures for one sort of hearing and not for another. If the Chief Minister wants to go back and recommit clause 33 and eliminate these procedures, I am sure we can.

Clause 39, as amended, agreed to.

Clause 40:

Mr DONDAS: I invite defeat of clause 40.

This clause gives power to a prisoner to appeal from the decision or order of a visiting magistrate and ensure that appeal under the clause would go to the Supreme Court. This was a safeguard while the division existed between category 1 and 2 offences. With the abolition of that division and the assurance that all major offences would be heard before a normal court, the necessity for this clause no longer exists.

Mrs LAWRIE: I would ask if this deletion of clause 40 would remove the right of a prisoner to appeal from the decision of a visiting magistrate who has just determined an appeal from the director.

Mr Dondas: No, it would not.

Mrs LAWRIE: Well it does. You are inviting defeat of clause 40: 'A prisoner may appeal from a decision or order of a visiting magistrate'. That is fine. I agree with that. Why not leave it in? We still have visiting magistrates determining the futures of prisoners' lives. We have just said so in allowing an appeal to him from the director and the little matter of compensation which is highly important.

Mr DONDAS: It is covered under clause 39 for which we have just accepted 3 amendments which relate to appeals by a prisoner to the director within 14 days and also to the visiting magistrate who can reverse the decision of the director. Therefore, clause 40 is not really needed any more.

Mrs O'NEIL: One of the reasons that I did not enter the debate on compensation before was because I was under the erroneous impression, having unfortunately missed that little amendment proposed by the minister, that if the compensation that was determined was unreasonable, then eventually through the processes of the act an appeal in a court would be heard. If clause 40 is removed, there will not be any appeal in a court against excessive levels of compensation awarded against the prisoner and that is quite horrendous.

Mr EVERINGHAM: As I understand the philosophy of this bill, offences against prison discipline are to be dealt with in an administrative fashion. Other than that, there will be an appeal against an administrative decision to the visiting magistrate. Offences against the law will be dealt with in the normal course; that is, by the courts with all the usual remedies. As for the damages, the decision of the administering authority is open to review by the visiting magistrate. If the visiting magistrate acted arbitrarily, there would still be a review available by way of prerogative writ. As I see it, administrative procedures are well catered for in respect of appeal to the visiting magistrate and criminal offences are dealt with in the normal course.

Mrs LAWRIE: I draw the Chief Minister's attention to the amendment 178.23 dealing with compensation which his Minister for Community Development put and passed. I am not sure whether the honourable minister was in the House at the time but it was pointed our fairly clearly that ...

Mr Everingham: I was and I have heard you ad nauseam.

Mrs LAWRIE: The honourable minister says he has heard me ad nauseam. Well that is bad luck for the honourable minister. We are dealing with very important legislation and, as Attorney-General, he should have the intestinal

fortitude to spend a little more time looking at the legislation that his minister has introduced and which is bringing disrepute upon that government. That clause dealt with unlimited levels of compensation which can be put upon a prisoner by a person, not necessarily a court, and appeals to a magistrate. Why is it so difficult to contemplate an appeal for serious things; for example, a $10,000 compensation order? Why is it so difficult to contemplate an appeal from a visiting magistrate to the Supreme Court. Why this talk of prerogative writs? If appeals are not considered necessary, why have them at all from the magistrate to the Supreme Court? They are part of our judicial system. I think it is imperative that the clause be left and not deleted.

Clause 40 negatived.

Clause 41:

Mr DONDAS: I move amendment 178.28.

This clause gives the power to the minister to appoint chaplains to prisons and then authorise chaplains to visit prisoners at the times and under the conditions the director allows. Because part X specifies certain persons who may visit prisons, it is necessary to include a machinery amendment which gives chaplains the right to visit notwithstanding specifications laid down in part X.

Amendment agreed to.

Clause 41, as amended, agreed to.

Clause 42:

Mr DONDAS: I invite defeat of clause 42 with a view to inserting a new clause.

This clause guarantees access to prisoners by specified persons; that is, judges of the Supreme Court, visiting magistrates, official visitors, visiting medical officers or other persons authorised in writing by the director. Both the honourable member for MacDonnell and the Leader of the Opposition commented in debate that the Ombudsman was omitted in the clause and should be included. Similarly the Ombudsman himself made representation for his inclusion. In my second-reading speech, I did agree to include the Ombudsman.

The honourable member for MacDonnell also suggested that members of the Legislative Assembly be able to visit prisoners at any reasonable time. I also agreed that they should be able to. The member for MacDonnell's amendment proposes that the members of the Legislative Assembly and the Ombudsman or an employee under his control be guaranteed access to prisons. It was suggested the government invite defeat of the clause and substitute a new one which would give effect to the request of the opposition and the Ombudsman and also assist with an amendment for the officers, within the meaning of the Criminal Law (Conditional Release of Offenders) Act, who need to go in and out of the prisons to deal with the various offenders in the course of their duty.

Mr ISAACS: I thank the minister for that but there is only one difference and that is that the amendment of the member for MacDonnell indicates that the Ombudsman or an employee, within the meaning of the Public Service Act, under his control is able to go there whereas the minister's own amendment does not. Quite obviously, an officer under the Ombudsman's control may well be in charge of a particular matter rather than the Ombudsman himself. From what the minister has said, I don't see any problem in inserting item (ba), suggested

in amendment 174.15, rather than item (d) in the new clause 42 as suggested by the minister.

Mr DONDAS: I think this would be picked up in (h): 'a person authorised in writing by the director'. If the Ombudsman was to have one of his staff attend one of the prisons, he would contact the director of that institution and request that his particular employee be admitted to that particular prison.

Mr COLLINS: I think that misses the point of the Leader of the Opposition's objection. In practical terms, an Ombudsman's inquiries would be carried out by an officer rather than by the Ombudsman himself. In most cases, it would be one of his investigative officers. It would be ridiculous if, on every one of those occasions, he had to obtain written authorisation under (h) when, in fact, (d) is there specifically to enable the Ombudsman to do this job.

Mr DONDAS: The honourable member for Arnhem is splitting hairs. We must respect that the director does have the responsibility of maintaining security in that prison and that nobody will deny access to Ombudsman's staff if the Ombudsman makes a direct application for his staff to go into that particular institution.

Mr CHAIRMAN: I realise that the new clause relates to clause 42 but we must get back to the motion which invites defeat of clause 42.

Clause 42 negatived.

New clause 42:

Mr DONDAS: I move amendment 178.29.

Mrs LAWRIE: Along with the clause to which I spoke earlier dealing with the procedures to be followed by official visitors, I think that this clause deserves a little closer attention. We have certain persons who may visit - judges, visiting magistrates, official visitors, the Ombudsman, field officers, members of the Assembly, medical officers or persons authorised in writing by the director. They may visit subject to such terms and conditions as the director thinks fit. Perhaps the minister would indicate the procedures which will be expected to be followed by those persons once they visit the place. Visiting per se means nothing; it is access to the prisoners which is important. Following my experience of last Sunday, I am wondering if we are going to be told that we can visit but we must not discuss anything.

Mr DONDAS: We have already defeated clause 42. I would like to obtain some information and advice from officers. I seek postponement of the new clause.

Further consideration of new clause 42 postponed.

Clause 43:

Mr DONDAS: I move amendments 178.30 to 178.33.

This clause prescribes the terms and conditions under which prisoners may receive visits whilst in prison. It gives the power to the director to determine the time, the number and duration of visits. It also specifies that

the director may refuse to grant visits if he so desires, gives power for him to have visitors searched, supervise visits, have their conversations monitored and terminate visits.

Several minor amendments are required in the clause. Amendment 178.30 makes an amendment that causes the operation of the clause to be subject to part XI which refers to legal representatives who have different rights. It is also proposed under this amendment to omit subclauses (2) and (3) and substitute 2 other subclauses. The substitute clauses do not alter the intent of the original subclauses but merely tighten up some of the wording.

Amendment 178.32 allows conversation between a visitor and a prisoner to be monitored and to be recorded.

Amendment 178.33 tightens the subclause to allow the termination of any visit or any direction given by the director or any determination as with the standing instructions issued by the director. That instruction is briefed and then the visit may be terminated.

Mrs LAWRIE: Does this refer to the people in clause 42 as well or does it refer to people other than those referred to in clause 42?

Mr DONDAS: This relates to a prisoner receiving general visitors.

Mr ISAACS: Clause 43(5)(b), as I read the amendment, will now read, 'The director may, if he is of the opinion that it is necessary for the maintenance of the security and good order of the prison or prisoner, order that a conversation between a visitor and a prisoner be monitored or recorded'. Is it the intention to inform either of the people that that will take place?

Mr DONDAS: In some particular circumstances, for security reasons, it would not be advisable to let people know that that is happening. It is a very difficult question to answer. If the director, in his wisdom, decides that a particular conversation should be recorded to stop an escape or to stop somebody being injured or to prevent a prison officer from being taken hostage, it certainly would be within the realm of the director to make that decision.

Amendments agreed to.

Clause 43, as amended, agreed to.

Clause 44:

Mrs LAWRIE: I move amendment 173.3.

This omits the words 'prior written' from clause 44. If prisoners wish to give a person such as myself letters or documents, it goes through a procedure whereby it is taken by a prison officer to the senior person on duty to approve the transfer. That seems to me to be a quite adequate procedure. If we talk about 'prior written approval' of the director before any document can be passed, that would involve him in a tremendous amount of quite unnecessary work. The purpose is served if the present provision applies: the person immediately in charge of the prison at that time may give the approval on the spot for the passage of the document or parcel. Certainly, the approval has to be sought. However, if we talk about prior written approval of the director, the procedure becomes very cumbersome and very drawn out.

Mr DONDAS: I do not support the amendment. Whilst I might agree with the honourable member for Nightcliff that the whole operation is cumbersome, it is the desire of the department that the prior written approval from the director be incorporated in the amendment for security reasons. This applies particularly to parcels. The requirement to obtain prior written approval is necessary because proper consideration would be given to the passing of any document or parcel. We have to take security into consideration. This is the desire of the department and therefore I would not support the honourable member for Nightcliff's amendment.

Mrs LAWRIE: I am not trying to do away with any security provisions at all. I am trying to assist the operations of the department, not hinder them. I ask if the minister would perhaps seek postponement of this clause to consult with his advisers. Quite clearly, if the superintendent of the prison had reason to suspect that the passing of the parcel required the director's approval, he would seek it. This clause is at variance with the general power of delegation given to the director earlier. It is reasonable for the director to say to the superintendent of the prison that, unless it appears suspicious, he has the delegation to approve the passing of materials between prisoner and visitor. This clause does not allow that because it requires prior written approval. I think it is cumbersome and works against the interests of the superintendent of the prison and the director and everybody else.

Further consideration of clause 44 postponed.

Clause 45:

Mr DONDAS: I move amendment 178.34.

This clause gives a prisoner the right to receive visits from his legal representative and interpreter as such times and under such conditions as the director permits. The Australian Crime Prevention Council suggests that this clause be amended to allow visits from legal representatives at all reasonable times. The suggestion is also picked up by the honourable member for Nightcliff in her amendment 173.4 which suggests that we omit 'at such times and upon such conditions as the director permits' and substitute 'at any reasonable time'.

Amendment agreed to.

Clause 45, as amended, agreed to.

Clause 46:

Mr DONDAS: I invite defeat of clause 46.

The purpose of this clause is to ensure that officers do not overhear conversations between the prisoner and his legal representative. However, they are empowered to inspect and censor any package or documents passed between the prisoner and his legal representative. Subclause (2) stated that any information gained from the inspection of documents was not to be disclosed except to prevent a breach of law. This clause came under severe criticism by the honourable member for MacDonnell who stated that any censorship of messages between a prisoner and his legal representative should be abolished. The honourable member for Nightcliff pointed out that lawyers have their own code of ethics and felt that documents passing between a legal person and the

prisoner were to be trusted. The Australian Crime Prevention Council suggested that this clause would provide an excuse for a breach of the normal privilege that exists between a lawyer and his client.

In my second-reading reply, I informed the House that an amendment would be introduced placing the onus on the legal representatives to ensure any matters passing between them and their clients do not breach any law of the Territory and, as a result of this, the government now intends to invite defeat of clause 46 and to insert a new clause. This new clause provides that a visit shall not be monitored between a legal representative and a prisoner and that a document passed between the prisoner and his legal representative shall not be inspected or censored but places an obligation upon the legal representative to inform the Attorney-General should the document or the passing of the document constitute an offence against the law.

Mrs LAWRIE: Honourable members will be aware that, in the question time this morning, I asked the honourable minister if he had consulted the Law Society about this rather unusual subclause (3) and he stated he had not. My reason for asking was that, when we received these amendments last week, I read this proposed amendment to several private legal practitioners. They all had a fit and said, 'Good God, what does the Attorney-General say about that?' The Attorney-General at the moment is busy reading a magazine and I do not know whether he will make a statement or not. They found it highly offensive and, as I said in my second-reading speech, they have their own code of ethics. If someone passes a note to his legal representative which says that he will shoot the Minister for Community Development, the lawyer is bound to take certain actions to prevent that happening. The members of the legal profession whom I have been able to contact took particular exception to subclause (3) and I ask the minister to withdraw that subclause leaving the 2 previous subclauses.

Clause 46 negatived.

New clause 46:

Mr DONDAS: I move amendment 178.36.

I had some private discussions with the member for Nightcliff yesterday and explained the reason why I had decided to incorporate this provision in this particular clause. The government will stick to its guns on this particular clause as far as legal representatives are concerned. The onus would be on the legal profession to report to the Attorney-General if there are any breaches of Territory law in such documents. We are not dealing with normal people in most cases. Prisoners get up to all kinds of tricks to achieve their aims. In prisons in other states, they cut their ears off, they cut their noses off, they mutilate their bodies and do all kinds of funny things to make a point. If they will go to such extremes to mutilate themselves to get out of prison, why should they not try to put something through the system and hope that nobody picks it up.

New clause 46 inserted.

Clause 47 agreed to.

Clause 48:

Mrs O'NEIL: I invite the defeat of clause 48 with the intention of inserting a new clause.

The effect of the amendments of the honourable member for MacDonnell are to simplify the whole question of management of mail and parcels to prisoners. In fact, there seems no good reason for prohibiting a prisoner from writing letters. If there is some detrimental material contained therein, the director is able to have access to it. That is provided for in his proposed amendment.

Mr DONDAS: Clause 48 gives the director the power to prevent the sending and receiving of letters or parcels by a prisoner when the security or the efficient operation of the prison may be affected or the prisoner may be adversely affected by the receiver sending that information. Amendment 174.17 really does not do anything for me. As it stands now, clause 48 reads: 'The director may prohibit the dispatch or the receipt of letters or parcels by a prisoner where, in the opinion of the director, it may be prejudicial to the security or good order of the prison or prisoner or may have a detrimental influence or effect on the prison or that prisoner'. I just find that the amendment as circulated really does not do anything that clause 48 does not already do.

Clause 48 agreed to.

Clause 49:

Mrs O'NEIL: I invite defeat of clause 49.

The question of censorship was discussed in the second-reading stage as was the question of the specific matters referred to in clause 51. I draw honourable members' attention to the provision which still exists whereby a letter written in a foreign language can be destroyed by the director for no reason other than that it is written in a foreign language. This seems to be entirely undesirable and that is the purpose of defeating this amendment.

Clause 49 agreed to.

Clause 50:

Mr DONDAS: I invite defeat of clause 50. This clause allows a prisoner to send letters to the minister, the Ombudsman or the director without them being opened or inspected. The Australian Crime Prevention Council pointed out that, in my second-reading speech, I said letters between legal practitioners and prisoners would not be subject to censorship but that has not been incorporated in clause 50 as it presently stands. The member for Nightcliff also proposes an amendment which has the effect of allowing the prisoner's legal representative to receive and send uncensored letters to his client.

Clause 50 negatived.

New clause 50:

Mr DONDAS: I move amendment 178.37.

This new clause not only allows a legal representative to receive uncensored mail dispatched by a prisoner but also puts an obligation on the correctional administration to assess whether letters addressed to a prisoner come from the office of the minister, the director, the Ombudsman or the prisoner's legal representative and, if that is assessed to be the case, allow them to come into the prison uncensored. However, provision is made so that, where the officer in charge of the prison believes the incoming mail may not have originated from the office of those specified people, although the out-

ward indication is that it did so, he may open and inspect the letters. If he does this, he must advise the director in writing of the action taken and why he did it. This is a substantial advance on any suggested amendments by the opposition or by the civil libertarians.

Mrs O'NEIL: All I can say is that the administration of the prison services has become even more paranoid than I thought. It seems that we are now writing into legislation - and we heard before from the Chief Minister of the desirability of keeping legislation simple - provisions which anticipate that somebody is going to go to the trouble of stealing the Ombudsman's envelopes in order to write an otherwise non-approved letter to a prisoner. I just find the matter quite incredible.

Mr DONDAS: With respect, officers of the Correctional Services Division, not only in the Northern Territory but right throughout the other parts of Australia, come across things that we would not believe.

Mrs Lawrie: Oh!

Mr DONDAS: How can the honourable member for Nightcliff deny that?

Mrs LAWRIE: The honourable member for Nightcliff feels that the point made by the member for Fannie Bay is perfectly valid. To stand up in reply and say that people all around Australia see things that you would not believe and then sit down really strains the minister's credibility.

Mr Dondas: I am very sorry about that.

New clause 50 inserted.

Clause 51:

Mrs LAWRIE: I move amendment 173.7.

This is to omit paragraph 51(1)(k). This is where a letter or parcel is intercepted and inspected under clause 49 by the officer in charge of the prison. The whole clause deals with many things that the director or the officer in charge may do. Clause 51(1)(k) says that, if a variety of things are applicable - it is written in a code, foreign language, illegible - it can be censored by the director and then forwarded as addressed, returned to the prisoner, retained by the director or destroyed by the director. I see no reason for the destruction of this letter. Certainly, if it is totally prejudicial to the good order and discipline of the prison, it can be retained by the director, but why destroyed? The inference in the legislation is that, if it is written in a foreign language, it can be destroyed. I believe there would be no security risk if we delete the proposal for destruction.

Mr DONDAS: I have no objection to that amendment.

Amendment agreed to.

Mr DONDAS: I move amendment 178.38.

This clause sets out the condition whereby letters may be censored then forwarded the addressee, returned to the prisoner, retained by the director or destroyed. It also ensured that, where any such action is taken under the clause, the officer in charge of the prison shall inform the prisoner that

the action has been taken. Any of these actions - that is, censorhsip, return, retention by the director or destruction - may be taken if it is considered that the contents may affect security, contain subject matter that breaches the act or the regulations or any determination made by the director, contain grossly incorrect or distorted allegations, are threatening or insulting to anybody, may have a detrimental influence on the prisoner or that the letter is written in a code, foreign language or is illegible.

The honourable Leader of the Opposition commented in the debate that this clause stated that, if a prisoner wrote a letter in his own language, it would be destroyed and referred also to 51(1)(c) where he asked who was to determine whether the allegations are grossly distorted or not. His comments regarding the subject have been accepted and paragraph 51(1)(c) will be deleted in its entirety. The other amendment proposed under this clause places the onus on the officer in charge of a prison to make a decision as to what action will be taken about letters or parcels intercepted, opened or inspected. There may be some confusion originating from the reference of the Leader of the Opposition to the deletion of 51(1)(c) which refers to grossly incorrect or distorted allegations about conditions in the prison and the comments about letters written in foreign languages in 51(1)(f) and (k) which give the power to the director to destroy letters or parcels. I have assured the House in the second-reading speech that procedures already exist whereby letters written in a foregin language are not destroyed. If they are not capable of translation, they are returned to the author or placed in the addressee's property. It is important that the power of destruction be retained by the director for dealing with cases where dangerous or unhygenic matter is conveyed by mail; that is, explosives and some instances of unpreserved food.

Mr Chairman, I seek postponement of clause 51.

Mr COLLINS: If the clause is going to be postponed, I want to raise another matter in relation to the clause which may be able to be considered at this time. I have a problem with 51(1)(f) and, if it is going to be postponed, perhaps this problem could be rectified at the same time. I would like to obtain from the minister a definitive reply. I would like to find out from the minister if (f) will remain as it is or if it may be necessary to amend it to read: 'If the letter is written in a code, a language other than English or is illegible'. I would like to know from the minister if an Aboriginal language is a foreign language. I do not believe that it would be. Some discussion ensued in this House this morning on the success of the bilingual education program in the Northern Territory. If the minister would like to see a letter written in an Aboriginal language, I have a file full of them. I receive numerous letters written to me in Barada from Maningrida. I can remember one occasion in Fannie Bay prison where I was prevented from speaking in Barada to a prisoner. I was asked by a prison guard to desist and to speak only in English because he could not understand the conversation.

Aboriginal people are now routinely writing to each other and certainly to me in an Aboriginal language. I do not believe an Aboriginal language could possibly be considered to be a foreign language and perhaps that clause would need to be amended.

Mr DONDAS: I have taken note of what the honourable member for Arnhem stated and it will be considered after the clause has been postponed.

Further consideration of clause 51 postponed.

Clause 52 agreed to.

Clause 53:

Mr DONDAS: I invite defeat of clause 53.

Clause 53 negatived.

New clause 53:

Mr DONDAS: I move amendment 178.39.

This clause will not materially alter the previous clause except to include the provision that the director not disclose information he receives whilst recording what goes on between a visitor and a prisoner except for the purposes previously specified.

New clause 53 agreed to.

Clause 54 agreed to.

Clause 55:

Mr DONDAS: I move amendment 178.40.

This makes the necessary adjustment to this clause in order that a female prisoner may give birth to a child in hospital otherwise the clause would be in conflict with clause 57. Further, it requires the director to provide adequate accommoadtion for the children of a female prisoner when they are allowed to stay with her in prison. This clause allows the female who gives birth to a child or has children under the age of 5 to have that child or those children with her in prison.

Clause 55, as amended, agreed to.

Clauses 56 and 57 agreed to.

Clause 58:

Mr DONDAS: I move amendment 178.42.

The operation of this clause is subject to clause 76 which gives the power to the visiting medical officer or the court to override the opinion of the director. In such cases where, in the director's opinion, the security of the prisoner or the prison will be affected by her being moved to a hospital to give birth to a child, then the director may retain her within the prison to give birth. The amendment does give the visiting medical officer or the court the opportunity to override the opinion of the director.

Amendment agreed to.

Clause 58, as amended, agreed to.

Clauses 59 and 60 agreed to.

Clause 61:

Mr DONDAS: I move amendment 178.43.

This clause gives power to the director to order the search of a prisoner, his belongings and his person. The director must give directions as to the manner in which the search is carried out and ensures a male prisoner shall be searched only by a male officer and a female prisoner only by a female officer. The amendment adds the requirement for the director to approve any search.

Mrs LAWRIE: I do not see where the amendment differs greatly from the contents of the bill. The director does not have to give all of the directions because he has the same general power of delegation.

Amendment agreed to.

Clause 61, as amended, agreed to.

Clauses 62 and 63 agreed to.

Clause 64:

Mr DONDAS: I move amendment 178.44.

This amendment proposes to ensure that the clause does not affect the operation of the Firearms Act. An officer is not able to use firearms or weapons or articles of restraint except in the performance of his duties as a prison officer.

Amendment agreed to.

Clause 64, as amended, agreed to.

Clause 65 negatived.

Clause 66:

Mr DONDAS: I move amendment 178.45.

This gives power to the director to grant leave of absence for various reasons. The original clause stated that 'the minister may grant' and this is amended to 'the director may grant'. The amendment came into being because of severe criticism by several members on both sides of the House.

Amendment agreed to.

Clause 66, as amended, agreed to.

Clause 67:

Mr DONDAS: I move amendment 178.46.

This is much the same as the previous amendment.

Amendment agreed to.

Clause 67, as amended, agreed to.

Clause 68 agreed to.

Clause 69:

Mr DONDAS: I move amendment 178.47.

This is a machinery amendment by which is proposed to make the director's power dependent upon the other clauses in the part which relates to the prisoner's health and remand prisoners.

Clause 69, as amended, agreed to.

Clause 70 agreed to.

Clause 71:

Mr DONDAS: I move amendment 178.49.

The amendment requires prisoners to work on essential hygiene projects; that is, cleaning themselves and their cells. This clause allows prisoners who have not been convicted of an offence not to work unless they wish.

Amendment agreed to.

Clause 71, as amended, agreed to.

Clause 72:

Mr DONDAS: I move amendment 178.50.

This clause allows the director to pay prisoners money for their work subject to their good behaviour. The amendment adds to the clause 'at rates determined by the minister'. This means that the minister can determine or alter rates payable to prisoners, thus overcoming the effects of inflation.

Amendment agreed to.

Clause 72, as amended, agreed to.

Clauses 73 to 76 agreed to.

New clause 76A:

Mr DONDAS: I move amendment 178.51.

This new clause ensures that a prisoner moved to a hospital is still a responsibility of the officer in charge of the prison or police prison from which he was removed. It gives him authority to make such arrangements regarding the security of the prisoner whilst in hospital as is felt necessary and also ensures that any prisoner discharged from hospital before the expiry of his sentence shall be returned to prison.

New clause 76A inserted.

Clause 77 agreed to.

Clause 78:

Mr DONDAS: I move amendments 178.52, 178.53 and 178.54.

This clause gives power to the director to order a prisoner to be forcibly fed when his life or health is likely to be in danger. The purpose of the clause is to ensure people who go on hunger strikes do not kill themselves. The Leader of the Opposition said that it was his view that the clause ought to be eliminated in its entirety. The honourable member for Nightcliff suggested amendment 173.8 to add at the conclusion of the clause the words 'under direct medical supervision'. The honourable member for MacDonnell suggests the government invite defeat of the clause. The Department of Health has also made representation that such suggested amendments should be included making it obvious that it is the opinion of the visiting medical officer that must be taken into consideration in assessing if a prisoner's life or health is in danger. The opposition's proposed amendments have been taken into consideration. However, the honourable member for Nightcliff's amendment has been incorporated in the government's amendments.

Mrs O'NEIL: The amendments certainly improve the existing clause if it has to be there at all. However, I find the concept of force-feeding of prisoners totally barbaric and I cannot support the clause in any way at all. I do not believe it is necessary. I note the minister does not have a clause in the bill saying it is an offence for prisoners to kill themselves. If he wants to put than in and a prisoner wants to starve himself to death, it will be an offence. From history, we know that the process of force-feeding of prisoners is undertaken usually in the most offensive way, certainly on people who consider themselves to be political prisoners. It is extremely painful, almost torturous; it is something that I cannot support in Northern Territory legislation.

Mr ISAACS: Mr Chairman, I have a question of the minister. Can he give examples where prisoners have had to be force-fed in the Northern Territory? That is, where hunger strikes have taken place.

Mr DONDAS: The honourable Leader of the Opposition opens up a completely new area of debate. However, there has already been an instance at our own Berrimah gaol where a particular prisoner went on a hunger strike for about 21 days. I believe that someone else has already commenced one but I do not know whether he is still on it or not. I am still waiting for a report. There are instances whereby prisoners do take extraordinary measures to gain attention and hunger strikes are not unusual in prisons. We have a responsibility to ensure the prisoner does not harm himself by refusing to eat.

Mrs LAWRIE: I am glad that the question of a prisoner on a hunger strike has been raised because the particular prisoner who was removed to hospital from Berrimah and who was in quite an emaciated condition has been assessed psychiatrically and there is a report recommending that he be transferred south. This particular prisoner is a federal prisoner and I have written to the minister about him in no uncertain terms. It is quite correct, as the minister states, that prisoners go on hunger strikes to draw attention to their claims because it is the ultimate procedure; there is nothing left to do to draw attention to what they feel very strongly should happen but to starve themselves, in some cases, to the point of death.

I feel a great deal of sympathy for the honourable member for Fannie Bay's view and I agree that force-feeding is barbaric and horrible. Honourable members will note that my suggested amendment differs from that of the minister. My amendment proposed the addition of the words 'under direct medical supervision' and the honourable minister's proposal is 'under medical supervision'. There is a big difference by the omission of the word 'direct'.

In the debate which took place about dental therapists some time ago, it was pointed out in no uncertain terms by the then Crown Law Officer that, when medical supervision was not specified as direct medical supervision, it could be over a distance of hundreds of miles. Medical supervision merely means in legislative terms that a medically qualified person has given permission for the procedure to be carried out and has given certain guidelines as to how it is to be carried out. I was very careful to say that force-feeding must only be undertaken under direct medical supervision which means that a medically qualified person must be in attendance. I would assume that the minister was not aware of the difference because he has stated on 2 occasions now that he agrees with my proposed amendment and has incorporated it. I ask him to take cognizance of the statements I have made and to accept a formal amendment to include the word 'direct'.

Mr COLLINS: Mr Chairman, it has occurred to me at this point of the committee stage that perhaps the government would have been very sensible to swallow its pride and do the same thing with this bill that it did with the Mining Bill.

I would like to rise in support of the honourable member for Nightcliff. However, it is my opinion that the first part of the government's amendment is an improvement on the honourable member for Nightcliff's amendment: the insertion of words 'in the opinion of the visiting medical officer'. As the honourable member for Nightcliff has pointed out, and I believe she is absolutely correct, the term 'medical supervision' does not put into effect what the honourable minister wants to put into effect: that a medical practitioner will be physically present.

