

NORTHERN TERRITORY OF AUSTRALIA

LEGISLATIVE ASSEMBLY

Third Assembly

Parliamentary Record

Tuesday 24 November 1981
Wednesday 25 November 1981
Thursday 26 November 1981
Tuesday 1 December 1981
Wednesday 2 December 1981

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

PART 1

DEBATES

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Tuesday 24 November 1981

Mr Speaker MacFarlane took the Chair at 10 am.

RESIGNATION OF THE LEADER OF THE OPPOSITION

Mr SPEAKER: Honourable members, I inform the Assembly that on 2 November 1981 I received from Jonathan Martin Isaacs a letter resigning his seat as member for Millner.

OPPOSITION OFFICE HOLDERS

Mr B. COLLINS (Opposition Leader) (by leave): Mr Speaker, the parliamentary Labor Party has elected me to be the Leader of the Opposition and Mrs Pam O'Neil, member for Fannie Bay, to be the Deputy Leader of the Opposition. Mr Dan Leo, member for Nhulunbuy, remains the Opposition Whip.

REPORT OF AUDITOR-GENERAL

Mr SPEAKER: Honourable members, I lay on the Table the report of the Auditor-General upon the Treasurer's Annual Financial Statement for the year ended 30 June 1981 and upon other activities.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move (1) that this Assembly, in accordance with the provisions of the Legislative Assembly (Powers and Privileges) Act 1977, authorise the publication of the report of the Auditor-General for 1980-81; and, (2) that the report be printed.

Motion agreed to.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that the Assembly take note of the paper and seek leave to continue my remarks at a later hour.

Leave granted; debate adjourned.

THIRD REPORT OF COMMISSIONER OF CONSUMER AFFAIRS

Mr PERRON (Community Development): Mr Speaker, I lay on the Table the Third Report of the Commissioner of Consumer Affairs. I move (1) that this Assembly, in accordance with the provisions of the Legislative Assembly (Powers and Privileges) Act 1977, authorise the publication of the Third Report of the Commissioner of Consumer Affairs; and, (2) that the report be printed.

Motion agreed to.

Mr PERRON (Community Development): Mr Speaker, I move that the Assembly take note of the paper and seek leave to continue my remarks at a later hour.

Leave granted; debate adjourned.

ENERGY PIPELINES BILL (Serial 142)

Continued from 26 August 1981.

Mr B. COLLINS (Opposition Leader): Mr Speaker, the bill before the Assembly is to provide for the licensing and regulation of pipelines constructed for the

conveyance of hydrocarbons. This bill has particular relevance to the Territory at this time as pipelines need to be constructed for the exploitation of the Palm Valley and Mereenie fields. The opposition supports the legislation but will be seeking to move amendments to improve it. In fact, the opposition considers the proposed amendments essential in order to make this legislation as beneficial to the Territory as possible.

I will canvass these amendments, Mr Speaker. Clause 3(3) says that the Administrator may declare a person or body carrying out a service for the benefit of the Territory or the public to be a public authority. Clause 4 then goes on to exempt public authorities from the provisions of the act. I believe that clause 3(3) offers too much discretion to the Administrator. The act of conveying gas through a pipeline could be viewed as carrying out a service for the benefit of the public. In fact, the phrase is so broad that an enormous number of things could be declared as public authorities if they were simply things that could be of service or benefit to the public in the Northern Territory. It seems that the bill would benefit by this being tightened up a little because the following clause exempts authorities that can be declared as public authorities from all of the provisions of the act that follow.

Part II deals with permits. This part would operate in such a way that, on being satisfied that the applicant has notified landholders, the minister may issue a permit authorising entry to the land involved for the performance of surveys and the taking of samples. There are virtually no restraints on the minister in relation to the grant of a permit. This part provides little protection to the landholder from loss, damage or inconvenience caused by the permittee and it is almost silent on measures to protect the environment, despite the fact that the minister commented in his second-reading speech on the provisions in the bill specifically for protection of the environment. I had some difficulty in finding them. It is a fact that pipelines have a considerable impact on the environment. I imagine that the Minister for Mines and Energy, having visited Alaska, would realise this.

Subclause 5(2) specifies the information to be provided to the minister by the applicant for the permit. I believe that it is deficient in that it does not sufficiently require all the details necessary to enable the minister to arrive at a conclusion in respect of the application. The opposition will be seeking to amend paragraph 5(2)(d).

Clause 6 provides for notification to be made to landowners. The form of this notice is to be prescribed. We will be moving amendments designed to ensure that the landowner is informed as to the extent of the disturbance likely to be caused by the permittee. In other words, it is not simply a notice that they are coming, it is also a notice of what they are going to do when they get there. We believe that this will be of great benefit to the landowner.

Clause 7(2) would enable significant portions of the act to be amended by way of regulation. The opposition strongly opposes this move and we will be seeking to amend the bill to prevent it happening.

Clause 8 covers the granting of a permit. Mr Speaker, in its present form, it pays only token attention to environmental protection and it is completely silent on the rights of landowners. We will be seeking to amend the bill to make it obligatory for the minister to be satisfied on both of these issues before a permit is granted.

Paragraph 9(1)(b) leaves the term of the permit to the discretion of the minister. Again we do not believe that this open-ended arrangement is

of benefit to landowners. By reading this piece of legislation, landowners should be able to have at least some reassurance that there is a maximum period of time involved in the operations of the people on their land surveying a pipeline. I will be suggesting in our amendments that 12 months would be an appropriate period of time. That would offer no difficulties at all to the people surveying because a means is provided in the act for a permit to be extended very easily. The extension of the permit would again require notification to the landowner. All I am seeking is to provide a little protection for the person who owns the land on which the survey will take place.

Subclause 9(3) does not provide sufficient protection to the permittee on the serious question of a cancellation of his permit. We believe that it should be in the act that the reasons for the permit being cancelled be spelt out and not simply left to the complete discretion of the minister. The subclause reads: 'The minister may, for reasons that he thinks sufficient, by instrument in writing, served on a permittee, cancel a permit as to the land in respect of which it is in force'. We will suggest that a more appropriate wording would be: 'The minister may, for reasons that the permittee has breached the terms or conditions of the permit or of this act ... cancel the permit'. This would at least spell out that he must do something specifically wrong in connection with this operation in order to have his permit cancelled.

Clause 11, as it is currently drafted, would confer far too wide an authority on the permittee in allowing him the right to go beyond conditions that may be laid down in the permit. The bill provides a list of the things that the permittee must state in his application; for example, the number of vehicles that he would be using across a property, the number of camps he would be setting up, the amount of disturbance he would be causing on the land etc. We do not believe that the permittee should be allowed - certainly not without reference to the minister - to go beyond these conditions and we will be seeking to amend the bill so that that in fact is the case.

Mr Speaker, it is perfectly conceivable, particularly if such things as survey camps need to be constructed or extensive soil testing needs to be carried out, that the land or the things on the land may be damaged during the exploration phase of the operation; that is, the permit phase. The opposition believes that it is appropriate to include provisions in the bill similar to those in the licensing section of the act in respect of restoration. Clauses 28 and 29 of this bill provide that, in the licence phase - that is, the construction phase of the pipeline - a landowner would be able to apply to the minister for some relief if the person carrying out the construction damages the land or things on the land. It is perfectly possible for that same kind of damage to be caused during the survey phase. We will be seeking to include a clause in the bill which allows for the same conditions applying in clauses 28 and 29 of the bill to be applied to the permit phase of the operation as well as to the licensing phase.

I do have a problem - I am sure it can be explained by a lawyer - with subclauses 13(1) and (2). They appear to be something of a nonsense. They specify the conditions that must be met before a licence application can be lodged and then they immediately empower the minister to waive the conditions they have just applied. That applies to both subclauses (1) and (2). It involves applying for a licence. Paragraph 13(1)(a) says: 'An application for a licence may be made by a person who - (a) at the time of making application holds, or within 6 months before making application has held - (i) a permit; or (ii) a permit or lease under the Petroleum (Prospecting and Mining) Act'. However, it goes on to say that, if the person is able to satisfy the minister, notwithstanding that he does not hold or has never held a permit etc, he can waive those conditions. That also happens in subclause (2).

I would like some guidance from the gurus in the glass box as to whether in fact there is a necessity for those clauses to be in the bill.

Clause 15 provides the minister with far too wide a discretion and does not give adequate protection to either the landowner or the environment. We will be seeking to amend the bill to remedy that. The conditions specified in a licence should be included in every licence. In order to bring this about, we will seek to amend subclause 17(2) to change 'may' to 'shall'.

In the same clause dealing with the conditions of licence and the amount of security to be set by the act - the way the bill is currently drafted this can be amended again by regulation - in line with my previous comments on earlier parts of the bill, we do not consider this to be appropriate. We will be seeking to amend the bill to prevent this from happening. The minister does have a discretionary power. The maximum level is \$50,000. We will be seeking to amend the bill so that that remains at that level and cannot be changed by regulation.

Mr Speaker, the remaining provisions of this bill appear to contain reasonable safeguards against arbitrary exercise of ministerial power. The opposition does not believe that substantial amendments appear to be necessary. However, I noticed on my perusal of the bill that there appear to be a number of drafting errors. I am quite happy to confess to the fact that I did not have time to seek to amend them all. I hope they will be picked up by the government. I spoke to the minister and he advised me that the committee stage will be taken later. I commend to honourable members the amendments proposed by the opposition.

Mr BELL (MacDonnell): Mr Speaker, I rise to make a few comments on the Energy Pipelines Bill. The bill has been brought before the Assembly largely to facilitate the taking of gas from the Palm Valley field for the purpose of generating electricity for Alice Springs. The route that the pipeline will take is very familiar to me. It lies along the route between Alice Springs and Areyonga which I have taken on many occasions. I saw the plan of the route that would be taken. I had in my mind the towering ranges of the western MacDonnell Ranges and the road winding over the plain towards the Waterhouse Ranges beside which this pipeline will run.

In rising to speak to this bill, I felt that it would be worth while to talk about the attitude of many of my constituents to such development. It is a common view - and one in fact expressed by the member for Stuart who was jocularly referred to last week by the Minister for Health as the member for Magellan - that traditional owners, and traditional owners as represented by land councils, are attempting to frustrate development in the Northern Territory. I think that the negotiations concerning both the Mereenie lease area and the pipeline for the carriage of gas to Alice Springs provide quite an interesting object lesson in regard to the extent to which Aboriginal people - in this case the Aranda people in particular - are interested in cooperating in relation to development projects in the Northern Territory. The pipeline follows a dreaming track that I have referred to previously in debates in this Assembly: the dancing women, the Unthippa of Aranda myth. I would suggest that this sort of development is quite capable of being conducted in such a manner as to take into account the views of the Aboriginal people resident at Hermannsburg and at other places in that vicinity.

I would like to share with the Assembly an anecdote that was passed on to me by people working on the planning of the route for the pipeline. There was considerable interchange about the mythology associated with the area that the pipeline would be covering. At one stage, I understand that some of the

anthropologists working there were somewhat surprised at the attitudes taken by some of the traditional owners who have been very keen to explain to the people conducting their survey that they had to be pretty careful in running a pipeline over the Finke River. They had seen pipelines in that area before. The Finke River is subject to flooding and to deposits of salt. In fact, the traditional owners were quite concerned that the people proposing to build the pipeline were apprised of the risks in that area.

There is one particular area of the bill that the Leader of the Opposition touched on that I would also seek to comment on. It relates to subclauses 8(2) and 15(2) which state the area that the minister should have regard to, firstly, in granting a permit and, secondly, granting a licence. Although there are a couple of typographical errors in paragraph 15(2)(d), they are substantially the same. I think it is important to point this out to honourable members. I will read from paragraph 15(2)(d): 'In considering an application for a licence, the minister shall have regard to - (d) whether the construction of the proposed pipeline or apparatus or works would be likely to interfere unnecessarily with - (i) improvements on; (ii) flora, fauna, fish, fisheries and scenic attractions on or in the vicinity of; or (iii) any features of architectural, archaeological, historical or geological interest on or in the vicinity of, the land specified in the application'.

Mr Speaker, the phraseology of that particular paragraph bothers me. It bothers me as a person representing an electorate that consists largely of Aboriginal people. As has been remarked so often in this Assembly, Aboriginal people represent 25% of the Territory's population and they have views of the world around them that differ from ours and those of the people who wrote that paragraph. Laudable as it might be that the minister should have regard to improvements, flora and fauna, scenic attractions, and archaeological and architectural things, I think it would have been of value to include some reference to the areas that are of concern to Aboriginal people in terms of their mythology. That should be taken into consideration by the minister, particularly in view of the fact that this bill is to be enacted in order to facilitate the carriage of a pipeline across Aboriginal land.

With those reservations and criticisms, I too support the bill.

Mr DOOLAN (Victoria River): Mr Speaker, I do not intend to go through the bill clause by clause but I would like to sound a note of warning and reiterate some of the things that the member for MacDonnell has said.

There is nothing in particular wrong with this bill but I would like to say that the government should look very carefully when it intends to put down pipelines. Surely to God we must have learnt enough from the uranium province where people are upset about roads. To give a specific example, I have been getting up in this Assembly for the last few years and complaining about the deplorable road to Port Keats; it is a shocking road. There would probably be quite a good road to Port Keats now except that, with all the goodwill in the world, surveyors went in there and mapped out the road - which was a perfectly logical and sensible thing to do - but they did not consult the Aboriginal people. The road was planned to go through several parts of the area that were regarded as mythological sites, sacred sites and terribly important to the people. This upset them. Consequently, they do not have a road. Maybe that is their fault. However, you do not ask people to give up their religion and their way of life because they want a road. They put their priorities first and their priorities were that this road should not go through their sacred sites. That is what happened.

I would just reiterate what the member for MacDonnell said that this must

be looked at very carefully. If the government intends to put a pipeline through, and obviously that would be beneficial to the Territory, it must go into very careful consultation or we will have a repetition of the hassle that occurred with uranium deposits and all the other things that have happened through putting roads through Aboriginal territory. I am trying to imply that, if we are to lay down regulations for this and that and everything else, for God's sake have plenty of consultation first.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, it was a pleasure to read this legislation. It is quite straightforward and I understand it clearly. I do not know whether my comprehension of legislation is increasing or the legislation is written in a simpler form but I certainly found it very easy to understand and I am only sorry that all legislation is not written as clearly. It was not obtuse at all; it was very succinct.

This bill brings forward for our consideration multiple uses of land. I think the time has passed when land can be used only for one purpose. By this legislation, if land already has a use, another use can be considered in that a pipeline may pass over or under such land.

It is self-evident that the land resources of the world are finite but the human population is certainly not. The rate of increase of the human population in some parts of the world is practically infinite. If there is finite land on one hand and a rapidly increasing human population on the other hand, it stands to reason that more than one use must be found for a piece of land, but still having regard to the rights of those people using the land, those who wish to use it and the wishes of the public.

In considering this bill, I think it is very important that, before any pipelines are put through, the rights of the landholders must be protected. I refer to all landholders, not just one section of the community. All classes of people who hold land must have their interests protected.

I do not intend to deal with the legislation in detail. There are some sections which have occasioned my interest. The definition of 'land' I think really refers to the definition of 'land tenure'. I am pleased to see mention of all forms of land tenure which are pertinent to the use of pipeline construction.

In clause 4, application of the act, reference is made to the fact that this act will function in conjunction with the Dangerous Goods Act, and rightly so. This act could not operate without regard to that previous legislation. That is very necessary to protect the interests of users of the pipeline, the owners of the land under which the pipe is to go and also the owners of adjoining land.

Part II relates to permits and points to the fact that the operation of this legislation is pretty straightforward. The routine is that an application is made for a permit for a pipeline to go through a particular area, consideration is given to this application and the licence is granted, granted with variations or not granted, as the case may be.

It has been mentioned by 2 previous speakers that not enough consideration has been given to the fact that, when the minister grants a permit, varies it, rejects it or considers it in any way, he does not allow for protection of the environment. I believe that this is not correct. I think clause 8 covers all forms of appreciation of the environment that could arise. It covers it from the point of view of the landowners. Improvements on the land are considered. The environment is considered in the flora, fauna, fish, fisheries

and scenic attractions on or in the vicinity of the land. I think that is important. Mention has not been made of this before. Not only on the land is mentioned, but in the vicinity of the land is mentioned. It continues in paragraph (2)(c) - features of architectural, archaeological, historical or geological interest on or, again, in the vicinity of the land. I think this is comprehensive, despite what was said earlier, and it does cover every situation that could arise.

It is very important that the applicant for the permit and the owner of the land, whoever that owner may be, have adequate consultation before any pipeline is put through, having regard to the interests of the landowner, and also the public interests and the interests of the applicant.

Again, in paragraph 9(1)(e) reference is made to energy pipelines going across Aboriginal land or Commonwealth land. As I said earlier, I feel it is very important that the rights of everybody be protected. The rights of all landowners have to be protected whether they are farm owners, Aboriginal owners, Commonwealth owners, owners of buildings or pastoral owners. All their interests have to be protected and I would like to see them all considered similarly by the minister.

In paragraph 15(2)(a), granting of a licence, the public interest is mentioned. I think it is important that the public interest is mentioned there from 2 points of view. The first one is that the public has an interest in the supply of oil and gas for ordinary everyday living; that is, if we wish to maintain our standard of living in the future, as most people do, a standard people have become accustomed to. Also the public interest must be considered in terms of realisation of things of intrinsic value in the environment. I refer there to the general environment.

My next reference is to the subject of licence fees where a formula is worked out: $A = B \times C \times D$. A is the fee payable, B is the unit amount, C is the diameter expressed in metres and D is the length of the pipeline expressed in metres. The volume is directly proportional to the square of the diameter and the volume would not be directly variable with C and D as mentioned here, but I think it will still produce a volume variation which is honestly indicative of the intentions of the use.

In clause 35, I am very pleased to see consideration is given to restoration of agricultural land after construction. Although the Northern Territory covers a large area of the continent of Australia, a lot of it is not arable land. Only very small portions of the Territory are arable and these are often in isolated areas. They are not concurrent one with another. If by chance an energy pipeline should go through arable agricultural land - and under agricultural land I would also include pastoral land, land that is being used productively - it is very important that it be restored because of the finite resources of these strips of land, particularly in the Northern Territory.

In clause 36, mention is made of a pipeline crossing water. Penalties will be incurred if pollution occurs under certain circumstances. The penalties are meant to encourage the person putting the pipeline through to take precautions that pollution does not occur over or under water by leakages from this pipeline but it is also important in the construction and use of the pipeline under or over land. Again, pollution should not occur through leakages. I think that this may be taken care of by conditions imposed on the applicant by the minister. Mention is also made of the chemical composition of the pipeline itself. When certain metals touch, in certain situations, chemical corrosion can occur. When corrosion occurs, leakages can occur.

I believe that in all facets of the permit application, the operation of the licence in all conditions is covered in most minute detail. Again, I would like to comment on the clarity of this legislation and I hope that the draftsmen show similar clarity in future legislation.

Mr VALE (Stuart): Mr Speaker, I too would like to speak in support of this legislation. Before I start, I would like to comment briefly on the comments made by the member for MacDonnell. Again, he has gone off half-cocked and taken comments out of context. I completely deny that at any stage I ever insinuated either privately or publicly that the land council negotiations frustrated the presentation of the Mereenie lease documents.

There are probably 2 people who have pushed and pummelled in an attempt to persuade the government to present those lease documents. One would be Helmut Paralutcha, representing some of the traditional owners, and the other myself. If the member for MacDonnell is so concerned about what I said or could not hear clearly enough at a public reception in Alice Springs last week, then I suggest that he and anyone else who is interested to find out exactly what I said contact the Minister for Mines and Energy who has on tape exactly what I said. At no stage did I ever say that the land council had frustrated the presentation of the Mereenie lease documents. Certainly, I blamed government officials but at no stage did I blame the land council.

Mr Speaker, I welcome the opportunity to support this legislation which, though timely, is late, approximately 13 years too late. It is timely because the recent granting of the full-production oil leases to the Mereenie partners is late. These leases took 13 years to grant because of political and public service procrastination.

Many people do not regard a pipeline as a form of transportation and yet history has shown that it is the safest and most economical way to transport vast quantities of hydrocarbons across stretches of vast and often harsh land. Properly designed, constructed and controlled, pipelines are the most efficient and reliable form of transport yet devised. Pipelines obviate the need for a network of road systems built and maintained at huge expense to the taxpayer and the consumer. They do away with the need for large, expensive gas-guzzling motor transport and all the infrastructure required for that mode of transport. Pipelines do not represent the same potential environmental and safety hazards that are always most present when road, sea, rail and air transport are used. Pipelines do not run aground spilling thousands of tonnes of oil into the sea. They do not overturn, scattering a load across the country. They are not subject to derailment and do not spread thousands of litres of highly flammable petroleum products. Neither do they plummet to earth in highly-populated areas.

Unlike pipelines, which can operate 24 hours a day come hell or high water, those modes of transport are subject to the disruption of weather conditions. Properly designed, constructed and operated, pipelines create minimal disruption to the environment. Control measures will include computerised valve controls over given sections of the line and constant pipeline controls and surveys to ensure continuity of supply and to avoid the risk of disruption.

Mr Speaker, this legislation is designed to take account of events of recent days; that is, the granting of leases to the Mereenie partners and the signing of a contract to supply Palm Valley natural gas to the Alice Springs powerhouse. Both of these sites are situated in the electorate of MacDonnell with Mereenie 200 miles south-west of Alice Springs and Palm Valley 80 miles south-west of the Alice.

The development of these resources is of vital importance to industry and residents in central Australia. This legislation to build the pipeline is to stage 3 of the scheme, to develop the fields and follows the discovery and the granting of the leases. I now look forward to the final steps involving the construction of the pipeline, the development of the field and, ultimately, the supply of both crude oil and natural gas to central Australia and other areas north. I support the legislation.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I want to say a few words about this bill because I think it represents a milestone in Northern Territory progress. It certainly has been a long time, as the honourable member for Stuart has said. Whatever the reasons are - and I guess A blames B and B blames C - for the delays in bringing into production the Mereenie and Palm Valley fields, at least we are in the process of passing legislation that will make provision for the establishment of, as another honourable member rightly said, the Northern Territory's first gas pipeline.

I took note of the comments of the Leader of the Opposition. Most of them to me seemed fairly reasonable. The government will look at what he suggested. As to subclauses 13(1) and (2), for my money they can go out altogether.

I would like to speak particularly in relation to the matter of monitoring, protecting and controlling the environment because that does have some relevance to my areas of responsibility. The present situation in the Northern Territory is that environmental control and protection is the responsibility of the Conservation Commission which administers the federal act under an arrangement with the federal government, except in relation to Commonwealth projects. I think the federal legislation is called the Environmental Protection Act. If the act applies to a project in the Northern Territory, either of the Territory government, a statutory authority or a private concern, then the Northern Territory Conservation Commission, as I understand the administrative arrangements, looks after the preparation of environmental impact statements and any other necessary environmental safeguards.

At the present time, we are in the process of drafting legislation which, hopefully, will be introduced in the first sittings next year or, certainly, the second sittings. This legislation will establish the Northern Territory's own environmental legislation. We will therefore be no longer dependent on federal legislation for this. A decision has been taken by Cabinet that the Conservation Commission will continue to be responsible for the administration of that legislation. Therefore, I would see environmental safeguard provisions in this legislation as of secondary importance because I believe these pipelines are subject, where it is deemed necessary, to the provisions of the federal legislation. No doubt, they will be subject to the provisions of the Territory legislation. I further understand that, in respect of the pipeline that we are all talking about, the environmental safeguard provisions have already been gone through and an environmental clearance as to the methods of construction, route of construction and so on has been issued. In conclusion on that point, I would say that amendments to this legislation in relation to environmental protection and safeguards would be superfluous and unnecessary bearing in mind the overall situation.

The honourable member for MacDonnell raised the matter of providing protection to matters of significance to Aboriginal people. Again, it seems to me unnecessarily prolix to restate in the provisions of this legislation the provisions of the Native and Historical Objects and Areas Preservation Act and the Aboriginal Sacred Sites Act, both of which have been designed to give protection to those matters to which I think the member for MacDonnell referred.

On those 2 points, I would say that I cannot see any useful object being served in amendments to this piece of legislation. However, on the other matters, more specifically those raised by the Leader of the Opposition, I have already consulted with my colleague, the Minister for Mines and Energy. We will be looking at the proposals. As has already been indicated, I understand the committee stage of this bill will be taken later.

Debate adjourned.

APPROPRIATION BILL 1981-82 (Serial 151)

Continued from 26 August 1981.

Mrs O'NEIL (Fannie Bay): Mr Speaker, as long ago as 1780, a famous motion was moved in the House of Commons in Westminster by a parliamentarian called Dunning. The wording of his motion was as follows: 'the power of the Crown has increased, is increasing and ought to be diminished'. Mr Speaker, if that is how parliamentarians felt in 1780, how much more strongly do they feel 2 centuries later about the increasing power of the executive and the decreasing power of the parliament. In no area is this more strongly felt than in the area of public finance.

This is an area that concerns us not only here in the Northern Territory but in Commonwealth legislatures throughout the world and indeed in all legislatures throughout the world because, increasingly, the role of government in financial matters is increasing, the information and expert advice available to governments is increasing, but we as parliamentarians trying to represent our electors and our communities in the matter of public finance are very much left behind. The power of the purse is a myth; it no longer exists in parliament.

We have here in the Northern Territory such a situation. It is not unique to the Northern Territory but it is particularly obvious that, in the Northern Territory, it is more extreme than elsewhere. It is now 5 months into the financial year which the budget which we have before us covers. It is ridiculous that this parliament is having no influence on that budget whatsoever. I would not suggest that it is the role of parliament to initiate public expenditure. That is the role of the executive and I would be the first to defend its right to do so. But it is certainly the role of the parliament to scrutinise those areas of public expenditure and we are not able to do it with the situation that we have today. We are 5 months into this financial year. Already the budget for the next financial year, 1982-83, is being prepared. Five months of this financial year have elapsed and we now try to debate the budget.

Bearing that in mind, I will not, as I have done in the past, attempt to examine specific areas of expenditure. But I do feel very strongly that this parliament of the people of the Northern Territory must once again consider its need and its responsibility to initiate some sort of system so that we can carry out our responsibility to scrutinise the financial initiatives of the government.

We have had this sort of debate in the past. The ministers have shown varied responses. I can remember on one occasion being told that, if I want to find things out, I should ask questions in the Assembly. Mr Speaker, you know as well as I do how question time works. How can I or any other member pursue what might be a very complex area of economic policy by asking a one or two-line question in the Assembly which might be in amongst some other members' questions on schools at Humpty Doo or on fishing policy? It does not work and

it does not make sense. It is an insult to the Assembly for ministers to suggest that financial policy can be properly scrutinised by the Assembly in that way. On other occasions, ministers have said that they would really quite like to have a financial committee of some sort or another. They were feeling generous in those days so they said that they really liked the idea but that, unfortunately, our parliament is just too small, we do not have enough government back-benchers, the ministers are so busy and it is just too difficult. They said they would like to but that it is too difficult because the Assembly is too small.

I have just had the opportunity, for which I am most grateful and of which I will be speaking on another occasion, along with the member for Port Darwin, to attend some Commonwealth Parliamentary Association functions. One was particularly useful for the parliaments of small territories such as ours. One of the things I discovered with great interest was that, regardless of the size of the parliament, in every parliament - and I asked questions repeatedly on this subject - there was some system which enabled the members of parliament to attempt to scrutinise the budget and the financial activities of the government. It is their right. Every parliament - it did not matter how small; there were parliaments with only 7 members - had financial committees. There were parliaments - Gibraltar was an example - where there were no government back-benchers but which had a public accounts committee. Therefore, the arguments that our ministers trotted out time and time again, that we are too small and that we cannot do it, are clearly false. I could go through - the member for Port Darwin probably could also - the list of representatives of countries that we were fortunate to meet in Fiji. All of them had some sort of system of parliamentary scrutiny of public finance.

Mr Speaker, we have the Auditor-General's report which is always interesting to read and to discuss - I look forward to that. But that is something that is once again very much after the event as are the quarterly accounts. It is most important that, long before we get to this stage halfway through a financial year, we as members of parliament representing the people of the Northern Territory should have some means of discussing this matter. As I say, I found that every parliament in the Commonwealth has some sort of system. We are the only one without such a system and it is embarrassing. It is disgraceful to have to get up at an international gathering and say that we in the Northern Territory do not do this. It is totally embarrassing and it is not an easy thing to do. Yet, to be honest, I had to say it.

As I said before, this is not the first time that this matter has been discussed and we have had various responses from government members. Another response I can remember was from the Treasurer. However, his responses change from time to time. At one stage, he actually told us that the government would initiate the establishment of a public accounts committee, but then his government was re-elected and he changed his mind. The Treasurer said to us: 'Well, it is all right for you. You are in opposition. You think committees are good. Oppositions do. But when you are in government, you will change your mind'. I can remember the Treasurer putting that point of view quite forcibly.

I was interested to meet representatives of the South Australian Parliament in Fiji and, indeed, a member of the government party in South Australia, which is of course of the same political persuasion as our government in the Northern Territory. It is a conservative government. When it was in opposition, that party made a commitment that, if elected to government, it would establish appropriate parliamentary financial committees. That commitment was made by a party of the same persuasion as our current government, Mr Speaker. It was subsequently elected to government and established those committees. I give that example to the Treasurer. Bearing in mind that they are his political

bedfellows, I hope that he will appreciate that such a thing is possible. It has established such committees. I do not think there are many of them; I think the parliament is divided into 2 and the proceedings take place in the Chamber. I was assured by a government member that they are working very well this financial year.

Mr Speaker, earlier this year I also attended in Alice Springs a function which was organised by the Australasian Study of Parliament Group, and this very matter was raised in the context of the smallness of our parliament. One suggestion was put forward that most, if not all, people who had the opportunity to be present at that seminar thought a very useful one. I offer it now to the government, in all sincerity, as a way of allowing us still to do our duty as parliamentarians. It is to use the committee of the whole to examine the budget in some detail before the major debate, but allowing the government's advisers to be present in the Chamber.

I can appreciate that it is very difficult for the ministers here in the Assembly. I have been told this by the Minister for Transport and Works in this Assembly. He said: 'How can I be expected to answer all these questions of a technical nature?' I would invite the minister to consider a system whereby through some modification of Standing Orders - I do not think it would be very difficult, Mr Speaker - government advisers can be allowed to be present in the Assembly. They could then answer questions which any member on either side of the Assembly might put to them - of course with the approval of the relevant minister - on these complicated financial matters so that we, as members of the Assembly, fulfil our duty of scrutinising the budget.

Mr Speaker, on different occasions I have been told by a number of people who are quite close to the Country Liberal Party government that one of the problems that the government sees is that, if we have a traditional public accounts committee, some members on this side of the Assembly, who for obvious reasons are seen to have very incisive minds particularly in the area of finance - I was not referring to myself - will tear the government back-benchers to shreds if we have a public accounts committee, which ministers, by tradition, could not be on. That is a very derogatory opinion of their own back-benchers. I must say that, if they are of that view - and it has been told to me by so many people well placed to give the information that I believe it must be true - I once again offer the suggestion of having a committee on which we are all present, and at which government advisers can also be present. As I said, perhaps some small modification of the Standing Orders could be made which would enable appropriate scrutiny of the budget and of public finance for the people of the Northern Territory.

Mr Speaker, I will not attempt to go through items in detail because I have found from past experience that that is a waste of time. There is one thing that I want to mention and that is my pleasure that \$700,000 has been allocated finally within my electorate for the rebuilding of the old buildings at Parap school. That is long overdue. There is doubt as to whether that amount is sufficient, but I am sure we will make do with it. I for one am very pleased with the allocation as I am sure all members of the community are.

One is struck once again by the way we do our budgeting and also our tendering. Although the school will be vacant for the next 2 months, the tenders will be advertised this month and the work will begin approximately at the time the children go back to school. It really is ridiculous. I wish the people responsible would try to manage public works in places such as schools so that they take place when those buildings are vacant. This would not only benefit the children but it would benefit the contractors as well.

Mr EVERINGHAM (Chief Minister): Mr Speaker, there is not a great deal to reply to after the member for Fannie Bay's collection of reminiscences, but I think that it is significant that she did not address herself to the substance of the budget. She complained, of course, that too much time has gone by between the time of presentation of the budget and today and that this made any consideration of the budget in detail a wasteful and nugatory exercise. I would say that at least some cause for the delay can be attributed to her own party which after all does not seem to be able to hold on to its leaders. The budget itself was presented on 25 August and today we have not reached 25 November. Had the budget been considered in due course, it would have been considered after a period of about 2 months and some days. I would have thought that that, Mr Speaker, was neither hastening the budget through its passage nor rendering it an unduly protracted exercise.

The day after the Treasurer delivered the budget, this Assembly had the opportunity of hearing the Leader of the Opposition respond to the Treasurer. We then deferred further consideration so that the budget could be fully considered by all members and by the community itself. I point out, Mr Speaker, that the budget was framed in the light of newspaper advertisements inserted by the Treasurer, well before the budget, seeking submissions as to how this year's Territory budget should be framed. An exercise of considerable public consultation has gone into the framing of what is, I would suggest, by far the best Territory budget yet. It disposes of a considerable amount of expenditure. I believe in all areas it is true to say that there is an increase in real expenditure.

Mr Speaker, the member for Fannie Bay complained that there is now absolute control of finance by the executive. I would say that, in the history of parliament, there has never been so much accountability sheeted home to the executive, not just by the Assembly but by constant media pressure and by media exposure of government activities. All this is right, fair and just. But for the member for Fannie Bay to drag out old epigrams from 1780 and say that these are still applicable is quite unreasonable. Indeed, the old epigram of the member for Fannie Bay put me in mind of one that suits her own situation. As I recall it, when the then Leader of the Opposition made his reply to this budget, the member for Fannie Bay was sulking in her tent on the back-bench and of course we now see the truth of the old epigram that: 'Treason doth never prosper. What is the reason? For if it prospers, none dare call it treason'. We now see the sulker on the back-bench sitting on the front-bench and elected to dizzy heights of grandeur.

I would say that there has been every reasonable opportunity for this Assembly to scrutinise this budget. Quite frankly, I know of no question on notice received by me in the intervening period from opposition members relating to items in this budget, which they have had the liberty now of 2 months to frame and dispatch to me, seeking details of any items of expenditure in any of my areas.

The member for Fannie Bay conceded that it is the right of the executive to initiate items of expenditure and programs. That is so because, obviously, under our system - and I do not shrink from saying this - there has to be some good management of the taxpayers' funds. It is necessary as a rational approach that the executive initiate items of expenditure and manage those funds.

The other area that the member for Fannie Bay neglected to refer to when she said that this government failed to allow a proper accounting to members of this parliament in relation to expenditure was the very liberal access to members of the public service on matters of fact that members of this parliament enjoy. That is unlike their counterparts in the New South Wales Parlia-

ment where I have seen letters from ministers in the New South Wales government directing opposition members that every query in relation to any matter whatsoever falling within that minister's portfolio must be directed through the minister or his office. No direct access to members of the public service of New South Wales is allowed to the opposition by the ministers in the Wran government. The members opposite have liberal access to Northern Territory public servants. They can ring them up and ask them any question on a matter of fact whatsoever. The matters of policy of course are matters for politicians. Unfortunately, the Leader of the Opposition often gets matters of policy and matters of fact mixed up.

The final point raised by the Deputy Leader of the Opposition, to give her her new title and respect, was that very telling point that the Dunstan and Corcoran Labor governments of South Australia refused to have a public accounts committee. I fully subscribe to Mr Dunstan's view. It is one item on which I am in total agreement with him and I respect his judgment in that matter absolutely.

Motion agreed to; bill read a second time.

In committee:

Appropriations for divisions 11 to 19 agreed to.

Appropriation for division 25 agreed to.

Appropriation for division 30 agreed to.

Appropriations for divisions 40 to 42 agreed to.

Appropriations for divisions 44 to 49 agreed to.

Appropriations for divisions 50 to 53 agreed to.

Appropriations for divisions 55 to 57 agreed to.

Appropriations for divisions 60 and 61 agreed to.

Appropriations for divisions 62 to 64 agreed to.

Appropriations for divisions 65 and 66 agreed to.

Remainder of the bill taken as a whole and agreed to.

Bill reported; report adopted.

Mr B. COLLINS (Opposition Leader): Mr Speaker, during his budget address this morning the Chief Minister made some reference to the current position of the opposition front-bench. I am delighted to see that the Chief Minister is taking an interest in the front-bench because he will certainly have to continue to take a close interest in this particular front-bench over the next 2 years. I could not help but think that it is a very nice thing to have such a conveniently short memory. I remember a certain prominent member of the Country Liberal Party at one stage retiring to the back-bench. I am sure the Chief Minister will recall that as well.

Mr Speaker, I am going to talk about South-east Asia and the opportunities that exist for the Territory in the future to deal economically with that region. I think that some advances have been made in the Territory over the

last couple of years in that the Territory's agricultural industries have received a lot of attention which they have not received before. Everybody knows that for many years the area of horticulture was almost entirely neglected in the Northern Territory. I can remember many occasions when the entire research and extension sections of horticulture consisted of one man, Clem Benson, and he retired a short while ago. For many years he was it for the whole of the Northern Territory. I am pleased to see that situation changing. It needs to be changed far more radically and needs far more attention.

I went to a field day at Berrimah the other day. I had the choice of going to the Ranger mine opening or going to have a look at the advances that have been made in developing horticulture in the Territory and I thought the latter would be far more positive and educational. I was pleased to see that efforts to develop tropical strains of fruit and vegetables have produced some fairly interesting results. I saw vegetables growing out at Berrimah at this particular time of the year, which is a time of high stress for horticulture. They are achieving a great deal of success out there with some of the new strains they are trying. These are all marketable commodities in South-east Asia.

Mr Speaker, we are obviously only scratching the surface. As you have told the Assembly on many occasions, there are 230 million people in South-east Asia. There is a projected population in that area of 500 million by the year 2000. The growing energy crisis will mean that economic activity will suffer a decline and that trend will certainly assist the Territory in its relationship with its northern neighbours. There is no doubt about that. The average income per head, which is something that I am interested in from an economic point of view, in South-east Asia is rising markedly faster than in the most advanced countries in the world. We are fast reaching a time when the old cry of 'yes, we have got the stuff but they can't afford to pay for it' is simply not true.

Mr Speaker, I believe that South-east Asia is where the economic future of the Territory lies in respect of food, agriculture and horticulture. We desperately need to break the dependency we have on mining and that has been demonstrated only too dramatically recently. I am sure that the Minister for Mines and Energy will understand. I am not saying for one minute that I am not acknowledging the great contribution that mining makes to our economy, but we do need to broaden our base.

In achieving success in all these areas, a considerable amount of direct government involvement is necessary, particularly in setting up infrastructure. There is some evidence that this is happening in the agricultural area, although beef growers appear to have been left out. I have some reservations about the decision that was taken on Bali cattle. It is a matter I intend to pursue further. But we still wait for action in the establishment of an effective infrastructure for the horticultural industry.

The particular areas that need immediate attention are those things recommended by ADMA in the report that has just been produced: marketing and the appointment, very shortly I hope, of a specialist horticultural officer for ADMA. I would also like to put to the Minister for Primary Production that it would not be a bad idea to put a farmer on the board of the Northern Territory Development Corporation. It would not hurt. If the Northern Territory government wants to make some positive statement that it is going to place more emphasis on this particular area of the Territory economy, it would be a good way to start.

Mr LEO (Nhulunbuy): Mr Speaker, I must congratulate the Police Force for

its submissions in the budget. In comparison, the Fire Brigade just had a lump sum and nobody knows where it is going or what it is doing. In contrast, I would have to congratulate the Police Force. There is a lot I would like to say. Obviously, I have not got time.

I would like to spend some of the time I have left to talk about Nhulunbuy. I waded through a quarter of an hour of the minister's budget speech to see if he was going to mention Nhulunbuy. I never heard the name nor saw it printed once. I have said before in this Assembly that, if this government wants to maintain any credibility in that region, then it will need to show its presence. Its performance has been abysmal, and I see no sign of improvement.

We are told there will be a brand new Tennant Creek built in the Northern Territory. The Housing Commission intends to build a brand new Tennant Creek. According to the budget, not one of those Tennant Creek houses is to be built in Nhulunbuy. Not a single stick of furniture is going to Nhulunbuy. There is no point in repeatedly going over it. It is well documented. I could quote examples where married couples are living in single accommodation. Often, the wife is pregnant. It is not satisfactory and yet that is a very real situation.

As a consequence of this budget, the Nhulunbuy Housing Commission public servant tenants pay the highest rent of any place in the Territory. In line with that, I think I could say without contradiction that they also live in about the most expensive community in the Territory. I cannot understand the government's attitude towards that community. I do not know whether it has embarked upon a campaign of Petersen politics. Perhaps because these people had the good sense to get rid of the representation they had prior to 1980, the government has embarked upon some campaign. I have no idea.

The community library is getting a fair amount of use as a community facility. As an educational facility, it is not. The students there must contend with children and parents wandering through the library. It has not been a great experiment. I would have thought that there would have been something in the budget about enlarging the existing library or building another one. Because of the federal budget, health charges have risen. I suppose the government has largely been landed with that. But if you are in an isolated community and are forced to go to hospital for physiotherapy or outpatient care every day, you can run up a bill of \$105 per week. There is no scope in the health budget for any attempt by the government to bulk bill, and it takes a fortnight to get any returns from any insurer, be it private, Medibank or whatever. You have suffered the same thing, Mr Speaker, and your constituents have suffered the same thing I am sure.

I move on to transport and works. Again, I commented on the budget papers for the Fire Brigade. They were abysmal. Once again there were no capital grants. Nobody expects \$1m but there has been no attempt to upgrade roads in Nhulunbuy at all. Some of them are in quite serious need of repair and construction.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, in rising to speak this afternoon, I address my remarks first to the budget allocation intended to finance certain projects in my electorate. I am particularly interested to see that our government has concern for the upkeep of roads, which is very important in the rural area, and something that is very important in Aboriginal settlements: the provision of essential services.

In my electorate, there are 3 main Aboriginal settlements on the Tiwi islands. All of these have secured budget allocations for water supply and

reticulation, for power supply and reticulation, and for sewerage supply and reticulation. Coupled with this are allocations for roads and upkeep of roads, for maintenance of airstrips and for barge landings. For people who live in island communities, it is very important to maintain not only roads, so that they can maintain internal communications, but also to keep in good working order landing strips and barge landings. I am very pleased to see, Mr Speaker, that the airstrip at Milikapiti is to be upgraded, because I had a very unfortunate experience which might have been more unfortunate except for the skill of the pilot. When I landed over there the time before last, the plane bounced 4 times and on the last bounce we came down 10 feet. He was a very good pilot and I think it would have been a lot worse if the pilot had not been so competent.

There is mention made of money that is to be spent on the Gunn Point Prison Farm on ordinary everyday things which help the running of the prison farm. That is commendable. The Gunn Point Prison Farm is very important because it shows in an active way that members of the general public can appreciate that rehabilitation is being carried out. The inmates who go there from Berrimah go there from choice, inclination and aptitude. They are being rehabilitated at their own wish. They are being rehabilitated in a sensible way, and the taxpayer can see his money being used for something in the community.

Mention is made of money being expended on both the primary school and the high school at Humpty Doo. I will be asking the minister questions about this. Money is being spent on access roads to horticultural areas in the Tiwi electorate and this will aid the development of agriculture. There is also money being spent on roads in the rural area. This might be a never-ending job at the moment because the people themselves at most times of the year are quite happy with the adequate gravel roads that are there. But something has to be done about the damage that is being done to those gravel roads by the sand and gravel trucks travelling over them fully laden at speed.

I would like to comment briefly on some parts of the budget that do not relate to my electorate. I would like to refer to what I consider to be inaccuracies. I realise that the budget cannot be a very long paper because, if it became too expanded, it would lose the conciseness which is necessary in dealing with figures. However, I think more detail is necessary in some areas. Before I touch on that, I would like to comment briefly on the items relating to the Department of the Legislative Assembly. No doubt we will hear about the determination of the Remuneration Tribunal some time in the future. From 1980-81 to 1981-82 there has been a 7.2% increase in the members' salaries and allowances. In the same period, there has been a 23% increase in the employees' salaries and other payments. There seems to be a discrepancy there which I hope will be remedied.

To continue my remarks about what I consider to be a lack of conciseness in the figures, I would like to comment on the budget as it relates to the Northern Territory Police Force.

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

MR DOOLAN (Victoria River): Mr Speaker, in speaking to the Appropriation Bill, I would like to follow on a little from what the member for Tiwi said in relation to rural roads. Commonwealth funding for Northern Territory road construction is being steadily reduced and there will be a decline in real terms of almost 2% during this financial year. Further to this, the Commonwealth Roads Grant Bill will be providing only a 7% roads allocation rise for 1982-83 and a 6% rise for 1983-84. A rise as small as that could not possibly

be adequate in the face of inflation. The Territory government is already unable to provide the necessary funds to upgrade and maintain some existing roads. Rural roads, and I speak of rural roads in my own electorate particularly, must suffer at the expense of existing major thoroughfares. If one considers these figures, there will be little relief in sight for rural people over the next 4 years. In particular, people relying on access roads will suffer most unless emergency measures are taken by this government.

Grandiose plans are not only made but implemented for future white elephants such as Palmerston while settlers of rural areas in close proximity to Darwin are forced to endure quite unacceptable hardships because of lack of adequate access roads. The rural people are always the first to go out into the country to develop it and invariably they have to face what I consider to be unnecessary deprivation. It is an unfortunate fact, but nevertheless it is a fact, that remote areas provide remote chances of acceptable living conditions - and I am sure, Mr Speaker, that you will agree - which are provided as a matter of course in closely settled areas.

In my electorate, access roads cannot be relied on for all-year-round movement. Because of flooding, children are unable to attend school, working people cannot travel to areas of employment and urgent medical access is often not possible. The obvious consequences of such impediments to an acceptable lifestyle are stress and anxiety which are needless in our modern society. There must be a complete review of expenditure.

It is a quite common sight for any road user to see road repairs under way with an alternative parallel road diverting traffic while repairs are being effected. Some of the alternative roads, built only for the duration of the roadworks, are expensively made - apparently to satisfy road travellers' expectations - but it seems that some of this expenditure could be allocated into areas of urgent need. I am not suggesting that adequate bypass roads should not be sufficiently well constructed to allow traffic on main roads to pass around roadworks but I believe that there is a matter of priorities here - misplaced, it would seem, at least according to the people who are affected and those of us concerned for these people and their welfare.

The Minister for Transport and Works has written to me and has assured me that one particular rural resident who suffers hardship because of lack of all-weather road access will have her road and that of her neighbours 'taken into account in our continuing road upgrading forward planning'. Isn't that beautiful? What a load of codswallop, Mr Speaker. What possible forward planning, given a reduction in funds, could allow for such examples of inadequate 20th century travel in the modern state?

A review of roads is needed so that people know their future and what to expect instead of being left in the air, grasping at vague expressions of future plans which may never eventuate under present guidelines and priorities. Rural people have always suffered disadvantages in living and will keep on doing so. You of all people, Mr Speaker, must realise that. Some action must be provided for essential services, and roads are essential. It is the minister's responsibility to initiate a positive course of action and, if necessary, to go to the Commonwealth to obtain the necessary funding and not passively accept what he is given. In recent months, we have seen examples of committed states pressing for and receiving funds vital to their wellbeing yet we live in expectation of being a state of neglect. We are a state of neglect.

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

Mrs LAWRIE (Nightcliff): Mr Speaker, it is a fairly unusual budget debate this afternoon with everything being compressed into the third-reading debate. Perhaps the advantage is its brevity. I would like to address a couple of remarks to the Treasurer, who has responsibility also for the Department of Community Development. My remarks in particular relate to youth services, the State Grants Home Care Act and the maintenance of children. I do not need to spell those matters out to the Treasurer because, since it is his own department's submission, he is well aware of them. Notwithstanding the amounts allocated, those services are falling short of the expectations of the community of the Northern Territory. I am aware of the goodwill of the Treasurer. I think that it is probably a pity that, as Treasurer, he has a tremendous responsibility to the people of the Territory and also has the most socially sensitive portfolio. I suggest that it is physically impossible for the Treasurer to devote to that sensitive area the time which it demands because of his other onerous responsibilities in looking after the fiscal policies of his government. I would suggest, and I do not impugn his goodwill, that a redistribution of portfolios should be considered by the Chief Minister because there are some front-benchers who are unfairly burdened.

As the Treasurer's papers show, 'the Director of Child Welfare is required by the Child Welfare Act to maintain destitute, neglected and state children and does this either through the divisional facilities such as family homes or fostering arrangements in the general community'. I make the point that these arrangements are not working satisfactorily, at least in Darwin at the moment, and that there are quite a number of young people put in the care of the Director of Child Welfare who necessarily are placed in a home other than their own paternal or maternal home and who seem to lack the guidance, care and direction which the rest of us would consider desirable. I put it to the minister that Malak House is not meeting all the requirements of the community and perhaps his department has fallen into the same trap that it did when Essington House first started up on McMillans Road. One cannot have a simple institution catering for the wide needs not only of neglected and destitute children but also supposedly catering for some of the fairly skilled young offenders against society. Malak House is an open institution. If the honourable member would confer with his Chief Minister, he would find that a large amount of police time is taken up tracing and returning to Malak House those who walk out because of a lack of any restraint whatsoever. I make these points on behalf of the children. I am not saying that they should be incarcerated in Berrimah as happened very briefly to one person. We must regard their care as of prime importance to the community and look for other options and other facilities.

Mr Speaker, the Youth Refuge in Darwin is a success. I mention that because of my particular interest in assisting in a voluntary capacity and also as someone who is known to young people and the youth workers who aid and counsel them in times of crisis. I think that the Youth Refuge has been a most worthwhile addition to the government options.

I am aware that the minister called some of his junior officers to his office to discuss the needs of the youth of this community and that he gave the department adequate notice that he intended to do this. I would ask the minister to ask if in fact those junior officers were told, before they met him, what replies they must give and what subjects they must not mention. I think that he did the right thing in calling that conference and I would not like it to be circumvented by those who felt that they had to be necessarily on the defensive. By 'those', I mean other, more senior people in his department.

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

Mr BELL (MacDonnell): Mr Speaker, I would like to touch briefly on a number of matters relating to this bill. Housing was one of the major initiatives in the government's budget. As the former Leader of the Opposition said when replying to the budget speech, there were certain aspects of the funding for housing that left something to be desired. One might be excused for saying that perhaps it was too little too late because indeed the situation in the housing market in the Northern Territory is nothing short of parlous. I represent an Aboriginal electorate. As I said before, my office is in Alice Springs. I do not represent many non-Aboriginal people. In fact it is not my constituents who come to see me, but week by week I have a constant stream of visitors and a constant stream of phone calls from people asking about housing. These are from people making a great contribution to the Northern Territory and I am afraid that the present arrangements made in the budget are not really adequate.

I made a suggestion in a public statement some weeks ago now as to how the arrangements that were suggested in the budget could be improved. I would be interested to hear comment from the government. Briefly, the arrangements announced in the budget were that the interest and principal of housing loans would be varied with income. Our suggestion was that the deposit requirement be varied in a similar way. I would be very interested to hear the defence of the government against such a proposal. It seems like eminent good sense. Our proposal was to replace the present flat deposit of \$5000 which in terms of getting into a home, significantly advantages people on higher incomes. We suggested that the deposit requirement be graduated from \$1000 through to \$5000, the \$1000 being the deposit requirement for somebody on \$200 a week and graduating to \$5000 for somebody earning the average weekly income of something in the vicinity of \$360 or \$370 a week. That is one particular area I would be very interested to hear a reaction on.

The second area I do want to make a very brief mention of today is schooling in the Kintore Ranges. I mentioned that in question time this morning. I hope to speak more about it in the adjournment debate this afternoon. It is suffice to say that I mention it in this context because I suspect that it is a conscious economic decision on the part of this government to make it as difficult as possible for Aboriginal groups in those circumstances to obtain the educational services that are their right.

Of the final 2 points I wish to make, one is in relation to the prison farm in Alice Springs. This was mentioned in the previous sittings also. Having visited the jail in Alice Springs and having seen the sorts of circumstances that the prisoners are forced to live in Alice Springs by comparison with the almost palatial circumstances that their counterparts at Berrimah Gaol and, I understand, in Gunn Point Prison Farm enjoy, it is squalid.

Mrs Lawrie: It is not palatial at Berrimah.

Mr BELL: I assure the member for Nightcliff that, if she visits the jail at Alice Springs, she will find the conditions at Berrimah Prison palatial by comparison. My point in raising it here is that it is an urgent requirement for this government that decent facilities for those people be provided. I believe that the Chief Minister and the Minister for Community Development are aware of this need. I think it is something that needs to be replied to soon. A clear commitment is required in that regard.

One other area that impinges on the concerns of the Minister for Health is that of rehabilitation facilities. I do not have time to rehearse the problems associated with alcohol abuse in the Territory. There have been many debates on it here. But a very great need in the Territory is for rehabilitation

services. I commend the work of the drug and alcohol bureau that has been set up by the minister. But I believe that much more needs to be done in terms of actual services provided.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I feel constrained to rise to respond to a statement by the Leader of the Opposition that I left the front-bench at an earlier stage of my time in this Assembly. Certainly I did but I did not leave it for the purposes of sulking on the back-bench. I left it 6 months after the cyclone because my house had been blown away and because my office had been blown away. As I freely admitted to everyone, I was in danger of becoming bankrupt and thus ineligible to sit in this Assembly at all. Our salary at that time was about \$2000 per year so I had to do something about it. If the Leader of the Opposition in his first sitting day in that role wants to smear me, then let him. The Leader of the Opposition was fully aware of the reasons why I left the front-bench at that time because they were published.

Mr Speaker, it is pleasing to see that the Leader of the Opposition has adopted this government's policy on South-east Asia of building up ties of friendship and export, and that he also supports our initiatives in the areas of agriculture and horticulture. It will be pleasing to work with the opposition in a united way to foster these industries which are so vital to the future of the Northern Territory. I am referring to the same report that has recently been put together by the Chairman of ADMA, Mr Baden Cameron, who I think should be mentioned in this Assembly. He is one of the best acquisitions the Northern Territory has made in recent times. It is unfortunate that we cannot clone from him as we clone in horticulture itself. Mr Cameron has done a mighty job in the face of a lot of competing and vested interests. I believe that he and his organisation are very much on the forward march and will bring agriculture and horticulture forward with them. That is not to forget the work of the Department of Primary Production. I think that department has been resuscitated marvellously under the present secretary who seems to have inspired what might be termed a leaderless symphony orchestra into some sort of harmony. That too seems to be working reasonably well because I have heard farmers expressing praise instead of criticism for the work that is being done in that area in recent times.

Mr Speaker, the honourable member for Fannie Bay earlier referred to the back-bench of the CLP. I suppose that she has to try to take the offensive because, when you look around at the spirit of representation that some areas like Nhulunbuy receive, then it is obvious that she has to point the direction as far away from home as she possibly can. There is no doubt that, in due time, the feathers will be taken out of the tail of the member for Nhulunbuy and he will not be flying very far any more, unlike the people who live in Nhulunbuy who I understand receive a very substantial district allowance and air fares twice a year into Darwin for the purpose of shopping. These types of conditions are just not extended to people anywhere else in Australia. Quite frankly, I believe that public servants who live in Nhulunbuy, whilst there are housing problems, by and large are receiving a very reasonable deal. I am quite prepared to say that to any meeting or delegation of them at any time.

The problem with land at Nhulunbuy too is not one of the Northern Territory government's making. Perhaps the member for that area might like to use his good offices with the Northern Land Council or the local traditional owners to get us some more land out there for housing purposes because we seem to be unable to put our hands on it.

As to the lands and housing situation, the member for Victoria River says there is too much but the member for MacDonnell says there is too little. You cannot win. We are told that Palmerston will result in too much land and the member for MacDonnell says that there is too little. How can we win with this lot? The fact of the matter is that the allocation in this budget towards lands and housing is extraordinary. In contemporary terms, there is \$1.20 in each \$5 of this budget directed towards expenditure on lands and housing whereas, in New South Wales, there is 15c in their budget in every \$5 directed towards lands and housing. That is a record that I think the Northern Territory government can be very proud of.

Mr PERRON (Treasurer): Mr Speaker, there has not been an enormous amount of substance said in the third-reading debate of the budget today. However, I would like to touch on just a couple of points. It is interesting to note that, whilst obviously some members missed the opportunity in the second reading to expound for a little longer than they could in the third reading, attention seems primarily to have been directed to electorate-type problems rather than to an overview of what the Territory budget does for the Territory and how it perhaps could have been done in another way. But never mind. Members may care to direct their thoughts to that area in due course.

On the subject of housing, it was interesting to note that the former Leader of the Opposition, in opening debate from the opposition benches, claimed that we were in fact going so far in housing in this budget as to be almost ridiculous. He said that perhaps it overtaxed the resources of the community to handle the level of funds that we were putting towards it. They certainly are very substantial. Yet the member for MacDonnell used the term 'it was too little too late'. Quite clearly, they have varying views amongst themselves as to what the impact of the government's measures in relation to home building in the Northern Territory will be.

I would like to touch on an area raised by the member for Nightcliff. I must confess that one of the most difficult areas to address for any government would be the area of juvenile crime and misconduct. It is a difficult area. However, when one looks at the figures, the Territory has made some improvement on it in that the department has been fairly successful at reducing the number of children who are wards of the state and who are kept in what has been termed as group homes. The department, with my support, opposes the concept of group homes as much as possible and hopes to get children who need care and attention into ordinary family situations. It is trying to reduce as much as possible the situation of foster parents looking after even as few as 4 young people. I think it is better if a foster family looks after just one, preferably amongst other children.

She mentioned Malak House. I do not think Malak House is the problem to police that she said it is. It is true that they have had to conduct searches for children who have left the home which is an almost zero-security home in Darwin for young people. However, of late the home has only had in the vicinity of 2 to 4 people in it as a rule. It can cater for many more children than that and, whilst the numbers vary depending of circumstances, as a rule it has catered for a very low number of children of late. Unfortunately, it is one of those institutions that are not quite one thing or another. It is not a detention centre and it is not a true open, home-style rehabilitation centre. So it must do the best it can with what it has.

The Territory has of course in Giles House in Alice Springs a facility which has complete detention provisions as well as a low-security section. That works quite successfully thanks to the very real dedication of the people of Alice Springs who run Giles House.