I have fairly strong views about this subject because a number of years ago - and certainly I am not disclosing the circumstances under which I saw it - I saw a black and white 8mm movie film of a person being force-fed. I have never forgotten it; it is an absolutely horrific spectacle. I do not know how the operation is performed these days but, in this film, the person had his head stretched backwards over the backrest of a chair and a metal funnel had been inserted over the top of his tongue down his throat. A semi-liquid mxiture of soup or stew was being forced down his neck and he was gagging on it. I certainly have very mixed feelings about force-feeding because there is considerable documentary evidence to show that this particular procedure has been used as a method of torture in prisons around the world, not just in the banana republics but also in democratic societies such as the United States of America where there are many documented instances.

As the members for Nightcliff and Fannie Bay have pointed out, where a person starves himself to point of death, he would certainly be a person requiring psychiatric assistance of some sort. However, could I suggest once again that this clause be deferred and that the government's amendments 178.52 and 178.53 be retained but we amend 178.54 by the insertion of the word 'direct'.

Mr DONDAS: I cannot accept that advice from the honourable member for Arnhem. We have picked up what the honourable member for Nightcliff was endeavouring to bring to our attention in amendment 178.54. If I could elaborate on the honourable member for Arnhem talking about people having their necks on the back of chairs and funnels being stuck down their throats, I would presume that the type of force-feeding that we are talking about in this particular piece of legislation would be intravenous feeding. The honourable member for Stuart was telling me a few moments ago that he was in hospital for a couple of weeks and that was how they kept him alive. It is up to the medical authorities to decide the best way they would be able to keep a person alive.

With regard to a question that was raised by the member for Fannie Bay, my parliamentary draftsman advises me that suicide and attempted suicide is a felony so the authorities are permitted to take such steps as are necessary to prevent the felony at common law.

Mr Collins: So you don't need the clause.

Mr DONDAS: You do need the clause because otherwise we will have the honourable member for Nightcliff saying that it is not being done under medical supervision. We agree with her that it should be. I do anyway. I suggest that the chairman put the question that the amendments be agreed to.

Mrs O'NEIL: I will take up 2 points of the minister because he is getting himself into more trouble than he was to start with. He has just pointed out that we do not need the clause because suicide is unfortunately a felony. Secondly, I refer to the method of force-feeding. I have made inquiries about this. Perhaps the Minister for Health, if he takes any notice of his health portfolio, might also inform his colleague that, while intravenous feeding of mixtures is definitely likely to happen in earlier stages, it is not really force-feeding. There comes a time when force-feeding consists of inserting food in some form or another by a tube into the gullet of the person concerned. There is not really an intravenous option although I suppose we would all like to think that there was.

Mr COLLINS: Does the minister agree with the principle that a medical officer should be physically present when this operation is being carried out? If he does, then he should insert the word 'direct' into that clause. Medical supervision can indeed be carried out from some considerable distance. If he agrees with the philosophy that a doctor should be physically present, then I would suggest he make a formal amendment to that clause to insert the word 'direct'.

Mr DONDAS: Mr Chairman, I would be quite happy for you to put the question. If a prisoner in Berrimah or Alice Springs got to the stage where he was under medical supervision for force-feeding, I would imagine he would be pretty far gone and should be in hospital. Why would we have to insert the word 'direct'.

Mrs LAWRIE: The minister has spoken a great deal about his philosophy. I presume he means his government's philosophy. I am totally confused by his present philosophy. He seems to be agreeing that, when a person has to undergo this force-feeding, medical supervision is necessary and should be present. If he does agree with that, how can he then object to the formal amendment of the word 'direct' ensuring that such medical supervision of which he appears to approve is in fact enshrined in the legislation?

Mr DONDAS: To go through the exercise once more, the amendments ensure that the particular prisoner who comes under the auspices of that particular clause is cared for and that is what we have to take into consideration. I believe that this particular clause and its amendments do that job.

Amendments agreed to.

Mr ISAACS: I move a formal amendment that the word 'direct' be inserted between the words 'under' and 'medical' in the clause as amended.

Mr DONDAS: I will accept that formal amendment in order to appease the committee.

Amendment to amendments agreed to.

Clause 78, as amended, agreed to.

Clauses 79 to 83 agreed to.

Clause 84:

Mr DONDAS: I move amendment 178.55.

This amendment gives more flexibility than the current wording.

Amendment agreed to.

Clause 84, as amended, agreed to.

Clause 85:

Mr DONDAS: I move amendment 178.56.

This clause ensures that articles made or produced by the prisoner out of property of the Northern Territory, in particular articles made by prisoners during regular working time, can be sold and the moneys obtained from their sale can be used for the purchase of hobbycraft, garden, industrial or educational material to be used by prisoners or former prisoners both inside or outside a prison. Articles made by a prisoner during his leisure time can also be disposed of by the director and any money obtained after deducting the value of the materials can be held in trust by the director for the prisoner. The amendment will permit the use of money obtained from the sale of items produced by prisoners to be used also for educational facilities.

Amendment agreed to.

Clause 85, as amended, agreed to.

Clause 86 agreed to.

Clause 87:

Mr DONDAS: I invite defeat of clause 87.

This clause was proposed to ensure the director could establish terms and conditions about the use of amenities by prisoners. Discussions with the Department of Law reveal the clause is not really necessary and that the director has this power in any case.

Clause 87 negatived.

Clause 88:

Mrs O'NEIL: I invite defeat of clause 88 with a view to inserting a new clause 88 which deals with prisoners' attendance to religious duties.

This matter was raised by the honourable member for MacDonnell in debate and I think the minister misunderstood the objections he had to the clause as currently worded. The problem that the member for MacDonnell sees is in the possible interpretation of the words 'to attend religious services and other

religious activities'. This would exclude activities such as prayer at a particular time of day which would not be understood if 'attendance' was interpreted in its usual sense as 'being present at'. The new clause will ensure that a broader interpretation would be allowed than the one which is implied in the existing clause and certainly by the heading of part XXIII which specifically refers to services. There could well be religious activities which are not services.

Mr DONDAS: I don't think that I missed the point. However, the government will support the new clause.

Clause 88 negatived.

New clause 88 agreed to.

Clauses 89 to 91 agreed to.

Clause 92:

Mr DONDAS: I move amendment 178.57.

This clause ensures that the director shall allow prisoners any exercise prescribed by the visiting medical officer as well as any additional exercise the director thinks advisable. The amendment ensures that prisoners shall have the exercise prescribed by a visiting medical officer and any additional exercise authorised by the director.

Amendment agreed to.

Clause 92, as amended, agreed to.

Clause 93:

Mr DONDAS: I invite defeat of clause 93 with a view to inserting a new clause.

This clause gives the power to the director to give instructions regarding the running of the Northern Territory prisons. The new clause makes it necessary for any determination made by the director to be in writing and it also establishes that determinations made, under this subclause, can impose duties on an officer or a prisoner or confer privileges on a prisoner. The new subclause also makes it a requirement that the director publish such determinations in the manner he sees fit.

Clause 93 negatived.

New clause 93 agreed to.

Clause 94:

Mr DONDAS: I move amendment 178.59.

This clause places an obligation on the director to ensure that every prisoner coming into a prison is informed of his rights and responsibilities and his duties under the act and the regulations. The honourable member for MacDonnell, while agreeing that this clause is necessary, made the point that it was also important to ensure that reception prisoners understood their rights, duties, responsibilities and liabilities. He suggested that there may

be a need to provide interpreter facilities for Aboriginal, migrant or illiterate prisoners. The honourable Leader of the Opposition also made a similar type of comment.

In my reply, I stated that I thought that it was important that the prisoners understood what these duties, rights, responsibilities and liabilities were upon admission to prison. However, I did point out that it would be quite difficult to provide sufficient interpreter facilities to cater for all possibilities.

The honourable member for Nightcliff suggested the government invite defeat of clause 94 and substitute her amendment that the director shall ensure sufficient numbers of copies of the act and regulations to satisfy that the reasonable requirements of prisoners are available at all reasonable times in the prison library or any other place that is open to prisoners and that copies of the act and regulations be available for perusal at all reasonable times by prisoners not able or not allowed to visit the library or other place. The amendment proposed by the government ensures that the director shall have a prisoner informed in a general way of his rights, duties, responsibilities and liabilities under the act and regulations.

Mrs LAWRIE: I have no objection at all to the amendment to clause 94 for which I was going to seek defeat but shall not seek defeat. I intend to move my amendment which will be to substitute a new clause. I want the minister to listen with some attention because what I am going to say is quite relevant. I approve of his proposed amendment and it has my backing. Clause 94 talks about what the director shall do upon a prisoner's reception into a prison and, as amended, it will be that, in general terms, the prisoner will be informed of his rights, duties, responsibilities and liabilities under the act and the regulations. That has my full support but it is only dealing with what is happening when the prisoner is received. This is a fairly traumatic event for the prisoner and it is most unlikely that he will remember other than in the most general terms anything that was said to him at that time.

Mr Chairman, I am suggesting that my amendment would be clause 94A.

Mr DONDAS: After serious consideration, I would like clause 94 to stand as printed so that we can defeat it and then we can accept the honourable member for Nightcliff's amendment 173.9 when she proposes it. I seek leave to withdraw the amendment 178.59.

Leave granted.

Clause 94 negatived.

New clause 94:

Mrs LAWRIE: I move amendment 173.9.

This inserts new clause 94 which ensures that a sufficient number of copies of the act and regulations to satisfy reasonable requirements will be available at all reasonable times in all reasonable places. I appreciate the support of the honourable minister for this amendment.

Mr ISAACS: I just hope we realise that now, when a prisoner is received, he does not receive any general information at all.

Mrs LAWRIE: The prison procedures are not dealt with in quite that way. It can be done by regulation: 'Upon receipt in the prison, the prisoner will receive the information'. I believe that it is more important for the prisoner to have access to the act and regulations at all reasonable times.

Mrs O'NEIL: The member for Nightcliff is doing a good job of looking after the literate prisoners. It is not going to help the illiterate ones very much and I think that, if only the minister could have kept his amendments plus accepted those of the member for Nightcliff, everybody both literate and illiterate would have been better off.

Mr COLLINS: Mr Chairman, I am at a total loss to understand why the minister withdrew a perfectly good amendment. I would like an explanation why the amendment was withdrawn because now there is no requirement to tell them anything at all.

I suggest that further consideration of new clause 94 be postponed.

Mr DONDAS: The honourable member for Arnhem expressed a certain amount of concern that this new clause is really only going to look after those people who can look after themselves. The member for Nightcliff is quite right as it fulfills the responsibilities and liabilities under the act and the regulations. I do not know what he is worried about.

Mr COLLINS: Mr Chairman, on behalf of the considerable number of people in my electorate who cannot read or write, I would suggest that the original clause 94 was proper and the amendments of the minister were quite supportable. For the life of me, I cannot understand why he has withdrawn it because it would have in no way affected the honourable member for Nightcliff moving her new clause. I suggest that it is good and proper to have a requirement in the bill that people should be informed in general terms of what their requirements are when they enter a prison. I believe the minister's amendments to that clause are perfectly good amendments.

Mr DONDAS: I do not want to labour the committee's time. It was not an error; it was taken after due consideration of the needs of that particular section. I would be quite happy to postpone further consideration of the clause in order to clarify this with officers and to ensure that everybody is quite happy.

Further consideration of new clause 94 postponed.

Clause 95:

Mr DONDAS: I invite defeat of clause 95.

Clause 95 negatived.

New clauses 95 and 95A:

Mr DONDAS: I move amendment 178.60.

These new clauses specify that a prisoner serving a term of imprisonment of more than 28 days may earn remission in accordance with the regulations relating to remission and good behaviour. They also give power to the minister to grant partial remission to a prisoner where the prisoner exhibits bravery, heroism or other conduct meriting such a partial remission. This applies

whether a person is a prisoner or on parole. Finally, the clauses will give the director the power to grant a period of further remission of no more than 7 days per year of sentence under such circumstances as the director sees fit. The purpose of this latest section is to allow for discharge before Easter and Christmas, to allow early discharges for people whose parents or relatives are dying and for other special reasons. The original clause appeared clumsy and, after consideration, we are inviting defeat to make a determination specifying the amount or amounts of remission that may be granted to a prisoner at any time. This proposal gives much more flexibility to the minister who may vary under certain circumstances the rate of remission for a prisoner or classes of prisoners. The same remissions apply as previously proposed in that a prisoner must be serving a sentence of more than 28 days and the remissions can apply to people whether they are in prison or on parole. The minister also has the power previously granted to him to grant remissions for special circumstances such as heroism, bravery or other reasons.

New clauses 95 and 95A agreed to.

Clause 96:

Mr DONDAS: I move amendment 178.61.

The clause refers only to people who are not prisoners and thus any breaches are heard in court outside the prison according to the undertaking that I gave to the House.

Amendment agreed to.

Mrs O'NEIL: I move amendment 174.21.

The purpose of this amendment is to ensure that a person may not loiter in the vicinity of a prison after having been directed not to do so. There seems no point in making it such a serious crime that fines up to $2000 may be imposed simply for loitering in the vicinity of the prison when there may be no reason for a person not to loiter in the vicinity of the prison. Obviously, once the person is directed to move and does not do so, that is a fairly serious offence and that would be the effect of the amendment.

Mr DONDAS: I have a problem here. The clause specifies an offence that a person who is not a prisoner might commit in relation to the operation of the act. The honourable Leader of the Opposition felt that clause 1(c) was superfluous. It appeared to him that a person should not be considered to be loitering until he has been urged to move on. The honourable member for Nightcliff also supported the honourable Leader of the Opposition's attitude and she recommended amendment 173.18 be omitted. I gave an undertaking in the House in my reply that we must maintain this clause as a security measure in order to be able to prevent people encroaching on a prison property. It is to stop people approaching the walls of prisons with the intention of throwing either weapons or other illicit materials over the walls to be picked up by prisoners that would cause damage to themselves.

Further consideration of clause 96 postponed.

Mr ROBERTSON: Mr Chairman, I think it might be in the interests of the legislation that we postpone further consideration and move on to something else. I move that the committee report progress.

## AVIATION AMENDMENT BILL

(Serial 415)

Continued from 20 February 1980.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 9 agreed to.

Clause 10:

Mr STEELE: I move amendment 179.1.

This is just a minor drafting change.

Amendment agreed to.

Mr STEELE: I move amendment 179.2.

Clause 12(b) originally defined 'prohibited inter-Territory operations' where these are part of interstate services. The amended wording is aimed at tightening the definition to secure it from legal attack.

Amendment agreed to.

Mr STEELE: I move amendment 179.3.

This new clause provides for the minister to determine licence applications and to enter into agreements relating to his decisions. In addition, the minister may determine that the licensee has exclusivity over defined RPT routes.

Amendment agreed to.

Mr STEELE: I move amendment 179.4.

The clause, now to be omitted, is included in clause 12B and relates to the minister's power to enter into agreements.

Amendment agreed to.

Mr STEELE: I move amendment 179.5.

This clause, now to be omitted, is included instead in 12B and relates to the minister's powers to grant exclusivity over RPT routes.

Amendment agreed to.

Mr STEELE: I move amendment 179.6.

This amendment provides for the word 'timetable' to be deleted in favour of the words 'frequency and capacity'. This is necessary because the Territory has no legal power to issue approved timetables. This power remains a Commonwealth prerogative. To ensure that these issues are fully examined and

approved by the Territory, the substitution of 'frequency and capacity' will be an effective alternative.

Amendment agreed to.

Mr STEELE: I move amendment 179.7.

This is a minor correction to delete 'section 14' and substitute 'sections 14 and 17'.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clauses 11 to 13 agreed to.

Clause 14:

Mr STEELE: I move amendment 179.8.

This amendment inserts a new section 17B relating to the responsibility of the minister to apply to the court for an injunction. This clause will afford the Territory the opportunity to quickly take action against any offender under the principal act in advance of or instead of moving directly to prosecution.

Amendment agreed to.

Clause 14, as amended, agreed to.

Clauses 15 and 16 agreed to.

Title agreed to.

Bill passed remaining stages without debate.

## MINING BILL

(Serial 423)

Continued from 23 April 1980.

Mr COLLINS (Arnhem): Mr Speaker, I will not speak at length on this bill for the simple reason that, as has been pointed out by both the minister and myself, the bill does not differ philosophically to any great degree from the original bill which was withdrawn from the House. There is very little point in going over again all of the provisions that the bill encompasses. The bill before the House is the result of an enormous number of amendments to the original bill. I do feel it necessary to take up some of the comments, and one in particular, of the honourable Minister for Mines and Energy when he spoke on this matter.

The honourable Minister makes a practice - and I dare say that he has good political reasons for doing so - of attempting to paint any word of caution or any note whatever of delay sounded by the opposition as resulting from the Labor Party being, to use his words, 'an anti-mining party'. I hope that it would not be necessary to refer the minister to the speeches I

have made in the House on this very subject of mining, particularly the subject of mining on Aboriginal land and the examples we have in the Territory of successful cooperation. I do take considerable offence at this continual attitude of the Minister for Mines and Energy on this very point. I would like to point out once again that the opposition of the Labor Party in this House to the procedures adopted was not directed at all at the Mining Bill itself or the amendments that were so necessary, but to the way in which the proper parliamentary procedure of this House is treated by the government. We have just had another perfect example of the mess they make of it.

The original Mining Bill was the subject of a considerable amount of work on my part and subject of a considerable amount of research and amendment by people whom I consulted. I received from the people who were advising me a literal raft of amendments. It reached the point where I explained to the minister that I could not see how, with the resources at my disposal, I would be able to draft amendment schedules to deal with them. Of course, the minister saved me the trouble by dealing with them himself.

In no way can it be construed that this opposition opposes the bill. We support it, as we supported the original bill with all its failings and faults, on the broad philosophies that it contained. In fact, I remember a headline in the Northern Territory News, of all papers, to that very effect. What does concern me about this bill currently before the House is that there has not been time for me, as the minister knows full well, to subject the bill to the same scrutiny that I gave to the original bill. I think the minister would be the last one in the House to say that that original bill should have been proceeded with. What concerns me as the opposition spokesman on mining is that there may very well be similar failings in this new piece of legislation before the House.

I make this explanation because the opposition will not be moving any amendments whatever to this bill during the committee stages for the very good reason that we do not oppose any of the broad philosophical concepts contained therein. Our only objections were to the horrendous number of legal problems that were thrown up by the original bill and may well be contained in the current bill. Had the minister dealt with this bill in the manner that it should have been dealt with - time for proper consideration of this completed bill should have been given - as I did with the original, I would have obtained advice from experts in mining and perhaps their assistance in the scrutiny that I myself would have been able to give it over a period of at least a month. That could well have resulted in a better piece of legislation to safeguard, regulate and assist the mining industry of the Northern Territory. That is the sole objection that the opposition has to this piece of legislation.

As the minister knows full well, should there be failings in this piece of legislation before us now, because very few people apart from the minister and the people consulted by his department have had time to consider this substantial piece of legislation and because it is going through under a suspension of Standing Orders in a single sittings, those failings may well have to be a matter for the courts to pick up later on. This would be most unfortunate because, again as the minister knows, there are few pieces of legislation in any state in Australia which attract more litigation than mining legislation. That is an indisputable fact. It would be unfortunate if this piece of legislation has to be corrected in that manner. It may be necessary. I can assure the minister that I will be seeking advice on this piece of legislation even after the event so that, if it is necessary to correct any possible errors in this legislation, we may be able to do that at a subsequent sittings of the Legislative Assembly.

I conclude by reiterating again - and I don't particularly enjoy labouring the point or being tedious but it doesn't seem to make any difference how many times you say it; it doesn't seem to sink through to the Minister for Mines and Energy who obviously has as much trouble in that regard as his colleague, the honourable the Minister for Community Development - the opposition in this House is not, as the minister suggests, an anti-mining opposition at all. We believe that the rules of this parliament are put there for a very good reason and that the suspension of Standing Orders should only be carried out in the most important circumstances. As the minister knows full well, there is adequate provision in Standing Orders for dealing with urgent bills. As do all members of the opposition, I dislike operating this parliament without any rules which is what the suspension of Standing Orders involves. I certainly dislike such a substantial piece of legislation which, with 392 amendments to a 190 clause bill, is a substantially revamped piece of legislation in a legal and legislative sense. It would have been the proper course for the government to have allowed this piece of legislation the time for proper scrutiny. With those remarks, the opposition supports the bill itself.

Mr TUXWORTH (Mines and Energy): I guess I can take the honourable member for Arnhem's remarks in 2 ways. The first one would be that he agrees with the contents of the bill and the second one is that he does not want it to go ahead right now. For the honourable member's benefit, I would just like to go over again the point of consolidating this particular piece of legislation. It will be unnecessary to go through the committee stages as we have just done with the Prisons Bill. It has always been the intention of myself and my colleagues with legislation of this sort to obtain as much consultation as we can from the community, particularly the people who will be involved with the operation of the legislation every day.

For that reason, we introduced the legislation on 30 September last year and let it lie for 2 sittings. We went to a great deal of trouble to obtain advice and comment from all people who had a contribution to make and we had quite an open mind about where we obtained it. We listened to everybody and compiled a sheet of amendments. The 2 courses open to the government with the amendments were to introduce them and go through them one by one, as we have done this afternoon with another bill, or to point out that they are really technical amendments so far as we are concerned. We do not have any dispute amongst ourselves. Our approach was to consolidate the amendments into one bill, suspend Standing Orders and put the bill through in a session and achieve the same end.

I am not particularly concerned one way or another whether we do it piece by piece or whether we consolidate it. If the honourable member had said to me earlier in the session that he was not happy about it, we could have gone back to the principle of doing it clause by clause. In all fairness, I think it is reasonable to say that the honourable member for Arnhem was aware of this legislation and our proposals as far back as 21 March. I am pointing out that the honourable member was approached on 21 March and advised of our intention. I approached the honourable member for Fannie Bay and advised her of our intention. It is not as though there was any conflict. All they had to say was that they did not like it and we could have done it clause by clause. What am I to assume, Mr Speaker? So far as I am concerned, he changed his stance when the bill came into the House and said he does not like the suspension of Standing Orders. Am I to assume that that is a pro-mining stance? There is no logic or reason in what he is saying. I can only assume that he has an anti-mining stance because that is the one that comes through loud and clear. What other logic is there for delaying the bill at all? I am not going to pursue the issue. So far as I am concerned, the right things has been done by all parties and, if the honourable member feels put out about it, I am sorry.

I would like to conclude my remarks by making a comment of gratitude to many people who have been involved in this legislation since 1975 or 1976 when it was first mooted. There is one particular gentleman in the Department of Mines and Energy who has virtually had the thing under his wing all that time. I refer to Mr Higgins and I am particularly grateful for his efforts because he has been untiring in so far as consultation and communication with the wider community is concerned. There have been many officers within the department who have helped and I am very pleased about that.

The drafting section has been very cooperative. The difficulty with compiling legislation of this nature is that it takes so long that you generally finish up with 2 or 3 draftsmen pouring over it in the course of time. However, we have maintained continuity and we have maintained the theme of the bill so far as its proponents in the Department of Mines were concerned and that in itself is very satisfactory.

Mr Speaker, there were people in the community who were constructive, helpful and cooperative in the forums and debates we held and in the statements and submissions that were made about the legislation. I am only too pleased to say that their contribution was most productive. The member for Arnhem suggested that, if we had considered the legislation for another 8 weeks, it would have been perfect and we would not have had any reason at all in the future to amend it. I take the view with all the legislation that I handle that it is always helpful to review the whole thing after the first 12 months in order to iron out any mechanical flaws or problems. I take the same approach with this bill. I believe that, after 12 months, we should review the legislation from the point of view of the consumers, the department and any other parties that have a vested interest in it. I would be only too pleased at the end of that period to consider any amendments that the member might like to put forward as a result of his considerations.

I thank honourable members for their contributions to this bill.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

## ADJOURNMENT

Mr STEELE (Ludmilla): Mr Speaker, I move that the Assembly do now adjourn.

This morning, I tabled a petition on behalf of 72 citizens of the Narrows area of Darwin and I rise now to speak on their behalf. Their complaint is over the use of their suburb, which should be a quiet, orderly, residential neighbourhood, as a major arterial traffic thoroughfare. In the years I have spent as their representative in this House and as a minister of the Northern Territory government, trying to correct this situation on behalf of the residents of the Narrows has been the toughest assignment I have ever taken on. The petition quite clearly calls on ministers of the government to cause the owners of the Oasis Shopping Centre and the Darwin city council to take action that would make life more pleasant in the Narrows.

A monumental and unfortunate town-planning blunder caused the Narrows to become an island suburb. The Narrows has been an unfortunate shortcut between Bagot Road and the Stuart Highway for too long. Traffic in volumes well in excess of what would normally be expected in a residential area just pours through this suburb. My main concern is that the children on the way to school

are in constant peril. In a recent survey, I found that 230 vehicles used Narrows Road 5 days a week between 7.00 am and 9.00 am.

The petition has asked for the banning, on a restricted or permanent basis, of left hand turns into Narrows Road. Most of this traffic leaves the Narrows via Shear Street onto the Stuart Highway. Another suggested solution takes us to the other end of the Narrows where the Oasis Shopping Centre is located. Some years ago, the Town Planning Board failed, in granting a lease for this property, to prevent through traffic over that private property and into the Narrows. This problem is at its worst in the afternoon peak periods. Surveys in August last year showed that some 40 vehicles traversed the Narrows from this direction in each of these peak periods. The spokesman for the Oasis Shopping Centre had displayed precious little sympathy for the feelings and welfare of local residents. They have erected a boom gate to prevent through traffic in the morning - a hopeless non-solution. There are motorists who, from time to time, have readily found ways around it while motor cycles and small cars can cheekily slip beneath it. The gate is open during the afternoon peak period. No end of remonstration and negotiation has managed to stop this and so journeys through the Narrows, many at excessive speeds, are unfortunately regarded by some of the motorists as their right. The second suggested solution is to completely close off access on a permanent basis. There should be no gate at all but a continuous impenetrable fence.

Mr Speaker, problems concerning the Oasis Shopping Centre go further. I suppose it takes the name 'Oasis' because it is surrounded by a lot of dusty red earth and about 3 coconut palms. That might define 'Oasis'. The owners have miserably failed in their obligations under the lease to properly landscape the area and to seal their carpark. The result is that the traffic I have referred to constantly whips up dust which pours into and through all the homes in that vicinity. Litter from this shopping centre is yet another of the problems.

This is not the first petition concerning these matters. Incredibly, it is the fourth. The first of 2 to the Corporation of the City Darwin was lodged 3 years ago. That and the second, 17 months later, achieved absolutely nothing. The next was to myself as the member for Ludmilla and it ran into blank walls with every turn. What seemed at one stage my last resort was to introduce a private member's bill to change the provisions of the Oasis Shopping Centre lease. I was strongly advised against this.

I believe that common sense can eventually prevail in this matter. The residents of the Narrows are almost at their wits end in believing that a resolution will finally occur. I warn the company and the authorities involved that they must provide a solution in rapid time.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I have 2 consumer matters to raise in the adjournment debate. I was pleased to hear the minister state in reply to a question this morning that date coding of perishable foodstuffs will be introduced in regulations under the Weights and Measures (Packaged Goods) Act by this government. I ask the minister when he is going to do that. It has taken me 12 months to get the regulations for the Motor Vehicles Dealers Act. I hope the regulations for the dating of perishable foodstuffs will not take another 12 months. I pointed out in this Assembly 2 years' ago, when we had the debate on the Weights and Measures (Packaged Goods) Act, that it was customary in other states to use regulations under that act to enforce the dating of perishable foodstuffs. The government at that time ignored that suggestion. I do not think the minister replied to it at all and 2 years has since gone past in which the consumers of the Northern Territory have not had the benefit of that information on the perishable foods that they buy.

Only last week, one of my constituents brought to me an example of why this is necessary. It is a package of coffee beans which was purchased in Darwin last week. The alert consumer noticed that there was a pen mark which has been put on the package which obscured the 'use by' date on the package. When that mark was removed with a solvent, it was discovered that the 'use by' date was November 1979. That date had been deliberately obscured and those coffee beans were being sold in Darwin in April 1980.

I will not say where the parcel was bought because I do not know whether it was the shop concerned which put that mark on, whether it was the Darwin distributor or whether it was the southern distributor. It is a well known fact that southern distributors have capitalised on the fact that we do not have legislation up here by dumping on the Northern Territory market goods which would otherwise be out of date in other states. I hope that we do not have another long delay before we benefit in the Northern Territory from dating regulations. I hope the minister will ensure that is undertaken as a matter of urgency.

The other matter I want to speak about today is the Darwin Gymnasium which has operated in Darwin for some time. I understand it was run by the Tregoning Trading Company. However, I am now told that business has ceased operation. It had the practice of charging people an annual membership fee of $100 which entitled them to use the facilities of that business for 12 months.

Mr Collins: They didn't get my $100.

Mrs O'NEIL: They didn't get the member for Arnhem's $100. I don't think we need to be told that; it is fairly evident. The problem is that other people did pay $100. Darwin Gymnasium was accepting $100 from people until quite recently. On 15 April, it accepted $100 from one person and, on 20 April 1980, it accepted $100 from another person to use the services of that place for 12 months. The next day, on 21 April, it went out of business.

Mr Speaker, it is very hard to believe that the management of that Darwin Gymnasium did not know on 20 April that it was in financial difficulties when it entered into that contract to provide services for that person for 12 months. I am not a lawyer and I would not like to say that it is fraud but it has been suggested to me that it is. Certainly, the company has apparently breached its contract with those people in accepting the payment of $100 to provide services which it is now no longer providing and which it did not bother to advise anybody that it would not provide. It is a legal decision as to what shall happen. Certainly, the matter has been brought to the attention of the Commissioner for Consumer Affairs who is investigating it. I understand it has been brought to the attention of the Companies Office and I know members of the police force are aware of it because some of those unfortunate people have paid their $100 within the last few months and now will apparently lose it.

I bring it to the attention of the Assembly because, while we all accept that the failure of any business is unfortunate for those people who run it, the business people must accept their responsibilities to the people for whom they are providing a service. They must realise that they cannot just close their doors and leave their clients in the lurch and break their contract. I further bring it to the attention of the Assembly because it is most important that, if there are more people, and I am sure there are, who have lost money in this way, they be urged to visit the office of the Commissioner for Consumer Affairs so that officers can properly investigate it and find out exactly the extent of the problems and so that appropriate action can be taken.

Mrs PADGHAM-PURICH (Tiwi): This evening I would like to speak in support of the petition that I presented on behalf of 39 people in the rural area. Some of the signatures on the petition represented families so it was in excess of 39 people. These people in the rural area were objecting to the conveyance allowance being reduced to 7 cents per kilometre. The honourable member for Arnhem has spoken on this before. The people who collected the signatures for this petition started some time ago. It has been rather difficult collecting those in the rural area because of the state of the roads and the distance apart of people. This is why it has taken quite a deal of time from the time they started until today when I presented it.

I would like to present some information to the House in support of my reasoning that this 7 cents per kilometre is ridiculously low. Public servants have a conveyance allowance of 11.3 to 18.1 cents per kilometre depending on the type of car. They receive this allowance when they are working using their own car or when they are on holiday. The public servants receive 11.3 to 18.11 cents per kilometre but parents of children receive only 7 cents per kilometre. Recently, I had occasion to read a publication from the Education Department. They seem to send out so many that I cannot keep track of all the titles but this particular one mentioned that teachers on leave in other states could avail themselves of hire cars, cabs and taxis through certain official channels. The teachers are able to avail themselves of this means of conveyance while the parents of these children only receive 7 cents per kilometre.

It was put to me that this 7 cents per kilometre barely pays for the petrol. It is a flat rate and it does not vary with the number of children. It does not take into consideration the deterioration or the insurance costs of the car at all. If any honourable member has driven over the roads in the rural areas in the wet, he would be aware there would be quite a bit of deterioration of vehicles taking children to school. In fact, some people down at Acacia Hills area, which is about 33 miles down the highway and about 8 miles in, could not take their children to school some days because of the bad conditions of the road. This was repaired, to a certain extent, by the Department of Transport officers when I made representation to them.

If these children are to be considered isolated children, they must live more than 16 kilometres or 10 miles from a government school or 4.5 kilometres from the nearest regular transport to school. That is the definition of an 'isolated child'. I will take the Acacia Hills people as an example. I will not speak about the people down Adelaide River way and further down who send their children to Batchelor because I have more information about the people at Acacia Hills. They live more than 10 miles from a government school. Their nearest school would be Berry Springs and they certainly live more than 4.5 kilometres from the nearest regular transport to school. It seems to me that these children could be considered isolated children.

I have worked it out. Sixteen kilometres from school means a round trip in the daytime of 32 kilometres. At 7 cents a kilometre, that comes to the grand total of $2.24 a week that the parent could be allowed to take their child to school. Assuming that each term is a term of 12 weeks and there are 36 school weeks in the year, that brings the total to $80.64 which is the sum allowed to a parent who takes his child to school. Compare that sum with the sum of roughly $1,000 for a receiver which the child could be entitled to if the parents wanted to avail themselves of correspondence classes for the child. That is $1,000 for a receiver to the Education Department. As well as that $1,000 that this receiver costs the Education Department, the child would have to be supervised by one or either parents. Perhaps the

parent may not have the time or the necessary qualifications to supervise the child's schoolwork. If the parents avail themselves of correspondence classes for the child, that entails more public servants on the payroll of the Education Department and more work for everybody. Do not forget that we are considering the sum of $80.64 per year.

A further thing to be considered is that, if the child goes away to school as an isolated child, the return fare to Adelaide for a child is $204.70 and they get an allowance of 3 trips a year which again brings a further sum of $614.10 into consideration. If we add that to the $1,000, it adds up to quite a bit. Compare it again to the $80.64 that the parent is getting. I will not labour the point any more but it seems to me to be ridiculous in the extreme, when it is compulsory for parents to have their children educated, to only give them the miserly sum of 7 cents per kilometre conveyance allowance.

The second subject on which I would like to say a few words this afternoon is a continuation of what I said yesterday about caravan parks and the apparent lack of communication between tourists and the Tourist Commission in the Northern Territory. Yesterday, a tourist from Katherine turned up at the Darwin Rural Caravan Park. This morning, Mrs Gorman, who is a co-manager and co-owner of the Darwin Rural Caravan Park, asked a tourist if there were many tourists on the road. He said that there were hundreds - he might have even said thousands but I will be conservative. She said: 'Where are they?' He said: 'We were told there were no tourist facilities in Darwin so these tourists have left their caravans in Katherine. They have travelled up here by car and they will be availing themselves of hotel accommodation'. As I said yesterday, that does not give the tourists with carvans a very good view of Darwin.

Mrs Gorman rang a tourist agency in Katherine and she was told that this particular tourist agency had received no figures for this year from the Tourist Bureau up here. It was operating on last year's figures. It has no up-to-date caravan park information for the Darwin area. It was told that the caravan parks were full and so this tourist agency in Katherine has been advising the tourists with caravans that there is no accommodation for them in Darwin.

I rang the Tourist Bureau at an inconvenient time and I was unable to obtain information. As far as I am concerned, that is where the matter rests. I think it is a very unsatisfactory state of affairs when everybody is saying that tourism is a great industry for the Northern Territory. It seems that there is a gross lack of communication between this particular tourist agency and other people connected with caravanning up north because they do not know the true picture of caravan park accommodation in Darwin.

I heard also today that a very odd situation has arisen. Perhaps it is not irregular in one sense but it seems to me a bit irregular in another sense. The Health Department is inspecting the places in town where people have caravans on their private premises. They are adding insult to injury to the acknowledged caravan parks by issuing certificates of compliance to these places which indicate that they fulfil all health standards. These people with 5 and 6 caravans, by the very fact that the Health Department is saying that they are quite healthy places by the issuing of certificates of compliance, may erroneously believe that everything is okay and that they can go ahead and keep their caravan park.

It seems to me that the people who invest a lot of money in caravan parks should be considered. I understand there was a meeting some time ago between officers of the Department of Health, the Lands Branch and the Tourist Bureau. They may have had a couple of meetings. It seems to me that it is well after

the time that these groups of people ought to get their act together because we must support private industry, especially small private industry, because that is the backbone of the Northern Territory. Unless these people receive a bit of constructive help from officialdom, I cannot see them setting out to do what they would like to do and what we as a government would like them to do.

Mr ROBERTSON (Gillen): Mr Speaker, I will not keep the House more than a minute. I have listened to what the honourable member for Arnhem has said in particular to the petition which the honourable member for Tiwi has presented in relation to the conveyance allowance. Before proceeding with that, I might advise the honourable member for Tiwi that, if my arithmetic is different from hers, one of us needs remedial help. The department does provide that as well as arithmetic. Nonetheless, I do take the point in principle. I will be having a meeting with my officers in the morning on this subject and I will report to the House at the first possible opportunity as to what adjustments the government can make.

Mr COLLINS (Arnhem): Mr Speaker, let me assure the honourable Minister for Education that the honourable member for Tiwi's arithmetic is wrong. The member for Tiwi did pre-empt me. I was going to discuss this matter at some length this afternoon. I also have been collecting figures. I will not discuss the subject now because there is little point. Since the minister has given that assurance to the House, I accept it. It did seem to me to be again a question of lack of communication, I suppose, when you have a government which is introducing legislation to encourage small farmers and to encourage people to live on the land on the one hand and cutting isolated children's allowances in half on the other. Certainly, it would be ridiculous for anyone to think for a minute that 7 cents a kilometre is a sufficient amount of money. To cut the allowance in half at a time when the costs of running a motor vehicle are escalating through the roof and when the government has a stated policy of encouraging people to live on the land is quite ridiculous.

I would like to raise again the matter of the condition of the Umbakumba Road. Certainly, if parents of children in Umbakumba had to transport their children to the school at Angurugu, $100 per kilometre would not be too large a sum of money to pay them for travelling along that road. I have travelled along that road during the last wet season. Umbakumba is, without any doubt, the most isolated community in the wet season in my electorate, I would suggest very strongly to the Chief Minister that, if the government were to spend more money on upgrading the Umbakumba Road rather than the Bartalumba Bay Road, it will receive a great many more thanks from the residents of Umbakumba than it received from Mr Kailis.

The road is in a disgraceful condition as it is every wet season. I took photographs of the road which arrived back today. As a matter of fact, I am having prints made of them at the moment and I will give those to the minister tomorrow. When the road is cut during the wet season at Umbakumba, that is it. There is no other access. There is no usable airstrip at Umbakumba. I do not want the minister to misunderstand me. I am not advocating that there should be an airstrip; I think the money would be far better spent on upgrading the road because it is such a short distance comparatively from medical assistance by road.

To stand on the road, as I have done every set season for the last 3 years, and to consider the quite horrific problems that would occur in a medical emergency at Umbakumba is quite horrendous. Because it has been raised in this House before, I know the minister is aware that such things have happened at Umbakumba in the past - transporting seriously injured people along that road

at night and having to carry them across in waist-deep running water from one side of the bogs to the other in order to transfer them from a vehicle on one side of inaccessible areas of the road in order to get them to medical help. The residents of Umbakumba, the Aboriginal residents of Umbakumba, the school teachers of Umbakumba, the medical team at Umbakumba have great reason for trepidation every wet season. They have their hearts in their mouths at this time of the year when the road goes out and communication is cut between Umbakumba and Angurugu.

The erosion of the road again this year has been quite severe to the point where the road again was cut off for considerable periods of time. It was again necessary to transfer people from one side of the bogs to vehicles coming from the other end to pick them up. I was bogged on the road and the road in places is cut by huge gullies that have washed away the road surface.

The community does have a particular problem. Communities such as Maningrida, Oenpelli and any number of others that I could name always have the option of an airstrip. It is not the question of food supplies or social exchanges between Umbakumba and other places that concerns me greatly; it is the medical emergency aspect of the isolation of that community. In the past, they have managed to get away with it on a number of occasions by the skin of their teeth but there certainly will come a day when that road will cost someone's life by being cut off during the wet season. I hope the minister, once again, as he has on past occasions, will take the road into consideration for some major upgrading.

The other subject that I wish to discuss is one that touches on my responsibilities for education. The honourable member for Tiwi and I have covered the question of the cutting of the allowances for transporting isolated children. Another matter has come up which is of some conern, I would imagine, to the Chief Minister in his capacity as local member for the area concerned. I have a letter from Casuarina High School dated 22 April 1980. I will read this letter. It is directed to parents involved:

> *As you would probably know, this school has set up remedial classes to provide individual help for students with special educational needs. Such classes need to be small enough for the teacher to be able to help each student as soon as he or she finds that they cannot go on with the work independently. This provides good learning conditions for these students. To maintain these classes at a workable size, we must have enough teachers. Last term, with the staffing permitted by the Northern Territory Department of Education, we were able to make all remedial groups workable. This year, because of staffing reductions, it is not possible to provide the good learning conditions for remedial classes. We are keeping the department aware of this situation and the pressing need for additional remedial teachers. Where it has been possible your child has been placed in smaller classes to get the help that he or she needs. At present ...*

There is a gap to insert the name of the pupil and there 'is in a class of'. The following categories are listed: 'art, craft, English, maths, music, physical education, science and social science'. There is a space in front of each category to insert the number of pupils who are attending these classes and, in most cases listed, exactly double the optimum number of pupils are in these remedial classes. The letter goes on to say, 'your child should be in a class of', whatever the figure happens to be, 'to get the maximum value out of these lessons. If you would like to discuss this situation with me, please feel free to call in at the school or ring me at any time on 27-3155. Perhaps you would be interested in attending a future meeting of interested people to talk the matter over. It is signed by the principal and dated 23 April'.

The second letter, dated 22 April, is directed to the Secretary of the Department of Education:

*Attention: the Director North.*

*I attach for your information a copy of a letter that is being sent to parents of students in our survival skills classes. For your further information, I have to advise that this matter was brought before the executive of our school council on 16 April. The members of the executive, some of whom have had some experience with the educationally disadvantaged, expressed their immediate understanding of the problems and, further, their surprise and dismay that the provision of adequate staffing was not forthcoming. They are in full support of action being taken by the staff of the school to obtain additional staff. I sincerely hope that we might have your support for additional staff and that this request does not become another prolonged matter of submissions and delay. I believe, for example, that some of the funds flowing from the Commonwealth grant for transitional education could be attracted to this area. The minister, Mr Fife, has indicated that this is an area which could be considered for project funding. Perhaps you could nominate an officer who could assist us, if it seems necessary, in the provision of such a submission. Thank you for your attention.*

It is signed by the Principal of Casuarina High School. Honourable members may recall that, not only did I ask the honourable Minister for Education a question the other day regarding allowances paid to parents of isolated children, I also asked a question on the disposition of the very funds that the principal is referring to in this letter. I had some qualms about the way in which they were being disposed of. It does seem perhaps that the matter might need some review in the light of this quite serious problem raised by this very responsible officer.

I must say also that I consider the principal a very brave man in penning these letters on behalf of his pupils because the track record of the department in respect of employees who write letters of this nature in staunch defence of the educational requirements of their pupils as they see it is not particularly inspiring. I well appreciate that that may be a debatable point but certainly many people within the Education Department perceive that, if a principal is prepared to stand up and fight for the educational requirements of his school as he sees it and even cast aspersions on the department, he is likely to be summarily transferred from his position as a matter of discipline. I therefore must take my hat off to the Principal of Casuarina High School for being concerned enough about this problem to attack it in such a forthright manner.

I have no hesitation, for obvious reasons, in discussing this in the Assembly because these documents are very public indeed. Unfortunately - and I mean it quite sincerely because the honourable minister beat me to my feet - the minister cannot speak on the debate again this afternoon but I look forward to hearing some comment from him on this matter tomorrow.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10am.

## TABLED PAPERS

Mr STEELE (Transport and Works): Mr Speaker, I lay on the table a publication entitled 'The Northern Territory'.

Mr TUXWORTH (Health): Mr Speaker, I table a copy of the proceedings of the conference on alcohol policies for the 1980s held in Darwin during February this year.

The problems of alcohol abuse have long been of concern in the Territory and these problems were considered as having priority amongst those facing the government on the achievement of self-government. For too long, the Territory has been known as a place which took some sort of pride in its high alcohol consumption. An early priority on the achievement of self-government was to provide a new mechanism for dealing with the problem. The Liquor Commission was one of those mechanisms established for this purpose. In fulfilling its role, the commission has enabled the people of the Territory, especially in local communities, to have a voice in the granting of liquor licences and the conditions under which those licences are granted. Following the establishment of the commission, attention was turned to improving the services available to people with problems related to alcohol abuse.

In 1979, the government approved that an alcohol authority be established in 2 stages: the first stage to be a liaison unit within the Department of Health and the second stage to be an independent alcohol authority. The Department of Health arranged that a conference of people representing a cross-section of political, religious, professional and cultural groups in the Territory be held on 15 and 16 February this year to advise the government on policies for the 1980s. Their considerations are of significance and I believe they should be brought to the attention of the House.

Since this conference, the Health Department has moved to set up the taskforce recommended in this report under the chairmanship of the Very Reverend Dean Wood. In turn, the taskforce has commenced to set up regional representation, representatives from which will sit on the Territory council yet to be established. It is hoped that this council will be supported in every way by the Health Department and will eventually develop into an independent alcohol and drug authority for the Northern Territory. The government considers that the problems of alcohol abuse are among the major social problems of the Northern Territory and this conference is one of the steps taken in the search for solutions to those problems.

Mr ROBERTSON (Education): Mr Speaker, the Education Act provides that reports of the Education Advisory Council and the Post-school Advisory Council be tabled in the Assembly annually. Both organisations have only very recently formally met for the first time. The Post-school Advisory Council has only recently met and is doing an extremely good job. The main reason for the delay in its meeting was the non-availability of interstate members during the Christmas period. It also took quite some time for me to appoint those councils and endeavour to obtain regional representation.

I table the very brief annual report of the Education Advisory Council. For those reasons, I do not have one from the Post-school Advisory Council. No doubt, it will provide me with a brief statement of what it has been doing. I will make arrangements for it to be delivered to the Clerk and copies to members.

## MINISTERIAL STATEMENT

### Services to the Handicapped

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker, I wish to raise a subject which touches onthe lives of many Territorians; namely, the difficulties faced by physically and intellectually handicapped people in the Northern Territory. These cause grave concern to families, friends and also to government. Paramount in the mind of the government is the need for development of an optimum level of services which reflect theneeds of Territorians who are handicapped. This concern has prompted the government to direct the permanent heads of the Departments of Health, Education and Community Development to form a taskforce and to give the highest priority to making recommendations on services for the handicapped. The recent welfare inquiry clearly highlighted the need for services to handicapped adults and children. Not only has the inquiry emphasised service development but also the need for coordination between Commonwealth and Territory departments and non-government agencies. In its report to the government, the taskforce expressed concern about coordination and the need to avoid the serious errors made in this area by other states. It observed a need to avoid the overlap and lack of cooperation between organisations, to eliminate the build up of institutionalised services which tend to isolate handicapped people from the community and to provide the handicapped with a say in the development of services.

The recommendations of the taskforce have their foundations in a report by Mr John Tipping, an officer of the Department of Social Security in Tasmania. His report is called: ' A Review of Services to the Handicapped in the Northern Territory'. It has been available for wide discussion amongst interested groups in the community as well as appropriate Northern Territory government departments.

I am now able to announce new initiatives in this area which have the endorsement of the government. Through my colleague, the honourable the Minister for Community Development, it is intended to establish regional committees on the handicapped in both the northern and southern regions of the Territory. These committees will plan services for the handicapped and advise the Ministers of Health, Education, and Community Development on priorities. The membership of the communities will be as follows: a representative from each of the departments that I have mentioned, a minimum of 2 representatives from non-government organisations serving the needs of the handicapped, one representative from those non-government agencies which provide residential care, a representative of Aboriginal groups involved in the welfare or health role and 3 disabled persons or their parents. Membership will also be offered to the Department of Social Security and the committees themselves will be able to co-opt additional members as required.

Ongoing consultation between government departments and regional committees will allow disabled persons and parents direct access to local information and support. My colleague, the minister, is to appoint a chairman from the non-government sector to chair the committee. A requirement for an overall Territory view can be met by drawing representatives from the regional committees together as necessary. The function of the committees will be to formulate a feasible plan of development to cater adequately for the needs of handicapped people within each region, to advise the ministers on the needs of handicapped people and priorities for service development.

My colleague, the minister for Community Development, will be approaching the minister for Social Security, Senator Dame Margaret Guilfoyle, to offer the services of the committees as required. The committees should promote cooperation and coordination between non-government agencies and government departments.

These committees may advise on the likely medium and long-term effects of the adoption of major proposals or objectives of government departments and non-government agencies, consider and report on the priorities which should be established, consider and advise on specific plans and projects from government departments and non-government organisations in the region, review and report on the effect of changing circumstances and to advise if priorities should be revised, advise if, in the opinion of the committee, an agency should be required to develop particular policies and programs and generally advise on any relevant matter referred.

For their part, government departments and non-government agencies will be encouraged to submit proposals to the committees to allow them to work effectively. Government services are only part of the total effort in this area and, by and large, the role of the government will be to strengthen community participation. Previously, the non-government agencies in the Territory have provided necessary services under difficult conditions and with little support.

In the course of the government's review, the opportunity has been taken to redefine and clarify the roles of the primary departments involved in the care of the handicapped; namely, the Departments of Education, Health and Community Development. The Department of Education's role is one of assisting the growth and development of the child and enabling future integration into the community wherever possible. Through the Department of Health, the handicapped person's physical, security and medical needs are to be satisfied. The Department of Community Development has to integrate and coordinate services for the handicapped and, together with the other departments, should facilitate the integration of the handicapped into the community.

Dealing more specifically with each department, I wish to say that the government, through the Department of Community Development, will continue to assist all agencies to provide and improve residential care for handicapped persons in the following ways. Firstly, the Departments of Education, Health and Community Development will establish assessment panels for children requiring accommodation, both short and long term. Secondly, homemaker and home help services will be extended to the provision of child minding for handicapped children. These services will not be restricted to daylight hours. Thirdly, a scheme of financial coverage for necessary modifications to accommodation for the disabled under consideration. Fourthly, funds are to be allocated under grants-in-aid to facilitate organisations providing accommodation on condition that such accommodation is not institutional but as close to the normal community style of living as possible. Fifthly, grants-in-aid will also be allocated to consumer groups such as self-help groups made up of disabled people or parents of disabled children to enable them to function effectively.

The government can consider it a paramount concern to support non-government organisations who wish to provide services and facilities for handicapped people. Some of those organisations are in receipt of Commonwealth funding or are awaiting such funding. The government's role is to cooperate with the Commonwealth government to make sure such programs are effective and that gaps in service provisions are adequately covered.

My government will be making decisions about applications for funds and the provision of services only after consulting closely with the proposed regional committees for the handicapped. This means that financial support will be channelled into these areas where a need has been identified and to those organisations committed to creating services and facilities which meet these needs. Northern Territory government funds have already been given to a number of non-government organisations and consideration is being given to extending these funds to other organisations. I anticipate that the government will be making a

further announcement on the provision of funds to particular non-government organisations in the near future.

One example of the way the government is financially supporting the provision of facilities for the handicapped is the provison of funds for residential care. The minister is arranging funds to be provided to St Mary's Child and Family Welfare Services in Alice Springs and to Somerville Homes in Darwin so that these organisations can continue to provide cottage-type residential facilities for handicapped children. Residential care has been identified as a priority need by many organisations and individuals in the community. St Mary's and Somerville Homes have responded flexibly and positively to this need and have offered to extend their residential facilities to cater for handicapped children.

In regard to the Department of Education, a special Education Advisory Committee has been appointed to advise the Minister for Education on the provision of educational services for handicapped children in the Territory. It will be chaired by a senior officer of the Department of Education and will comprise the chairman of the Northern and Southern Regional Committees on the Handicapped, a nominee of the Education Advisory Council, the northern and southern regional coordinators of guidance and special education from the Department of Education and the Department's principal education advisor on guidance and special education. The Minister for Education is anxious that wide community interest be represented on the committees through the chairman of the regional committees on the handicapped and the nominee of the Education Advisory Council.

In general terms, the Department of Education tries to intergrate handicapped children into the regular school system. Any special placements are arranged in close consultation with parents. In Darwin, a complete range of educational services for the deaf, blind and visually impaired is available from pre-schools through to secondary level. The department works in close liaison with the Spastics Association for the provision of services for very young children who have moderate to severe forms of handicapping conditions. Children who have been recommended by placement and review panels may progress through the department's primary facility at Ludmilla and then to the secondary special school now at Coconut Grove. A new building for this purpose will be completed at Casuarina. Alternatively, placement may be arranged at one of the junior assessment classes which operate in a number of primary schools.

Alice Springs has a range of special education facilities similar to those available in Darwin. Special classes for milder handicapping conditions are operating in Katherine, Tennant Creek and Nhulunbuy. The Department of Education provides a handicapping boarding allowance of $25 per week to children who must board away from home to attend special facilities. Recently, substantial financial commitments have been made, including $875,000 for a special school for secondary-aged students at Casuarina and $60,000 to upgrade facilities for the deaf at Stuart Park. The Department of Education has welcomed the establishment of the northern and southern regional committees on the handicapped and views this move as an important step in the provision of total community services for the handicapped.

The following services are being developed by the honourable the Minister for Health through his department in conjunction with relevant community agencies as part of the government's overall plan to improve living conditions for the handicapped in the Northern Territory. Either directly or through community agencies, it is planned to establish residential care centres for the profoundly handicapped. Through the extension of grants-in-aid assistance to health related organisations that are providing care for the handicapped in the community, the Department of Health seeks to financially enable these organisations to acquire skilled nursing and paramedical help. The Department of Health already operates an extensive home nursing scheme in all main centres of the Northern Territory

which is designed to assist people to cope in the home environment. This program will be expanded by the engagement of home nursing assistants who can provide more time and support for those most in need. Significant efforts are currently being made in services for the handicapped by government and non-government instrumentalities.

The Department of Social Security also plays a key role in services to the handicapped and, in cooperation with the Department of Health, conducts a rehabilitation centre at Darwin Hospital. Honourable members may be aware that next year has been declared by the United Nations to be the International Year of the Disabled Person. In the government sector, the Minister for Community Development has assumed responsibility for the observance of that year and will be working with corresponding ministers from other states to ensure that the Territory is fully represented in the activities and programs of IYDP. This government fully supports the special year for disabled persons. Activities in the non-government sector will be coordinated by the regional committees on the handicapped.

The outlook for the future is good. There is a great deal of energy and optimism among people who are working with handicapped people and I think that disabled people in the Territory can be assured that the government will do what it can to ensure full equality of opportunity for them now and in the future. This government wishes to see handicapped people treated as people with the opportunity to take their rightful place as full members of the Northern Territory community and enjoying the same rights as any other citizen.

Finally, I wish to pay tribute to those who have been working unstintingly with handicapped people in difficult circumstances. I wish to pay tribute to the courage of handicapped people themselves and I believe we can now look forward to a new era in this field which will give handicapped people and those working with them the recognition they deserve.

## MINISTERIAL STATEMENT

### Law Review Committee

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, I table a copy of a reference that I have made to the Northern Territory Law Review Committee. Honourable members may be aware that one of the objects set out in the constitution of the Law Review Committee is to advise upon matters relating to law reform upon the request and reference of the Attorney-General for the Northern Territory. In the past, it has been customary for me to refer matters to the committee in an informal manner. Whilst informal requests and references may continue, I propose for the future, where appropriate, to make formal reference to the committee and table a copy of each reference in the Assembly.

The reference which I table today deals with the desirability of establishing a suitors' cost fund. The object of such a fund is to provide financial assistance to litigants who are confronted with a novel point of law arising in the course of an action or proceeding conducted in the Territory judicial forum. A suitors' cost fund, if established, would reimburse costs incurred as a result of the indefinite state of the law on a particular point. The policy of the government is to ensure certainty in the application and administration of laws in force in the Territory. The establishment of such a fund could operate to assist in achieving certainty, removing some of the financial disincentive and seeking to clarify uncertainties in the law. Therefore, I have referred the establishment of such a fund to the Law Review Committee for its consideration together with ancillary questions as to the establishment and administration of the fund and appropriate guidelines for its operation. In making its report, the

committee will be required to take into account the existence of and operation of similar funds in other Australian jurisdictions and the cost, if any, to the Territory of establishing and maintaining a suitors' cost fund.

## MINISTERIAL STATEMENT

### Royal Commission into Drugs

Mr EVERINGHAM (Chief Minister)(by leave): Mr Speaker, the Australian Royal Commission of Inquiry into Drugs conducted by Mr Justice E.S. Williams of the Queensland Supreme Court was undertaken as a national inquiry which involved the establishment of separate royal commissions with identical terms of reference under Commonwealth legislation and the state legislation of Victoria, Tasmania, Queensland and Western Australia. The states of New South Wales and South Australia, both of which had already instituted inquiries of their own, did not participate but cooperated with the national inquiry as did the Northern Territory.

The inquiry took 2½ years to complete. Evidence taken is recorded in 24,372 pages of transcript and, in addition, 1,053 exhibits comprising 55,000 pages were tendered. The report itself is quite a massive document comprising some 1,700 pages in 5 volumes and a confidential annexe. It is a very comprehensive report covering drug use and abuse, law enforcement, treatment, education and control. The full terms of reference of the Royal Commission are set out in chapter 3 of the report. The report makes 246 recommendations many of which are aimed at the development of a national strategy to deal with the drug problem. This national strategy would require the cooperation of Commonwealth, state and territory governments in the coordination of their respective enforcement agencies. In tabling the report in the Commonwealth Parliament on 18 March 1980, the Minister for Health, Mr MacKellar, expressed the Commonwealth government's acceptance in principle of the major recommendations of the report including the concept of a national strategy to deal with the drug problem. The Commonwealth government has of course already acted on one of the principal recommendations of the report first made in an interim report last year; namely, to disband the Narcotics Bureau. Major functions, formerly the responsibility of the bureau, have been transferred to the Australian Federal Police with the Bureau of Customs continuing to exercise its preventative role at the customs barrier.

This government also accepts in principle the major recommendations made in the report and is prepared to cooperate as far as possible in the implementation of those recommendations. Such implementation would have quite extensive implications for the Northern Territory including the enactment of uniform drug legislation, coordination between our police and the federal and state police forces and the cooperation of several agencies such as our fisheries and plant and animal quarantine sections in surveillance activities. For this reason, it has been considered appropriate to table the report with the exception of the confidential annexe in this Assembly. I do not have the confidential annexe anyway so I could not table it even if I wanted to.