Mr Speaker, just to conclude on another subject, I think that it is a terrible shame that we are in a situation at the present time - and I am not sure how long governments have faced this problem - where from time to time in our community parents approach welfare officers or the Director of Child Care and ask if they will take their child off their hands. They seek to abandon the child because it is out of hand and they cannot cope with it any more. I am starting to form the opinion that the blame for juvenile problems in our society today lies at the feet of parents. That is manifested in instances where people are open enough to walk up to an officer and say: 'I want to abandon my child. Will you take it off my hands and make it a ward of the state? Do what you like but I do not want it any more. I want to wash my hands of it'. I think that is an appalling indictment of those parents. No doubt they are parents who have trouble coping with society today, but there are in fact a lot of agencies in the community, both government and non-government, that can assist people with a whole range of problems that they face, and those agencies are fairly busy. However, I think that when parents get to the stage of completely washing their hands of a problem rather than hanging in there, tackling it and trying to beat it, we might be losing the race.

Bill read a third time.

ESSENTIAL GOODS AND SERVICES BILL (Serial 137)

Continued from 26 August 1981.

Mr LEO (Nhulunbuy): I move amendment 68.1 to omit all words after 'that' and substitute: 'whilst not declining to give the bill a second reading, the Assembly is of the opinion that the bill should not proceed until the government has had adequate consultation with the union movement in the Northern Territory'.

Mr Speaker, this essential goods and services legislation was put up by the Chief Minister as being necessary in case of cyclone, flood, famine or drought and, to use the Chief Minister's words, 'I make no bones about it, industrial disputes'. This legislation is industrial legislation. If there is something wrong with the Northern Territory's disaster legislation, it should be amended. I quite agree; it should be amended. This legislation is not for the purposes of disaster, natural disaster - whatever way you want to term it. It is straight industrial legislation and, as such, I believe the union movement should have been adequately consulted as it was with the recent leave bills passed by this Assembly.

I have certainly done the best I can to consult with unions here and to come up with amendments, some of which I have tried to include in another amendment schedule which has been circulated. But in keeping with what was done with the leave bills, the government should have consulted with the unions prior to introducing the bill. The right to strike has been the subject of considerable debate throughout the world.

Clause 5 would now allow the minister - I presume it is the Chief Minister - to outlaw the right to strike. I do not think this legislation should be passed without the greatest possible consultation or consensus.

A former President of the United States commented on the right to strike, an old principle of western democracy. He commented that there are infinitely worse things than strikes. I certainly could not condone every stoppage. I do not think that anybody in this Assembly could condone every stoppage that

has taken place, but there are infinitely worse things. There were 2 governments, 2 substantial governments, which outlawed the right to strike. One was Adolf Hitler's government and the other was Josef Stalin's government. President Eisenhower noted this and commented on it at some length.

The legislation is no real problem. I have circulated amendments. I suppose unions would concede, by and large, that there is a need for such legislation or similar legislation. Nine times out of 10 it is not the legislation that matters. In most things that happen in this Assembly, it is the minister who is administering it and very likely that is where the real problem lies.

I commend the amendment that I have just put forward, Mr Speaker, and I ask the Assembly to give its assent.

Mr EVERINGHAM (Chief Minister): I must invite defeat of this amendment, Mr Speaker. The best judges of whether they require consultation or not are surely the members of the union movement. The purpose of the Essential Goods and Services Bill is not, as the member for Nhulunbuy said, to outlaw strikes. That is a ridiculous statement. Its purpose is to enable essential goods and services, such as milk and things like that, to flow at times of industrial stoppage when they are being cut off from people in desperate need of them, as happened not so long ago in the Northern Territory. I wonder, Mr Speaker, what the citizens of Nhulunbuy will think about their representative when they find out that he does not want them to get essential goods and services in times of industrial disputation.

I said at the beginning that the union movement is the best judge of whether or not it requires consultation. There have been 2 meetings of my industrial relations consultative council with the union movement since I introduced this bill and, to the best of my knowledge, recollection and belief, the matter has not been raised there at all. Why have these meetings, Mr Speaker? They were silent. The unions are entitled to put matters on the agenda paper and have. In fact, as I recall it, the agenda paper at the last meeting was made up entirely of matters raised by the union movement. The first indication I received that there are any possible qualms in the union movement about this matter is a letter I received yesterday morning from one public service union. I am afraid that I believe that unions are in just the same category as everyone else. They should not leave it until the last minute.

I do not believe that there is any valid reason to defer the passage of this bill at this time. I looked at the amendment schedule that the member for Nhulunbuy has proposed. I indicated to him that I am prepared to accept it almost in its entirety. I accept it gladly because it is based on the Queensland essential goods and services legislation which we watered down for the Northern Territory. However, since the member for Nhulunbuy puts it forward on behalf of the Australian Labor Party, then the Country Liberal Party cheerfully accepts it because we recognise that the Australian Labor Party must really know what is good in a situation like this.

Mr Speaker, I invite the Assembly to defeat this so-called reasoned amendment. There is absolutely no rhyme or reason about it at all.

Mrs O'NEIL (Fannie Bay): Mr Speaker, the Chief Minister's capacity for misrepresentation seems to know no bounds. The member for Nhulunbuy put forward this reasoned amendment and I believe he put it forward with the best interests of the community at heart, and that, in itself, is a very reasonable thing to do.

I am inclined to agree with the Chief Minister. We all agree. We all moan and groan in this place from time to time, not only in relation to this legislation but all sorts of legislation and issues, that people do not come to us on bills or matters of public importance or whatever. They wait until we do something and then they come and complain. We have all experienced that whether in relation to breathalyser legislation or matters involved in the Criminal Code. Many of us have mentioned it in the past, including the Chief Minister. It is an unfortunate fact of life but it does not take away his responsibility, as Chief Minister and as the person responsible for industrial harmony in the Northern Territory, to make efforts to consult with the people who will be most affected by the passage of this bill and who, he indicated quite clearly in his second-reading speech, are the people it is aimed at. He has that responsibility. To pass it off and say, 'Well, it is up to them to come to me. If they do not, too bad', is totally irresponsible and I am happy to say it is not the attitude that he has taken in relation to other matters. He has expressed disappointment on occasion when he has not received sufficient input from interested people. In the matter of the Draft Criminal Code he mentioned his disappointment at the lack of input. That has not stopped the Chief Minister - and I admire him for it - continuing to seek input on that matter and making very deliberate and praiseworthy efforts to obtain it. What is good for the goose is good for the gander, Mr Speaker. If he can do it on that issue, he can go do it on this issue. But on this issue, and only on this issue, he has chosen not to.

Mr Speaker, whatever the Chief Minister says, he cannot get around that point. But his speech in response to the amendment of the member for Nhulunbuy completely disregards it. The amendment quite clearly says that he is not declining to give the bill a second reading, but it is the sort of important issue that should be widely discussed and debated and all those in the community most affected should be consulted with before it is passed. That is the intention of the amendment and I certainly support it.

Mr B. COLLINS (Opposition Leader): Mr Speaker, the Chief Minister is no mug. I was inviting some degree of comment with that statement which I am pleased I got.

The Chief Minister knows full well the realities of politics and the community attitude to politics. As the member for Fannie Bay has pointed out so correctly, he has demonstrated his knowledge of those practical realities of politics in the community on previous occasions with previous legislation. He knows perfectly well that it is up to the government to take initiatives in this direction. He has done so on numerous occasions. If you are looking for consistency in the Chief Minister, you certainly will not find it in the comments that he has made on this bill today.

The Chief Minister flatters the Legislative Assembly in thinking that people in the community are hanging on our every word, are eagerly awaiting their next edition of Hansard and are sweating on what legislation goes through this Assembly. The Chief Minister knows full well that that is not the case. In order to carry out the obligations we have in relation to good government for the people of the Northern Territory, all of us must work for the production of the best legislation possible. The Chief Minister knows full well that better legislation is produced when the view of the people whom the legislation affects is actively sought. The Chief Minister knows the import of this bill; he knows that it is a significant piece of legislation giving power to the government to take action in situations where it thinks necessary.

The union movement is an organised movement in the Northern Territory yet the Chief Minister has made no effort to contact the unions involved. Again,

this is no defence of the union movement. They should have people following the proceedings of the Assembly that affect them. I suppose now the Nurses Federation should be looking at bills on health matters and so on. The reality is that they often do not and perhaps they should pick up their act and do that.

The Education Act is a supreme example of what I am talking about. It is recognised now by people round Australia as being a very good piece of legislation. It was arrived at by the government taking great pains to obtain community input. The government is supposed to be taking initiatives and not have the laid-back attitude of the Chief Minister when he says, 'Let them come to us if they want better legislation for the Northern Territory'. It is the government's responsibility to provide legislation. The government should be taking the initiative. I would be surprised if I received any opposition for that point of view from the other side of the Assembly as the government itself has proven that to be correct time and time again. The Education Act was simply one example. We should be seeking the best legislation we can get.

The Chief Minister has ministerial officers and in fact an industrial relations section in his department. It would have been a simple matter for them to have referred this matter to the union movement and to have sought reactions on the bill. As the Chief Minister knows, if you go knocking on doors, you generally get replies. If you sit back, nobody comes around. They are the realities of politics in the community and it is possible that, if a simple effort had been made by the government, a better piece of legislation could have resulted.

Mr ROBERTSON (Education): Mr Speaker, what amazes me about the contribution of the Leader of the Opposition is that we are constantly reminded by the unions in particular and by the Australian Labor Party in general that it is a function of the Australian Labor Party to look after the interests of the unions and the workers. Of course, it is affiliated widely with various unions. We have the brand-spanking-new Leader of the Opposition stand up and tell us, 'Oh dear, the government ought to consult with our own supporters'. What an absurd proposition!

Mr B. Collins: I beg your pardon?

Mr ROBERTSON: That is precisely what the gentleman said. He told us that the union movement has been unaware of the propositions which are currently before the Assembly and that, because the government has not informed it, it has remained uninformed.

I do not accept that the unions were not aware; I believe they were very much aware. It was in the NT News, it was in repeated centre pages of every newspaper and it was certainly on the ABC. As a matter of fact, one of their own senior executive members stood for and, I understand, has some chance of jaggng a place in this Assembly. One would assume that that senior person in the union movement . . .

Members interjecting.

Mr ROBERTSON: We sit and listen to them in silence but then of course, Mr Speaker, we have had a constant reminder over the last 3 years of the type of representation we get from the member for Arnhem. It seems that, in his new capacity as Leader of the Opposition, he will not change the example he has given in the past. He expects to be listened to in silence by this side of the Assembly yet he constantly interrupts.

The fact is that a senior member of the union movement, no less a person than the Secretary of the Trades and Labour Council and General Secretary of the Teacher's Federation, who was endorsed by the Australian Labor Party, was not even informed by his fellow travellers opposite of the contents of this legislation. And they blame the government! Wide publicity has been given to this legislation yet, until yesterday, very little representation has come from the union movement to this government nor, obviously, to their fellow travellers opposite who are also unaware of whether or not the union movement was aware of the contents of this legislation.

Mr B. Collins: There was a meeting.

Mr ROBERTSON: That's right. It had a meeting with them quite recently about it. I understand that the Queensland-style amendments, compliments of Joh Bjelke-Petersen's government, flowed from the union movement through the member for Nhulunbuy. That is fascinating, Mr Speaker. It is one of the best jokes I have heard in weeks. Indeed, one was looking forward to the comic strip act of the opposition under its new leadership and we are now starting to see it.

Mr Speaker, as I have indicated, this legislation has been before this Assembly since August of this year. It is now well into November. If the union movement does find difficulty with this legislation, it will find this government willing to look at that as it comes up. Nonetheless, as the member for Nhulunbuy admitted, people are entitled to the protection of law for the supply of essential goods. I agree with him entirely. After the considerable time that has been available for the community to study this legislation, the time has now come for this legislature to do something about protecting the supply of essential goods to the community. I cannot for a moment support the unnecessary delay of this legislation. The union movement has indicated its acceptance with the single exception of yesterday. Let us get on with the job of passing this legislation in the form modified by the opposition which will bring it more into line with their good friends in the present Queensland government.

Mrs LAWRIE (Nightcliff): Mr Speaker, the member for Jingili, besides assuming member-for-Milner status over the last couple of weeks, is also now the member for Gillen because he prompts his colleague at every given opportunity. The member for Gillen made one of the few completely illogical speeches that I have heard from him. He went to some lengths to point out the affiliation between members of the Australian Labor Party and the union movement. Just to make sure Hansard gets this, Mr Speaker, I will repeat it. The Minister for Education, Lands and Housing, member for Gillen, Leader of the House went to some length to point out the affiliation which exists between the Australian Labor Party members of this Assembly and the union movement. He then states that the proposal put forward by the union movement's representatives, the Australian Labor Party in this Assembly, asking for an adjournment, has no basis in what the union movement wants. Now if that is not a total lack of logic, what the hell is?

The member indeed, despite his protestations that he did not say that, kept saying that the union movement has had adequate time to ask for an adjournment if it so desired. Now, believing that the nexus does exist between the ALP and the union movement, I would state that it has put forward its view, it being the union movement, clearly and concisely in this proposed amendment. It is putting its view through one of its close affiliates who happens to be the member for Nhulunbuy. How else can it do it? Do we expect Harry Turnbull or any other union leader to walk on to the floor on the Chamber and say what he wants.

I think that the Leader of the House and the Chief Minister are somewhat naive if they think that they should be the only recipients of the wishes and the desires of the union movement because that is what they have said this afternoon. It is what they both said. They said: 'We heard about it yesterday from one section of the union movement'. They chose to disregard it. But with an amazing lack of logic, they chose also to disregard the recent amendments put forward by the union movement's spokesman. Mr Speaker, that is why I say it has been one of the most illogical speeches I have heard from the Leader of the House. It appeared that the Chief Minister was prompting the honourable member for Stuart. This man knows no boundaries, Mr Speaker. If the Chief Minister wants a speech made I suggest he deliver it himself because he makes them far better than the member for Stuart ever will.

I really think that the Chief Minister was attempting to say that, if he could have been convinced that the union movement required this delay, he at least would have considered it. The point of my speech is that it has asked for this delay through the proper channels; that is, through its elected representative here.

Ms D'ROZARIO (Sanderson): Mr Speaker, in the past I have always had a very high regard for the knowledge of the constitution and parliamentary procedure of the Leader of the House. Indeed, in the past I have enjoyed his informal talks on these matters. I have not only listened to them with a great deal of interest but, as I say, I have had a great respect for his knowledge of these matters. So it amazes me somewhat that he should now take offence at the fact that an organised labour movement in the Northern Territory has approached the member for Nhulunbuy with a request that he attempt to obtain a deferral of this bill until consultation between the unions and the government has taken place.

The Leader of the House is at pains to ascribe to the Australian Labor Party some kind of sinister association with the trade union movement. The Leader of the House would know full well that it is the duty of all members of this Assembly, not only members of the Australian Labor Party, to give some consideration to any legitimate representation made to them in respect of any matter that comes before this Assembly. I am not in the habit of questioning the political bias of any person who comes to me for assistance, who asks indeed for copies of a bill, who asks me to raise a matter in the Assembly or who asks me to elicit information by way of questions on notice or without notice. I am of the view that, once elected to this place, a member has the duty to represent people without any regard as to whether or not his or her views conflict with those of the persons asking for representation.

It is quite clear from the amendment schedule which has been circulated by the member for Nhulunbuy that the parliamentary Labor Party is ready to proceed with this bill. If we were not ready, we would not have prepared the detailed amendments the Chief Minister has told us he is prepared to accept. If we were standing here and asking for a deferral just to subvert and frustrate the workings of this Assembly, we would not have gone to the trouble to be in a position to not only debate this bill but to put amendments which would be acceptable to the government.

The point that I am making is that we are not asking that this bill be deferred for whimsical purposes. A legitimate approach has been made by an organised movement in the Territory. It could easily have been made to the government and I do not know whether it has or has not. Nonetheless, it has been made to the member for Nhulunbuy. The member for Nhulunbuy is acting, as any diligent member should, by bringing that representation to the attention of this Assembly.

I would like to turn for a moment to the content of this bill. If, as the Chief Minister has said, this bill were only concerned with the flowing of milk to mothers and children in hard times, nobody would have any argument with it. Indeed, I do not say that there are large sections of the community who do have an argument with it. What we are saying is that those people would like to have some time to consult with the government about the implications of this bill.

One of the problems with the bill is that it is so widely cast that it could mean anything. The Chief Minister has said that it is the sort of legislation that all communities ought to have and that every citizen should look to the protection of the law to ensure his survival in times of war, natural disaster and, indeed, industrial disputation. It is hard to argue with a statement like that. But of course, if that were the case, one would expect at the very least a detailed second-reading speech from the Chief Minister, which we did not get. We had the Chief Minister telling us that this bill was essential to keep goods and services on line during times of hardship. As I say, this bill is very widely cast: The member for Nhulunbuy is proposing some amendments which I am pleased to hear the Chief Minister will accept.

I might turn firstly to the interpretation. We have the definition of 'goods or services' which virtually means anything. Clause 2 says: "'goods or services' means goods, substances (including fossil fuels, fossil fuel derivatives and gases), property (including real property), facilities or services which are prescribed under section 18 as goods or services for the purposes of this Act'. One presumes that they will be prescribed by regulation but again there is no limit on what commodity or service could be so listed.

The powers of prohibition under subclause 2(2) are also a cause for concern to some people because there is no restriction at all placed on what could be prohibited. We read that the power of prohibition under this bill shall include a power to prohibit generally or with limitations as to place, time and subject matter, either absolutely or subject to specified conditions or restrictions. This is the sort of clause that is giving concern to those people who have had a close look at the bill. It provides absolutely no constraint at all on the application of the legislation.

Mr Speaker, it says that the Administrator may declare that a shortage exists and he must do this by notice in the Gazette. The shortage is to be deemed to be a shortage if the Administrator is satisfied that the provision, supply or distribution of the goods or service is, or is likely to become, less than is sufficient for the reasonable requirements of the community. Again, there seems to be no limit upon the time of this declaration. However, in subclause (3) of clause 5, it is stated that the declaration shall have effect for 1 month or a shorter period. There is also a further subclause which says that this time could be extended, and presumably it could be extended indefinitely.

The Chief Minister has said that the main purpose of this bill is to ensure the supply of goods and services. Although it is called the Essential Goods and Services Bill, there is no reference, except in the title, to the fact that the commodity is essential other than by the Administrator deeming it to be less than sufficient for the requirements of the community. The minister himself seems to be able to exercise his powers without let or hindrance because he may take such action as he sees fit to ensure that the goods and services specified in the notice are available for use, and are used in a manner best calculated by him to serve the interests of the community. We have there the type of matter that the minister, in the exercise of his power, would have in mind. He can prohibit or promote the sale or supply and distribution of goods or direct

a person to produce them and provide them and indeed direct a person not to produce them.

The Chief Minister made much play of the fact that the member for Nhulunbuy has stood in this place, from time to time, and informed this Assembly of the situation which exists in Nhulunbuy. Mr Speaker, any able representative of a community would consider that to be a virtue but the Chief Minister seems to find some fault in the performance of the member for Nhulunbuy.

Mr Speaker, were it to happen, as indeed it did in Nhulunbuy not so long ago, that the supermarket shelves of Woolworths were empty, what on earth could the Chief Minister do in the exercise of his power to force those goods onto the shelves. True enough, there are penalties in here for persons who do not comply with the directions of the Chief Minister. But I think that the Chief Minister and all members of his government have given us a clear indication of their attitude towards retailing in Nhulunbuy and they have said, being the free marketeers that they are, that, if goods are not there or if there is no competition in retailing and if there are shortages, that is something that one can do nothing about.

I am sure that the member for Nhulunbuy would be delighted to hear that the Chief Minister had some way of making goods appear on the shelves of Woolworths at Nhulunbuy because, from conversations with the member for Nhulunbuy, I believe that is a situation that crops up from time to time. In cases of natural disaster, the provisions of this bill could be accommodated quite easily in amendments to the Northern Territory Disasters Act; that is, if those provisions are found wanting. The Chief Minister has not indicated in any way that this is the case but instead chooses to put forward a bill which particular members of his government may not find objectionable. Indeed, there might well be members in the community who do not find particular aspects of this bill objectionable. Nonetheless, because of the wide interpretation that can be given to these clauses, it does behove the Chief Minister to afford the community some extra time within which to hold further consultation. Indeed, Mr Speaker, many of their objections might be explained and satisfied.

I come back again to the question of consultation. This government seems to ebb and flow on the question of consultation. We have had some excellent performances by ministers of this Assembly in which they have bent over backwards to afford the community opportunities for consultation. The member for Fannie Bay mentioned the matter of the Draft Criminal Code of which the Chief Minister has carriage. I can recall in recent months that the Minister for Health has deferred his Chiropractic Bill in order to allow practitioners in that field additional time to examine the bill. I remember the Chief Minister made much of the fact that nobody consults with us, and that matter has been canvassed by the Leader of the Opposition. However, in connection with the Chiropractic Bill, I was telephoned at 9 am on the day that the bill was to be debated. Notwithstanding that, the minister saw fit to defer that bill for further consideration.

With respect to the portfolio of the Minister for Lands and Housing, that minister has behaved commendably in deferring not once but twice his bill in relation to pastoral land tenure in order to assess the representations which have been made to him by the industry and by interested members of the public. It goes on. The leave bills were deferred so that further consideration could be given. As far as the Minister for Primary Production is concerned, the ADMA bill was deferred so that people could come back with representations. This was all in the quest for good government and good legislation, and I would urge government members to support the reasoned amendment that has been put

forward by the member for Nhulunbuy.

Mr BELL (MacDonnell): Mr Speaker, I had not intended to rise to speak to the reasoned amendment that has been moved by the opposition today. I do so in light of the outbursts from the Chief Minister and, to give him his correct title, the Leader of the House. It is unusual for him to have difficulty in regard to titles. If the member for Arnhem is the Leader of the Opposition, I am surprised that the Leader of the House did not get his title right.

I was surprised to hear such a naked example of Country Party philosophy, of reactionary philosophy, streaming from the Leader of the House. It was too tempting for me and I thought I would stand up and make some points that might make him a few steps the wiser. He somewhat querulously mentioned the relationship between the Australian Labor Party, the labour movement in general and trade unions in particular. He followed that by getting on his high horse and wondering why we should consult with them - 'them' being the unions of course. For his instruction, it is probably worth while pointing out why there is this connection between the Australian Labor Party and trade unions. Quite simple, but perhaps a little too difficult for the members facing me to grasp, is the fact that the Australian Labor Party represents those thrusts in the common people in Australia for basic, dignified provision of food, shelter, education and medical services. They are the things that we stand for. They are the things that the people facing me are a little ambivalent about. Their main concern is to make sure that the economic wellbeing of a relatively small proportion of the Australian public - and in their case the Territory public - is well looked after. If they want any proof of that, I suggest they look at the figures for the Millner by-election last Saturday. That gives a very good indication of just how isolated the people facing me are in that regard.

I hope those few words have enlightened the Leader of the House with regard to the connection that exists, not only between the Australian Labor Party and trade unions, but between the Australian Labor Party and many organisations in the Territory community that share the same interests and aims for Territory society as we do.

The Chief Minister made great play of his Industrial Relations Consultative Unit. I would suggest parenthetically that, if this consultative unit is as effective as many of the other bodies that seem to surround the Chief Minister's department are, it is very little wonder that he has failed to get feedback in regard to the Essential Goods and Services Bill. As the Leader of the Opposition said, the Chief Minister is well capable of understanding these things and I would not have thought that he would fall for the 2-card trick of taking silence for agreement.

In closing, Mr Speaker, I would like to confirm the suggestion of the Leader of the Opposition that the Chief Minister and the government circularise unions, knock on doors and find out what is thought about this. For that reason, I support the reasoned amendment that the member for Nhulunbuy moved today.

The Assembly divided:

Noes 11

Mr D.W. Collins
Mr Dondas
Mr Everingham

Ayes 7

Mr Bell
Mr B. Collins
Mr Doolan

Mr Harris
Mr MacFarlane
Mrs Padgham-Purich
Mr Perron
Mr Robertson
Mr Steele
Mr Tuxworth
Mr Vale

Ms D'Rozario
Mrs Lawrie
Mr Leo
Mrs O'Neil

Amendment negatived.

Mr HARRIS (Port Darwin): Mr Speaker, I do not seem to have the problem that some people have with this particular bill. I believe that a person's attitude is probably affected by his interpretation as to why the bill has been introduced in the first place. If you believe that it has been introduced as a strike-breaking move, then it is only natural that you will oppose the bill to some degree. I personally believe that the reason the bill was introduced was to assure people that they would be able to obtain essential goods and services at all times. For that reason, I accept without a great deal of difficulty the introduction of this particular bill.

Most people whom I know, and this includes people involved in the union movement, if they are satisfied that an emergency exists, will readily come forward to provide essential services, particularly on humanitarian grounds. There also have been situations where people who have been in strike situations have come out of those strike situations to provide those essential services. There have also been situations where people have remained in strike situations when an emergency exists. I believe that this is where the problem does arise.

Emergency cases resulting from natural disasters are very easy to identify. I believe that is one of the reasons why such legislation as this has to be introduced into the Assembly. There is a problem in identifying what are essential services and what are essential acts. When does an emergency situation exist? Of course, all of these definitions vary considerably depending on different circumstances: where you live, the transportation available, the amount of stock of a particular food item, the regularity that this stock is brought into a particular community, the problems associated with the method of communication etc. All of these things have a bearing on whether or not something is essential; a bearing on whether or not - as is provided under clause 5, declaration of shortage - this declaration of shortage should be made. It should also be noted that what is essential in one particular area may not be essential in another area. This also applies in the case of specific groups of people within a community.

The reason I believe that many do not accept this type of legislation is because they have difficulty in identifying when something is essential or, as I said in the case of this particular bill, is less than is sufficient for the reasonable requirement of the community. What are the reasonable requirements of the community? Someone has to make this decision. I believe the only method of making that decision is as outlined in this particular bill. I think everyone would agree that there are occasions when the quick movement of essential goods or the provision of essential services, regardless of the

reason for the non-availability, is necessary. I believe that has been the main reason why this bill has been introduced.

There are amendments circulating from the opposition. That has already been touched on by the Chief Minister. The suggestion that the Assembly be called together should be queried on the basis of whether it would be able to work. There will of course be occasions when a quick decision is required to assemble the 19 members of the Assembly. At short notice, it would be very difficult indeed. Under clause 6, there are provisions for tabling the declaration in the Assembly. I also agree that there will be occasions when the debate will take place before action is taken. But in most cases I believe that the debate will take place after the event has occurred. Again, I feel that there is no way around that. The Assembly takes time to meet. In most cases, however, emergencies happen quickly. There is nothing that we can do about that.

We can argue whether or not something is essential or whether or not an emergency exists but I believe that the main reason this bill has been introduced is to ensure that people are provided with essential goods and services at all times. We must remember that the government is committed to maintain the supply of the most basic essentials for living to the people of the Northern Territory. There is similar legislation in Victoria and Queensland. The bill before us is a combination of the legislation in those states. By passing this bill, we will be able to identify an emergency and act quickly. The problem that many people have in accepting this type of legislation is the difficulty they have in interpreting whether or not it has been introduced into the Assembly as a strike-breaking measure or to provide the essential services. I believe that it has been introduced to make sure the people of the Northern Territory are protected and that essential services and goods are provided at all times. For that reason, I support this bill.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, in relation to this bill, the question arises as to what is are essential goods or services. This depends very much upon how long a particular situation has existed and also the place. A remote community which is totally dependent upon larger communities could well be in difficulty long before a large place like Alice Springs or Darwin.

What are some of these essential services? One is emergency services. I do not think that anybody would suggest for one minute that these should not be brought into play if an emergency arose. One that has not been mentioned is law and order. I think that we would all agree that our society cannot exist without law and order. Water and certain food items are essential. I would not suggest that the supply of beer is an essential service. I must confess that it has amused me over the years when the train from south has not been able to get through and the RAAF has been used to bring in essential goods and services. From photos in our local paper, we saw that large supplies of beer were coming in. Not all would agree with me that beer is not essential.

Health matters and the transportation of goods and people are essential. Anybody who is here on holidays with limited resources cannot be stuck in the Territory for weeks on end without the chance of getting home. The tourist industry has been greatly hurt at times when transport for people has not been available. Communications and even education, if the emergency went on long enough, are essential. Printing could also be an essential service; this bill would be a bit difficult to implement if the Gazette could not be printed.

The problem that some people seem to have relates to the matter of power. This bill does give a certain power to government. However, might I suggest that there are certain natural constraints which relate to it. One is that it

only lasts for a month before it must be reviewed. The time could be extended but must come up for review. I am pleased that the Chief Minister is prepared to accept the amendment that the Assembly could be recalled if 5 members were prepared to . . .

Mr Everingham: I have not said that.

Mr D.W. COLLINS: I take that one back. However, it certainly would not worry me if the Assembly was recalled so that the members could express their views and the views of the people they represent.

There is also the matter of people power and the press. The press does influence people's thinking considerably. No doubt members of this Assembly take some notice of the press. Sometimes we ignore it and for good reason. However, if our power is abused, there is the ballot box. The member for Nhulunbuy suggested that the governments of Hitler and Stalin were worse than strike breaking. However, those governments did not have the ballot box whereby people have the final power. Of course, there is a certain amount of sheer common sense in political judgments and the attention paid to community attitudes. I am sure that these natural constraints will ensure that this power will not be abused.

I welcome the bill because it will give strength to the government. I am sick and tired of having people come to me in certain situations, as happened a few months ago, and asking why the government does not act. These were union members who were not at all happy with a particular situation that was occurring at that time. Who runs the country, the elected government or some other self-interested group? I think that is a very important matter. This government must have the power to run the Territory. This bill will assist negotiation and consultation between parties which may be in dispute. I would suggest that it might also reduce confrontation and situations whereby people are held to ransom.

This legislation will not be any use if it is not put into effect. The legislation must have teeth that are used judicially and at the right time. It must be made known that they will be used. It will require judicial support and possibly even some judicial direction. I note the bill allows for the person who will not comply with the directions under the declaration to be fined \$1000 and \$50 a day thereafter. A corporate body can be fined \$10,000 and \$500 a day. I do not see any suggestion that these penalties could be watered down or waived.

It has been suggested that one way of dodging this would be for someone to do the disappearing act. It is fairly clear in the bill that, provided reasonable notification is made, the person is bound to act. The legislation may be used in times of natural disaster and generally, in such circumstances, there would not be too many problems except possibly where rationing may be concerned. Cyclone Tracy is all we need to think of there. Of course, there is also the matter of industrial disputes.

One real concern to me is mentioned in clause 15, which deals with the matter of intimidation; that is, when someone who has been directed by this declaration to obey certain things comes under threat. Threats can come in various forms. They can be anonymous across the telephone. It is difficult to prove the threat and yet that threat can be very real. Some people use a threat to get their own way.

I would suggest that protection is absolutely essential for people who are directed to obey this act. I think it would be a good thing that anybody who

was so threatened would have to mandatorily report it to the police so that various actions could be taken relating to telephone protection and even bodily protection by police. These things are by no means figments of my imagination because these threats do and will continue to occur. I note that it states in clause 15 that, if somebody does such and such, then he is guilty of an offence. It would have been a good thing if there had been penalties put down for that. There are penalties for those who disobey. There should be very tough penalties for anyone who is prepared to threaten people who are obeying this particular act. I think that should be spelt out. No doubt there are other acts which could cover this but they need to be tough and they need to be in force. I see that as far more important than penalties for the people who disobey.

One amendment of the member for Nhulunbuy suggested that this would only occur while the declaration has effect. It is quite possible for the threat to be made afterwards so that in future situations they may not be so prepared. I would suggest that that be looked at very carefully. I welcome the amendment put forth by the Chief Minister that, if someone acting in accordance with the act is accidentally killed, then compensation will be paid.

It seems to me that the opposition has consulted with the union movement. I think that is what the Leader of the House was on about. It has tried to make out that it has not. Then there was an admission that it had and that that was good. It is to be expected. It has certain amendments which the member for Nhulunbuy mentioned. The Chief Minister indicated that these could well be taken on board. Maybe that was when the opposition started to worry because we now have this special amendment saying we had better hold off and think it out again. As far as I am concerned, it is just playing politics. I welcome this bill.

Mrs PADGHAM-PURICH (Tiwi): My remarks in connection with this bill today will be relatively brief as other speakers have touched on the main points. I found in reading this bill that there was a lot of reiterative emphasis on certain clauses. I refer in particular to 2 clauses, the declaration of a shortage, clause 5, and the power of a minister, clause 7.

Firstly, as the member for Port Darwin said, this legislation is to be an extended version of similar legislation in Victoria. I also understand Queensland has similar legislation although not exactly the same. In clause 5, to overcome any doubt about the original declaration being extended, subclause (2) was inserted for an emphatic purpose. In this legislation, it is considered much the same as roll-over is considered in legislation dealing with leases. Action is more streamlined if the Administrator declares a state of shortage. If it has to continue longer than a month, he would make a declaration before that month is up rather than the month expiring and the shortage ceasing officially to exist so that a new declaration had to be made.

Clause 6, presentation of a declaration to the Legislative Assembly, is inserted in case certain people have fears about abuse of this kind of legislation. It would be debated before the Assembly. Perhaps it is a little idealistic. Perhaps it may not be realistic. But I think that, with some thought, it could become a realistic consideration in this legislation.

Clause 7, subparagraphs (2)(d)(i) to (vi), reiterates itself but it also emphasises different sections of the operation in a particular state of shortage. Subparagraph (2)(d)(i) deals with the conditions and (2)(d)(ii) refers to how people will operate under those conditions. Subparagraph (2)(d)(iii) not only refers to conditions and people but also to how the service will be used.

Subparagraphs (2)(d)(iv), (v) and (vi) deal mainly with the idea of prohibition rather than the idea of acquiescence or assent. I have been told, Mr Speaker, that the law of prohibition is easier than the law of control. It is easier to administer. This is why prohibition is mentioned in those subparagraphs.

Turning to part III, compensation, I was rather concerned when I read that, although a person who fulfils a normal command and carries out certain duties legally will receive compensation if injury is suffered, no mention was made of compensation for the absolute injury, namely death, to the person's relatives. I understand that the law keeps alive a dead person's claims, but I think the idea of compensation mentioned in the amendment relating to fatal injuries deals with the subject of compensation for death. The amendment mentions a wrongful or negligent act because this is the only form of compensation that can be covered by the Compensation (Fatal Injuries) Act.

I touch briefly on the subject of prosecutions for an offence under this legislation, which is in clause 13. In keeping with the rest of the bill, this brings a streamlining into consideration in that the offences are dealt with summarily. It is necessary just to plead to a set of facts. In the Supreme Court, it is necessary to establish a prima facie case with witnesses called and cases to be proven etc.

Finally, this bill is very cognizant of the fact that we have an enormous area of land to cover in the Territory. We are a very isolated community. The living conditions in the Territory are probably similar to isolated areas in the states but our small communities are very isolated. In times of shortage, their interests must be protected as are the interests of people in large cities. The basic interests this bill seeks to protect are the supply of fuels, which would be used in vehicles in times of emergency and which are used in generators to supply electric power. The bill also deals with the supply of basic foods to these communities in case of shortage, the supply of health requirements, the supply of parts for machinery etc. It is very important that these remote communities be considered in the development of the Territory. I think this legislation will help in a major way the development of those remote communities by ensuring that, in times of emergency and trouble, they will have a supply of basic necessities which we in town take as a matter of fact.

Motion agreed to; bill read a second time.

In committee:

Clause 1 agreed to.

Clause 2:

Mr LEO: I move amendment 67.1.

It deals with the definition of 'goods'. It would omit the very broad definition of goods and services that would be detailed under the present bill and which would be detailed in regulations and submits a definition of 'goods' as detailed: '(a) fuel including fossil fuel derivatives and gases; (b) bread, eggs, milk; and (c) any other foodstuff or commodity required for the maintenance of public health or a service, being a foodstuff or commodity prescribed under section 18 as goods for the purposes of this act'. It still allows for regulations as the need arises.

Amendment agreed to.

Mr LEO: I move amendment 67.2.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 to 5 agreed to.

Clause 6:

Mr LEO: I move amendment 67.3.

This amendment would require the Speaker to call the Assembly together within 7 days of a declaration to debate the notice, not as you said, Mr Chairman, in order to make a declaration, but in order that the Assembly may debate it as soon as possible. This Assembly sits so infrequently that in fact a declaration could be made, and be in force for quite a considerable period of time before the Assembly could debate it. While the minister should have the power to evoke the notice, that should be very closely scrutinised by this Assembly; it is a wide-ranging and important piece of legislation which gives the minister and/or his representatives quite wide-ranging powers.

Mr EVERINGHAM: I think it would be true to say that this Assembly has sessions as frequently as any Australian parliament. It just happens that 19 members do not seem to be able to keep it sitting for as long as other Australian parliaments. If members opposite can come up with business and can continue debates for any longer period, obviously the Assembly will sit as necessary.

Aside from that, I see no reason for proposed clause 6. I notice that this is an amendment rather than a substitution for the present clause 6, but I believe that the proposed provision in the bill is quite satisfactory. The declaration can be debated at the time the Assembly sits following such declaration.

Mr LEO: I think that this is a subject of some import. The Chief Minister was talking about legislation in the states. It is not peculiar that, if a petition is signed by 5 members - in Western Australia it has to be signed by 17 members - the parliament will meet to debate the matter. The percentages are approximately the same - 25%. There is nothing remarkable about that; it is perfectly straightforward. For a very good reason, this sittings of the Assembly was postponed for a fortnight. The Assembly may not have reason to sit more often but I think because this legislation is of such import, the opportunity should be available for the Assembly to sit within 7 days of such a declaration being made. It would require a petition signed by 5 members of this Assembly to be forwarded to the Speaker who would call the Assembly together within 7 days. I do not think that is remarkable legislation or a remarkable proposal at all.

Ms D'ROZARIO: Mr Chairman, I have some difficulty understanding the reasons why the Chief Minister finds this amendment objectionable.

Mr Everingham: I have some difficulty understanding the reasons for the amendment.

Ms D'ROZARIO: The reasons for the amendment have been outlined by the member for Nhulunbuy. If the Chief Minister had some knowledge of his bill, he would see that, in clause 5, the declarations are in force for 1 month or a shorter time as specified in the notice or, if the declaration is extended, for a longer time. The Chief Minister would know full well that this Assembly does not meet every month so that, by the time the declaration is presented in

this Assembly, it would have lapsed of its own accord if it had not been extended. Therefore, the revocation by resolution of the Assembly would be quite irrelevant.

What the member for Nhulunbuy has done is to provide a mechanism by means of which, if 5 members of the Assembly found it necessary to convene the Assembly by their petition to the Speaker, the Speaker should so comply.

We are all cognizant of the fact that there may well be declarations, for reasons such as breakdown of roads or transport services or whatever, to provide food to outlying communities and it is not likely in those circumstances that 5 members would whimsically exercise their rights under this proposed amendment to call the Assembly together for no good reason. However, as the member for Nhulunbuy has said, the application of this act would be so wide that we envisage there would be circumstances in which the Assembly should have the opportunity to scrutinise the declaration and, if the Assembly so wishes, revoke the declaration earlier than would otherwise occur.

I feel that the member for Nhulunbuy is not suggesting that there should be a compulsion that every declaration be so treated but the provision would only be used in a case where the Assembly was not sitting and a minimum of 5 members felt strongly enough about it to petition the Speaker to convene the Assembly. I think, Mr Chairman, that in the spirit of cooperation and reasonableness which seems to be prevailing in this particular matter, the Chief Minister ought to accept the amendment.

Mr B. COLLINS: Mr Chairman, I support the amendment. As the sponsor of the amendment has pointed out, it is hardly a remarkable thing. It does exist in other legislatures and for good reason.

I concede to the Chief Minister on the question of frequency of sittings. It is perfectly true that there is no point whatever in this Assembly meeting if there is no business before it. Perhaps the Chief Minister could consider the possibility of having a number of weekly sittings instead of fortnightly sittings on several occasions during the year. I do not think it is a question of sitting time of the Assembly necessarily because he is perfectly correct in that there is absolutely no point in sitting for sitting's sake. If the business of the Assembly is dealt with in that number of sittings, fair enough. Nevertheless, it is true that we meet infrequently. Perhaps some consideration could be given by the Chief Minister to the idea that on some occasions a fortnightly sittings could be split up into 2 weekly sittings to increase the frequency with which this Assembly gets together. I am not suggesting it be done on every occasion. I think that would meet with the concurrence not only of a large number of members of the Assembly but with the general public as well.

Mr Chairman, implementing this piece of legislation is a serious matter. The government seems to be reluctant about calling a sittings of the Assembly together for the special purpose of something as serious as this but I recall that it was quite prepared not so long ago to have a special sittings of the Assembly when it wished to acquire a piece of property compulsorily. I would suggest that, if it were prepared to do it on such an occasion, then this matter is more serious. I confess that this is off the top of my head and I am sure there may be logistic reasons why it may be difficult, but I suggest it has come to the attention of the opposition on previous occasions, as we have mentioned, that there is a problem in the frequency of our meetings rather than the actual length of time we sit. Perhaps some consideration could be given by the Chief Minister to having weekly sittings on a number of occasions during the year to increase the frequency.

Amendment negatived.

Clause 6 agreed to.

Clause 7 agreed to.

Clause 8:

Mr LEO: I move amendment 67.4.

Mr EVERINGHAM: I accept the amendment, Mr Chairman.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clauses 9 and 10 agreed to.

Clause 11:

Mr EVERINGHAM: I move amendment 69.1.

Clause 11 currently provides for compensation from the Crown on just terms, which can be determined by the Supreme Court, to a person who suffers loss, injury or damage as a result of following any direction, prohibition or requisition of the minister.

This amendment does not affect the basis of clause 11 in any way. Its first purpose is to remove from subclause (1) the restriction that a person who is otherwise indemnified is not entitled to compensation. The reason for this amendment is that there may be circumstances where a person may be otherwise indemnified but the indemnity may be totally inadequate to cover the loss suffered. In this situation, it would be unreasonable for that person to be denied compensation on just terms. Secondly, the amendment in paragraph (1)(a) extends the scope of the provision to provide for compensation to relatives where the injury concerned is fatal. Paragraph (1)(a) achieves this by reading into the compensation provisions the Compensation Fatal Injuries Act.

Amendment agreed to.

Clause 11, as amended, agreed to.

Clause 12 agreed to.

Clause 13:

Mr LEO: I move amendments 67.5 to 67.7.

The amendments to clause 13 that I have proposed would follow the principle conveyed in the leave bills; that is, the penalties would be no different to those for individuals and bodies corporate. I think the government set the pattern there for industrial legislation and I maintain that this is industrial legislation. I see it quite clearly as industrial legislation. There should be no differences in penalties.

Amendment 67.7 would provide that, where a person convicted of an offence against this act is a body corporate or an organisation within the meaning of the Conciliation and Arbitration Act 1904 of the Commonwealth, each person who, at the time of the commission of the offence, was a director or an officer of

the body corporate or organisation, shall be deemed to have committed the offence and shall be liable to the penalty provided by this act for the offence unless the court is satisfied that the offence was committed without his knowledge or that he used all diligence to prevent commission of the offence. Those 3 amendments would bring the penalty clauses of this legislation into line with the penalty clauses of the 3 leave bills we have just passed.

Mr EVERINGHAM: It is arbitrary to determine what is a fitting maximum penalty to set. I must say that I oppose the current amendments under consideration, each of which relates to penalties and seeks to reduce the amount of the maximum penalty. I emphasise that. It is a maximum penalty and I believe the court should be given a discretion because there are circumstances quite conceivable in a situation likely to arise where this act comes into play where quite a substantial monetary penalty well above \$1000 may be appropriate in the case of a body corporate. I believe that the court should be given the discretion for a penalty appropriate to the circumstances to be applied. \$1000 in today's monetary terms is virtually a flea bite to most bodies corporate of any substance. To my mind, unfortunately, \$10,000 is rapidly going that way as well.

Amendments negatived.

Clause 13 agreed to.

Clause 14 agreed to.

Clause 15:

Mr LEO: I invite defeat of clause 15.

Clause 15 negatived.

New clause 15:

Mr LEO: I move amendment 67.8.

The amendment removes 'offensive action' and 'annoys'. I do not know what constitutes offensive action. A person could end up with a \$10,000 fine because of offensive action or because he annoys. I do not know what those words mean. They are very arbitrary.

New clause 15 agreed to.

Clause 16:

Mr LEO: I invite defeat of clause 16.

Clause 16 negatived.

New clause 16:

Mr LEO: I move amendment 67.9.

This would tighten up the manner in which a direction is served upon a person. My reading of the bill is that it could be lobbed upon a child aged 16 years for any one of a number of reasons. Considering that one could incur a \$10,000 fine for this thing, I think that the service of this direction should be made personally or by registered post to the person concerned.

New clause 16 agreed to.

Clause 17 agreed to.

Clause 18:

Mr LEO: I move amendment 67.10.

This is a consequence of the earlier definitions in the schedule. There is no need for those to be included in requirements for regulations.

Amendment agreed to.

Mr LEO: I move amendment 67.11.

It would reduce the penalties to a level that I would have hoped that the penalties would have been reduced to in the act. For a breach of regulations, you can incur the wrath of the courts to the tune of \$5000. I would like to have that dropped to \$1000.

Amendment negatived.

Clause 18, as amended, agreed to.

Title agreed to.

Bill passed remaining stages without debate.

ADJOURNMENT

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

Mrs O'NEIL (Fannie Bay): This afternoon, the Chief Minister very kindly distributed to female members of the Assembly these most attractive scarves bearing the coat of arms of the Northern Territory. I would like to thank those responsible, and particularly the Chief Minister, for those. I am sure that they will cause comment and hopefully admiration from the people of the Northern Territory. It is always nice to see the coat of arms in use.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, this afternoon I rise to speak on a few subjects. The first one gives me cause for some concern as I think it should give all other members of this Assembly cause for concern. It has been mentioned before. In view of some of the figures that I am going to put forward, I think that perhaps now is the time that an assessment of the situation should be made. It may be necessary and it may not be. But I think that some thought should be given to an assessment.

I have been told that, over the last year, there have been 50 resignations from the Police Force. I have been told that there have been no retirements; these were resignations. They were not retirements and it was not wastage. They were actual resignations of 50 members of the Police Force. Considering the numbers in the Police Force, one might say: 'So what?' Fifty people resigning from a force as great as the Police Force is perhaps not very relevant. But it is the type of person who is resigning and the years of service accrued by these people who have resigned that give me cause for concern.

I have been told that 50% of the members of the Police Force of the Northern Territory have less than 5 years' experience. I do not know how this compares with the rest of Australia but I do not think it compares favourably. I realise that there are officers, not only in the Police Force but in other organisations, who are not very desirable. Perhaps one could say that we are just as well to be rid of them. I do not think this applies to most of these people. In all fairness, I will concede that it may apply to 1 or 2. But it does not apply to the majority of these people. I have names here which I will not repeat because I do not think that it would do any good. I have known many of them for a number of years. Not only do I know them personally but I know their personal records over a number of years, and I know the regard in which they are held by other members of the Police Force who work under them. I think this is one commendation of a person that is not to be ignored. It is important that members of a disciplined force work as a unit. However, not only must one work with one's superiors but one must have some regard for them. In working with one's inferiors in the force, one must have regard for them too.

I will give 5 examples: 1 man resigned after 22 years' experience in the Northern Territory; another resigned after 25 years' experience in the Northern Territory; 2 men resigned after 14 years; and another after 10 years. I have those 5 periods of service in front of me. These people did not resign because of age or ill health; they resigned for other reasons. Ten had been sergeants with at least 10 years' service. Apparently, more experienced men resigned last year than in previous years. In view of the rapid development of the Northern Territory, the increasing population that is coming to the Northern Territory and the world situation as it relates to the Northern Territory, it is a sad loss that these people are not only leaving the force but are leaving the Territory too.

I would like to comment on 2 other points relating to the Police Force. Perhaps I am being a stickler for grammatical correctness; I do not know. However, whilst I agree that shorthand descriptions are the fashion, I feel that precision is also necessary, especially as it relates to an exact force like the Police Force. I refer to 3 descriptions. One is of the Fisheries Enforcement Unit. I find that those 3 words do not mean a thing. If it were the fisheries law enforcement team or group, it would make more sense. Then there is the drug enforcement group or squad. I think the words 'law enforcement' should be included because you cannot enforce drugs. In much the same way, you cannot enforce fisheries.

Other areas of the Police Force are more properly described but I think the description of one section should be made more exact. I will not refer to a previous debate. It was mentioned in connection with an allocation to it. It refers to the uranium area or just uranium. Whilst that description relates to the workings of the Police Force in the uranium area, it demonstrates a singular lack of descriptive precision which is not consistent with the accurate thinking one associates with the Police Force.

The Minister for Mines and Energy issued a press statement relating to the sale of fireworks and the use of fireworks by people. I agree with the content of the press release in which the minister said that sales of fireworks to individuals should not be allowed to continue. I quite understand the reasons for his saying that because there has been an increase in the number of fireworks related accidents this year as against last year. There has also been an increase in hooliganism in the use of fireworks. I think it is sad that some provision cannot be made for innocent enjoyment of fireworks by young children in a controlled, family situation. I would like the minister to reconsider the whole situation relating to the sale of fireworks. It will be a sad day when we prohibit things like fireworks to parents for the enjoyment of their child-

ren. Most parents look after their children and their welfare. They make a party night of Guy Fawkes night or whenever else crackers are let off. This will be taking something away from the children; it is innocent enjoyment in most cases. I would like the minister to reconsider his decision and in some way to allow fireworks to be enjoyed by young children in a family situation.

The last subject on which I would like to speak this afternoon relates to a press release issued by the Minister for Transport and Works with which I heartily concur. In this press release, the minister referred to a multiple-registration system for trailers. We mentioned the fact that a person could have a caravan and a boat trailer and, under the current legislation, must pay registration for both the caravan and boat trailer when perhaps they are only used infrequently. I would like to see caravans and boat trailers registered as recommended in the minister's press statement.

However, I wrote to him some time ago regarding the registration of trailed farm vehicles. If regulations are introduced making the registration of trailed vehicles transferable from one item of equipment to another, it would save a lot of hassles for primary producers whose properties happen to be dissected by public roads. Instead of following the present, rather cumbersome, routine of securing a permit to move each piece of equipment on each occasion, a person would be able to obtain a permit which is transferable from one piece of agricultural machinery to another.

Mr BELL (MacDonnell): Mr Speaker, this morning I asked the Minister for Education when he intended to commence providing schooling for children at the community in the Kintore Ranges. It is highly unlikely that many members of this Assembly have actually visited the community in the Kintore Ranges. The community itself is referred to by the people who live there as Walanguru. That is the way they refer to it. For the sake of organisation and for the sake of certain arrangements that need to be made because of their contact over the last 20 years with the Papunya settlement, they have established what the minister referred to as the Western Desert Communities Outstations' Council.

In his reply to my question, the minister suggested that this community had vacated government facilities at Papunya. In the short term - I suggest from a limited view - that may be correct. I suggest that, if we look at the situation historically, we will find that the minister's statement is far from accurate. The people who have come to be known as the Pintupi people over the last 20 years, and who in fact refer to themselves as 'all the west people' - and that is the place they want to go to - were in fact some of the last Aboriginal people in Australia to be leading a fully tribal existence. Mr Jeremy Long in carrying out what he referred to, and later wrote about, as the 'Pintupi Patrol' came into contact with these people and found that their numbers had been so depleted that social organisation had to some extent been affected. The result was that marriages which perhaps traditionally were not allowed - and I refer to first cousin marriages - had come to occur more often.

It is a moot point whether those last few remaining Pintupi were herded up and moved into Papunya against their will. I am not satisfied that that was the case. It may have been the case. I am also not satisfied that these people came into Papunya of their own free will, certainly not all of them. One government officer from a department associated with Papunya and providing services to the community in the Kintore Ranges suggested to me that these people had been brought in starving and that in fact they owed the government a great debt. I suggested that that was not really an accurate impression; that was not really the truth of the situation. Those people were brought into Papunya during the heyday of the assimilationist, welfare-type arrangements

organised by people - I make no accusations against them - perhaps with the best will in the world. According to later wisdom, perhaps it was shortsighted. I do not know.

One fact remains quite clear and that is that the influence of that welfare settlement on the Pintupi, on their integrity as a community, was nothing short of disastrous. They have battled against this for 20 years and this is one move that may lead to some chance of their people - their children, mothers, fathers and the old people - regaining a degree of self-respect, a degree of unity and a direction that would certainly be denied to them at Papunya. I believe that the government departments that are represented in this Assembly today do not owe them much money, do not owe them the help of vast government resources. But they do deserve more support than they are getting at the moment.

I do not wish to beat anybody over the head with a big stick. I want to raise a matter of a value that we all assent to. That value we all assent to is education for our kids. We all see that as important. Aboriginal people might not be as good at articulating that need and articulating that value as white Territorians are. But be under no illusion that those people do not hold education facilities - perhaps not entirely in western terms - as very important. Certainly, there are things that they think and see as important that we might not see as important. The fact that they want their kids to learn to read and write so that they can help to support their community is important to them.

Have I made this up out of my head, Mr Speaker? No, I have not. I visited the community. I talked to the people there. I am convinced that that is the case.

The Minister for Education referred to a latter day Moses, Mr Paul Parker, who has led the people into the desert. I suggest that that is doing neither the people nor Mr Parker justice. On a number of occasions I spoke in Alice Springs, at Kintore and also at Papunya with the people involved with this movement to the Kintore Ranges. I am convinced that there is a very real need expressed by those people to maintain a community out there. Are they asking for vast resources, big buildings or sophisticated educational equipment? No, they are not. They are asking for a couple of teachers to go out there and run very basic educational programs with simple facilities. It is not a vast expense but it is an expense which we certainly owe those people.

The Minister for Education raised the matter of whether that community was permanent. When one refers to a community as being permanent, one is forced to wonder at what stage the community becomes permanent. He said himself that it was difficult country. Those people have been out there since August. We have had some hot weather in central Australia since August. It has cooled down in the last month or so but it was pretty hot weather through September and October. The time I visited the area, the people were out hunting and collecting food - no doubt in very difficult conditions, but they were very happy. It was very plain to me that it was important to them. They explained to me certain aspects of the countryside. Actually, Walanguru itself is a hill on the south side of the particular place where the people are camped. There are stories attached to that hill that escape me at the moment. There is another hill on the north-east side of that particular camp that is associated with what they call a 2-women story. It is important country to them; it is one place where they have a chance of regaining some integrity as a group of people. We owe them that support.

I am sorry that the minister is not here to hear me say this. What I am suggesting could be done very easily at a minimal cost. A small amount of money would be required. I will not quote figures because I am not sure of them. The vehicles are already there. The cost would basically relate to the fuel that is required to convey teachers over the 320 km to 400 km between Papunya and the Kintore community. What I believe is fair and reasonable is that people should go out there, commence finding out who is there, what sort of program might be started and what sort of shelters might be required. There are bough-shelter schools in other parts of the Territory. That program ought to be allowed to operate from February next year.

I have yet to raise a question with the Minister for Education in regard to the community at Ayers Rock. As far as I can see, the community at Ayers Rock is in at least as great a need of schooling facilities for their kids, although for different reasons. There has been a larger community at Ayers Rock since 1978. Of course, there has been a community at Ayers Rock for thousands of years. There was a brief hiatus when welfare settlements were set up at Areyonga and at Amata in South Australia. Many of the Ayers Rock people left for a short time to live in those places, but I suggest that in their time it was never a permanent arrangement. I believe that we owe those children a fair go as far as schooling is concerned.

The issue of permanence raises its head at Ayers Rock. Often it is difficult for white Australians to understand why Aboriginal people do not go to one place and stay there permanently in the same way that non-Aboriginal people do. There are cultural differences involved but the cultural differences do not mean that the kids do not want to go to school. They certainly do not mean that the kids have no right to go to school.

I am not sure whether I have related this anecdote to the Assembly before but it might be instructive to relate it again. It perhaps illustrates the commencement of schooling in Aboriginal communities. An important Australian, Dr H.V. Evatt, during the initial sessions of the United Nations in the late 1940s, blasted the Soviet Union for the treatment of its minority peoples and the failure of the Soviet Union to provide educational facilities for their children. At the time, the Foreign Minister in the Soviet Union, Molotov, came back at Dr Evatt and asked about the treatment of Aboriginal people in the Northern Territory and about schooling facilities for Aboriginal people in the Northern Territory. The way it has been explained to me is that the then Labor government found out what was going on. That was one of the first initiatives that led to schooling for many Aboriginal children in the Northern Territory.

I believe that conditions have changed for those people but the need still remains. I believe that the Department of Education and the Minister for Education, who is responsible for that department, owe those children adequate schooling facilities both at Ayers Rock and at Kintore for the reasons that I have tried to explain this evening.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

PETITION
Old Timers' Rural Village

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, I present a petition from 552 citizens of the Northern Territory expressing the very grave need for an old timers' rural village. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. I move that the petition be received and read.

Motion agreed to; petition received and read;

To the honourable the Speaker and the members of the Legislative Assembly of the Northern Territory, the humble petition of certain citizens of the Northern Territory, electors of the divisions of Tiwi and Victoria River, respectfully sheweth that there is a very great need for an old timers' rural village to provide: (1) a club room, (2) a medical centre, (3) recreational area, that is bowls etc, and (4) a variety of residential accommodation for the elderly. Your petitioners therefore humbly pray that the Rural Old Timers and Friends Association Incorporated be made trustees of block 347 and part of block 400 being that part between the Stuart Highway and Bees Creek in the Hundred of Strangways Northern Territory, and your petitioners, as in duty bound, will ever pray.

APPOINTMENTS TO STANDING COMMITTEES

Mr B. COLLINS (Opposition Leader) (by leave): I move that Ms J. D'Rozario be appointed to the Standing Orders Committee and that Mr B. Collins be appointed to the Committee of Privileges. These appointments are necessary to fill vacancies on the committees resulting from Mr Isaacs's resignation.

Motion agreed to.

DISTINGUISHED VISITOR

Mr SPEAKER: Honourable members I draw your attention to the presence in the gallery of a distinguished visitor, Mr John Kerin, member for Werriwa in the House of Representatives. On your behalf, I extend to him a cordial welcome.

Members: Hear, hear!