I will comment now on some aspects of the report and some of the recommendations which have particular implications for the Northern Territory of a national strategy to deal with drug abuse. Some principal features of the national strategy recommended by the commission are: a national system of criminal drug intelligence comprising a national criminal drug intelligence centre and state criminal drug intelligence centres; substantial conformity between Commonwealth, state and territory laws on drugs including substantially uniform drugs of dependence legislation and a national code on drug trafficking requiring the enactment of uniform Commonwealth, state and territory drug trafficking acts; a

network of drug information centres set up under joint Commonwealth-state legislation to gather statistical and other information on all aspects of drug use and abuse for use by government and for public dissemination; and local community drug liaison committees sponsored by local government authorities to receive, collate, assess and disseminate information on drug abuse at community levels.

The Commonwealth Minister for Health indicated support in principle for the establishment of a national criminal drug intelligence system. However, he pointed out to the federal parliament that all police forces hold the view that drug intelligence should not be handled separately from other intelligence and that, at a recent meeting, police commissioners from around Australia including the Northern Territory had agreed to participate in the establishment of a national criminal intelligence centre with regional units in each state. The Northern Territory Police Commissioner attended the meeting at which this agreement was reached and the decision reflects the policy of our police force. The Northern Territory Police Force has an effective and resourceful criminal intelligence unit which processes all intelligence including drug-related matters. The Northern Territory is prepared to cooperate in the development of uniform legislation to control trafficking and use of drugs. Many of the features recommended for inclusion in drugs of dependence legislation - for example, controls over the prescription and dispensing of drugs - are already either contained in existing Territory legislation or embodied in formal controls operated by the Department of Health.

We support the recommendations of the commission that there be no real relaxation at this time of laws relating to cannabis. Statutory differentiation between using and and trafficking in drugs, which the report recommends, is already made in our Dangerous Drugs Act, now Prohibited Drugs Act. On page A359 of the report, it is stated that the Northern Territory legislation may be deficient with respect to psychotropic substances and that this may be preventing ratification of the Convention on Psychotropic Substances. In fact, the Dangerous Drugs Act and the Prohibited Drugs Act passed at the February sittings of this Assembly and assented to on 14 March 1980 remedied the deficiencies referred to.

The report recommends legislation to give enforcement agencies greater access to information held by the Commonwealth Taxation Office and the foreign exchange control section of the Reserve Bank. It also recommends that enforcement agencies be given powers subject to certain safeguards to intercept mail and oral communication including telephone calls between suspected traffickers. These are, of course, very sensitive issues. However, they must be considered in terms of balancing of interests. Provided the appropriate safeguards are written into the relevant legislation, I feel that a great majority of people will see such measures as justifiable considering that, with drug traffickers, we are dealing with individuals who can have no regard for the lives of others. We are literally concerned with a matter of life and death and we, as a community, should be prepared to give those charged with the apprehension of traffickers sufficient powers to do that.

Part 5 of book A deals with legislation and references to Northern Territory legislation, in particular, appear at pages 379, 393-5, 397, 398, 400-19, 426, 428,429-30, 433-4, 436-7, 442, 448 and 453-62 of that book. A number of other recommendations in the report are of particular significance to the Northern Territory and I will mention some of these. It suggests increased staffing and training for police drug squads and greater cooperation between federal and state police forces including programs for the exchange of officers between those forces. The strength of the Northern Territory Police Drugs Enforcement Unit has been increased from 3 to 10 in the past 1½ years and a small drug unit is shortly to be established at Alice Springs. A number of officers, male and

female, will be trained in drug enforecement through selective attachments to the unit. Members of the NT Police Force have had periods of secondment to interstate drug squads and several members of the Australian Federal Police Narcotics Operations Section are presently attached to our own drug enforcement and criminal intelligence unit. It is intended that such exchanges should continue on a selective attachment basis. The secondment of officers to a national criminal intelligence centre would also be supported subject to cost considerations. Some members of the Northern Territory Police Force have also attended the drug law enforcement course conducted by the police college at Manly, New South Wales.

The report recommends the establishment of a national system of forensic laboratories supported by a coordinated research effort. This recommendation is supported in principle. However, construction of a forensic laboratory in the Northern Territory could not be justified from the government's viewpoint because of the high capital cost and the relatively small requirements for such a facility.

The report suggests improved coastal surveillance with an emphasis initially on the northern coastline of Australia and elsewhere near major centres of population involving greater cooperation with and participation by state fisheries, quarantine and similar authorities. The report also suggest that, if subsequent monitoring reveals a need for particular surveillance of the northern coastline, the Commonwealth government should consider relocating the Australian Coastal Surveillance Centre to the north of Australia and with that we heartily concur. These recommendations are, of course, directed towards the drug problem. However, northern Australia is vulnerable to the entry not only of drugs but of exotic plants and animal diseases some of which could have disastrous economic consequences for the whole of Australia. Adequate surveillance of the northern coastline is vital and the Commonwealth obviously has a major responsibility in this regard. The commission has recommended that responsibility for the development, coordination and direction of all civil coastal surveillance should be vested in the Coastal Surveillance Centre and, if this were to eventuate, I believe there would be a strong case for relocation of the centre in north Australia. In that event, Darwin would be the logical place for it to be located.

The fisheries enforcement section of the Northern Territory Department of Primary Production could participate in coastal surveillance if such an involvement were to be incidental to its normal operations and when resources were not otherwise committed. Resources currently available in the Territory offer little if any scope for routine coastal surveillance patrols or response activities in respect of drugs although emergency interception of small boats would not be precluded. Naval vessels are generally used to intercept larger boats even for fisheries purposes and, because of the possibility of active resistance by drug suspects to interception or apprehension, it is preferred that the involvement of our fisheries officers be restricted to a reporting role. Beyond territorial waters, fisheries enforcement activities are undertaken by the Territory as agent of the Commonwealth. A similar arrangement might be possible for drug trafficking surveillance. The quarantine section of the Department of Primary Production is already integrated into the coastal surveillance system through participation in response patrols with customs and health authorities.

Recommendation 85 of the report proposed that offenders who are liable to deportation action should in no circumstances be paroled for the same sole purpose of deportation. In a letter to the Prime Minister commenting on the report, I pointed out that, while the Parole Board of the Northern Territory is aware of the view maintained by successive Commonwealth Immigration Ministers that deportation should form no part of the punitive process, the board is not subject

to formal ministerial direction or guidelines and compliance with recommendation 85 cannot be guaranteed without amendments to the act under which the Parole Board is constituted. I have expressed to the Prime Minister this government's support for the recommendation that the Migration Act (1958) be amended to allow deportation in specified circumstances of any non-Australian including those with more than 5 years' lawful residence in Australia. However, I have expressed our opposition to another recommendation that document-free travel between Australia and New Zealand be ended because of the adverse effects which this was likely to have on trans-Tasman traffic and hence on relations between Australia and New Zealand.

Overall, the report appears to be a thorough and constructive document providing a sound basis for a concerted attack by all governments in Australia on the whole spectrum of drug abuse. As a government, we are deeply concerned with the problem of drugs in the community and we all cooperate in every way possible with the Commonwealth and state governments in implementing the recommendations made in this report.

## MINISTERIAL STATEMENT

### Australian Territorial Sea

Mr EVERINGHAM (Chief Minister)(by leave): On 16 May 1979, I informed the House that the Standing Committee of Attorneys-General was to recommend to the Premiers Conference that the Commonwealth should legislate in respect of the Australian territorial sea. I provided members with the proposed bills in respect of the Northern Territory; namely, the Coastal Waters (Northern Territory) Powers Bill, the Coastal Waters (Northern Territory) Title Bill, and the Fisheries Amendment Bill.

In my last statement, I informed the House that the effect of the first 2 bills would be threefold: first, to give to the Northern Territory a plenitude of legislative power in respect of the coastal sea out to 3 nautical miles seaward of the baseline; secondly, to give the Northern Territory legislative power beyond the Territorial sea for approximately 200 miles in respect of 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 to be managed in accordance with Northern Territory law under an arrangement with the Commonwealth; and, thirdly, to vest in the Northern Territory title to the seabed of the coastal sea out to 3 miles seaward of the baselines.

Since my earlier statement, the Premiers Conference accepted the recommendations. The Solicitor-General for the Northern Territory was a party to further Commonwealth-State-Northern Territory negotiations concerning the legislation and the bills have been introduced into the federal parliament.

The Fisheries (Amendment) Bill makes provision for the joint management of fisheries beyond the 3-mile limit by the Northern Territory and the Commonwealth and for such management within the territorial sea if desired by the Northern Territory.

Also now before the parliament is the Petroleum (Submerged Lands) Amendment Bill which makes provision for joint management by the Territory and the Commonwealth of the exploitation of petroleum resources beyond the 3-mile limit. Northern Territory fisheries and mining laws are to apply to the seabed as far as the 3-mile limit.

Still unresolved is the question of precisely where the baselines are to be drawn. This is a matter of considerable importance. The baselines will be the

datum from which the territorial sea is to be measured. They are to be calculated according to the United Nations Convention on the Territorial Sea and are significant because they will be the base for measuring the Northern Territory's 3-mile territorial sea and also the Commonwealth's 200-mile exclusive economic zone. However, I am informed by the Solicitor-General that an agreement in principle has been reached with the Commonwealth Solicitor-General as to where the Northern Territory baselines are to be drawn and I believe the approximate position will be shown on the map provided to honourable members. Some minor alterations have been made to the map since its preparation, and it is subject to possible changes.

The point of all this is that the government of the Northern Territory is to assume responsibility for a vast area of the sea and seabed. For most intents and purposes, the area of sea on the landward side of the baselines and then seaward for 3 nautical miles will shortly be available to the Territory to be used, preserved and exploited. I speak of its potential for fisheries, minerals, marine and national parks to name a few aspects.

My government's view is that the coastal zone of the Northern Territory has to be dealt with as a significant unit of Northern Territory land. In using the expression 'coastal zone', I speak of tidal rivers, estuaries, the fringe of land above the foreshores, the foreshores, the seabed and the sea. It will be obvious that there will be many agencies, both government and otherwise, with an interest in promoting activities in the coastal zone.

It has been the sad experience of all littoral states, in particular the United States of America, that unless development of a coastal zone can proceed in a coherent and orderly way the area is liable to be subject to thoughtless exploitation with little regard to conservation or the claims of competing interests. The matter is put in the following way by a United States lawyer and an Associate Professor of Civil Engineering at the Massachusetts Institute of Technology, Michael S. Baram, in his book 'Environmental Law and Siting of Facilities: Issues in Land Use and Coastal Zone Management'. I quote:

> *The coastal zone of the United States includes onshore and offshore regions of critical environmental and economical importance. These same regions are subject to intense competing pressures by diverse interests, pressures that can work irreversible changes in the fragile biological and physical features of this important resource area. The interests in competition include recreation, conservation and aesthetics, commerce based on recreation, shipping, industry and energy, extraction and processing of mineral resources, national security and communications, and the housing, transport, employment and waste disposal needs of expanding coastal metropolitan centres. The basic issue in the coastal zone management is the management of growth to meet multiple objectives. Although the same issue pertains to land use management, the coastal context demands more urgent resolution because of the limited scope and fragile nature of the coast, the intensity of demands on coastal resources, fragmentation of authority among myriad agencies and institutions and the inadequacy of present methods for managing growth.*

Fortunately, the coastal zone of the Northern Territory has not yet been subject to any intense development except in some parts of the Port of Darwin and we are in a position to avoid some of the mistakes made elsewhere. The government is giving careful consideration to setting up a coastal zone advisory authority for the purpose of coordinating coastal zone activities to ensure orderly development and conservation of the natural environment. There are obvious difficulties in the way of making such an authority work effectively and a great deal more work has to be done before the government is in a position to determine just what form the authority should take. I raise the matter at this

stage to indicate the extent of the government's concern in the matter.

I move that this statement be noted.

Mr ISAACS (Opposition Leader): I simply want to express my thanks to the Chief Minister for again keeping us up to date with this very vexed question of federal-state relations. Secondly, I again inform the Assembly of the Labor support for this provision. The question of federal-state relations on the international seabed has been a most vexed one not only within the various states of the Commonwealth but within various political parties. There is a history dating back to the days of Prime Minister Gorton when he threw confusion into his own party and of course it had a similar influence on my own party. Needless to say, states' rights in this issue has been pushed by all state parties. I simply seek to place on record the view of my party that the states and the Territory should seek to have control in the manner in which the Chief Minister has indicated. I again thank him for the statement which he has made to the Assembly.

Mr EVERINGHAM (Chief Minister): In reply, I just cannot accept the invitation from the honourable Leader of the Opposition that any Liberal leader whether it be Prime Minister Gorton or otherwise could possibly throw his leaders into confusion.

Motion agreed to.

## TABLED PAPERS

Mr EVERINGHAM (Chief Minister): To save time, I will table the next 2 papers. The first is a ministerial statement that I undertook to make in relation to the Auditor-General's Report on the various points raised in it. The other is a report on the implementation of the various proposals contained in His Honour the Administrator's speech of Tuesday 12 September 1978.

## CROWN LANDS AMENDMENT BILL

(Serial 440)

## LOCAL GOVERNMENT AMENDMENT BILL

(Serial 441)

## CONTROL OF ROADS AMENDMENT BILL

(Serial 442)

Bills presented together by leave.

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

The purpose of these bills is to achieve an objective in line with the government's policy of continuous devolution of powers to municipal councils. It has become increasingly apparent in recent years that the Central Business District of Darwin is severely hampered by the shortage of off-street parking for motor vehicles. The problem has been often discussed and many remedies have been suggested. Unfortunately, there is a scarcity of suitable vacant land for a multi-storey parking station within desirable proximity of the Smith Street Mall. To allow for the development of such a structure, it has been necessary to investigate and plan for the utilisation of the air space above lanes which are adjacent to the mall. Such development is not possible under the existing legislation.

Mr Speaker, I direct my remarks principally to the Crown Lands Amendment Bill as it is this bill which will enable these new powers to be exercised by councils. The object of the crown lands legislation is to empower a council to permit development to occur over or under public roads. The concept is not new as it has existed for a number of years in the other states such as New South Wales and South Australia. It is new, however, for the Northern Territory which has, until recently, been subject to a large amount of fairly restrictive and uninspired Commonwealth legislation. The bill is not limited to parking proposals in the Central Business District nor is it limited to Darwin. It is designed to cover any council within the meaning of the Local Government Act and includes any road or mall.

The bill also includes roads which are vested in the Territory by virtue of section 7 of the Control of Roads Act and section 307 of the Local Government Act. It would be open to the Territory to grant the freehold to a portion of a 307 road such as Daly Street. If this situation occurred, the Territory would retain control of the section307 road as a road but the council would acquire the rights of a registered proprietor under the Real Property Act and these would include the rights to allow development of the air space.

The principal provision in the Crown Lands Bill is the proposed new section 91 which enables the Territory to vest in a council the fee simple in the whole or part of a road or mall. Subsection (2) of the proposed new section 93 makes it clear that the vesting of fee simple in the road does not affect the operation of the Control of Roads Act and the Local Government Act which vest the road surface and so much of the subsurface and the air space as can be referred to as road in the council or Territory as the case may be.

The effect of the amendments will be to retain the present law which provides that roads within a municipality are vested in the council but to add a further provision allowing the council to acquire a certificate to title to part or the whole of the road or mall where it is necessary to permit development. Where the council becomes the registered proprietor of an estate in fee simple on a road or mall, the provisions of the Real Property Act apply, including the provisions relating to the indefeasibility of title. However, the council will not have power to deal with land except under the Local Government Act. Furthermore, no person who has any interest in the land can deal with it or use it in a manner that is inconsistent with its use as a road. Again, the vesting of title does not affect the rights of governments and public authorities to use the road for the provision of services.

The power to deal with the freehold title will be limited by the Local Government Act, particularly section 304, and by other provisions contained within the legislation now before the House. The proposed new section 324A of the Local Government Act sets out what those new powers will be. This section makes it clear that powers in section 304 extend to roads and malls and that the power to develop and manage the development on roads and malls includes the power to participate in joint ventures. The power of the council is limited by part IV of the Crown Lands Act so that it cannot take an action that would be inconsistent with the use of a road as a road or with the use of a mall as a mall. The council cannot deal with or develop land on which there is a road or a mall without the approval of the minister responsible for local government. The power of a council to develop land in which there is a road or mall does not absolve the council from the need to comply with the Planning Act. The powers that have been given to the councils by these amendments are as wide as is necessary to permit the proper development of land above or below a road or mall.

The amendment to the Control of Roads Act is intended to ensure that, if a road is closed, the council is not automatically divested of an interest it may have under the Real Property Act. The amendments to the Local Government Act relate to the powers of councils in relation to roads or malls when they acquire certificates of title to those roads or malls and the limitation to the exercise of those powers. I commend the bills to honourable members.

Debate adjourned.

## LEPROSY BILL
(Serial 439)

Bill presented and read a first time.

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

This bill is a simple one. It proposes to remove a barrier to public access to the East Arm slipway. Previously, the access road was included in the East Arm Leprosarium. The area of the leprosarium has now been reduced. However, the only access road to the slipway passes within 400 yards of the leprosarium. The current Leprosy Act commenced on 25 July 1955 and it provides for the exclusion of all persons from the leprosarium, except leprosy patients and certain medical personnel and those specially authorised by the Chief Medical Officer. The act also prohibits unauthorised persons from being or remaining within 400 yards of the boundaries of the leprosarium. Medical reasons for the 400 yards prohibited area are no longer valid as the disease is transmitted by close contact. Ineffectivity is reduced almost immediately by modern chemotherapy and the reserve itself provides an adequate bumper zone between the hospital and the general public. However, the reserve itself will remain closed to unauthorised persons. This bill, by removing the bar to a person being within 400 yards of a leprosarium, will enable the public to have access to the East Arm Road and the waterways beyond. It is a bill which I am sure will meet the approval of all members of this Assembly and I commend it to all honourable members.

Debate adjourned.

## PRISONS (CORRECTIONAL SERVICES) BILL
(Serial 365)

Continued from 30 April 1980.

In committee:

Clause 97:

Mr DONDAS: I invite defeat of clause 97.

We intend replacing clause 97 with a new clause.

Clause 97 negatived.

New clauses 97 and 97A:

Mr DONDAS: I move amendment 178.65.

These clauses make provision for the director to require prisoners to pay compensation for particular reasons. The honourable Leader of the Opposition felt that this provision is covered by clause 36 and wondered why clause 97 was

needed. Our plan was to amalgamate clauses 36 and 97. All the suggested amendments have been incorporated in fact in the amendment to clause 36.

New clauses inserted.

Claused 98 and 99 agreed to.

Clause 100:

Mr DONDAS: I move amendment 178.66.

Amendment agreed to.

Clause 100, as amended, agreed to.

Clauses 101 and 102 agreed to.

Schedule negatived.

New schedule agreed to.

Postponed clause 19:

Mr DONDAS: I move amendment 185.1.

This inserts at the beginning of clause 19 the following subclause: 'The officer in charge of a prison shall ascertain whether a prisoner requires transport on his discharge from prison'.

Mr ISAACS: I move an amendment to the proposed amendment.

This deletes the words 'officer in charge' of a prison and inserts the word 'director'.

Amendment to proposed amendment agreed to.

Amendment, as amended, agreed to.

Clause 19, as amended, agreed to.

Postponed clause 28 negatived.

New clause 28:

Mr DONDAS: I move an amendment to amendment 178.16.

In the new clause to be inserted, the word 'specify' will be substituted by the words 'assign to him'.

Mrs LAWRIE: With respect, the amendment to the amendment does not alter the sense at all. The orginal clause 28 is the more sensible of the 2 proposals. That clause was beautifully clear. The doctor had to attend and examine the prisoners but it gave no other directions which would be contrary to medical ethics. Certainly, he can be required to examine but the treatment must be left up to the doctor. I understand the problems facing the honourable minister but I do not think that this proposed amendment has overcome them and that the original clause was quite okay as it stood. The honourable minister, in judging the strength of my case, might address himself to what it is he is asking the medical

officer to do. It appears we would all agree that we want the medical officer to attend the prison when asked to do so by the director and that is a most reasonable requirement. I am sure all members would vote for that. What we are unhappy about is putting in a proposal that the director may tell a doctor what medical duties he shall perform. The way the amendment is drafted, that is precisely what it allows to happen.

Mr COLLINS: Could the minister explain to the committee what is wrong with clause 28 as it stands in the bill?

Mr DONDAS: I will answer the honourable member for Arnhem first. The clause and the amendment are drafted slightly different to the recommendation of the Health Department. The amendment to the amendment is exactly what the Health Department has asked us to insert in the bill. That is the reason why we have removed the word 'specify'. In the original instruction from the Health Department, the word 'specify' was not in the clause but 'assigned to him' was.

Mr Collins: I am not talking about the amendment. I am talking about the clause as it stands.

Mr DONDAS: In other words, it was not in line with the Health Department's instructions. The amendment to the amendment would give their particular medical officer the leeway that he would need. In fact, it is a 2-way traffic because the director can instruct the medical officer that a prisoner is ill. The doctor is not to know which particular prisoner is ill. The medical officer must be able to direct the director on what he would like to do with that particular prisoner.

Mr ISAACS: The problem is that the new clause 28, as amended, will be too specific. The member for Nighcliff wants the medical officer to be able to carry out medical duties as he sees fit. What worries her, and what worries me as well, is that by clause 28 the director may assign duties to the medical officer which may go a bit beyond just pointing to a prisoner and saying, 'Examine that person'. The director might say, 'I want you to treat this patient in such and such a way'. I am sure everyone in this Chamber would say that that is just not on. That is the precise situation which the member for Nightcliff wishes to overcome.

If you read the old clause 28, all that is being requested is that the visiting medical officer shall visit the prison and examine prisoners. Nobody will argue about that. The director can say to the visiting medical officer, 'Examine prisoner X'. The new clause suggested by the minister goes further than that. The director can say, 'Examine prisoner X'. But he can also say, 'I want you to give prisoner X such and such a treatment'. That should not be the case.

Mr DONDAS: It was felt that the original clause 28 would enable the director to specify matters which were properly the concern of the medical profession. The Health Department said that it would like to see the wording as given in the proposed new clause. I agree with the Leader of the Opposition that the director is not a medical person and he has no expertise in directing the medical officer how to perform his duty. Nevertheless, the director is on the spot. He is only directing the medical officer to look at a particular prisoner. I am quite happy to accept the recommendations of the Health Department as to how this clause should be worded.

Mrs LAWRIE: Mr Chairman, might I suggest that further consideration of this clause be postponed. The minister could refer our remarks to the Director of Health and his advisers during the lunchbreak. We all agree on the intention that

it is the right of the director or his delegate to require a medical officer to attend at any time to examine such prisoners as the director or his delegate feels need to be examined. With respect, that is precisely what the old clause 28 said. It said nothing else; medical treatment of the prisoners is covered in a different clause. Clause 28 was giving the director the right to require the attendance of a medically qualified person when he felt it was necessary. What the new amendment does is to say that a visiting medical officer shall perform such medical duties as the director may assign to him. It is not simply requiring his attendance and the examination of the sickness; it is saying that he should perform such medical duties as the Director of Correctional Services or his delegate may assign him. That is not what the honourable minister has put forward to the House as being his intention.

Further consideration of proposed new clause 28 and amendment postponed.

Postponed new clause 42:

Mr DONDAS: I move amendment 178.9.

Yesterday, there was some discussion in relation to the Ombudsman and it was felt by the committee that the Ombudsman or his staff should be authorised persons to conduct an inquiry.

Mr DONDAS: I move the amendment to the amendment 185.2.

Amendment to the proposed amendment agreed to.

New clause 42, as amended, agreed to.

Postponed clause 44:

Mr DONDAS: The honourable member for Nighcliff proposes that 'prior written approval' be deleted from the clause. After consideration of her remarks, I will agree to the deletion of the word 'written'.

Mrs LAWRIE: I seek clarification from the honourable the minister. Is he saying that he will only agree to the deletion of the word 'written'. Does he want 'prior' to remain? In that case, I move that we omit from clause 44 the word 'written'.

Amendment, as amended, agreed to.

Clause 44, as amended, agreed to.

Postponed clause 51:

Mr DONDAS: I move amendment 178.38.

Amendment agreed to.

Mr DONDAS: I move amendment 185.3.

The honourable member for Arnhem asked if Aboriginal languages are to be considered as foreign languages. To ensure that there is no particular problem regarding that clause, the amendment omits in paragraph (f) 'foreign language' and substitutes 'or a language other than English'. This should satisfy his requirement.

Mr ISAACS: All we are doing is ensuring that letters written in a language other than English will be returned to a prisoner, retained by the director or destroyed by the director. I would have thought the purpose of 51(1)(f) is that, if a letter is written in a code which cannot be unscrambled and may contain information which could affect the security of the prison, the prison officers ought to be able to take certain action. If the letter is written in a language other than English and can be translated, it ought not to go through that procedure. I suggest that the best way to handle clause 51(1) is to delete the reference to 'foreign language' or substitute something like 'in a language that is unable to be translated'.

The member for Arnhem was seeking precisely the opposite of what is going to happen. What the member for Arnhem wants is that letters written in an Aboriginal language can be checked and approved. What will happen now is that the letter will go back into the pidgeon hole. If it contravenes anything in paragraphs (a) to (e), it can be dealt with appropriately. Just because it is a language other than English ought not enable it to be submitted to that procedure.

Mrs LAWRIE: I do not believe that the amendment which is being proposed from the floor meets the requirements of the minister or the Leader of the Opposition or the member for Arnhem. My understanding was that they wanted this clause to end up in such a manner that, when a letter was to be sent either in or out of the prison written in a language other than English, the director would have a variety of options open to him. It could be censored, forwarded, returned to the prisoner, retained, or, in some cases, destroyed by the director. The point was made that, if the director could not read the language other than English, he could not make an assessment as to what should happen to it. It was my understanding that the committee agreed it would be desirable for the director to have the ability to have it translated first and then all those other things could follow. I would suggest to the honourable minister that the way to incorporate that excellent thought would be an amendment to paragraph (g) to insert before 'censored' the words 'translated and censored'. The amendment would not need further amendment to allow that to happen.

Mr ISAACS: I think the honourable member for Nighcliff's concern can be overcome. Clause 51(1) reads, as amended by 178.38: 'A letter or parcel intercepted, opened or inspected under section 49 by the officer in charge of the prison may, if in the opinion of that officer, if the letter is written in a code...'. The only reason that the letter in a foreign language ought not to be transmitted as requested is if the letter contains any of the information contravening paragraphs (a) to (e). That is the position. It would be my view that the officer who is taking the action if the letter is written in a foreign language would form an opinion by getting it translated. I would imagine that he would have that power. Having had it translated, he would form an opinion of whether or not it contravened paragraphs (a) to (e). I think the problem of the member for Nightcliff is overcome. I do not think you need to have a specific reference to translation.

Mr DONDAS (by leave): I withdraw the amendment 185.3 as circulated and move an amendment to omit from paragraph (f) the words 'foreign language'.

Amendment agreed to.

Mr DONDAS: I move amendment 185.4.

Yesterday we deleted paragraph (k) from clause 51(1). Unfortunately, if we do not re-insert it, we may cause all kinds of problems in relation to explosives and decayed food.

Amendment agreed to.

Clause 51, as amended, agreed to.

Postponed new clause 94:

Mrs LAWRIE (by leave): In view of the honourable minister's amendment, I withdraw amendment 173.9.

Mr DONDAS: I move amendment 185.5.

In debate yesterday, we finally came to a decision that it would be best to combine the honourable member for Nightcliff's amendment with my amendment.

New clause 94 inserted.

Postponed clause 96:

Mrs O'NEIL (by leave): I withdraw amendment 174.21.

Mrs LAWRIE: I move amendment 173.10.

Subclause 1(c) says that a person shall not loiter in the vicinity of any prison or any police prison. I seek its deletion because the Oxford Dictionary defines loitering as 'hanging around'. If one is hanging around in the vicinity of another place, I believe that it is not necessary to make it an offence. The minister stated in his second-reading reply that this clause is necessary to preserve the security of the prison and to stop people throwing objects over the walls or attempting to enter the prison. Both of those things constitute an offence in themselves. It is not necessary to have the simple so-called offence of loitering there to safeguard from those things. I find it objectionable that a person can be moved from a public place simply because someone does not want him there. 'Loitering' does not imply with intent or anything. It just says it shall be an offence to stand around in the vicinity of any prison or police prison. Why should that be an offence?

Mr DONDAS: I oppose the amendment. The director has a job to do and his job involves security. There is no reason why people should loiter around a prison. It is all very well for Berrimah Gaol which has high walls and plenty of security but when we start talking about prison farms, I would not say that the security at Gunn Point Prison Farm was the world's best. It is for prisoners who have almost completed their sentence or who have not really committed a crime which warrants their being locked up in a maximum security detention centre. We are also looking at a prison farm in the Alice Springs area. It is important that the government defeat this amendment.

Mr COLLINS: May I ask how 'the vicinity' is to be indicated to the members of the public. I remember the way in which it was done at Fannie Bay. There were signs on the exterior wall of the prison saying that people were not allowed to park cars there. I can remember loitering on many occasions in the vicinity of Fannie Bay waiting to see prisoners. Quite often, I was standing outside the front gate. How will 'the vicinity' be indicated to a member of the public so he is not unknowingly committing an offence against this legislation?