DIRECTION OF ACTING ADMINISTRATOR

Mr PERRON (Treasurer): Mr Speaker, on 10 November the Acting Administrator of the Northern Territory of Australia acting on the advice of Executive Council approved, in accordance with powers provided to him under section 13 of the Financial Administration and Audit Act, transfer of funds within the provisions of the Supply Act 1981-82. In accordance with the requirements of section 13(2) of the Financial Administration and Audit Act, I table the order made on 10 November.

DIRECTION OF TREASURER

Mr PERRON (Treasurer): On 23 October 1981, I approved in accordance with powers provided to me under section 13 of the Financial Administration and Audit Act the transfer of funds between subdivisions within the provisions of the Supply

Act 1981-82. In accordance with the requirements of section 13(2) of the Financial Administration and Audit Act I table the order made by me on 23 October 1981.

TRAFFIC AMENDMENT BILL
(Serial 153)

Bill presented and read a first time.

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

The Traffic Amendment Bill contains a simple amendment that extends the sunset clause of the random breath testing provisions of the main act for another 12 months, from 1 February 1982 to 31 January 1983.

The government, in seeking the extension, is conscious that there are sections of the community that strongly oppose random testing and others that believe the sunset clause should be removed so that the testing provision remains on the statute books. The purpose of the sunset clause, however, was to allow a trial period to see if random testing could contribute to road safety in the Northern Territory so that it could be retained if found warranted, but not left on the books if it was not contributing significantly to improved road safety. The government is not convinced at this stage that there is sufficient indication of improved road safety as a result of random testing to take the step of removing the sunset provision nor is it prepared, at this stage, to let testing lapse because of the lack of evidence that it is playing a significant role in improving road safety. The real problem is that the Northern Territory has a relatively small population spread over a large area and it is very difficult to make cause and effect statements on road accidents and random breath testing with any degree of confidence. Even the extra data from another 12 months may not in itself be conclusive but a broader picture should be possible.

I could give a whole series of statistics to indicate what has been happening in the Northern Territory but there is not much value when the statistics do not show causes. Our death toll so far this year is the highest on record and most fatalities have been in the rural areas where random breath testing is less likely to be conducted. The urban situation has improved. Injury numbers are evening out despite the increase in population and vehicle numbers. Of those who blow into the tube at random breath testing stations, 3 times as many as in Victoria show positive readings and twice as many are over the NT legal limit of 0.08 as against over 0.05 in Victoria. Our drivers are more likely to have alcohol in their blood and to have more.

None of these figures are as yet sufficient to make any safe assertions as to the role of random breath testing in promoting road safety. Before concluding, I would like to clarify a common misconception. The value of random breath testing is not in how many convictions it brings but in how many drinkers are being deterred from driving. It would appear to be having a beneficial effect when the number of positive readings are well down as this would seem to indicate that the drinking drivers are staying off the road. The government is currently considering a number of other initiatives concerning the drinking driver. It is expected that, before the new sunset time expires, there will not only be much more widely-based information on the effects of random breath testing but the public will be even more aware of the impact of alcohol on driving and have more reason to think before drinking and driving. I might add that the government will be seeking passage of the bill through all stages at these sittings. I commend this bill.

Debate adjourned.

CONSTRUCTION SAFETY AMENDMENT BILL
(Serial 160)

Bill presented and read a first time.

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

The Construction Safety Act has been in operation for nearly 3 years and during this time certain deficiencies have come to light. This bill is designed to overcome these gaps and create more effective and efficient legislation covering construction safety in the Northern Territory. I do not propose to go through the bill in detail as the majority of the amendments are of a minor nature and do not require detailed explanation. However, I would like to comment on a few of the proposed changes.

The most significant change is in clause 4 which proposes a change in the definition of 'construction work' to include road construction and maintenance work, railway construction and maintenance work and earthworks. Presently, these types of work fall outside the definition and therefore the application of the act. Safety regulation of these types of works is a desirable extension of the act. When construction of the Alice Springs to Darwin railway link commences, it will be important that safety standards are able to be applied and enforced if necessary on this project. The reference to the railway work and railway maintenance work will achieve this. The purpose of the act is not to hinder work but to ensure work is performed in a safe manner. It is desirable for all construction work to be regulated by the act. Several other changes are proposed to section 4 of the act which is the definition section. The changes to the existing definitions and the inclusion of new definitions is to make interpretation of the act more precise.

Clause 5 provides for the appointment of a deputy chief inspector which is administratively desirable.

Clause 7 creates a new offence relating to the provision of information required by section 12. This clause has been inserted to overcome legal problems in enforcing section 12 as it now stands.

Clause 9 will ensure that basic amenities such as first-aid equipment are available on all construction sites. The clause also requires that additional facilities be provided when 10 or more workers are employed. Presently, the act requires that these amenities be provided where there are 20 or more workers. I would indicate that the Industrial Safety Division of my department is consulting with industry on this point and, depending on the results of these discussions, I may be proposing an amendment in the committee stage.

Clause 10 will enable riggers to carry out work relating to the slinging of loads. Riggers are trained in this type of work and it is only reasonable that they be authorised to carry it out.

Clause 11 repeals and replaces sections 22 and 23. The new sections are designed to tighten up accident notification and reporting procedures. The new sections should ensure prompt notification of all accidents and thus more effective accident investigation.

Clause 12 replaces section 25 and is designed to give a degree of flexibility to investigatory procedures. In addition, the clause will enable the Chief Inspector to make accident reports available in certain circumstances.

The bill does not represent a change in government policy in relation to safety and is designed to improve the effectiveness of the act in the area of construction safety. I commend the bill to all members.

Debate adjourned.

INSPECTION OF MACHINERY AMENDMENT BILL (Serial 161)

Bill presented and read a first time.

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

This bill proposes several changes to the Inspection of Machinery Act. This act, passed in 1941, is in need of total revision which will be undertaken within the Department of Mines and Energy when time and resources permit. However, in the interim, some changes are recommended as a matter of urgency to overcome problems which are hampering the effective administration of the act as it now stands.

The major change is to enable the Chief Inspector to determine when machinery is to be inspected. At present, all machinery is required to be inspected at least once a year. With the number of machines in the Territory increasing rapidly, this requirement has proved to be an impossible task for the number of inspectors appointed under the act. The act does not differentiate between machinery that can be considered safe and the proposed change will enable the Chief Inspector to determine when machinery should be inspected. I believe that such a proposal should not result in a drop in safety standards. In fact, the opposite should occur. By giving the Chief Inspector a discretion, it will enable potentially dangerous machines to be inspected more frequently while safe machines will be inspected at longer intervals.

The change will enable the resources of the department in the area of machinery inspection to be more effectively utilised. The more effective use of inspectorial staff in any area of government is most desirable and one which I am sure honourable members will endorse. I believe the proposal will achieve this.

The proposal I have just mentioned is the major change contained in this bill. However, the opportunity has been taken to change several other provisions of the act. These are mainly of an administrative nature and are designed to achieve greater efficiency in the operation of the act. Without going into great detail in relation to each change, they are: clause 5 which provides for the appointment of a deputy chief inspector to act when the Chief Inspector is absent from his office; clause 10 which includes new provisions modifying the notification and reporting procedures for incidents; and clause 11 which substitutes a new section 65 providing for the Chief Inspector to cancel or suspend certificates of competency issued under the act. Presently, such certificates may be cancelled or suspended by me, as minister, following a cumbersome investigatory procedure. A right of appeal will be allowed, however, from the Chief Inspector's decision. Clause 12 creates an offence to sell or hire machinery which is not guarded in accordance with the act. Clause 13 provides for a further averment provision in section 78A to enable the averment in a prosecution that a person is the owner of machinery.

I commend this bill to honourable members.

Debate adjourned.

STOCK ROUTES AND TRAVELLING STOCK AMENDMENT BILL
(Serial 154)

Bill presented and read a first time.

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

The effectiveness of the permit system introduced in 1956, primarily designed to control the movements of stock travelling on the hoof, came under question with the introduction of road transportation in the late 1950s and early 1960s. The opening of export abattoirs at Katherine and Darwin in the mid-1960s also encouraged pastoralists to turn off stock in small consignments by this method of travel until virtually all stock movements converted to road transport.

For some years, the Cattlemen's Association of North Australia and, more recently, the Beef Industry Consultative Committee and the Northern Farmers' Association have called for the introduction of a more efficient and practical system for the control of travelling stock. The permit system became increasingly difficult to administer because of a number of factors including the emergence of a multiplicity of rapid stock movements throughout the Northern Territory, the impossibility for stock inspectors to supervise all loadings of travelling stock, an increasing tendency amongst pastoralists not to ask for permits to move stock and a willingness of consignees to accept stock without official government documentation. All these factors contributed to a situation that has made difficult the enforcement of the non-compliance of the provisions contained in the Stock Routes and Travelling Stock Act. However, it should be realised that the majority of stock movements do not have a disease factor and, if destined for interstate, are documented by interstate requirements.

The bill seeks to amend the regulating provisions for stock movements by providing protection of ownership of travelling stock and regulating the movements of all stock in the Northern Territory. The onus to provide the correct description and identification of the stock to be consigned, including stranger cattle, will be placed on the owner of the holding from which the movement originates. The owner will be provided with a waybill book by the Chief Inspector and the particulars of the waybill will be similar to those required on the current permit. A completed waybill which can only be issued for a journey from one specified point to another specified point beyond the cattle station is the authority to move that particular stock to the destination shown on the waybill.

Responsibility for the consignment at all stages of the journey rests with the drover or the person in charge who may endorse the waybill, if necessary, to cover losses through any reason en route. On arrival at destination, the consignee must formally receive the consignment by signing and retaining the original waybill. Copies of the waybill may be retained by the owner and the drover, and the owner must make a copy available to the Chief Inspector within 28 days of issue of the waybill.

A waybill is liable for examination by an inspector and contravention of the provisions is subject to heavy penalties. It is considered that the waybill system will prove a more practical and efficient method of control of stock movements in the Northern Territory. I commend the bill.

Debate adjourned.

PUBLIC HEALTH AMENDMENT BILL
(Serial 130)
ABATTOIRS AND SLAUGHTERING AMENDMENT BILL
(Serial 131)
CARAVAN PARKS AMENDMENT BILL
(Serial 132)
FOOD AND DRUGS AMENDMENT BILL
(Serial 133)
FOOD STANDARDS AMENDMENT BILL
(Serial 134)

Continued from 20 August 1981.

Mr BELL (MacDonnell): Mr Speaker, as the Minister for Health said in his second-reading speech, it is really a very simple matter. The basic intent of these bills is to change the title from 'health inspector' to 'health surveyor' for people enforcing certain provisions of the acts named here. The understanding is that the degree of professionalism that has come about amongst the people who do this sort of work means that they perceive themselves as filling a less invigilatory role perhaps than they may have done hitherto. The opposition has no trouble in supporting these bills.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, these bills are not major legislation and, as the previous speaker has said, it is just a matter of changing the title from 'health inspector' in current legislation to 'health surveyor' in future legislation. Many years ago, the title 'health inspector' used to be 'sanitary inspector'.

Mr Speaker, this change is in response to a request by the professional organisation of the public health inspectors. The title of 'health surveyor' is perhaps more all-embracing than the current title of 'health inspector'. I believe that the new title implies not merely tacit inspection but an implication of the whole field of public health. It implies a survey and an assessment function not just an inspectorial function. I understand it is a term used throughout Australia and this is another instance in which we are fitting in with conditions in the states.

Mr Speaker, I will record an incident that occurred in my electorate which bears on my belief that the change of title is a good thing. A person had some trouble with a neighbour regarding the keeping of animals. A complaint was reported to the Health Department, the health inspector went out and he inspected the complete situation. It was brought to my attention some time later. I had a very interesting discussion with him about the matter. In that case, it was not only a matter of inspection; he also surveyed the situation. In keeping with the work that these health inspectors are doing, their change of title is appropriate.

Ms D'ROZARIO (Sanderson): Mr Speaker, I am pleased to support these bills. We have had for some years a very diligent band of health inspectors, as they have been hitherto known, who have assisted in combating a wide range of public health problems. That band of persons is also covered by the Australian Institute of Health Surveyors. In keeping with the trend in the rest of Australia, their name is to be changed.

I quite agree with the member for Tiwi. Far too often these people are seen as just nitpicking bureaucrats. I believe that there have even been convictions of persons who have refused to allow entry to these people. On occasions, people have used physical force to prevent them doing their job.

It has been the public impression in some quarters that these people are just there to make life difficult.

We realise the value of persons who work in the health surveying field by incidents such as the recent outbreak of salmonella. In that case, it was not just a question of reporting what the problem was because in this day and age our communities expect us to do more than just say what the problem is. They expect us also to provide remedies. In that particular incident, our Australian health surveyors were expected not just to say that people were suffering a pain in the stomach but were also expected to take a positive action to identify what the products were, where they were being distributed and also to recommend the withdrawal of those products and then to follow up to make sure that the deficient products were no longer available for sale.

This occurs from time to time. In Queensland a few cases of infectious diseases were discovered recently and again it was the health surveyors who were called into action. Their role is not just to have a look at a person's septic tank or something like that. They have become a far more professional group of people and we should recognise that.

Mr Speaker, the other point to be made is that we can all benefit from a more professional and comprehensive approach to the job. I believe that tertiary courses in health surveying are now offered and that there are a number of people who propose to pursue that career. From that point of view, I certainly support these bills.

Mr TUXWORTH (Health): Mr Speaker, I thank members for their support in these bills.

Motion agreed to; bills read a second time.

Mr TUXWORTH (Health)(by leave): Mr Speaker, I move that the bills be now read a third time.

Motion agreed to; bills read a third time.

LAND AND BUSINESS AGENTS AMENDMENT BILL (Serial 125)

Continued from 26 August 1981.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I recall the debate on the Land and Business Agents Bill in 1979. I believe that the Land and Business Agents Act has demonstrated itself to be a most useful piece of legislation in regulating this important area of commercial activity in the Northern Territory. I think we can be grateful not only to the people in that area of business who have cooperated at all times to ensure that the act is appropriately implemented but also to the Agents Licensing Board, a most conscientious group of people.

As often happens with legislation of this nature, a period of time working with it uncovers a few areas where it could be improved. That is why we have this series of amendments before us and those amendments have the support of the opposition. There are only a couple of them which I wish to mention. One is the repeal of section 4(1)(b) of the act which exempted the land-selling activities of licensed auctioneers. This matter has been raised with me by people in the industry. I am very happy to support clause 4 which removes that exemption thus making auctioneers active in selling land still covered by the provisions of the act to protect both buyers and sellers.

Probably the most significant section, certainly the one which raised most comment, was the one which amended the amount of the fidelity bond or security to be lodged by agents when they are registered. The act currently allows for a \$10,000 bond and the bill had increased that to \$50,000 across the board. This drew some comment from the Real Estate Agents Institute who felt that it was rather larger than was necessary and might cause some hardship, particularly to the smaller agents in the industry. Consequently, we have amendments before us which will amend that so that there will be a scale of bonds from \$10,000 to \$50,000 depending on the balance of the agent's trust account from time to time. Agents with small balances of, say, \$10,000 will only have to produce \$10,000 or its equivalent, and agents with a maximum reconcile balance in their trust account exceeding \$250,000 will be required to produce a bond of \$50,000. I understand that that compromise has the support of the institute and I believe it will ensure the protection of land buyers in the Northern Territory. Therefore, I support it.

It does occur to me, however, that in dealing in this area, and not only in this area but also, for example, with solicitors who have other people's money in their trust account, it is not the large firms in which traditionally we find defalcations or other problems. More frequently, it is in the one-person firm, the small firm, where problems arise. Nevertheless, if the large firms are prepared to carry the small firms in a spirit of generosity, then they should be allowed to do so. The opposition supports the bill.

Mr HARRIS (Port Darwin): Mr Speaker, I rise to speak to the bill. In doing so, I would like to reflect back on the reasons for having an act such as the Land and Business Agents Act. Basically, it was designed to protect people from being ripped off by unscrupulous operators. I must report that, in the Northern Territory, there are still many areas where people are being ripped off. One area that comes to mind immediately is the building industry. I have had a number of complaints about shoddy workmanship. In the Territory, we have a situation where a carpenter or a bricklayer is able to come to the Territory and enter into a contract as a builder. There are many house purchasers who are finding that the buildings are not up to standard.

It is not so much the commercial area that I am worried about because there are architects and engineers who supervise the actual building construction. It is the private home builder that I am worried about for the same reason that we have the Land and Business Agents Act: to protect people from being ripped off. I believe that we will have to look very closely at making it a requirement that private home builders be required to register.

I do not like being party to introducing regulations or controls. I never have liked the introduction of these controls and I never will. However, as our population grows, there will be an increasing need for government to introduce such requirements. Of course, there will be a reaction from the public that the government is over-regulating this and over-controlling that. However, when someone is taken to the cleaners, the one at fault is the government. When you have a small community, the community itself actually acts as a form of government. Where there is development and progress and more people come to these areas, the person who has relied on honesty and on the small community activities in that particular area is the one who is hurt.

This is one of the unfortunate side effects of development. We must introduce laws to control the activities of those people who come to those areas to make a fast quid. For similar reasons, we have controls placed on people and their activities. This is one area, however, where we appear to be moving in the reverse direction. We have a situation where our population is growing and

our social problems are increasing. In some cases, we have removed certain laws which I believe should have remained.

The reason I raise these points today is to point out that there are still many areas where rip-offs are occurring. I have had complaints about inexperienced operators in the real estate field. For example, those people who have attended classes are allowed to give appraisals and to sell properties immediately after they have been enrolled. It has been suggested that perhaps it should be a requirement that these people be made to pass at least one year's exam before being allowed out into the field. I know that the Real Estate Institute has also received many similar complaints. These types of concerns bring home the need for us to look at the control of activities in areas where people can rip-off the public.

I would like to touch on clause 17 which deals with bonds and securities. As well, I would like to comment on the confusion that some real estate agents have as to how many times they have to pay bond money and also on the requirement for licensees to have an office registered in the Northern Territory.

As the member for Fannie Bay mentioned, the area that has received most comment has been the proposed amendment to lift the fidelity bond from \$10,000 to \$50,000, a rise of some 400%. I realise that there are large amounts of money held in various trust accounts but I believe that, if the system that had originally been proposed was introduced, it would be unfair to the smaller operator. I have supported very strongly the proposal that has been put forward by the Chief Minister. It is obvious under a system where a set figure is laid down for fidelity bonds that there will be a disadvantage to the smaller operator. We are looking at protecting people who deal with real estate agents and no doubt there will still be the danger of people being ripped off. At the same time, we are trying to end up with a protective system that does not place an unfair burden on real estate agents in comparison with other businesses. The problem with a sliding scale is that you must have a formula or arrive at a system whereby you are able to calculate what the charges will be. There is the old problem of arriving at the formula that will be acceptable to the people who will be affected, in this case the real estate agents themselves. The proposal that has been put forward is generally accepted. I stress that, if we had gone ahead with the previous amendment, there would have been a disadvantage. It is important to have a system that is fair to both the larger and smaller companies.

Many companies that I have contacted in relation to this bill have indicated that there has been some confusion about the number of times that they are required to pay the fidelity bond. They feel that, where they have several licensed agents operating, they will be required to pay a bond for each of those licensed agents. My understanding is that a firm will only be required to pay once. I think it is important to indicate to the real estate companies that a firm will only be required to pay once.

The only other point that I would like to make relates to the proposed new section under clause 10. This will make it a requirement that the licensee maintain an office in the Northern Territory and that that office comply with section 110 of the Land and Business Agents Act. It is again important that companies operating in the Northern Territory not only have an office in the Northern Territory but also have an office that complies with the act under which they are operating.

Mr Speaker, as I have mentioned the only clause that I previously was not happy with was clause 17 but the amendment that is circulating meets with my approval. I understand also that the Real Estate Institute and the Real Estate

Licensing Board are also satisfied with the proposed amendments. I support the bill.

Mr B. COLLINS (Opposition Leader): Mr Speaker, there seems to be a fair degree of unanimity in the Assembly on this bill. I rise also to support it. I think the changes it makes to the principal act are desirable.

The only problem I experienced with the original bill was the across-the-board nature of the fidelity bond. The opposition and the government received representations from industry on this matter. This government is well known for the length to which it goes to consult with those sections of the community that are affected by its legislation when it suits it. This is yet one more example, Mr Speaker, of a piece of legislation that has been significantly improved by the results of such consultation.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, I support the amendment to clause 17. I also was approached by people in Alice Springs who are concerned about this \$50,000 bond that had been proposed. It would have meant a premium of roughly \$250 which is a considerable amount for a small business. I welcome these changes.

However, I am a little bit concerned about insurance cover. \$50,000 is the most that is required. In big land deals relating to subdivisional development, there are instances where the land agent could well be holding anything up to \$0.5m, and \$50,000 worth of insurance would not give a great deal of protection in that particular instance. That is my only real concern. I welcome the other scalings of this fidelity bond insurance.

Just to pick up on one point from the honourable member for Port Darwin about the registering of builders of private homes. I share his concern about people not getting a good deal and a safe house built. However, I would object - and I think he basically does too - to the idea of registering builders. I think the way to tackle this particular problem best is by having building inspectors who do their job properly. I am not accusing building inspectors of not doing the job properly. I think the problem could be solved if their job is seen to be done, maybe by a record for every house from the stage of inspection of the footings through to the final erection of the dwelling. A document could then go to the owner of that particular home, signed on each page by the building inspector who would be likely to get a jolly good kick if for some reason it is found that the job is not up to standard. As a person who has done a little bit of building around his own home, I have always welcomed the building inspector when he came at each particular stage to make sure I am doing the job correctly. I am sure this is the easy and sensible way. He is supposed to be there.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I was pleased to hear the honourable member for Fannie Bay say that this bill affords protection to the person dealing with land and business agents, but I think that I should say that rather it affords a measure of protection. I have acceded to the representations of the real estate agents and I take the member's point regarding legal practitioners. Perhaps when we get over the hump that we have with drafting at present, it will be possible to review the Legal Practitioners Act as well because it badly needs review. Clients of solicitors deserve some protection as well.

This will afford only a measure of protection. I examined a list beforehand of the maximum amounts of moneys held by real estate agents throughout the Territory in their trust accounts and, except for 2 which had only just started in business, the maximum amount for the smallest agent was not significantly

below \$50,000, and the largest amount was well over \$300,000 at any one particular time during the year. Although I have acceded to the representations of the industry because they have convinced me that to inflict on them the full cost of indemnifying the public against the total amount of their trust accounts would be too burdensome for them, if an agent were to default with the full amount of his trust account - and I think that if I was going to default I would take as much as I could when I was going - the bill will afford only a measure of security for the people dealing with him. Nevertheless, it is certainly an advance on the previous situation where the maximum was \$10,000.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 16 agreed to.

Clause 17 negatived.

New clause 17:

Mr EVERINGHAM: I move amendment 62.1.

This inserts the provision relating to a graduated scale of security bonds.

New clause 17 agreed to.

New clause 17A:

Mr EVERINGHAM: I move amendment 62.2.

This provides for quarterly rather than 12-monthly deposits.

New clause 17A agreed to.

Clause 18 agreed to.

New clause 18A:

Mr EVERINGHAM: I move amendment 62.3.

This is self-explanatory.

New clause 18A agreed to.

Remainder of the bill taken as a whole and agreed to.

Bill passed remaining stages without debate.

PETROLEUM (PROSPECTING AND MINING) AMENDMENT BILL
(Serial 146)

Continued from 26 August 1981.

Mr B. COLLINS (Opposition Leader): Mr Speaker, this small piece of legislation seeks to repeal provisions inserted into the principal act by the Petroleum (Prospecting and Mining) Act 1981 which received assent on 14 July 1981. It gives power to the minister to impose terms and conditions on grants of a lease under the principal act. The opposition supports the bill.

Motion agreed to; bill read a second time.

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

Motion agreed to; bill read a third time.

PETROLEUM (PROSPECTING AND MINING) AMENDMENT BILL
(Serial 150)

Continued from 26 August 1981.

Mr B. COLLINS (Opposition Leader): Mr Speaker, this bill removes the pipelines easement provisions from the act. It is a machinery bill consequent upon the Energy Pipelines Bill. The opposition supports the bill.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, this bill is concomitant with energy pipelines legislation and is necessary for the operation of the later act. The reason for the amendment has to do with easements for the operation of a pipeline for hydrocarbons, as the minister stated in his second-reading speech. It presents no problems of comprehension, ease of operation or difficulties in slotting in with legislation of like interest.

Motion agreed to; bill read a second time.

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

Motion agreed to; bill read a third time.

LOCAL COURTS AMENDMENT BILL
(Serial 139)
JUSTICES AMENDMENT BILL
(Serial 140)

Continued from 26 August 1981.

Mr B. COLLINS (Opposition Leader): Mr Speaker, these bills make provisions for the new Casuarina Courthouse to be operated as a separate courthouse under the jurisdiction of the Darwin Clerk of Courts. The bills ensure that any action taken by the Assistant Clerk of Courts at Casuarina will be valid. The opposition supports the bills.

Mr DONDAS (Transport and Works): Mr Speaker, I rise to support these bills. I see the operation of the Casuarina Courthouse as providing an extension to the Darwin court. This is very important because some 60% of the population lives in the northern suburbs. It will certainly make it much easier for the people who have offended to have their treatment meted out to them. Nevertheless, it will certainly reduce the workload of the Darwin court. The amendment will enable the appointment of an assistant clerk. It will give him confidence that he is doing his job in a satisfactory manner. I commend the bills.

Motion agreed to; bills read a second time.

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker, I move the bills be now read a third time.

Motion agreed to; bills read a third time.

LOCAL GOVERNMENT AMENDMENT BILL
(Serial 124)

Continued from 27 August 1981.

Mr BELL (MacDonnell): Mr Speaker, in addressing myself to this bill, I wish to spend a bit of time talking about how it proposes to amend the Local Government Act. One of the chief effects of this legislation will be to create a legislative framework which will allow the creation of model bylaws for the use of local government bodies. This is in contrast to the previous method whereby councils created bylaws. Honourable members may be wondering why it is necessary for the creation of a system of model bylaws. It is of importance to note that the previous method had a number of shortcomings. There were problems with the council's perception of their legality. There was a danger of lack of uniformity within local government areas. There was also the length of time for the bylaws to be agreed to by the council and the process by which they were finally gazetted and came into effect.

It is my understanding that, in certain cases, the legality of certain bylaws was sufficiently questionable for certain town councils to be reluctant to enact any bylaws or go through the process of doing so. In fact, I understand that the Darwin city council is the only local government body in the Territory that has adopted bylaws of its own. Although I do not have specific examples at my fingertips, I understand that the reluctance on the part of councils resulted from the doubt expressed in various quarters about the ability of the bylaws to stand up to civil actions in the courts.

The other matter is the danger that there would be a lack of uniformity within local government areas. In studying this legislation, I was interested to find that, whereas we think of the Northern Territory as a very sparse area in terms of local government bodies, exactly the same sort of difficulties are to be found in states such as South Australia and New South Wales. In fact, 85% of South Australia is not covered by any local government body.

This brings me to the discussion of the importance of contiguity of local government areas in terms of model bylaws. The advantage is that, when people move from one local government area to another, they are not likely to be confronted with inconsistencies in the bylaws if model bylaws are adopted by each local government area. If you move from Alice Springs to Tennant Creek, the swimming pool fences will not be required to be 6 inches higher in one area than in another area. That is one of the important points in favour of the adoption of model bylaws. Another advantage of model bylaws is the length of time that is likely to be taken in their formulation.

Previously, the council bylaws had to be adopted by a two-thirds majority of the local council. After that they had to go to the Minister for Community Development. After the Minister for Community Development had considered them, they went to the Department of Law. After the Department of Law had given them due consideration, they were passed on to the Administrator and to Cabinet for their assent. Apparently, delays of some 6 months eventuated between the time of the council passing the bylaw and the bylaw actually coming into effect. It is hoped that this arrangement of model bylaws will go some way towards streamlining this process.

Mr Speaker, there has been one warning mentioned in regard to model bylaws

and that is the time taken for them to be promulgated by the Administrator who, acting on the advice of the Department of Community Development, has responsibility for them. The view was expressed by a number of people to whom I spoke that the model-bylaw-making process itself was a great advantage. The model bylaws had to be promulgated for councils to consider.

The other area of this amending legislation redefines and restates the functions and fields of activity of local government. Instead of the functions and fields of activity of the local councils being stated in the body of the act, they have been moved to a schedule. The restatement of the functions and the fields of activity of local government has raised eyebrows in certain quarters. It is a matter of debate and other members of the opposition will be commenting more fully on certain functions and fields of activity and their appropriateness for local government. Examples of these are water supply and sewerage. Sewerage is not usually thought of as a local government responsibility. Likewise, building construction standards and general building control, the provision of public housing and things like aerodromes are not generally thought of as local government responsibilities.

The contrary point of view that has been expressed for consideration by the Assembly is that, because of the diversity of communities within the Northern Territory, it may in fact be quite relevant for a small, distant community to have responsibility for an airstrip and for a local government council to ensure that the wind-sock is in order, put a white cross in the middle when the strip is out of action and drag the angle frame to make sure no weeds grow on it. Those are probably legitimate local government concerns in remote areas. I think there is a need for consideration to be given to appropriate functions and fields of activity in different places.

To sum up quickly, this amending legislation creates a new method of councils adopting bylaws and seeks to redefine the functions and fields of activities for local government.

Mr HARRIS (Port Darwin): Mr Speaker, I welcome the bill that we have before us and I hope that we are able to proceed as quickly as possible with the passage of this particular bill. I have always supported the philosophy that local people should be the ones to have a say in the affairs that affect them. I will always believe that even though at times I must admit I do not necessarily agree with some of the decisions that are made by the councils, and I let them know of my dissatisfaction in this regard. If we look over our history, we find that there are many old Territorians who have espoused that same philosophy. They fought very hard for local people to have a say in matters that affect them. As the years go by, local government will come more and more to the fore. That being the case, there is a need for opportunities for councils to take on increased responsibilities and this should be provided for.

Mr Speaker, there has been a need to overhaul the bylaw-making powers of local governments for many years now. In the Darwin situation, some very dangerous situations have arisen. Because of a lack of definition as to who could carry out a particular function, the situation often remained. One example is that of the car bodies left lying on footpaths and nature strips. They are very dangerous. To have a situation where no one can remove such a vehicle is absolutely crazy. That is just one example of where, when these powers are there, the council will be able to act knowing that it will not be taken to court or sued in any way.

The other problem relates to abandoned vehicles. Where a vehicle sits in a street for 6 months, eventually the tyres come off and then that vehicle becomes a car body. No one can remove that vehicle at the present time. I

believe that the powers have been there but the council is frightened by possible court action, as the member for MacDonnell already pointed out. It also applies to areas where buildings are in a dangerous condition, the grass is long etc. There has been confusion as to who is responsible or who has the power to ask people to bring the buildings up to standard. There have been these dangerous situations which now, hopefully, will cease to exist. I believe that the councils must have the power to act in these local situations. By widening the enforcement provision - and that is what this bill is really doing - the councils will be able to enforce their bylaws. From speaking to a number of people about this particular bill, it is quite obvious that some of them misunderstand it inasmuch as they believe that, just because there is a list of areas where councils can become involved, the councils will automatically take over those particular functions. Of course, that is not the case at all.

The problem that we have in the Northern Territory is that we have many different forms of local government. I believe that there is a need to have a reasonably flexible system. The requirements of the Darwin city council will vary considerably from those of the Tennant Creek Town Council and the community government areas. Some people are finding it very difficult to accept that there is a need for this flexibility. For example, no one in his right mind would ever consider giving the Darwin city council the control over the supply of electricity. But, in the community government situation where normal services are not provided, it may be quite reasonable to expect a council to have control over power generation. As far as buildings are concerned, there is a need for councils to retain the powers they already have. I think there has been confusion here. The council already has powers to control such things as the height of awnings above footpaths. It must be remembered that the bylaw-making powers cannot be taken in isolation. It is obvious that there is a need for consultation in many areas that overlap.

It is interesting to note that, in the short period that I was involved with the Advisory Council on Intergovernment Relations, I attended a number of public hearings on local government prospects for the future. Many of the councils that gave evidence at those hearings wanted to give back the powers that they had. This was mainly because of the enormous cost involved. It should also be pointed out that all of the powers are not automatically transferred. There is a process for the normal bylaw-making procedure. All of those bylaws come before this Assembly to be scrutinised. The Subordinate Legislation and Tabled Papers Committee can make recommendations to the Assembly with regard to those bylaws.

One matter that I would like to comment on is the fight in the rural area to keep out local government. I have had discussions with a number of people on this particular issue. I only make the comment that local government must eventually come to the rural area; it might be in 10 or 20 years' time but it will eventually come. I believe that the people who are living in that area should get together to discuss sensibly the future of local government. The present attitude seems to be that they do not want local government at any cost. They should sit down realistically, reasonably and without any emotion to discuss the possibility of taking on local government. It is better that they have a say in that regard than have the whole issue forced on them. That has been the case with the city council to date.

In closing, I would say that local people should be the ones who are involved with local issues. There is a need to have continuing review of the powers and functions of local government. The main thing to remember is that there needs to be cooperation between the 3 tiers of government - Commonwealth, state-type and local government. It is very important that there is no jealousy. To make use of all the systems and services that we have available to us, there

is a need for complete cooperation between those tiers of government. I am very pleased to see at long last that someone will be able to remove the car bodies from the streets of Darwin.

Mr DOOLAN (Victoria River): Mr Speaker, I would endorse most of the things that the member for Port Darwin has said, but I think local government is a singularly unpopular idea with the people in the rural areas, mainly, I imagine, because it hits them in the pocket. Most of the people I have spoken to are quite happy to dispose of their own garbage. They really do not want to pay rates. They do not want to pay the council to dispose of their rubbish.

The honourable member for Port Darwin mentioned car bodies. All right, big deal, you can always get rid of a car body. Let me assure you it is not a popular issue with the people in the rural areas close to Darwin. Mr Speaker, I imagine that you have disposed of your rubbish on Moroak for a long time. They are quite capable of doing it too. I have relatives living out there. It rather surprises me that the member for Port Darwin supports it, because he lives in the rural area himself. It is not a popular issue, not by any means. They would much prefer to go on the way they are going.

I know that things must progress and local councils must take over eventually, but the people in those areas do not seem to think they are ready for it just yet. Again, where it hurts is in the pocket. They fear that they will be forced to pay rates for local councils and this is what worries them most.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, in reading through this legislation, one very important sentence caught my eye and to me, as the member for Tiwi, it is the most important part of this legislation. It occurs in section 305, powers and functions of council, subsection (9). It says that the council may perform functions wholly or partly outside the boundaries of the municipality. Unless administered very wisely, this can be very dangerous thinking on the part of the city council if it has ideas for a takeover of the rural area. I see that the council may perform functions wholly or partly outside the boundaries of the municipality with the consent of the minister.

In reading this legislation through, it appears that the minister responsible for local government is all that stands between the Darwin city council and a takeover in the rural area. However, I would like to assure my constituents that there will be somebody standing very close to the minister. As long as the people in the rural area do not want the city council out there, I will support their views wholeheartedly. I hope the city council is not carried away with this tidal wave of new power available to it. If it imagines it can be carried by this tidal wave into the rural area, it will definitely meet its Rubicon there.

Section 305(3) relates to lists of functions and fields of activity in schedule 5 which will continue until varied by regulation if this legislation is accepted in toto. It will come into operation by power of the Administrator and be varied in the future by regulation if necessary. I understand that there could be another act which also confers power to make bylaws. This is reiterated in this legislation at the end of subsection 305(5).

I will now examine proposed section 348, model bylaws. I understand that, for ease of administration and to streamline the operation and the implementation of this legislation, the model bylaws will be passed in toto. That will provide ease of action initially because any change later in these bylaws to suit particular councils is taken account of by proposed section 350 which deals with the making of bylaws. I was a bit concerned at first that, in the consideration of bylaws and changes to bylaws, there would not be full public participation.

However, after other reading and after discussion with certain people, I now believe that that would not be the case. Any changes to the model bylaws must be submitted to the minister who submits them to the Legislative Assembly through the Subordinate Legislation and Tabled Papers Committee. There is ample opportunity for the public and representatives of the public to discuss any changes to the model bylaws. To aid in streamlining the operation of councils in the Northern Territory, it is very important to have these model bylaws. There is something basic to start from. Each council, depending on its situation, size and the people that it represents, can, by passing future bylaws after the model bylaws are adopted, adapt its particular type of regulation to suit itself.

In proposed section 350, we again see mention of councils being given power to make bylaws whether inside or outside town boundaries of the municipality. I repeat again that it is most important that, if those 7000-odd people in the Darwin rural area do not wish the city council to move out there, the minister responsible for local government must accede to their request and not let the Darwin city council move out into the rural area. It has been made quite clear to me that those people can see no benefit whatsoever in being involved with the Darwin city council.

It is quite clearly stated that, if there are 100 members on a city council, two-thirds of them must be present to change a bylaw and 51 of those 100 members in office must vote to carry the resolution. That ensures that bylaws are not changed whimsically by 1 or 2 people. In proposed section 351A - permits, licences, fees and charges - there is a reinforcement provision.

I understand that proposed section 351H, appeals, is introduced to allow appeals against certain decisions of local government organisations. I assume, Mr Speaker, regarding the enforcement section 351F where the members of the Police Force are mentioned, that this legislation fits in properly with legislation dealing with members of the Police Force as their duties would relate to this.

I have seen a letter written by the Master Builders Association regarding its worries about this legislation. I have also seen a letter that the minister responsible for local government has written to the Master Builders Association allaying its fears that building regulations may become fragmented in the Northern Territory. Because of its interest and professional standing in the community and the people it represents, I think it is only fitting it should show concern for legislation that could, in some cases, touch its fields of activity intimately. I do not think that this legislation will do anything to alter the current position unless the Master Builders Association has a wish to change and the Building Board and similar bodies are consulted.

I understand the functions in schedule 5 can be changed by legislation. The fields of activity can be changed by the Administrator, as is mentioned in proposed section 305(3). The fact that these functions are made available to city councils does not necessarily mean that they must include them in their activities. Other speakers have said that before. I think that this large list of functions and fields of activity takes into account that the local government councils in the Northern Territory are in many and varied positions. A member of the opposition said it would be very difficult to imagine the Darwin city council taking over the role of the curator of the aerodrome in an outlying settlement where the aerodrome is a strip, but it would be quite within the gamut of its activities to administer it.

On first reading, this legislation appears to state that we are decentralising in building activity and giving the council control of building. With long and

full consultation with organisations like the Building Board, there will be no devolution of power to the detriment of the building industry in the Northern Territory. I understand states which have passed through this decentralisation phase have started to centralise again. I am referring here to building laws and regulations. To give an instance of the undesirability of too much decentralisation, I understand that in Queensland there are over 200 councils all with different regulations. When it comes to putting in something like a septic tank, each council may have different rules and regulations about the type of material that can be used, the depth in the ground it can go, how far from the house it should be and the different sorts of pipes and materials that may be used. There can be a lot of unnecessary duplication in the manufacturing industry and all to no purpose. Whilst I agree that this legislation will enable local government councils to have more power if it suits them in their particular situation, I hope that it does not result in decentralisation to the detriment of the building industry. Above all, I hope that the minister stands very firmly between the people of the rural area and the tidal wave of the Darwin city council coming out to the rural area.

Ms D'ROZARIO (Sanderson): Mr Speaker, I would like to contribute to this debate and take some of the matters that are prescribed in the schedule. It would be hard to argue that local governments ought not to be given more powers in certain areas. Certainly, in comparison with the development of local government involvement in community activity in the other states, the involvement in the Northern Territory, with the exception of some of the large municipalities, is embryonic. However, one of the questions which has not been addressed has been that of funding. Although the minister says and other members acknowledge, as do I, that the matters prescribed in the schedule are not compulsory for local government municipalities to take up but are an indication of the directions and activities in which they may be involved, the question which has not been raised to any great extent is that of funding.

As the honourable member for Port Darwin has pointed out, the relationship between the federal government, the state or territory government and local government should be one of cooperation and not of jealousy. Already we have seen a number of incidents where the Darwin city council in particular has complained bitterly at its perception of having been edged out of areas in which it felt it had a legitimate role. It has complained that it has not been informed of certain major developments which were to have occurred within the city boundary. When you look at these incidents, it all boils down to a problem of funding.

One of the matters which gave rise to complaint by the Darwin city council was the proposed arts centre. I recall that there was also a complaint that the city council was not informed of the government's intention in relation to the siting of the Mindil Beach Casino. When Mayor Stack was in office, she complained that the Darwin city council had not been informed of the government's proposed developments for Palmerston. The Darwin city council saw that it should have some role in these but was unable to put its claims very well. In the end, it was quite impossible for it to have any practical involvement in any of these things simply because it was not funded accordingly.

Mr Speaker, the Minister for Community Development has explained that he has tried to bring the schedule into line with areas which are well within the scope of local governments in the other states. The first column should be prescribed by act and the activities described in the second column should be amendable and prescribed by regulation. The difficulty is that there will be some municipalities - and I suggest that the Darwin city council would be one of those - which will try to get into these activities in competition with activities

which are occurring at the Territory government level. This is the point that was being made by the member for Port Darwin.

I turn to the matters raised in the schedule. Some members have already spoken in respect of the first one listed: aerodromes. It is well understood that, in remote communities, community governments may well have a hand in the construction, operation and management of an aerodrome. I for one hope that they do not get into a wrangle with the Department of Transport over some aspects of the operation.

We come to more important areas of Territory government activity and indeed of Territory government funding. I draw the attention of members to the function listed under housing. Under this, the fields of activities are listed that local governments may involve themselves in: the provision of public housing, the provision of housing for council employees, the provision of accommodation for aged persons. I think everybody would agree that local government has a role to fulfil in the provision of housing for its own employees. However, this government has gone to some lengths to establish a single housing authority. We took a further step in that direction in July this year when the public service housing list and the public housing list were amalgamated. I would hate to see councils competing for funds in this particular area because it is one in which we are only now making some progress.

Funding for public housing is quite well laid out in agreements between the Commonwealth and the states and Territory governments. Local government, as a rule, does not participate in those particular agreements. The Treasurer would know that recently the Territory government was admitted to that particular scheme. It is an agreement on quite well-defined principles for the funding of housing programs, particularly public housing programs, in the states and the Territory. I have seen former agreements of this kind and I must say that local government does not seem to feature in any of those. I would be reluctant to retreat from the situation that we now have, that of a single housing authority, by giving some kind of direction to local governments to also become involved in the public housing field. I feel that we are making some progress in that regard and we ought to continue in the direction in which we are going.

Mr Speaker, there are other matters which have been determined by funding agreements between the states and the Commonwealth. I draw the attention of members to items such as sewerage and water supply. Members would know that, in the early 1970s, the federal government embarked upon a policy of funding metropolitan water and sewerage works. Of course, this activity did not come before time. It was something of a blot on urban development in Australia that an advanced nation with reasonably high living standards and indeed physical design standards should be found to be so deficient in reticulated water and sewerage services. In order to remedy that situation, the federal government embarked on a program of providing funds specifically to state governments to ensure that metropolitan water and sewerage reticulation schemes were implemented. Some progress has been made in all capital cities with the exception of Perth which apparently is not as well sewered as the rest of the Australian capitals. I concede that there would be some local government involvement in say the design and siting of septic tanks but I would be disappointed to find that local governments were competing for this type of funding with the Territory government, particularly as much headway has been made.

With respect to water supply, reticulation systems are particularly mentioned so it is not a matter of the design and siting of storage tanks or anything of that nature. It specifically refers to reticulation systems. I am not averse to local government having a greater say but I take the point that has been made by the member for Port Darwin: while some councils will tailor their ambitions

and aspirations to their funding, we can expect particularly the larger city councils to try to duplicate the services which are quite well provided by the Territory government and funded federally.

The member for Tiwi instanced the voracious appetite of the Darwin city council. I would like to take up one other point that was made by the member for Tiwi and that is the provision of services outside of municipalities. Those of us who represent urban seats would know the frustrations of trying to get landholders, particularly if they are just outside the municipality, to cooperate. I believe I am in this position as my electorate is the last within the boundary of the Darwin city council and I have some difficulty from time to time in getting fairly simple remedial action taken. I am referring specifically to the disposal of used car bodies, which is a bit of a problem in my area, and also to the removal of weeds, long grass and so on.

I am quite pleased to see that, under its environment function, the city council still has the regulation and control of unkempt properties. Unkempt properties is a matter that concerns me because, in the days when we had mainly leasehold properties, we were able to write to the Department of Lands and ask it to have the lessee comply with the conditions of his lease. Now that these lots have been freeholded, that provision is no longer available to us. I am pleased that the Darwin city council will be able to promulgate bylaws for the management of such properties.

I have no particular difficulties with the devolution of powers to local governments. The one aspect which will determine how far they will be involved is that of funding. Whilst the states have some clearer guidelines in the funding for local government, we do not have quite the same degree of control of local government funds.

It is also interesting to take up the point that was made by the honourable member for Tiwi. She said that we were attempting to decentralise and that, in other places, she has noticed, particularly in respect to building functions, that local governments were centralising. Members will recall that 3 or 4 months ago, in New South Wales and Victoria, there were moves to amalgamate local government areas. This has caused quite a bit of discussion, particularly in New South Wales. The reason that has been put forward by the Minister for Local Government in New South Wales is one of funding. It turned out that, whilst massive decentralisation is all very nice as a philosophy, it is not a pragmatic approach to the problem. Councils are being advised to investigate the possibility of amalgamating with contiguous local government areas. Some areas, particularly those which have a small rateable base and a small base for raising finances, other than by rent, are looking at the prospect of amalgamating as well.

With those few reservations, I support this bill. I hope that there will be some closer cooperation between the Territory government and local governments in the Territory. I also hope that local governments will take up the responsibilities now prescribed for them in a more vigorous fashion than they have in the past.

Mr TUXWORTH (Mines and Energy): Mr Speaker, I rise to support the bill. I welcome the proposals that have been put forward by my colleague. I have listened with interest to some comments on the bill. It seems to me that the proposals in the bill are being regarded more as a power grab by one section of the governmental community as opposed to an abrogation of responsibility in some cases by ourselves. I share the feelings of the honourable member for Sanderson in that I believe our function with local government is to work cooperatively to provide for the people in the wider community of the Northern Territory the best level of service that we can for the least amount of money possible. That is really the challenge before government today. I come from a rural area and I appreciate

the value of transferring many functions conducted by centrally organised departments in rural areas that could be done quite well by local government in some communities. This can benefit the local community and benefit the economics of the local government unit.

Somebody mentioned that he felt the list was rather long and that perhaps some of these functions could not or should not be transferred to local government. In Queensland, one local council has no less than 129 functions in its local government duties, some of which relate to weighbridges and meatworks. I am not proposing that we should hand over the meatworks to local councils but certainly there is room for us in the Territory to expand the range of functions that are available. However, I guess we are all inclined to see things in our own terms.

Already I have had representations saying that the proposal to give powerhouses to local government is irresponsible because only NTEC could run a powerhouse and fancy turning a powerhouse in Alice Springs over to that bunch of whackers! Well I do not subscribe...

Members interject.

Mr TUXWORTH: Mr Speaker, that was the proposition that was put to me and I do not subscribe to it at all. Given the opportunity, I think any council would rise to the occasion if it were asked to take over its powerhouse. More importantly, the reality is that in some cases the most logical thing to do is to vest the powerhouse in the hands of the community so that it can make sure that it is maintained and kept to the level that is satisfactory to all concerned. Let me just cite the problem of running a powerhouse in a place like Borroloola. The exercise is probably one of the most expensive NTEC has. Power has to be delivered to 600 to 800 people in the community. It is not easy to service. People must be flown from Katherine if there is a breakdown or a part is needed urgently. It would be very convenient if the local council mechanic was vested with the job of day-to-day maintenance, cleaning filters, making sure the fuel levels and oil pressures were what they should be. It might save us a \$1700 charter flight every now and then in order to do the same work from Katherine.

Many times over the years, I have tried to maintain an airstrip in a place like Elliott. The honourable member for Sanderson said she hoped people would not get into trouble with the Department of Transport. I assume she was referring to the federal department. I can assure you, Mr Speaker, they would be in more trouble with the Department of Transport because they did not have a strip than if they were given the job of looking after one and maintaining it to their own satisfaction. What do we do, Mr Speaker? We send a team of graders, caravans, water trucks and water carts from Alice Springs, Darwin or Katherine to Elliott. They camp there for a week and make a great job of it. Then they go home and it rains and it is all undone. As my colleague, the Treasurer, says, it is only money. I do take the point that it would be better giving that money to the council to look after the strip as it sees fit.

The honourable member for Victoria River expressed concern that the people in the rural area did not want local government because it would cost them money. The reality is that providing services to everybody in the Northern Territory costs money; it does not matter where you live. I do not think that it is unreasonable that everybody in the community should pay something towards that cost. I do not know of any community that is being asked to pay at an unreasonable level for the local government services that it receives. I think that it is fair and reasonable that they contribute something.

One member referred to the concept of local government housing. Speaking

purely for myself, I think there is a place for local government housing in remote areas where standards are not required to be as high as they are in town. There is a place for local government to be involved in welfare housing for the aged and disadvantaged in the community. That is purely a personal view and I know that many people would not agree with it. That is a level of activity that local government throughout the Territory could well afford to address itself to because there is no doubt that the Housing Commission will never be able to accommodate all the needs of all the people. I have a great deal of pleasure in supporting this bill because I think it will bring good to the wider community of the Territory.

Mrs LAWRIE (Nightcliff); Mr Speaker, it has been asked of me what local government does with its mayors, aldermen and employees that one competent local government clerk could not handle. I am really not too sure. Local government needs closer scrutiny to ensure that the greatest return for the services paid for is provided. The honourable member for Sanderson raised the very valid point that funding for all these things ultimately comes from the same source: the taxpayer. It is the best use of the taxpayer's dollar which is desired by the community more and more in Australia today as we operate under ever more stringent guidelines set by the federal government which collects our taxes and within whose restraints state and local governments have to work.

I have heard some honourable members make odd speeches in this Assembly but the prize for the greatest waffle has to go to the Minister for Mines and Energy. I listened closely to what he said about local government. Before commenting on the bill I want to make a couple of comments on how I see his speech because it certainly lacks credibility. He was talking about the efficiency of local government taking over the production of power in remote communities and quoted as an example Borroloola where, from time to time 'in an emergency', parts had to be flown in from Katherine. The production of power is a fairly complex thing. It ranges from your local generator to highly sophisticated equipment. If we are generating power to a community of a couple of hundred people, such as Borroloola, and parts are needed for that generator, it does not matter whether the power supply is being operated by the local council, the state government, the federal government or God. The parts will still have to be flown in and the charter will still have to be paid for. His comments about somehow saving money by this transfer really do not bear close scrutiny. There is some validity in his statement that a resident mechanic would be of great assistance but that is not a necessary adjunct to the devolution of power generation to a local council in a remote community such as Borroloola. I would hope that remote communities such as Borroloola are not being sold well and truly down the drain by that minister who exercises certain powers within Cabinet.

The honourable minister also said that the maintenance of airstrips will somehow be better because they can be maintained by a community, to use his words, 'to their own satisfaction'. I would think the Leader of the House might have turned a whiter shade of pale when he heard that. We all hope that airstrips will be maintained to the standards set by the relevant aviation authority and not by any local group which says, 'She'll be right mate. Go ahead and land your planes'.

The honourable minister also said that some standards of housing in remote communities should not be expected to be the same standards as those in urban areas. He did not say what standards. Is he talking about building safety? Does he expect a lower degree of safety in buildings in remote areas which may be sold to unsuspecting clients and collapse about their ears? That is an historical fact throughout the world. I think that was one of the most unacceptable speeches I have ever heard from a minister of the Crown.

Turning to the bill as presented, I certainly have problems with it. The honourable minister in charge of the bill may do better to listen to me than to the mutterings of his colleague. I share the concern of the honourable members for Tiwi and Victoria River because I have had representations from people living outside the municipality of Darwin. They have made their feelings quite clear: they do not wish the municipal boundary to be extended to include them and are extremely concerned at the terminology of this bill which, by proposed subsection (9) in clause 3, would allow the minister to give the council the extension of powers unless he is satisfied the exercise of those powers would not be detrimental to the interests of the municipality. That is an interesting exercise in semantics; it is put in the negative. It remains for the minister to be convinced that it would be detrimental and not for him to be convinced that it would be in the council's interests.

The minister may be interested to know that concerned citizens living without the municipality of Darwin have picked up this point very nicely. The minister may find himself in receipt of many deputations of very angry people pointing out to him that they feel that it would be detrimental. It will be some kind of subjective decision of the minister and I think he may have made a rod for his own back.

Clause 4 deals with the tabling of model bylaws in the Assembly and their repeal and substitution. Mr Speaker, I would ask the minister to indicate in reply why the model bylaws have to be disallowed in toto. It may be that, in 100 bylaws presented, only 2 elicit dissatisfaction from members of the Assembly. Is it reasonable therefore for the entire group of bylaws to be repealed and not in operation whilst the 2 offending bylaws are amended or subsequently withdrawn?

This is not a small point; it is quite a significant point. I will give an example. The minister is probably aware that people have rung me over the past few weeks complaining bitterly that, on contacting the Darwin city council to ask about the probable fencing requirements of domestic swimming pools, they have been told by an officer of that organisation that they must fence their pool, fence the perimeter, that the construction shall be of a certain height and type and to that officer's satisfaction. They did not remember seeing anything like this go through the Assembly or being notified in the press. I can assure you, Mr Speaker, that they rang me in large numbers knowing of my passing interest in local government affairs. I was able to advise them that no such bylaw existed, that it was a proposal from this Assembly to the Darwin city council to draw up some regulation which would cover the fencing of swimming pools, and that that power had been given to them in 1972. No such bylaw exists at the moment and yet an officer in the engineering section of the Corporation of the City of Darwin was telling citizens in no uncertain terms exactly what they had to do now.

Mr Speaker, this does not raise confidence in the corporation to administer bylaws in a manner which is acceptable to the majority of people. If they are already assuming a power they do not possess and cause a fair amount of distress, one wonders why then the bylaws have to be disallowed in toto by this Assembly rather than suggesting amendments or withdrawing bylaws which need closer scrutiny.

Under schedule 5, the functions of councils, I have already spoken of electricity generation, distribution and supply. Generally on the functions, I would like the minister to explain to me why it is that the Attorney-General and ministers of state from around Australia meet at considerable expense, but with public approbation, with a view to obtaining uniform laws throughout the country whilst we are now suggesting that, throughout one Territory, uniformity in such a basic commodity as the generation of power is not to be the desired object and that each municipality or council could have a different set of

standards and a different system altogether. It does seem a conflict considering that the rest of the country is trying to get its act together.

I will now say something about the functions relating to environment, item (e), unkempt properties. The member for Port Darwin looks up with some interest and there are other members, including the sponsor of the bill, who have made speeches in this Assembly from time to time about the undesirable, unkempt properties dotted around Darwin, particularly following the devastation by Cyclone Tracy. I have the odd unkempt property in my electorate too. Carpentaria College is a good example. Also there are some which are still vested in the Crown in one way and another and which are an absolute eyesore. That is not my point. We all agree that unkempt properties are undesirable. The problem I have with item (e), as it is so simply framed, is that surely it means unoccupied, unkempt properties. If we are talking about giving councils the power to make bylaws regarding an unkempt property, which may be legally, lawfully occupied, who will make the judgment as to what is an unkempt property?

In my early years in Darwin, whilst waiting for permanent accommodation, I did what most Darwin people have done: I was a caretaker tenant. I was caretaker tenant of the then Director of Agriculture's residence. He had a rather interesting crop in his frontyard. It was referred to as a trial crop. In the eyes of the neighbours it may have been unkempt but, in fact, he was growing the odd crop in his front garden as Director of Agriculture. Unsightly car bodies, wreckage and things that are likely to become airborne should be controlled. However, to decide that a property is unkempt, particularly if the owner of the property is in residence, will require rather a subjective judgment. I just mention that to the sponsor for a little thought.

Also under 'functions', we find a devolution of power exists. It exists already but it is in more detail here: the council may make bylaws on public health and safety regarding premises used for keeping animals, birds and poultry. The present public health regulations dealing with the eradication of vermin etc states that no person may keep domestic fowls in the municipality without the consent of the Darwin city council and not unless they are in a run of at least 200 square feet and about 40 feet from the nearest residence. That has been interpreted recently to include native birds. That is quite an arbitrary determination by a Northern Territory public servant. I had to go to the trouble of pointing out that, if that was the interpretation to be taken, everybody with a budgerigar would need to have it in a minimum run of 200 square feet at least 40 feet from the house. That is demonstrably ludicrous.

I raise these points because I have spent considerable time replying to various agencies on behalf of my constituents, which meant money being spent. If the various councils throughout the Territory are to administer these areas, I am making this speech so that they will know the bylaws are of some sensitivity and not simple at all. If their bylaws are to be tabled in this place, it is a pity if the bylaws have to be disallowed in toto rather than throwing out the odd few to which members object. I have grave reservations about the section - I find it rather curious in fact - in terms of public health and safety. It includes itinerant vendors trading on roadsides and in public places. I would not have thought that itinerant vendors were a great risk to public health and safety. Nevertheless, we must await the tabling of the bylaws before making any comments particularly pertinent to that section.

I think that some members have over-simplified the joys and delights of the passage of this bill. I am pretty sure the sponsor has not as he has been fairly caustic in his comments on the administration of local government in the past. Of course, it is his particular area. I think what has happened recently when officers of local government gave wrong information to people who rang up in good

faith should be borne in mind by all members who about to vote for the passage of this bill.

Mr ROBERTSON (Lands and Housing): Mr Speaker, I think today completes the new dyad of style. Yesterday we heard the member for Nightcliff claim that an argument presented from this side was illogical. Of course, she set out to prove that with an argument which was completely lacking in credibility. Today we have heard the same member say that a speech lacked credibility and she set out to prove that with an argument which was completely illogical. That is a new style indeed of debate in this place. I have always enjoyed listening to the member for Nightcliff's speeches but that was absolutely atrocious and I think that is a better adjective than she came up with on either day.

Just a few months ago, the member for Nightcliff was touting around this city asking people to vote for her, not for the electorate of Nightcliff but for the position of Lord Mayor of Darwin. This afternoon we heard from the same person who conned obviously all of those people into voting for her as Lord Mayor of Darwin say that there was no need for the function of Lord Mayor whatsoever; all you need is a town clerk. Of course it is illogical to think that you can have a town clerk without a mayor and, in this case a lord mayor. So much for the logic of the member for Nightcliff.

We have heard of course another piece of great logic: the standard of airstrips is a matter for the Department of Transport. Of course it is not at all. Not only is she illogical but she has not done her homework. The fact is there are 2 types of airstrips servicing the communities in the Northern Territory. One type is a licensed strip. Mr Speaker, your strip has been in and out of the licence over the years notwithstanding that I think it a perfectly good strip and I have used it recently. A licensed strip is simply a facility the Department of Transport provides which recognises that a strip is maintained at a certain standard so as to provide the notification to airmen of particular circumstances. The vast majority of strips which service the people of the Northern Territory are called 'authorised landing areas' and it is to those sorts of landing areas which the Minister for Health was obviously referring. If indeed he was not, who better to constantly monitor the condition of a community airstrip, licensed or ALA, than the community that is served by it? Who would have more interest in the maintenance of standards and serviceability of that strip than a community council?

As for the idea of saying that the honourable Minister for Mines and Energy in his capacity as minister responsible for NTEC was stating something which lacked credibility when he said that he would just as soon see a person employed by a community council at Borroloola monitoring the instruments and the systems which are involved in the generation of electricity - and incidentally, Mr Speaker, I would suggest the honourable member for Nightcliff knows nothing about that either...

Mrs Lawrie: Wrong!

Mr ROBERTSON: I would certainly give you a run for your money on that one, mate.

Mr Speaker, if we are going to encourage participation, particularly in Aboriginal communities, in learning to understand equipment with which communities are serviced to improve their position, their education generally and their skills, then the best way to do it is through community government councils. It is absolutely absurd to say that that in itself creates different standards. It does no such thing. The standards are set by NTEC. People in the communities, employed by the councils, can be trained to maintain the equipment to those

standards set down in legislation made by this place or regulations passed through Executive Council and agreed to by this Assembly. That is an utterly illogical piece of nonsense we have just heard.

Mr Speaker, that argument extends to such things as housing, building and town planning. It might be of interest to the Assembly to realise just how effectively local government can work in other places. I am not saying it is working that way here. Quite obviously, the honourable member for Nightcliff's intention was to become Lord Mayor, wave her magic wand or broomstick or whatever is appropriate in her case and 3 months later declare the council was no longer necessary because she had solved its problems by appointing a town clerk in respect of a council which did not exist. Nonetheless, the standard of buildings and planning is set by regulations and acts of this Assembly.

It is the intention of this government in relation to building regulations and the approval of plans and specifications and general planning that this be done by a central authority so that the rules and regulations will be constant throughout the Northern Territory. What we are trying to move towards and are succeeding in is the one-stop situation. Nonetheless, there are a wide range of functions, particularly in the smaller areas, which local government could well undertake on behalf of the government. This is purely enabling legislation, and the honourable member for Nightcliff could not see this at all. It is not legislation which compulsorily transfers to local government any functions at all. By arrangement under existing Territory law, it enables local government to assume such responsibilities as either government, or more particularly this Assembly, allows it to assume. It is quite mischievously inaccurate, illogical and lacking in credibility to suggest otherwise.

Mr PERRON (Community Development): Mr Speaker, the honourable Minister for Education has summed up the most pertinent point. I think there was a misunderstanding or ignorance of the fact that whatever is undertaken by local government is undertaken in accordance with the laws of the Northern Territory and the laws of Australia. That is a very pertinent point in relation to matters such as electricity, airstrips and so on. This has obviously been a cause of concern to some members in this Assembly. We can assure them that, whatever functions local government undertakes, it shall be in accordance with other laws of the land.

The member for Sanderson felt that the Darwin city council had a number of bitches about issues on which it has not been fully consulted with by government. She mentioned the arts centre. I think that you will find that in fact the local council was fairly well tied up in decisions on the arts centre and still is. Siting of the casino at Mindil Beach was another. Before the decision to site the casino at Mindil Beach, we had to have the local council's agreement to remove the caravan park which it owned, a frightful thing that it was, so that the casino could go there. We certainly had its complete agreement prior to the decision that the casino would be sited at Mindil Beach. There was no lack of consultation there. The council has continually made a great deal of noise that it should have some senior role in government planning for Palmerston. The government is still a bit at a loss to see the council's point given that no decision has been made that the city council boundaries will be extended to include the new town of Palmerston. However, the Darwin city council has clearly adopted an attitude that it be under the wing of its control in due course. It feels that it should be in there now telling the government how to plan the town. I do not accept that we are unreasonable in not consulting local government in that particular instance.

The honourable member for Sanderson also mentioned that the Commonwealth State Housing Agreement does not mention local government at all. She asked

whether we would be giving it a housing role. I do not think the Commonwealth State Housing Agreement mentions local government. However, it is a very flexible agreement whereby the states can use a number of agencies to carry out the principles embodied in it. Local government is certainly one of those agents.

If the government chose to arrange for local government to provide housing or even to provide housing loans or to act in some way as an agent of government in that particular area, then funds that flow from the Commonwealth State Housing Agreement certainly could be used. Local government does not have to be specifically a party to the agreement. For that matter, banks and building societies are not mentioned in the Commonwealth State Housing Agreement either yet, if they so wish, governments may subsidise bank and building society interest rates for housing. In fact, there are quite a number of ways the government can use a range of organisations not mentioned in the CSHA, to push CSHA funds through.

I cannot let pass comments about people in rural areas not wanting local government. The member for Tiwi said people in her electorate did not want the boundaries of Darwin extended to include her area. She was not quite so strong on the question of their not wanting local government period. The member for Victoria River certainly was. He said that they simply do not want it and they do not want to pay the rates. He mentioned that they do not want services such as garbage collection. It seems that does not extend to matters such as roads: they certainly want roads even though they do not want to contribute toward the cost.

The honourable member for Nightcliff made a number of points. I too heard a rumour in Darwin that there was a requirement to fence swimming pools. I put out a press release at that time. I mentioned that there was no law at present in the Northern Territory that requires the fencing of swimming pools. I am not sure how the rumour started and it is unfortunate if it misled anybody. Of course local governments have long held powers to make bylaws to require the fencing of swimming pools in the Northern Territory but have not exercised that power.

The honourable member and others were really jumping at shadows over this bill. It really had them in a bit of a flurry unnecessarily. An example of what would be covered by the subclause that would enable the minister to approve a municipality to undertake work outside the municipality is in Alice Springs. There was a request by the local council that they conduct a garbage collection service outside their municipality in Alice Springs in the farm area through the Gap. In the past, the government has had to arrange such garbage contracts separately because local government functions outside the municipalities fall to the Local Government Division of my department. Where the minister considers that doing such work outside a municipality would not be detrimental to the municipality itself and that resources would not be unreasonably taken away from the municipality to do this work, he can approve such work. The honourable member said the subclause was written in reverse but I do not think it is. It is written very deliberately so that a city council could not get away with proposing to the minister that it undertake some grandiose scheme outside boundaries which would be detrimental to the municipality. It would not be approved.

I have not seen the latest drafts of the model bylaws but they are in sections dealing with things like car parking, rubbish removal, standing orders for council meetings and so on. The councils will be able to adopt those sections one by one if they wish. A section may have anything from 5 to 50 bylaws in it and the bylaws will be tied into each other. For the Assembly to disallow some bylaws but allow the rest to be adopted would be contrary to sensible practice. That is why bylaws are usually spoken of and dealt with in groups under subject headings.

Too much has been made of the matter of electricity supply. One of the reasons why electricity is in there is that it is a function presently available to councils with the minister's consent. In this restatement of powers of local government, we sought not to take away from local government if at all possible. We are certainly proposing to add some fields of activity if councils wish to get into them. We are certainly not concerned that a council will take over running a local generator and distribution system with a set of standards that it brings down itself, lowering the standards of safety in the handling of electrical reticulation and generation. Certainly that would be covered by other laws. I believe that NTEC has wide-ranging powers even in relation to privately generated electricity in the Northern Territory. That situation would certainly remain. It is a case of having the most logical group undertake work in a community. Perhaps local government would be the most logical group in an economic sense to generate or even handle some electricity functions in an area. Perhaps the function would be the raising of electricity accounts, their distribution and the collection of funds. It could be limited to that. If you do not have those powers in these bills, it is impossible even to talk to the council about undertaking such activities.

In relation to unkempt properties, I certainly hope that the provisions in the bill do cover occupied premises as well as unoccupied premises. I think that many premises in the Territory and certainly quite a number in my own electorate are in an appalling state. It may be subjective for someone to decide whether or not a property is unkempt and that the council should clean it up and send the bill to the owner. Some people operate on the basis of an agricultural scheme called survival of the fittest whereby the yard is 5 feet high in grass, prickles and other debris. I do not think that it takes a really wise man to make a subjective judgment that, in the community interest, this property, whether occupied or not, ought to be cleaned up. Certainly it covers that and it is one area that I would be pushing local government to exercise its power.

Motion agreed to; bill read a second time.

Committee stage to be taken later.

PERSONAL EXPLANATION

Mrs LAWRIE (Nightcliff)(by leave): Mr Speaker, I claim to have been grossly misrepresented by the Leader of the House in the Assembly. The Leader of the House stated that I had said that there is nothing in local government that could not be undertaken by the Town Clerk and, as the Town Clerk only exists where there is local government, therefore I was illogical.

Mr ROBERTSON: A point of order, Mr Speaker!

Mr SPEAKER: What is the point of order?

Mr ROBERTSON: I never said any such thing.

Mr SPEAKER: The honourable member for Nightcliff. Keep your explanation short.

Mrs LAWRIE: Thank you, Mr Speaker. Had I said that, it would have been illogical. What I said, and I was most careful in my phraseology, was that it had been put to me that there was little that local government did with its mayors etc that could not be as well done by a competent clerk in that section of local government. That of course is a state-like body. It has nothing to do with town clerks. I did not use the expression 'town clerk'. I expect an apology from the member tomorrow when he reads Hansard.

Mr SPEAKER: I think it is just a matter of recollection.

MOTOR VEHICLES AMENDMENT BILL
(Serial 135)

Continued from 26 August 1981.

Mr LEO (Nhulunbuy): Mr Speaker, the opposition is pleased to support this bill. It will bring Northern Territory seat-belt legislation into line with Australian design rules and allow motorists to charge passengers for the use of motor vehicles. There has been a concerted move throughout Australia to standardise seat-belt legislation. The most appropriate way of doing it would be to have the legislation in the Territory conform to Australian design rules. I cannot see anything contentious in the bill.

The most interesting part of the legislation is clause 8 dealing with section 110(c) of the act. This will allow a driver of a motor vehicle to recover from passengers the cost of operating his motor vehicle. This is precisely what the minister pointed out in making his second-reading speech. It would allow for car-pooling. The owner of the vehicle would be able to recover the cost of operating his vehicle. The opposition supports the bill.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, this bill is about safety and that of course is an important matter. It brings us into line with Australian design rules for seat-belts and anchorage points. In case some people are concerned that this might mean that they must make alterations to their vehicle, I assure them that no such problem really exists as this is done in the manufacturing stage. What is important is the fact that it will be illegal to remove seat-belts. The bill allows for exemptions to be made by the registrar in certain cases. It also allows a certain time for replacement of those belts in the appropriate manner. I think that there is nobody in this Assembly who would disagree that it is not a worthy matter.

The other matter that it allows for is that of car-pooling. People will be allowed to pick up passengers in their vehicles and bring them to work and charge them for such a service. It is legal provided of course that the charge that is made does not exceed the actual cost of running that vehicle. A good point about it is that, although this matter of car-pooling has been going on for years, nobody has tried to stamp it out. This bill will allow government departments to actually promote car-pooling. There will be a definite fuel saving. Most vehicles on the road only have 1 or 2 people in them and are quite capable of taking at least 4. That would save fuel because there would be fewer vehicles on the road. That would also reduce traffic congestion. People would be able to get from place to place more quickly. It also means of course a reduction in the parking space needed.

This bill will be welcomed by business areas, particularly if there are fewer cars but still the same number of people coming into town. It would make shopping easier and would be welcome all round. One aspect that I would suggest - it does not apply to Alice Springs but it will to Darwin - relates to the cost of parking at the new parking facility. I dare say that, as things grow, we may need parking facilities which are charged for in Alice Springs and other parts of the Territory. I would suggest that, in this pooling, it would be fair not only to charge for the cost of running the vehicle but also for the cost of actually parking the vehicle. Those are the 2 points that appeal to me in this particular bill and I give it my wholehearted support.

Mrs O'NEIL (Fannie Bay): Mr Speaker, this is a most useful and admirable

bill and it is a pleasure to support it. I think all members of the Assembly get some satisfaction by seeing the regular introduction of bills relating to safety on our roads. This one relates particularly to seat-belts and seat-belt anchorage. It simply brings the Northern Territory into line with what has happened elsewhere in Australia.

I can remember - I am sure we all can - the outcry that took place around Australia when seat-belts were first introduced. They were said to be an infringement of civil liberties, and there was a great deal of noise and objection expressed about them. Now we find that the community is accepting seat-belts and indeed almost taking them too much for granted. But I am sure the community will have no objection to the passage of this bill today. Years ago, it would have made front page news. I think we will see something similar with regard to the breathalyser legislation with the passage of time.

The aspect relating to car-pooling is a very admirable objective and I am very pleased to see it. I get very distressed to see the increasingly large amount of public funds which are spent on building roads and increasing road capacities, building car-parking facilities - all of which cost a great deal of public money - simply to provide for our increasing dependence not only on motor vehicles but on the personal use of a motor vehicle. We each have our own car and we drive around one by one. I had an experience only this morning of being caught in something that 10 years ago in Darwin would have been impossible - a traffic jam. There was a long line of cars queuing along East Point Road. We all drove along in second gear, usually only one person to a car. It was ridiculous. If people can be encouraged by this legislation to reduce the number of motor vehicles on the roads, then that will be a very admirable achievement.

Ms D'ROZARIO (Sanderson): Mr Speaker, I would like to support this bill. I notice that it is connected to another one which comes up later on the notice paper. From time to time members have asked for a more comprehensive approach to problems of road safety. Of course, seat-belts were one of the first devices that were introduced specifically with road safety in mind. Now we have the question of making sure that the rules are uniform throughout Australia. I support the bill from that point of view.

This is one bill in which the compliance cost is almost nothing so far as the ordinary citizen is concerned. We have no car manufacturing industry in the Northern Territory and all vehicles that eventually end up on our roads are manufactured in other parts of Australia. We would be able to tell the dates outlined in this schedule from the compliance plate. Thus, we have a positive step towards increasing road safety without any cost at all to the citizenry.

The second part of the bill relates to the question of car-pooling. As the honourable minister said, it is quite disappointing to see that this technique of reducing household travelling costs as well as congestion on Australian roads has not been used as much as it could have been. Nevertheless, in Darwin, there is some potential to use this method. On Bagot Road at peak hours everyone is bailed up at the lights and individuals in vehicles are all muttering under their breath. I do not know whether they are singing in tune to the radios but some of them look quite irate at the fact that they are held up there. Of course, a simple device that could be used would be to pool one's vehicle.

Earlier this year, at the Royal Easter Show, I picked up a brochure that was printed by the Department of National Development which I believe is the federal department that devises policies on energy. In that brochure, there were a number of suggestions for reducing fuel consumption. It was specifically aimed at private transport which consumes a substantial amount of fuel energy. One of the methods listed was car-pooling. It did strike me at the time that this would

be illegal not only in the Northern Territory but also in a number of states of Australia. It is clear that governments at the federal level and the state and Territory level are amending the law with regard to car-pooling in order to give further incentive to reducing fuel consumption. I support that move and I hope that it will be used much more than it has been in other cities in Australia.

Mr DONDAS (Transport and Works): Mr Speaker, I thank all honourable members for their support. I think this is a very important step towards improving road safety standards in the Northern Territory. As I said earlier today, the road toll in the Territory at the moment is the highest it has ever been. I believe that we must take conscientious steps at every opportunity to improve road safety standards.

The honourable member for Sanderson is quite right that very few vehicles will be affected. Most vehicles since 1971 have been manufactured in accordance with the Australian design standard. Only vehicles which were manufactured before 1971 or those whose owners have removed those bolts are likely to come under close scrutiny by the Motor Vehicle Registry.

Motion agreed to; bill read a second time.

Bill passed remaining stages without debate.

TERRITORY PARKS AND WILDLIFE CONSERVATION AMENDMENT BILL (Serial 129)

Continued from 26 August 1981.

Mr B. COLLINS (Opposition Leader): Mr Speaker, this simple bill reduces the time for presenting plans of management for parks which reach the Conservation Commission to this Assembly from 15 sitting days to 7 sitting days. The effect this bill will have will be to reduce the amount of time involved from about 6 months to 3 months which, of course, is a desirable thing. The opposition supports the bill.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, I rise to support this bill today. This could be called a minor amendment. It allows a more sensible approach to the mechanics of presentation, acceptance or rejection of plans of management.

Recently, I studied 3 plans of management for the Howard Springs Nature Reserve, the Berry Springs Nature Reserve and the King River Nature Reserve. These were very extensive documents. I made comments at the right time and the right place and they were also quite extensive in parts. One thing I commented on was the rather trendy verbiage. A lot of trees must have been cut down to provide paper for these reports. If one could cut all that away, the content is very good however. These reports must have taken many months to prepare. They were open for public discussion and comment for a reasonable time. As the legislation then was, 15 sitting days of the Legislative Assembly had to pass after their presentation to the Assembly.

Mr Speaker, I realise that public debate on something as serious as this, for those people who are interested in wildlife conservation and wildlife nature reserves, is very important. However, the length of time that these plans are under discussion and debate is important too. These 3 plans of management referred to nature reserves in the Top End and up here it is very important to consider the seasons. We have 2 major seasons: the Wet and the Dry. This means that we have to consider plans of management very carefully because what can be done in

the Wet cannot be done in the Dry. If something has to be done in the Wet, for a certain reason, and we miss out on the Wet, we must wait another year. Therefore, this legislation, by reducing the sitting days for consideration of plans of management from 15 days to 7, will aid in the streamlining of the general consideration of plans of management for nature parks.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, the Leader of the Opposition stated succinctly what this bill was about. I want to raise one particular matter. By taking the 6 months which the 15 days allows at present, too much time can elapse and the pressure of other things can creep in. One could forget to give a plan of management the attention that it deserves. Cutting it down to 3 months makes it quite clear that the job must be got on with and checked out between one sittings and the next. Also, of course, for 1 month the plan of management is put to the public and the Conservation Commission kindly sends us copies of plans of management for our own comments. We do get a very good chance to make some input into the actual plan at that stage. I have much pleasure in supporting this bill.

Motion agreed to; bill read a second time.

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker I move the bill be now read a third time.

Motion agreed to; bill read a third time.

TERRITORY INSURANCE OFFICE AMENDMENT BILL (Serial 115)

Continued from 26 August 1981.

Mr B. COLLINS (Opposition Leader): Mr Speaker, this bill seeks to ensure that the Territory Insurance Office is not subject to Commonwealth sales tax by making Territory Insurance Office money Territory money. The money that would have been paid normally to the Commonwealth will now be paid to the Northern Territory Treasury to ensure that the TIO enjoys no competitive advantages over private insurance companies. The opposition supports the bill.

Motion agreed to; bill read a second time.

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

Motion agreed to; bill read a third time.

ADJOURNMENT

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

Mr B. COLLINS (Arnhem): Mr Speaker, this afternoon during the attack of the honourable Minister for Education upon the honourable member for Nightcliff he used a brand new word. The word was 'dyad'.

Mr Robertson: Yes, deliberately, as a reflection on your style.

Mr B. COLLINS: I am always looking for new words and I availed myself of the Assembly copy of the Collins English Dictionary and I could not find that word. I am not suggesting that Collins is the ultimate authority on the English language but perhaps I can ask the honourable member afterwards what it means.

Last Saturday, I spent a fairly enjoyable day at the polling booth during the Millner by-election. I did enjoy it, Mr Speaker. I was a little apprehensive, being a fairly superstitious fellow, to have an election conducted in a polling booth that had been named after the Chief Minister - that is, St Pauls - but everything turned out all right.

During the course of the day, the Northern Territory electoral officer, who once again performed in his usual superlative way, mentioned to me that the election had given him a new opportunity to be present at a polling booth during an election. Normally, he is tied up in his office in Darwin. It was also a new experience for me in that, since I entered politics it was the first time I had had the occasion to work at an urban polling booth during an Assembly election. Normally, I am busy out in my own electorate at that time. At about 3 or 4 o'clock in the afternoon, after the 1700 or 1800 people who voted had voted, I suddenly realised just how long I had been around the Territory because I knew at least half of those who came in to vote. The reason I mention it is that it was once again a reminder of how fortunate we are in the Territory with the particular kind of politics we have here.

Mr Speaker, this morning, you drew the attention of the Assembly to the presence in the gallery of Mr John Kerin, the federal member for Werriwa. He was telling me today that he represents an electorate with 90,000 voters. Of course, it is almost impossible to know, on a personal basis, very many electors in your electorate when you are representing that many people. The kind of politics we have in the Territory has its disadvantages certainly, with workloads and so on. However, one of the more pleasant aspects of Territory politics, and an aspect that appeals to me particularly, is that one can have such a personal relationship with people in one's electorate.

Mr Speaker, during my perambulations around the city of Darwin since that election, I was interested to discover just how many people have been placing bets on the outcome. Indeed, I must confess to having had a little flutter myself, along with the honourable member for Fannie Bay, which was successful. I happened to be in a retail store in the city this morning - a retail store that has been around for a long time - and I was talking to the proprietor who is a great gambling man. He had lost a bit of money on the election and was making diverse threats against the person of a certain member of the government front-bench who, he claimed, was substantially responsible for his losing his money.

Mr Speaker, I do not agree with his assessment of the election, being a little bit more pragmatic, but I was interested after arriving at the Assembly to pick up a copy of the Darwin Sun and read on the front page the results of the telephone survey that it conducted as to why people voted the way they did. I wonder, Mr Speaker, whether the erstwhile Country Liberal Party candidate for the seat of Millner has taken the trouble, as he should, to thank the honourable Minister for Mines and Energy for the valuable contribution the minister made to the campaign. It was a stroke of political genius, Mr Speaker. I hope the candidate in the Millner by-election for the Country Liberal Party appreciated it half as much as I did. I hope that, at the 1984 elections, the honourable Minister for Mines and Energy is not so chary with his political judgment and does not apply it only to one electorate but spreads it generously among all of them.

Yesterday, I made some comment about the sitting days of the Assembly and I would like to take up the matter in the adjournment this afternoon. I agree with the Chief Minister that there is no point whatever in this Assembly sitting for sitting's sake. There is no point in sitting unless there is business before the Assembly for discussion. I think the problem is, and it is a problem that needs to be recognised by the government, that we do not sit frequently

enough and that we need to sit more days each year. There is too big a gap between the sittings. There is a great deal happening in the Northern Territory and much of what is happening deserves the attention of this Assembly. It is demonstrated time and time again, as it has been during this sittings, that the gap between the sittings is simply too great.

What I put to the Chief Minister is that, in 1982, he give some consideration to sittings of a week's duration rather than a fortnight's duration. I have made some inquiries into the matter and discovered that there seems to be no logistical reasons whatever why this cannot be done. It would perhaps require a little tighter management of the business of the government by the government. I am not suggesting that it does not manage its business well at the moment; it does. However, a little tighter management might be needed if we had weekly sittings. What I suggest to the Chief Minister is that he consider the possibility in 1982 of having 2 sittings of 2 weeks and 4 sittings of 1 week. This would confine the sitting days to 24, as they now are, but would mean that this Assembly would meet at least once every 2 months which I do not think is unreasonable.

If the Chief Minister is not prepared to consider taking that step at once, perhaps, as an experimental procedure, he would at least consider breaking one of the fortnightly sittings into 2 and sitting 5 times next year instead of the current 4. I think this would meet with a great deal of community approval and make the business of the Assembly far more effective. Mr Deputy Speaker, the thing about having a number of weekly sittings is the Speaker of the Assembly has the power to call the Assembly together at any time of his choosing. If for some reason we were not able to get through everything during a sittings, it would be a very simple matter to meet again the following week with very little inconvenience to anyone. I think it would be seen that an effort was being made to accommodate community concern, not so much about the number of days that we sit, but the fact that we do not sit frequently enough. I would commend a consideration of that proposal to the Chief Minister and, indeed, to the Assembly.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, I asked a question this morning of the honourable Minister for Health regarding the possible withdrawal of the European nursing sister from Garden Point. I was very pleased to hear in his extended answer that this sister and the position will not be withdrawn from the community at Garden Point. It was decided by somebody, somewhere, that the sister would be withdrawn from the community at Garden Point leaving the 3 health workers in charge of the quite sophisticated medical team there. Whilst some communities in Aboriginal settlements may be quite happy with having Aboriginal health workers, it was made very clear to me by the chairman of the council there, the council secretary, the people who work in the hospital and by several telephone calls that people over there did not want the European nursing sister to leave the settlement. They did not want her to leave or her position to be removed.

I have received copies of 2 letters sent to the Secretary of the Department of Health. They are both written in rather strong terms regarding the people's wishes. I think both letters back up the people's reasons for wanting the health sister there. I will read portions of each of them. The first letter is written to the Secretary of the Department of Health from the president of the Pularumpi community, Mr Cyril Rioli. Part of it says:

Without a fully-qualified registered sister, the legal aspects of health care come into question. How can the Aboriginal health workers, who have never had hospital training, be granted registration and be recognised Australia-wide? Who is going to prescribe drugs? They must be prescribed by a registered sister or doctor. Or are we to lose these drugs and have them sent out when necessary? With the wet season approaching, what happens if the airstrip is closed? What then are the legal implications for the

people in this community? Why should we have to rely on unqualified personnel and an aerial medical service which is located in Darwin and is subject to weather conditions for our health care while Darwin health centres have an abundance of qualified personnel and ready access to doctors? Also we believe that the sister here is to be posted to a Darwin health clinic when she has had 14 years experience on Aboriginal settlements and has undergone, at government expense, specific training for health care on Aboriginal settlements. We believe this to be a waste of dedicated personnel and a waste of money.

I think that says very strongly that the people want a sister there and they want that particular sister for the reasons that they have mentioned. I understand that the particular sister may be leaving Garden Point in the ordinary course of her work. I hope that, when she does go, her position does not go with her. If she leaves, I hope her position will still remain to be filled by somebody with similar qualifications.

The second letter is also to the Secretary of the Department of Health. I will read part of it. It is written by the 3 health workers at Garden Point. I will read out the 2 pertinent parts:

We feel quite confident doing every day clinic work and school screening programs but when emergencies occur, such as a severe accident, fitting or bleeding patients, deliveries or someone becomes very sick or collapses, we feel that we cannot look after them sufficiently and we can become very frightened unless we have someone to turn to who will help us.

The letter concludes:

We would like sister to stay at Pularumpi at least until suggestions above have been met and only then we will see how we feel then about it.

Mr Speaker, these people at Pularumpi have made a decision that they still want the health sister to stay there and, after listening to the honourable Minister for Health this morning, I think that he is very acquiescent to their request.

The second subject that I would like to speak on is the petition that I presented this morning on behalf of 552 people. It relates to the setting up of a local centre and village for elderly people in the rural area. Mr Speaker, this petition has my wholehearted support and I think it has the wholehearted support of everybody in the rural area.

There are about 700 elderly people in the rural area and they have formed an old timers' organisation which they are in the process of incorporating. In all my years in Darwin, I have yet to see such an enthusiastic group of people. Where other associations and clubs are struggling to get new members and struggling to get quorums at meetings, these elderly people in the rural area have 30 to 40 members at their meetings. They meet every week, and I think that speaks volumes for their enthusiasm in their particular interest. They also have the community groups out in the rural area behind them and the support of the entire community.

Mr Deputy Speaker, these elderly people who live in the rural area are very independent. It was drawn to my attention that there was an elderly gentleman in the rural area some time ago who was becoming a little frail. It was suggested that he come into town to live in what people in town would regard as beautiful

conditions. It was suggested to him that, because of his frailty, that he come into a nice air-conditioned, carpeted flat with a fridge and a nice stove. He said: 'Is that where I am going to die?' He had not thought of dying; he had not thought of anything like that in the rural area while he was reasonably independent. I think that points up the feelings of many people in the rural area. They can live in the rural area in a happy, relaxed way. They do not have any of the hassles of city life although probably comparing Darwin to Sydney you would say there would not be any hassles. Some of these people are pretty active even though they are well on in years. It will come to all of us, Mr Deputy Speaker, that, because of bodily frailty, we will have to give up much of the work we like to do. These people do not want to go into soft city conditions. They want to stay and live more or less as they are now: in a relaxed, happy way, with the friends they have made over the years out there.

In the petition that I presented, reference was made to the fact that they requested certain areas of land from the government. They would like buildings put up. They are working very hard themselves. They are working in the old-fashioned way, helping themselves before asking other people to help them. Perhaps it is only in little ways, but these people are particularly active. They have had cake stalls, they have sold plants, they have had raffles and they have raised quite a sizeable amount of money themselves. If any group of people in our community deserves support, it is these people in the rural area. They are setting out to help themselves. They are looking to their future themselves and trying to help themselves before they ask the government and other community groups for help. I think that they will get what they want in the end and I do not think they will have to wait very long with all the community support behind them. I back them wholeheartedly. I think they will go on from strength to strength.

Mr D.W. COLLINS (Alice Springs): Mr Deputy Speaker, this morning I asked a question about coastal surveillance. I asked the Chief Minister if he would take it up with the Minister for Defence or the appropriate federal minister to make sure that flights became random. That is advice I obtained from a very reputable source who is quite concerned about it and I offered to take it up in the Assembly. My concern is not that coastal surveillance would not be picking up boat people and people trying to come in that way, but about the possibility of drug-runners and so forth. If they can tell when these aircraft are coming, they can time their dashes to the coast easily. It seems silly to me. It is just a window-dressing exercise at the moment.

The important point that I want to make this afternoon concerns the service of the Australian National Railways, the Ghan service. This is not just a matter that affects Alice Springs. I believe that it will affect Darwin in the future because we hope that there will be a passenger service coming through to Darwin. The problem which has been brought to my attention arose from personal experience when my own parents wanted to come up to visit us in May. In February, they approached an officer of the South Australian Tourist Bureau to obtain seats on the train for that journey. He was informed by the booking clerk at ANR in Adelaide that they had turned away enough people to fill 2 trains. That officer got in touch with me to see if there was anything I could do. I did not feel I should pull any strings from a personal angle but, on reflection, realising it was school holiday time, I thought it would be an excellent time to find out if we could get 2 trains. I approached the manager of ANR in Adelaide, Dr Don Williams. According to Dr Williams, the member for Stuart had also approached him on exactly the same question. Dr Williams said he would look into it. He said that technically it would be possible to have 2 and even possibly 3 trains a week if the demand was there. He promised to check and when he checked he found that there were seats available and so my parents were able to get on the train. They are both elderly and were not keen on flying. They came up and

visited us.

I was back in the home town with them a few weeks afterwards and met some friends of theirs who had tried to get on the train at the same time and they were rather upset that my parents had been able to get on the train when they had not. Reports I have had from other people from south who have come up to the Territory have told of many vacant seats on the Ghan on trips that they have taken and yet requests for bookings had been refused. A curious situation seems to exist there: people are turned away yet seats are available.

I wrote a letter to the Adelaide paper, the Advertiser, about 10 days ago and when I left on Monday I had received 26 letters in reply. If members of this Assembly relate that to other situations where there have been heated issues, 26 letters is not a bad sort of a response. There seems to be a key problem. It seems that tourist businesses block-book large sections of the train, take up a large number of seats, then try to fill them with people for various tours. A few days before the train is due to leave, they turn in the unused seats. I had some letters from the north of South Australia. On the train, there are only 12 seats available for users from the north of South Australia which can be reserved. As a result of this block-booking, anybody going on a package tour gets a good deal guaranteed. I would say that that should not happen. People trying to run group tours must have the ability to say that a person will be able to have a seat on the train. However, it is causing a problem, mainly for the person who just wants to come up on the train and do his own thing without being in a group. In one sense, it affects more particularly the person who lives in the Territory. He gets a very poor deal.

I do not say that there is any simple solution to this matter, but one of the problems is that, when people are turned down once, they do not bother with it in future. This leads to a service of only one train a week whereas, with extra effort, a decent service and a decent booking system, people would become confident of getting a seat on the train and we would build the service up to 2 or 3 trains a week. By the time the line comes through to Darwin, it should not be too difficult to have at least 1 train a week continuing on from Alice to Darwin. I am sure all members in the Top End would be interested to see that happen.

I would make some tentative suggestion of things that could be done. I know that we in the south cannot do much other than stir ANR and the Minister for Transport and get support from South Australian parliamentarians as well. I would suggest that, when a firm takes out a block-booking, it put a 10% deposit down. If unbooked seats are not cancelled within the month, then that 10% is forfeited. If it waits until only 1 week before the train leaves, I think it should be charged an increased amount of up to 50%. If it has not turned the tickets in within the last week, the whole amount could be forfeited. I am sure we could run 2 trains and it would pay - even if some of the seats were empty - particularly if booking companies which had not done the right thing by other people and were too lazy to turn tickets in contributed in this way. An ordered list showing when applications were received would be needed to facilitate distribution of cancellations in a fair manner.

The system used by ANR for their bookings seems to be rather outdated and antiquated. It might be well for it to get onto a computerised system. If it cannot afford one, perhaps it could come to an arrangement with one of the airlines which seem to be quite competent at this particular work. I look forward to a day when a person is able to book 1 or 2 weeks ahead and be assured of a seat on the Ghan.

Mr BELL (MacDonnell): Mr Deputy Speaker, this morning during question time

I raised a matter with the Minister for Lands and Housing that deserves a bit of explanation in the adjournment. I reminded the minister of the matter of the transfer of Northern Territory Portion 1097. This has been the subject previously of debate in this Assembly. I asked the minister if he had assured the solicitors for the proprietors of Tempe Downs Pty Ltd that their head lease would not be extended to include NT Portion 1097 because it was subject to claim under the Land Rights Act. I asked the minister if he had advised the solicitors either in writing or in person that their lease would not be extended because it was subject to claim under the Land Rights Act. The minister was sufficiently upset about this to request me to place it on notice. He seemed to think that his memory was not quite up to recalling what went on. I asked him if he had given any assurance in person. I find it a little bit difficult to believe that he forgets all his dealings with particular people, particularly in relation to something that seems to have occupied the government's attention considerably: the pastoral lease for Tempe Downs.

I am surprised that the minister seems to have forgotten because you may remember, Mr Deputy Speaker, the fulsome description that he gave in reply to some points that I raised during the June sittings. He referred to discussions with the solicitors necessitating the closing of the outside doors of his office. It was such a private matter that not even his staff was aware of what went on. Now he claims to be so lacking in memory that he cannot remember the subject of those considerations.

My second question this morning was to remind the minister and the Assembly of the alacrity with which the minister read a letter to the Assembly during the June sittings. The letter was in relation to the transfer of this particular lease. The letter was numbered PL629(3) of 20 May. He was so pleased that this advised the proprietors of Tempe Downs that this particular portion had been given to Messrs Conway and Lander that he thought that that would close the matter. In fact, so assured was he that the matter was closed that, as I remember it, he sat down giving me some sort of bi-digital salute that may or may not have been accompanied by a raspberry. I cannot remember.

Since he was prepared to read into Hansard with such alacrity this particular letter that deals with the transfer of leases over NT Portion 1097, I hope that he will respond with the same alacrity concerning a letter of October 1980. The reference there is very similar to the first one and that may have been part of the cause of the confusion initially. The letter is PL629(3)GL2072. Mr Deputy Speaker, I am sure you and honourable members will be interested to hear this: that letter points out to the solicitors for Tempe Downs Pty Ltd that NT Portion 1097 would not be attached to the head lease because it was subject to claim under the federal Land Rights Act. I hope that the minister will feel free to table it or to read it into Hansard as soon as possible.

You may be wondering, Mr Deputy Speaker, why this is a matter of concern. What I am leading up to is the fact that, at this stage, it appears very much as though the honourable minister has consciously and wittingly sought to mislead this Assembly and that is something that we and the minister ought to treat very seriously. I believe that that letter should be found and read into the record as soon as possible. During the June sittings, I made a number of allegations about this particular area of land. Firstly, I said that the honourable minister was making difficulties for the federal Land Rights Act by alienating land subject to claim. Secondly, he and the Chief Minister broke any undertaking they gave the land councils not to alienate land in that manner. They claim they did not say it and the letter did not mean what it said, but that is water under the bridge. The third thing in that debate was that he deceived the proprietors of Tempe Downs.

All those matters have been fulsomely debated in this Assembly and I do not want to particularly reopen them at this stage. What I do want to do is to clear up this matter of the minister's responsibility for the statement, for advising the Assembly what is and what is not going on in his department. At this stage, there are a few very big question marks.

In the June sittings, I asked the Chief Minister whether he was aware that the Minister for Lands and Housing had informed Tempe Downs Pty Ltd that the land would not be added to their pastoral lease because of the pending claim. What was the minister's response? I will read it to you. The minister said: 'I do not know what the proprietors of Tempe Downs said, but let this go on record: this falsehood that has been peddled through the honourable member for MacDonnell does them no credit in my mind'. He described the statement as a falsehood. He denied having told the solicitors of Tempe Downs Pty Ltd that the land could not be added to their pastoral lease because of the pending claim. The Hansard reference is page 1013 from Thursday 4 June.

He went on to say: 'Mr Speaker, I said no such thing'. He is clearly denying what the solicitors of Tempe Downs are convinced is the case and what I am convinced is the case. I suggest that, if he can disprove it, he should do so as soon as possible. I understand that the honourable minister will take this very seriously. In my relatively brief time in this Assembly, I have come to appreciate the minister as a person who has a great deal of consideration for the propriety of parliamentary behaviour, for the niceties of form that rule the operation of this Assembly. I feel quite confident that he will lay to rest one way or another whether in fact he has sought to mislead this Assembly. I hope he does it soon because the question mark will be hanging over us until he sorts it out.

Mr EVERINGHAM (Jingili): Mr Deputy Speaker, in the short time that I have had the acquaintance of the honourable member for MacDonnell, I can't say that I have formed the same appreciation of him as he has formed of the Minister for Lands and Housing. Unfortunately, Mr Deputy Speaker, I have formed the impression that the honourable member for MacDonnell is the most unutterably boring person I have ever had the misfortune to listen to. He talks about a letter. If he knows of this letter, why doesn't he just manufacture one like that tendered in this place some time ago by the predecessor of our present Leader of the Opposition.

Mr Deputy Speaker, I really wanted to say something this afternoon about Casuarina High School, the high school which is situated in my electorate and on which the 3 primary schools in my electorate centre. It has always been a matter of considerable pride to me that the 3 primary schools in my electorate - Wagaman, Moil and Jingili Primary schools - are regarded very highly throughout Darwin as being 3 of the best in terms of scholastic standard, school behaviour etc. I must say that we have always been fortunate in those 3 schools. The principals and the staff have been first class. The students have always been very becoming in their behaviour.

Unfortunately, such has not always been able to be said about Casuarina High School. I do not think that it is untrue to say that many people hold Casuarina High School in less than high regard. However, we have been fortunate in the last 12 months or so in having posted to Casuarina High School a new principal, Mr John Britton. I believe that Mr Britton has really pulled that school together. He has the staff working harmoniously. There seems to be a new spirit abroad amongst the pupils. This was evidenced only very recently by the fact that, of the 6 IBM maths prizes awarded in the Northern Territory, 4 of them went to Casuarina High School students. I believe that they got the 4 highest awards.

On the other side of the fence is the arts. I was fortunate in being able to attend a special showing of the art work that was put together by the students of the school for submission to the examiners from South Australia and I noticed certain marks on this work. When I say marks, I mean a percentage mark. I asked whose markings they were; they were in the order of 75%-80% on most of it. I was told that that was the school art teacher's markings. In fact, the matriculation examiner from South Australia marked all of this work, which was marked by the school teacher at under 80%, at 90% and over. Believe you me, Mr Deputy Speaker, it was art work, paintings etc of a very high order. I would like to say how very pleased I am, and I am sure I speak on behalf of the parents of many children in the electorate who are approaching high school age, that Casuarina High School is really coming up in the world. I believe its future under the firm guidance and energetic direction of Mr John Britton is assured.

Mr DOOLAN (Victoria River): Mr Deputy Speaker, in this adjournment debate, I would like to speak about Northern Territory agriculture. First I would like to comment a little on what the Minister for Mines and Energy said this afternoon in regard to the Borroloola powerhouse. I do not think he explained it properly. I would have liked him to tell me the truth but I do not think he knew. In 1977 and 1978, that powerhouse was run by DAA. I was invited down there by somebody from the Northern Lands Council. There was a gentleman down there from the Summer Institute of Linguistics, the resident linguist. He was terribly concerned that an Aboriginal was the powerhouse attendant. I said: 'What is your great concern here? How much do you pay for your power?' He said: 'We do not pay anything. It is paid by DAA'. Well let us get that fact on the record for a start.

Recently, I have been researching and reading that the northern region of Australia contains 60% of ground water and over 50% of usable surface water in this continent. Despite the potential for irrigation and agricultural development that this vast amount of water offers, 5% of irrigable land in the north is developed whereas, in the south, 89% of the potential irrigable land has already been developed. I would ask what is the reason for the phenomenon of the rural industry being almost constantly affected by crippling debt even though our vast rural areas clearly demonstrate a tremendous physical wealth.

Sir William Gunn may not be the most popular figure in the Top End but he is a man of extremely wide experience. Sir William once said: 'In the great majority of failures, policies laid down in the first place had laid the foundations for failure'. It is my hope that this government profits from earlier experiences and ensures that its policy for present and future agricultural development will never again lay the foundation for failure as so often happened in the past. In my observations of government initiatives on Agricultural policy in the Northern Territory, I have serious doubts as to whether the infrastructure is sufficient and ready to support the initiative.

In other parts of Australia, agricultural enterprises and commodities have sensible marketing arrangements working at manipulating or managing the market to meet supply and demand situations; for example, in the marketing of wool, tobacco and wheat. I do not believe that the Northern Territory has any similar sensible marketing arrangements and I question the extent to which this government is prepared to go to subsidise agriculture. Would it, for instance, subsidise the Douglas-Daly venture in the event of the farmers down there having consequent failures? There have been all sorts of studies and reports prepared over the years on the future and potential of agriculture in the Territory. What action has been taken to implement these reports? If action is taken on these costly but admittedly valuable exercises, why is little or no information disseminated to the general public who are paying for this research. We have

constant inquiries. Who knows about it? Do the farmers know about it?

The Queensland branch of the Australian Institute of Agricultural Science has stated in its report 'The Potential Contribution of Research to Agricultural Development in Northern Australia' that agriculture is one of the industries which has a competitive export advantage and, because of this, it is one on which we should concentrate our efforts. It has been ascertained around 81% of 16.5 million hectares of potential cropping in northern Australia is underdeveloped. That is really shocking.

Why is it then that advice such as the Australian Institute of Agricultural Studies offers, namely that agricultural development must be stressed, is ignored. Mr Deputy Speaker, if the agricultural industry is to grow and prosper in the Territory, more research must be carried out and more in-depth studies undertaken. Obviously, land prices are important and therefore agricultural policies must be closely integrated with all other industry policies in our developing economy. Increasing costs, competition for resources and other intersectoral factors will intensify pressures on agriculture. Coupled with land prices is the pressure on land in terms of availability and the cost and maintenance of productivity will certainly be an increasing problem.

As a classic example of this kind of pressure at work, one might look at the Victorian dairying industry. Farmers are exiting in droves, rural land is changing, there is competition for industrial use and remaining farmers are seeking to increase production and gain more water rights for the irrigable areas. Any changing pattern of land must be studied so that the implications, if any, may be noted. You might think that is not very important but there is encroachment by industrial areas on rural land in Darwin, as you would well know, Mr Deputy Speaker.

Exploration for water resources and the costing of practicable application must be given more attention. The economics of agricultural land and the financing of rural land purchases need further investigation. What we should be asking is: how do we get young people onto the land and how do we keep those who want to stay but are forced through unforeseen circumstances to leave? I do not include those who are simply not a viable working unit but there have been people forced to leave who could have been successful farmers but for want of a few breaks. All of the points that I have mentioned need to be viewed within the limits of probability. The economy, the infrastructure effort and special problems of the Northern Territory - the most significant being too much rain at one time and hardly any at another time - have to be investigated.

I would like to say that I think it is disgraceful that we had to go interstate to find a farmer suitable for the Douglas/Daly project. I am aware of the criteria on which the successful farmers were chosen - proven farming skills and possession of sufficient plant and agricultural equipment to undertake the broad-acre farming requirement - but I do not agree with the criteria. Local farmers with long practical and proven ability under local conditions should have been the first chosen, with funds initially provided by the government for the establishment of an agricultural equipment pool in the area.

Finally, the Minister for Primary Production in an interview about fishing on the Country Hour stated that he believes 'we have to encourage local people because they are the people who are the backbone of the fishing industry and they are the people who are going to make the industry tick one way or another'. Fine sentiments but how genuine are they? The minister certainly does not encourage local farmers. One can hardly wonder if it is not his real intention to advertise nationwide for fishermen as he did for farmers for the project farm and provide aid for southern blow-ins rather than locals.

Mr BELL (MacDonnell): Mr Deputy Speaker, I seek your leave to make a personal explanation.

Mr STEELE (Ludmilla): A point of order, Mr Deputy Speaker! There are no personal explanations during the adjournment debate.

Mrs O'NEIL (Fannie Bay): Mr Deputy Speaker, Standing Orders say a member may make a personal explanation at any time but preferably as soon as possible after the incident occurs. The member for MacDonnell is clearly acting in accordance with Standing Orders.

PERSONAL EXPLANATION

Mr BELL (MacDonnell): Mr Deputy Speaker, I wish to apologise sincerely and deeply if the Chief Minister finds my style of address or the matters which I raise boring. At all times, I attempt to raise matters in this Assembly and address them in such a way as to inform the people who are here and to communicate with them. If the Chief Minister finds it annoying that my style is boring, he must find it doubly annoying...

Mr ROBERTSON (Education): A point of order, Mr Deputy Speaker! Is the honourable member claiming to have been misrepresented or misquoted or what?

Mr BELL: Impugned. The honourable Chief Minister must find it doubly annoying that he finds me and most of the people on my side so often right.

Mr STEELE (Ludmilla): Mr Deputy Speaker, I do not claim to have been misrepresented in the remarks that the honourable member for Victoria River made concerning what I may have said about the fishing industry on a radio program. Basically, what the honourable gentleman said is quite correct. If it is within the resources of the community of locally-based organisations to sufficiently vitalise an interest in an industry and to have it running well, obviously the local people should be involved in any scheme that the government may sponsor. I would ask him how we would involve some sort of a fishing industry locally, inside the Australian fishing zone. I would ask him how that might be done. I would suggest to him that we would have grave difficulty in establishing a fishing industry if it was not based on expertise, equipment etc from other places.

In respect of ADMA, I think the same principles very much apply, I feel upset that it could be considered that the talents of local people were ignored in the setting up of the Agricultural Development and Marketing Authority. I think that everybody here would agree that, prior to self-government, no one was going anywhere in agriculture in the Northern Territory. We had a huge list of failures which affected our reputation nationally and internationally. If the government had not taken the initiative that it has taken, nothing very much would have been done.

I have reached the stage of accepting any criticisms because the government has made a decision. It is a very firm policy and I tell people that I am very sorry but the policy is very clear. There is a stage 1 and a stage 2. As far as I am concerned, we are on the right trail. We will not know for sure until the first stage has been assessed and we know where we are going. We should all agree that, unless stage 1 is given a chance to succeed, the limitations placed in regard to agriculture; finance availability, land availability, marketing and so forth cannot be assessed. I think it is about time that the Labor Party gave stage 1 a fair go.

Mr PERRON (Stuart Park): Mr Deputy Speaker, yesterday the member for

MacDonnell and the Minister for Education both spoke on the matter of some Aboriginals who were moving either voluntarily or involuntarily to set up a new camp in the Kintore Ranges. The member for MacDonnell informed the Assembly that the group had moved to quite a considerable distance away from any other settlement and merely sought the provision of some fairly basic educational services. Whilst he did not put any figure on it, he felt that it would not cost very much at all and that really the community owed them at least that much.

Mr Deputy Speaker, the advice given to me by the Department of Community Development, which is responsible for funding various facilities and particularly essential services on Aboriginal communities, is somewhat different. The departmental officers also share the concern of Education Department officers that the request for government services to follow this movement - it was a fairly sudden movement of many people a long way away from existing settlements - is something that needs be thought about in case the people return to where they were before. They have not simply asked for basic education services. I think the member mentioned the visitation of some educationalists on a regular basis. I think he mentioned a bough-shelter school would be the sort of thing that the people would like.

What has been asked for on their behalf is firstly the formal recognition by government of a resource centre and 15 outstations. They have also requested the provision of essential services, electricity and water, health services, and a caravan school. The Department of Community Development has been asked to put down bores at outstations. Quite a number of the outstations mentioned are in fact over the border in Western Australia.

I would suggest that, contrary to the advice given to the Assembly by the member for MacDonnell, the drilling and equipping of bores, particularly in some of the most remote and hostile parts of Australia, is really not a matter of some minor expense. It is a matter of a very major expense and is not to be entered into lightly. We have to consider to what extent the taxpayer is responsible for these groups which seek to ever subdivide into smaller groups for their own various purposes. I certainly do not profess to understand them myself. There are others in the Assembly who have a more intimate knowledge of these matters. Aside from that, some people seem to expect that, no matter how many times a community wishes to subdivide for whatever pressures and live elsewhere in the Northern Territory, the government should come along with drilling rigs, schools, health clinics etc, and provide services to them. I must admit that they are very expensive services, as anything is in those very remote parts of the Northern Territory. Somewhere the responsibility of government to keep following groups such as this into deserts must begin to diminish.

What I have done is to approve the provision of a windmill and tank installation in this area where there are currently 3 bores, 2 of them equipped with hand pumps. I considered it not unreasonable in the meantime to have 1 bore at least equipped in a more sensible fashion whilst various officers try to assess the exact substance of the settlement out there, how long it is liable to last, how many people are involved and what is the outstation structure from the base station which they have sought to be established.

I thought I should bring to the Assembly's attention that the matter is not as simple as the member for MacDonnell put to us yesterday. He said that the Australian community owed these people a couple of teachers visiting from time to time. That is certainly not all that has been asked for.

Mr LEO (Nhulunbuy): Mr Deputy Speaker, I think I should point out to the Treasurer that that is called an ambit claim. I understand why these people do make an ambit claim. I did not rise to speak about such claims though. There

has recently been a stoppage in Nhulunbuy, as you may or may not be aware. I do not want particularly to talk about the stoppage, but towards the end of it the company suggested that they may be putting off 200-250 people. Immediately it became apparent how much that community relies on one industry; that is, mining. I was relieved to see some people from the Industrial Assistance Corporation in Nhulunbuy a fortnight ago. Of course I was vitally interested in the ways in which industry could be diversified in Nhulunbuy and I thank the minister for his interest. I mean that quite sincerely.

This has certainly been an on going interest of mine. I put a number of proposals to them, but I hope that they do not just collapse when the immediate threat of closure of the town seems to have disappeared like a number of initiatives that seem to have been started in Nhulunbuy. No matter which way you look at it, sooner or later that mine is going to finish. They have been saying 50 years for the last 10 years to my knowledge. Sooner or later it is going to finish. If this government has any real interest in maintaining Nhulunbuy as a community centre in Arnhem Land, there is a real need to diversify the industries that are there. If that is to occur, it is necessary that development of the infrastructure be started now. Hand in hand with that goes housing. There would be no housing for the employees of any industrial development. The Chief Minister suggested to me again yesterday that I negotiate on behalf of the Housing Commission for more leases. Again I point out to the Chief Minister that, whether he likes it or not, he is the Chief Minister and the Minister for Lands and Housing is the Minister for Lands and Housing, and I am neither. Certainly, I will assist either of those people in whatever they try to do to provide more housing for the residents of Nhulunbuy, but I am not the Chief Minister.

I do not raise this lightly, Mr Deputy Speaker. I will not take up any more of the Assembly's time with it but I hope I have convinced the government and this Assembly of the very desperate plight of that community, its housing needs and the very real need to diversify the industry there.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

TABLED PAPERS

Report on the Structural Adequacy Workmanship at Residence Under Construction on Lot 4165 and on Lot 3985 Savannah Estate

Mr PERRON (Treasurer): Mr Speaker, I lay on the Table a report on the structural adequacy and workmanship at residences under construction on lots 4165 and 3985 Savannah Estate.

I move, firstly, that this Assembly, in accordance with the provisions of the Legislative Assembly (Powers and Privileges) Act 1977, authorise the publication of the report and, secondly, that the report be printed.

Motion agreed to.

Mr PERRON (Treasurer): Mr Speaker, I move that the Assembly take note of the paper.

Honourable members will be aware that, some weeks ago, I directed the Commissioner of Consumer Affairs to conduct an inquiry into certain allegations surrounding the building of residences on the Savannah Estate in Darwin. The homes situated on lots 4165 and 3985 were being or had been constructed by Kern Homes Pty Ltd. The complaints fell into 5 categories and were common to both complainants: unreasonable delays during construction; work not carried out in a tradesman-like manner; unauthorised alterations to plans and specifications; reluctance to discuss and repair defects; and uncooperative attitude of the builder's representatives.

As part of the inquiry, the Commissioner of Consumer Affairs instructed officers of the Department of Transport and Works to carry out a detailed examination of the houses in question. The report entitled 'Structural Adequacy Workmanship at Residence Under Construction on Lot 4165 and on Lot 3985 Savannah Estate' states that claims of poor workmanship and, in some cases, structural inadequacy can be clearly demonstrated. This evidence shows that Kern Homes have allowed standards of construction to fall to a point where they have failed in their contractual responsibility to the clients in question. I will be referring a number of matters raised in the report to my colleague, the Minister for Lands and Housing, for further examination.

The report states quite clearly that workmanship, as distinct from structural sufficiency or compliance with plans of the kind found wanting in these particular homes, would in general apply to most unsupervised dwellings under construction in Darwin. Quite simply, this is an expensive example to people intending to build a home that they should seek expert advice at all stages, from the minute they give consideration to having a house built to the moment they take possession of the keys. I cannot emphasise too strongly the need for people to engage a qualified, professional architect or engineer to supervise the construction of a home at all stages. Had this been done in these instances, I am sure many of the problems would never have arisen. The cost of engaging a professional person for such a purpose is justified quite clearly by the sad cases reported in this study.

I hope that Kern Homes will move quickly to correct the problems associated with the houses in question and that this time they will carry out the work in a professional manner under constant supervision. I understand that at least one of the house owners in question is proposing to take the matter to arbitration for settlement. Fortunately, contracts entered into in this

situation provide for a system of arbitration in the case of dispute.

Debate adjourned.

PETROLEUM LEASES

Mr TUXWORTH (Mines and Energy) (by leave): Mr Speaker, pursuant to section 15 of the Petroleum (Prospecting and Mining) Act, I lay before the Assembly the following particulars of leases registered on 25 November 1981 at 3 pm: Petroleum Lease No 4 dated 18 November 1981 has been granted to United Canso Oil and Gas Company NT Pty Ltd in respect of oil permit 178, and Petroleum Lease No 5 dated 18 November 1981 has been granted to Magellan Petroleum NT Pty Ltd in respect of oil permit 175.

LOCAL GOVERNMENT AMENDMENT BILL (Serial 71)

Bill presented and read a first time.

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

The purpose of this bill is to make a number of amendments to part XX of the Local Government Act which relates to community government. Part XX of the Local Government Act, which was introduced into the Local Government Act No 4 1978, provided the means for an alternative form of local government to be adopted by smaller and remote communities in the Northern Territory. The proposal, a Northern Territory government initiative, recognised the individuality of these remote communities and the need for them to develop in accordance with the specific requirements of their areas. Since the introduction of that legislation, considerable interest has been displayed in community government by many communities throughout the Territory. Sixteen applications have been received for councils to be established and these are being responded to through consultations with the communities concerned. This bill proposes a number of amendments to extend the capacity of the community which has applied for community government to develop a scheme which is compatible with that community. It also proposes machinery amendments to rectify minor inconsistencies in the principal act.

In relation to the ability of a community to develop a suitable scheme, I would like to draw honourable members' attention to what was said at the time the original bill reached the second-reading stage. I refer to Hansard of 20 September 1978. The then Minister for Community Development said:

The concept of community government is meant to be flexible in point of time so that the features of a community government can be adapted to respond to the changing conditions or the wishes of the particular community.

And later at page 236 the minister said:

This government is not only offering local government to appropriate communities but is offering them the opportunity to fashion their own type of local government. I want to make it perfectly clear once again that there will be no imposition of community government or any other form of local government; there cannot be. The extent and style of this responsibility are matters for the particular community, as is the timing of their attainment.

The government continues to support this approach. Community government as a style of local government has not been imposed. It will only be established in consultation with a community in response to an application made by that community. These proposals cannot be dealt with adequately under the act as it stands. A number of communities have made proposals relating to members who fail to attend meetings. The bill will give a community the power to make provision for this in its scheme in terms which have a closer affinity with the way these matters are dealt with at present.

Frequently, senior members of a community have responsibilities which necessitate their absence from the community, sometimes for extended periods. The community, in many instances, does not wish these people to vacate their seats on the council, but wishes to make temporary arrangements to ensure the continued functioning of the council during their absence. The proposed amendment will enable the community to provide for these circumstances in its scheme. In the case of a member who is absent without the approval of the council, it will be possible for the council to require him to vacate his position.

The bill proposes the introduction of a system of on-the-spot fines for breaches of specified bylaws. This will give the councils a greater capacity to deal with their affairs locally.

It is the aim of the government to devolve effective power and responsibility onto communities. This bill will assist in achieving that aim. I commend the bill.

Debate adjourned.

MINING ACT 1980 AMENDMENT BILL (Serial 166)

Bill presented and read a first time.

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

This bill proposes another amendment to the new Mining Act. Before turning to the proposed change, I draw honourable members' attention to the fact that the bill contains all the provisions presently existing in the Mining Act 1980 Amendment Act 1981, which was serial 84 passed at the June sittings this year. The reason for this is a technical one which I shall explain in a moment.