Mr DONDAS: A prison is on a prison reserve and normally signs are posted to indicate that. I will endeavour to ensure that people are warned that they are in the vicinity of a prison and shall not loiter.

Mrs LAWRIE: I draw the minister's attention to paragraph (d): 'A person shall not remain in the vicinity of a prison or police prison after being requested to leave by an officer or a member of the police force'. This seems to adequately cover that. They can be requested to move on if the officer deems it necessary. The honourable member for Arnhem's point is quite valid. Many of us, from time to time, loiter in the vicinity of various prisons for the best of purposes.

Amendment negatived.

Mr DONDAS: I move amendment 178.62.

This is designed to cover the situation where an officer may allow someone else to convey or deliver contraband to a prisoner.

Amendment agreed to.

Mr DONDAS: I move amendment 178.63.

This deletes subclause (k) as this has now been incorporated in the previous amendment in subclause (f). The adding of the word 'or' is merely a machinery matter.

Amendment agreed to.

Mr DONDAS: I move amendment 178.64.

An additional subclause (1A) is to be introduced imposing a 5-year penalty on a prisoner who escapes from lawful custody or aids another prisoner to escape from lawful custody. This is necessary as there appears to be no provision in the bill to penalise escapees.

Amendment agreed to.

Clause 96, as amended, agreed to.

Postponed new clause 28:

Mr DONDAS: During the luncheon adjournment, I circulated a letter which I received from Dr Gurd regarding the duties of a visiting officer. As you are aware, we have made an amendment to the amendment by deleting the word 'specify' from amendment 178.16 and substituting 'assigned to him'. I urge the committee to accept the amendment to the amendment.

Mr COLLINS: Although I am well aware that the honourable minister will cling to this amendment and to the explanation like a drowing man to a liferaft, I do not happen to agree with Dr Gurd. He says that he disagrees with the original clause 28 as it stands in the bill 'to avoid the inference that a prison medical officer could be directed by the Director of Correctional Services in the performance of patient care'. The clause, as it stands in the bill, says: 'The director may require a visitng medical officer to visit a prison and examine prisoners and the visiting medical officer shall comply with that requirement'. The requirement, of course, refers to the medical officer visiting the prison and examining the prisoners. It in no way indicates that the director will have any control at all over the way in which he does it, what kind of examinations will be carried out or anything of the sort. Clause 28 says simply that the director requires that the doctor visit a prison and examine the prisoners. It does not involve anything whatever to do with the performance of patient care.

Now the amendment to the amendment as proposed by the minister takes out the word 'specify' and substitutes the word 'assign'. The word 'specify' is removed and the word 'assign' is substituted. When you refer again to that wonderful work of reference, the Oxford English Dictionary, under 'assign' you find that 'assign' means 'to specify'. You are going to take 'specify' out and replace it with 'assign' which means 'specify'. Could the honourable Minister for Community Development please explain to me what possible difference that is going to make to the meaning of the clause. The Oxford English Dictionary disagrees with him. I must say again, in referring to the original clause 28, I do not think that that clause indicates that it involves any direction over the care of the patient at all. The requirement is simply on the medical officer to visit the prison and to attend the prison when required to do so. What he does after that is his business.

Mr DONDAS: The honourable member for Nightcliff said 'may' but 'he might not'.

Mr Collins: If there is somebody sick?

Mr DONDAS: That could certainly be an inference of the word 'may'. The new clause as amended specifically states: 'A visiting medical officer shall perform, in and in relation to the prison or police prison for which he is appointed, such medical duties as the director may specify'.

Mr Collins: May specify or may not specify!

Mr DONDAS: As for the terminology of 'assign' in the Oxford Dictionary, I take the point. Nevertheless, the amendment states: 'Assign to him'.

Mr Collins: 'Assign' means 'specify'.

Mr DONDAS: You are going to have to make a director specify to whom.

Mrs LAWRIE: This is the most difficult debate. Everybody agrees on what the director ought to be able to do and ought not to be able to do but we are having the greatest difficulty apparently in explaining the effect of the English used in the amendment. Everyone has agreed that the director should have the right to require the attendance of a medical practitioner at a prison or police prison when he feels it is necessary, as was required under the old clause 28, and that a medical person so directed shall attend and examine the prisoners. No one quarrels with that. But we do find difficulty in accepting the clear statement in the new amendment that the visiting medical officer shall perform such medical duties as the director might assign to him - tell him, direct him, insist on. That is what it means. The old clause 28 was clear, unequivocal and has general acceptance. The amendment is not in line with the minister's clearly expressed policy which is against non-medical personnel directing medical personnel.

Mr DONDAS: I accept the advice of the Health Department. As a government, we have that responsibility. The Secretary of the Health Department studied the legislation and took into consideration the various clauses. Do we ask the authority in the area for advice and completely disregard it because of members opposite?

Mrs LAWRIE: I am delighted that the Secretary of Health has clearly indicated to the minister that he rejects any form of legislation which gives an inference that his doctors can be directed by somebody else in the performance of their medical duty. We all agree on that. Where the difference lies is that

we do not accept the Secretary of Health is an expert in the drafting of legislation nor in the interpretation of legislation. That is a legal matter not a medical one. Regarding the medical opinion of the Secretary of Health that it is undesirable and unacceptable to have lay people directing doctors, we are all in agreement. The difference is in the interpretation of the drafting of the particular amendment. I seriously ask the minister to have another look at the proposed amendment because it states that the doctor shall perform such medical duties as the director might tell him to do. We all agreed that is not what we want.

Mr ISAACS: In the letter to the minister, the Secretary of Health says that he wishes to avoid any inference with regard to individual patient management. I would not have thought that it would have been too difficult to insert that as a rider to clause 28.

Mr DONDAS: The director assigns the visiting medical officer to do the duties as he sees fit. It is up to the visiting medical officer to ensure that the safety, the care and the health of the patient is of paramount importance. The Leader of the Opposition is now saying maybe we should have a separate sub-clause to cover individual patient management. As the member for Nightcliff said, it may not be that different from the original. There is some terminology in there that has not really satisfied the Secretary of Health. It just becomes a matter of points. I am not here to win any battle and I think that we have had enough discussion and that the amendment to the amendment should be put.

Mr COLLINS: The Minister for Community Development has just contributed a statement to the honourable member for Nightcliff that she did not make. He said the honourable member for Nightcliff said that she could not really see that there was a lot of difference between the amendment to the amendment and the original clause 28 as it is in the bill. Of course, there is a distinct difference. She said that clearly as I did. Mr Chairman, I can understand the minister's desire to comply with the drafting that has been supplied to him by the Secretary of Health. I know full well the very high qualifications that the Secretary of Health has, but he certainly is not a draftsman. I am not claiming that I am any great shakes at it either.

I would ask the minister to look carefully at the clause that currently exists in the bill and at this proposed clause. Now the Secretary of Health does not want any inference in the act that the director has any power to control the medical responsibility of the doctor. In the original bill, the only supervision that the director is given is in requiring the medical officer to attend the prison. In the new clause, it says that the doctor can be required to perform such medical duties as the director may assign to him. That is more than an inference; that is a direct statement that the director of the prison can assign medical duties to the doctor. If that does not make the situation worse, then I give up. I would suggest that you do what the honourable Minister for Education suggested just a moment ago. Have the draftsman look at the proposal of the honourable Leader of the Opposition and put a rider on the clauses that you have got here simply specifying that the director cannot control the medical duties of the visiting doctor. What he does as far as the patient is concerned and the kind of care and medical duties he is giving to the patient is his responsibility not the director's.

Mr ISAACS: Mr Chairman, I move that we insert the word 'general' between 'such' and 'medical' in proposed new clause 28. The clause would read: 'A visiting medical officer shall perform, in and in relation to a prison or police prison for which he is appointed, such general medical duties as the director may specify'. That is precisely the wording that the Director of Health uses.

Mr TUXWORTH: I appreciate the point. I have just raised this matter with the draftsmen and they have suggested that clause 75 says that the director shall comply with the directions of a visiting medical officer in relation to the maintenance of the health of a prisoner. If we make clause 28 subject to clause 75, then that gets us out of this.

Mr DONDAS: I seek leave to withdraw my amendment to the amendment.

Leave granted.

Mr ISAACS: I seek leave to withdraw my amendment.

Leave granted.

Mr TUXWORTH: I move that the words 'subject to section 75' be inserted at the beginning of clause 28.

Mrs LAWRIE: I am not going to oppose this but I point out to the honourable members opposite who will have to stand or fall by this legislation that all we have really done is provide a most cumbersome cross-reference. Certainly, it is the lesser of the evils but clause 28 will say 'subject to section 75, a visiting medical officer shall perform' and section 75 will say 'the director shall comply with the directions of the visiting medical officer relating to the maintenance of the health of a prisoner'. The whole thing would have been far better left with clause 28 as it was printed.

Amendment to the amendment agreed to.

New clause 28, as amended, agreed to.

Title agreed to.

In Assembly:

Bill reported.

Mr DONDAS: Mr Speaker, I move that the bill be recommitted to the committee of the whole for further consideration of clauses 15, 17, 27, 29, 43, 44, 48, 49, 51, 54, 59, 63, 64, 68, 69, 72, 73, 74, 76, 83, 89 and 102.

In committee:

Clauses 15, 17, 27, 29, 43, 44, 48, 49, 51, 54, 59, 63, 64, 68, 69, 72, 73, 74, 76, 83 and 89, as amended, agreed to.

Clause 102:

Mr DONDAS: I move amendment 178.67.

Amendment agreed to.

Mr DONDAS: I move amendment 186.1.

This gives an undertaking to ensure that the regulations cover hearing procedures for appeals on prison offences and ensures that penalties are not imposed while the appeal period has expired. This amendment is necessary to ensure that regulations do in fact have the powers to cover these things.

Mrs LAWRIE: The explanation given to the minister for acceptance of this amendment bears little relation to what the amendment in fact does. He stated that it was in line with the commitment given previously in committee that, when appeals are indicated to a decision of the director, no punishment shall commence until such time as the specified time for the allowing of the appeal, which is 14 days, had expired. The minister, stated that this amendment ensured that. I am respectfully suggesting to the members of the committee that the amendment does no such thing. The amendment is entirely superfluous. The regulations already may make provision for these nice matters and that proposed subclause (2) simply says that they 'may make provision for or with respect to the conduct of appeals under part VIII and the imposition of the penalties specified in that part'. They may not. The power to make such a regulation is already there in the general regulation-making power. There is no guarantee at all that the regulations shall provide that no penalty imposed under that section of the act shall commence until such time as the appeal time has expired. The minister's statement to the House was entirely misleading.

Mr DONDAS: I move an amendment to the amendment to delete the word 'imposition' and substitute the word 'enforcement' and also remove the word 'specified' and substitute the words 'imposed under'.

Mrs LAWRIE: With the best will in the world, I am further confused. With this amendment, the original amendment will now read: 'Without limiting the generality of subsection (1), the regulations may make provision for or with respect to the conduct of appeals under part VIII and the enforcement of penalties imposed under that part'. Of course, they may and they may not. That has not altered the position materially at all. I understand that the minister wished to accede to the feeling of the committee that the regulations shall provide that the commencement of penalties will be delayed until after the appeal period has lapsed. With the greatest respect, this second amendment does not do that at all. If it is the wish of the minister to accede to the wish of the committee, then he should reconsider his amendment. All the amendment says is that they may make provision for or with respect to the conduct of appeals. Of course, they may. The conduct of appeals has to be covered under regulations anyway. It is covered in the general regulation-making power. Certainly, it has drawn the attention to those making the regulations to some desire on the part of this committee of this Assembly for such regulations to be made but it does not ensure they shall be made in the way in which I believe it is the minister's wish.

Mr DONDAS: I have just received advice that the draftsman disagrees with the member for Nightcliff. At the moment, clause 102 reads: 'The Administrator may make regulations not inconsistent with this act, prescribing all matters required or permitted by this act to be prescribed or necessary or convenient to be prescribed for giving effect to the act'. The amendment is in addition to that. The amendment is designed to cover the hearing procedures about which the honourable member expressed doubt in the early stages. She expressed the desire that a person should not be penalised while he was waiting for his particular appeal to be heard.

Amendment to the amendment agreed to.

Clause 102, as amended, agreed to.

Bill reported; report adopted.

Bill read a third time.

# ABORIGINAL LAND BILL
(Serial 437)

Continued from 23 April 1980.

Mr SPEAKER: Honourable members I am satisfied that the delay of 1 month by Standing Order 153 could result in hardship being caused. Therefore, on the application of the Chief Minister, I declare the bill to be an urgent bill.

Mr ISAACS (Opposition Leader): Mr Speaker, the Legislative Assembly is debating this matter because of the failure of the Northern Territory government to register land titles which were due to the Aboriginal Land Trust as a result of the Aboriginal Land Rights (Northern Territory) Act. The Chief Minister must be the most disarming exponent of the English language that exists in the Northern Territory. He said in his second-reading speech: 'I can assure honourable members that this government has had no quarrel with the land councils in this matter'. I presume we are talking about the same thing.

I was present at a ceremony at Yirrkala on the Gove Peninsula in December 1978. It was a very impressive ceremony. The then Minister for Aboriginal Affairs, Mr Viner, and the current Minister for Home Affairs - I believe he was the Attorney-General at the time - were present. The ceremony was to mark the handing over of the various land titles to traditional owners in the top part of the Northern Territory. Present were the various traditional owners from the Daly River area, Port Keats and Arnhem land. They received their pieces of paper with the land titles given to them by way of the Aboriginal Land Rights (Northern Territory) Act. They believed those titles were proper and that they would give them security to their land. It was the culmination of years of struggle by Aboriginal people. That was in December 1978 and I can assure the Chief Minister that the various traditional owners, indeed the Aboriginal people themselves, are most distraught that those land titles have not been registered.

The Chief Minister said that he does not have a quarrel with the land councils. I will come to that but let us have a look at what the quarrel is about. This House has already addressed itself to that question in a debate around April-May last year. We discussed the question of whether or not there should be some new system devised for the passage by the public over Aboriginal land. It is all to do with this particular issue. It came down to whether or not the advice being received by the Northern Territory government was correct; that is, the land titles could not be registered. I do not argue for a moment that the Chief Minister's advice is that they cannot be registered. He has said that often enough. I simply say to him that is not the advice which the Labor Party, the opposition in this partliament, has received and it is not the advice which the federal government through its Solicitor-General has received. Nonetheless, the Northern Territory government say: 'We do not believe it is legal to register land titles so we are not going to'. One could say that there is not a disagreement. Maybe it is just a legal entanglement which the Northern Territory government wishes to extricate itself from in the most practicable way. It is over 18 months since the land titles were handed over and they still have not been registered.

The Chief Minister said that he has no quarrel with the land councils and I suppose he said that for a purpose. He wants to be able to show that across Arnhem Land and across other Aboriginal communities to show that he really has no quarrels. Well, let me read from a press statement put out by the chairmen of the 3 land councils on 7 February 1980. I will read it all out so that one cannot be accused of selectively producing extracts from a press statement. It is signed by the chairmen of the Northern Land Council, the Central Land Council and the Tiwi Land Council:

*A joint meeting of the chairmen and representatives of the 3 land councils today expressed their concern that Mr Everingham has not accurately stated the position of the land councils on the issue of the registration of titles to Aboriginal land. Both the Northern Land Council and the Central Land Council consider that the proposals are unacceptable in their present form. The Tiwi Land Council's position is that, whilst it is open to a solution of the problem based on the proposed formulae, it wishes to seek the precise terms of the proposed legislation before giving it positive support. In the meantime, the land council chairmen have called upon Senator Chaney, the Minister for Aboriginal Affairs, not to amend the Aboriginal Land Rights Act without the consent of each of the land councils. They have stated that the continuing source of difficulty to the land councils in resolving the dispute has been the failure of the Northern Territory government, over a period of 12 months, to specify the roads which it contends are roads over which the public has a right of way.*

For the benefit of honourable members, I will read that last sentence again: 'They' - the chairmen of the land councils and their representatives - 'have stated that the continuing source of difficulty to the land councils in resolving the dispute has been the failure of the Northern Territory government, over a period of 12 months, to specify the roads which it contends are roads over which the public has a right of way'. It seems to me that there sure is an argument between the land councils and the government. Its failure to recognise it may well be a pointer as to why it has taken so long for the matter to be resolved.

We know the issue. It is the registration of land titles and the argument which the Northern Territory government has over the legality of that registration. We are debating a piece of legislation here which is complementary to federal legislation. We have already had the benefit of various members' wisdom as to whether or not we ought to be doing that. It seems to chop and change depending on the legislation. In some instances, it is perfectly okay to do it. In others it is not okay. The Minister for Education gave us a full account of why it was totally beyond the pale to discuss the Teaching Service Bill when the federal legislation was not yet in effect.

Mr Robertson: That is untrue.

Mr ISAACS: Well you can say exactly what you did say but I think that is a reasonable paraphrasing of the position. The situation is that the federal parliament is currently considering amending the Aboriginal Land Rights (Northern Territory) Act as part of the so-called agreement which it says has been reached between the federal government, the Northern Territory government and the various land councils. Last week, the federal minister, Senator Chaney, introduced the piece of legislation into the Senate. It was passed and it then went to the House of Representatives. Our understanding is that it has been passed there but with amendment. It has had to go back to the Senate for re-consideration. At this stage, I have not been able to ascertain just what section of the federal act has been amended. Nonetheless, that is where it is hanging. Therefore, we are discussing a bill, complementary to federal legislation, the exact terms of which we do not know. The Chief Minister certainly did not table the federal legislation in this parliament. It may well be that we are going to be passing legislation which will turn out to be inconsistent with legislation currently before the federal parliament. In that sense, it seems to be a reasonably futile exercise for us to be going through.

The whole matter could be very simply resolved by the registration of those titles. I repeat that our legal advice is that the titles can be registered and should be registered. The advice of the federal government is precisely the same.

The Northern Territory government's legal advice is that they cannot be registered. It seems to us that there is a very simple way out and ought to be taken. The titles ought to be registered.

There is a further complication because this particular piece of legislation will have a number of very serious implications. We have passed the Aboriginal Land Rights Act which this piece of legislation seeks to amend. We have passed legislation which makes it an offence to be on Aboriginal land. I am quite sure that everybody supports that proposition. It ought to be an offence to be on Aboriginal land without specific permission under the piece of legislation. This particular amendment will allow people to be on Aboriginal land and not be subject to prosecution. A person can be travelling on the Arnhem Highway, somewhere in the vicinity of Oenpelli, on Aboriginal land. He could be stopped and asked if he has a permit. The person can say: 'No, I haven't got a permit. I believe this to be a public road'. He can then be prosecuted. What will happen under this amendment is that a declaration can be sought from the Supreme Court that the road on which that person was travelling is a public road. The court could determine that it is a public road because, under this particular piece of legislation, it is a public road as at the date of registration of the title or the commencement of the Land Rights Act. Traditional owners believe that the titles that they have signify Aboriginal land. They believe that anybody who wishes to enter Aboriginal land must get a permit. This legislation will ensure that people can enter Aboriginal land and, if the courts show that it was a public road, then that is validated back to the date of commencement of the act; that is, 26 January 1977.

There seems to be a total inconsistency with what everybody should understand as being land rights: the ability of traditional owners to say no to entry. I ask the Chief Minister whether or not that is the position which he seeks. Does he accept the situation that a person can have validated his entry onto Aboriginal land even though he had no permit and an agreement had not been reached that the road which he traversed was a public road? Is he saying that the courts can validate that back to the date of registration? It seems to me to be a most important point.

The position ought to be that, if a road is determined to be a public road - by legal decision, by court or by agreement - then that decision ought to take effect from the date of that decision. I would be interested to hear the Chief Minister's response to that. I believe that the titles can and ought to be registered so that we do not have this argument.

The statement put out by the various land councils on 7 February accords with the views put to me by various Aboriginal people around the Northern Territory. They are most concerned about the non-registration of land titles and they see their argument very definitely lying with the Northern Territory government. Make no mistake about that. It may well be part of the problem. The Chief Minister can say in this Assembly that he has no argument with the land councils. They most certainly see themselves as having an argument with him.

We are debating a piece of legislation which is dependent upon a complementary legislation in the federal parliament. At the time that the legislation was introduced into this parliament, the federal bill was introduced into the Senate. It has since been amended. We do not know in which way; we do not know to what effect. Yet we are proceeding with the debate on this particular piece of legislation. I think that is wrong. Let me say once again for the benefit of the Chief Minister, honourable members and Aboriginal communities: it is my belief based on legal advice and it is the federal government's belief based on legal advice that the titles can and ought to be registered. Let us not hear from the government that, by delaying the passage of this bill, we are delaying

the registration of titles. The fact is that the titles can and should be registered.

I also ask the Chief Minister to answer the proposition which relates to the entry on Aboriginal land and the validating of that entry by a subsequent court decision. If that is not the position, and I hope it is not, then I believe that the definition of 'road' in the bill before us will most certainly have to be changed. It is a most sad thing that we are even debating this particular piece of legislation. There should not be an argument; there is. The Chief Minister ought to recognise that there is. He ought to look at the legal advice which is about. It has been there for some 18 months. Aboriginal people in the Northern Territory are most distressed that land titles which have been granted to them have not been registered. I do not believe that the passage of this bill is necessary for the registration of those land titles.

Mr COLLINS (Arnhem): Mr Speaker, I must say I am surprised at the Chief Minister's action in leaping to his feet just a minute ago. He consulted me on 2 occasions earlier today on my intention to speak in this debate. I can imagine it would not have come as any great surprise to him considering the electorate I represent. I should not be surprised by the actions of the Chief Minister over the last 3 years.

Mr SPEAKER: The honourable member should talk to the bill.

Mr COLLINS: This bill sums up the way in which this government has dealt with Aboriginal people over the last 3 years. It has been a history of dishonesty, duplicity and straight out misrepresentation. That track record of the government, which is a disgraceful one, has been continued here in this House today.

The Chief Minister made a statement in this House during this sittings regarding the government's 5-year plan for upgrading and improving environmental conditions in Aboriginal communities. As part of the statement, he said: 'In addition, I believe that the consolidation of land rights, the recognition of title to land, control of their own land and the rights and ability to determine their own futures as well as the right to recognition as a distinct ethnic group have been uppermost in the minds of the Northern Territory Aboriginals generally to the extent that any consideration we may have given to the improvement of environmental conditions have been peripheral during this time'. Let me assure the Chief Minister that the statement is absolutely accurate and is still very much the case. Aboriginal people care more now than they ever did about the security of their land rights and the security of their identity as Aboriginal people; far more than they care about any program of bricks and mortar proposed by the government.

I think it is disgraceful that we are even considering this bill not just on the part of the Northern Territory government but on the part of the federal government also. When it was proposed to amend the Land Rights Act in this respect - and I want this placed on the record - in the Northern Territory, several communities reacted quite violently to the proposal. Telegrams of appeal were sent to the federal Minister for Aboriginal Affairs protesting at this decision. The Aboriginal people saw it as the thin end of the wedge in what they fear is going to be a gradual deterioration and legislative hacking away of their Land Rights Act. As a result of those telegrams and protests, the minister sent a very senior officer indeed to the Northern Territory just a short time ago to allay the fears once again of Aboriginal people with regard to the legislators that are controlling their lives in this country. That senior gentleman had meetings with the communities which were protesting and allayed their fears and made soothing noises before he went back to Canberra. One of the things that he



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promised that he would do - and I have a tape recording of one of those meetings - was that, before any action was taken, before any legislation proceeded in either this House or the federal House, he would refer back to the communities and advise them of the terms of the amendments and, in fact, supply them with copies of the proposed amendments to the act so that they could consider them and respond to them. It is not any surprise to me at all but a matter of great dismay to the communities that they have not seen or heard of that gentleman since.

When I was put in a most unfortunate and difficult position of having to advise communities in my electorate, which are vitally concerned with this legislation, that it was going through the House now under suspension of Standing Orders, they were dismayed. There was little point in their telling me that they had been promised that they would be consulted. There was no point in their telling me that they had been promised that they would be given copies of the legislation before it was proceeded with because I knew they were promised those things and those promises have been broken. Those promises by politicians to Aboriginals are consistently, regularly and routinely broken. Despite all the assurances that Aboriginals are getting a new deal in this country today, they are getting the same old deal they have been getting for the last 200 years.

This bill refers to federal legislation which, at the moment, does not exist. It talks about section 12AA(1) of the federal Land Rights Act and there is no section 12AA(1) of the federal Land Rights Act; it is part of the amending bill. I will tell you what the current position of that bill is. It has gone through the House of Representatives and has been amended. I got this information less than an hour ago. I could not get information on the amendments so I do not have the slightest idea whether or not this bill is even consistent with those amendments. I have a copy of the federal amendment bill but it has already been amended in the House of Representatives. As a result of the amendments, it has now gone back to the Senate. We are putting through a bill under a suspension of Standing Orders in this House which is referring ...

Mr EVERINGHAM: A point of order, Mr Speaker! The honourable member for Arnhem, amongst other misrepresentations, has indicated that this legislation is going through under suspension of Standing Orders.

Mr SPEAKER: There is no point of order.

Mr COLLINS: Mr Speaker, I apologise for making that statement in the heat of the moment. I am aware that this is going through as a matter of urgency. Where the hardship will be caused is not because of the delay of this legislation but rather the hardship will start once this legislation has passed through the Legislative Assembly. I say again that this government and certainly officers of the federal government have been guilty of the same kind of misrepresentation and duplicity to Aboriginal people as they have for the last 200 years.

To get back to the original point, we are considering legislation in this House which is based on and refers to federal legislation which has not yet passed through the federal parliament and in fact, in the last 24 hours, has been amended in places. I do not know where it has been amended or what the amendments involve. It has now been referred back to the Senate. Whether this bill goes through the Legislative Assembly under a suspension of Standing Orders or as an urgent bill makes no difference at all to the Aboriginal people who are affected by it. It does not give them any more time to consult on it and consider it than a suspension of Standing Orders would have given them.

It is not only the Chief Minister who has misrepresented the Aboriginal position in this matter, the federal minister has done so also. If I could quote from the second-reading speech of the federal Minister for Aboriginal Affairs

when he introduced the amending legislation in Canberra: 'The amendments proposed by this bill seek to give effect to an agreed solution formulated by the Aboriginal land councils the Northern Territory government and the Commonwealth'. That statement is patently false as is the statement by the Chief Minister in his second-reading speech that he had no quarrel with the land councils. For the advice of the Chief Minister, I will say that I have consulted the land councils in the last 24 hours to determine from them whether their position, as at 7 February this year, has changed. They assured me that not only has it not changed but they have made representations, in the strongest possible terms, in the last week to the federal minister making it clear again that they are totally and utterly opposed to the passage of this legislation. If the Chief Minister says that he has no quarrel with the land councils, they certainly have a quarrel with him. The federal minister also has misrepresented their position and that needs to be made clear.

The press statement says and I make no apologies whatever for reading it again:

> *The joint meeting of the chairman and representatives of the 3 land councils today expressed their concern that Mr Everingham has not accurately stated the position of the land councils in the issue of the registration of titles of Aboriginal land. Both the Northern Land Council and the Central Land council considered that the proposals are unacceptable in their present form. The Tiwi Land Council's position is that, whilst it is open to a solution of the problem based on a proposed formula, it wishes to see the precise terms of the proposed legislation before giving it positive support. In the meantime, the land council chairmen have called upon Senator Chaney, the Minister for Aboriginal Affairs, not to amend the Aboriginal Land Rights Act without the consent of each of the land councils. They have stated that the continuing cause of difficulty to the land councils in resolving the dispute has been the failure of the Northern Territory government, over a period of 12 months, to specify the roads which it contends are roads over which the public has a right of way.*

If I could just refer to the last paragraph, the basic difference of opinion is that the Northern Territory government wants to amend the legislation without specifying the roads or indicating to the councils in any way what the roads it wants to declare as public roads are whereas the land councils have very reasonably said that they would like the Northern Territory government to indicate to them existing roads which they wish to declare as public roads.

They have good reasons for asking this. Two years ago, the government held a conference in Darwin for Aboriginal communities and I was present at the conference. The conference was addressed by the Northern Territory Solicitor-General, Mr Ian Barker. I was in the room when representatives of the Ramangining community - honourable members may recall a stand that was taken only a short time ago by the Aboriginal people who live at the Goyder River in respect of blocking the road and not issuing permits - asked Mr Barker a question. They said, 'Is it the Northern Territory government's intention to want, as a public road, the road which runs across Arnhem Land from Oenpelli to Gove and the road that goes to Murgenella and the road that goes to Mainoru?'. He gave a very unambiguous answer. He said, 'Yes, it is'. Thus, the Aboriginal people were told 2 years ago that it is the government's intention to want to declare it a public road with a final appeal to the Administrator for passage across that road. This is a road which cuts straight across the middle of my electorate and goes through 100 outstations on its way from Oenpelli to Gove. Access to Aboriginal land is the entire basis upon which real land rights is based. If Aboriginal people do not have the final right to say, 'No, we do not want you here', then

they have not got land rights. This bill is merely the start of what will be a long and tortuous program of removing land rights from Aboriginals.