This bill proposes only one substantive change, which is contained in clause 7(b). Three consequential amendments are also made to existing sections 166(1)(g), 175(1) and 191A(2), making these sections subject to the new section 175(3) proposed in clause 7(b). The need to make the minor amendment to section 191A(2) is the reason why the provisions in bill serial 84 have been restated in this bill. Section 191A(2) was an amendment contained in bill serial 84. I am informed by the Legislative Draftsman that technical difficulties exist under the Interpretation Act in amending an amending act which has not received assent by a bill which also proposes to amend the principal act. For this reason, the present course has been taken and this bill, when passed and assented to, will repeal the act passed in June.

By way of further explanation, I would add that the amendments to the Mining Act have arisen as a result of discussions between officers of my department, the Department of Law and the Commonwealth Department of Home Affairs

concerning the assent to the new Mining Act. As honourable members are aware, the Mining Act which was passed last year requires, in accordance with the provisions of the Northern Territory (Self-Government) Act, the recommendation of the Commonwealth before the Administrator may assent to it. Following discussion between the Commonwealth and the Territory late last year, a bill was drafted which the Territory government believed overcame the difficulties the Commonwealth initially raised in relation to the act. Subsequent to the passage of the bill, discussions were again held which resulted in the present difficulty coming to light.

Turning to clause 7(b), the amendment relates to the calculation and payment of royalties on uranium. While the Territory has power over uranium under the present act, the power to levy and collect royalties is retained by the Commonwealth. The new Mining Act purported, by section 175, to continue this arrangement. However, it has now been agreed that section 175 does not continue the status quo. Under this new act, while I am required as the Minister for Mines and Energy to act in relation to uranium only on the advice of the Commonwealth, the power to levy royalties in relation to minerals, which could include uranium, is given to the Administrator. This power is contained in the regulation-making provision in section 192(2)(n) in the act. The Administrator, of course, in the exercise of his power, is not subject to the direction of the Commonwealth minister and therefore technically the Commonwealth would no longer have control over the levying of royalties or the right to the royalties collected. The proposed change is to add a further paragraph to section 175 to ensure that the power to levy and collect royalties on uranium is retained by the Commonwealth. The consequential changes to which I have referred are to ensure that other sections in the act relating to royalties are read subject to this provision.

The amendment is really of a technical nature to ensure that, for the present at least, the Commonwealth retains the control of uranium. This was agreed between the Territory and Commonwealth governments at the time of the new Mining Act, and the amendment is to ensure the agreed policy is fully expressed in legislation. The delay in bringing the new Mining Act into operation is a matter of concern to both the government and the mining industry. I believe that the present difficulty is all that now prevents the Commonwealth from making the appropriate recommendations to the Administrator. It is most desirable that the new act come into operation as soon as possible. For this reason, I give honourable members notice that it is my intention to seek a suspension of Standing Orders to enable the passage of this bill through all stages at this sittings. I seek the support of honourable members in this.

I would also add that, for some 6 months, officers of the Department of Mines and Energy and the mining industry itself have been gearing up for the introduction of the new Mining Act to begin on 1 January and the passage of this act would be essential to that transfer coming about. I commend the bill to honourable members.

Debate adjourned.

LOCAL GOVERNMENT AMENDMENT BILL (Serial 155)

Bill presented and read a first time.

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

This bill seeks to amend the Local Government Act to increase the flexibility available to local government councils in raising revenue for specific purposes. It will enable a rate to be levied on a basis other than valuation of land provided that it is levied in accordance with regulations made to suit each particular circumstance.

The need for such a revenue-raising facility has become apparent to the Darwin city council which, in order to create a fund to meet the future parking requirements of the central business district, envisages a local rate based upon the shortfall in the provision of car-parking spaces by property owners. In this fashion, the Darwin city council hopes to redress the imbalance in available parking space using the revenue thus provided to rationalise the overall provision of parking facilities. The council proposes to make immediate use of these rating powers to levy a rate, payable during the current financial year, to cover commitments associated with the West Lane car-park. From time to time, situations emerge in other municipalities where some form of differentiation in revenue effort is necessary between different areas. This bill recognises the need for councils to be able to approach these situations with enough flexibility to incorporate a modified user-pays philosophy into their rating structures.

The bill also adds to the functions of inspectors of local government accounts that of hearing appeals against the calculation of rating bases used in regulations made under the new provision. This will enable matters of fact involved in these calculations to be dealt with expeditiously. One of the features of the proposal is that it recognises the need for exemption from rating to be eliminated in the case of special purpose local rates. The effect of subclause 3(5) is to bring exempt properties, including those of the government and the council, within the purview of the levy.

The government is committed to encouraging flexible local government in the Northern Territory. The bill now before honourable members is one of the elements in that process. I commend the bill to honourable members.

Debate adjourned.

CRIMINAL CODE BILL (Serial 167)

Bill presented and read a first time.

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

Honourable members will recall that, in my statement to the Assembly on 4 March this year introducing the first draft of this code, I stated that it was the policy of the government to clarify and simplify the criminal law by way of a code. This bill goes further as I believe the code embodies the legitimate aspirations and desires of the people of this Territory and other people who have an interest in seeing progressive laws enacted. To this end, this government was of the firm view, shared I believe by all members of the community, that people should be given every opportunity to comment on the code and a number of drafts were made available throughout the year to enable comments to be made. Many of the comments made resulted in changes to the drafts and this bill incorporates the suggestions that could properly be made. I would take again the opportunity to express my thanks to those who have taken the time and effort to make their feelings known.

Turning to the bill itself, the majority of provisions contain no changes from the provisions found in earlier drafts although a number have drafting changes which do not affect the substantive aims of those provisions. For this reason, where appropriate, I would ask honourable members to read this speech together with the explanatory statements that I have made from time to time through the year.

In part I of the bill, there have been some additions to the interpretation clause although these additions in the main have been transferred from other parts of the code. An example is the definition of 'banknote' which was originally in the forgery part of the code but has since been found to be of general application throughout. I will return to part I again shortly.

Part II, as I stated in March, establishes the provisions of general application and contains provisions corresponding to those in other Australian criminal codes. There have been no substantive changes to this part other than clause 19 providing for the defence of *autrefois acquit* or *autrefois convict* which has been extended to apply equally to indictable and summary offences whereas, in previous drafts, the defence of *autrefois acquit* only applied to indictable offences.

Part III provides for the inchoate offences of attempt and conspiracy and, again, there are no substantive changes from the draft tabled in August. The same can be said for part IV which provides for the basic elements of criminal responsibility although there have been slight changes to clauses 30(2) and 42 for the sake of added certainty and a new subclause has been added to clause 43 in the same terms as section 15 of the Criminal Law and Procedure Act which up to now has not been incorporated into the code.

Part V, offences against the person, contains a number of changes. Clause 53 is extended to include assault on an infirm male as aggravated assault. Clauses 57 and 69, equality of sexes, provide for new offences. Clause 57 provides for the offence of negligently causing 'bodily harm' and clause 69 follows section 165 of the Tasmanian Criminal Code by filling a gap in the murder provisions. Clause 69 makes it an offence for a person to cause the death of a child in the womb where that person would have been guilty of murder had the child been born alive but allows a defence on medical grounds where the child's death is brought about during labour to save the mother's life. Clause 81 has been changed to give a wider discretion to a court as to the admissibility of certain evidence in sexual offence cases.

New clauses have been included in the prostitution area. Clause 95 defines 'prostitute' to include male and female prostitutes. Clause 98 makes it an offence for a prostitute to be in a brothel. Clause 102 makes it an offence to solicit for prostitution. Clause 103 makes it an offence to advertise for prostitution. Clause 94 makes it an offence to live off the earnings of prostitution. Honourable members will note that many of these new offences are offences now in the Summary Offences Act, which will be repealed once the code commences, but that nowhere is prostitution *per se* made an offence. The provision making it an offence to procure defilement by threats, which was in clause 115 of the August draft code, has been withdrawn as the offence is covered in the general sexual offence provisions.

Parts VI and VII concern theft and related offences and forgery and offences of deception. You will recall that, in March, I mentioned that the theft provisions were based upon the very successful United Kingdom and Victorian Theft Acts. As can be expected, part VI therefore has changed little from the very first draft. Clause 124, concerning misuse of credit cards, has been amended somewhat on the advice of Melbourne lawyers to make the provisions more

workable. Clause 126 provides for the offence of passing valueless cheques. Clauses 144, restitution, 153, forgery of particular seals, and 154, making particular seals, which appear in the August draft of the code, have been deleted because clauses 153 and 154 are covered by the general forgery provisions and a general restitution provision now appears in clause 409. Clauses 149 and 150 have been added making an offence of dishonestly inducing a person to invest money.

Part VIII of the bill as it now stands is new and makes provisions for secret commissions. The secret commission provisions in all Australian jurisdictions are intentionally uniform and, in fact, 2 pieces of secret commission legislation now operate in the Territory. Section 52(1) of the Northern Territory (Self-Government) Act applies the provisions of the Commonwealth Secret Commissions Act 1905 to the Territory and the Secret Commissions Act 1910 of the state of South Australia still applies in the Territory. Section 52(2) of the self-government act permits the Territory to legislate for secret commissions so long as there is no inconsistency with the Commonwealth act. This government therefore feels that it is appropriate to legislate in this code for the Territory's own secret commission offences and these are compatible with the equivalent provisions in other states and the Commonwealth.

While part IX remains unchanged, a new addition is part X, nuisance and related offences. Clause 178 defines 'common nuisance' and clause 179 provides for offences relating to common nuisances. Clause 180 provides for the abatement or removal of nuisances and all these provisions are based on provisions found in the Tasmanian code. Honourable members will be familiar with the offences in division 2 of part X as this division contains the provisions relating to undue noise and related offences which are all found now, with the exception of those in clause 186, in the Summary Offences Act.

Part XI covers terrorism. Much has been said about these provisions on terrorism and a number of changes have been made as a result of public comment. I would like at this point to thank publicly the International Commission of Jurists which went to trouble to make submissions on this aspect of the code. The majority of the commission's recommendations have been adopted in this bill. The first change is that the definition of 'act of terrorism' has been amended by the deletion of the somewhat uncertain concept of political ends and its replacement by a more comprehensive definition. A new provision has been added - clause 189 - which provides for the mechanism of prescribing organisations. The first point to note in clause 189 is that only organisations with objects involving the use of violence or which have demonstrated a propensity to use violence and are reasonably likely to use violence in the Territory may be prescribed. Subclause (5) ensures that trade unions cannot be prescribed. Subclauses (2), (3) and (4) make provision for appropriate parliamentary scrutiny of regulations prescribing organisations.

Part XII, piracy, part XIII, offences against public order, part XIV, offences relating to the administration of justice, and part XV, offences by and against public officers, are largely as they were in previous drafts. Of the additions and changes to these parts, the most notable are found in clauses 258 and 262 which codify the law relating to contempt of court. All the other code jurisdictions, including Canada, have retained the common law relating to contempt. However, a recent Canadian Law Reform Commission report has recommended the codification of the law of contempt. Clauses 258 and 262 are based upon these Canadian recommendations.

Clauses 254, 255 and 256, relating to aspects of preventing escape from arrest, are drawn from the Tasmanian code and are included for the sake of

completeness and certainty, as is clause 263, public officers interested in contracts. Clause 263 is drawn from the Criminal Law and Procedure Act.

As regards procedural provisions, the provisions relating to arrest, entry and search in part XVI and indictments in clauses 298 to 318 are drawn from the Police Administration Act and the Indictments Act respectively. These provisions are working well enough now and it is only appropriate that they be retained in the code.

Clauses 319 to 366 cover trial, adjournment, pleas and practice in court and, as far as possible, these provisions accurately reflect the current practice and procedure in the criminal courts of the Territory. Some of these provisions are already enacted in current Territory legislation; for example, clause 356, a person unfit to plead, and the provisions relating to release from detention of persons found insane, and clauses 369 and 460 which incorporate recent amendments to the Criminal Law Consolidation Act. Clause 364 permits courts to take into account previous offences to which a person admits and, while the provisions are in operation in most Australian jurisdictions, this is an innovation for the Territory. The appeal provisions of the code read in the provisions of the Supreme Court Act and the Justices Act although, in keeping with a number of jurisdictions, clauses 369 to 370 permit the Attorney-General to refer a point of law to the Full Court of the Supreme Court where a person has been acquitted. That will not be much use until we have a full court which we will not have for quite a while. This procedure is intended to clarify an issue at law and, irrespective of the outcome, the acquittal of the accused is not affected.

Clauses 371 to 381 relate to punishments and are substantially the same as in earlier drafts. However, the provisions relating to conditional release of offenders which have been included in earlier drafts have been deleted as it is more appropriate that these provisions remain in the Criminal Law (Conditional Release of Offenders) Act as this act is administered by the Minister for Community Development and his department.

Just referring back to what I said about the full court, I was quite wrong. In fact, we can have a full court at present. I was thinking of the court's appellate jurisdiction, the provisions of which are in the Supreme Court Act. As I recall, it has not yet been proclaimed.

Clauses 382 to 399, miscellaneous offences, really incorporate the offences now found in the Summary Offences Act which could not be placed elsewhere in the code. Of particular note is clause 395 relating to drinking in a public place which incorporates certain of the recommendations of the Martin committee on drunkenness.

Clauses 400 to 412 simply bring together various provisions of the code which, though necessary, cannot be fitted into other parts of it. Clause 402 clearly establishes that the royal prerogative of mercy as exercised in the Territory is vested in His Honour the Administrator and this point is reiterated in clause 405 relating to pardons. Clause 403, remission of sentences, is taken from a recent amendment of the Criminal Law Consolidation Act.

A review of penalties has been undertaken and incorporated in this bill. A number of penalties have been changed, for example manslaughter, and I draw members' particular attention to penalties. Further, the whole purpose of the code is to replace the common law in the areas covered by the code except where the code specifically provides otherwise. See, for example, clause 273. To this end, clause 3 specifically outlines the objects of the code and clearly directs courts as to the approach courts must adopt with regard to the code.

Clauses 4, 5 and 6 support this and I believe clearly reiterate the stance taken by courts to the codes of law, whether they be criminal codes or other codes; for example, the Sale of Goods Act.

Honourable members will no doubt have noted that the bail provisions which appeared in an earlier draft have been withdrawn. Clearly, bail is an area which needs urgent review and recent legislation in other jurisdictions has shown us the way. The provisions which were withdrawn were based on the Queensland Bail Act of 1980 and, while the concepts behind the provisions were excellent, it was felt more research was needed to apply them properly to the Territory. To my knowledge, no other jurisdiction incorporates its bail provisions in lots into its codes. I anticipate that the bail provisions will be introduced in separate legislation in February.

The Criminal Code is a completely new concept in criminal law and contains many fundamental changes. It will be no secret to members that the Criminal Code cannot be simply enacted and put into operation. Other legislation has to be amended to take account of the Criminal Code and to ensure the criminal law system operates effectively under it. In the next sittings of this Assembly, I will be introducing a number of consequential amendments to other legislation for this purpose. Notably, Mr Speaker, major amendments will be made to the Justices Act and the Evidence Act. In 2 acts particularly I intend to take the opportunity to update certain parts in keeping with the tenor of the code to renew the criminal law. This consequential legislation will also repeal a number of pieces of criminal law legislation which will be redundant under the code, notably the Criminal Law Consolidation Act.

My intention is that the Criminal Code pass through all stages in the next sittings and the consequential amendments made in the June sittings plus any further amendments that may be necessary to the code. All going well, the whole package of legislation will come into operation on 1 July 1982.

Mr Speaker, as you may well realise, this has been a mammoth exercise. It certainly has not been carried by me; the bulk of the work has been borne by others. At this time, when I introduce what I think is one of the major pieces of legislation that this Legislative Assembly will see this decade, I would like to pay tribute to some of the people who have been associated with the formulation of this legislation: firstly, the Chief Draftsman, Mr Jim Dorling; Mr Alan Oakey of the Department of Law, presently on secondment to my own department; Mr Frank Connolly, barrister of Brisbane, who has been associated with it; Mr Pat Loftus; and judges, magistrates and lawyers who have been associated with it. I would like to express my thanks to all those people. I have discussed the matter of the code with Mr Des Sturgess, a prominent barrister in Brisbane in the criminal field. I am sure that, in the period during which this legislation will be lying on the table, we will be seeking comments from a number of experts in the area so that, if there are any improvements that can be made, we may bring them forward in February.

Debate adjourned.

SUSPENSION OF STANDING ORDERS

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent 6 bills relating to Aboriginal land and stock routes being presented and read a first time together and one motion being put in regard to, respectively, the second reading, the committee report stages and the third reading of the bills, and the consideration of the bills separately in the committee of the whole.

Motion agreed to.

ABORIGINAL LAND AMENDMENT BILL
(Serial 96)

BUSHFIRES AMENDMENT BILL
(Serial 97)

FENCES AMENDMENT BILL
(Serial 98)

STOCK DISEASES AMENDMENT BILL
(Serial 99)

STOCK ROUTES AND TRAVELLING STOCK AMENDMENT BILL
(Serial 100)

SUMMARY OFFENCES AMENDMENT BILL
(Serial 101)

Bills presented together and read a first time.

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

When Mr Justice Woodward produced the Second Report of the Aboriginal Land Rights Commission in 1974, he had some doubt about some of the recommendations that he made. Indeed, he said in the report:

In arriving at these recommendations, I have experienced great doubt on a number of issues, particularly those relating to mineral rights and to additional claims in pastoral lease areas. Although I believe the steps recommended to be those most likely to achieve the aims set out at the beginning of this report, there must be uncertainty as to the way in which many of the proposals will turn out in practice.

He went on to say that, while he considered that the broad basis of the arrangements should remain undisturbed and should not be changed at frequent intervals, there should be a flexibility about them to take account of changed attitudes and changed circumstances, and he suggested that the arrangements should be reviewed periodically.

Mr Speaker, members must agree that substantial changes have occurred in the constitutional position of the Northern Territory since Mr Justice Woodward conducted his inquiry and produced his report and since the Aboriginal Land Rights (Northern Territory) Act was passed in 1976 by the federal government. Since those times, a fully-elected Legislative Assembly has replaced the partly-elected Legislative Council and, as a further step towards statehood, the Northern Territory attained self-government on 1 July 1978. Neither the Royal Commission nor the Aboriginal Land Rights (Northern Territory) Act gave fair recognition to the rights and responsibilities which would be vested in a self-governing Northern Territory. In the practical application of the Aboriginal Land Rights (Northern Territory) Act over a period of 5 years, it has become evident that the act has shortcomings and needs to be refined and improved.

The then Minister for Aboriginal Affairs, Senator Fred Chaney, in recognising this, appointed Mr Barry Rowland QC to examine the practical difficulties of the act. The Rowland Report was forwarded to interested parties for comment

and, in response, the Northern Territory government set out in detail areas in which it was experiencing difficulties in meeting its responsibility to govern the Northern Territory in the interest of all Territorians. This document was also forwarded to the 3 land councils. The Northern Territory government did not present a formal submission to Mr Rowland but he had a number of discussions with ministers and departmental officers including myself. It should be noted that the Northern Land Council also provided no formal submission but no doubt its officers were also available for discussions. It was obvious that, before there were any changes, there would have to be consultation between both the governments and the land councils. The Northern Territory government considered it would be preferable to raise its problems at a government-to-government level.

In a series of joint meetings between the Minister for Aboriginal Affairs, Northern Territory government ministers and the chairmen and legal advisers of the land councils, the Northern Territory government gave serious consideration to the points of view put forward by the land councils and the Commonwealth. As a result, modified draft proposals evolved. It was agreed by all parties at the second joint meeting in Darwin in May that the proposals developed during discussions had sufficient substance to warrant further consideration by full meetings of the land councils.

The main thrust of the proposals was towards the Northern Territory government undertaking to: firstly, provide secure tenure to land for Aboriginals living on pastoral leases; secondly, provide perpetual leases to replace Aboriginal-owned pastoral leases; thirdly, negotiate arrangements in respect of national parks which would satisfy the needs of the government and the traditional owners; and, fourthly, not to alienate land the subject of a land claim without consultation with the relevant land council and not to refuse on ethnic grounds the transfer of pastoral leases purchased by, or on behalf of, Aboriginals. I would point out that as far as I know no request for transfer of a pastoral lease by anyone in the Northern Territory has yet been turned down by this government.

These undertakings by the Northern Territory government will be dependent upon the land councils agreeing and the Commonwealth undertaking to amend the Aboriginal Land Rights (Northern Territory) Act to prevent the conversion of Aboriginal-owned pastoral leases to Aboriginal freehold and to eliminate land claims to stock routes, stock reserves and other public purpose land, including national parks.

Mr Speaker, I have a set of the draft proposals which I seek the leave of the Assembly to have incorporated at this stage in Hansard without my necessarily reading them into the record.

Leave granted.

DRAFT PROPOSAL

1. *The Northern Territory Government will give public assurance that areas subject to claim will not be alienated without prior consultation with the relevant land councils.*
2. *The Northern Territory Government will enact legislation to provide procedures and machinery for determining a granting of land for Aboriginal communities living on pastoral leases.*

Such legislation will provide for an unbiased tribunal to hear applications for excision areas. The tribunal will consist of a judge, a representative of the pastoral industry and a representative from the land council responsible for the area. The tribunal, on receipt of an application, will be empowered to issue directions which would bring the parties together within a specified time to discuss the application and, in the event of non-agreement, initiate a formal hearing.

Parties appearing at the hearing will be represented by counsel and be able to give evidence.

The tribunal will be empowered to make recommendations to the Minister that the area, the subject of the decision, be resumed.

This will lead to compensation to the pastoralist, which compensation will in the first instance be paid by the Government and will be recoverable from Aboriginal interests within a reasonable time; as determined by the tribunal.

The criteria to be applied by the tribunal will be as follows:

- a. The resumption will not adversely affect the commercial viability of the pastoral lease;
 - b. Regard will be given to the economic provision of infrastructure to the area including provision of water, services and access;
 - c. The location of the area should have regard to the commercial requirements of the pastoralists and the traditional and social requirements of Aborigines;
 - d. If the Aborigines abandon the area excised for a period of not less than two years it will be advertised as intended for reversion to the principal lease thereby providing the opportunity to the former Aboriginal occupiers to appeal against such reversion to the abovementioned tribunal.
3. The Northern Territory Government to give a public undertaking that pastoral leases will be transferred if purchased by Aborigines on the open market.
 4. The Northern Territory Government to enter into negotiations with the Land Councils about the granting of title under Northern Territory law to national parks subject to land claims.

Legislation providing for the amendment of the Aboriginal Land Rights Act eliminating claims to national parks areas would be proclaimed only on the satisfactory conclusion of negotiations between the Northern Territory Government and the Land Councils in respect of such parks.

5. These to include Uluru and Alligator River II Land Claims.
6. Northern Territory Government to negotiate with Central Land Council about alternative land for the Luritja Trust to ameliorate illwill which resulted from the alienation of part of the Amadeus Land Claim.

The Northern Territory Minister for Lands will convene a meeting of all interested parties with a view to an accommodation satisfactory to those parties.

7. Legislation to be introduced to amend Section 50(i)(a) of the Aboriginal Land Rights Act to prevent future applications for claims being made to the Land Council for land in which all the estates and interests are held by or on behalf of Aborigines.
8. The Northern Territory Government to enact legislation to
 - a. Grant perpetual leases to pastoral areas.
 - b. Eliminate forfeiture provisions in respect of such leases.
 - c. To provide financial sanctions to ensure compliance with terms and conditions set.
 - d. Provide the terms and conditions to be determined in consultation with the prospective lessee.

In dealing with mining interests over perpetual leases owned by Aborigines, the Minister for Mines and Energy will be required to be satisfied that due regard has been paid to the provisions of the Aboriginal Sacred Sites Act, the Northern Territory Licensing and Liquor Act and the Northern Territory Environmental Protection Act, or to other detriment which may not be covered by the above.

In the event that there is a dispute between the Aboriginal lessee and the Minister for Mines and Energy on the above issues, the Minister may appoint an arbitrator whom the Minister considers to be in a position to deal with the matter impartially to recommend the terms and conditions which should be acceptable to the Aboriginal community and the applicant for the mining interest.

The Minister for Mines and Energy must also satisfy himself that there has been or will be due beneficial provision in terms of community facilities as a consequence of any proposed mining development.

9. It is the policy of the Northern Territory Government to encourage maximum possible training and employment of Aboriginal people especially in projects undertaken on land owned by Aboriginal people.
10. No claims to proceed for stock routes, reserves and public purpose land, and Aboriginal Land Rights Act to be amended accordingly.

Mr EVERINGHAM: The Northern Territory government also sought an amendment to section 67 of the federal act to enable it to acquire Aboriginal land for specific public purposes such as powerlines, pipelines, schools, hospitals and police stations which would be important to the physical and social development of the Northern Territory.

Following full meetings of the land councils in August, agreement in principle by all parties, except the Central Land Council, was reached. The Central Land Council neither agreed nor disagreed in principle. It was accepted that the agreement in principle was subject to the proposals being developed in greater detail to the satisfaction of the parties concerned. At the joint

meeting of 25 August, it was agreed that a working party of government officers and land council representatives would undertake the task of developing in detail a proposal which had evolved from various meetings with a view to having them considered by their principals to determine whether legislation would receive the support of all parties. The Central Land Council representative said that it would need until the end of October to reach final decisions and it was agreed that this would be the deadline for the completion of the task of the working party.

The working party met on 7 to 9 September in Alice Springs, on 5 and 6 October in Darwin, and 21 to 23 October again in Alice Springs. The draft proposals were teased out in detailed discussions and Northern Territory officials sought ministerial direction on a number of interpretations and proposals which were put forward. Some were accepted and some were not. However, the implications of all were given deep consideration before any answer was given.

The Northern Territory representatives at the Darwin meeting on 5 and 6 October put forward discussion papers aimed at reflecting the position which they believed to have been reached at that stage, and those papers included the written proposals put forward by the Central Land Council. Again detailed discussions ensued and questions and proposals were referred for ministerial direction. The land councils requested that draft bills be produced by the Northern Territory government by the next meeting of the working party, but no undertaking was given to do this. In fact, I indicated that we would be prepared to go as far as preparing drafting instructions but not, at that stage, to prepare draft bills. Before undertaking that substantial task, the Northern Territory government wanted the agreement in principle of all parties to the draft proposal in the light of additional information which had been provided and the concessions which it had made. The Central Land Council was still not prepared to enter into such an agreement.

Discussions again continued in Alice Springs on 21 to 23 October at the final meeting of the working party and answers to queries were again provided. The Northern Territory representatives indicated that little more could be gained by further meetings of the working party and it was now up to the land councils to consider the offers which had been made and provide their responses early in November.

The Northern Territory government further developed drafting instructions on the provision of leases for Aborigines residing on pastoral properties, the granting of perpetual leases in lieu of Aboriginal-owned pastoral leases and for some special provisions relating to the granting of mining leases on those perpetual leases. I must say that the sensitive job of the working party was not made any easier by an intensive lobby of federal parliamentarians, and other people of influence, which was undertaken by the Central Land Council to denigrate the Northern Territory government whilst this work was going on. In addition, the Central Land Council continued to lodge land claims to stock routes in Central Australia during that time, and has continued to do so since. This provocative action was inhibiting to the negotiations which were being undertaken.

Mr Speaker, responses have now been received from the Northern and Central Land Councils and I am sorry to have to report to this Assembly that, despite the progress that was made, agreement has not been reached by the parties and there is doubt that agreement will be reached before the March sittings of this Assembly. I sincerely hope that this doubt is unfounded and that agreement is reached before that time.

Early in the joint ministerial meetings about these matters, when the first lengthy Northern Territory submission was put forward, it was made clear by the Commonwealth that there were areas of concern which the Northern Territory government would have to deal with itself if it wanted change, and this was well known to all participants. It has now become evident that this course of action is necessary and for this reason I seek the passage of these bills through the Assembly.

The areas of immediate concern are in respect of the preservation of stock routes, stock quarantine reserves and stock watering points, the reasonable passage of travelling stock when those routes exist, entry onto Aboriginal land for the legitimate recovery of stock, the repair of common fences, the control of stock diseases and for the fighting of bushfires.

It should be noted that the Commonwealth has ensured in the Aboriginal Land Rights (Northern Territory) Act that claims cannot be made to Crown land that has been set apart for, or dedicated to, a public purpose under a Commonwealth act, but has deliberately excluded from such protection land set aside for a public purpose in the Crown in right of the Northern Territory. In a somewhat similar position is that land which has been given a status which recognises the need to make provision for the passage of travelling stock. This includes all those stock routes which have not remained part of a pastoral lease and, therefore, can be considered to be unalienated Crown land. It also includes land set aside for stock quarantine purposes and places at risk government-owned stock watering points, bores provided with mills, engines, pumps, tanks, troughs and orphan yards and dips. This raises what is considered by the Northern Territory government to be a serious deficiency in the operation of the Land Rights Act. Land vested in the Crown in right of the Northern Territory for such purposes should remain reserved for those purposes and should not be compulsorily acquired for other purposes without the Crown's consent. There is no rationale for the difference in status between land reserved for such purposes under Commonwealth legislation and land reserved under Northern Territory legislation. The Crown, in each case, is in the best position to determine the future needs of those reserved areas.

It has been argued in the hearings of land claims that the methods used these days for the movement of cattle, by motor transport rather than by overlanding, obviate the need for these facilities. Whilst the methods of stock movement have changed over the past 20 years, the recent hike in fuel costs may well see a greater use of overlanding, especially over shorter distances, Mr Speaker, and who would know better about that than yourself. The Northern Territory government is placed in an untenable position if these facilities are put at risk. It is inhibited in developing sound policies for the growth and protection of one of the Territory's most vital industries. The most serious aspect is the reduction of its ability to deal with threats of outbreaks of disease or to take preventative action with respect to these. It is relevant to note that Mr Rowland said in respect of this matter: 'It would seem to me to be fairly disruptive to allow land claims over these areas. This is a problem to be decided by the Northern Territory in consultation with the Commonwealth'.

The Northern Territory government considers that, as with land set aside for public purposes, there should be no ability to eliminate stock routes, stock quarantine areas or stock watering points except by its own deliberate decision. While Mr Justice Woodward in his 1974 report did not clearly indicate what he thought would happen to stock routes, quarantine reserves and other public purpose areas, he did make comments which, in my view, indicated that land for which there was a planned use should not be subject to the freeze and therefore should be retained, if necessary, for the planned use. It is reasonable to

argue that land set aside for public purposes such as reserves, stock routes and national parks was given this status because there was a planned use for those areas and therefore he considered they should not be the subject of a claim.

Aboriginal land claims have been lodged for a number of stock routes and stock quarantine reserves and other areas set aside for public purposes in the Northern Territory. Some of these have been successful. The potential effect of such claims is to take away from the Territory government land which has been set aside for the passage of travelling stock in support of the pastoral industry and land intended for other public purposes. The bill to amend the Stock Routes and Travelling Stock Act aims to provide for a stock routes and reserves land corporation to be established to which the land comprising stock routes and stock reserves may later be transferred and thus preserved. Provision already exists in legislation to vest certain other public purposes land in the land holding corporation.

Some of the land claims which have so far been successful and as a result of which Aboriginal freehold title has been granted have had the effect of eliminating stock routes which previously existed. This could prevent the legitimate passage of travelling stock through this Aboriginal land. Further amendment to the act seeks to allow for the legitimate passage of travelling stock through Aboriginal land in the same way and subject to the same procedures as is permitted for other land.

The provision in the Northern Territory legislation for entry to land for the recovery of straying stock, repairs to common fences, control of stock diseases and fighting of bushfires, which applies to other land, leaves doubt as to the right of entry of non-Aboriginals for similar purposes so far as Aboriginal land is concerned. Amendments are proposed to the Summary Offences Act, the Fences Act, the Bushfires Act, the Stock Diseases Act and the Aboriginal Lands Act to make it clear that entry of non-Aboriginals to Aboriginal land for the purposes provided in these acts becomes a right.

I have dwelt at length on the negotiations which have taken place over most of this year in an effort to reach a rational position so far as our difficulties and those of many Aboriginals in pastoral areas are concerned. If agreement had been reached, there would have been no need for me to introduce the bill which seeks to preserve stock routes and stock reserves for the purpose for which they were intended. The possibility would have been for this to have been done by federal legislation and there would have been advantages to many Aboriginals in other ways. We are still prepared to talk in the hope that agreement may be reached on an alternative course of action before these bills reach the committee.

I believe, however, that the undertakings offered by the Northern Territory government were positive and fair, and there is little more ground which we can give. If further discussions are to be fruitful, it will be important for the parties to the negotiations to assess objectively the advantages of agreement being reached on the details considered up to date. I commend the bill to honourable members.

Debate adjourned.

SUPERANNUATION BILL (Serial 164)

Bill presented by leave and read a first time.

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

The purpose of this bill is to provide for a Territory-based and administered superannuation scheme for all Northern Territory public servants and employees of statutory authorities. At the time of the grant of self-government, responsibility for superannuation for government employees was one of the major unresolved issues between the Commonwealth and the Territory. In the event, the Commonwealth temporarily retained responsibility. However, superannuation for its employees is a normal, state-type responsibility and each of the state governments provides superannuation coverage. It is wholly consistent with the spirit of self-government, therefore, that the Territory government be given the financial capacity to provide such cover and that Territory public servants should contribute to a Territory-based and managed superannuation scheme. Negotiations with the Commonwealth to transfer to the Territory the financial capacity to perform that function are reasonably well advanced. I should emphasise that a satisfactory outcome to these negotiations is a pre-requisite for the bill to come into operation. Provided agreement on funding occurs beforehand, the scheme will commence operation on 1 July 1982.

Members will be aware that Territory public servants are currently covered by the Commonwealth superannuation scheme. The scheme introduced by this bill provides essentially for identical benefits and contributions as in the Commonwealth scheme. To underline the point, it is stated in the objects clause of the bill and in the transitional arrangements that the rights and entitlements of existing contributors will be guaranteed by this act. Furthermore, the bill provides a Northern Territory government guarantee on the minimum earning rate of the fund - God help us! I hope that that will lay to rest the suggestion that has been made in some quarters recently that Territory public servants will lose out on the transfer of the function. The truth is, of course, that they could well gain from the arrangements. The bill provides for the eventual introduction of lump sum benefits as an alternative to a lifetime pension, an alternative that I understand is proving very popular with contributors to some funds.

The bill also provides for the Territory scheme to vary benefits payable on resignation and enables the government to introduce superannuation coverage for part-time employees, which the Commonwealth fund does not provide for. A great deal of complex actuarial work needs to be done before the details can be announced, but the ground has been prepared. I stress that there will be full employee consultation on the details of the scheme. While rates of contribution and pension benefits in this bill are identical to those in the Commonwealth Superannuation Act, the administration has been streamlined for Territory conditions.

The bill provides for a 4-member board to be responsible for the administration of the act and for the investment of contributors' funds. As I mentioned earlier in question time, the board will have the following membership: the Public Service Commissioner, the Under-Treasurer, a representative to be elected by contributors and a member with investment expertise to be appointed by the government. Preparations for the introduction of the scheme are being made, in the meantime, by an interim board consisting of the Under-Treasurer, the Public Service Commissioner, the Territory government's actuarial consultant and, when appointed in the New Year, the full-time manager of the fund. I have already approved the staffing establishment required for the fund so that it can become effective.

Superannuation for the public service is a normal state responsibility which must rest with the Territory government if the principle of the Territory

operating on a state-like model is to be maintained. Furthermore, the investment powers will enable contributor funds to be placed in sound Territory investments for the benefit of contributors and, indeed, of all Territorians. I am introducing the bill at this time to enable it to be examined by all interested parties so that full consultation can take place before the final details are settled and the bill is debated, hopefully, in the next sittings of the Assembly. This is further evidence of the government's good faith and concern that government employees will not only get, but will see what they are getting: a modern and flexible scheme with complete protection of their interests. I commend the bill to honourable members.

Debate adjourned.

RETURN TO WRIT

Millner Division

The CLERK: I lay on the table the return to the writ for the election for the division of Millner. By the endorsement on the writ, it is certified that Terence Edward Smith has been elected.

Member made and subscribed affirmations of allegiance and office.

BUILDING SOCIETIES BILL (Serial 88)

Continued from 19 August 1981.

Mr HARRIS (Port Darwin): Mr Speaker, the Building Society Bill that we have before us has come a long way since it was introduced in March this year. I am sure that the Chief Minister would agree with me on that particular point. From the amendment schedule which is circulating at the present time, it is quite obvious that there has been a great deal of consultation between the Northern Territory government and the building societies themselves. I say that because many of the amendments reflect the concern that people in the industry had with the original bill. I am very pleased to see that the government has accepted changes in a number of areas.

At the start, many people in the societies asked the purpose of having a Building Societies Act in the Northern Territory because it would not affect their operation in any way. They said that only new building societies which decided to open shop in the Northern Territory would be affected. At that particular time, there was no likelihood of more building societies coming into the Territory and the 3 that were here would not comply with the new act but would comply with the old act. They felt that perhaps the status quo should remain. Despite those early comments, I believe that most people now are happy with the new Building Societies Bill that we have before us.

The main reason for having an act in the Territory is that it would control the activities of building societies and ensure that the investor is protected. The bill will achieve that. As I have already said, there has been a great deal of consultation with the building societies themselves and those people who have interests in this particular area. Through that consultation, the government has been able to introduce a bill that will satisfy the companies and the government and also perform the very important function of protecting the investor.

Most of the concerns that have been raised since the bill was introduced are covered in the amendments that are circulating. One such concern related to the special advances covered under clause 32. I am very pleased to see that an upward adjustment has been made of those particular figures. It was felt originally that, because of the changing pattern of housing costs, the amounts in the original bill were far too low and would have to be adjusted. This adjustment has been made in the amendments. From time to time, further adjustments will have to be made and there is provision in this particular bill for that flexibility.

Most of the queries that were raised have been covered in the circulated amendments and I do not wish to pursue any of those particular issues. I do, however, ask the Chief Minister 2 questions. The first relates to subdivisions. I note in the bill that building societies will be able to become involved in subdivision. I query if that is a normal activity of building societies. I am not necessarily disagreeing that it should be included there. I raise the matter only because, generally, this type of activity is not entered into by building societies.

The second question that I have is in relation to clause 30 which deals with the valuation of securities. We see in subclause (3) that, before a building society makes an advance on a security, it must have a valuation of the land, of the buildings that are erected on the land and of any buildings which are under construction. I query whether or not other improvements should be included in that particular clause; for example, bores, farmyards, cattle yards, fences etc. I believe these improvements would be included in a valuation and perhaps they should be spelt out in this particular clause.

Since the introduction of the bill, I have tried to contact, wherever possible, people who have been involved with building societies. I know very little about the operation of building societies. They are often quite complex. That being the case, I wanted to make sure that the legislation was sound. The only way that I could make sure of that was to get in touch with people who were actually involved in the industry itself. The comments I received from these people indicate to me that, generally, the bill is accepted and is in line with other building societies acts throughout Australia. The bill leaves existing building societies virtually untouched. It is spelt out that there is protection for people who invest in such societies.

Mr Speaker, home finance is a most important consideration and I believe that all of us should welcome any additional means whereby home finance is obtainable. The enactment of this bill will enable building societies to establish themselves under an act of the Northern Territory. I believe that is how it should be. I support the bill.

Mr DOOLAN (Victoria River): Mr Speaker, I am not in opposition to what the member for Port Darwin said about this bill but I happen to have a considerable amount of money invested with the Northern Territory Building Society. I also happen to have a loan from it. I can assure him, without any qualification, that the interest rate on the loan is considerably higher than I am getting on what I have invested with the society.

I cannot understand the member for Port Darwin, who has a lot of interests in Darwin - and good luck to him. It is mostly due to his father anyway. He was a good bloke and a good friend of mine. Let us not extol the virtues of the Territory Building Society to the extent where we make out it is a wonderful institution. As I said previously, I can honestly assure you that their interest rates are one hell of a lot higher than their borrowing rates.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I am pleased to have an opportunity to speak on this bill which has been before us for some time. Interestingly enough, with the passage of time, other matters have arisen which affect the functioning of building societies, and I refer particularly to the recommendations of the Campbell Committee of Inquiry to the federal government. I believe if those recommendations, or even some of them, were accepted by the federal parliament, it would change the operations of building societies significantly and probably cause this Assembly to change the act. However, we should proceed with this legislation without further delay because, if we wait for a decision on the Campbell Committee of Inquiry recommendations, we may wait for a very long time indeed.

It is appropriate to consider the nature of building societies because they are little understood by many members of the public, particularly those who use the so-called savings account facilities of building societies. In fact, those people are buying shares in a building society. If one looks at the balance sheet of the Territory Building Society, one will find that the vast amount of money that it holds is in the form of term shares. For example, in the balance sheet at 30 June 1981, it was greater than \$15m yet its fixed term deposits and loans were considerably less, in the order of \$1m. If you look at the balance sheet, it is clear that, when people put money into a building society in the ordinary course of events, they are buying shares. As those shareholders frequently think that they are depositors, it is timely to remind them that they are not protected in the event of liquidation to the same extent that they would be if they were genuine lenders to the society.

Mr Speaker, we think of a building society principally as an institution for financing home loans, home building and purchasing. That is indeed our experience. That is what it does and it does it very effectively. Building societies in the Territory have made funds available to enable people to buy and build homes in the Territory. Clauses 32 and 33 will effect this because they define special advances and limit them to 20% of all advances made by the society in a particular year leaving 80% for other purposes. The 20% special advances are those to a body corporate, or exceeding \$100,000 or certain other loans. The aim is to make money available in small amounts, principally for the purposes of home buying.

It is important that we keep this in mind and, hopefully, ensure that any building society which operates, or might in future hope to operate, in the Northern Territory fulfils this purpose which I am sure is the intention of the Assembly. But, if you look at the bill, there are some ways in which a new building society might choose to use the act to circumvent that intention. For example, if members look at clause 41, they will see that powers are given to a building society to use money to buy a large building and use only a small part of it for its own purposes. It would be unfortunate, but nevertheless possible, that the society might purchase, build or indeed specialise in building office buildings around the Territory, if it thought the return was there, leaving little money available for genuine home loans.

I also draw honourable members' attention to clause 28 of the bill which the Chief Minister intends to amend. I mention this for the same purpose. Clause 28 relates to loans, and it seems possible that significant quantities of money could be used for purposes other than home building. Immediately upon the commencement of its operation, its issue share capital would be \$1m. Half of that, \$500,000, is on terms allowing immediate withdrawals, just as Territory Building Society savings accounts are. The other \$500,000 is on terms which require shares to be held for 10 years. Therefore, the new building society has certainty of \$0.5m as do the people dealing with it. But loans could be made back to the shareholders immediately. They would be the initial

shareholders and may be only 10 people, leaving only a small amount of money available to the society, even taking into account the liquidity provision of clause 37, which allows that 10% of the funds must be held for that purpose. That \$0.5m would not be available for public use; it would be available for the people who formed that society to invest as they wished.

There are a number of other clauses I would like to discuss. Clauses 23 and 25 refer to the amalgamation of building societies. They allow building societies to be amalgamated without the approval of the shareholders. If members look at clause 23, they will find that the registrar has power to do that - and presumably he would do it in an emergency - but there is nothing in the bill which informs the registrar in what circumstances he should consider such an action. There are 2 provisions. There is a provision which says that the directors must receive the approval of 25% of the shareholders. The registrar can proceed anyway to the amalgamation notwithstanding that the approval referred to has not been obtained. It would be useful if provisions were included which indicated to the registrar how he should exercise those powers, particularly if he is to overrule the wishes of the shareholders.

Clause 29 prevents a building society from giving a second mortgage if the first mortgage is obtained from a bank. I think that is unfortunate. I understand that banks and building societies are in competition and they would see that that is a desirable thing. Nevertheless, in the interests of consumers, bearing in mind that banks frequently have lower interest rates available for these purposes than building societies can offer, it is unfortunate that the act would preclude second mortgages being offered by building societies when the first mortgage was obtained through a bank.

In clause 56 and subsequent clauses, there is a provision which prevents a director from borrowing from the society. It is unfortunate that this has not been looked at more closely. While the director as an individual is indeed prevented, as is quite proper, from using his position in this way, a trust of which he is a beneficiary is not, any company of which he is a director is not and indeed his family is not. I believe that those provisions need to be more carefully drawn to prevent such loopholes being used.

The Chief Minister has circulated a significant number of amendments. I was very pleased to see some of them, particularly those setting out in some detail what the rules of building societies should cover. The building societies advisory committee will be established through these amendments. I think this is a most useful addition to the bill. However, I would suggest to the Chief Minister that it would be useful to have a consumer representative on that body, perhaps somebody nominated by the Consumer Affairs Council. As it is, it will have a nominee of the Treasurer, the registrar and 3 persons representing the interests of building societies. While it is an advisory committee without power, nevertheless, I believe it is in the interests of the increasing recognition we have as to how these matters affect consumers to have such a representative there.

I have a small query with regard to the amendment to clause 15 which refers to all persons claiming on account of a building society. I wondered whether that meant 'on behalf of' or 'in the name of'. I was slightly confused by that.

Clause 28 is the one to which I referred before. It will allow a building society, if authorised by its rules, to make advances to members of the building society upon the security of their shares, which means that money may indeed not be made available to subsequent depositors.

The amendments to clause 29 are also interesting. They will increase the upper limits above which a loan is determined to be a special advance from \$60,000 to \$100,000. I presume that this is in recognition of increasing costs of home buying and building in the Northern Territory. It is an unfortunate but perhaps necessary step.

Finally, I refer members to the amendments relating to charitable contributions. I certainly cannot support the idea of a building society making contributions from members' funds for the purpose of establishing or maintaining a charitable foundation. It does not seem to me that that is an appropriate function of a building society. When I read these words, I found that that can happen without the consent of members, although the approval of the minister would need to be obtained. I believe that that is an omission which should be rectified.

Mr Speaker, I welcome this bill. However, perhaps in the future we will need to re-examine the functions of building societies in the Territory as matters relating to finance generally in Australia change. Nevertheless, it is a useful move bearing in mind the archaic provisions of the legislation under which the building societies are currently working.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, the key purpose of a building society is to provide home finance and I am sure that is the intention of members of this Assembly in encouraging building societies to come to the Territory. Home ownership is often said to be the Australian dream. The owning of a home leads to stability. People put down roots and feel as though they belong and that adds a great deal of stability to society. The ownership of a home also acts as a very good hedge against inflation. I welcome this bill in that building societies tend to keep Territory money in the Territory to build Territory homes. This will reduce, to some degree, the financial drain from the Territory.

Mr Speaker, you are no doubt well aware of the Chief Minister's campaign of giving the stick to some of the banks because they glean money from lenders in the Territory but will not lend it back to the people of the Territory for home building. I would like to report that at least one bank manager in Alice Springs has got the message and was very keen to inform me that since that message came through his bank has at least doubled the amount of money it has put into home finance. Let us hope that many more are doing the same thing and helping to keep Territory money here.

One purpose of this legislation is to attract other societies to set up here and put money into private building. At the moment, we realise that the government puts a tremendous amount of money into building and a large slice of our budget goes that way. I look forward to the day when the government can bow out of that area and only be involved in needs such as welfare housing. This happens in most of the states.

The bill is very complex for someone not versed in building society and financial matters. I read it through 3 times and I am still not absolutely sure I understand all its ramifications. However, I believe that it will give quite good security to the lenders, who are also shareholders, and it will give control over the directors and make them responsible for their actions. They must hold the usual reserves which are essential in case there happens to be a run on the society. There are also borrowing controls and lending controls.

I also welcome the amendments that have been circulated. Obviously, the people involved in building societies have consulted with the government and there has been considerable room for improvement. It has made those improve-

ments in these amendments. I welcome particularly the advisory committee.

The member for Victoria River raised a very interesting point about borrowing and lending rates. I hesitate to assume that he would think that the lending rate and borrowing rate should be the same or that the lending rate should be less because no society operates like that. Maybe he was criticising the difference between the 2 rates, which would make more sense.

The Campbell Report has been mentioned. My philosophy is that the market should determine interest rates. However, the matter of home ownership is very important and dear to the heart of every Australian. It is one area where I see some concern.

I made a suggestion just recently to the federal Treasurer, bold as I may have been in doing so. I suggested that the interest on money lent for housing through building societies, banks or any other lending agency should not be taxed. I suggested that there should be an upper limit of \$10,000 worth of investment so everyone would have a chance to benefit from it. With inflation running at 10%, if you are in the lower wage bracket and pay tax, it means that you must have an interest rate of 15% on your lending just to break even. One third would cover tax and the remaining 10% would cover the inflation rate or the buying power of the money. You certainly would not have the flexibility to take the money out when you wished. If you happen to be in a higher tax bracket and paid 45 to 46 cents in the dollar, you would need to get between 18% and 19% on your money. If you happen to be rich enough to be in the 65% tax bracket, you would need to be getting 30% on your money just to break even. Most of us who have a few dollars put away are not breaking even with the inflation rate. My suggestion is that there be no tax on the interest for those particular purposes. I suggested to the federal Treasurer that, if he did not like removing the tax on interest completely, he might consider deducting the amount equivalent to the average inflation for the year. For example, if you got 12% interest on your money and inflation was 10%, then the tax would be on 2%. That could give him some return but would protect the people.

I believe this has many advantages. It would help those people who are trying to save up the \$5000-odd for their deposit. If they found that their money was not being eaten away by inflation, they would be helped. It would increase the supply of money for housing and give some extra weight in that area. I believe that the rate at which people would be prepared to lend their money to a building society - that is, if they were not taxed on the interest - would be lower. That would be one consequence. Also, that would allow the building societies, banks etc to lower their lending rates. That would mean that the people who were borrowing for housing would be able to do it at a cheaper rate and home ownership would become a little cheaper. I strongly request support from the members of this Assembly on this particular matter as home ownership is dear to all of us.

In conclusion, Mr Speaker, I welcome this bill. I hope that it will do what it sets out to do. Of course, we shall have to watch it and amend it if we need to. Its main purpose is to attract money to the Territory and keep Territory money in the Territory for home building.

Ms D'ROZARIO (Sanderson): Mr Speaker, recently the honourable Treasurer, and indeed before him the Chief Minister, called upon the established private banks in the Territory to become more involved and increase their participation in the housing mortgage market. It is timely that we should be legislating to facilitate the operations of building societies in the Territory. In the states, building societies are gaining an increasing share of the mortgage market. Specialising as they do in comparison with banks in just the single

product as it were, they have been quite successful in getting a larger share of the market.

In recent months, we have seen the entry into the Territory of another building society, United Permanent. This is one of the largest building societies in Australia and based in New South Wales. This can be seen as an indication that the building society industry acknowledges that there is a growing market in this particular area of financing and is prepared to set up in the Northern Territory. Other members have mentioned that building societies are not the same sort of institutions as banks. However, they do compete for householders' funds with banks and I think that the members for Fannie Bay and Alice Springs have both acknowledged this.

In passing, the honourable member for Alice Springs remarked that he hoped that building society funds would be used to build houses in the Northern Territory. This particular bill does not really give much guarantee that that will occur. Of course it says that building societies can operate here, but I am not altogether sure that we can guarantee that they will contribute to the actual provision of finance for houses within the Territory. What they will do, however, is compete with households for funds because many householders regard them in much the same way as they regard savings banks. They see them as somewhere to park spare household savings generally at higher interest than is offered by the banks. But, as the honourable member for Fannie Bay has pointed out, it is important to remember that a building society is not a bank and depositors with building societies do not have quite the same degree of protection as depositors in banks do. Nevertheless, this particular bill seeks to afford some measure of protection to depositors and shareholders in the Territory.

Mr Speaker, the competition with other home lending institutions may become quite fierce particularly if the recommendations of the Campbell Inquiry are implemented. My feeling is that it will not be very long before we will have to come back for another look at the Building Societies Act not just with a view to amending it but indeed to replacing it completely. The indications are that all these institutions will have their boundaries blurred somewhat and the area of financial activity will not be so readily identified. Indeed, many building societies are getting into a large number of other areas which have not hitherto been their province.

Some discussion has already taken place in relation to the interest rates which are offered by banks and building societies. I must say that I agree with the member for Fannie Bay that we have a provision in this bill which would prohibit a building society from offering a second mortgage to a borrower who has a first mortgage with a savings bank. It is clear that the intention is to preserve the market shares of the banks and the building societies but we are looking at it from the point of view of the borrower, the person who is attempting to raise funds to provide himself with shelter. From that point of view, that particular restriction seems quite unnecessary.

There is no doubt that the building societies will continue to play a very important part in housing finance. Their lending policies and criteria are generally a lot more flexible than that available to customers of banks. They have also introduced innovative measures in the mortgage market which the banks have so far been reluctant to do. It is with some degree of pleasure that I note that, in recent months, 3 of the largest building societies in New South Wales - the St George Society, the New South Wales Permanent Building Society and United Permanent - have begun to offer their customers a mortgage instrument which we refer to as the variable interest rate instrument. They have also offered to their customers income-gearred loans. They are clearly tapping

a market sector of the community which is the household-formation sector. Having regard to the fact that that is going to be the largest area of their business, they have introduced income-g geared loans and deferred payments to facilitate the purchase of houses by those persons. All these things are quite innovative and I can see that the competition will get a little fiercer in the future.

The honourable member for Port Darwin raised a question with respect to the participation of building societies in land subdivision. He is quite right to note that this is not a customary area of activity for building societies in other places in Australia. However, I personally have come to the conclusion that this would be quite a desirable area of activity for societies in the Northern Territory. One of the impediments to housing is the fact that there is insufficient serviced land. Even in times when there has been a relatively large amount of money available for loans, the loans have not been able to be taken up because persons wanting the loans have not been able to sign up to buy a house. The reason for that is that they have not been able to lay hands on a suitable serviced allotment. I welcome this provision whereby we will enable our building societies to diversify that little bit more than they can down south and we will provide for them to become involved in land subdivision. This would overcome one of the major impediments to producing houses. It is one thing to have finance available but it is another to be able to translate that into the physical product.

I would ask the honourable Chief Minister, in respect of the involvement of building societies in possible land subdivisions, why there is a restriction that funds be advanced only where the land is to be subdivided into lots which will be used for sites for detached dwellings. There has been a fair bit said in recent months in the Northern Territory about the increasing price of the house-and-land package. We are speaking of the detached-house-and-land package. There is no doubt that the housing industry on the national scene is looking to increase the proportion of housing commencements in the medium-density category. I wonder whether perhaps the restriction on the building societies' involvement should be restricted only to those subdivisions which provide sites for detached dwellings. I feel it will again take a number of people out of the market simply because they may be looking for a dwelling under a unit title.

There are some further provisions which are very important as protective measures for both the depositors and the shareholders. In some cases, the depositors and the shareholders are the same people. One is the liquidity provision which we have in clause 37. The liquidity provision is currently 10% of the total members' paid-up share capital, deposits held and loans to the building society. This is a fairly standard liquidity ratio in most of the states with the exception of Queensland where the comparable liquidity ratio is 7.5%. It has to be noted that this is higher than the banks'. Some people would argue that this would unnecessarily remove funds from being able to be lent which of course is the purpose for which building societies exist. On the other hand, I am in favour of a 10% liquidity rate ratio rather than one of 7.5% because it has to be remembered that, although banks have access to the Reserve Bank as a lender of last resort, the building societies do not have that facility. The liquidity ratio is a provision to protect funds which have been deposited.

In addition to the liquidity provisions, there is a further provision in clause 39 which refers to the reserve account of the society. By standards in other building societies, the reserve account is quite high. It stands at 1% and that is high compared to other building societies, except for those registered in Western Australia where it is also 1%. In Victoria, the compar-

able ratio is 0.5%; in Queensland 0.25%; in New South Wales, it is reasonably high at 3.5%; and in South Australia it is 2%.

Perhaps experience in New South Wales, where the state legislature has had to legislate for remedial action - that is, when a building society has already wound up and the state legislature has had to provide for some relief to be afforded to depositors - provides an explanation as to why its reserve requirement is so high compared to other places. Of course, this happened in Queensland as well yet Queensland is at the other end of the scale and remarkably low.

Mr Speaker, whilst the reserve requirement stands at 1%, there is a provision in subclause 39(4) of the bill which enables the registrar to modify that percentage and to reduce it if he so wishes. At any time, he may revoke the declaration that he gave previously. One of the problems of setting ratios like this in bills is that they pay no regard to the characteristics of individual companies registered here, so I am in favour of the flexible reserve ratio. I feel that, where funds are available, they can be released for lending. In times when it is desired, or deemed necessary, to restrict funds then that ratio can be increased, always up to the level of 1%. I am in favour of the flexible ratio because I think that it can be applied selectively to building societies as their financial situation stands at any particular time.

However, Mr Speaker, we do have the protection that the amount in the reserve account will not be distributed amongst members of the building society, except if the society is to be wound up, and that it may be applied to any purpose to which the capital of the building society may be applied. Mr Speaker, again, those are measures to protect the depositors and shareholders of the society concerned.

One slight variation in this particular bill from other bills is the extent to which the societies can lend. Again, I am pleased to see the variation. In the states, by and large, the building society may only lend to the limit of 75% of the value of the property but, in clause 29 of our bill, we have a provision that the society may lend up to 90% of the valuation. If we acknowledge that the building societies ought to become more involved in the mortgage market, then we ought to allow a greater proportion of the mortgage rather than a lesser one.

The other important condition that we have in this bill relates to interest rate control. The Chief Minister said when he introduced this bill that he did not consider it appropriate to have interest rate controls; these were determined outside of Territory borders and therefore it was not appropriate to specify them. I agree with that sentiment. In most of the states, there are in fact interest rate controls available to the ministers and to state treasurers but these have very rarely been exercised. In New South Wales, there is a provision that the minister may set a maximum rate in the dividends payable on share capital and also on interest rates on deposits, but this particular power has not been exercised in the last decade. In Queensland, the state government has the power to prescribe a maximum rate of interest that may be paid to a society in respect of any of its shares held. The reality is that the interest rate has never been prescribed. In addition, the Queensland government may also prescribe the maximum rate charged for loans which is perhaps the thing of most interest to consumers. This power has not been exercised since 1977 which coincides with the year when they had a building society collapse in that particular state. In South Australia, the minister may fix a maximum rate of interest for loans from building societies and the power has not been formally exercised. In Tasmania, the state treasurer may impose a maximum rate of interest on fixed deposits and also on housing loans. Whilst

he has the power, he has not exercised it.

There is no doubt that the state legislature thought at the time that they would be able either to restrict credit or contain interest rate increases to borrowers but in fact it has not worked. Probably the reason why it has not worked is again because of the competition for funds and also because the savings banks seem to have the major share of the market and are able to offer more attractive loan rates to borrowers. In view of the experience available to us from the other states, it is a bit pointless to prescribe interest rates to building societies.

With other members, I look forward to the penetration of the market by more diverse forms of financial institutions. Like the member for Alice Springs, I hope that they are not just here to tout for depositors' funds which will then be extended to borrowers in other areas of Australia. Mr Speaker, I support this bill.

Mr EVERINGHAM (Chief Minister): Mr Speaker, it is very pleasing to find almost universal support for this legislation with only a few minor reservations expressed by 1 or 2 members. I will try to deal with those reservations as the bill goes through the committee stage. If honourable members would like to raise their concerns as we come to the appropriate clause, I will do my best to give them a satisfactory answer but of course I suppose my best will not be good enough. There are 1 or 2 points that I would like to answer.

It is possible for building societies under this legislation to be engaged in subdivisional developments but my recollection is that they need the consent of the registrar or the minister and I think that is fair enough. I am pretty sure too that the registrar has to approve the subdivisional plan. I feel that this is a reasonable control. In any event, we can see how things develop and, if it turns out that that requirement is not needed, it will be possible to amend the legislation.

I am quite happy to accept the suggestion of the honourable member for Fannie Bay that there should be a consumer representative on the advisory panel. I would propose to leave the same number of members. Seven is plenty. We will have 2 representatives of the building society industry and 1 representative of consumers. I think that would probably satisfy everyone.

I was very pleased also to hear of the proposal by the honourable member for Alice Springs in respect of the exemption from taxation of interest accruing on deposits up to \$10,000 in building societies and savings banks for the purpose of funding housing. I think this is an extremely worthwhile proposal and it is one about which I am pleased to hear the honourable member say that he has written to the federal Treasurer. I would like to lend my support to the proposal and, if the member will let me have a copy of his letter, I shall certainly add what weight I can to it. My influence with the federal Treasurer waxes and wanes. It may be on the wane at the moment but we will try to get the letter down there when it is at a high.

There is some concern about the amendment to the loans provisions. The honourable member for Fannie Bay raised this with me before lunch. I suggest to her that amendment 60.12 to clause 28 should be read in conjunction with clause 13(3). So far as I can see, the capital cannot be reduced below \$500,000 without the consent of the registrar. We will see how we go in committee.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 4 agreed to.

Clause 5:

Mr EVERINGHAM: I move amendment 60.1.

This seeks to insert a definition of 'building societies advisory committee'.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 60.2.

This proposes to insert a revised definition of the term 'officer'. The proposed amendment will remove any uncertainties as to whether employees of a building society are included in the definition of the term 'officer'.

Amendment agreed to.

Mr EVERINGHAM: I move amendment 60.3.

This amendment seeks to correct an error in the definition of the term 'valuer'.

Amendment agreed to.

Clause 5, as amended, agreed to.

Clause 6 agreed to.

New clause 6A:

Mr EVERINGHAM: I move amendment 60.4.

The amendment seeks to insert the provision under which a building society's advisory committee will be established. The committee will be composed of 5 persons appointed by the minister, including the Registrar of Building Societies and representatives of the building societies currently operating in the Territory. The functions of the committee will be to advise the minister on matters concerning the operation of building societies and regulation of the industry. The role of the proposed committee will be advisory and its decisions will not bind the minister or the registrar.

Mr Chairman, I wonder if you would accept an amendment to this amendment from me.

Mr CHAIRMAN: The Chair accepts your amendment.

Mr EVERINGHAM: I move that the number '3' in front of the words 'shall be' in paragraph 6A(2)(c) be deleted and the number '2' inserted in its stead, and after paragraph 6(c) insert a semi-colon and the word 'and', and add a new paragraph to read: '(d) one person who is, in the opinion of the minister, suitably qualified to represent the interests of consumers'.

Amendment to amendment agreed to.

New clause 6A, as amended, agreed to.

Clauses 7 to 12 agreed to.

Clause 13:

Mr EVERINGHAM: I move amendment 60.5.

This amendment seeks to insert new subclauses (7) and (8). The amendment is necessary to clear up any ambiguity about the power of a building society to enter a legally-binding contract once it is registered.

Amendment agreed to.

Clause 13, as amended, agreed to.

Clause 14 negatived.

New clause 14:

Mr EVERINGHAM: I move amendment 60.6.

The amendment seeks to insert a new clause 14. The clause has been re-drafted to set out a comprehensive list of rules which a building society must register on its registration and incorporation.

Ms D'ROZARIO: Mr Chairman, I would just like to support this new clause. The clause as it stood in the bill was quite general. The one that we have here details what the building society must do. From the point of view of protection of depositors, it is very necessary to compel building societies to publish their rules because they are exempt from the provision of the Companies Act which requires them to issue a prospectus when soliciting funds.

New clause 14 agreed to.

Clause 15 negatived.

New clause 15:

Mr EVERINGHAM: I move amendment 60.7.

The amendment proposes to introduce a new clause 15. The clause has been redrafted to make it clear that the rules of a building society shall be binding on all officers and members of the society. The proposed amendment also provides that all parties are deemed to have full knowledge of the rules of a building society.

Mrs O'NEIL: I ask a very simple question of the Chief Minister. Does 'on account of' have the same meaning as 'on behalf of' or 'in the name of'?

Mr EVERINGHAM: Yes, I think so. It might even be a bit broader.

New clause 15 agreed to.

Clause 16 agreed to.

Clause 17:

Mr EVERINGHAM: I move amendment 60.8.

The amendment omits subclause (2) and substitutes a new subclause. The reason for this amendment is to require a building society to register an alteration to its rules immediately the change takes place.

Amendment agreed to.

Clause 17, as amended, agreed to.

Clauses 18 to 20 agreed to.

Clause 21:

Mr EVERINGHAM: I move amendments 60.9 and 60.10.

The reason for these amendments is to make it a requirement that a building society maintain a registered office in the Territory. The amendments also require that any change of address of that registered office be lodged with the registrar immediately.

Amendments agreed to.

Clause 21, as amended, agreed to.

Clause 22 agreed to.

Clause 23:

Mr EVERINGHAM: I move amendment 60.11.

Clause 23 seeks to insert a subclause which provides that a building society will not make an application to the registrar for an amalgamation if written objections are received from 25% of the membership. The proposed amalgamation must still be approved by special resolution of the societies involved in the amalgamation. The requirement for written approval of the amalgamation by two-thirds of the membership has been removed. The reason for this change is that, if an amalgamation has to take place because of financial or other reasons, it would be difficult, if not impossible, to obtain written approval of two-thirds of the membership of the society within a reasonable period of time.

Ms D'ROZARIO: Mr Chairman, when I first looked at this amendment, I thought that its effect was to reduce the number of persons giving their consent to the amalgamation from 66% to 25%. Upon looking at it more closely, I find that, in fact, the two-thirds referred to in paragraph (2)(a)(ii) is not two-thirds of the shareholders but actually the holders of two-thirds of the whole number of shares. The Chief Minister has just given the explanation which I thought at first was the explanation and therefore I must forward an objection about this because, if the amalgamation needs to take place as a matter of emergency, it can be done on application to the registrar anyway. If it is not an urgent situation, it should be by approval of two-thirds of the members. Of course, if it is holders of two-thirds of the shares, I would not be objecting.

Mr EVERINGHAM: Mr Chairman, I guess this looks at the situation from the other way around. As the honourable member for Sanderson says, in emergency circumstances, the registrar may approve the amalgamation even if the conditions

have not been met. But I would think that it is a reasonable safeguard to provide that, if a building society receives written notices of objection from a quarter or more of its members, it would not make such an application. I consider that a reasonable safeguard. One quarter of the membership in some senses reduces the number of people who are required for holding out against an amalgamation.

Amendment agreed to.

Clause 23, as amended, agreed to.

Clauses 24 to 27 agreed to.

Clause 28 negatived.

New clause 28:

Mr EVERINGHAM: I move amendment 60.12.

This new clause will provide building societies with wider powers to make advances. The proposed amendment will enable building societies to enter the secondary mortgage market thus providing an additional source of funds for housing. The amendment also enables building societies, with the approval of the minister, to participate in housing subdivisions.

Ms D'ROZARIO: I would like to ask a question in relation to paragraph (1)(c) of new clause 28. In this case, and certainly in a following paragraph, we are providing for the building society to make advances to other building societies. I would like an explanation of why this should be so because, if the building society is there to advance loans for housing, I do not really see any necessity for building societies to lend to one another. Of course, in ordinary companies where this happens, it does not really benefit the person taking the loan. It certainly does not benefit applicants for loans because money is just being transferred from one subsidiary to another.

The other question that I would like to raise about this particular paragraph is that it does not have any restriction on the location of the building society to which the advance is made. It would be quite possible, for example, for a building society registered up here to loan funds to a building society outside of the Territory. I am sure this is not the intention of the bill. The bill is to facilitate the participation of building societies in the primary and secondary mortgage market. If these provisions are to be included and allowed to remain, I very much fear we will have the same situation as we have currently with the banks.

Mr EVERINGHAM: I am not sure what the honourable member means by 'the same situation as we currently have with the banks'. Firstly, paragraph (c) says: 'make advances to other building societies'. But that, of course, is only if it is authorised by its rules. It seems to me that the paragraph is designed to give one building society the capacity to come to the assistance of another building society as occurred in Queensland. I do not think that it is an eventuality that will happen frequently in the Northern Territory. Honourable members may recall that, in Queensland, one building society in effect took over 3 weaker and failing building societies. I believe the provisions of the act overall give sufficient security to depositors.

New clause 28 agreed to.

Clause 29:

Mr EVERINGHAM: I move amendments 60.13 to 60.15.

Amendment 60.13 seeks to insert a new clause which will enable a building society to make second mortgage advances behind other financial institutions subject to the following safeguards: any second mortgage advance which would result in the combination of the 2 loans being over 75% of the prescribed value of the property must be insured by an approved mortgage insurer and the total of the 2 loans must not exceed 95% of the prescribed value of the profit. The reason for this proposed amendment is to remove a restriction in the bill which would prevent a building society from making an advance by way of a second mortgage except in the case where the first mortgage was held by another building society, the Commonwealth, the Northern Territory Housing Commission or the Defence Services Home Loans Scheme. Additional security will also be gained by the requirement of compulsory insurance where the loan exceeds 75% of the prescribed value of the property. I think this mortgage insurance is a very valuable safeguard. Amendments 60.14 and 60.15 seek to cure technical defects in the bill.

Mrs O'NEIL: I raise again the question of the prevention of building societies giving second mortgages if the principal mortgage is provided by a bank. While I can see from the point of view of building societies why that might be so, it seems to me that it is not necessarily in the interests of the people of the Northern Territory who might well find it advantageous to obtain a first mortgage from a bank and a second from a building society. I wonder if the Chief Minister can explain that exclusion.

Further consideration of clause 29 postponed.

Clauses 30 and 31 agreed to.

Clause 32:

Mr EVERINGHAM: I move amendments 60.16 to 60.19.

The proposed amendments seek to increase the value of loans before they are classified as being special advances. Clause 32 of the bill currently provides that any advance which exceeds \$60,000, in the case of a dwelling house, or \$20,000, in the case of vacant land, will be a special advance. Certain limitations are placed on the making of special advances by the bill. It is considered that the amount of \$20,000 in the case of vacant land and \$60,000 in the case of a dwelling house are too low considering prevailing real estate values. It is proposed to amend the bill to increase the respective amounts as provided in this amendment. Any loans above those amounts will of course still constitute a special advance. Amendment 60.19 clears up any doubt as to whether a building society can make a special advance on a home unit as well as a dwelling house.

Amendments agreed to.

Clause 32, as amended, agreed to.

Clause 33:

Mr EVERINGHAM: I move amendment 60.20.

This proposed amendment merely clears up any doubt that an approved transfer of funds from one building society to another would not be limited because it may constitute a special advance.

Amendment agreed to.

Clause 33, as amended, agreed to.

Clause 34 negatived.

New clause 34:

Mr EVERINGHAM: I move amendment 60.21.

Clause 34 provided that, where a building society has exercised its power of sale over a mortgaged property, the society may make an advance to a subsequent purchaser on that property. This advance is a special advance. A special advance can only be made provided the amount of the loan to the subsequent purchaser does not exceed the existing mortgage debt owed to the society. In a rising market, a society may be required to advance a larger sum to a subsequent purchaser than the existing mortgage debt. In its current form, the bill would not permit this advance. It is proposed to insert a provision which will allow a society to advance a larger amount than the previous debt owed to the society.

New clause 34 agreed to.

Clause 35:

Mr EVERINGHAM: I move amendment 60.22.

This cures a technical defect in the bill. The clause prevents a building society lending more than \$150,000 on vacant land unless it is approved by the registrar. The registrar may approve such a loan if he is satisfied that the vacant land is to be subdivided and that the loan or a substantial portion of the loan will be repaid within 12 months and the whole of the loan will be repaid within 3 years.

Amendment agreed to.

Clause 35, as amended, agreed to.

Clauses 36 to 41 agreed to.

Clause 42:

Mr EVERINGHAM: I move amendments 60.23 and 60.24.

Clause 42, as it presently stands, authorises building societies to invest a portion of their funds in the Territory in authorised investments. The commercial reality is that all permitted investments may lead to funds being moved outside the Territory and, therefore, the words 'in the Territory' are restrictive. The words 'in the Territory' in subclause (1) are restrictive and confusing. It is proposed that they be deleted.

Amendments agreed to.

Clause 42, as amended, agreed to.

Clause 43:

Mr EVERINGHAM: I move amendment 60.25.

Clause 43 in its present form provides limitations on the borrowing powers of a building society but does not give a building society the power to raise finance by drawing and negotiating bills of exchange. The power to raise finance through bills of exchange would give an additional source of revenue to building societies. The amendment seeks to insert 2 additional subclauses which give building societies the power to raise finance by drawing bank-accepted bills of exchange.

Amendment agreed to.

Clause 43, as amended, agreed to.

Clauses 44 and 45 agreed to.

New clauses 45A to 45G:

Mr EVERINGHAM: I move amendment 60.26.

Representations were received from several building societies requesting that the bill be amended to give the societies power to engage in some additional activities. It is proposed to add these new clauses to the bill to enable them to do that.

Clause 45A seeks to insert a provision to enable building societies to join administrative corporations to provide secretarial and administrative services to the societies and other institutions such as credit unions. I think that is a very worthwhile idea in view of the fact that some building societies in the Territory could tend to be small and not necessarily viable by themselves.

Clause 45B seeks to insert a provision to enable a building society to provide a staff superannuation scheme for its employees.

Clause 45C will enable a building society to act as a collecting and paying agent for other building societies.

Clause 45D will enable a building society to join associations, such as the Australian Association of Permanent Building Societies, with the consent of the registrar.

Clause 45E seeks to insert a clause which will enable a building society to join a federation or corporation to provide insurance that will indemnify persons who invest in a building society. This power will enable societies to join the Australian Building Society Share and Deposit Insurance Corporation which is being proposed by the federal government.

Clause 45F will enable building societies to transfer funds of deceased members immediately they are satisfied that the person administering the estate is entitled to deal with the funds. The power to make such a transfer will be limited to amounts of up to \$5000.

Clause 45G will insert a provision which will enable building societies to make contributions from their funds for charitable purposes or for the purpose of establishing charitable foundations. Such contributions are subject to approval by the registrar and the minister, but obviously building societies

have to engage in promotional activities and one of the best sort of promotional activity which benefits people is building societies adding funds to charitable bodies and getting publicity out of it. This helps people at the same time.

Ms D'ROZARIO: I have no problem with most of these but I would like to speak to proposed new clauses 45A and 45G.

I understand that a need may arise from time to time for a building society either to provide or avail itself of financial and administrative services. I wonder whether it is necessary to permit the building society to purchase shares in a body corporate that has agreed to provide administrative or financial services. This is what is allowed by subclause (1) of proposed new clause 45A. I am suggesting that perhaps this gives them the ability to purchase shares in merchant banking organisations. Again, the reservation I have is simply that these financial organisations can set up in the Territory, or indeed elsewhere, and merely service each other rather than the housing market.

I am sure that if a particular organisation at any time wished to avail itself of intermittent services from merchant banks, it would have that as a normal outgoing against income and pay consultancy fees or whatever and that would be the end of it. What we are doing here is allowing them to purchase shares in something I consider to be covered by the definition of 'merchant bank'.

With respect to new clause 45G, the honourable member for Fannie Bay has already raised the question of whether or not a building society should be permitted to establish and maintain a charitable foundation. I have no difficulty with paragraph (a) of subclause (1). This would cover such things as making contributions to non-profit-making organisations, and that is fine if we are talking in terms of donations of however many hundreds of dollars to organisations like the Salvation Army and the Red Cross and so on. There is no difficulty with that. Paragraph (b), however, gives the opportunity to establish and maintain a charitable foundation. This can be done with the agreement of the registrar and the consent of the minister. The people who should be asked are the depositors and shareholders. It means that a building society can establish a charitable foundation for any purpose whatever - its nature is not specified as long as it is deemed to be charitable - without any regard to the shareholders' or the depositors' wishes.

I think all members in this Assembly have said that they agree with this legislation because it will give yet another source to the secondary and primary mortgage markets. Activities such as the establishment and maintenance of charitable foundations are so far on the periphery of that objective that they do not really belong here.

Mr EVERINGHAM: I guess it may be a matter of taste.

Ms D'Rozario: Shareholders can contribute to charitable organisations themselves.

Mr EVERINGHAM: Shareholders can turf out the directors too, and that is the answer. If the directors get into charitable foundations and the shareholders do not like it, then the directors can be turfed out. In any event, as the honourable member so rightly said, it has to be approved by the minister, so hopefully there will be no harum scarum schemes. I have a great deal of confidence in the activities of building societies in Australia gained over many years. In the few cases where building societies have actually failed, the reason for their failure in many instances is not attributable to their own acts but rather the circumstances constraining them. Through clause 45A,

the honourable member is concerned that a building society may purchase shares in a merchant bank. There is the proviso at the end of that clause that it may only purchase shares and do other things, lend or otherwise advance moneys, to a body that has agreed to provide administrative or financial services to the building society, which are likely to further the objects of the society. I think that that contrains the directors of the society fairly closely.

I would like to see building societies given a reasonable degree of flexibility. The honourable member for Sanderson said earlier in the second reading that we may see the distinctions between financial institutions in this country blur if provisions of the Campbell Report are implemented. I agree with that. But that, to my mind, is not likely to happen for several years and you can bet your bottom dollar that every nerve and every sinew of the current trading banks will be extended to lobby as powerfully as they can, and they are a powerful lobby. I would not like to be in their way when they are coming down the track; the thundering herd would have nothing on them. They will do their very level best to see that the recommendations of the Campbell Report are nullified or, at the very least, watered down and implemented over the longest possible period. It is the trading banks that stand to gain least from the recommendations, although I see this country standing to gain a great deal by the flexibility in the financial system that adopting those recommendations would bring. I believe we should give building societies a go.

New clauses 45A to 45G agreed to.

Clause 46:

Mr EVERINGHAM: I move amendment 60.27.

This amendment substitutes the words 'Supreme Court' for the words 'the Court'.

Amendment agreed to.

Clause 46, as amended, agreed to.

Clause 47 agreed to.

Clause 48:

Mr EVERINGHAM: I move amendment 60.28.

Clause 48(10) provides a restriction on a building society issuing shares which would result in a company or its nominee holding more than 25% of the prescribed capital of the building society. The subclause further provides that an aggregate of shares held by a company cannot exceed 50% of the subscribed capital of the building society. In its current form, this clause would effectively block the entry of another capital-based building society into the Territory. It is proposed to amend the bill by inserting into subclause (10) after 'not' the words 'without the consent of the minister'. The effect of this amendment will be to give the minister the power to consent to the registration of building societies with different capital structures that do not meet the criteria of present clause 48(10).

Amendment agreed to.

Clause 48, as amended, agreed to.

Clauses 49 to 53 agreed to.

Clause 54:

Mr EVERINGHAM: I move amendment 60.29.

Clause 54, as it presently stands, requires that a building society have a majority of directors who are residents of the Territory. Subclause (7) gives the building society registered under the existing act a period of 1 year after commencement of the act to comply with this requirement.

Representations have been made by the building societies to have this transitional period increased to 2 years and, being such a congenial chap, I said that I would put that proposal to this committee, Mr Chairman.

Amendment agreed to.

Clause 54, as amended, agreed to.

Clauses 55 to 59 agreed to.

Clause 60:

Mr EVERINGHAM: I move amendment 60.30.

The amendment seeks to insert a new subclause (8) which requires the directors of a building society to make a declaration that the accounts and records of the society comply with the act. The proposed amendment will give greater protection to the members of the society.

Amendment agreed to.

Clause 60, as amended, agreed to.

Clause 61:

Mr EVERINGHAM: I move amendment 60.31.

This simply to cure a technical defect in the bill.

Amendment agreed to.

Clause 61, as amended, agreed to.

Clause 62 agreed to.

Clause 63:

Mr EVERINGHAM: I move amendments 60.32 to 60.35.

The reason for the first amendment is to disqualify an auditor from acting as a building society's auditor where he is an employee or a partner of an employee or a director of a building society. The second amendment will give greater protection to members of a building society and the last couple will correct technical defects in the legislation.

Amendments agreed to.

Clause 63, as amended, agreed to.

Clauses 64 to 68 agreed to.

Clause 69:

Mr EVERINGHAM: I move amendment 60.36.

This corrects a technical defect in the legislation by adding the words 'in absence of proof to the contrary'.

Amendment agreed to.

Clause 69, as amended, agreed to.

Clauses 70 and 71 agreed to.

Clause 72:

Mr EVERINGHAM: I move amendment 60.37.

Clause 72 of the bill makes it an offence for officers and employees to seek commissions or rewards in connection with a loan transaction. It is proposed to insert a new subclause (1A) which makes it an offence to offer a commission or reward to an officer of a building society in connection with a loan transaction or proposed transaction. The amendment also seeks to increase the penalty for breach of the section to a fine of \$2000 or imprisonment for 6 months. Those are maximum penalties.

Amendment agreed to.

Clause 72, as amended, agreed to.

Clause 73 agreed to.

New clause 73A:

Mr EVERINGHAM: I move amendment 60.38.

This inserts new clause 73A which makes it an offence to knowingly give false information to a building society when making an application or demand for money to a building society. The penalty for this offence would be a fine of \$2000 or imprisonment for 6 months.

New clause 73A agreed to.

Clauses 74 to 82 agreed to.

Clause 83:

Mr EVERINGHAM: I move amendment 60.39.

Clause 83 provides that, on the application of one-third of the members of a building society, the registrar shall hold an inquiry into the financial condition of the society. This amendment seeks to amend the bill by enabling one-third of a class of members to apply to the registrar for an inquiry into the affairs of the society.

Amendment agreed to.

Clause 83, as amended, agreed to.

Clauses 84 to 87 agreed to.

Schedule agreed to.

Postponed clause 29:

Mr EVERINGHAM: By the proposed amendment, the whole of subclause (1) is omitted including (a) and (b). The effect of the amendment is to remove any restriction as to who provides the first mortgage and subclause (1) is to be read subject to subclause (2).

Amendment agreed to.

Clause 29, as amended, agreed to.

Title agreed to.

Bill passed remaining stages without debate.

ADJOURNMENT

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

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

PETITIONS
Zoning in Brinkin

Mr DONDAS (Casuarina): Mr Speaker, I present a petition from 370 citizens of the Northern Territory objecting to the R3 zoning in Brinkin. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. I move that the petition be received and read.

Motion agreed to; petition received and read:

To the honourable the Speaker and the members of the Legislative Assembly of the Northern Territory of Australia, the humble petition of the undersigned citizens of the Northern Territory respectfully shows that the undersigned object to such an extensive R3 zoning as exists in Brinkin. The objections in part include: (1) this high density zoning is not conducive to tropical living and is unnecessary in a town with Darwin's population; (2) the associated social problems should not be forced onto the Darwin people by those who are supposed to be serving the community; and (3) this area, including existing R3 zoning, amounts to approximately 20% of all R3 zoning throughout the Darwin area. It is in an existing residential area and very close to a much-enjoyed foreshore area. Your petitioners therefore humbly pray that you will work towards revoking the Brinkin R3 zone back to its original R1 status, and your petitioners, as in duty bound, will ever pray.

Prawning Licences

Mr B. COLLINS (Arnhem): Mr Speaker, I present a petition from 347 citizens of the Northern Territory expressing their concern at the huge increase in the number of prawning licences issued for trawlers operating in waters adjacent to the Northern Territory coast and that the species known as 'banana prawn' is in danger of over-exploitation. The petition bears the Clerk's certificate that it conforms with the requirements of Standing Orders. I move that the petition be received and read.

Motion agreed to; petition received and read:

*To the honourable the Speaker and the members of the Legislative Assembly of the Northern Territory of Australia, the humble petition of the undersigned citizens of the Northern Territory respectfully shows their concern for the huge increase in the number of prawning licences issued for trawlers to operate in waters adjacent to the Northern Territory coast since the introduction of limited entry into the prawning industry in 1977 and, further, their concern for the species *penaeus merguensis* de man, known as banana prawn, which is in danger of over-exploitation. Your petitioners therefore humbly pray that the honourable members of the Legislative Assembly act to ensure the Northern Territory prawn fishery will be protected to conserve the banana prawn by the introduction of a maximum net size of 28 metres for any trawler operating in the Fog Bay area, and 39 metres elsewhere in waters adjacent to the Northern Territory coast, and your petitioners, as in duty bound, will ever pray.*

Overpass on Trower Road

Mr SMITH (Millner): Mr Speaker, I present a petition from 37 citizens of Darwin expressing concern at the heavy flow of traffic along Trower Road and

requesting the construction of an overhead pedestrian footpath in the vicinity of Rapid Creek 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 of Australia, the humble petition of the undersigned citizens of Darwin respectfully shows that, due to the heavy flow of traffic along Trower Road, residents, including children of the Rapid Creek area, face danger when crossing the road to the Rapid Creek Centre. The centre is becoming more frequently used, and especially on Sundays with the operation of the Flea Market. Bus stops are also located on both sides of Trower Road in the vicinity of the Rapid Creek Centre, so that residents of Millner need to cross Trower Road if travelling by public transport. Your petitioners realise that traffic lights have been installed on Trower Road near St Paul's School, but we believe that the construction of an overhead pedestrian footpath in the vicinity of the Rapid Creek Centre would enable residents of both Rapid Creek and Millner to cross Trower Road in safety without disrupting the flow of traffic. You petitioners therefore humbly pray that the honourable members of the Legislative Assembly act to ensure that a pedestrian overpass is erected on Trower Road, Rapid Creek and your petitioners, as in duty bound, will ever pray.

REPORT

First Report of the Sessional Committee on the Environment

Mr HARRIS (Port Darwin): Mr Speaker, I present the first report of the Committee on the Environment. I move that the report be noted and seek leave to continue my remarks at a later date.

Leave granted; debate adjourned.

NORTHERN TERRITORY DISASTERS AMENDMENT BILL (Serial 168)

Bill presented and read a first time.

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

Each year throughout the Territory, a significant number of counter-disaster situations occur which call for an urgent response but which are not of a magnitude requiring the declaration of a state of disaster. Examples of these situations are sea search and rescue operations, land search operations and the provision of assistance to motorists stranded by floodwater. In the past, the Northern Territory Emergency Service has accepted a responsibility in assisting other government organisations in the conduct of these relief operations. I think all honourable members, and members of the Northern Territory generally, would commend the Northern Territory Emergency Service for the good work it does in this community. The type of assistance provided by it has been the provision and development of counter-disaster stores and equipment and the provision of personnel.

A recent opinion provided by the Department of Law suggests that no legal authority exists under the act for the Northern Territory Emergency Service

to become involved in counter-disaster operations unless a state of disaster has been officially declared. This bill is designed to amend section 13 of the principal act, which details the functions of the Director of Emergency Services, by adding a further function of providing such assistance as is necessary during a counter-disaster operation or exercise, whether or not a state of emergency or state of disaster has been declared. The benefit to the community in having the assistance of the Northern Territory Emergency Service at times of sea search operations is obvious, but the addition of such a function would also mean that the emergency service system can be tried and tested and kept at its best for states of disaster or emergency.

We are coming into a season where problems could occur, but I do not intend to seek the urgent passage of this legislation. Mr Speaker, I inform you and other honourable members that I take it upon my own account to direct the emergency services to continue lending aid and assistance where necessary pending the passage of this legislation, which I am sure the Assembly will support. Mr Speaker, I commend the bill to honourable members.

Debate adjourned.

TENANCY AMENDMENT BILL (Serial 157)

Bill presented and read a first time.

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

The main purpose of this bill is to streamline the Tenancy Act to overcome difficulties encountered by the Commissioner of Tenancies in obtaining fairness between the parties and the Tenancy Tribunal adjudication under the act. In 1979, the Tenancy Act replaced old legislation relating to landlords and tenants. Since then, a number of problems have become evident. Many defects relate to drafting points but experience has shown that the act has unintended effects on the landlord-tenant relationship.

The first 2 clauses of the bill cover technical matters and clause 3 amends some definitions for added clarity. It deletes the definition 'tenant' since the word 'lessee' better describes all aspects of the word 'tenant'. It adds a definition of 'security deposit' to make it more easily understood. The bill makes it clear that a fair rent can be determined on goods leased with premises; for example, the package of a house and furniture.

Clause 4 provides for the Commissioner of Tenancies to delegate his powers. It is similar to such provisions in many other Northern Territory acts and would overcome problems in administration when the commissioner is absent. Clause 5 is technical and clause 6 amends some drafting errors. It also provides that an application for a fair rent determination cannot be withdrawn without the commissioner's consent, in order to render ineffective standover tactics or coercion by the lessor.

Clause 7 would allow the commissioner to consider fair rents he has previously determined on a similar premises. This would make administration easier and quicker. The clause also covers minor drafting improvements. Clause 8 is a technical amendment because section 18 of the principal act is to be deleted. Clause 9 corrects a drafting problem in the act to make it clear that the commissioner may make determinations on his own motion and not merely in cases where formal applications have been lodged.

Clause 10 deletes section 18 of the principal act. That section dealt with transitional provisions following the repeal of the old landlord and tenant legislation. No transitional matters ever eventuated and the time is past when applications might be made.

Clause 11 allows the tenancy tribunal wider powers to make an order for costs. The present wording is too restrictive and equity cannot always be properly achieved. Clause 12 clarifies the appeal provisions to make it easier to understand how to appeal against determinations of the commissioner on fair rents and security deposits. Clause 13 is under clause 12. Clause 14 deletes the previous restrictive power to award costs. This power is now covered in clause 11.

Clause 15 corrects an inconsistency in the act and also allows a developer to charge a leasehold premium to recover his legitimate development costs in the case of leasehold land. Such costs can already be recovered with respect to freehold land. The provision in the principal act, which presently restricts the developer from recovering development costs, was derived from other jurisdictions in Australia where patterns of land tenure differ from that in the Territory. This restriction is inappropriate and has been perceived by some developers as a potential constraint to their legitimate activities. The amendment removes any doubt in the area and enables the developer to recover the development costs he has incurred.

Clause 16 covers mainly technical changes to make the provision easier to understand and consistent with other parts of the act. This clause also protects lessees by restricting lessors from demanding an excessive security deposit or more than one such deposit.

Clause 17 corrects and clarifies the wording of the principal act and makes it clear that it overrides the Land and Business Agents Act with respect to retention of security deposits. It also streamlines the Tenancy Act's administration. Clause 18 clarifies the wording and gives better effect to the original intention regarding the provisions on self-help to recover premises and notices to quit. Clause 19 clarifies the wording of section 46.

Clause 20 makes it easier to understand the provisions relating to notices to quit dwelling houses. It also provides for successory in office housing where the new employee is employed by a related company rather than being merely an employee of the same legal entity. The commissioner will be given discretion on this matter to prevent abuse. The clause also makes the provision of the act consistent with clause 21. Clause 21 contains a new provision on notice to quit without stated grounds. The provisions of the act relating to the rights of a landlord to recover his premises have proved unduly restrictive. Unless the parties agree, or there is specific provision in a lease, a landlord has no way to obtain possession except under the grounds specified in section 47. For example, a landlord may need to house an employee but be unable to gain possession. Section 47 is considered an unreasonable restriction on the home owner's rights and the bill corrects the situation. The minimum period of notice to quit of 60 days would appear to be reasonable to both parties.

Clause 21 also seeks to render ineffective attempts by lessors to frustrate the process of fair-rent determinations by merely dispossessing lessees. It is thus similar to clause 6. Clauses 22 and 23 would streamline the administration of sections 48 and 49 of the act. Clause 24 provides for a lessee to have his lease terminated by the tribunal on the grounds that the lessor has failed to carry out his obligations.

Clause 25 repeals section 52 because the matters would mainly be covered

in the amended section 4. However, it also means that business premises would no longer be covered by part VIII of the act. Part VIII, miscellaneous, is appropriate for residential tenancies. But businesses should be able to enter into an agreement which differs from the terms prescribed in part VIII. For example, the lessor and lessee should be free to agree that the lessee is to maintain the premises.

Clause 26 simplifies the wording and limits in specific terms the periods for which rent in advance may be required. Clause 27 improves the drafting of section 63, subsection (4) of the principal act. It omits subsection (5) because the tribunal's power to award costs is better covered in new section 30A and because subsection (5), as it stands, is not in line with normal legal principles.

Clause 28 specifies how records of rent are to be kept and provides for the lessee to be given access to such records. Clause 29 makes it clear how notices are served. It conforms with current administrative practice. Clause 30 provides for a new form in accordance with section 51A dealing with termination of lease on the lessee's application. Clause 31 covers amendments of a minor technical nature or which render wording consistent or cover matters which flow from the amendments described above.

Mr Speaker, in general the changes reflect the government's desire to simplify legal requirements and remove unnecessary restrictions. The changes also seek to establish a more equitable balance between the parties. The government has also taken the opportunity to get the draftsmen to correct technical problems and to redraft sections which have proven difficult to follow or which have caused confusion to both landlords and tenants. This is an act that does affect many people in the Northern Territory and should certainly be one of those which is as clear to understand as is possible. I commend the bill to honourable members.

Debate adjourned.

PET MEAT BILL (Serial 163)

Bill presented and read a first time.

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

The pet meat industry in the Northern Territory began in the late 1950s with buffalo being the main source of meat supply. As the industry developed, other animals, such as brumbies, donkeys, camels and scrub bulls, have been utilised. There was no direct legislation to control the industry. In 1973, an amendment to the Abattoirs and Slaughtering Act prescribed regulations covering the sale of meat produced for other than human consumption. The provisions were concerned with the dyeing or de-characterisation, packaging and marketing of pet meat. The legislation is the only control exercised over the industry in the Northern Territory but this provision is difficult to enforce because of the large and diverse nature of the industry.

In February 1974, the senior official member of the Legislative Council, Mr Finger, announced that a full investigation of all aspects of the pet food industry would be undertaken. The Assistant Secretary of the Animal Industry and Agriculture Branch of the Department of the Northern Territory, Dr Barry Hart, was appointed to carry out the investigations. One of the recommendations which

arose was that a separate ordinance to regulate and control the pet meat industry be introduced. For various reasons, no such action was taken at that time and the matter lapsed.

The Australian Agricultural Council convened a special meeting on 4 September 1981 to discuss the implications arising from the recent incidence of meat substitution on beef exports to the United States. An area of great concern was the question of control of knackery, pet and game meat operations. Discussions highlighted a need for Commonwealth and state authorities to adopt a uniform system of control over meat derived from sources other than those subject to meat inspection by qualified inspectors.

The bill before the Assembly addresses itself to the problems of the pet meat industry within the Northern Territory while taking cognizance of the uniform guidelines of control legislation set down by the Australian Agricultural Council. The powers of an inspector may appear to be wide-sweeping but they are considered essential to ensure that the pet meat industry is adequately controlled and regulated. Emphasis must be placed on the use of this product and it is essential that meat from this source is not utilised for human consumption, nor that it should be available for export through outlets for human consumption. The fresh product does not conform to human consumption standards and, therefore, care is necessary to ensure that such a product is not substituted for meat for human consumption. It is known that pet meat has, in the past, been substituted in this way.

This legislation, together with the Stock Diseases Act and others, will form a solid base to administer the control measures necessary to achieve eradication of brucellosis and tuberculosis in animals in the Northern Territory. Plans are being formulated to introduce pet meat operations as a tool to cull out the infected pockets of stock in the isolated areas, in particular those areas in the Top End where animals are uneconomical or impossible to muster and transport to the normal market place.

The pet meat industry has considerable significance to the economy of the Northern Territory. However, there has been no mechanism for obtaining statistical data relating to any phase of the industry. Procedures provided for in the bill will enable such statistical information to be obtained. If instances of mal-practice are discovered and rectifying action is not taken immediately, there is no doubt that our certified meat markets to the southern states will be in jeopardy. In isolated areas such as the Gulf district, it is essential to equip an inspector to allow for immediate and positive action if he encounters a person contravening the act. Naturally, in urban areas the inspectors will work in conjunction with stock squad officers and other police officers. The department has only a small regulatory force in comparison to the complexity of the pet meat industry and the vastness of the operational area. Therefore, control measures must be stringent.

I am confident that the provisions contained in the bill will allow for effective control of the pet meat industry in the Territory. I commend the bill.

STATUTE LAW REVISION BILL (Serial 162)

Bill presented and read a first time.

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

I do not really know whether it should be required of me that I make second-reading speeches any more when introducing a Statute Law Revision Bill. This bill is part of the ongoing process of upgrading the statutes. I must

congratulate the draftsmen on the progress that they are making. I commend the bill to honourable members.

Debate adjourned.

PAROLE OF PRISONERS AMENDMENT BILL
(Serial 159)

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

This bill arose from the need to remedy deficiencies in the law relating to the parole of prisoners in the Northern Territory. Specifically, under the existing law, there is no power to extradite Northern Territory parolees who have absconded from the Territory or committed further offences interstate, and there is no power to enable courts, when sentencing a parolee to jail for an offence committed during that parole period, to make that sentence cumulative on the balance of the term that the parolee had left to serve when he was released on parole. These inadequacies have been criticised by the Parole Board, judges of the Supreme Court, magistrates and prosecutors.

The present bill will remedy these inadequacies by giving Northern Territory courts the power to issue warrants for the extradition of parolees as appropriate, and to make sentences cumulative. The extradition arrangements under this bill will apply in situations not covered by the Parole Orders Transfer Act which the Assembly passed earlier this year. I commend the bill to honourable members.

Debate adjourned.

NORTHERN TERRITORY TOURIST COMMISSION AMENDMENT BILL
(Serial 165)

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

The Northern Territory Tourist Commission Act 1979 does not provide for the appointment of an acting chairman during the absence from duty of the permanent chairman. Absences include sick leave, recreation leave, other approved non-duty absence or duty which requires the chairman's absence from Australia.

Section 8 of the act provides for the election of an acting chairman to perform the duties of the chairman only in respect of duties of the commission for which the permanent chairman is absent. It does not provide for the appointment of an acting chairman to assume responsibility for continuity for the day-to-day management of the commission during the absence of the permanent chairman.

To maintain the role of the Northern Territory Tourist Commission as an instrument of the government to most effectively encourage and assist the expansion of this multi-million dollar industry, it is essential to ensure continuity of top level management, co-ordination and consultation. The bill provides for that requirement. It also gives the responsible minister flexibility within the appointment of an acting chairman by removing the constraint of the requirement for the acting chairman to be a public servant. It does not affect that particular status which relates to the appointment of the permanent chairman.

I commend the bill to honourable members.

Debate adjourned.

SMALL CLAIMS AMENDMENT BILL
(Serial 158)

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

The Small Claims Act, Sir, was introduced in 1974, as you will recall, to provide a procedure in the local court whereby debts of under \$1000 could be sued for cheaply and quickly. The procedure has proved popular with the public. 2704 claims were made through the courts in 1980. The act has been criticised though for different reasons by the public, the Consumer Affairs Council, court staff and legal practitioners. As a result of the criticisms, the Department of Law reviewed the act. The purpose of the Small Claims Amendment Bill is to remedy the problems brought to light by the review of the act. I turn now to the bill itself.

Clause 4 repeals subsection 4(3) of the principal act. All the existing court forms in the act are being repealed and replaced with new forms which will be more readily understood by the public. To facilitate these changes, subsection 4(3) is being repealed.

Clause 5 repeals section 53 of the principal act. This section previously prevented the court from hearing claims to property or the possession of goods. Repeal of this section will enable the court to hear claims to property or possession of goods where the value of the property or goods is under \$1000.

Clause 6 repeals section 13 of the principal act and inserts a new section 13 which gives a magistrate power to take evidence on oath. Magistrates are of the opinion that the power to take evidence on oath is necessary to settle disputes. Most evidence in the court will still be heard informally but, in the case where conflicting stories are given, the magistrate will have the power to take evidence under oath. This power will be confined to the magistrate hearing the case.

Clause 7 amends subsection 45(2) of the principal act by providing that, once a judgment is obtained in a small claims court, costs for enforcement of that judgment can be awarded against the judgment debtor. This amendment is necessary because local court procedures must be followed, but no charges or costs can be awarded. Enforcement is not always a simple or cheap procedure and, because costs cannot be awarded, a creditor who has obtained judgment must bear any legal costs of enforcement himself. In addition, the cost and expense of execution must be borne by the Territory. The proposed amendment will remedy this problem.

Clause 8 amends the principal act by inserting a new section which gives the Administrator a power to make regulations under the act and clause 9 repeals the existing court forms. The existing court forms are both cumbersome and time consuming to the court staff and the public. They will be redesigned and the new forms prescribed by regulation. Clause 10 of the bill provides procedural machinery to facilitate these changes to the forms. I commend the bill to honourable members.

Debate adjourned.

MOTOR ACCIDENTS (COMPENSATION) AMENDMENT BILL
(Serial 152)

Continued from 27 August 1981.

Mr B. COLLINS (Opposition Leader): Mr Speaker, this bill ensures that the rights and privileges of people injured in motor vehicle accidents are protected

under the new arrangements of hospital charging. The bill ensures that all disadvantaged patients will receive free treatment, that all insured patients will retain their rights to claim against their insurance funds and that non-disadvantaged, uninsured people will be able to have medical costs paid by the Territory Insurance Office so that they are fully protected.

Mr Speaker, the opposition supports the bill.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr PERRON: I move amendment 64.1.

This amendment in conjunction with other amendments to the bill is designed to ensure that road accident victims who are indemnified against any costs in respect of hospital accommodation and treatment through a private health fund or other means do not become compensable under the Motor Accidents Compensation Act. The old limit of \$15,000 applied only to treatment as defined in subsection 18(2). Reference to the new limit has been made in a new subsection to emphasise that it embraces both treatment as previously defined plus the costs of hospital care.

Amendment agreed to.

Mr PERRON: I move amendment 64.2.

The amendment ensures that uninsured patients who are not disadvantaged are covered for prescribed medical and rehabilitation charges outside hospitals in addition to any hospital charges. As it is worded in the bill, it could appear that such a person was only entitled to receive one benefit.

Amendment agreed to.

Mr PERRON: I move amendment 64.3.

This adds one further subsection to the act to raise the limit of the TIO's liability from \$15,000 to \$50,000. The major component of the increase and the maximum amount payable under section 18 is the introduction of the hospital charges to cover costs of bed and treatment. There were no charges for these services prior to the recent changes in the hospital charging system.

Amendment agreed to.

Clause 3, as amended, agreed to.

Title agreed to.

Bill passed remaining stages without debate.

ENERGY PIPELINES BILL (Serial 142)

Continued from 24 November 1981

Mr TUXWORTH (Mines and Energy): Mr Speaker, the government has carefully

examined the amendments that the Leader of the Opposition has suggested. We are pleased to be able to say that we have been able to respond in a positive way to at least some of them. However, as the Chief Minister pointed out to the Assembly in the second-reading debate, it would be rather pointless to significantly add to the bill on environmental matters and on the issue of Aboriginal land rights because these issues will be covered under other legislation.

I would point out that this bill is not only subject to relevant Northern Territory acts but also to Commonwealth acts including the Aboriginal Land Rights (Northern Territory) Act. Accordingly, we will put aside the suggested amendments in those 2 areas.

I turn to those that we feel that we can accept. They are in clauses 3, 7, 9 and 13. In clauses 3 and 7, we have tightened the language and removed any possible chance of abuse. Clause 9 has been amended as suggested. We have simplified, for the benefit of the Leader of the Opposition, clause 13. Other amendments have been made, notably to clause 30 which reduces the amount in the licence fee formula from \$10 to \$3.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr TUXWORTH: I move amendment 71.1.

The amendment represents a more logical approach to the problem of exclusions from the act. Previous exclusions were contained in both the definition of 'pipeline' and in clause 4, application of the act, and were to a large extent overlapping. The amendment and the complementary amendment to clause 4 rationalise the situation.

Amendment agreed to.

Mr TUXWORTH: I move amendment 71.2.

The deletion of this subclause removes the possibility of misuse of an override discretion. The Administrator will no longer have the power to declare a person or a body or a public authority for the purposes of the act.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clause 4:

Mr TUXWORTH: I move amendment 71.3.

This proposed amendment is technical in nature, and is consequential upon the amendment to the definition of 'pipelines' in clause 3. The effect of the 2 amendments is to transfer the exclusion of the class of pipelines associated with the production techniques from the definitions to the application of the act. There is no substitutive effect by the amendment.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clauses 5 and 6 agreed to.

Clause 7:

Mr TUXWORTH: I move amendment 71.4.

It relates to a variation of the application and the omission of the words 'prevents any possibility, however remote, of widening the clear intent of the subclause'. The intent is that the variation of an application for a permit can in no way relieve the applicant of his duties and responsibilities under other clauses governing his application.

Amendment agreed to.

Clause 7, as amended, agreed to.

Clause 8 agreed to.

Clause 9:

Mr TUXWORTH: I move amendment 71.5.

This amendment relates to the terms and conditions of the permit and the clause is being amended to provide, firstly, for a fixed term of 12 months with the discretion vested in the minister to renew the permit and, secondly, to require the minister to give grounds for his intention to cancel the permit. Consequently, the clause is amended to bring it into line with clause 25 which relates to the cancellation of licences by allowing the permittee to rebut or remove the grounds for cancellation.

Amendment agreed to.

Mr TUXWORTH: I move amendment 71.6.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clauses 10 and 12 agreed to.

Clause 13:

Mr TUXWORTH: I move amendments 71.7, 71.8 and 71.9.

The amendments to this clause simplify a rather complex clause without changing the intention of the clause. A permit is to be a general precondition to the grant of a licence. Were that not so, part II, permits, would be largely irrelevant. However, provision is made for a Palm Valley-type situation where the route is already known by allowing a minister the discretion in the matter.

Amendments agreed to.

Clause 13, as amended, agreed to.

Clause 14:

Mr TUXWORTH: I move amendment 71.11.

This clause as it stands allows the minister at any time, and under specified circumstances, to vary conditions specified in the licence and to suspend or exempt the licensee from such conditions. The proposed amendment does not alter the minister's power, but he may only exercise his discretionary powers on receipt of a request to do so from the licensee. The amended clause better reflects the intention of the act.

Amendment agreed to.

Clause 23, as amended, agreed to.

Clauses 24 to 29 agreed to.

Clause 30:

Mr TUXWORTH: I move amendment 71.12.

The licence fee at the moment is calculated by a formula which is based upon a unit amount in the length and diameter of the pipeline. The unit amount is to be prescribed under regulation, but it is not so prescribed as to be set at \$10, and this is the effective maximum. The proposed amendment will reduce the amount of the unit amount, if not prescribed under regulations, from \$10 to \$3. The proposed amendment brings the annual maximum licence fee into line with the estimated administrative costs of the loan.

Amendment agreed to.

Clause 30, as amended, agreed to.

Clauses 31 to 41 agreed to.

Clause 42:

Mr TUXWORTH: I move amendment 71.13.

Under certain specified circumstances, the minister may issue directions to deadlock parties. The penalty for non-compliance is set at \$200 and \$200 per day thereafter. The proposed amendment is to increase the penalty to \$1000 and \$1000 per day thereafter. The section is one of the main anti-monopoly provisions of the act and as such the penalty for non-compliance must be an effective deterrent.

Amendment agreed to.

Clause 42, as amended, agreed to.

Clause 43:

Mr TUXWORTH: I move amendment 71.14.

In the event of cancellation of a licence, the minister has the power - given certain preconditions - to issue directions to ensure the continued operation of the pipeline. The penalty for non-compliance is \$200, and \$200 a day thereafter. This proposed amendment will increase the penalty to \$1000 and \$1000 per day thereafter. As with clause 42, the increase is designed to provide an effective deterrent to non-compliance.

Amendment agreed to.

Remainder of bill taken as a whole and agreed to.

Bill passed remaining stages without debate.

LOCAL GOVERNMENT AMENDMENT BILL
(Serial 124)

Continued from 25 November 1981.

In committee:

Clauses 1 to 3 agreed to.

Clause 4:

Mr PERRON: I move amendment 63.1.

As I mentioned in my closing remarks in the second-reading debate, representation by the Local Government Association of the Northern Territory indicated it felt an increased provision for providing for penalties under bylaws should be applicable. The figures put forward are those that the government believes can be supported, but they were originally proposed by the Local Government Association.

Mrs LAWRIE: I would like some information as to whether these are in line with penalties provided in bylaws in other places, bearing in mind that we have an amendment which is doubling the penalty. As members are aware, the previous provision allowed for a penalty of \$200 or imprisonment for 3 months, and \$20 per day for each day the offence continued. We are now upgrading it to \$500 and \$50 which is a fairly hefty increase. I understand that the Local Government Association has recommended this increase in the level of penalties, but I would ask the minister to indicate if they are in line with local government acts in the states.

Mr PERRON: Mr Chairman, I do not have information to hand as to the levels of penalties which are capable of being imposed by local governments interstate. If the member had brought this to my attention during the second reading, I could have had it followed up. However, I just do not have the information at present.

It is true that there is a substantial increase over the present provisions in the act, and I am not quite sure how long ago it was that those provisions were established. The range of matters on which local government will be able to propose to make bylaws is really quite extensive. The levels of penalties will be those which local governments may propose in their bylaws. Of course, the Assembly does have the opportunity to reject bylaws if it feels that local government has gone overboard, but I do point out that it is a maximum penalty provision.

Mrs LAWRIE: I thank the minister for his reply but I point out that a second-reading speech is generally confined to the bill which is before the Assembly during the second reading. Amendments come up in committee stage. It would have been a little unrealistic for me to have brought these points up in the second reading when the amendment schedules are prepared and presented much later than the original bill. I do not accept that criticism.

The sponsor raises the problem I have with the presentation of bylaws to the Assembly which is that, if the Assembly finds that the penalty provisions relating to some of those bylaws are too severe, albeit that they are the upper level, the Assembly cannot move any amendment to the bylaws; under the terms of this bill, it has to disallow the lot. That is one of the points that I was making in

the second reading. To say the Assembly has the chance for overall scrutiny does not cover what in fact will happen.

Mr ROBERTSON: I want to take up a point that the Minister for Community Development touched on. What we are dealing with here is a very wide range of bylaw-making powers. No one would maintain that a sum of \$50 per day would be a great deal of money to certain organisations. I would like to draw the Assembly's attention to the provisions relating to unkempt properties. There is a property of which members from the Alice Springs region would be well aware, on the corner of Leichhardt Terrace and Stott Street, which is owned by an international company. It is a multi-million dollar asset. It has been a disgrace since 1972. I think penalties of this sort would be more than appropriate for a council to set in respect of the continuation of that sort of thing; that is, if they ever have bylaw-making powers in respect of unkempt properties.

Amendment agreed to.

Mr PERRON: I move amendment 63.2.

This again is to increase the provision for maximum bylaw-making power. The same arguments will apply to this clause as were outlined earlier.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5 agreed to.

New clause 5A:

Mr PERRON: I move amendment 63.3.

This is to insert after clause 5 a new clause which relates to persons refusing to carry out duties under the act. Again, it increases the provision under which penalties may be made from \$200 to \$500.

New clause 5A agreed to.

Remainder of the bill taken as a whole and agreed to.

Bill passed the remaining stages without debate.

TRAFFIC AMENDMENT BILL (Serial 136)

Continued from 26 August 1981.

Mr LEO (Nhulunbuy): Mr Speaker, the opposition is pleased to support this bill. It incorporates one of the features that was in the Motor Vehicle Amendment Bill that was passed last week. Under this bill, the law relating to child restraints will be standardised with practice in the states.

The bill also addresses itself to protective helmets for motorcycle riders and passengers. I spoke to representatives of the Northern Territory Motorcycle Association. They are very pleased with this legislation. I believe it is the result of their recommendations. Damaged protective helmets or those that have stickers applied to them can actually cause the material in the helmet to deteriorate. The amendment to section 57 of the act will allow the Administrator to require motorcycle riders to wear suitable footwear.

On the subject of child restrainers, the minister pointed out in his second-reading speech that there was a clear definition of the word 'child' and 'young person' but that there was an age gap between the two. The definitions now quite clearly point out that a child is a person aged from 1 to 8 years. A young person is aged 8 to 14 years.

The level of child injury due to motor accidents makes this legislation very necessary. The road safety representatives whom I spoke to were very pleased. I would suspect that they had more than a little input into this bill. Road accidents are unfortunate at the best of times but, when children are involved, the result can be horrific. Young children can become paraplegics for the rest of their days. It does not have to be from a head-on crash. Just by simply applying brakes a little hard, a child could be flung out of his seat. This bill would require that children be properly strapped into child restrainers.

I suppose some people will have trouble financing such child restrainers. But when weighed against the social cost of road accidents, particularly those involving children, I just cannot see how a parent would not be obliged to buy such a restrainer for his small child. The penalty of \$200 may seem a little stiff. But once again, weighed up against the cost of motor accident victims, perhaps it is not all that steep.

I do not really think that this legislation will result in the police pulling up vehicles, inspecting them and demanding the production of birth certificates on the spot. It is more of an ongoing process of education for the parents and drivers throughout the Territory. The fact that this legislation will exist - and I hope the minister will publicise it - should encourage parents to take adequate precautions when their children are riding in vehicles. The opposition supports the bill.

Mrs LAWRIE (Nightcliff): Mr Speaker, I see this as a rather sad bill really. It seems that we are entering a space age where, instead of a car being a normal means of conveyance from one point to another, we are to be now encapsulated in cocoons. The normal road traffic is indeed assuming horrendously hazardous proportions. Of course, if all drivers were calm, sane, sensible people, and if cars were manufactured to the required safety standards, perhaps all this legislation would not be necessary. But it seems implicit in the legislation that people drive to the maximum legal limit. Drivers must now adopt this series of quite serious restraints.

Mr Speaker, I do not believe some of the points in this bill have been picked up by the official opposition spokesman. They do require some publicity because ignorance of the law is no defence and the bill alters the present traffic laws in some significant respects. Under proposed new section 33D, which relates to adult passengers in motor vehicles, if an adult is to travel as a passenger in a motor vehicle and he occupies a seat which is not fitted with a seat-belt whilst there is available a seat which is fitted with a seat-belt, he is guilty of an offence. That is a fairly significant departure from the previous legislation.

The restraints regarding children being carried in motor vehicles have achieved community acceptance. Most people have been horrified by the sight of adults securely strapped in their seats whilst young toddlers merrily play around the back seat waiting for a collision to cause them to be catapulted through the length of the car and often through the front windscreen onto the road.

Also eminently sensible is the new provision relating to safety helmets to be worn by motorcycle riders and passengers. Just to say that a helmet is being worn is no longer sufficient. Anyone with any knowledge of road accidents will know that, once a bike rider's helmet has hit the road as a result of an accident,

it should not be used again. They are subject to fracturing and lose their intended function which is protection of the rider's head. Now we have a provision where, as well as having power to inspect motor vehicles for their safety standards, the police can inspect motorcycle helmets. If the helmet is not up to standard, it can no longer be used for that purpose. The motorcycle riders who have approached me certainly have no problem with that. Their attitude is that, if someone is stupid enough to continue wearing a helmet which is insufficient for the purpose, it is about time someone brought him into line.

They are not so happy with the new regulation power which may give specific instructions as to the type, including construction and material, of footwear which may be worn by motorcycle drivers and pillion riders. I have had a number of representations on this particular regulation power and not one has been in favour of it. One question I was asked is just how the difficult problem of prescribing the construction and material will be overcome. The materials used in footwear these days can be a variety of compounds. Certainly, they would not like to see a restriction that motorcycle riders from now on will have to wear elastic-sided cowboy boots which cost about \$80 a pair. Certainly, they would give adequate protection but this legislature can go overboard in protecting people against themselves and can start to impose an unfair financial penalty on people who have chosen a particular kind of transport.

I am aware that, from time to time, safety organisations put out press releases regarding the kind of footwear that drivers should wear. For example, they are against thongs; they prefer shoes, particularly leather shoes. They insist that people should never drive in bare feet. Mr Speaker, I think that it is going a little far when an authority can start prescribing what suits each and every individual. Some things must be left up to the reason of the individual. Members might say that some people are unreasonable and need to be protected. But unreasonable people will always do the wrong thing anyway. There is no legislation in the world which can make stupid people sensible.

I am not happy with clause 9. I would ask the minister to give us a fairly good outline of what research has been undertaken into this regulation. He would not have put the power in the bill if he was not about to bring forward through the Executive Council regulations dealing with this contentious issue of footwear to be worn by motorcycle riders. With those reservations, I certainly support the rest of the bill.

Mr D.W. COLLINS (Alice Springs): I rise to support this particular bill. Any law needs to have public support if it is to be successful. I believe that this particular bill will have the support of the majority of the community. The rules will need to be enforced. The purpose is to save lives and reduce accidents and injuries from accidents. A bill was introduced this morning relating to the TIO paying certain medical costs for people injured in accidents. The medical costs to someone who is permanently injured are very expensive indeed and hit the pockets of each one of us. Anything that can be done to help reduce the extent of damage is well worth our consideration.

Motorcyclists and their passengers have long been required to wear helmets. I welcome the inspection provision which is to be added because what might have been a safe helmet when it was bought can easily become dangerous. This bill allows for the confiscation of such a helmet. A helmet is supposed to be fastened on properly and to be of a suitable type and in good condition.

I have always been worried by the number of people I see riding motor bikes in thongs. It gives them no protection at all if they come off, even if they are travelling slowly. It only takes a person in some other vehicle to act foolishly and the motorcyclist has very little protection. I agree with the member for

Nightcliff that we should not specify riding boots. Common sense should tell people that they ought to be wearing something a little more protective than thongs.