Mr Deputy Speaker, I know the feelings of those communities. I have visited every one of them on numerous occasions over the last 3 years. I am not in the habit of making statements like this in the House very often but, if there is one issue that Aboriginal people are going to go to the barricades on, it is this one. The people at Ramangining told me that just yesterday. The old man who lives at the Goyder River and the man at Mormega and his family and the people that live at Oenpelli will not lie down and take this one. I was told by the owner of the Mormega country that he intends to construct a barricade of 44-gallon drums across the road and he will sit on it with his family. He will stop anybody from coming in there whom he does not think should come in there. If the police have to lock him up, then that is fine by him. It will take that sort of action by the Northern Territory government to eventually enforce this particular piece of legislation.

It is going to be a charming little round of talks between the Northern Land Council, the Central Land Council and the Northern Territory government as to which roads will be public roads. I do not see the Northern Land Council agreeing very much at all with the desires of the Northern Territory government in this respect. In fact, I was told yesterday that, as far as Aboriginal people are concerned, from the performance of this government, they will consider that every bent blade of grass that has had a car tyre across it will be required by the Northern Territory government as a public road. Certainly, on the quite public statement of the Solicitor-General 2 years ago, they now know that the Northern Territory government wants to declare as a public road a road which cuts completely across Arnhem Land. As the Aboriginal leader from Ramangining said to me yesterday, 'Where are we going to run to hide next? We have been chased away from here, there and everywhere and now the Administrator, that white man in Darwin, he is going to be able to overrule us and tell us who can come into our country'.

Honourable members who were in this House during the last session of the Assembly will recall the dismay and the opposition of Aboriginal people to the proposal by the former Letts government that the Administrator in Darwin was to have the right of appeal. Of course, it was removed at that time from the complementary legislation, giving the Lands Council and traditional owners that right; but now we have this government re-introducing it. We are back to the Administrator as the final court of appeal again only 3 years after the event. We have, of course, Mr Rowland travelling around the country compiling a report for the Minister for Aboriginal Affairs in Canberra on possible changes to the Land Rights Act. He must be somewhat dismayed that the work he is doing is being completely pre-empted by the actions of both the government in the Northern Territory and the government in Canberra.

I say again that the heart of land rights as a reality is access to Aboriginal land. If that is going to be removed from Aboriginal people, as this legislation removes it, they have lost land rights as a reality. If a road goes across Aboriginal land - and I am not talking about public servants or mining surveyors or people working for the government; I am talking about anybody - and the final court of appeal is the Administrator in Darwin, who can arbitrarily overrule the decisions of Aborigine landowners, then they have lost land rights. This bill will see to that. In the Westminster system, we know on what advice the Administrator acts; he acts on the advice of the government.

What we are doing is giving the government the right to overrule, at any time it may desire, the wishes of Aboriginal landowners. I believe that this bill is only the beginning of what will be a succession of legislation over the

years gradually eroding the Land Rights Act. What we are currently seeing is the government in Canberra and the government here in the Northern Territory doing a Medibank on the Land Rights Act. They know that an outright rejection of the principle of land rights would result in such a massive reaction, not just from Aboriginal people but from the Australian Council of Churches, from the Catholic Commission for Justice and Peace, from citizens all over Australia, that they would not get away with it that way. There is a conspiracy of lawyers working against the rights of Aboriginal people now and eventually, if they are not stopped, they will succeed. This piece of legislation is merely the beginning of a long trail of amending bills to gradually erode the reality of land rights for Aboriginal people.

Last month , a document was circulated around Aboriginal communities. It is a draft submission from the Northern Territory government to Mr Rowland indicating to Aboriginal people at least the feelings of the Northern Territory government on the question of access to Aboriginal land. Reading this document would give Aboriginal people some fear for believing that this bill is merely the start. This document says that the Northern Territory government wants the act to be amended to provide for widening and realignment of public roads over Aboriginal land, extraction of road building material from Aboriginal land - all, of course, without the consent of the Aboriginal people concerned. It goes on to say, and this is a very interesting statement: 'Pending agreement between the Chief Minister and the land councils as to the status of roads, the Northern Territory will not discourage people from applying for permits under the Aboriginal Land Act in order to travel on roads. It seems that people apply for such permits now thinking they are necessary'. That is cute; of course they are necessary. 'For example, travel on the Gove/Mainoru road. However, the Northern Territory will not actively encourage the system of applying for permits nor will it prosecute a person for travelling on a given road without a permit under the Aboriginal Land Act'. What the government is saying is that, because a particular section of their own act happens to conflict with their particular political philosophy at the moment, they will not prosecute anybody under their own legislation.

In conclusion, this government and the government in Canberra and the minister have completely misrepresented the Aboriginal position on this matter. All 3 land councils are categorically and utterly opposed to this legislation going through the House. Aboriginal communities are dismayed that the promises that were given to them by the federal officers that they would see copies of this legislation before it went through the House were dishonoured once again. I concur with the views of Aboriginal people right across my electorate that the passage of this bill through this House is merely the start of a flood of this kind of legislation which will take place in the on-coming years to completely erode the reality of land rights.

Mr EVERINGHAM (Chief Minister): Mr Speaker, in commenting on the irresponsible statements made by the Leader of the Opposition and the member for Arnhem, I suppose that I should bear in mind the way one had to look at the so-called energy policies that we discussed in this Assembly last week and the total irresponsibility of the opposition that was displayed in that. They were quite prepared to see Darwin people go without electricity in pursuit of their doctrinaire views. One sees again today a total display of irresponsibility and disregard for the law by a party that holds itself out as being fit to assume responsibility for the government of the Northern Territory.

I am being invited, in pursuance of my duties as Attorney-General, by both the Leader of the Opposition and the opposition spokesman on Aboriginal affairs, to completely throw away my mantle of inherited responsibility as Attorney-General of the Northern Territory under the act that the honourable gentlemen

both supported to set up the office of Attorney-General in the Northern Territory as having all the powers, privileges, rights and responsibilities of the Attorney-General of England. I am being invited to totally disregard and trample over the expressed written opinion of 2 of the most important statutory officers of the Northern Territory, officers who have been set up under the statutes of this Assembly, and we only set up statutory officers generally of this type so that they cannot be interfered with politically. I am being invited, as a politician, to totally trample on the Solicitor-General who has given an opinion to the Registrar-General.

The Solicitor-General has his officer created under the Law Officers Act, the same one under which the Attorney-General's office is created. I might say that the Attorney-General's office is the only one that I can think of where the powers, duties and responsibilities have actually been delineated by acts of this Assembly. I am asked to overrule the Solicitor-General's opinion provided to the Registrar-General. The Registrar-General sought that opinion because he believed that, in the exercise of his duties under the Real Property Act and under the Aboriginal Land Act, it was impossible for him to register those titles as they at present stand.

If we had a responsible opposition opposite, it would have helped us solve this problem which is essentially a legal problem and not a political one. It is one that thrust itself upon this government because of the way the federal government drafted these titles. We would have found that a responsible opposition would have helped us to solve this problem instead of turning it from a legal problem into a political one in the straight-out hope of gaining Aboriginal votes by trying to paint the Country Liberal Party as being opposed to Aboriginal land rights.

The Dunstan government, which was in power in South Australia for 10 years, did not manage to get around to the passage of an Aboriginal lands bill. It took 10 years to do nothing. That is the record of the Labor Party on land rights. Mr Whitlam was in federal parliament as Prime Minister for 3 or 4 years and he did not manage to get a land rights bill through. The minister in the Liberal government, Mr Ian Viner, managed to get an Aboriginal land bill through within about 12 months of the Liberal Party's election to power in the federal House in 1975. I might just mention that the Victorian government years ago passed an Aboriginal land bill, but the South Australian Labor government did not. The Hamer government passed an Aboriginal land bill about 6 years ago and set in fact a model for Australia in so doing. We have had this turned into a political dog fight because they think there are votes in it.

The failure of the Northern Territory government to register land titles, as the Leader of the Opposition opined, is quite untrue. A statutory officer of the Northern Territory, created under an act of this Assembly, has not registered these land titles because they fail to comply with the law. That is the whole thing: the total disregard of the law shown by the people opposite. They talk about political interference in the public service but they have advocated here this afternnon that I direct 2 statutory officers to go against what they believe to be their duty. So much for no political interference with the public service! We will have political interference in the administration of the law and next we will be into political interference in the administration of justice if any government countenanced what the irresponsible people on the other side of this House would want us to do.

I am told that the Labor Party's legal adivce, which I am sure is gained from the highest and most credible sources, is that the opinion of the Northern

Territory Solicitor-General, backed of course as it is by check opinions that he has sought, is incorrect. I wonder then why the Labor Party's candidate for the House of Representatives in the next federal election just coincidentally happens to be the counsel for the people at Oenpelli who have brought a suit against Queensland Mines in relation to the matter of a road out there. If that suit were litigated, this matter of whether a road is open to and accessible by the public might be determined. We have invited the land council to bring it to litigation and we have invited the Commonwealth government to bring it to litigation because, apparently, we are not in a position to seek a declaration ourselves. However, we did intervene in the Queensland Mines case so that we could present our legal views. It is a curious thing that the Labor Party's legal opinion is so strong and the opinion of the counsel for the people at Oenpelli is apparently so strong but it just so happens that he asked for the adjournment of the case so that the matter cannot be cleared up in a court of law. That is how good their opinion is. It may be that we will never find out.

This Territory government has sought to effect this proposal in the past 12 or 14 months since we had a meeting with the land councils in March 1979 and with Senator Chaney and when all land councils tentatively accepted this proposal subject to a ratification by the full land councils. Subsequently, the Central Land Council and the Tiwi Land Council approved the proposal and the Northern Land Council withheld its approval and I believe it still does. I will refer to a statement by Senator Chaney from Senate Hansard as to why the Northern Land Council appears to withhold its approval: it has a misunderstanding of the legal position. One wonders who is advising them from time to time because they seem to have lawyers going in and out the doors there rather like a supermarket. I think that some of the lawyers who proffer them advice - I do not know whether it is paid for - might have a political axe to grind. The more vitriol they throw, the less it worries me because, when I get personal attacks made on me by honourable gentlemen opposite, it convinces me that they must be rather worried about which way indeed they intend to vote.

The manager of the Northern Land Council sent a telex to Senator Chaney in April. The last paragraph of the telex says:

> *I believe that the resources of the Northern Territory government are much greater than that of the Northern Land Council and, accordingly, responsibility for identifying and planning public roads should be carried out by the Northern Territory government and these roads should then be the subject of negotiations with this council.*

Senator Chaney said:

> *This telex flies in the face of the understanding I have of the council's attitude in respect of the suggested solution. I am advised that the Northern Territory government had the same understanding of the situation as I had. Mr Lanhupuy acknowledges that the resolution of the joint councils of 20 February was not communicated to me. I am advised that the resolution was not communicated to the Northern Territory government. The reasons for rejecting the proposal as enunciated in the telex reflects some considerable misunderstanding as to the effect of the proposed legislation. There is in fact no obligation imposed upon a land council to identify or claim a public road in respect of any Aboriginal land nor is there any obligation for a land council to initiate any proceedings leading to an agreement or declaration in relation to any public road.*

Mr Speaker, we heard a couple of extraordinary propositions by the honourable member for Arnhem. We saw the lengths and depths of irresponsibility to which the

honourable member is prepared to go in this matter where he indicated that barracades will be put up etc. I would have thought that the honourable member would not attempt to incite this sort of thing. Furthermore, I could not really understand what the Leader of the Opposition's understanding was in relation to these roads. The fact is that the Aboriginal Land Bill provides: 'A description of land in schedule 1 shall be deemed not to include any land on which there is, at the commencement of this section, a road over which the public has a right of way'. The big flaw in the Labor Party's opinion is that they do not regard Aboriginal people as members of the public. If you regard white people as the public and Aboriginal people as not being part of the public and not citizens of the Northern Territory, then you would believe that the public did not have any right of way over roads that traversed Aboriginal land prior to the commencement of the lands act.

In saying what he did when asked a question at a seminar that the honourable member attended, the Solicitor-General was doing no more than stating the actual legal position because the Mainoru track through to Gove and the Murgenella Road both fall into the category of public roads as defined under the act and the Northern Territory government would regard them as being public roads. That is not to say that the Northern Territory government has any designs over these roads or proposes to seal them or to move bulldozers into Ramangining as the honourable member for Arnhem seems to try to spread in that area. The Northern Territory government has not got the money to build a road from Mainoru to Gove for a start.

I asked Mr Bill Wentworth, whom I often discuss these matters with, to assure Aboriginal people when discussing matters of land rights that the Northern Territory government would have no intention of doing anything on any road on Aboriginal land without the approval of the traditional owners and the land councils. Quite frankly, we just would not even be proposing to maintain roads on Aboriginal land without the approval of the people concerned. The ridiculousness of the statement by the honourable member for Arnhem that the road through Ramangining and across the Goyder is going to become a super highway ...

Mr Collins: I didn't say that.

Mr EVERINGHAM: Oh! You inferred it. It is a mere track that is open about 8 weeks a year in the dry season and, were it to be improved, it would have to be completely realigned and would cease to be a public road because it would no longer be a road that was in existence at the time of the commencement of the lands act. Any improvement would have to be by and with the consent of the land councils.

The final straw was when the honourable member for Arnhem said that the Administrator - acting on the advice of the executive council - would act arbitrarily. I speak of the Administrator as a gubernatorial figure. He is supposed to be in a position of parens patriae. For him to act in an arbitrary fashion and override without any good reason a decision by a land council to refuse a permit - the Northern Territory government gives the land councils the right to control access over these roads, subject always to appeal to the Administrator to preserve the government's position that they are roads which the crown is entitled to use - is repugnant to me. I am sure it would be repugnant to you, Mr Speaker, and it should be repugnant to every member of this House.

The whole purpose of this bill is to secure the registration of these lands and titles. The Northern Territory government has been aiming to do that since they were handed out at the meetings that the honourable Leader of the Opposition and I attended at Yirrkala in 1978. I well remember pointing out to the honour-

able federal minister before that time that, if the title deeds were issued in their form as at that time, then I had been informed by our Registrar-General that he would not be able to register them. The Northern Territory government warned the Commonwealth government before they were handed out. The Northern Territory government has all along attempted to do everything possible to overcome this defect in the titles caused not by an anomaly in Territory law but by an anomaly in federal law. We are certainly, at this time, doing nothing other than striving to get these titles registered so that people can have them.

Motion agreed to; bill read a second time.

In committee:

Mr EVERINGHAM: If I might just clear up some doubt in the committee. Mention was made by the honourable member for Arnhem and possibly also the honourable Leader of the Opposition that there has been significant amendments to the bill in the House of Representatives and that the bill has not yet passed through the federal parliament. In fact, the amendment to the bill which was passed in the House of Representatives encompassed an addition to Aboriginal land and that is an island off the coast of Bathurst Island. It has nothing to do with the section of the bill which relates to registration of titles. As I mentioned in this House earlier in the sittings, so opposed is the CLP to land rights that we freely agreed to the amendment of schedule 1 to incorporate this additional island that had been forgotten by the Commonwealth government at the time of the passage of the act.

Mr COLLINS: I do feel it necessary to explain to the committee that I feel the Chief Minister may be in error when he made that statement. I did in fact contact Parliament House in Canberra just an hour ago. That is certainly not the amendment the Chief Minister is referring to. There have been a number of amendments in clauses in the bill. As a result of that, the bill is currently back on the Notice Paper of the Senate.

Bill taken as a whole and agreed to.

In Assembly:

Bill reported; report adopted.

Mr COLLINS: Mr Speaker, in speaking briefly to the third reading of the bill, I must say that it does not surprise me at all that the Chief Minister did 2 things during the debate on his bill. One was to completely fail to answer the questions that were put to him on the legal aspects of this bill by the honourable Leader of the Opposition and the other, which we quite confidently predicted, was to make a statement that this was simply a legal argument and not a political one. That is palpable nonsense which would be obvious to everyone. I feel that there would be hardly anything more political in the Northern Territory at the moment than Aboriginal land rights. For the honourable Chief Minister to suggest that all of the discussions that have taken place over this particular bill which is before us now - the arguments that have been caused by it and the disagreements of the land councils over it - is not political, is just a palpable nonsense and the Chief Minister knows it full well.

The Northern Territory Labor Party received legal advice on this matter and we received it from the highest sources. We sought a number of opinions from the best possible authorities that we could find. The opinions were in the press alongside the opinions of the federal Solicitor-General's and they were that there was no bar to the titles being registered as they were. I have no doubt and the Aboriginal people have no doubt that the current stance of the federal

government is not because of any different legal advice it has received but is merely to accommodate its friends in the Northern Territory. It did not surpirse me that the Chief Minister turned this into a legal argument. As I said in my speech, it has been a conspiracy of lawyers since the land titles were handed out. Mr Viner is a lawyer, Mr Chaney is a solicitor and the Chief Minister is a solicitor. It just amazed me to hear the aspersions the Chief Minister cast on the legal advice that the NLC was receiving. The Chief Minister knows full well that it is represented by the very eminent firm of Mildren and Partners and of course by Mr Eric Pratt QC of Brisbane. I am sure all of those gentlemen would be very interested to see the aspersions the Chief Minister cast upon them and their legal advice today in the House.

The cold hard facts are that solicitors are like psychiatrists and people in other professions. For every solicitor you get to state an opinion, you can buy one that will say another. That is certainly the case. I can assure the House that the Labor Party, in a responsible manner and after accepting that there could be a legal bar to registration of titles despite the fact that the federal Solicitor-General had made a public statement to the effect that he believed that there was no legal bar to the registration of titles, sought the best legal advice it could obtain. That was that there was no bar and is no bar to the registration of titles under the legislation as it exists. Therefore, it is the opinion of the opposition that the entire foundation upon which the Chief Minister based his speech is wrong in law. I concede that you can buy solicitors to say one thing and you can buy other solicitors to say another.

I was quite staggered also by his reference to my aspersions to a super highway across Arnhem Land and for the road being only open for 8 weeks of the year. It shows the depth of the Chief Minister's ignorance of my electorate. I was not talking about super highways, upgrading or anything else. Let me assure you, Mr Speaker, that the entire population of the Northern Territory possessing 4-wheel-drive vehicles could quite adquately use that road for half a year if they wanted to without any further upgrading whatsoever. The Northern Territory is often referred to as the home of the 4-wheel-drive. I think the Chief Minister would have to concede that every second family in the Northern Territory has one. People in the Northern Territory are quite capable of using that road in its present form and that is what Aboriginal people fear, not any particular upgrading of the road but merely that their right to deny the use of that road will be supplanted by an authority other than themselves. That is precisely what this bill is going to achieve.

Bill read a third time.

## SUSPENSION OF STANDING ORDERS

Mr ROBERTSON (Manager of Government Business) (by leave): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the passage through all stages of this sittings of the Supply Bill (Serial 430).

Motion agreed to.

## LOTTERY AND GAMING BILL
(Serial 409)

Continued from 21 February 1980.

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr PERRON: I move amendment 181.1.

Without this particular amendment, licences may not be renewed conditionally.

Amendment agreed to.

Mr PERRON: I move amendment 181.2.

The reason for this amendment is the same as the last one.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5:

Mr PERRON: I move amendment 181.3.

The amendment proposes to delete subclause (8) and substitute a new clause (8). Subclause (8), as it now stands, provides that rules approved under subclause (2) shall not be regarded as regulations for the purposes of the Regulations Publications Ordinance. That ordinance was repealed by the Interpretation Act and its provisions were incorporated in the Interpretation Act. The purpose of the amendment is to remove reference to an ordinance that no longer exists and to ensure that the provisions of the Interpretation Act do not apply. In other words, the status quo, as far as this act is concerned, is retained.

Amendment agreed to.

Clauses 5, as amended, agreed to.

Clauses 6 to 9 agreed to.

Schedule:

Mr PERRON I move amendment 181.4.

This is to remove reference to an ordinance that has been repealed, in this case, the Licensing Ordinance. It is purely a tidying up exercise.

Amendment agreed to.

Schedule, as amended, agreed to.

Title agreed to.

Bill passed remaining stages without debate.

## PERSONAL EXPLANATION

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker, I do not usually read the weekly newspaper called the Star that appears in Darwin because, generally speaking, it is more useful for wrapping prawn heads and scraps like that. However, I was told during the luncheon adjournment that there had been an article in the paper today which attributed to me yesterday the behaviour of reading a foreign magazine during the debate on the Prisons Bill. Whilst I do not have a distinct

recollection of the news magazine that I was reading, my recollection was helped this afternoon by seeing an Australian news magazine, namely the Bulletin, on the desk of the honourable member for Stuart. Therefore, Mr Speaker, I would like to draw to your attention the fact that I was reading a good Australian news magazine and not a foreign one as imputed by the so-called journal.

## SUPPLY BILL
(Serial 430)

Continued from 23 April 1980.

Mr ISAACS (Opposition Leader): Mr Speaker, the Supply Bill allocates some $250m approximately for the 5 months' operation. It is a matter of great importance that the supply be passed. The Treasurer gave very serious indications of the sort of programs to be commenced but, obviously, it is as a result of some pre-budget planning. The opposition supports the bill because obviously we need it to carry us through until the budget itself is brought down some time in September. The opposition supports the bill.

Motion agreed to; bill read a second time.

Mr PERRON (Treasurer) (by leave): I move that the third reading of the bill be taken forthwith.

Motion agreed to; bill read a third time.

## WORKMEN'S COMPENSATION BILL
(Serial 408)

Continued from 23 April 1980.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr EVERINGHAM: I move amendments 183.1 and 183.2.

These are simply designed to create a common effective commencement of the provisions.

Amendments agreed to.

Clause 3, as amended, agreed to.

New clauses 3A and 3B:

Mr EVERINGHAM: I move amendment 183.4.

This inserts a new clause 3A to section 16E of the act to allow the appointment of an alternative to the departmental representative on the Nominal Insurer. New clause 3B introduces a new section 16R to allow moneys obtained by the Nominal Insurer, by way of the powers of subrogation, to be credited against levy payers' obligations in the same proportion as levy contributions and to allow repayment of any surplus in the Nominal Insurer fund.

New clauses inserted.

Clause 4 agreed to.

Clause 5:

Mr EVERINGHAM: I move amendment 183.5

This is a minor drafting change.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

Clauses 7 and 8 negatived.

New clause 7:

Mr EVERINGHAM: I move amendment 183.6.

The new clause 7 repeals section 18F and inserts a new section. Subsection (1) outlines the criteria for establishing default by an insurer. Basically, this will not be one month's inaction or the declining of liability in the face of an entitlement by an employer to indemnification. The Nominal Insurer assumes all the powers and duties of the insurer in relation to both statutory compensation and common law claims. Subsection (2) establishes right for the Nominal Insurer to information and material in the possession of the defaulting insurer. Subsection (3) is intended to establish the fullest possible right of recovery for the Nominal Insurer against presons contributing to the occurrence out of which compensation rights arise and against the defaulting insurer and any re-insurers of the risk under the policy concerned.

New clause 7 agreed to.

Clause 9 agreed to.

New clauses 9A and 9B:

Mr EVERINGHAM: I move amendment 183.7.

New clause 9A introduces a new section 27B. This section contains the mechanism under which periodic adjustment of the amount of compensation payable under the act can be varied by regulation. It clarifies the transitional aspects of such variations and allows premium adjustment. The new clause 9B adds the regulation-making power foreshadowed in section 27B.

New clauses inserted.

Clause 10 agreed to.

Title agreed to.

Bill passed remaining stages without debate.

## SPECIAL ADJOURNMENT

Mr ROBERTSON: (Manager of Government Business) (by leave): Mr Speaker, I move that the Assembly, at its rising, do adjourn until Tuesday 24 June 1980 at 10am or such other date as Mr Speaker may notify to members in writing.

Motion agreed to.

## PAYROLL TAX BILL
(Serial 428)

Continued from 24 April 1980.

Mr ISAACS (Leader of the Opposition): Mr Speaker, the opposition supports wholeheartedly the amendments of the Payroll Tax Act because these amendments give legislative backing to the various concessions which government can give to employers by way of payroll tax rebates. It relates to giving payroll concessions to employers for taking on apprentices and to employers who are in prescribed localities and who the government believes should be given some assistance. I believe both the government and the opposition have made similar statements in regard to the need for such concessions. We support the legislation.

Motion agreed to; bill read a second time.

Mr SPEAKER: Honourable members, I am satisfied that the delay of 1 month as provided by Standing Order 153 could result in hardship. Therefore, I declare this bill to be an urgent bill on the application of the Chief Minister.

Mr PERRON (Treasurer)(by leave): Mr Speaker, I move that the bill be read a third time forthwith.

Motion agreed to; bill read a third time.

## ADJOURNMENT

Mr DONDAS (Community Development): Mr Speaker, I move that the House do now adjourn.

The honourable member for Nightcliff raised several questions during this week regarding a procedure in relation to her visiting Darwin Hospital to see a prisoner who is there for medical treatment. While she was visiting him last Sunday, she was advised by the prison officer that she was unable to discuss prison matters or the bill before the House with the particular person she was going to see. At the same time, the prison officer apparently instructed the prisoner that he was unable to talk to the honourable member for Nightcliff on any subject other than social matters. The honourable member brought this to my attention during the course of the week and I undertook to investigate the matter. I have to advise the House that the honourable member for Nighcliff's allegations are true. She was denied complete access to the prisoner whilst in hospital as far as the conversation was concerned. At the same time, the prisoner had been advised by prison officers that he was unable to speak to the honourable member for Nightcliff on any matter apart from social subjects. I apologise to the honourable member for that occurrence. I advised the administration section of the Correctional Services Division that this practice must cease and that members of this Assembly and other permitted visitors must be given full access to prisoners in order to ascertain whether particular prisoners have problems or grievances and whether there is any evidence to allow members of this House or other official visitors to investigate the particular complaint.

However, in the defence of the department, there was some confusion in relation to oral and written instructions. The prison officer has said that he thought that there was no difference and that he was really looking at the written instruction and that such matters must be first cleared by the director. I do apologise once again to the honourable member for Nightcliff.

Yesterday, the honourable member for Arnhem asked me some questions in relation to the Environment Council. I would just like to put the record straight.

I may have slightly misled the House yesterday unintentionally. However, the instances of the assistance may have been correct. I have a statement prepared by the department in relation to this.

On 18 May 1978, a $500 grant was made from the then Minister's Discretionary Fund of funds for solarwise energy research projects. On 4 July 1978, a sum of $500 was given to the Environment Council. At this moment, we are unable to give the cheque number for that $500 but nevertheless they have records which indicate that it was given. On 31 October 1978, a grant of $1000 was given to the council for operational purposes and the honourable member for Arnhem queried this. However, I do have a cheque number: it is cheque number 000119226-6. In addition to that, a smaller grant of $120 was made on 19 July 1979 for part of the Life Be In It campaign where some funds were given to the Environment Council for bus excursions for high school students. That particular cheque number is 0022198-4. On 21 January 1980, I received another application through the Welfare Division which was for some $1,500 for project material to be used in homes and schools. I did not accept the approval of that particular request. I referred their application to the Department of Education.

In yesterday's adjournment debate, I made reference to a sum of $400 being made available in the 1979-80 financial year and, at this moment, I am unable to substantiate that and this is where I may have misled the House. I have officers of the department checking that out. They advised me informally that that was so but, upon checking the records further, they seem to think that an error has been made. I apologise for supplying the incorrect information in relation to that $400 if that is so.

Mrs PADGHAM-PURICH (Tiwi): This afternoon I would like to speak on 2 matters that concern my electorate. The first matter is the export of pet meat to the states from the Northern Territory. In my electorate, there are several people who gain their living by shooting for pet meat. These people have small businesses and they are self-employed. They export their meat mainly to New South Wales and they do this quite legally according to the law in the Northern Territory and New South Wales. A recent incident at a certain place in the Northern Territory regarding pet meat going down to New South Wales brought very much adverse publicity to the pet meat business here.

I asked the honourable Minister for Industrial Development some days ago whether legislation was pending to regulate the pet meat industry and he told me that it was. I had already made inquiries myself and found out that legislation was being considered. The legal pet meat operators are all in favour of this because it will bring a certain status to their industry and it will also perhaps do away with some of the fly-by-nighters or shifty dealers who bring a bad name to pet meat operators. Some people seem to think that pet meat operators are a bunch of ratbag larrikins who lairise around the Territory shooting animals illegally. Let me assure you that the people whom I have spoken to in my electorate are law abiding people. They shoot where they are supposed to shoot and they shoot the animals they are supposed to shoot. I would like to state that, if there are any people in that particular industry who do not conduct their business in a fair and above-board fashion, I do not think there would be any more of them than there would be among professional people or other people in the community.

I had copies of New South Wales legislation as it related to the meat industry sent to me and also the amendments that are being contemplated concerning the importation of pet meat into New South Wales. I am concerned about section 43 of the New South Wales act. The second part of that says that no person shall bring or cause to be brought into the state any meat not for human consumption unless it was slaughtered on premises that have been approved by the authority.

The third and fourth parts of section 43 state that, when this meat reaches New South Wales, it has to be inspected. I feel sure that, when legislation is introduced into the Northern Territory, it will fit in with this legislation so as not to impede this small, enthusiastic industry in the Northern Territory.

It seems that strict controls are put on the importation of pet meat in New South Wales. First, it must come from a licensed abattoir or other place of operation and it must be inspected when it goes down to New South Wales. From what I have heard from the pet meat operators, they have no objection to these regulations being placed on the importation of meat into New South Wales because they feel that, only by these regulations and similar regulations in the Northern Territory, will their livlihood be protected.