The bill requires that any passenger should travel behind the actual rider. This does have some problems. I do not see any easy solution, particularly where adults are carrying young children on a bike. Often, the legs of young children are not long enough, the seat is pretty wide and it is fairly difficult. If the motor bike turns around a corner and has to swerve quickly, it is very difficult for the rider, who is facing forwards, to grab the child sitting behind him. The point should be that, if someone intends to carry a young child on a motor bike, he should arrange some sort of carrier similar to those used on push bikes. Parents often use them to carry their children. They provide a restraint to prevent them from falling. I have often noticed a young child sitting on the petrol tank of a motor bike. Parents I have discussed this matter with say that they feel that they have better control. A problem arises if the motorcyclist has to stop in a real hurry. He has his hands firmly on the handle bars. Newton's first law says that a person's natural tendency is to keep going in a straight line, and that is where a young child is in considerable danger. The same risk is imposed on the unrestrained child in a vehicle which has to stop in a hurry. The child could be thrown through the windscreen and could sustain considerable injury.

On the subject of seat-belts and child restraints, it is good to see that certain standards are being maintained here. Children over 1 year of age are required to be restrained suitably. I see a difficulty if a family happens to have 2 or 3 children of an age where they are really too young to be protected by a seat-belt and ought to be in a child restraint. Child restraints do take up a lot of room in a vehicle. No doubt it is inconvenient but that has to be weighed against the benefits of protecting a child from injury in an accident. It is a problem and an expense but, as the member for Nhulunbuy mentioned, the advantages and disadvantages must be weighed up.

It has been explained to me that the penalty of \$200 is a maximum penalty rather than a flat rate. One would expect that penalties would be \$10 or \$20 for the first offence and, for continual offenders, the fee could rise to as high as \$200. I think, if anybody needs that many reminders, there would not be a great deal of sympathy for them.

I hope that this law will be applied fairly and across the board to all Territorians and that everyone is treated equally, because they can be covered for accident and injury by the TIO at the taxpayer's expense.

Some exemptions are possible on medical grounds. Obviously, one of these would be pregnancy. There are some doubts as to the advantage of a seat-belt in the advanced stages of pregnancy. I know that in the states there are exemptions on grounds of age. This has not been considered here but could have been thought about. The implications of this bill are pretty wide and I ask that it be given considerable publicity so that Territorians are quite clear about the amendments.

One thing to which this bill does not address itself which causes me concern is people travelling in tray-top vehicles. There has been some suggestion that we should legislate against anybody travelling in the back of such a vehicle. This would make difficulties in many areas where people rely on transportation by truck. For example, mention was made in the Assembly last week of some 131 people from a particular community west of Alice Springs heading over to Western Australia by truck. There were rather a large number of people and the truck was their means of transport. The only suggestion I have is that a speed limit should be set, and definitely enforced, for anybody taking people on an open-tray vehicle. I think that is the best thing. I would hate the law to say that a

person must be in a sitting position with a seat-belt, but I advocate a speed limit be rigidly enforced in this regard. I would also suggest that, if the driver of such a vehicle carrying a large number of people happens to be over the 0.08 limit, the penalties imposed should be very strong indeed. He has a tremendous responsibility for the lives of his passengers and he should be in a sober condition.

During the last couple of weeks, the police in Alice Springs have been using something called a speed gun to measure the speed of vehicles. No doubt this has a deterrent effect, and I welcome that. However, my secretary was out driving on the first day on which this gun was in use and suddenly a policeman jumped from behind a bush and aimed it at her. She swerved instinctively. This could have caused an accident, and she got quite a fright. I hope people will get used to these guns. I would hate them to create road accidents rather than provide a deterrent by reminding people that there are limits to be observed. This concerns safety on the roads. Maybe the police should follow it up so that they do not startle people.

Mr Speaker, in conclusion, I would say that a seat-belt can give people a false sense of security and lead them to drive in a manner which is unbecoming. No seat belt or protective helmet can replace common sense and due care on the roads. This is up to the individual.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I am prompted to speak briefly in support of this bill because of the comments some other members have made during the debate. I am very pleased to see the bill. I do not share the reservations of the honourable member for Nightcliff so far as footwear is concerned.

I do not wish to bore the Assembly with another one of my St John Ambulance speeches but I can say that, from 8 years of pushing the meat wagon around Darwin, those restraints are sensible ones. I simply wish to give one example of the way in which they are sensible. I am talking about an accident that I attended personally. It involved a 19-year-old on his way to work at 1.00 o'clock in the morning on an ex-police bike which was far too large for him. It was his first bike. He collided with a metal lightpole on his way to work. He was bare footed. The accident took his foot off at the ankle. Mr Speaker, had he been wearing the very sensible, fur-lined leather boots that many motor bike riders wear, he would have ended up with broken bones and nothing else. He had to undergo 6 months of intensive hospitalisation and be fitted with an artificial foot. I understand he is still receiving rehabilitation care for that. All that cost a small fortune. It is not good enough to say that it is simply an individual decision that people can make. In the case of an accident, the community becomes very much involved in the quite heavy financial burden of supporting people who have accidents of that type which could be avoided.

So far as seat-belts are concerned, the motor vehicle industry is one which has had a continuing upgrading of safety standards. The member for Nightcliff mentioned that some cars are safer than others. When rear vision mirrors were introduced, there was a very relentless campaign to oppose them on the ground that they distracted the driver's attention from the road ahead. In the terms that they were introduced, that was a very sensible argument. But the benefits of rear vision mirrors are known to everyone now. We then went through a period of time when seat-belts were not fitted to cars. They are now fitted. I think it is a continuing process of awareness. People are certainly becoming aware of how much road accidents cost.

However, there does need to be a limit, as the member for Nightcliff said, on how far you can go with this. Some motor vehicle manufacturers have a great

many safety standards built into their cars: shock-absorbing bumper bars, telescopic steering columns, safety nets between the luggage compartments at the back of the vehicle and in the passenger compartment etc. All those things cost money. I have not yet achieved the status of becoming a Volvo socialist. But that particular manufacturer, along with BMW, Mercedes and a number of other motor vehicle manufacturers, has introduced those kinds of innovations into its motor vehicles with beneficial effect. But they do cost a great deal of money.

I welcome the bill. As the member for Nhulunbuy said, I think that the great benefits that will come from this legislation are similar to those that have come from the random breath test legislation, which I also support; that is, a continuing program of community awareness as to the danger of not complying with these kinds of sensible regulations. I believe that will be the beneficial effect. I have spoken in this Assembly on many occasions of the concern I have every day on the roads in Darwin. Every day on the roads in Darwin it is possible to see adults safely strapped into their vehicles whilst young children stand up on the front seats. Quite often, it would only need a very gentle pressure on the brake pedal to catapult a child through the windscreen.

Ms D'ROZARIO (Sanderson): I would like to contribute a few points to this debate. There are 3 points which are sought to be covered by this particular bill. One is to make it more likely that seat-belts would be used generally by adults. The second point which this bill attempts to deal with is the question of seat-belts for children and child restraints. The third point, one that has been canvassed for some length and which is likely to be quite controversial in its implementation, is the protection of motorcyclists.

It is interesting to note that we are now approaching the problem of restraining children in cars with a bit more thought. Hitherto we have had available to us the imposition of penalties for adult drivers and passengers who have not used seat belts in vehicles. Of course, the area of prosecuting children for not using seat-belts has always been a difficult one to cope with. I approve of the measure which we have taken in this bill to afford children the protection of law by making it the responsibility of the driver to ensure that all passengers under 14 are in fact using an approved restraining device.

With respect to the child restraints for which we have provided definitions in this bill, we seek reference to devices approved by the Australian Standards Association of Australia. Perhaps it might be as well to make a point here, Mr Speaker. There are a number of child restraints and restraining devices on the market which are not approved by the Standards Association of Australia. Perhaps the minister responsible for Consumer Affairs could look, in the long term, to having these products removed from use as restraining devices for the purpose of this particular bill.

In his second-reading speech, the minister provided us with some quite frightening figures relating to the use of seat-belts. We were told that 73% of children in vehicles travel unrestrained. While 73% are unrestrained by seat-belts, of those who are using restraining devices, a large proportion are using devices which are not approved by the Standards Association of Australia. This might appear to be a small point but it certainly is not in the case of devices which rely for their fixing on curved rods etc which could become material for being impaled upon if the child were ever in a collision. Perhaps it is as well to propose that these devices are not approved devices for the purposes of this particular bill.

The minister has dealt at some length with the protective provisions of this bill as they relate to young children. I believe that this bill will cater

for children between the ages of 1 and 14. This of course still leaves us with the question of protecting very young infants. I am unable to suggest anything to the minister because all states that have attempted to cope with this problem have come up against the lack of a device approved by the Standards Association of Australia for the protection of very young passengers. It is still possible to provide some protection for infants between the ages of 6 and 12 months but, for under 6 months, there is very little on the market. The only suggestion that can be made is that these infants be restrained in padded bassinets covered by a net and placed such that the infant's head is towards the centre of the car. This is perhaps not quite as an effective restraining method as the ones we are providing for older people.

There has been some talk about financial impositions on people, and this is one piece of legislation where there will be some financial costs incurred by people who wish to comply with the provisions of this bill. I would think it most disappointing if parents still refused to give protection to their children because of the fact that they might have to spend some money in having their cars fitted with the correct devices.

It must be remembered that of course it is still possible to use an adult seat-belt for the restraint of a young child, provided that the seat-belt is correctly adjusted. Particular booster cushions are approved by the Standards Association of Australia for use with an adult seat-belt, which would also afford the child a view out of the window. All these things are available on the market now and it is to be hoped that people will comply with the provisions of this bill.

Regarding the provisions relating to protective headwear and footwear for motorcyclists, I too have had some representation from members of my electorate who claim that these provisions are far too onerous and, in any case, it is not the business of the legislature to protect them. They feel this to be a particularly strong argument when accidents which involve motorcyclists are examined. Mr Speaker, I find their logic to be somewhat deficient. I am told by people who do not like these provisions that the worst accidents involving motorcyclists are where no other vehicles are involved. I am told that it follows from this that, if a motorcyclist is in an accident, it is entirely his affair. My answer is, as I have said before in this place, that there is no such thing as a free accident. In particular, there is no such thing as a free accident in respect of the insurance premiums that all road users pay for. When we processed the Territory Insurance Office Bill, there was a great deal of discussion about the level of the premium. It was actuarially determined what the premium should be with respect to the accident rate. Recently I had occasion to look into the situations for some of my constituents who have been involved in very serious accidents and who have had dealings with the Territory Insurance Office. When I took these matters up with the Territory Insurance Office, I was given more detailed information about what level of costs that office is having to bear in order to compensate accident victims. Unlike the member for Nightcliff, I do not quarrel with these particular provisions for headwear and footwear.

With respect to the regulations which will prescribe the type of footwear, I imagine that materials will not be specified in detail, but it will be specified simply that enclosed shoes or boots be worn when a person is either a passenger or a rider of a motorcycle. We all say that sensible people would dress that way anyway, but the observation I made of motorcyclists is that they are generally not concerned with footwear. I find they comply quite readily with the provision for wearing a helmet but in the area of footwear there is a great deal to be desired. I believe there are even more motorcyclists riding around without any footwear at all than there are wearing just thongs. Certainly I approve of the

legislature including in this bill a provision that footwear should be specified.

Those are the few remarks that I wish to make in respect of the bill. I have said a few times before that every measure that comes before us with respect to road safety could in some way be criticised for its approach to the problem, but we now have several remedial measures. When looked at together, each will contribute to reducing the accident rate and for that reason I support this bill.

Mr DONDAS (Transport and Works): Mr Speaker, I thank all members for their contributions to and support of this bill.

I would like to pick up a couple of the points made by previous speakers. The first important point that I would like to make is that the Road Safety Council will be having an extensive advertising campaign relating to the amendments to the Traffic Act to inform the members of the public of their new responsibilities regarding child restraints and the other provisions of the act.

The thing that has been hammered today is the footwear provision. I would like to give an undertaking to the Assembly that, in formulating the regulations, we will make sure that the Northern Territory Motorcycle Drivers Association is fully informed of the government's intention as it has been of these 2 particular amendments that are before us now. The government has had discussions through the Motor Vehicle Registry and also through the Road Safety Council with that body and it is quite satisfied with the final intention of the provision. I must agree with the Leader of the Opposition in that, when I drive around town and see parents with children standing up in the front seat of a vehicle, although they are travelling at a legal speed, I often feel that I want to pull them over to the side of the road and tell them they are doing their children an injustice. I believe we all feel the same way. It is probably very good that the Leader of the Opposition once played a very important role with the St John Ambulance. He is probably more aware than other members of this Assembly of the tragedies that are caused through people's neglect. I certainly support his remarks in that area. In fact, I often think that it is criminal neglect on the part of any adult who does not take the necessary precautions to protect his child.

I just reiterate that, when we do formulate the provisions for footwear, we will certainly be having discussions with people who are concerned and who have an input to make. I am not sure at this stage whether the regulations will stipulate completely enclosed footwear or whether they will just state a type of material. But I believe that we must be sensible about it. At the same time, we must ensure that motorcyclists are afforded some measure of protection so that it does not cost the community at large a lot of money for medical fees etc. I thank each member for his support.

Motion agreed to; bill read a second time.

Mr DONDAS (Transport and Works) (by leave): I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

TABLED PAPERS

Report of the Inquiry of the Northern Territory Remuneration Tribunal
Relating to Magistrates - 1981

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker, I table a report of the Northern Territory Remuneration Tribunal: the 1981 inquiry into the salary and conditions of magistrates. I move that the Assembly take note of the paper.

I would point out that the tribunal noted that, previously, the Commonwealth Remuneration Tribunal had fixed the remuneration and allowances of Northern Territory magistrates and that this fixation operated as a recommendation to the Administrator to determine magistrates' salaries under section 6 of the Magistrates Act.

The Commonwealth Remuneration Tribunal's 1981 review fixed the increase in salaries for magistrates but this recommendation has not yet been acted upon. The tribunal noted that, historically, there has been a nexus between ACT magistrates and Northern Territory magistrates salary-wise. The submissions of the magistrates were that this nexus be broken because magistrates in the Territory had a greater jurisdiction than ACT magistrates and a greater workload. Mr Barritt SM of Alice Springs also submitted that recent amendments to the Magistrates Act lessened security of tenure and this should be compensated for.

The tribunal accepted that there was a significant difference between the work of ACT and Territory magistrates but that, compared with other states, Territory magistrates appeared well remunerated. The tribunal felt that no adjustment over and above the Commonwealth Tribunal's recent fixation was justified. The tribunal was also of the view that current salary differences between stipendiary magistrates and the Chief Stipendiary Magistrate did not reflect the added responsibilities of the Chief Stipendiary Magistrate. The tribunal also reviewed current expenses of office allowances and other allowances.

The recommendations in brief, Mr Speaker, are that an adjustment in current salary was warranted. The Chief Stipendiary Magistrate, it is recommended, should receive \$45,000 per annum and the stipendiary magistrates \$42,000 per annum. The expenses of office allowances will be as follows: for the Chief Stipendiary Magistrate, \$2,000 per annum; a stipendiary magistrate in Alice Springs, \$1500 per annum; and stipendiary magistrates elsewhere, \$1000 per annum. Telephones are to be provided in each magistrate's residence, and all costs of installation, rental and calls will be met by the government. Other terms and conditions of service of magistrates will be of public service level E4 and above. The new salaries it is recommended will be effective from 1 July 1981 and all other recommendations will be effective from 1 November 1981.

In justice, Mr Speaker, it must be pointed out that the Commonwealth Tribunal's recommendations came out quite some time ago and that, therefore, the salaries should be backdated to about 1 July 1981.

Motion agreed to.

Report of the Northern Territory Remuneration Tribunal
Relating to Aldermen - 1981

Mr EVERINGHAM (Chief Minister) (by leave): I table the Northern Territory Remuneration Tribunal's 1981 inquiry into the remuneration of aldermen. I move that the Assembly take note of the paper.

I point out that, currently, regulations 83 and 84 of the Local Government Act prescribe the maximum amount payable for fees and allowances to council aldermen, an aggregate total being \$3000 for meeting fees in any one financial year. The submission of the Darwin city council to the tribunal was that the maximum allowance under section 44B and regulation 84 be increased to \$6000 per financial year due to the loss of value of the existing allowance and the increased workload of aldermen.

In assessing the suggested level of remuneration, the tribunal agreed that factors such as loss of salaries and wages, intrusion into private life of

aldermanic duties and making aldermanic duties more attractive to encourage participation in local government should be taken into account. The tribunal noted that there was insufficient hard facts and documented evidence of the factors that the council wished to be taken into account. The tribunal also noted that the principle of honorary service in local government is still a strongly-held community view and the tribunal acknowledged that aldermen truly devoted much time and personal expenditure in carrying out their duties.

The tribunal also noted that the Local Government Act does not provide any authority for paying compensation for these factors and, I quote, 'the tribunal is not persuaded that it should provide compensation by proxy through the subterfuge of making payments in the form of enhanced meeting expenses'. The tribunal found that the evidence showed that, while general council meetings may be of reasonable length, many committee meetings are relatively short. Further, the tribunal felt that section 44B had within it the seeds of administrative inefficiency in providing an incentive for the proliferation of committees with frequent short meetings.

Notwithstanding the tribunal's recommendation and following representations by local government in the Territory, the government has decided to remove the present limit of \$3000 per annum for meeting fees, and leave the matter to be determined by the respective councils. The government has taken this view, expressed by local government, that aldermen should be answerable to their constituents on this matter. The councils, if they so chose, will be able to seek recommendations of the Remuneration Tribunal prior to their determination of meeting fees and, Mr Speaker, I would so advise them.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I just wish to speak briefly to this particular part of the Remuneration Tribunal's determination. I support completely the attitude of the government in this matter. I believe that it is appropriate for aldermen to be answerable to their own electorate. Definitely, this is the way things should be. Of course, it is up to the aldermen then to make their own decision in this matter, and for the electorate to make its decision appropriately.

Motion agreed to.

Report of the Northern Territory Remuneration Tribunal Inquiry
Relating to Members of the Legislative Assembly - 1981

Mr EVERINGHAM (Chief Minister) (by leave): Mr Speaker, I table the 1981 Report of the Northern Territory Remuneration Tribunal relating to members of the Legislative Assembly. I move that the Assembly take note of the paper.

I suggest that any member standing up, sit down for this one. I would like to quote some extracts from the report. Advertisements notifying the conduct of the inquiry were inserted in Northern Territory newspapers and interested parties were invited to make submissions to the tribunal by 28 August 1981. Letters were also sent to all members of the Assembly advising them of the inquiry and inviting submissions. The presidents of the major political parties were similarly advised of the inquiry by letter.

Submissions were received from the government whip, Mr Roger Vale, on behalf of the parliamentary members of the Country Liberal Party, Mr Jon Isaacs, the then Leader of the Opposition, on behalf of the Northern Territory opposition, Mr J.L.S. MacFarlane, the Speaker of the Legislative Assembly, Mr Denis Collins, the member for Alice Springs, Mrs Pam O'Neil, the member for Fannie Bay, and Mr Dan Leo, the member for Nhulunbuy.

The tribunal was also available for oral submissions and held formal discussions with myself, with Mr Jon Isaacs, the then Leader of the Opposition, Mrs Dawn Lawrie MLA, Mrs Pam O'Neil MLA, Mr Les MacFarlane MLA, Mrs Noel Padgham-Purich MLA, Mr Grant Tambling MP, Mr F.K.M. Thompson, Clerk of the Legislative Assembly, Mr K.S. Pope, the Public Service Commissioner, and Mr M.R. Finger, Director-General of the Department of the Chief Minister. I will find out what he had to say, Mr Speaker.

The general thrust of submissions received - I think we will blame it all on him actually - was that salaries should be updated by some form of indexation and that the general level of salaries payable should not be such that through inadequacy they are a disincentive to capable people within the community undertaking a political career. Argument was advanced to the tribunal that current salaries needed to be increased 'to ensure that parliament is comprised of the very best people'. The tribunal does not believe that any salary rate per se will attract the very best people to a career in politics. On the other hand, the tribunal accepts the frequently expressed opinion that too low a level of salary can be a disincentive in that capable people in the community may not subject their families to a substantially reduced living standard by undertaking a political career where the remuneration package was significantly lower than they could command in other employment.

The parliamentary salaries in some states are based on a percentage-formula approach using the Commonwealth's Remuneration Tribunal fixation or an average of all or some of the other state parliamentary salaries. A similar formula was advanced to this inquiry but the tribunal can find no basis for any arithmetic or arbitrary nexus with state counterparts nor for discounting the value of the Territory member compared with the salary payable to a federal or other state politician. On the contrary, there is some evidence that, because of the limited size of electorates in the Territory, the easy access available to constituents to their member and personal acquaintance between constituents and members, there is a heavier workload of constituent representation than prevails in other states. On balance, the tribunal is persuaded that salary levels should be fixed having regard to the Northern Territory industrial environment and not established on some arbitrary nexus with other federal or state fixations.

The tribunal went on to say that, in the Northern Territory, all public employees and a high proportion in the private sector enjoy special Territory conditions which are currently not available to members of the Legislative Assembly. Without being exhaustive, such benefits as district or Territory allowance, additional recreation leave above the Australian norm, recreation leave air fares, leave loading and employer-provided housing substantially enhance the total remuneration package of general employees in the Territory. These additional benefits must necessarily be borne in mind when establishing a level of remuneration for politicians which will not be a disincentive to the capable within the community to embark on a political career. The basic salary fixed within this determination reflects 'a fair comparability with interstate counterparts for the work undertaken by politicians'.

Secondly, there is the higher cost disability attraction structure of Territory remuneration, the general level of salaries within the Northern Territory and the need for the remuneration not to be a disincentive to the capable to participate in the parliamentary process. Speaking of office holders, the tribunal went on to say that there is little doubt there is a community expectation that people who pursue a political career and become office holders do so with a degree of public spirited sacrifice and that the emoluments attaching to office are not necessarily equated to the employment market evaluation for acceptance of comparable responsibilities. Despite this concept, it is incongruous that ministers and office holders who must accept the ultimate public

accountability for the policy and administration of government are remunerated so adversely compared with counterparts in both the public and private employment markets. The current levels of ministerial remuneration can only be a disincentive to talented people in managerial positions in both the public and private sectors of employment to pursue a political career. This determination attempts to provide a more equitable balance between the public spirited consideration and the managerial employment market.

In turning to the determination itself, the tribunal has determined that the basic salary and travelling allowance for members will be \$33,000 per annum, travelling allowance within the Northern Territory \$65 per overnight stay, interstate capital city \$90 and interstate other than capital city \$70. The additional salaries and special allowances for office holders will be: opposition whip \$3000, government whip \$3000, Deputy Leader of the Opposition \$6000, Chairman of Committees \$6000, Leader of the Opposition \$18,000, minister \$18,000, Speaker \$18,000, Deputy Chief Minister \$24,000, and Chief Minister \$36,000. Special expenses of office allowance will be: Chief Minister \$8000, Deputy Chief Minister \$5700, Speaker \$4600, minister \$4600 and Leader of the Opposition \$4600. Electoral allowances and entitlements for the electorates will be: Alice Springs, Casuarina, Fannie Bay, Gillen, Jingili, Ludmilla, Millner, Nightcliff, Port Darwin, Sanderson and Stuart Park - \$6000 per annum; electorates of Arnhem, Barkly, Elsey, MacDonnell, Stuart, Victoria River - \$10,000 per annum plus travel by scheduled air service or charter within the electorate to the value of \$2000 per annum; electorate of Nhulunbuy - \$8000 per annum plus travel by charter to the extent of \$1000; and similarly for the electorate of Tiwi, except that there the member is entitled to \$2000 of charter or scheduled air travel.

Mr Speaker, as we all know, parliament has the power to fix its own members' salaries but in the instance of the Northern Territory Legislative Assembly it has delegated the power to an independent tribunal. The Northern Territory Executive Council appointed a person well qualified, indeed uniquely qualified in the Northern Territory situation, to assess parliamentary salaries and allowances. The retired Public Service Commissioner could do the job without fear or favour. Mr Speaker, it would be pointless to gloss over these considerable increases but I think in industrial parlance this has been, what I would call, a work value case where, for the first time, the work of Territory members, ministers and office holders has been looked at by a Northern Territory tribunal.

Mr B. COLLINS (Opposition Leader): The opposition's submission to the tribunal was basically that current salary levels be maintained but that they be indexed. Of course, that particular submission was outdated by events and that got some mention by the tribunal in its document. I will quote from it:

Most submissions sought some form of indexation of basic entitlements. The national indexation system has been formally abandoned since this inquiry commenced and the tribunal is not prepared to introduce its own system. There is no CPI for the Territory and the tribunal is not persuaded that the 6 capital cities CPI index is appropriate.

I would agree with that. So, in fact, events overtook the opposition's submission on indexation as the national indexation system was abandoned after that time.

Mr Speaker, having read the document, I must say that the benefits of this being the first determination by a Territory tribunal are reflected in the recommendations, particularly in those areas dealing with electoral allowances and travel. I would have to support the Chief Minister's comments in that respect. We were labouring under a great deal of difficulty with the former determination in that it simply did not allow for the kind of conditions Territory members

work under, and I know that individual members of the opposition presented evidence to the tribunal that they had far overspent their electoral allowances. Indeed, that was my case and I know that the member for Fannie Bay had the same difficulties. I think that the one thing that can be said very firmly about this particular determination is that it does reflect the fact that it was prepared by a Northern Territory tribunal.

Mr Speaker, the opposition may have some reservations with particular parts of the determination. We may have some reservations about travel allowances etc but I believe that the appropriate way to deal with this is to work under this particular determination, to find out if any practical difficulties do arise from it and then to reflect any difficulties that we may have under this determination by another submission to the tribunal at an appropriate time.

In supporting the acceptance of these recommendations, I would say that they reflect the realistic political situation as it exists in the Territory, particularly of the difficulties of running a small parliament. I would also say that I am pleased that some attention has been given to areas dealing with electoral allowances. This is where most of the difficulties arose, certainly in my case and in the case of other opposition members.

I agree with the Chief Minister that it would be a mistake for anyone to gloss over the fact that there have been substantial increases in salaries. I think that is a matter that is open to public comment, as it should be. I am sure that the members of the press will ensure that it will be. I am particularly pleased about this because I do think that it is fair to say that the salaries that are provided are accountable salaries, as they should be.

Mr Speaker, there are 2 members of this Assembly, yourself and the member for Nightcliff, who came into this Assembly when remuneration was pitiful. I think it was about \$1500 per year. When I came into the Assembly in 1977, the remuneration was \$12000 a year. I took a substantial decrease in salary from what I was earning with CSIRO. I think that one of the benefits of this new determination is that members of this Assembly have been given an accountable salary. I believe that the electorate can realistically demand value for money from the salaries that have been allocated in this determination. I think that that accountability of the salary scales that has been brought down by this tribunal can only be to the benefit of the good government of the Northern Territory.

Motion agreed to.

MOTION

Third Report of the Commissioner of Consumer Affairs

Continued from 24 November 1981.

Mr SMITH (Millner): Mr Speaker, I understand that it is traditional in the maiden speech not only not to be interrupted but that the newly-elected member thank the wise and intelligent voters in his electorate. Certainly, I would like to do that. I would like to thank the voters of Millner. A political journalist known to us all stated that it was a mature judgment and I must say that, on this occasion, I agree wholeheartedly with that political journalist. I would also like to thank the government for bringing on this debate. As everyone here would know, it is quite a wearing process waiting to make a maiden speech. I do appreciate the opportunity.

Turning to the Third Report of the Commissioner of Consumer Affairs, my first impression was that it is a very comprehensive and thorough report. It

certainly opened my eyes on a number of areas. Not only is it thorough and comprehensive but the commissioner is also not too bad at looking into the crystal ball. For example, on page 6, he comments: 'A relatively low level of complaints concerning home construction and renovation in the Northern Territory is in marked contrast with the increase indicated nationally'. He then goes on to say, 'This could change as more private developers operate in the Territory'. I think everyone is aware of what seems to be almost a flood of consumer complaints in this area at the moment. It is obviously something that the commissioner will address himself to in some greater detail in his fourth report.

In examining the report, I would like to pick up 3 particular points. The first one is the general question of service provided to consumers in the Northern Territory. I must say that I do have some sympathy with those people in businesses who are attempting to supply goods and services to people in the Northern Territory. There are problems of distance and isolation which make it difficult for people in those types of businesses to meet their commitments from time to time. I think there are particular difficulties with freight from time to time due to circumstances beyond the control of the organisations ordering the freight from south. I also think there are particular difficulties for firms in the spare parts business of having the financial backing to get a large enough supply of spare parts. This has been made even more difficult by the recent sales tax increases both in relation to spare parts themselves and also to freight. I would like to express my disappointment that the Territory member in the House of Representatives in my view, and I think in the view of many people in the Northern Territory, has been somewhat equivocal on the matter of sales tax increases particularly in the freight area. I would hope that the attitude of all members both in this Assembly and the House of Representatives will harden on this issue.

Even though I do have some sympathy with those people supplying consumers, the report points out 3 or 4 major areas where there can be no excuse for some current business practices. I refer particularly to firms who fail to honour warranty work; there are a disturbing number of those mentioned. I refer also to firms who fail to provide restitution for goods that are damaged whilst in their care and there are even goods that are lost whilst in for service. The report contains a number of disturbing cases where goods have been lost and the consumer has had great difficulty in obtaining satisfaction.

I have had cause to reflect on one particular aspect of the report only in the last 24 hours. The commissioner reported on the practice of national retailing firms issuing glossy brochures to households and then, within the new few days, issuing quite considerable corrections to those brochures in the local press. I have had cause to reflect because I have seen these corrections from time to time in the paper but have never taken much notice of them. In last night's NT News, there was a correction from Woolworths for its Christmas catalogue. That correction stated that 17 items that it had listed in its catalogue were not available in its Darwin stores and 6 other items had been incorrectly labelled in one way or another. I would agree with the Commissioner of Consumer Affairs that this is a serious business. The national retail chains are obviously preparing their pamphlets centrally and are obviously not overly concerned at this stage if all the items in the pamphlet cannot be sent to what they see as an isolated and remote outpost. I would hope that the attention that the commissioner has given to this particular practice in his third report will bring an improvement.

There is a second area that I intended to take up but the Chief Minister, in presenting an amendment to the Small Claims Act this morning, has stolen some, if not all, of my thunder. It is quite clear from reading the report that people are somewhat reluctant to use the Small Claims Court. I was surprised

that the minister, in introducing the bill this morning, said that there are 2704 claims in the Small Claims Court in 1980. That may be so but I still gain the impression from reading the report that it is very much a matter of a last resort and that many people who take complaints to the Commissioner of Consumer Affairs are very reluctant indeed to go to the Small Claims Court. I obviously have not had a chance to read fully the amendments presented by the Chief Minister this morning but certainly the opposition will be supporting any amendment that will widen the powers of the Small Claims Court. We will look very closely at other areas which will have the effect of making the Small Claims Court a much more effective part of the whole package of consumer legislation in the Northern Territory.

The third point that came to my attention in reading the report was the question of the Trade Practices Commission and its representation in the Northern Territory. It is clear that there is widespread ignorance among consumers, retailers and other people supplying goods and services as to the function of the Trades Practices Commission in the Northern Territory. There were a number of cases mentioned in the report where regulations of the Trade Practices Commission had been ignored. I am prepared to believe, at this stage, that they were ignored in ignorance rather than out of malice. It has probably reached the stage where it would be a good idea for the Trades Practices Commission to appoint a permanent officer in the Northern Territory to ensure that, in this important area, everybody on both sides of the consumer fence is very aware of what the Trades Practices Commission's laws and regulations are.

Having made those general points on the report, I must say that my dealings with consumers over the last few weeks indicate that there are other matters, probably outside the scope of the Commissioner of Consumer Affairs, that do concern them. The 2 matters in particular are the cost of living spiral and the associated question of the narrowness of the Territory economic base and the problems thereby caused when there is a downturn in certain parts of the Territory's economy. Everybody in the Millner electorate and probably everybody in Darwin is very aware that the government's own figures to the zone allowance inquiry revealed that the Territory is a high-cost-of-living area. The impact that this has had on people is somewhat staggering.

I was surprised and concerned in doorknocking the Millner electorate at how many people there were in that electorate who had been in the Northern Territory for 10, 15, 20 or even 30 years and who were actively thinking about leaving the Northern Territory. They do not want to leave but they believe that they have been forced to consider the possibility because of the rapid escalation in costs in all areas and because they can see no relief in sight. They were particularly concerned at the increased costs in housing. We all know that the cost of house purchase is the highest in Australia and that the cost of rent has now soared to a level where it is the highest in Australia. I have a particular concern for the young people, particularly the young people who have been born, bred and married in the Northern Territory. A number of families in that situation stated that they were finding it almost impossible as young married couples to set themselves up in their own homes, on their own blocks of land, with the housing and land situation as it is in the Northern Territory.

Associated with that, there is an increasing feeling that the development policies of the Northern Territory government have been good for a few big companies but have done little for the average family. There is a feeling that the average family is missing out in the so-called 'development boom' in the Northern Territory and that the main thing that they are getting from the development boom is an increase in costs, particularly in the housing area.

I think, Mr Speaker, it leads to the conclusion that development has to be

tempered with a concern for existing residents, that there is little point in pursuing a pattern of development which leads to such an increase in cost to the residents already here and that they cannot benefit from the development that is taking place. In fact, the development has been so successful that they cannot afford to remain in the same town and have to consider leaving the place.

In my view, Mr Speaker, we can get away from this lopsided development, this encouragement of big enterprises to the exclusion of little enterprises, by encouraging, much more actively than we have done in the past, the smaller businessman and the smaller businesswoman.

The small businessman is the backbone of most western economic systems. Australian figures reveal that the small businessman accounts for perhaps 40% of employment opportunities at an Australia-wide level. In the Northern Territory, the figure is much less than that at the moment. The small businessman earns his money in the Northern Territory and spends his money in the Northern Territory, and by doing so he ensures to the maximum extent circulation of the money that is being earned and spent in the Territory. This contrasts quite markedly with the activities of some of the larger companies. A sign that this is a problem was indicated by the Minister for Mines and Energy who, in a speech to a recent Chamber of Commerce gathering, gently chided or, if the newspaper is to be believed, not so gently chided the large companies for some of their practices, particularly the practice of taking a large amount of their profit out of the Territory and sending it either interstate or overseas.

Despite the fact that the small businessman is generally recognised as being the backbone of the economic community the small operators I have spoken to in the area of primary production, fishing, mining and retailing all have stories of how they are hampered by government inaction. The small businessman, in my view, faces 3 major disadvantages: there is a lack of finance for the establishment of his business or the expansion of his business; there is a lack of expertise in running a business; and there are difficulties in attracting and keeping skilled staff.

I accept that it is easy to stand up and criticise the government for its activities in this area. It is much harder to come up with positive incentives to help develop the small business sector. But certainly, in this area, the opposition has a number of well-thought-out and well-developed policies which, in the event of a Labor government, will mean that the small business sector will get a better deal.

In the area of finance, it has long been the policy of the opposition that a Territory bank should be established. We believe that one of the major holdups to the development of small business at the moment is the fact that most of the finance is controlled by southern banking institutions, that these institutions are ruled by boards far from the Territory, that they are ruled by spending patterns and lending patterns determined in Sydney or Melbourne and that these spending and lending patterns have proved themselves to be most unsuitable to the needs of the Northern Territory. In our view, a Territory bank would provide much more flexibility in lending and in spending patterns in the Northern Territory and it would go a long way towards meeting the needs of the small businessman, particularly in the early stages of setting up his business.

In the area of expertise, I acknowledge that the government has established a small business advisory unit. A Labor government would move to increase the personnel in that unit and the amount of money available to it. We would employ experts in the areas of budgeting, sources of finance and taxation. We would employ experts in the areas of market research, selling and distribution, retailing and wholesaling, and we would concentrate on giving expert and practical

advice to people in the small business sector.

The difficulty of attracting and keeping skilled staff is the hardest area to come to grips with. Certainly, at this stage, the opposition does not have any concrete answers. However, it is an area that must be tackled and it is an area to which the opposition is bending its mind. We would expect early in the new year to have a number of initiatives in the pipeline on the issue of attracting and keeping skilled staff. There have been too many examples of entrepreneurs who have been handicapped by the fact that they cannot keep skilled staff. Certainly, one of the keys to the development of small business is the development of successful programs and incentives in that area.

Mr Speaker, with some exceptions, the Third Report of the Commissioner of Consumer Affairs basically outlines complaints against small business people. I believe that most small business people are honest. They do not set out to create deliberately bad consumer relations. In most cases, I would accept that, where they do create bad consumer relations and bring themselves to the attention of the Commissioner of Consumer Affairs, it could well be because of lack of expertise in the 3 areas I have mentioned. It could be because of lack of finance, it could be because of lack of general know-how in running a business and it could be because of the problems in attracting and keeping skilled staff.

Mr Speaker, if there were improvements in those areas, there is no doubt that the quality of the operations of small businesses will rise. Consequently, the number of complaints to the Commissioner of Consumer Affairs should decrease. The opposition will work constructively towards promoting a healthier, more cost-efficient and income-productive small business sector. By so doing, perhaps in a few years time it may be possible, if not to do away with the Commissioner of Consumer Affairs, at least to downgrade the present importance of that portfolio.

Mr PERRON (Treasurer): Mr Speaker, I just take the opportunity to comment on remarks made by the member for Millner. Much of the remarks made by the member related to such areas of consumer interest as the cost of living rather than to the report specifically. However, I guess I will have the indulgence of the Assembly on the same subject.

Briefly, I would like to point out to the member for Millner one statement he made early in his speech which indicated that he felt some sympathy with traders in the Territory who were trying to provide a service to consumers. One particular area he pointed out was about stocks held by people such as spare parts dealers in the Territory. He said that the Commonwealth proposals for the imposition of a higher level of sales tax, and the resultant effect on the freight component - which is of particular disadvantage to people in the Territory - would make the lot of the spare parts dealers even worse.

I point out to the member that, whilst we are not very happy about the proposed increase in sales tax in this regard, it will not affect the direct capital required by a person to set up a spare parts firm inasmuch as the sales tax is not paid until the goods are sold. Sales tax on freight also is not paid until the goods are sold.

On the more general question of the cost of living, I think the member has taken a bit of licence in this regard, as the ALP is prone to do in the Northern Territory. Whenever its members open their mouths, one would get the impression - if one believed all they said - that the Northern Territory is the only place in Australia where prices ever increased. Of course, they should be mindful that incomes go up as well.

By chance, I have with me an article from a southern newspaper which deals with the cost of living in New South Wales of a single-income family with 2 children on average weekly earnings. The exercise compares the present cost of living to that of 6 years ago. It says that the situation does not look really bright. The cost in some areas has gone up in the vicinity of 100% in the 6 years while incomes have gone up about 75%.

I will quote a few figures from this article. I remind members that we are talking about New South Wales not the Northern Territory. In 6 years, the average western suburbs house rose 100% from \$27,000 to \$54,000; building costs have risen 85% to 90% in the period; rent has risen 90% to 100%; food has risen 91%; electricity has risen by 70%; postage has risen by 140% - which obviously would be the same across the country; vehicle running costs have risen by 112%; dental costs have risen by 97%; and hospital and medical costs have risen by 521%.

I am indicating that the view is that one only has to knock on a few doors in Millner or any other electorate in the Territory to find many Territorians of 10 years' standing who are about to pack their bags and leave because the Territory has been brought to its knees by cost-of-living increases. Some people will be jumping out of the frying pan into the fire if they think they will go interstate and find a situation of stable prices and no increases.

The member for Millner concentrated a great deal on the importance of small businesses to the Territory and it is heartening to note that he has the feeling that small businesses are the backbone of the country. Certainly, they are the biggest employer in the country and an area of private enterprise that all governments should foster because their growth is obviously very significant in the country's growth and prosperity. This government has done a great deal to foster growth in the Territory not just of big business but of all business. All business is complementary. Any examination of figures on growth in the business economy of the Northern Territory will indicate that we have done a great deal in the past to foster this sort of growth and we will continue to do a great deal in the future.

The member for Millner put forward 3 specific areas - or 2½ as a matter of fact - where he would like to see something done. He assured us that the ALP would do something to remove current deficiencies in the Territory in these areas. He said it would increase the money available for services to small businesses. That is commendable but what he did not provide for us is the rest of the priorities of the ALP and an indication of where the funds would come from. The list that he read out of experts that would be available as consultants for small businesses to advise them how to plan their business etc would no doubt be very expensive. We have the Small Business Advisory Service which is very popular. It runs seminars throughout the Northern Territory from time to time and it advises business people on a private basis by appointment. The section has 2 people in it at present and, whilst no doubt one could employ a large staff of experts to advise small businesses, it would be a very expensive exercise. If the member for Millner ever gets in a position of making some government decisions, he will realise that it is not simple to put another half a dozen people on the payroll at any time that he feels like it.

He mentioned that the ALP could solve many of the Territory's problems because a state bank would solve the financial difficulties that we face. This government has not expressed much love for banks either in the Territory but, as far as a state bank is concerned, it seems that it is not so much a matter of availability of funds but the cost of funds that is very important in this financial field. It is true that banks are working under policies that are decided interstate. We constantly lobby banks to use a bigger proportion of the

funds that they hold in the Territory. What is important are the interest rates that are available to borrowers who go to banks or other financial institutions. I do not know how but the suggested Territory bank would supposedly bring down the interest rates that are charged at other banks. I guess it will offer less and hope that people will bank there for patriotic reasons, invest with them and receive lesser services, so the bank can in turn lend to Territorians at cheaper rates. Perhaps he was just saying: 'No, the idea is to run other banks out of the Territory and do them out of business, but really not change the service that is provided to customers at all'. To my mind, there is certainly no case for a state bank at this stage.

The third point was the half; as I said, only 2½ points were put forward. That was a suggestion that, in the new year, proposals would be put to us by the ALP as to how to attract and keep skilled staff in the Northern Territory. Certainly, we will be most interested in learning from it because the turnover of any staff, skilled and otherwise, in the Territory is of concern to industry because it does not lead to efficiency.

To sum up, I would like to say that the member for Millner has fallen into the usual trap of running willy-nilly with his colleagues over there in their blatant statements that would seek to scare Territorians into believing that this is the worst place in Australia to live; that at the moment things are so bad that long-time Territorians are packing their bags to go. That is simply not the case and, as long as the opposition sticks to those views, it will be misleading the public.

Motion agreed to.

FOOD AND DRUGS AMENDMENT BILL (Serial 127)

Continued from 26 August 1981.

Mr BELL (MacDonnell): Mr Speaker, in rising to address the Food and Drugs Amendment Bill, I have one small question that I will come to in a moment. It seems to me that this particular bill is basically technical and empowers health inspectors. As a result of bills passed in this Assembly last week, I think they are now called health surveyors.

In his second-reading speech, the Minister for Health said that a legal opinion stated that the Food and Drugs Act did not afford health inspectors sufficient power to carry out their duties in respect of entering and inspecting places where they believe that breaches of the act may have occurred. This is my sole question. I wonder whether there have been specific instances where health inspectors, not having that particular power, have caused situations that may have been to the detriment of people in the Territory at particular times and at particular places. I wonder if there are any specific instances that the minister is aware of.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, I will keep my comments relatively brief. Until now, health surveyors had no power to enter and inspect premises where food was prepared and sold. If any inspections had to take place because of complaints, they could only use bluff to achieve their ends. They always had to ask permission to enter and inspect premises and this permission could have been refused in certain circumstances, and no doubt on occasion it was. Probably in the course of their work, they could have asked for search warrants which probably would have been granted to them under certain circumstances. But that immediately presents a ridiculous situation because, in dealing with a public health situation, such delay is completely untenable.

I understand that similar legislation has been enacted in the states, and so this is a case of our not being ahead of the states, as we are sometimes with our legislation, but catching up with them.

This bill seeks to update penalties to make punitive measures strong enough to do some good in the field of public health. While talking of punitive measures relating to legislation, I hope to goodness that the punitive measures written into this legislation do more good than those relating to dangerous drugs. Reading in the newspaper the sentences handed down by courts and considering the damage that the people involved can do to the community, especially the young people, by their activities, the penalties are just too ridiculous for words. So I hope the punitive measures connected with public health in this Food and Drugs Amendment Bill will be of more use in the community than the punitive measures dealing with drug laws enforcement are.

Other parts of the act deal with adulterants in food and food that is bad, decaying or decomposing. Other legislation only deals with deterioration or adulterants normally expected in food. The first thing that springs to the minds of those people who are interested in cheese are products like blue vein, gorgonzola and stilton cheese which, to put it mildly, are a little on the nose. To the connoisseur - and I rather like a couple of them myself - these cheeses are highly regarded but, strictly speaking, it is food in a rather unusual state.

In dealing with clause 4, in particular, I found it rather unusual to deal with absinthe by itself and not with any other particular food or drink that human beings normally ingest. On making inquiries, I found that the inclusion of absinthe into public health laws is historical and it is also included in state legislation elsewhere in Australia. Absinthe is an extract of wormwood and, for those people who like to tittle, it is also found in vermouth. I think one has to be rather careful of one's ingestion of absinthe because it can lead to dire consequences according to historians. I understand that Napoleon, to keep his troops fighting fit, gave an order that an issue of absinthe would be given to the troops to stimulate and activate them. It did not do much good in 1812 as they retreated from Russia or during other historical encounters with the enemy. It affects the brain and I think it is an historical fact, for those people who are interested, that Napoleon's troops returned from Russia a little worse for wear, and it was not only the weather in Russia; I think it was their ingestion of absinthe.

Mr TUXWORTH (Health): Mr Speaker, I thank members for their support.

In answer to the member for MacDonnell's question, I cannot recall any instances off the top of my head. However, I would cite an instance in the last 48 hours where a restaurateur in Alice Springs complained very bitterly about the fact that a health inspector arrived at his premises unannounced and wanted to have a look. He was upset about the fact that the health inspector had come at an unfortunate time and caught him with the place in a bit of a mess. He said that, if he had had 12 hour's notice, he could have had it spick and span. That type of instance highlights the difficulties that both the inspectors and people who are on the receiving end of the inspections are confronted with. We are trying to overcome the problem where a person may quite legally tell the inspector that he cannot come in. While that situation exists, public health is at risk.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr TUXWORTH: I move amendment 70.1.

The bill allows entry to any place where food is being prepared, including a private dwelling. Such a wide power may be seen to be an unwarranted breach of a householder's right to privacy. This particular amendment will ensure that, under the new paragraph 21(1)(a), health inspectors are not empowered to enter into a private dwelling where food is not being prepared for sale.

Amendment agreed to.

Clause 3, as amended, agreed to.

Remainder of the bill taken as a whole and agreed to.

Bill passed remaining stages without debate.

STATUTE LAW REVISION BILL (Serial 128)

Continued from 20 August 1981.

Mr B. COLLINS (Opposition Leader): Mr Speaker, the opposition has dealt with this bill, as we normally do, by taking a random sample of the amendments and checking them out. The ones we checked were found to be correct. I had some discussions with one of the gentlemen who was involved with preparing these current amendments to the statute law. He advised me that he found the work exciting and stimulating. All I can say, Mr Speaker, is whatever turns you on. I am sure it would be a dreary and very tedious task but it is nice to know that some of the people involved in doing these things are stimulated by them. The opposition supports the bill.

Motion agreed to; bill read a second time.

See Minutes for amendments to schedule agreed to without debate.

Bill passed remaining stages without debate.

LIQUOR AMENDMENT BILL (Serial 145)

Mr B. COLLINS (Opposition Leader): Mr Speaker, this bill introduces licence increases connected with roadhouses, specifically those roadhouses connected to power and water. The fee goes from \$40 to 5% of the value of the wholesale purchases of the roadhouses. Roadhouses not connected to power and water go from \$40 to \$200.

The Minister for Health mentioned at the time when he introduced the bill that he felt that it would probably mean an increase to beer consumers of about 1¢ a can. I believe that these increases reflect more realistically the licensing fees that should be charged for roadhouses. The opposition supports the bill.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, I rise to support this bill. When the minister introduced it, he suggested that we were about 20% to 30% lower in our licensing fees for roadhouses than is the case in the states and that, in line with the Territory having to raise extra revenue, the fees should go up. The Leader of the Opposition summarised things pretty succinctly as he has seemed to do in this particular sittings. 1¢ a glass has been suggested as

the cost to the consumer. It does not sound very much but, when you consider the high level of drinking in the Territory, quite a substantial increase in revenue will be raised. I support this legislation.

Mr VALE (Stuart): Mr Speaker, I rise to speak on this minor amendment to the Liquor Act which, amongst other things, seeks to change the licensing fees for those roadhouses which claim and utilise government services as opposed to those which do not.

It is interesting to note that, in recent years, both roadhouses and Aboriginal communities, in an attempt to come to grips with the problems associated with alcohol, have utilised the Liquor Act effectively to have roadhouses prevented from selling takeaway alcohol. I believe that it has resulted in a tremendous amount of success in cleaning up those communities. It has resulted in tremendous stability in those communities. I believe it is now up to the urban areas to come to grips with the associated problems related to alcohol and I believe the time is now long overdue for town areas to reduce the number of hours that retailers can trade in takeaway alcohol. I believe that drinking in a public place should be a clearly defined offence. I believe also that drunkenness should be reinstated as an offence.

Mr TUXWORTH (Health): Mr Speaker, I thank members for their support. I would just foreshadow that, in committee, I would like to repeal one section of the Liquor Act which will be irrelevant when this bill goes through because fees and charges will be set by regulation. The reference in the act to fees will be repealed.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 to 4 agreed to.

New clause 5:

Mr TUXWORTH: I move amendment 66.1.

Section 129 sets out the transitional provisions. These provisions are now unnecessary. One subsection of these transitional amendments - that is subsection 129(9) - is still effective at law. Subsection 129(9) prescribes the licence fee for roadhouses and this is in conflict with the intention to set these fees by regulation.

New clause 5 agreed to.

Title agreed to.

Bill passed remaining stages without debate.

FISH AND FISHERIES AMENDMENT BILL (Serial 126)

Continued from 27 August 1981.

Mr B. COLLINS (Opposition Leader): Mr Speaker, this is another of those pieces of legislation which deals with the powers of police or statutory officers to seize a person's 'thing'. There has been some difficulty with people being subjected to this kind of legislation. It has in fact received considerable attention from the Legislative Assembly.

The bill seeks to improve the circumstances under which things are seized, and says: 'For the purposes of subsection (1), a thing shall be deemed not to be seized unless the fisheries officer who seizes it, at the time of seizure or as soon as possible thereafter, gives to the person from whom it is seized a written notice, signed by the fisheries officer, identifying the thing and declaring that it is seized'.

I think the bill was probably prompted by justifiable complaints from fishermen that their equipment and the means of their livelihood could be placed under restriction by statutory officers, the police, and that they would not be able to earn their living. This bill does provide for prosecutions to be initiated expeditiously after these things have been seized and also for certain provisions to be tightened up in this direction. The opposition supports this. We believe that it is desirable to have these matters dealt with promptly and efficiently so that, if the person is guilty, he can be dealt with in the appropriate manner. If he is innocent, he can be allowed to continue to earn a living.

Mr Speaker, as the Chief Minister is aware, there appears to be many difficulties attached to the process of actually getting people to court. At least, that is the case when complaints are made in my own electorate. And perhaps some closer attention could be paid to the drafting of the Fish and Fisheries Act with a view to improving the situation even further. Organisations such as the Aboriginal Legal Aid have sent advice to communities - it would be too much to say they had sent it out in the form of a kit such as an instant divorce kit - on the step-by-step procedure of effectively getting people into court after complaints are laid under the Fish and Fisheries Act.

This bill prompted me to place a number of questions on notice as to how many complaints have been made under the act, how many of these complaints have been followed up with prosecutions and how many of these prosecutions have been successful. Perhaps the Chief Minister could provide that information during the debate. I do look forward to receiving a reply. The opposition supports the bill.

Mrs LAWRIE (Nightcliff): Mr Speaker, whilst I agree with most of the remarks of the Leader of the Opposition, I think he has missed the point of the bill. I am most definitely pleased to indicate my support for this legislation. It is one of the issues which came to the attention of both the Chief Minister and I and became a matter of some note in the local press. What the bill does, and it has my total support, is to relate to things detained. That is the important section. Either things detained shall be returned or they shall be seized. The strictures relating to seizure shall then apply.

As we are all aware, having a very comprehensive knowledge of the Fish and Fisheries Act, when a thing is seized it shall, as soon as practicable, be delivered to the Director of Fisheries by the fisheries officer who seized it. If it is perishable and it is not practicable to keep it from perishing, the fisheries officer who seized the thing may sell, abandon or destroy it in such a manner as he thinks fit. Most importantly, where a thing seized is delivered to the Director of Fisheries, if no prosecution is instituted within 30 days in respect of the use or possession of the thing, or if it is fish, in respect of the taking or killing of the fish, the Director of Fisheries shall by notice in writing require the person from whom the thing was seized or a person appearing to the director to be the owner of the thing to claim delivery from him of the thing seized.

There was an anomaly in the act which no one picked up at the time - and I share the communal guilt of this Assembly - whereby, whilst all those things

applied to anything seized under the act, no such time limit was imposed on the relevant authority to return or initiate prosecution where the thing was detained rather than having been seized. This resulted in the ability of enforcement officers to order fisheries vessels to be detained rather than seized under section 78D. Section 78D takes care of seizure, taking, detaining, removal and securing any vehicle, vessel, or aircraft, and any net, trap etc. Section 78E requires the master or other person in charge of the vehicle, vessel or aircraft to cause it to stop or to bring it to a place in the Territory and to remain in control of it at that place until a fisheries officer permits him to depart from that place. Whilst it sounds a little complex to members, I will put it in the simplest terms possible. An enforcement officer under the Fish and Fisheries Act then had the power to order the master of a vessel to take it to a place and there to remain. A vessel could be detained and there was no time limit placed upon when a vessel could be released or when a prosecution should be implemented. There is a vast difference, members will now be aware, between detaining a thing and seizing a thing.

Mr Speaker, this operation caused a considerable degree of distress to fishermen who faced, literally, ruin - bankruptcy - because their vessels could be detained for an indeterminate period. A reading of Hansard at the time of the passage of the fisheries legislation would reassure members that that was not the intent of this Assembly. The intent was that, if a person was reasonably suspected to be in breach of the Fish and Fisheries Act and regulations, certain things could be seized for evidence and a prosecution had to ensue within a specified time limit or that thing could be returned to the owner through a variety of procedures. But no such set of rules came into operation with detaining provisions.

Mr Speaker, I ask you to consider the plight of the fisherman who has had his boat detained at the whim of a fisheries officer, at the place a fisheries officer designated and with no recourse to either the initiation of a prosecution wherein his innocence or guilt may be proved or the release of that thing.

What this legislation does is tidy up that loophole. Things cannot be detained for longer than 7 days without being seized. It is going a long way towards tightening up the operation of the Fish and Fisheries Act and will certainly assist primary producers in this rather fragile industry to appear in a court of law to plead their innocence or otherwise. On that ground alone, the bill deserves the close attention and support, I would believe, of all members of this Assembly.

I circulated this legislation - the easy phrase would be hell, west and crooked - to everyone that I could think of in the fishing industry, asking for comments. I have received some comments and a couple of them have been very interesting.

Whilst not defending in any way poachers or people who have offended against the operation of the act, it has been put to me by people in the industry that fines, and even a jail sentence, would be preferable to having forfeiture provisions applied in the event of a prosecution succeeding. The argument has been that a fisherman is a primary producer, like other primary producers, and, if this forfeiture provision was to be introduced across the spectrum of primary production, why are no pastoral properties liable to forfeiture for breaches relating to them with the same regularity as occurs with people who transgress the Fish and Fisheries Act. That is another argument for another day; it is one with which I am not sure that I totally concur. Nevertheless, I did give my undertaking to these people to put it to the Assembly.

The first part of this bill, proposed section 78A(1), is to me one of the

most important measures introduced since the passage of the Fish and Fisheries Act in toto. That act was fairly complex; it received considerable debate. At the time, the Minister for Primary Production very kindly made his officers available to me and to the then spokesman for the ALP opposition, the member for Victoria River. We went through the act and its proposed amendments fairly exhaustively. None of us picked up the anomaly which seems to be remedied here. I thank the Chief Minister for having introduced the amending bill so promptly and assure him that, as far as I know, professional fishermen, amateur fishermen and all those with whom I come in contact support the bill.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, no legislation should be enacted in response to single incidents or occasional incidents. There is no place in legislation for knee-jerk reactions. However, everyone in this Assembly knows of a very well-publicised incident which occurred some months ago now regarding a fishing vessel that was detained for a very long time, causing some distress to its owner, those people employed and other people connected with it.

I feel that this legislation has not been introduced as a knee-jerk reaction but because certain deficiencies in the current legislation were pointed up by this incident. I think we all agree that this legislation seeks to reduce the detention period to a maximum of 7 days before things are declared officially to be seized.

This represents the interest that the present government is taking in primary industry as it relates to fisheries, and I can see that more and more attention is being paid to the fishing industry in the diversification program of primary industry in the Northern Territory. In reducing the length of time that a thing or vessel can be detained before it is actually declared seized, there are several points to be considered. I have written down 6, Mr Speaker.

The first one is very important from the owner's point of view. If a fishing vessel is detained, it represents a very large capital investment; it may be the major capital investment of that particular person. If it is detained without any action being taken, it produces gross uncertainties for the future of the owner of the vessel. It also places the employees and the owner or master in an unfair state of limbo in which nobody seems to know what is going on and nobody can find out what is going on. But now this period of detention is to be reduced to 7 days; prompt action is going to ensue, one way or the other, after 7 days.

Mr Speaker, also to be considered is the catch on board, if any. There may be particular catches that it is politic to sell straight away or perhaps to hold on to. If the current situation continued with the period of detention continuing for some time, the owner or master of the vessel might end up at a disadvantage in that his catch might not be sold at the most advantageous price. But if the vessel were detained for 7 days only, the risks involved in selling his catch would be reduced quite considerably.

There is also the income of the master or owner of the vessel as a primary producer to consider. If he is not obtaining income from a catch, he cannot pay his employees, and there is a spin-off factor. It does not concern only him and his employees; it concerns all the people connected with his particular venture.