Secondly, I asked the Minister for Industrial Development a question regarding the government policy on road signs erected by small, local businesses. I had in mind the signs that people in the rural area erect on the side of the Stuart and Arnhem Highways to advertise the fact that they have a small business nearby. I have been told that perhaps these signs should not be there. I can see no objection at all to these signs being on the side of the Highway if they are of a certain size and are not in a state of disrepair. Most of the businesses that they advertise are small family businesses. Local people know they are there and patronise them but the travelling public, including people from Darwin, do not know they are there.

I will refer to a few of these signs. If these signs were not on the highway advertising the services or the businesses, a grave disservice would be done to the people of the urban Darwin and other people coming up to Darwin. I refer to nursery signs, pottery signs, the shopping centre sign for Howard Springs, caravan park signs, drillers' signs, signs advertising the sale of fish and panelbeater signs. Outside my electorate, there are signs advertising the greyhound track, the aero club and other signs.

The minister mentioned in his reply the upgrading of the signs along the highway. I do not think anyone would disagree with that. If a business is to have a sign on the highway, it must be in good condition and in a place where it will not cause any obstruction to the vision of oncoming traffic. I am completely against any signs on the highway that do not refer to local things. I am completely against signs advertising Kelloggs Cornflakes or something like that which have no local reason for being on the highway. I think there is some move afoot to regularise service signs along the road and I agree with this.

Some people disagree with these signs advertising local businesses being on the highway and they say they should all be in one big road bay off the road. I do not agree with this because not many people will pull into this road bay. I do not know where it would be placed in the rural area, but it could be anywhere. I do not feel the directions could be as clear to these places unless these people continue leaving their signs on the highway where they are. I would like to point out that the Keep Australia Beautiful Council has some signs along the highway. If the objections to the local people's signs are upheld, and I hope they are not, I trust that these other signs would also come down.

I am wondering about the seemingly increasing size of road name signs on the highway. I do not know whether this is because the traffic travels at a greater rate these days or because it is the fashion elsewhere to have large signs. I cannot really see the need to have these large signs. The two that spring to mind are the Yarrawonga Road sign and Shean Road sign. I cannot really see the significance of the large size of these signs. Perhaps it fits in with some Australia-wide standards but it does not seem to fit in with what some people in official places think in regard to having the signs taken down from the highway that advertise small businesses in the near vicinity. While I am

talking about this, the government itself has a sign up for Yarrawonga Zoo. It is on the side of the Stuart Highway and advertises a government establishment off the Stuart Highway.

In conclusion, I would like to say that all encouragement should be given to local business. One of the ways to encourage local business is not to inhibit or forbid the putting up of signs for small businesses in certain places along the highway.

Mr MacFarlane (Elsey): My Deputy Speaker, I read from a letter headed 'The Roper River Tours'. Its author is H.D. Januschka JP of Roper Bar.

*Dear Sir,*

*I have resided in the Roper River area since 1960 and a large portion of this time was spent on the river crocodile hunting, barramundi fishing and prawn research for CSIRO.*

*Over the past 8 years, I have noticed a staggering decline in the number of barramundi in this area. In the past 3 years, the decrease has become alarming. I lived at Port Roper as base manager for the Northern Shrimp Exporters from 1970 to 1974 and, during this time, would have been lucky to see 2 or 3 other commercial fishermen operating in the area - one of them full time and the others at the weekend. They all operated from the land.*

*There was one small boat came into the Roper during this time and he stayed only a few weeks before moving on. In the mid-seventies, the professional fishermen moved in on this river. Some boats even came from Queensland. At one time, we had 5 large barra boats as well as 5 or 6 licensed fishermen and their crews operating from the land. As the barra numbers declined, the professionals increased the numbers of nets and now use mainly monofilament nets in an attempt to meet the demand for fish.*

*The position is now so grim that the tourists we are trying to attract to the area with the prospect of catching a barra are leaving very disappointed. I would estimate that during this year's peak barra season not more than 100 fish were caught by anglers, most of the fish being less than 10 pounds in weight and not more than 10 fish weighing over 20 pounds.*

*I suggested to the Fisheries Department some years ago to close the Roper River for about 5 years from commercial fishing to give the barra a chance to recover from the onslaught. But the reply was that the professionals were catching more than ever before and there was no chance of the barra becoming scarce. I now fear that it may take longer than 5 years for thebarra to recover but would suggest that, initially, the Roper be closed to commercial fishing for a period of 5 years and review the situation again before re-opening it. Perhaps a rotary system may be the best solution, closing all the rivers and coastline extending 5 miles offshore between the Queensland border and the Arnhem Land border for a number of years, then follwowing by closing half the Arnhem Land coast and so forth.*

*I have spoken to a number of amateur fishermen on the subject of the declining barramundi and they reluctantly agree that a bag limit and an amateur licence would have to be intorduced and that the revenue from the licence be used for research into the breeding of the barramundi. A minor point, but it could be beneficial if Territorians as well as tourists could*



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*be educated as to other edible fish available in Territory waters. Perhaps the tourist board could introduce such fish as salmon, queenfish, black bream, rifle and archer fish, snapper, golden grunter, catfish, eeltail catfish, silver catfish and reef fish in their travel advertising.*

*Hoping that this letter will help to solve the problems of the declining barramundi.*

It is quite alarming. I remember Easter in 1979. The honourable the Chief Minister, the Director-General and I flew down to the Roper and we saw a number of nets across the river then. None of the nets went completely across the river but they were backed up by nets coming from the other side so there was no clear channel for fish to swim through. I think it is quite alarming that one of our greatest tourist attractions, barramundi, is becoming so scarce in such a large river. It is about 100 miles from the Roper Bar to the open sea and you have all this completely fished out.

I have been pressing for fisheries officers to do something about it for years. I mentioned poachers in this Chamber in 1972 and the remark was: 'What! Poaching eggs?'. Nobody worried about it then and I think now it is a bit too late.

The second matter I would like to bring up is the matter of an agricultural college. Earlier this week, the Minister for Transport and Works in his capacity as Minister for Primary Production said that it cost $1m to educate 100 kids at Emerald College. Well, he was pretty right. It cost $1,167,765.79 to operate that school. The income from the Queensland government was $585,200 and, from students fees and farm income, the amount was $582,565.79. Half the funds came from the Queensland government and the other half came from student fees and farm income. This would mean that it costs about $12,000 to educate each child which is on a par with a tertiary school down south or Dhupuma College.

Now, what is so special about agricultural education? If you read the Queensland Country Life - which is the bushman's bible - of April 3 this year, you will find that the Emerald Pastoral Agricultural College lodged a loan submission for $1,285,000 to meet a double-ended demand from students seeking enrolment and employers wanting graduates. The college principal, Mr Kevin Hacker, said that the Emerald Rural Training School Board wanted the loan funds for a proposed expansion program which would enable the college to cater for an additional 25 students annually. The 1980 enrolment totalled a 100 students - 52 full second year and 48 first year students, an increase of 4 over the 1972 to 1979 enrolments. The increase had been achieved by the conversion of 4 storerooms into students' accommodation at negligible costs.

Mr Hacker said the situation had reached a stage where the college had been forced to turn away 112 student applicants this year. The other end of the system was that 30 employers want to employ Emerald College students. All graduating students had jobs. One major pastoral company had wanted 12 students for jackaroo duties in Queensland and Northern Territory cattle stations. It had no success. Mr Hacker said that 80% of students went to cattle-oriented properties. One reason the college was unable to fill the vacancies was that many students returned to family properties. The Emerald Pastoral and Agricultural College, built about 9 years ago, was now looking at a $1.3m expansion program similar to the establishment costs.

I think that gives some indication of what we could build here. I am sure that, at Emerald, they did not get away to a flying start nor were they a success story overnight. You do not obtain instant success at colleges. The quality of

the courses determines the demand for the students. If you have good courses, you get good demand from interested people. If you have not got anything to offer, you do not attract too many people. I never envisaged that we were going to spend $19m on a Katherine rural college. I thought that was ridiculous and I still do. But money seems to be the obstacle in starting agricultural colleges. Why should it be? Only this morning on the news I heard that about $8m had been allocated to an institution of performing arts. Well I do not want to take that away from Darwin. I just say, 'Give some of that to us too'. If you can have another $8m spent in Darwin for something which is not really productive, why should we worry about $1m being spent on 100 people at an agricultural college? If agriculture is to go, you must train your people. Why train them somewhere else? Why introduce farmers from down south other than to give the scheme an initial impetus? Why? There is no reason whatsoever. We are Territorians here to look after the Northern Territory. Our conditions are different; everything is different up here. Are we going to introduce people from down south and neglect our own youth? If you listen to the news, you will find that there are apprentices everywhere. But try and find our apprentices in any primary industry whether it be mining, fishing, agriculture or pastoral. They have never been heard of. And yet this is the productive section of the Northern Territory which must be looked after. I have said this time and time again in this place. The need for training in agriculture was brought up 20 years ago.

The Katherine Rural Education Centre is doing a pretty good job. It is taking the educational aspect to the pupils. They had a very successful horse-breaking school. Quite often an instructor will go to a station where they are shoeing up a plant of horses and, after practical instruction, they learn to shoe those horses the right way. This is what can be done. This is what will be done. Only last week, I went to the Katherine Rural Education Centre. It has a long name but on 2 portable buildings in Third Street. It cannot even get the block next door which is being held by the Survey Branch of the Lands Department with a dog-in-the-manger attitude. It has never been used and it never will be but the branch still wants it.

In these 2 demountable buildings, a saddling course was held and was attended by 6 Aboriginals and 7 whites including one women. It was a 5-day course. They were shown how to saddle in a practical fashion, how to stop a saddle cutting a horse's back, how to mend gear etc. There was no force on anyone to learn quickly. It was done by demonstration and practice and I was very impressed. I did not know that this kind of instruction was really what we were on about but it is what you call practical education: teaching people what to do while they are doing it themselves. I have talked this over with the expert from the south, the honourable member for Stuart. He was talking about young, inexperienced people. What they are trying to do in Katherine is to hold a 7-week course in the off-season. Some of the things they would teach are saddlery, horse breaking and horsemanship, welding, fencing, mechanical work, butchering and horse shoeing. This would enable a kid to have some idea of what he could expect and to be of some use when he got a job.

I do commend this idea to the education authorities, to this government and particularly this Assembly. What the Katherine Rural Education Centre wants and always did want is a bit of land to call her own. The 15-mile farm is not ideal but it is there and it could be used literally tomorrow. Everything is there that would be wanted on an average-sized farm in the Katherine area. It is 22 kilometres north of Katherine and right on the Stuart Highway. It is 8,500 acres of which approximately 1,000 acres are arable and it has 800 head of cattle on it. The facilities are two 2-bedroom houses, one 4-bedroom single men's quarters, two 1-bedroom single units and one 4-unit transportable which is in need of repair. There is a caravan site with ablution facilities for 6 caravans.

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

Mr COLLINS (Arnhem): Mr Deputy Speaker, I would like to draw the attention of members to an article which has appeared today in the Northern Territory News relating to the passage through the federal parliament of the amendments to the Aboriginal land rights laws. It says that the Aboriginal Affairs Minister, Senator Chaney, had been forced to retract a statement that he made when this legislation was going through the federal parliament with the agreement of the land council. It goes on to quote the opposition spokesman on Aboriginal affairs, Mr West, as saying: 'There must have been a tremendous breakdown of communication between the minister, his department and the 3 Territory land councils who made it quite clear that they oppose the changes'.

One matter I want to raise this afternoon touches on the responsibilities of the Minister for Education. It is a question of the very urgent need to look at the departmental regulations controlling the working conditions of teachers in isolated schools. One of the great problems the Northern Territory Department of Education faces is encouraging teachers of quality, teachers who have experience and good qualifications, to live in isolated communities. This is extremely difficult. A number of schools last year could not even get any applicants for the positions of principal in isolated schools within the Territory. They were forced to look interstate.

I am aware that the department has set up a committee to investigate the problems of isolated schools and I know that the matter I am going to raise now has been referred to that committee with the strong recommendation from departmental officers that it be considered favourably. I am sure that the personal attention of the minister could very well expedite this matter. It refers to the question of the department paying transportation for the removal of vehicles from Darwin to isolated communities. I refer to vehicles which are the personal property of the officers concerned.

The case I am thinking of involves the principal of the school in an extremely isolated community. Despite the fact that he has achieved a fair degree of seniority within the department, this man has voluntarily remained in Aboriginal communities as a teacher. When he was posted to another community, the school was not supplied with a departmental vehicle, as is so often the case, and he quite freely used his own personal vehicle for the school use: to travel out to the airport to pick up departmental personnel, which is a common occurrence in these places, to take kids out bush and to generally use his vehicle for the use of the school.

Over a number of years, the vehicle deteriorated fairly rapidly and was eventually sent into Darwin for repairs because there were no mechanical services available in the community that were capable of handling deterioration of this particular vehicle. The officer was advised that the vehicle was not worth repairing so he traded it on a new vehicle. This was after a period of some 4 years. He found that the only way that he would be able to transport this vehicle to the location where he was then serving was to pay for its transport himself. This placed quite a crippling imposition on the officer concerned. It costs between $400 and $800, depending on which company you talk to, to transport a vehicle by barge to this community. The regulations only allow for the initial movement of the officer's first vehicle. Clearly, this is a very poor state of affairs. It has now placed the officer in a position where he has no vehicle in an area where it is absolutely essential that he have one. This is the extremely galling sort of day-to-day problem that people in these communities have to face. I know that the matter has been referred to the department's committee studying isolated communities with the very positive support of departmental officers but I am sure that, if the minister could give it his personal attention, it would

probably expedite this matter being corrected.

Some comment has been made lately that this is an election year. The old adrenalin is starting to pump again and election fever is in the air. The ministers and politicians are making statements. The Minister for Education has made a number of statements recently referring to me which I found most interesting. He made one last Saturday on the ABC program. In response to a question from the interviewer as to what he thought of a particular statement I had made on the Teaching Service Bill, the minister said, 'Well, you have got to remember that the honourable member for Arnhem is a politician and it is an election year so you can't really place a lot of faith in anything the honourable member might have to say'. It is fairly obvious from the honourable minister's statement that, as a minister of state, he considers himself to be above a mere politician. Of course, it indicates just as clearly that the honourable minister is suffering from that well-known Northern Territory disease called having yourself on.

Indeed, election fever is in the air and I notice that CLP stickers are blossoming like warts right across my electorate. The stickers which have suddenly appeared on the doors of cars and so on really interest me. They read: 'Vote CLP. The mob for the job'. I am very intrigued by this slogan. I wonder whether the Country liberal Party intends to pursue that solgan for the duration of the campaign. There are a number of interpretations you can place on the word 'mob' and I suppose it depends on your interpretation of that word as to how you see the government. I had a look at the word in the dictionary.

Mr Robertson: This is a Whitlam trick.

Mr COLLINS: Indeed it is, Mr Deputy Speaker.

It does intrigue me that the word 'mob' refers to a rabble, a tumultuous crowd or a promiscuous assembly of persons. One of the definitions of 'mob' that did interest me, and it is obviously an English definition, is that 'mob' can refer to a class of stylishly-dressed pickpockets. I thought a stylishly-dressed pickpocket would certainly be appropriate description for the honourable the Treasurer. Of course, there are other definitions of 'mob'. You can have a mob of sheep or, if you look in Webster's Dictionary, it can refer to the Mafia. Of course, it depends of your own interpretation. I personally favour the latter. I believe there is a great deal more of the Godfather in the Chief Minister's makeup than there is of Little Bo Peep. But, of course, it is difficult to decide, when you consider the sheep-like qualities of the people who surround him, just which interpretation you should place on it.

Mr Deputy Speaker, I really feel for the honourable the Chief Minister. He is a very hard-working fellow. The honourable the Chief Minister, as we all know, is commonly referred to these days, particularly by the media, as the 'Minister for Everything'. That is painfully obvious in the House, particularly at question time and, I might add, during the committee stages of some bills. In order to show the concern I feel for the Chief Minister who, in order to satisfy his own backbreaking list of portfolios plus filling the gaps that so constantly appear in the portfolios of other ministers, must be working about 18 hours a day 7 days a week, I am going to give him a little bit of support. The Chief Minister makes occasional appearances in my electorate on the campaign trail. I am going to show my totally bipartisan approach to matters in this House by offering him some free political advice on how to campaign in my electorate. I recently visited Oenpelli and, whilst I was there, I had some discussions with people who told me the Chief Minister had recently visited them. They were extremely amused, I might add, by some of the aspects of the Chief Minister's visit. I would like

to point out a few things to the Chief Minister and it is friendly advice offered with complete goodwill on my part.

Aboriginal people are very parochial people and, of course, that is an aspect of their culture which is readily exploited by politicians. It is certainly a great political weakness of Aboriginal people that they are so parochial. One of the areas in which this parochialism is displayed to a great extent involves the question of language. Some years ago, when I was at Maningrida when an attempt was made to start Burera language courses in the community, the reaction was so violent that all of the Gunwinggu people in the community, horrified at the prospect of a language foreign to them being taught in the school, withdrew their children from the school. Recently, the Chief Minister visited the fine community of Oenpelli and it did receive a great deal of comment after his visit.

The advice I would offer to the Chief Minister is this: if the Chief Minister does insist on speaking or rather attempting to speak Gumatj in a Gunwinggu speaking community, I suggest that he at least try to make the attempt to pronounce it properly. In order to demonstrate to the Chief Minister that I am not being in any way precious about this advice, I would like to tell him something. Many years ago, when I worked at Gochau-Jim-Jira at Maningrida and I was learning how to speak Burera, I used to lay everybody in the aisles every time I opened my mouth and attempted to speak the language. Aboriginal people, unfortunately, possess that same weakness of character that we all do; we do tend to laugh at some people who cannot pronounce our language properly. Of course, Aboriginal people, again like most Europeans, at least have the courtesy to do the laughing behind our backs rather than to our face. When I was living in the community at Cadell 24 hours a day 7 days a week, it was not easy to do that. I can assure the Chief Minister that the worst offenders in this regard are Aboriginal women who are quite merciless. I only had to tell people to knock off for a cup of tea in the morning and those old ladies at Cadell would have to hang onto the tomato stakes to stop themselves falling over laughing.

I am told that it does not matter if people laugh at you when you are a market gardener but it does when you are the Chief Minister. I would advise the Chief Minister that he should desist completely from attempting to speak Gumatj in a Gunwinggu speaking community but, if he does, perhaps he should spend 10 minutes or so in front of the mirror just trying to get the pronunciation correctly. Listening to Gumatj being spoken with a broad Queensland accent is quite interesting indeed.

Having given the advice to the Chief Minister, I also have to advise him that he can absolutely and completely disregard it because, no matter what the Chief Minister does, rightly or wrongly, in Aboriginal communities from now on, the honourable gentleman will not lose any more votes than he has lost already.

Mr HARRIS (Port Darwin): Mr Speaker, I would like to touch on 3 points in the adjournment debate today. The first point that I would like to raise is the thought of having the Police Citizens' Youth Club moved from its present siting in Smith Street to perhaps the northern suburbs. The reason I bring this up is to air the subject and get it out into the public arena for comment. There are people who live in the Port Darwin, Stuart Park and Fannie Bay electorates who are members of that particular club and they may prefer to have it stay where it is. There are also those from the northern suburbs on the committee itself who are thinking of moving this to where the people are during the evenings. I wish to bring it into the open and to get comment back from the people, particularly those in my electorate.

The possibility of moving the club has been talked about for many years. I know that the committee has made representations to obtain a section of land out in the northern area. There have been many reasons in support of this suggestion. One is that the bulk of the membership of the Police Citizens' Youth Club lives in the northern suburbs. Another reason is that a move to where the people are might encourage more people to take an interest and use this particular facility. Another suggested reason is that the existing site is a very valuable piece of land and could be put to better use to serve a greater part of the community. One suggested reason from the committee was that it requires a larger area of land. The reason for this is that it wishes to place more emphasis on outdoor activities instead of the indoor activities which it has at the present time. It feels that consideration should be given to this whilst we are in our developing stages.

The Police Citizens' Youth Club was established in 1952 and it is very difficult to estimate the number of people that have actually used that club. I am talking about the 8-year-olds to 21-year-olds although older people are even allowed to use the facility. But between the years 1961 and 1973, it was estimated that some 15,000 people went through that club. I think that the actual number would be much greater. It is also very hard to estimate the amount of money that has been spent on the building and equipment. Nevertheless, it is quite considerable.

When the club was first established, the major part of our population was situated this side of Fannie Bay. There was no problem with transportation and everyone was handy to the club itself. Of course, time has changed that. The membership increased from some 200 in 1952 to just under 1,000 the year before the cyclone. After the cyclone, the club went back to square one. Presently, it has approximately 620 members.

As I have already said, the club has thought about moving for a number of years. If it is decided by the committee and the people who live in the inner city area that this move would be better for the club, then I believe that the Northern Territory government should assist in obtaining land on which to have the club re-established. It has proved in the past that it is able to go it on its own and I think it is important to bear this in mind. It must remain a separate entity able to make its own decisions.

On that particular point, I believe the community owes a great deal to a person who has been with the club since 1952, Bill Jacobs. I would say he is the Police Citizens' Youth Club. He and the club itself have provided a wonderful service to the people of Darwin and, whether the club remains on that particular block or whether it is re-established elsewhere, I hope that he and the club continue to provide that service. I would ask anyone, particularly in the inner city area, to contact Bill Jacobs, a member of the club or myself if he has any comments to make.

The second point that I would like to raise today is in relation to pensioners. The member for Nightcliff brought up the subject at question time this morning. It is something that has been on the move for some time now and I have been in touch with the minister responsible on several occasions. The Northern Territory government has provided much needed additional relief in the form of various percentage rebates on such things as quarterly electricity accounts motor vehicle registration, third party insurance, council rates, basic water and sewerage charges , garbage charges and a free bus service. However, this assistance is provided only to people who have a pensioner's health benefit card or a concession card issued by the Department of Social Security or the Department of Veteran Affairs.

All of those things are to be commended but, in the initial implementation of these initiatives, there was a great deal of confusion. There were members of the various departments who did not know who was to receive what. Some pensioners went there presuming they were eligible to receive the concessions. They received them but the following year they were knocked back on the grounds that they did not comply with the requirements. Not only was there confusion in the departments but the pensioners themselves were not sure if they were eligible to receive these concessions. A letter was issued from the Department of Community Development which said that the aged, invalid and widowed pensioners, supporting parents and beneficiaries, and service pensioners would be eligible if they had the 2 cards I have mentioned. This meant, as was further outlined in the letter, that the eligibility for concession was subject to a means test.

My immediate concern is with senior citizens. It is interesting to note from statistics from the Australian Bureau of Statistics that, in the age group of 70 to 74, we have 481 males and 453 females. In the 75 to 79 age bracket, we have 216 males and 162 females. In the 80 to 84 bracket we have 79 males and 76 females. This goes on to 100 and over. We do have a large number of senior citizens who should be able to benefit from these concessions provided by the Northern Territory government. To see an aged person walking up the street with the aid of a walking cane and not being able to get a free bus ticket because he does not have one of these cards is just not on. I believe that all aged pensioners should receive the additional benefits provided by the Northern Territory government without having to pass a means test.

The final point that I would like to bring up is in relation to one of our more serious problems. It happens every year and will continue to happen as long as we have a wet and a dry season. It is the perennial problem of long grass and coffee bush on properties. There are other centres in the Northern Territory which have the same problems. The member for Elsey has problems with long grass in his electorate. Since this matter is a perennial problem, something must be done about it. As I said in question time the other day, there are many people in Darwin who have actually cleared their properties and made a genuine effort. But there are still many people causing citizens in our community to worry about their safety. They are causing many people to come forward and lay complaints. I believe that everything possible should be done to make the people who have not complied clear their properties of long grass and rubbish.

The efforts of the government, the city council, the Keep Australia Beautiful Council and others are to be commended but, if we are trying to encourage tourism and to sell Darwin as a clean city, then an extra effort by everyone is required. If you walk down some of the main strees and back lanes of Darwin, particularly West Lane, you will see grass up to your knees. I believe this is a disgrace. I call on the government, the council, and the people to make an extra effort to make Darwin a place to be proud of.

Mr PERRON (Stuart Park): Mr Deputy Speaker, I would like to take the opportunity today to answer a couple of questions asked of me in this sittings and also to say a few words about that much maligned organisation, the Place Names Committee.

The honourable member for Sanderson asked me for the name of the advertising firm commissioned to advertise the Northern Territory government loans and how much the firm was paid. The firm retained to assist in advertising for the second and third loans was Berry Currie South Australia Pty Ltd. For loan no 2, Berry Currie was paid $11,438 in respect of costs for the development of layouts and visuals, direct mailing, and directing, writing and editing of television and

radio commercials. In addition, the company was paid a fee of $857.80 making a total of $12,295.80. For loan no 3, the company has not yet submitted an invoice but preliminary costings provided by the company indicate that costs for the development, layout, visuals, and for writing, editing and directing television and radio commercials will be in excess of $13,000.

The honourable member for Alice Springs asked me when the consultant who was appointed to prepare a development program for the commonage in Alice Springs will submit a report. That date is 31 May. In about 4 weeks' time, we should have his report.

The member for Port Darwin sought some information in relation to houses which are yet to be upgraded by the Housing Commission. I can advise that the post-cyclone campaign to upgrade Housing commission houses as such has been completed for some months but the Housing Commission has inherited a great number of public service houses and is presently doing up many of those. Quite a number of them are what are called over-battened houses - they have had angle iron placed on the roof. This is not considered to be an entirely satisfactory system and those houses are being upgraded in a normal way. I advise that there are some 1,000 houses that were constructed during the period of the Darwin Reconstruction Commission and which have major and minor flaws. It is going to be quite a substantial job for the Housing Commission to progressively rectify those faults.

I will read a few words on the operation of the Place Names Committee because there have been many wrong references to the Place Names Committee in this House. I will read a question without notice from the honourable member for Tiwi: 'Could the minister use his good efforts to ensure that, before the Place Names Committee names roads in the rural area, it publicises its intentions and invites comments from people who live in the area?'. That is really the nub of the misunderstanding. The Place Names Committee does not name roads or anything else. It advises on that very subject. The Place Names Committee is set up under the Place Names Act and its functions are as stated in section 9. It is to make reports to the minister concerning recommendations in relation to the naming of or altering of a name of a public place. The committee is obliged to forward to the minister with each report any communications and particulars of any representations received by it in relation to its recommendations. Section 11 of the act requires that the minister shall refer the report to the Administrator and the Administrator may approve, either without alteration or subject to such alteration as he thinks fit, any recommendation contained in the report, reject any recommendation contained in the report or return the report to the committee for further consideration. It will thus be seen that the Place Names Committee does not name any roads or places or alter the names of roads or places.

The other criticism was that, over a period of years, it occasionally changed its mind about the spelling of various names. The committee consists of 3 permanent members, 2 being appointed by the minister to be regular members of the committee and the Surveyor-General who is an ex officio member. Each municipality has a member who sits on the committee when matters in relation to that municipality are being considered. For areas outside a municipality, one other member is appointed as a local member.

On the question of changing names, as a general rule, the committee only changes accepted names after a thorough investigation. In recent years, the main changes have been for Aboriginal settlements where the European name has been changed to an Aboriginal one. Because of the deficiency in the original act, the committee could not recommend the substitution of one name for an existing name until an amendment was passed and assented to in 1973. An examination of the Place Names Committee minutes reveals that recommendations had been made for the changing of the names of 9 Aboriginal settlements, 5 roads and a park. It was necessary to change the road names following diversions for planning changes

which left too widely separated pieces of road with the same name. The park name was changed at the council's request from a name which was virtually unused. It should be pointed out that the names of 2 Aboriginal settlements were changed before it was discovered that the act was deficient. No action was taken to confirm the changes because of the wide acceptance of the changed names. The Place Names Committee has no staff and, as such, all research is carried out as required by members of the Survey and Mapping Division aided by interested members of the public.

Mr Deputy Speaker, I inform the House that, if any members have particular interests in this regard, and it seems that a couple do, I would be perfectly happy to receive any representations on suggested names to be used in their areas or suggested names for particular roads or places or suggestions of principle or policy that the Place Names Committee might act upon when naming places. I would be very pleased to pass those onto the Place Names Committee for their deliberation at any time. That offer also applies for any member of the public at all.

In closing, I would like to say a couple of words on a matter I regard as very serious that comes up from time to time in this House. It is the question of roads on Aboriginal land. I believe this is an extremely important matter. I think that the area of Aboriginal relationships - that is, black and white learning to live with each other - is going to be one of the biggest problems we will face over the next decade or two. How Northern Territory law affects and is applied to Aboriginal land is a very important issue. Not only road laws but, in some cases, other laws like the laws relating to the no-fault insurance scheme which exists in the Territory. These matters have a very great bearing on the status of land over which motor vehicles pass irrespective of who is driving on them. I am talking about roads on Crown land or freehold land or across pastoral properties or across inalienable freehold land which is Aboriginal land. Unless we have laws pertaining to that, there can be no lawful control of speed limits, of which side of the road a car should drive on, of where to stop or slow down and whether or not a car should be registered when it is on or off a road. Unless you have a definition in the terminology and an enforcement of what is a public road, then these things must mean very little.

It can be extremely serious when it comes to litigation surrounding an accident. There will be accidents from time to time on roads on Aboriginal land as well as off it. Unless the matter is resolved satisfactorily, there could be some awful court fights as to who may or may not have been in the right or wrong in a situation where the status of a road is in doubt.

The member for Arnhem, during the course of these sittings, alluded to a road on Groote Eylandt that he would like to see upgraded. This road leads to an Aboriginal settlement. The reason he wanted it upgraded was primarily to ensure that there was access to this area at all times for medical reasons. That was the prime concern and he felt that the government - presumably no one else will - should upgrade this road and make it a secure all-weather road. I think that is quite a fine thing and any member would be fighting for it. That is the very nub of the point that I am making about the fact that roads on Aboriginal land are public roads. They are used by all sorts of members of the public. They are used by Aboriginals if they wish to move within Aboriginal land or come out of it or, in this particular case, perhaps by an ambulance, a doctor or a nurse. There are many other people who live on Aboriginal land: teachers, police, health workers and a whole range of other public servants or employees of Aboriginal organisations who are not Aboriginals. They also are members of the public and they deserve the right and protection of the law that all other Territorians have when they are using roads. There must be the recognition that

these roads are public roads. They cannot be regarded an an ordinary piece of inalienable freehold land like a piece of freehold land in rural Darwin where cars can drive around without registration and insurance, without brakes or without any requirements whatsoever to be met. It is very dangerous to expect people to live in that situation. We are talking about many people and many cars. I think the member for Arnhem makes a big mistake when he does not accept that Aboriginals themselves are part of the public. They are Territorians like the rest of us and they are entitled to have the law protect them just as the law protects the rest of us.

Mr ROBERTSON (Gillen): Mr Speaker, in my capacity as Minister for Education, I wanted to comment on a matter raised by the honourable members for Arnhem and Tiwi. They both raised the question of conveyance allowances and I undertook to advise the House of what transpired this morning in my discussions with officers and colleagues. Firstly, I would like to say, as I indicated by interjection, that the last time I heard a dictionary play on words was by Mr Gough Whitlam in Adelaide just before the last general election. His play was on the word 'jobs' and of course he took apart the dictionary definition just as the honourable gentleman has taken apart the word 'mob'. As usual, the honourable gentleman is at least 12 months out of date. That happened to be a little slogan put out for the last Darwin Show and has nothing to do with anything now. The other thing is that the entire nation correctly viewed Mr Gough Whitlam's efforts as being puerile. I am quite sure that the people of the Northern Territory will view the efforts of the honourable member for Arnhem similarly.

Turning back to something that he was sincere about, he raised the question of staffing at Casuarina High School. However, that was another classic demonstration of how the honourable member for Arnhem chooses to conduct himself. He either quite consciously distorts the truth or quite consciously ignores the truth or else does not even bother to find out what the truth is. I hope he realises the position he would place himself in by making statements like that and by naming officers and using that as a political attack if he ever became a minister responsible for a department. Of course, he places the other side in a position of having to defend itself on the basis of letting people know who the person referred to is. In this case, it is the principal of a high school and I find it extremely regrettable that I have to do so. Nonetheless, in a genuine attempt not to besmirch anyone, I will not make personal observations on this other than to perhaps read a letter and give some details on staffing.

The letter I refer to is from the permanent head of the Department of Education, Dr Eedle, which he has sent to the same parents that the Principal of Casuarina High School sent the rather unfortunate circular to. It reads:

*Dear Parent,*

*On 23 April 1980, the Principal of Casuarina High School sent you a letter telling you that your child was not receiving any appropriate form of education because the Education Department had made staffing reductions. The principal maintained that the class sizes should be small and said that he was keeping the department aware of this 'pressing need' for additional remedial teachers. I believe it is only fair that I write to you to give you a balanced picture. Casuarina High School is the best staffed High School in the Northern Territory. It may well be the best staffed government high school in Australia.*

I understand there are a couple of colleges in the ACT which have a better pupil-staff ratio than Casuarina High. I understand that Fort Street High in Sydney may also have a better one. However, no other high schools in Australia are known to us as having a better staffing formula than Casuarina. It is very much better than any other high school in the Northern Territory and the reason will become obvious shortly:

> *The school has 2 teachers more than it is entitled to on a very generous staffing arrangement. A total of 70 teachers are at the school to cater for 822 students. At the beginning of the school year, it was the responsibility of the principal to ask for the types of teachers he needed. If he had wanted more of his 70 staff to be remedial teachers, he could have had them. The principal is responsible for matching students, teachers and subjects. He has full responsibility for arranging that the timetables for the student groups are of appropriate numbers for the work to be done. The school has not had a reduction in staffing. Last year there were 71 teachers for 838 students. This year there are 70 teachers for 822 students.*
>
> *I am asking one of my senior officers to examine means by which existing staff may be redeployed and the timetable rearranged for the rest of the year in order to maintain the results which we all agree are desirable. I can only apologise to you for the anxiety which the principal's letter must have caused you and assure you that Casuarina High School has buildings, equipment, staff and support services necessary to provide an entirely satisfactory education for the students enrolled there.*

I am quite sure that, as the secretary says, that was the very genuine motivation behind the principal of Casuarina High's action, albeit that it was rather unwisely done.

I will now give the actual staffing arrangements at Casuarina High School. There are 46 classroom teachers. Years 8-10 have 1 teacher for every 16 students. Last year, in years 11 and 12, there was 1 teacher for every 16 students. This year, for years 11 and 12, there is 1 teacher for every 13 students, an improvement in accordance with this government's policy. Since classroom teachers are required to teach only 80% of the time, these numbers are increased by 1 in every 5. In addition to that, there are senior staff numbering 15. There is one principal who is required to do no teaching at all. There are 3 assistant principals with a teaching load of only 45%. There are 11 senior teachers with a teaching load of 75%. In addition, we have additional teachers numbering 9: 2 teachers of English as a second language; one resource teacher; one specialist remedial teacher; one student driver education teacher; one guidance officer; one counsellor; and 2 teacher librarians. There are also 14 ancillary staff. These include teacher aides, library aides, laboratory assistants and administrative staff.

You see quite clearly that there is absolutely no reason whatsoever educationally why Casuarina High School should not be a success. All I can say is that this government will always recognise, within its means, special needs of schools. Quite clearly, this government has done so in respect of Casuarina. With those sorts of staffing arrangements, I think it is a great pity that a principal decided to write a letter of the nature of that read out last night by the opposition spokesman on education. By making it public, it has simply added to the disservice that has been done to students and parents of that school. I find the whole matter most regrettable indeed.

The question of conveyance allowance was raised yesterday and I would like to give a bit of history of why it went from 14¢ to 7¢. For administrative convenience, the Commonwealth applied as a conveyance allowance the old regulation

97 formula which was designed for public servants who were allowed to use their cars in the course of their duties. That is quite distinct from someone using a family car to convey a child. What was done, in order to make a more equitable form and one which could be indexed, was to approach the Northern Territory Automobile Association for its views as to the cost of running an average car. The Automobile Association said that the average car in the Territory could probably be deemed to be a 6-cylinder Holden Kingswood and that is where the figure of 7¢ came from. Naturally, that ought to have been indexed - and I would be the first to accept that it should have been indexed before this - because of the very rapid rise in fuel prices since this determination was made. Nonetheless, the figure is now 10.6¢. Because that is a very difficult figure for people to work out in their returns, the government this morning decided to revise the figure to 11¢ per kilometre. This will be automatically indexed on the advice of such authorities as the NT Automobile Association.

The other thing that was brought to my attention this morning by officers of the department was the fact that a number of Aboriginal people and other citizens use boats to convey children across rivers and estuaries from their places of abode to schools. The government has therefore seen fit to have a varying rate of about 5¢ to 7¢ per kilometre to assist persons in isolated areas who convey their children to schools by boat.

The honourable member for Elsey has again mentioned the need for agricultural training. I will take on board the comments that he has made. I appreciate his point that he cannot expect too much too quickly but certainly officers of both my department and that of my colleague, the Minister for Industrial Development, have been looking at the possibility of using the 15-mile experimental farm as a place to resite the Katherine Rural Education Centre.

There is a little difficulty there. I set up an advisory council for the Katherine Rural Education Centre and that council is quite determined that the best place for such an agricultural college is not at the 15-mile farm but at a farm that the government does not own and is worth millions. I think honourable members would realise the dilemma the government now finds itself in having to go back to those counsellors to explain the position to them and to see if we cannot use the 15-mile farm effectively. I believe the honourable member for Elsey is quite correct about the need for agricultural training. I understand students have been going out there now. Nonetheless, there are a lot of facilities and there are a lot of experts - for example, horticulture, agriculture, pest weed control and animal husbandry - who can work side by side with adult educators and adult lecturers to develop a very good program at probably a moderate cost; certainly nothing like $1m.

Mr EVERINGHAM: Mr Speaker, I would like to pick up a few things in the adjournment debate this afternoon. The honourable member for Elsey made a statement to the effect that the cultural centre for Darwin would be entirely unproductive. I deny that in an absolute sense in any event but it is in fact to be a cultural and convention centre. It will be a most important facility as far as the tourist industry is concerned. I would hope that a similar facility can be established in Alice Springs at an early date. It should have the effect of assisting Darwin in becoming a major national and international conference venue. I do not deny the soundness of the honourable member for Elsey's call for additional money to be spent on rural education in the Northern Territory. My colleague, the honourable minister, has already addressed himself to that.

The honourable member for Arnhem has deluded himself on a number of occasions in remarks he has made to this Assembly. In this particular sittings,

he has made remarks twice in respect of happenings at Oenpelli community and which come from someone's imagination. The honourable member for Arnhem indicated that I had attempted to speak in a particular Aboriginal dialect. Unfortunately, and I say this with real regret, I am not able to speak any Aboriginal dialect. I have never had the time to learn, nor indeed have I attempted to speak, such dialects. I think the extent of my knowledge of Aboriginal words, if indeed they are Aboriginal words and not simply a lingua franca type of expression, are words like 'balanda' and Yulnyu' and I do not recall using them at Oenpelli on my visit there a few weeks ago with an Aboriginal candidate for the seat of Arnhem who is quite proud to be standing for the CLP. I believe that the honourable member for Arnhem said to the Minister for Health at some stage that he believed that he should stand aside when an Aboriginal was ready to represent Arnhem in the Legislative Assembly. I think he will be standing aside as it is. This candidate seemed to have no difficulty in communicating with Aboriginal people. I certainly would not pretend that I am always on the right wave link but my candidate, Gatjil Djerrkura, certainly seemed to be able to communicate very effectively with Aboriginal people. This is possibly why we are hearing such shrill language from the honourable member for Arnhem at this stage.

I might also mention in respect of the Police Citizens' Youth Club that the Police Commissioner, Mr Peter McCaulay, unfortunately suffered a collapse of some sort this morning and is presently hospitalised. This is much to my regret because I believe that he is one of the most valuable acquisitions made by the Northern Territory. I do not say Northern Territory government; I say Northern Territory. Since self-government, he has been working in the little spare time he has had to have the police and citizens youth centre relocated. I believe that he is aiming for a site in the northern suburbs and I have informed him that the government would assist with whatever financial and other requirements there may be.

There was one matter that I particularly wanted to speak about this afternoon. It relates to a report that appeared in The Australian newspaper today in the transport section under the headline: 'Evaluation finds Alice to Darwin rail link unviable'. That is a most misleading headline because the so-called evaluation is a study prepared and paid for by a vested interest group, namely, the Victorian Bus Proprietors Association. The Victorian Bus Proprietors Association is dead against the Northern Territory getting the extension of the rail link from Alice Springs to Darwin.

I have been doing a fair bit together with other people from the Territory and members from this House and the federal House to exert all possible pressure on the federal government to commit themselves to this venture. I spoke earlier this year in Canberra to the Conference of Automobile Associations of Australia and I was attacked by a representative of the Victorian bus owners who was at the conference and who questioned the viability of the whole concept, obviously, from a totally vested interest viewpoint. I will just put a few things on the record. Even the figures in the newspaper report are totally inaccurate. The timing of the article is very bad because a great deal of time and effort has been spent in seeking to produce by the Northern Territory and Commonwealth governments a comprehensive study. These people are obviously trying to shoot it down before the study comes out of the box.

The team preparing the government's study is well aware of the Gibbs Report referred to in the Australian. It has concluded, and this included the Commonwealth government representatives, that no particular significance should be attached to it. The report was prepared for the Bus Proprietors Association of Victoria and I am reading this material which has been prepared for me by the

person in charge of the Northern Territory side of this study. The Gibbs study is not a comprehensive study of the merits of the proposed railway line and, in particular, it focuses almost entirely on passenger transport which is really only incidental to the case for the railway.

The fact that the study team has given far less attention to this report than does today's Australian merely suggests there was some particular motive in bringing forward the report at this time. The Gibbs Report is based on outdated information. It takes no account of development prospects, an area to which the present joint study team has given considerable attention. It is very narrowly focused. It pretends a degree of accuracy in producing various cost-benefit ratios at different rates of discount. This accuracy is spurious. No amount of sophisticated analysis can enable precise cost-benefit ratios to be determined. Again, the apparent precision in the area of energy fails to take account of the broad energy savings in the freight area and this is where the primary benefit will lie.

The only way to put this sort of thing to bed is to get our feasibility study out as quickly as we can. I have asked the team to redouble its efforts to get the matter finished so that we can release the feasibility study as soon as possible so the public can see for themselves.

Motion agreed to; the Assembly adjourned.

ADJOURNMENT

Aboriginal land -
rights 3194
roads 3200
Aboriginal Liaison Unit 2947, 2952
Advertising of Northern Territory government loans 3198
Agricultural training 3192, 3203
Alice Springs commonage 3199
Australian policy towards Indonesia 2953
Barramundi depletion in Roper River 3191
Berry Currie South Australia Pty Ltd 3198
Block 4641 Nightcliff 2949
Caravan park at Tracy Village 3065
Caravan parks, Tourist Bureau 3145
Casuarina High School, staffing 3147, 3201
Casuarina Library 3069
Chief Minister's visit to Oenpelli 3195, 3203
Community Access Centre 3068
Conveyance allowances, rural area 3144, 3146, 3202
Correctional Services Division, procedures 3188
Crocodile sightings in Top End 3062
Crystal Corner intersection 2993, 3060
Darwin cultural and convention centre 3203
Darwin Gymnasium 3143
Department of Education, adult education section 3064, 3071
Department of Mines and Energy, policies 2945
Electricity charges at caravan parks 2994, 2995, 3067
Emerald Pastoral Agricultural College 3192
Emission control equipment 2991
Environment Council 3063, 3068, 3188
Gibbs Report 3204
Handicapped persons, motor vehicle stickers 2994
Housing Commission -
single parents accommodation policy 2985
upgrading of houses 3199
Howard Springs turn-off 2993
Jacobs, Bill 3197
Kailis Fisheries closure 2988, 2989, 2990
Katherine Rural Education Centre 3193, 3203
Koongarra project 3064, 3071
Legislative Assembly election 3195
Long grass and coffee bush on private properties 3198
McCaulay, Peter 3204
Narrows area traffic problems 3141
Oasis Shopping Centre 3141
Pensioner rebates 3197
Perishable foodstuffs, date coding 3142
Pet meat industry 3189
Place Names Committee 2993, 3199
Police Citizens' Youth Club 3196, 3204
Pre-school associations 2986, 2987, 2991
Rail link, Alice Springs to Darwin 3204
Random breathalyser caravan 3067
Road signs for small businesses 3190
Roper River, barramundi depletion 3191
School planning in Sanderson 3069
Seminar on goats 2954



19634.805—20

Teachers in isolated schools 3194
Temple Bar Creek 2991
Territory Development Corporation 2955
Thirty-two-square-mile acquisition area 3061
Ti Tree, correct spelling 2991
Tiwi islands -
harvesting of dugong and turtle 2992
importation of kangaroos 2992
Town Planning Authority 2952
Umbakumba Road 3146
Victorian Bus Proprietors Association 3204
Whitlam E.G. 3201
Women's Electoral Lobby 3069

BILLS
Aboriginal Land (Serial 437) 2964, 3172
Agricultural Development and Marketing (Serial 414) 3033
Aviation Amendment (Serial 415) 2983
Construction Safety (Serial 425) 3024
Control of Roads Amendment (Serial 442) 3159
Crown Lands Amendment (Serial 431) 3018
Crown Lands Amendment (Serial 440) 3159
Dangerous Goods (Serial 420) 3025
Explosives (Serial 427) 3024
Firearms (Serial 396) 2944
Housing (Serial 398) 2940
Inspection of Machinery (Serial 426) 3024
Leprosy (Serial 439) 3161
Local Government (Serial 438) 3020, 3091
Local Government Amendment (Serial 441) 3159
Lottery and Gaming (Serial 409) 3027, 3184
Medical Practitioners Registration (Serial 388) 2943
Mining (Serial 351) 2965
Mining (Serial 423) 2970, 3138
Payroll Tax (Serial 428) 3021, 3188
Prisons (Correctional Services) (Serial 365) 2972, 3094, 3161
Public Service (Serial 394) 2940
Radiographers (Serial 401) 2981
Supply (Serial 430) 2963, 3186
Supreme Court (Judges Long Leave Payments) (Serial 384) 3060
Supreme Court (Judges Pensions) (Serial 383) 3026
Teaching Service Bill (Serial 412) 2908
Territory Development (Serial 421) 3020
Workmen's Compensation (Serial 408) 2984

DISTINGUISHED VISITOR
Sir Asher Joel 2957

MATTERS OF PUBLIC IMPORTANCE
Disadvantaged schools in the Northern Territory 2957
Maladministration of Correctional Services Division 2920

MESSAGES FROM ADMINISTRATOR
Payroll Tax Bill 2957
Supply Bill 2957

MOTIONS
Appointment of QCs statement 2908

Australian territorial sea statement 3159
Dhupuma College statement 3084
Electricity supply plans for Darwin statement 3001
Leave of Absence - Mr Doolan and Mr Perkins 3060
Mining Bill (Serial 423) 2966
Northern Territory Teaching Service Bill statement 2909
Policies for improvement of Aboriginal communities report 3078

PERSONAL EXPLANATIONS
Everingham 3185
Lawrie 2939
O'Neil 2970

PETITIONS
Cafeteris in Block 8 2907
Conveyance allowance for school children 3073
Open space area at Rapid Creek 2999
Place name spelling 2907
Vehicle access to Oasis Shopping Centre 3073

REPORTS
Education Advisory Council Annual Report 3149

STATEMENTS
Alleged case of amoebic meningitis 2981
Australian territorial sea 3157
Dhupuma College 3082
Electricity supply plans for Darwin 2999
Law Review Committee 3153
Northern Territory Oral History Program 3023
Northern Territory Teaching Service Bill 2908
Policies for the imporvement of Aboriginal communities 3074
Royal Commission into drugs 3154
Services to the handicapped 3150

SUSPENSION OF STANDING ORDERS
Mining Bill (Serial 423) 2966

TABLED PAPERS
Alcohol policies conference 3149
Auditor-General's Report statement 3159
Education Advisory Council - annual report 3149
Implementation of Administrator's proposals 3159
Letter to Chief Justice concerning QCs 2907
Northern Territory - booklet 3149
Northern Territory Teaching Service Bill 2908

BALLANTYNE M.J.

ADJOURNMENT
Crocodile sightings in Top End 3062

BILLS
Medical Practitioners Registration (Serial 388) 2943
Radiographers (Serial 401) 2982

MOTIONS
Dhupuma College statement 3089

COLLINS B.

ADJOURNMENT
Aboriginal land rights 3194
Aboriginal Liaison Unit 2947
Casuarina High School, staffing 3147
Chief Minister's visit to Oenpelli 3195
Conveyance allowances, rural area 3146
Department of Education, adult education section 3064
Department of Mines and Energy, policies 2945
Environment Council 3063
Kailis Fisheries closure 2989
Koongarra project 3064
Umbakumba Road 3146

BILLS
Aboriginal Land (Serial 437) 3175, 3183
Agricultural Development and Marketing (Serial 414) 3033
Mining (Serial 423) 3138
Prisons (Correctional Services) (Serial 365) 3104, 3163

MATTERS OF PUBLIC IMPORTANCE
Disadvantaged schools in the Northern Territory 2957

MOTIONS
Dhupuma College statement 3084
Electricity supply plans for Darwin statement 3010
Mining Bill (Serial 423) 2966
Northern Territory Teaching Service Bill statement 2909
Policies for the improvement of Aboriginal communities report 3078

DONDAS N.

ADJOURNMENT
Casuarina Library 3069
Community Access Centre 3068
Correctional Services Division, procedures 3188
Environment Council 3068, 3188
Women's Electoral Lobby 3069

BILLS
Local Government (Serial 438) 3020, 3092, 3093
Prisons (Correctional Services) (Serial 365) 2976, 3094, 3161

MATTERS OF PUBLIC IMPORTANCE
Maladministration of Correctional Services Division 2927

D'ROZARIO J.

ADJOURNMENT
Electricity charges at caravan parks 2995
School planning in Sanderson 3069

BILLS
Agricultural Development and Marketing (Serial 414) 3051, 3057
Aviation Amendment (Serial 415) 2983
Housing (Serial 398) 2940
Lottery and Gaming (Serial 409) 3027
Prisons (Correctional Services) (Serial 365) 2972
Public Service (Serial 394) 2940

MOTIONS
Electricity supply plans for Darwin statement 3006

EVERINGHAM P.A.E.

ADJOURNMENT
Aboriginal Liaison Unit 2952
Australian policy towards Indonesia 2953
Chief Minister's visit to Oenpelli 3203
Darwin cultural and convention centre 3203
Gibbs Report 3204
Kailis Fisheries closure 2988
McCaulay, Peter 3204
Police Citizens' Youth Club 3204
Pre-school associations 2987
Rail link, Alice Springs to Darwin 3204
Town Planning Authority 2952
Victorian Bus Proprietors Association 3204

BILLS
Aboriginal Land (Serial 437) 2964, 3179
Firearms (Serial 396) 2945
Prisons (Correctional Services) (Serial 365) 2975, 3097
Public Service (Serial 394) 2940
Supreme Court (Judges Long Leave Payments) (Serial 384) 3060
Supreme Court (Judges Pensions) (Serial 383) 3027
Workmen's Compensation (Serial 408) 2985, 3186

MOTIONS
Appointment of QCs statement 2908
Australian territorial sea statement 3159
Electricity supply plans for Darwin statement 3008
Northern Territory Teaching Service Bill statement 2912
Policies for improvement of Aboriginal communities report 3078, 3081

PERSONAL EXPLANATION 3185

STATEMENTS
Australian territorial sea 3157
Law Review Committee 3153
Northern Territory Oral History Program 3023

Policies for the improvement of Aboriginal communities 3074
Royal Commission into drugs 3154
Services to the handicapped 3150

TABLED PAPERS
Auditor-General's Report statement 3159
Implementation of Administrator's proposals 3159
Letter to Chief Justice concerning QCs 2907

HARRIS T.

ADJOURNMENT
Long grass and coffee bush on private properties 3198
Pensioner rebates 3197
Police Citizens' Youth Club 3196

BILLS
Agricultural Development and Marketing (Serial 414) 3035
Housing (Serial 398) 2941

PETITIONS
Cafeteria in Block 8 2907

ISAACS J.M.

BILLS
Aboriginal Land (Serial 437) 3172
Firearms (Serial 396) 2944
Local Government (Serial 438) 3091
Lottery and Gaming (Serial 409) 3030
Payroll Tax (Serial 428) 3188
Prisons (Correctional Services) (Serial 365) 3097, 3162
Supply (Serial 430) 3186
Supreme Court (Judges Long Leave Payments) (Serial 384) 3060
Supreme Court (Judges Pensions) (Serial 383) 3026
Workmen's Compensation (Serial 408) 2984

MOTIONS
Appointment of QCs statement 2908
Australian Territorial sea statement 3159
Electricity supply plans for Darwin statement 3001
Leave of Absence - Mr Doolan and Mr Perkins 3060
Northern Territory Teaching Service Bill statement 2914

PETITIONS
Open space area at Rapid Creek 2999

LAWRIE A.D.

ADJOURNMENT
Block 4641 Nightcliff 2949
Crystal Corner intersection 2993, 3060
Thirty-two-square-mile acquisition area 3061

BILLS
Local Government (Serial 438) 3092
Prisons (Correctional Services) (Serial 365) 3094, 3162

MATTERS OF PUBLIC IMPORTANCE
Maladministration of Correctional Services Division 2920

PERSONAL EXPLANATION 2939

MOTIONS
Dhupuma College statement 3087

MacFARLANE J.L.S.

ADJOURNMENT
Agricultural training 3192
Barramundi depletion in Roper River 3191
Emerald Pastoral Agricultural College 3192
Katherine Rural Education Centre 3193

BILLS
Agricultural Development and Marketing (Serial 414) 3046

OLIVER R.C.

ADJOURNMENT
Electricity charges at caravan parks 2994
Handicapped persons, motor vehicle stickers 2994

BILLS
Agricultural Development and Marketing (Serial 414) 3038

O'NEIL P.F.

ADJOURNMENT
Darwin Gymnasium 3143
Housing Commission, single parents accommodation policy 2985
Perishable foodstuffs, date coding 3142
Pre-school associations 2986

BILLS
Medical Practitioners Registration (Serial 388) 2943
Prisons (Correctional Services) (Serial 365) 3099, 3166
Radiographers (Serial 401) 2981

MATTERS OF PUBLIC IMPORTANCE
Maladministration of Correctional Services Division 2933

PERSONAL EXPLANATION 2970

PADGHAM-PURICH C.N.

ADJOURNMENT
Caravan park at Tracy Village 3065
Caravan parks, Tourist Bureau 3145

Conveyance allowances, rural area 3144
Electricity charges at caravan parks 3067
Howard Springs turn-off 2993
Pet meat industry 3189
Place Names Committee 2993
Random breathalyser caravan 3067
Road signs for small businesses 3190
Seminar on goats 2954
Territory Development Corporation 2955
Tiwi islands-
harvesting of dugong and turtle 2992
importation of kangaroos 2992

BILLS
Agricultural Development and Marketing (Serial 414) 3040
Firearms (Serial 396) 2944
Supreme Court (Judges Pensions) (Serial 383) 3027

PETITIONS
Conveyance allowance for school children 3073

PERKINS N.G.

MATTERS OF PUBLIC IMPORTANCE
Maladministration of Correctional Services Division 2935

PERRON M.B.

ADJOURNMENT
Aboriginal land, roads 3200
Advertising of Northern Territory government loans 3198
Alice Springs commonage 3199
Berry Currie South Australia Pty Ltd 3198
Housing Commission, upgrading of houses 3199
Place Names Committee 3199

BILLS
Agricultural Development and Marketing (Serial 414) 3046
Control of Roads Amendment (Serial 442) 3159
Crown Lands Amendment (Serial 431) 3018
Crown Lands Amendment (Serial 440) 3159
Housing (Serial 398) 2942
Local Government Amendment (Serial 441) 3159
Lottery and Gaming (Serial 409) 3031, 3184
Payroll Tax (Serial 428) 3021, 3188
Supply (Serial 430) 2963, 3186

MOTIONS
Electricity supply plans for Darwin statement 3004

ROBERTSON J.M.

ADJOURNMENT
Agricultural training 3203
Casuarina High School, staffing 3201
Conveyance allowances, rural area 3146, 3202
Department of Education, adult education section 3071
Katherine Rural Education Centre 3203

Koongarra project 3071
Whitlam E.G. 3201

BILLS
Prisons (Correctional Services) (Serial 365) 3100
Supply (Serial 430) 3184

MATTERS OF PUBLIC IMPORTANCE
Disadvantaged schools in the Northern Territory 2961
Maladministration of Correctional Services Division 2937

MOTIONS
Dhupuma College statement 3084
Northern Territory Teaching Service Bill statement 2909, 2917
STATEMENTS
Dhupuma College 3084
Northern Territory Teaching Service Bill 2908

TABLED PAPERS
Education Advisory Council - annual report 3149

STEELE R.M.

ADJOURNMENT
Kailis Fisheries closure 2990
Narrows area traffic problems 3141
Oasis Shopping Centre 3141

BILLS
Agricultural Development and Marketing (Serial 414) 3054, 3057
Aviation Amendment (Serial 415) 3137
Territory Development (Serial 421) 3020

PETITIONS
Vehicle access to Oasis Shopping Centre 3073

TABLED PAPERS
Northern Territory - booklet 3149

TUXWORTH I.L.

BILLS
Construction Safety (Serial 425) 3024
Dangerous Goods (Serial 420) 3025
Explosives (Serial 427) 3024
Inspection of Machinery (Serial 426) 3024
Leprosy (Serial 439) 3161
Lottery and Gaming (Serial 409) 3029
Medical Practitioners Registration (Serial 388) 2943
Mining (Serial 351) 2965
Mining (Serial 423) 2970, 3140
Prisons (Correctional Services) (Serial 365) 3170
Radiographers (Serial 401) 2983

MOTIONS
Electricity supply plans for Darwin statement 3001, 3012
Mining Bill (Serial 423) 2966, 2968



19634.805—21

STATEMENTS
Alleged case of amoebic meningitis 2981
Electricity supply plans for Darwin 2999

SUSPENSION OF STANDING ORDERS
Mining Bill (Serial 423) 2966

TABLED PAPERS
Alcohol policies conference 3149

VALE R.W.S.

ADJOURNMENT
Emission control equipment 2991
Pre-school associations 2991
Temble Bar Creek 2991
Ti Tree, correct spelling 2991

BILLS
Agricultural Development and Marketing (Serial 414) 3050

PETITIONS
Place name spelling 2907