Common justice comes into it also in that, as soon as somebody is caught for a wrongdoing, it is the best thing all round that he be brought to justice straight away. I do not think that anybody would argue about that.

Finally, if the detention continued longer than the 7 days that we are

advocating in this legislation, there would be problems with maintaining the particular vessel. Vessels, I understand, require constant maintenance and, if the ownership of a vessel was in doubt and other legal questions were raised, the vessel could deteriorate to the great inconvenience of the owner, master and all connected with the venture. Reducing the period of detention to 7 days is a just way of looking at the whole situation of wrongdoing.

A point that arises as a result of reducing the period of detention to 7 days is that the prosecution action preparatory to the court proceedings, if any, must be extremely active. I hope that the legal processors can keep up with this legislation in that regard.

I found great difficulty in comprehending this legislation. I feel sure that it was not drafted by the same draftsman who drafted other legislation which I thought was easy to comprehend. I hope we do not see such convoluted legislation presented in the future.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I thank members for their remarks generally supporting this bill. I thought that I would comment on a few of those remarks.

The Leader of the Opposition mentioned that he sees need for a review of the Fish and Fisheries Act because of the difficulties in actually apprehending offenders, apparently on the basis of the provisions of the act. This could well be so, Mr Speaker, and I do not know of cases to which the Leader of the Opposition refers. I know of a number of cases around the Arnhem Land coast and, until about a year ago, I regularly received out-of-date telegrams reporting sightings of fishing vessels, especially near Mililingimbi. I believe that it is more the gathering of evidence than the provisions of the act which makes it very difficult, in most circumstances, to record convictions against the people who are plainly offending against the provisions of the act. We know it but we cannot prove it. As much as Aboriginal Legal Aid may try to help by preparing kits - and I think it is a very worthwhile idea to give people pointers on what they should do - when lay people arrive at the heat of the moment, they very rarely follow the directions. It was for that reason, actually - I think it was in July 1980 - that I transferred the responsibility for enforcement of the provisions of the Fish and Fisheries Act to the Police Force. I have nothing against the Department of Primary Production; I think it is going very well at the moment, and I am fully supportive of the efforts of the Fisheries Division. However, by comparison to other places, the Fisheries Division in the Northern Territory is pretty small. It is not even all that big by Northern Territory standards. The Fisheries Enforcement Unit was a small part of a small unit, and there were neither the facilities for training nor the necessary administrative support and backup to see that what is a most valuable resource - and most of us when we are talking about enforcement under the provisions of the Fish and Fisheries Act are talking about protecting the barramundi industry, let's face it - is not further prejudiced simply as a result of lack of administrative support. I believe that the police, because of their necessary expertise, have the facilities and the support to train people properly to enforce the provisions of the act. I believe that, whilst not everything may have been done 100% immediately, we will see a much better policing of the act from here on in.

The detention of the 2 boats that the member for Nightcliff referred to, on the face of it, seemed inequitable and certainly caused me to consider a review of those provisions of the act. Explanations were given to me relating to the detention of the 2 vessels which, in the circumstances, satisfied me. I might say that the provisions of the act were invoked simply because of the difficulty of collating all the necessary evidence that one requires to get from these remote places in order to bring a successful prosecution. As I said at that time,

I doubt if either of those vessels - one of which was broken down anyway and was not causing the owner any loss, despite what he said, because he could not use it anyhow - were likely to make for the Greenland fishery to get away from the Northern Territory Marine and Fisheries Enforcement Unit. It seemed to me, therefore, that there was little point in detaining them at the time.

I also asked the Solicitor-General to speak to the Chief Magistrate to see if matters involving vessels or things that are seized could be dealt with more speedily by the courts. I am not criticising the courts in any way. Without doubt, Northern Territory courts deal out justice more speedily than anywhere else in Australia. In Sydney, for instance, that halcyon state to which my colleague, the Treasurer, referred earlier, it might take you 7 years to get your case before a district court. Generally, a case is heard before a Northern Territory magistrate within 6 months. Obviously, people do suffer disadvantage when items are seized. I believe the courts have agreed to attempt to cooperate to have the cases heard as promptly as possible.

I support the retention of provisions for detention and seizure. I hope that these provisions will not have to be invoked frequently. But they are decidedly necessary in my view. It is the ultimate penalty. It is a penalty that is necessary to protect a most important resource of the Northern Territory. The member for Nightcliff said: 'Well, why are not pastoral properties forfeited with the same frequency as fishing vessels?' I am not quite sure how many fishing vessels have yet been forfeited in the Northern Territory. I do not think it is more than 2. I know of 2 recommendations for forfeitures of pastoral leases so it might be that we are on an even-stevens arrangement at the moment. I certainly do not want to see the police and the courts arranging the seizure of vessels. I hope that fishermen who are tempted to transgress will learn the necessary lesson from what happens to their less fortunate brethren who have been caught in the act.

I would just like to conclude by saying that I know a bit of the inside of the story of the fisheries enforcement problems. I can only say that I believe that the police, with the people seconded from the fisheries enforcement unit, are doing a pretty reasonable job at the present time in very difficult circumstances.

Motion agreed to; bill read a second time.

In committee:

Clause 1 agreed to.

New clause 1A:

Mr EVERINGHAM: I move amendment 59.1.

This introduces a new clause relating to search, seizure and penalty.

New clause 1A agreed to.

Remainder of the bill taken as a whole and agreed to.

Bill reported; report adopted.

Mrs LAWRIE (Nightcliff): Mr Speaker, I reiterate my support for this bill in its third reading. I listened with interest to the remarks of the honourable sponsor in his reply closing the debate and I also remember the remarks earlier of the Leader of the Opposition who drew attention to his question on notice seeking information on the prosecutions launched by the police since they took

over the enforcement of fisheries.

To assist the Leader of the Opposition and also to assist the Chief Minister who has a particular interest in this because he is minister in charge of police and Attorney-General, may I advise them that from February 1979 to July 1980, when fisheries officers of Fisheries Division were launching prosecutions, there were 43 convictions for fishing in closed waters. We are now talking about the urgent need for preservation of the barramundi stock and for enforcement measures to adequately stamp out what we all agree is the very wrongful practice of poaching. I reiterate that from February 1979 to July 1980, there were convictions for fishing in closed waters as a result of prosecutions brought by fisheries officers. Then we had the administrative arrangements whereby the police took over fisheries enforcement and, from that time up until December 1981, we had 6 convictions for fishing in closed waters. There were 43 when fisheries officers were handling the cases and 6 subsequently. Of those 6 convictions for fishing in closed waters, 4 were caught on the Finniss River on the one day. Since the changeover by administrative arrangement to the Police Force, however, there have been a number of prosecutions brought for unlicensed crab-pots, for unlicensed beach seine nets and indeed for a failure to keep a log-book.

The point of my remarks in the third reading, as against my remarks in the second reading, is that I do ask the Chief Minister with the deepest sincerity to have another look at the administrative arrangements whereby responsibility for fisheries enforcement was transferred from the Fisheries Division to the police because demonstrably they are not working. The professional fishermen know that, the amateur fishermen know that and, in all honesty, the Police Force must know that.

I think if the Chief Minister investigates a little further, he will find that there is indeed an internal departmental inquiry into the operations of fisheries enforcement in the Police Force. I make it quite plain that the departmental inquiry is being held by police officers not by the Fisheries Division. The Chief Minister, in reply to a question without notice the other day, said that it was not to his knowledge. I must ask the Chief Minister to take my remarks in good faith and ask the relevant questions of his department because he does seem to be the only person interested in fishing who does not know about the intra-departmental inquiry.

It would be very easy to say that my remarks could be construed as an attack on the Police Force but this is not correct. What is well known in the fishing fraternity of the Northern Territory is that the enforcement of the Fish and Fisheries Act does require a particular skill. The police are not necessarily the best people to have these skills or to apply them. There was at a barramundi conference convened by the Department of Primary Production considerable expression of disquiet from both amateurs and professionals about the present operation of the Marine and Fisheries Enforcement Unit. The disquiet is caused by the dislike in the industry, total dislike, of poaching.

Members may not be as aware as I am of some of the methods employed by fisheries officers, who acted in accordance with the law and within the constraints of the legislation, and who had this rather high, not only apprehension rate, but conviction rate. If they knew that nets were set illegally across a creek, either by virtue of the size of the net, the way it was set or by the lack of a relevant licence, they would place a fisheries officer there and that man might sit there for 3 days. But he would end up catching the poacher. He might be there for a week. But when we are talking about an industry as important as the barramundi fishery, a week on the banks of a river is money well spent by the taxpayer if that enforcement officer gets a conviction.

The police do not have the manpower to engage in that kind of activity. They have their own particular specialist skills. I believe the Police Force at the moment to be less than is required by the people of the Northern Territory for keeping peace, good order and good will. Their ranks should not be further stretched by placing them in an area for which they have no particular expertise.

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

Mr B. COLLINS (Opposition Leader): Could I thank the member for Nightcliff for providing what for me personally has been the most interesting moment in an otherwise dull day. It was indeed on account of disquiet that I had heard - and it was from the fishing industry also - as to the efficiency of the new administrative arrangements that I placed those questions on notice. I thank the member for Nightcliff for providing me with the information which I expected that the Chief Minister would supply me with during debate.

Because of the concern I have in this particular area, the information that the member for Nightcliff has provided the Assembly with on this occasion is rather startling. I knew that there was a discrepancy, Mr Speaker, but I did not realise that it was so great: 43 convictions under the act by the previous unit compared with 6 following the change of administrative arrangements. Again, I want to make it clear that I do not want anything that I say to be construed as an attack on the Police Force. However, because of the many years that I spent working for the Primary Industries Branch, I knew personally the officers who were connected in the enforcement section of Fisheries. I knew them all personally. They were men who had been around the traps for many years. It has been referred to in this Assembly before in debates on the Road Runner and the expertise of that particular officer. Some of the incidents that occurred between poachers and the very dedicated officers of the Department of Primary Industries Branch were in fact sagas.

It had been indicated to me that there had been a dramatic drop-off in the number of convictions that were being recorded under the new arrangements. I confess that I am surprised that the discrepancy is as great as it appears to be. On account of this, I would also ask the Chief Minister to give his personal attention to reviewing the matter.

Mr EVERINGHAM (Chief Minister): Well, I suppose I had better say something about all this, Mr Speaker, since we are having the usual sensationalist tripe from the member for Nightcliff. The position is that the same people who were doing the enforcement in the Fisheries Division are doing the enforcement in the Police Force, because they were transferred holus-bolus from one to the other and they have the support of the Police Force, the police planes and everything else to assist them in their work. They are using helicopters and they are using all sorts of things.

We have been given some raw figures - 43 convictions in such and such a period - when the Fisheries Division enforcement unit had been operating for years. Of course, it has been transferred to the Police Force and there have been 6 convictions in that period. But we are not told how many summonses are still outstanding in the court and how many charges have not yet proceeded to conviction. I can say to you, Mr Speaker, that it is very likely that summonses that were issued in the early stages of the police taking over responsibility for fisheries enforcement are possibly still not resolved before the court because defendants usually seek as many adjournments as they can possibly get.

Mr Speaker, all we have been given this afternoon is a load of codswallop from the member for Nightcliff supported by raw figures which are evidence of nothing. We were given no information as to what the 43 convictions were for.

She is happy to tell us that 4 of the 6 police ones were on the same day. How many of the 43 were on the same day? It goes on ad infinitum.

I am quite satisfied that the Police Force is the appropriate authority for enforcement in this area.

Motion agreed to; bill read a third time.

SUSPENSION OF STANDING ORDERS

Mr ROBERTSON (Leader of the House) (by leave): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent the passage through all stages at this sittings of the Traffic Amendment Bill (Serial 153) and the Mining Act 1980 Amendment Bill (Serial 160). The reasons were given by the sponsors of these bills at the time of their introduction.

Motion agreed to.

TRAFFIC AMENDMENT BILL (Serial 153)

Continued from 25 November 1981.

Mrs O'NEIL (Fannie Bay): Mr Speaker, the opposition supports this bill, the purpose of which is to support random breath testing provisions of the Traffic Act for a further 12 months.

It is true that no clear-cut evidence has yet emerged to indicate the positive effectiveness of random breath testing in decreasing road deaths in the Northern Territory. But road deaths are only part of the picture. Injuries from road accidents cannot only be personally crippling, as we discussed earlier today in relation to another bill, but costly both to the individual and to the general community in terms of ambulance, police, hospitals, rehabilitation services and loss of work. Statistics show a number of hopeful trends in this area of accidents. The number of alcohol-related road accident injuries has clearly decreased in urban areas in the last 12 months. For this reason alone, the extension of the provisions for a further 12 months is warranted.

There are a number of other points which need to be considered. One was mentioned by the minister in his second-reading speech. Random breath testing should not be thought of as a method of increasing the number of arrests but as a preventative measure to discourage people from driving after drinking and to increase the awareness of the problems of drink driving. In this regard, random breath testing has been clearly effective, as shown by surveys of drivers which have been conducted at a yearly interval by the Road Safety Council. These have demonstrated a significant increase in approval of random breath testing by drivers in the last 12 months. It can be assumed reasonably that the approval rate of non-drivers would be even higher. It is clear from those figures that a majority of the community supports the principle of random breath testing and believes it to be useful. The number of people who believe that is increasing.

In some respects, random breath testing can be seen as a consciousness-raising measure rather as television advertisements relating to drink driving are. There are those who say, with some justification, that random breath testing systems are very expensive. But if we choose not to continue with random breath testing because of the cost, in what area could we redirect the investment and be assured of a better return? I have thought of that question and I have come to the conclusion that there is no answer to it. There is no single thing that we know that we can do which, by itself, will overcome the

serious issue of drink driving which is facing us in the Northern Territory. Thus, we should continue on the course which this Assembly has set of introducing packages of safety measures, the random breath testing legislation being only one, seat-belt legislation, spot mechanical tests on motor vehicles and legislation regarding motorcycle safety being others. Hopefully, each will contribute a little towards overcoming the problem.

If we look at the statistics it is clear also that we must give further consideration to ways of overcoming problems, particularly in isolated and rural areas where a large number of alcohol-related accidents occur. In my view, it is no longer appropriate to continue to duck the issue of passengers travelling in the rear of open vehicles. Requirements for some simple, protective measures must be considered by us all. I was interested to hear the comments of the member for Alice Springs this morning regarding speed limits. The answer to that, of course, is to say that it is very difficult to enforce these measures in the bush. Nevertheless, I do believe we must give it further consideration and, if we can introduce some simple techniques, they will - as the random breath testing techniques have in the city - help to increase the awareness of people in remote areas of the problems that arise when people ride in the back of vehicles, frequently, of course, of necessity.

Mr Speaker, as I said, the opposition supports the continuation of this legislation for a further 12 months. We will then have an opportunity in the Assembly to see more comprehensive figures as to its effectiveness.

Mr ROBERTSON (Education): I recall saying in the original debate at the time this legislation was introduced into this Assembly that, in order to justify the gross interference with the civil liberties of citizens, there must be very compelling reasons. I still stand by that. I believe, without question, that this legislation - and I will seek to demonstrate this later - grossly interferes with the liberties of citizens of the Northern Territory. I believe that an argument has certainly not been made out on a purely statistical basis to justify its continuation. Nonetheless, as all members will be aware, and as the person who assisted me previously, Matti Urvert, being a statistician, would advise, it does take longer than this legislation has been in existence to establish a clear, statistical pattern and an effect under that pattern.

I guess the inconclusiveness of the results, which are available to all members and the public, has persuaded the majority of us. Nonetheless, while I believe it is inconclusive at this time, the points I shall make are put forward so that members can bear them in mind for the 12 months from February at which time this legislation is due to be renewed. Certainly I will be monitoring each and every one of the concerns that I have and I ask members to do the same. I suggest to the Assembly that, if the results this time next year are the same as they are now, then the legislation should be dropped.

Mr Speaker, firstly I will deal with how I see the operation of this legislation in the broader Territory context and then I will deal with my home town of Alice Springs. Members would be well aware that this legislation originated in the state of Victoria. Victoria has special needs, special circumstances and special population distributions quite unlike our own - completely and distinctly different. The state of Victoria has 3,887,000 people. The Northern Territory has 125,000 people. The number of ongoing breath tests conducted between 1 February 1980 and 31 July 1981 were as follows: in Victoria, 122,219 tests; in the Northern Territory, 23,698 tests. The number of positive readings in Victoria was 1663 and in the Northern Territory there were 587. The number of people exceeding, in our case, 0.08 was 347 and, in the Victorian case of 0.05, it was 930.

Some conclusions can be drawn very easily from that statistical base. The Northern Territory population is 3.22% of that of Victoria but, in the comparison period of breath testing, 19% of the Territory population has been tested compared with 3.14% of Victoria. Of course, I make these points because one of the most essential elements of police effectiveness is community relations - respect and admiration for our police force which, incidentally, our police force very much deserves. Nonetheless, the actions of the police force must be governed by the actions of this Assembly.

Of those tested in the Northern Territory, 2.5% have shown positive readings compared with, in Victoria, the figure of 1.3%, an interesting figure in itself. Obviously, there is more drinking on the road, if we are to believe the base figures the way they are presented. It therefore follows that 240 Territorians who have shown a positive reading on the roadside and have been 'carted off' for blood tests only to be allowed to leave later - not to mention of course all of the inconvenience that goes with that - were perfectly innocent of any wrongdoing and have spent 3 hours getting home as a result of what we have done here for an inconclusive result.

Mr Speaker, the Territory has about 50,000 licensed drivers while Victoria has 2.2 million. It follows that 40% of our drivers have been tested and only 3.1% of drivers in Victoria have been tested. Again, it is a matter of police community relations. In many families, the husband and wife have a licence and only one car. In excess of 50% of the cars in the Northern Territory have been pulled up in the time that we have had this legislation on trial. If you look at the position in Alice Springs, it is even worse. In excess of half of the entire driving population of over 5000 have been pulled up for random breath testing.

With the intrusion that we are making on people's liberties, I hope that we are doing the right thing. I have reached the conclusion that I support a further trial because we do not have the evidence necessary to satisfy ourselves whether it is important to continue this later on. I suppose one would argue that, if it saves one life, it is worth while but I tend to doubt it.

Mr Speaker, I will give more examples from Alice Springs of which I have firsthand information from citizens of that place. I will speak firstly of the tourist who stayed at the Alice Motel on Undoolya Road who cut short his stay last Easter in Alice Springs because he was pulled over on 4 separate occasions on Easter Saturday last year when we proudly vaunted the blitz that we were going to run. Of course, the blitz ended up being lobbed on innocent people. A primary school teacher who lived next to me at the time - I do not believe that she is still there and I wonder why - was stopped 3 times on that one day. The driver of a luxury hire car who normally picked up airline crews at the Oasis Motel to drive them to the airport in the first month of operation of the legislation was picked up on 6 occasions at the same random breath testing station set up just south of the Oasis Motel. Another taxi driver who was running people backwards and forwards from licensed premises was picked up 4 times in one night at the same breath testing station. These people all told me what they thought of it. They thought it was a novelty the first time, a bit funny the second time and I will not tell you what they said about the third, fourth and fifth times.

The point I am trying to make really goes back to what I said at the very outset. This is a serious infringement of the liberties, of the lifestyle and of the freedom of movement of Territory citizens. If we are going to maintain that for any longer than is absolutely necessary to satisfy ourselves as to whether or not this legislation is absolutely essential, then I think that we are doing those citizens a disservice. Perhaps in another 12 months that picture will become clear.

Mrs LAWRIE (Nightcliff): Mr Speaker, I had better get my dissatisfaction with the legislation over early so everyone else can rip into me because the vote is certainly going to be 18 to 1. Members on both sides of the Assembly have pointed out that there is no statistical evidence which would lead us to believe that this random breath testing legislation has had any good effect on the state of the roads in the Territory whatsoever. It has been put to me that perhaps more people would have been killed, maimed or injured if we did not have it. That is certainly a specious argument because the other side to that story is that, if we had no cars, no one would be killed by them.

Mr Speaker, given the lack of any statistical data as to the efficacy of continuing this legislation, I have been waiting to hear another argument as to why it should be continued. I think that the Leader of the House pointed out some of the defects which are inherent in random breath testing and I would like to mention another which is the main reason for my opposition to its continuance. If we are going to have a deterrent to drunken driving other than testing every single driver every time they get in cars, I would say the greatest deterrent is the sight of police patrolling the road in well-marked police cars. As it operates at the moment, there is a well-developed subculture in Darwin, and I assume in the other centres, whereby people are advised very quickly by word of mouth where random breath testing stations are. To give an example, if there is one on the Fannie Bay connector road, all the northern suburbs people would use the Bagot Road-Stuart Highway route or vice versa. If it is on the Stuart Highway close to town, people use the Frances Bay connector road. It is not deterring people in the way other members would like to think it is. All it is doing is rerouting them.

I sympathise with the member for Gillen and his problems within his electorate but I must speak on the Darwin position, not merely as I see it but as I know it. Again, may I say that police manpower is finite. There is good reason to believe that more police could be used in the Northern Territory to good effect but, as it is at the moment, we have a finite number of police. With the operation of a breath testing station, a number of policemen are stationary at the station and are therefore not available for patrolling the other roads in the greater Darwin area. They are concentrated in one spot. Anybody with an ounce of intelligence soon works out where they are and goes around them. This leaves lesser number of police to patrol all the other roads.

Under the ordinary breath testing legislation, if a person is pulled up on reasonable suspicion of having committed a traffic offence, there is provision for him to be breath tested. Random breath testing is a different matter altogether of course. By not proceeding with random breath testing for another year, we would still allow breath testing of drivers who have demonstrated to a reasonable degree in the eyes of the police an inability in some way to drive on that day in that place at that time.

If the government is to pursue its course of extending random breath testing for another 12 months with the support of the opposition but not of myself, I would have liked to have heard the Chief Minister who has the ministerial responsibility for the Police Force to tell us what extra numbers there will be so that the rest of the road patrols will not be disadvantaged by having a number of police sequestered in one place.

It has been put to me by increasing numbers of Darwin citizens that, since the statistics on the road toll this year are worse than last year, the random breath testing should be withdrawn because it is a particular traffic hazard. Well that has a certain logic; it has the same logic as people who say that perhaps it would have been worse if we did not have them. That is imponderable.

Until I am convinced that there could be a better use for those police personnel presently employed in random breath testing, I would oppose this legislation because I want to see the police patrolling the roads generally. They are the greatest deterrent to reckless and drunken driving.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, random breath testing is often stated as having a deterrent effect rather than being a matter of catching people. However, unless some people are caught and the penalties applied fairly stiffly, that deterrent effect will soon fade right away. One of the problems that I see is that the penalty is for licences to be taken away but the courts can issue special licences for any person who needs a licence to continue in his employment. In practice, it seems that the boss only has to write a letter saying that the fellow has to have his licence or he cannot employ him and a special licence is given out. Much of the deterrent effect is lost. That is what I gather from hearing people talk about this matter. It reminds me a little of the use of the cane in schools; a slightly controversial matter. I have been in some 3 schools in my time and I have taught under 6 different headmasters. I know one particular school where the headmaster said that, in certain situations, he would apply the cane, and he did. When he left, his successor let it be known that he would not use the cane and the students acted accordingly. In fact, that person had to rescind his motion and he ended up using the cane a darn sight more than his predecessor. It may be a little bit machiavellian, but I know which system was the best to teach under and where the kids got the best results. They knew where they were and discipline was being applied. I believe that is not happening with random breath testing. Sure, some people are picked up. There seems to be loopholes and ways of evading the penalties, and so the deterrent effect fades away.

The purpose obviously is the hope that random breath tests will save lives and reduce accidents. This morning we talked about the Territory Insurance Office and the cost to the taxpayer in that premiums may need to be raised in the future if this carnage on the road continues. Part of the problem is public acceptance. The Deputy Leader of the Opposition mentioned that she felt that a fair number of people supported the idea of random breath tests. Obviously, there are those who are for it and those who are against it.

The matter of enforcement is more important to me. It is another area of possible weakness and I believe that the police themselves need to believe that this work is worth while. It is preventative work. In a sense, no doubt it is boring work to prevent accidents. However, I think even if they only save one life, compared to the cost of accidents, that is well worth their operation.

One thing that concerns me - and I do not know exactly how true it is - is that I have often heard people in Alice Springs say that they know hours before where the breath-testing station is to be set up. The word gets around not when it is set up but hours beforehand. People take precautions to dodge around it. From the grapevine, I know that some of the police themselves are not very rapt in random breath testing. It takes 5 men to run a station and it is costly in time. In a small community - and even Darwin is a relatively small community - the police can be reasonably well known and they sense a fair degree of unpopularity in the operation of a breath testing station. But that is what they are paid for; it is part of their job. It may not be the most pleasant side but any thinking person does not relate that to the person doing the job; he relates it to his office and position. I believe the police should be encouraged to have a look at this set-up as a preventative measure.

Recently, I obtained some statistics on the grapevine about where the stations were set up in Alice Springs. I had not seen them for a long time and that prompted my inquiry. I was told that, during the previous 5 days, all testing

had been done in rural situations several kilometres out of Alice Springs. Apparently the police had been persuaded by some people in the town that those outside of town should come in for the same sort of treatment. They did not pick up many people. If my memory serves me rightly, there were 3 over the limit. The rest were under the limit or not drinking at all. But the thing that intrigued me was that none of those who were over the limit were prosecuted. There may be good reason for that but it takes that deterrent effect away. Without application of penalties, people will not take much notice and the legislation loses its deterrent effect. If it is not used, then it cannot work and statistics will never be worth much.

I agree with the Leader of the House that, for a person to be picked up 4 times on one day during the Easter weekend, is pushing the goodwill of the citizenry a little too far. On the other hand, if it is not being used to effect, then it is of no advantage either and it is a waste of money. I believe that prevention is better than cure.

The story of the taxi-driver who was caught 4 times in Gap Road astounds me, Mr Speaker. The first time I came across the breath testing station was in Gap Road. I saw a flashing blue light and I thought: 'Oh, there must have been an accident'. I dodged off the middle of the road and took a side road - there are 3 roads there. When I passed, I realised it was a breath testing station. I fully expected to be chased and apprehended. I was not. However, that was not the case one night when I took the family to the drive-in, Mr Speaker. I think this will possibly amuse you a little. We came out of the drive-in and the station was set up outside the Old Timers Home. As luck would have it, I was pulled over and breathed in the bag but produced no change in its colour. I was waved on and the vehicle went about 2 metres when an electrical fault occurred. A wire had dropped off underneath and the vehicle just went dead. So there was the local member with the police pushing the vehicle out of the way and everybody else streaming by. A little embarrassing but, looking back on it, I find it fairly amusing. I am not known for consuming a great quantity of alcohol.

I think that the point made by the member for Nightcliff is worth while: a well-marked, illuminated police vehicle patrolling around is harder to keep track of. I think most of us tend to behave a little better when we see a police vehicle. The police could watch for the erratic driver and carry a bag in the car to test any driver whom they suspected to be over the limit. They could let those who drive carefully alone. It has merit and I think it should be considered as a possible course of action.

Ms D'ROZARIO (Sanderson): Mr Speaker, it is quite clear that the member for Nightcliff is going to hold out on us as far as the random breath testing extension is concerned. She asked for another argument to be tendered, other than that of lack of statistical evidence, in order to convince her why we were proceeding with this particular extension. Mr Speaker, the fact is that if we waited for full statistical data before we embarked upon any piece of social legislation, we would never do anything which would have the effect of providing safer standards for our citizens.

It is quite correct to say that we are lacking in statistical evidence which would assist our case to extend this legislation. On the other hand, the experience in Victoria, where such legislation has been in operation for quite some years, is that it has had an effect on the road toll. Since we legislated for this particular provision, another state of Australia has also introduced random breath testing. If we all held off and said that we do not know whether it will be a good or bad thing, we would never get anywhere. Civil liberties and statistical arguments have been raised with momentous regularity in respect

of every road safety initiative that has ever been taken in any legislature in Australia.

Mr Speaker, the facts are that random breath testing in the Territory has proved to be a very useful deterrent mechanism. There is no doubt that drivers are deterred from driving after having consumed excessive alcohol. There is no doubt that they are more aware of their responsibilities with respect to their driving habits. This has been clearly indicated by a poll. I might point out to anyone who might say that polls are not always correct, that the survey was not carried out by a bunch of amateurs. It was devised and conducted by the Australian Bureau of Statistics.

If we look at the latest Road Safety Council report we can get a brief overview of surveys which were taken in September 1980 and earlier this year. We find that there is in fact a very high degree of public acceptance of random breath testing in the Territory. In September 1980, the acceptance rate was 65.2%. The people who were surveyed were drivers, the very people who are liable to be breath tested. If a high degree of acceptance was evident amongst that group of people, then we can deduce that the acceptance amongst the general public would be even higher. Not only was the degree of acceptance high in 1980 but when drivers were surveyed in 1981 by the Australian Bureau of Statistics, the acceptance rate had risen to 72.8%.

One of the main cautions we had when we first decided to legislate for this particular provision was whether the public would accept it. There were people who said that it would never be popular in the Northern Territory. The press castigated all members of this Assembly who agreed with the proposal to introduce random breath testing on the ground that it would be at odds with what the public wanted. I hope I have been able to show that there is a high degree of acceptance amongst the public for this particular measure. I think that it would be quite irresponsible of us to abandon it simply because we did not have the statistical evidence to show that it had contributed to a decrease in the road toll.

Another more interesting question was asked of drivers: would they like to see more random breath testing carried out in the Northern Territory? It is quite surprising to see that, in 1980, 50.5% of drivers said that they would like to see more tests. In 1981, that figure had risen to 62%. If anything, drivers - the segment of the population subjected to these tests - want more rather than less testing. Having that indication, I do not at all feel reluctant to give my support to this particular bill.

Members have commented about the experience of random breath testing to date. Somebody suggested that a random breath testing unit was, in itself, a traffic hazard; I think it was the member for Nightcliff. I have gone somewhat out of my way to observe the operation of random breath testing units. Unlike other members, I have never yet been stopped but perhaps my day will come. I must say that I have never seen queues of people, the units were never hard to distinguish and no driver could misunderstand what is required of him when he is given an instruction to proceed to a particular random breath testing station. I cannot accept the statement that the units themselves are traffic hazards.

I have dealt with the question of public acceptance which was raised by 2 other members. The member for Alice Springs spoke at some length about the deterrent effects of random breath testing. Here again, I have some information which is probably in Hansard because I asked a series of questions on notice of the Chief Minister. In fact, some data is available on just how effective a deterrent this particular mechanism is. I asked questions about the numbers of drivers who had been tested by the random breath testing stations in the

months from July last year to June of this year. This can be found in question 378.

The member for Nightcliff said that there are people who ascertain the location of the testing stations and go to great lengths to avoid them. She said that anyone with an ounce of intelligence could do this. I am able to inform her that there are 14,792 citizens of the Northern Territory who do not have an ounce of intelligence because that is the number of persons who were tested at random breath testing stations between 1 July 1980 and 30 June 1981. I do not think that it has anything to do with intelligence. The fact is that this mechanism is proving to be a very effective deterrent. Of the 14,792 who were tested, 238 registered above the prescribed limit of 0.08. Since that is a relatively small percentage of the drivers who were tested, that alone shows that drivers are taking more notice of their obligations.

The member for Alice Springs made a comment that the deterrent value would be eroded unless prosecutions were also put in train. He said that he felt that people over the prescribed limit were not being prosecuted. Of the 238 people who registered above the limit, 211 prosecutions proceeded. That is a fairly high follow-up rate of prosecution. There could be several reasons why prosecutions in the other cases were dropped.

We have heard all about how the Police Force could be better deployed. I am able to inform the member for Nightcliff that the Police Force is deployed in breath testing other than at random breath testing stations. From July 1980 to June 1981, 1630 drivers were tested, 1321 registered above the limit - a very high proportion indeed - and 1284 proceeded to prosecution. When you compare those sets of figures, you can see that the random breath testing has had a very good deterrent effect on the driving population.

I referred earlier to a survey which was conducted on behalf of the Road Safety Council by the Australian Bureau of Statistics. One of the questions which was asked of drivers was whether they considered that random breath testing made them more aware of their responsibility when using the roads. I am pleased to say that the result was that 68.6% of drivers said yes in 1980 and, in 1981, that proportion had risen to 72.3%. Not only is it having a deterrent effect but it is having a highly educational effect and that is something to be desired.

We heard something from some other member about the fact that the road toll had not declined as a result of random breath testing. That is so but it is certainly not something that should be seized on with delight by the opponents of random breath testing. As the member for Fannie Bay mentioned, there are several reasons why the road toll continues to rise. We can only expect that random breath testing would have a contributing effect to road safety and not that it would be the answer to all the problems of road safety and the high road toll. I would comment to the minister that he again look at the question of high-speed and open vehicles on rural roads. In fact, there have been 2 accidents in recent weeks which by themselves have almost equalled the number of injuries which occurred in the last half of this year: one in which 12 people were injured when a utility rolled over and another where an even larger number of people were flung out of a vehicle. I believe 2 were killed and 1 was very seriously injured.

These sorts of events can play havoc with the official figures that I have given and I do not think that it does people much credit to seize simply on the absolute number of deaths and say that random breath testing has done nothing to reduce the number of deaths and therefore we ought to throw it out. As I say, if we relied upon having full and complete knowledge before we embarked

upon anything, we would never legislate to any good purpose in this place. A large number of very sensible initiatives would never have been taken and we would be doing a disservice to the population of the Northern Territory by being cautious where we should not have been.

Mr Speaker, I commend this bill. I think that the legislature is being quite responsible in its approach of simply extending it for another year. If we wanted to be totally unreasonable, we could abolish the sunset clause which would have meant that the provisions would continue indefinitely.

Mr B. COLLINS (Opposition Leader): Mr Speaker, the member for Sanderson has in fact given the statistical data that I was going to give so there is no need to go over that again. I would like to make the point, because it has been said by a number of members in this debate, that it is completely incorrect to say that there is no statistical data available. I would agree with the Leader of the House that some of the data is inconclusive. I do not believe it can be any other way. I agree with him that 12 months is far too short a period to obtain any hard statistical data and I believe that the bill should be supported for that reason and for no other reason. However, I do not think that it is a reasonable extension of that to say that no data is available.

I find the Australian Bureau of Statistics' figures of great interest. They have indicated, if nothing else, that random breath testing has meant a positive result in education, a significant increase in the number of drivers who think it is a good idea and a significant increase in the number of drivers who think that it has taught them to have a greater sense of their responsibilities on the road. I do not consider that having a driver's licence is a right at all; I think it is a privilege. One should demonstrate that he is responsible and respects other people's lives and limbs in order to be allowed to drive on the road.

I am not at all surprised by the statistics that increasing numbers of Northern Territory drivers want to see an increase in random breath testing. That feeling is provoked by that most basic of all human instincts: self-preservation. I am sure all members have watched motor vehicles, driven by very drunken drivers, careering down the road. I have seen that little demonstration on Bagot Road more than once and I have asked: 'Where are the police?' I believe that random breath testing is having a salutary effect.

I agree with the member for Sanderson that you cannot look at the figures for fatalities. Unfortunately, a great number of those fatalities have been caused by one thing: people riding in the backs of open vehicles. In that respect, I was listening with great interest to the member for Alice Springs - when he had that little touch of nostalgia and went for a little stroll down memory lane - lashing out right and left and expounding on the educational benefits of flogging children. Although I cannot agree with that philosophy, I must say that I thought that his suggestion this morning in respect of controlling the difficult problem of people in the backs of vehicles by restricting the speed limit of those vehicles has a great deal of merit. It would also be a reminder to people who drive vehicles with other people in the back that they have extra responsibilities than those placed upon drivers of vehicles where everyone is strapped in safely with seat-belts. I think it is a very good suggestion. I hope that the government will look at it carefully.

So far as the infringement of civil liberties aspect of random breath testing is concerned, I was most interested to hear of the experiences of people in Alice Springs. If that is happening, perhaps that is something that the police in Alice Springs could look at. In all the time that random breath testing has been operating, I have only been pulled up on one occasion. I had no particular

problems with that myself. I do not think that drivers can consider being pulled up to be an infringement of their civil liberties. We are routinely pulled up at least 6 times driving down Daly Street by sets of mindless traffic lights. We are pulled at Bagot Road, on Parap Road and by every stop sign in the place in Darwin. I do not think that the fact that it is done by the Police Force or by a traffic light is really very relevant - you are still pulled up.

I wish to comment on something that was said earlier about a random breath testing station constituting a traffic hazard. I cannot agree with that. I have taken particular note when I have seen the stations and I have noted that the police seem to be scrupulous about not letting traffic queue, only having traffic within the lanes marked out by the witches hats and not pulling people up until that lane is clear and there is space for another car. I am sure that that is a procedure that police adopt routinely; I have certainly observed them adopting it. I do not think that it can be said that it is a traffic hazard. I was not particularly disturbed by my single experience. The police officers were extremely courteous when they pulled me up as they were to everyone else they were pulling up. I regularly blow up balloons for my son and I do not really object to blowing one up for the police every 12 months. There seems to be a problem in Alice Springs. I think it is unreasonable for people to be pulled up half a dozen times in one day unless they are taxi drivers and bus drivers who are on the road constantly and can expect that to be an occupational hazard. I am not worried about people who have taxi licences or bus drivers' licences being checked out more regularly than other people anyway. Perhaps that could be looked at.

The statistics certainly do not show that it is inefficient. There is a high pickup rate. That was demonstrated by the member for Sanderson. I do not think that this breathalyser subculture that exists in Darwin is terribly effective. A great many people seem to be missing out on the benefits of it. The pickup rate, in fact, as was indicated by the Leader of the House, is twice the Victorian average.

I think that the horrific toll of deaths every year still revolves round the most vexing question of people riding in the backs of open vehicles. I would look forward, perhaps in 1982, to seeing some response from the government to the suggestion of the member for Alice Springs.

I think it can be said fairly that the government is acting responsibly in this matter. It has not removed the sunset clause from the legislation; it has not given carte blanche approval for the legislation to continue indefinitely; it will only continue for another 12 months. Because of the increasing community awareness that it is bringing about and because of what is said to me personally, I am confident that an increasing number of drivers - as I say, for the very sensible reason of saving their own skins - are keen to see greater vigilance in the area of random breath testing to keep drunks off the road. I believe that, at the end of the 2 years, there will be a positive result from the benefits that random breath testing is bringing to safe driving in the Northern Territory. I support this bill.

Mr BELL (MacDonnell): Mr Speaker, I rise to make a few comments on this matter. Like the Leader of the Opposition, I find myself in curious agreement with people with whom I rarely do agree. I heartily sympathise with the liberal dilemma that the Leader of the House finds himself in. Firstly, there is the issue of civil liberties - that is, the issue of restricting personal freedom - and against that there is the liberal principle of creating the greatest happiness for the greatest number of people.

The central issue is that random breath testing results in fewer road

accidents, and it is on that area that I wish to speak. Random breath testing either stands or falls by the extent to which it contributes to a decrease in the road toll. That is something that has become very clear to me over the last few weeks. Mention has already been made in this debate of the terrible accident on the Plenty Highway in which 2 people were killed and 17 were injured. In the vicinity of the Docker River, in my own electorate, there was a bad accident. Fortunately, nobody was killed. But members of a family well known to me were badly hurt.

The point that I wish to make in this debate is that the issue of random breath testing is very much a town issue. It is not a bush issue. I am not sure what impact random breath testing will have in terms of restricting the road toll in the bush. I notice from the Road Safety Council of the Northern Territory's road accident statistics for 1980 that, in fact, random breath testing is carried out in certain bush locations. It seems to me that the difference between driving skills required in town areas and those required in the bush is at least as important a matter to consider. This became obvious to me personally, Mr Speaker, as I explained to you the other day.

Other members may or may not be aware of the accident that befell my own family whilst returning in my Toyota from Finke in my electorate. My wife had taken over the wheel as I was feeling a bit tired after driving down to Finke the day before. Partly due to the state of the road and perhaps, with the benefit of hindsight, partly due to certain aspects of my wife's driving technique which prevented her from taking the appropriate action, the car was up over the wind-row, it rolled onto its roof, the roof became detached and the 2 children and I were left sitting on a pile of blankets on the roof. The car rolled over again with my wife belted into it. I still break out in a cold sweat when I think about it. Perhaps that is not entirely relevant to this debate, except in the context of random breath testing being important in terms of reducing road accidents in the Northern Territory. I suggest that, as well as thought being given to random breath testing in town areas, either that strategy or other strategies be considered for the bush. Roll-bars, lower speed limits and appropriate seat-belts on vehicles should also be considered where bush roads are concerned because I believe that dangers, though different, are perhaps greater for people in the Northern Territory, particularly in my electorate.

In that context, I was looking through the report of the Road Safety Council of the Northern Territory and I could find no statistics that break up the number of accidents into those caused in the built-up areas of town in the Northern Territory and those that happen on bush roads. They may be there but I was unable to find them. There is a paragraph under the heading 'Road Accident Statistics', that is worth considering. I believe it is important: 'A seemingly disproportionate number of 4-wheel-drive vehicles rolled over causing injuries and death. Of a total of 224 roll-overs, 50, or 22.3%, were 4-wheel-drives. Of the 32 roll-overs causing death, 10 were 4-wheel-drives'.

I would suggest that the percentage of 4-wheel-drive vehicles was probably lower than that of the total number of cars on the road in the Territory during 1980. Examination of the implications of statements of that sort may be of importance too. On the subject of whether or not that means that random breath testing ought to be carried out on bush roads as well, I am somewhat agnostic. I think that random breath testing ought to be continued for the 12-month period that is envisaged.

Mr EVERINGHAM (Chief Minister): Mr Speaker, while I was over in my office getting a little work done, I was able to keep in touch with the debate. When I heard the member for Nightcliff say that Police Force numbers are insufficient for the task at the present time and that members of the force would be more

usefully employed patrolling the roads than engaged on the breathalyser exercise, I was able to phone the Police Commissioner to get some facts from him. I was not able to do this in the previous debate about the number of convictions and so on.

It appears that the average length of time that a breath-testing caravan is in position is about 2 hours. It takes 3 policemen to operate the station. The number of times that the station is on the road in what the police call the greater Darwin area - which I think is pretty well anywhere from Adelaide River in the south through to Government House - is about 20 times a month. That really surprised me, because I have only seen the breath-testing station about twice in 12 or 18 months. According to the police, it is on the roads around Darwin about 20 times a month for 2 hours and in Alice Springs 5 times a month.

In respect of Alice Springs, I think at Easter there was a rather heavy-handed blitz which was not terribly sensible at the time. Certainly, it got a lot of people's backs up. But I brought the matter to the attention of the Police Commissioner at the time and I am sure it will be rectified. In Katherine, I think the station operates twice a month. In Nhulunbuy the station operates only once a month in view of the fact that it is an island community, with no roads to anywhere much. We are quite anxious to give it a road, so we will take that one up.

Those are the facts, Mr Speaker. Clearly the police are not spending a very great deal of time on it: in Darwin, about 120 hours a month. That is the total number of hours. It is less in the smaller centres. So I do not think it is having a seriously detrimental effect on other patrol activities at all.

Mr DONDAS (Transport and Works): Mr Speaker, I thank all members for their contribution to the debate this afternoon. If I had any doubts regarding the extension of random breath testing for a further 12 months, the debate here this afternoon certainly allayed them. The loss of life that has been incurred on our roads this last year is really bad and I certainly hope that we will be in a position in 1982 at least to try to rectify it.

The Road Safety Council, through its 'Territorians are worth saving' campaign last year, made a great impact on the community and is to be commended for the initiative taken in promoting Road Safety Council matters not just in Darwin but in Alice Springs and Tennant Creek as well. Hopefully, early next year we will be able to extend it to Katherine to educate children in that town on road safety matters.

The interesting fact concerns emotion. When we introduced this legislation in 1979, there was a great deal of emotion surrounding the introduction of random breath testing. Last Tuesday, after giving notice that we would introduce the bill, the NT News saw fit to make it the lead item of the day, saying that the government would keep the random breath testing legislation for a further 12 months. Later in the week the opinion had mellowed. The same aggro - if I may use that expression - was not evident in the proposal to continue for a further 12 months. Because of the editorial in the paper, which referred to this legislation as my '2-bob-each-way bill', and because of the headline last week that random breath testing was to continue, I spoke to many people in my electorate. I can quite honestly say that not one person has mentioned anything adverse regarding the extension of random breath testing for a further 12 months.

Mr B. Collins: You were too busy talking about Brinkin.

Mr DONDAS: It does not make any difference. I was still talking to people in my electorate. That is the important thing, Mr Speaker: making oneself available.

I agree with most of what members have said. The suggestion of the member for Alice Springs regarding speed limits for trucks with people in the back will certainly be examined carefully in the New Year. He also said that it is not a cure. I have always believed that prevention is better than cure.

I believe that the public relations efforts of the Northern Territory Police Force over the last couple of years regarding random breath testing have been excellent. The police have handled the civil liberties' problem with great care. I believe that the police in the last couple of years have displayed integrity and goodwill towards the Darwin public by taking people through the proper steps. I cannot remember receiving any complaints from members of the public who had to blow in the bag.

I went to the Royal Darwin Show this year and I asked for one of the sample bags that were on display for members of the public to see the crystals change. I have an impediment in my top lip and not too many of my own teeth left. I really do not know how people who have problems with their upper lip can blow into those bags. It is so hard that it is a wonder that they do not have a heart attack. I certainly hope that the Chief Minister is listening to me because he has probably never tried to blow in a bag either. It is really hard. Knowing that it is so hard and knowing that people are being pulled up on the side of the road, I believe that the police have certainly played a very important role in the last 2 years in trying to bring to the people's minds that they should not drink while they drive.

The only member that I was really disappointed in today was the member for Nightcliff. I will not quote Hansard but I refer all members to Hansard of 1979 where she said that, if a person drinks and has a car, he should not drive it while he is drunk. I am glad that her view has not really changed on that.

I support the Road Safety Council's recommendation and the recommendation of the police. The government is not taking an arbitrary decision that random breath testing should be extended for a further 12 months. We asked for information from the police and we received that. We also asked for a recommendation from the Road Safety Council and that recommendation was received. In fact, the Road Safety Council recommended that the sunset clause be abolished and that the provision become a permanent part of the statute. The government and the police seem to agree that maybe we do need another 12 months. That is why we are unable to say definitely where we are going with it on the basis of the statistical information.

I am disappointed that the member for Gillen is unable to take a firm grasp of the problems we have in trying to provide him and the member for Nightcliff with the information that would give some feeling of support for this legislation. When it was agreed to in 1979, it was almost a unanimous decision. I thank members for their contributions.

Motion agreed to; bill read a second time.

Mr DONDAS (Transport and Works) (by leave): Mr Speaker, I move that the bill be read a third time.

Mr ROBERTSON (Education): Mr Speaker, I could not let the third reading go without at least responding in part to what the Minister for Transport and Works had to say about me a while ago. The point I have been trying to make is that the justification for a 12-month extension of this legislation is the lack of statistical knowledge. I cannot accept what the member for Sanderson says: that the statistics justify or prove the effectiveness of the legislation. Indeed, if we look at it, I think it works quite the opposite. That is why

I believe we ought to give it the 12 months' chance so that we will have a statistical basis.

Could I try another way of demonstrating that we do not have that evidence. The average number of offences for driving under the influence in Alice Springs is about 50 per month of which 3 to 5 on average are detected by this method. In other words, at a maximum, 10% of offenders are detected through the random breath testing. I think that that demonstrates that we need more time. I would hate my colleagues to think that I was speaking in opposition to this legislation; I am speaking in support of it. I was demonstrating that we are far from satisfied that it is effective.

Ms D'ROZARIO (Sanderson): Mr Speaker, I could not just sit through that. The Leader of the House says that my reading of the information provided to me by courtesy of the Chief Minister's officers was incorrect. When we processed this legislation in 1979, it was made quite clear, not only to members but indeed to the public, that this was not to go about catching people at the random breath testing station. The main objective of the legislation was to be a deterrent. The member says that, because there are 50 offences a month in Alice Springs and only 2 to 3 of them are detected by this method, this does not prove its effectiveness. My argument is that it proves the deterrent effect beyond doubt.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, soon after random breath testing was introduced, there was a press release which seemed to indicate that the testing was having a very good effect on the accident rate. Now it does not seem as though it is having a great deal of effect at all. Perhaps it relates to my point about the deterrent effect of punishment. The punishment is no longer there and people are no longer taking the same notice as when it was first introduced.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I am very interested in that last comment. I am not quite sure what the member intends but, from his previous analogy, does that mean that, in future, motorists in the Northern Territory will drive into random breath testing stations finding a police officer with a breath testing kit in one hand and a cane in the other?

Motion agreed to; bill read a third time.

MINING ACT 1980 AMENDMENT BILL
(Serial 166)

Continued from 26 November 1981.

Ms D'ROZARIO (Sanderson): Mr Speaker, firstly may I thank the minister for making available an officer of his department in order to provide a technical briefing on this bill. It was very much appreciated. If members have a feeling of deja vu when they are reading this, they can of course be forgiven because it is much the same bill as the one that was passed in the June sittings earlier this year. The principle is not new. The bill is required in order to clarify what has happened with the Mining Act 1980 and subsequent amendments. The difficulty is that the 1980 act has not been assented to whereas some of the subsequent amendments have been. This means that they replace the original act and of course we cannot have that. The principle is not new. It is to clarify the relationship between the Commonwealth and the Territory governments with respect to the collection and payment of uranium royalties. We know that the federal government has not yet consented to the Territory government being able to raise its own royalties from uranium mining and that agreement has been preserved in this new bill.

Mr Speaker, it has been explained to us in some detail that this is really a technical drafting matter; it is not dealing with a new principle. It is simply to clarify the status of the Mining Act 1980 and its amendments. Apparently, this is the one outstanding matter which is required to be resolved before the Mining Act can be brought into operation. I take the minister's point. Indeed, I too have had representations in relation to the Mining Act 1980 which is still not in operation. The mining industry is concerned to have this act brought into operation as soon as possible. It is having some difficulty in working under the old act whilst also having to give regard to the fact that some aspects of operations will change when the new act is brought into effect. The opposition supports the bill.

Mr TUXWORTH (Mines and Energy) Mr Speaker, I thank members for their support of this bill and I deeply regret that the matter has been brought before the Assembly in this way. However, it was the lack of activity by a federal department that has put us in this position. We cannot obtain assent to the act until this is solved.

Motion agreed to; bill read a second time.

In committee:

Clauses 1 and 2 agreed to.

Clause 3:

Mr TUXWORTH: I move amendment 73.1.

This amendment omits the words 'Mining Act Amendment Act 1981' and substitutes the words 'Mining Act 1981 Amendment 1981'. Clause 3 proposed the repeal of the Mining Act amended and passed in June. The change proposed to correct the wrong title reference.

Amendment agreed to.

Clause 3, as amended, agreed to.

Clauses 4 and 5 agreed to.

Clause 6:

Mr TUXWORTH: I invite defeat of clause 6.

Clause 6 negatived.

New Clause 6:

Mr TUXWORTH: I move amendment 73.2.

This amendment is to section 166(1)(g) and was originally an amendment to bill serial 84. The amendment was passed by the committee at that time but it is necessary that it be passed again.

New clause 6 agreed to.

Clause 7 agreed to.

Clause 8:

Mr TUXWORTH: I invite defeat of clause 8.

Clause 8 negatived.

New clause 8:

Mr TUXWORTH: I move amendment 73.3.

This amendment is to section 191 and was originally proposed as amendment 40.1 to bill serial 84. It is necessary to adopt it again.

New clause 8 agreed to.

Clause 9:

Mr TUXWORTH: I move amendment 73.4.

This amendment was proposed as amendment 40.1 to bill serial 84 and passed at that time. It is necessary that it pass again.

Clause 9 agreed to.

Remainder of the bill taken as a whole and agreed to.

Bill passed remaining stages without debate.

ADJOURNMENT

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

Mr B. COLLINS (Opposition Leader): Mr Speaker, the member for Tiwi this morning spoke about knee-jerk reactions from government. We had a very good example of a knee-jerk reaction from the government last week.

Last Thursday I asked the Minister for Mines and Energy the following question on the tailings dam problem at the Ranger Mine: 'Last night the management of Ranger stated that it could comply with the standards for environmental protection if the standards were lowered. Is he considering such a lowering of the standards?' The minister replied with an emphatic 'No' and added that, since the events of Monday, he had received no communication from the company whatsoever about its intentions.

Mr Speaker, in a little over 24 hours the company rectified its lack of communication with the minister with a vengeance. It communicated with him so successfully that he completely reversed his stand of the previous evening that environmental standards would not be lowered.

It is often said of the Minister for Mines and Energy in this Assembly that he pays a great deal more attention to the mining portfolio than he does to the portfolio of health, and I would not suggest that that is the case at all. He does not seem to pay very much attention to either of them.

I think that all members in this Assembly would agree that probably the most sensitive area of mining so far as the minister is concerned is the control of uranium mining. The industry happens to agree with that particular assessment because it also considers that, for the sake of the industry and its public relations generally, certainly that is the most sensitive area the minister has. I am getting rather tired of these extraordinary runs of contradictory statements

from the minister on any subject connected with uranium mining.

Honourable members will recall, Mr Speaker, that the same procedure was adopted during a previous sittings in respect of Nabarlek, when the minister turned a full 180 degrees to contradict statements he had made only 24 hours before. Now he has done it again. It is impossible to accept. I refer any member who may doubt that to the parliamentary record. The minister has now done precisely the same thing again. I suggest that it would be to the benefit of all Territorians, and certainly to the benefit of the mining industry, to have a minister who can demonstrate that he is in charge of his portfolio and knows what it is about.

Mr Speaker, I would like to quote from the Ranger Environmental Impact Statement. The government considers that environmental impact statements need to be taken seriously and one would certainly believe that from the legislation it has introduced in this Assembly. I quote from the Ranger EIS:

The dam wall is designed to be raised in stages to maintain the water surface at least 2m below the crest with the depth of water 2m above the tailings. A depth of 2m represents 2 million cubic feet of free water. At the end of the wet season the depth could have increased to 3.5m. By the end of the dry season it will reduce to 2m.

The Ranger inquiry also makes the same statement in respect of the undertakings the company gave on environmental safeguards that it would comply with.

In the statement on the Ranger matter delivered to the Assembly on Wednesday of last week, the minister said: 'ERA is to submit a plan satisfactory to the Department of Mines and Energy to resume the operation of the pond in accordance with its authorisation'. That is an authorisation from the minister himself requiring it to have a minimum of 2 metres of water above the tailings. He went on to say: 'A further instruction also requires the immediate covering of all solids in the pond by liquid. ERA is complying with these directives'. That is the directives given by the minister to comply with the authorisation requiring 2m of water.

It is now obvious that ERA was not proposing to comply with one of those directives, the one that required it at all times to keep tailings in the pond under 2m of water. Some time between question time on Thursday morning and Friday afternoon, ERA was able to convince the minister that this regulation could be dispensed with by a stroke of the minister's pen.

Mr Speaker, without any reasonable explanation to this Assembly from the minister - and I think I can make that statement in respect of what he said this morning - without any reasonable explanation, the emphatic Minister for Mines and Energy suspended this regulation and ruled that the plant could reopen provided that the tailings in the pond were at least covered with water. This was after the minister had just as emphatically endorsed the action of closing down this operation, an act which, according to the mining company, was costing it \$1m a day.

Mr Speaker, there is now no definition of depth, presumably as little as a centimetre or a millimetre would do. If that does not involve a lowering of environmental standards as the minister said it did not, it is difficult to visualise what does.

When the regulation requiring 2m of water above the tailings was first imposed, one could only assume that it was for a good reason. It was in the environmental impact statement, it was recommended by the company itself and

it was further repeated in the Ranger Inquiry Report. It was not a seasonal regulation that could be dropped prior to the wet season to make room for a big intake of water. It was supposed to operate all year round. In fact, the statement said that it would rise to a maximum of 3.5m during the Wet and drop to a minimum of 2m during the Dry.

Mr Speaker, what change of circumstances occurred which allowed the minister to reduce the requirement for the depth of water above the tailings from 2m to nothing? Why have we not been told what these circumstances are? A week ago this breach of regulations was considered serious enough to have the entire operation closed down. By Friday it had been decided it was good enough just to keep the tailings wet. It is a matter of some concern that the minister should claim now that a lower water level 'is a sensible precaution for the onset of the wet season'.

Is he implying that, as I suggested, the dam would not be able to cope with 2m of water above the tailings in a wet season intake the way it is currently designed? I assure the Minister for Mines and Energy that that is the information that I have. I am still waiting for his response as to whether that is correct. The previous authorisation stated precisely that the 2m of water requirement must be complied with. Does this indicate that the design specifications of the tailings dam are inadequate and that there is an insufficient margin of safety to cope with the wet season? Given Thursday's assurance that environmental standards would not be lowered, the minister's change of mind is so dramatic that it requires the fullest possible explanation of the reasons behind it.

Mr Speaker, the report from Ranger to the minister on Friday must be released publicly. According to yesterday's NT News, the General Manager of Ranger, Mr Woods, has no objection to this. On this basis, there seems little reason why the minister should object to it either. The same applies to every other piece of information collected in the uranium province. If, as the minister so often claims, he has nothing to hide, there should be absolutely no barrier to public access to any information gathered in the process of ensuring that the environment is not being harmed and that the safety of the workers and the people living in the area is not jeopardised.

As information is gathered to ensure that there is no threat to public safety, any member of the public should be free to make that judgment personally. The minister should also provide the public with information of the rationale behind the original requirement that the tailings at Ranger must be kept under 2m to 3.5m of water. This will enable members of the public to judge whether the removal of this regulation is as safe as the minister now claims it is, although with scant explanation.

One thing has become quite clear following this further incident at Ranger and that is the urgent need for changes to the reporting systems that are currently in use in that area. In both the incident at Ranger and the earlier one at Nabarlek, the companies considered that neither case was serious enough to report immediately to the supervising authorities. Subjective judgments were made by the companies when objective judgments were required, and needed. With the present reporting system, it can be up to a month or more before an incident comes before the supervising authorities if a company judges it to be of minor importance. In the case of the Nabarlek incident, Mr Speaker, it was several months.

What happens if a company makes the wrong judgment, and I think everybody will concede it has a certain bias in the matter? There is no room for error in the business. All breaches of regulations, guidelines or ministerial

authorisations, whether detected by inspectors or company employees, should be reported immediately to senior people in the Department of Mines and Energy. There should be no room in this matter for subjective judgment. Every incident should be judged objectively by people qualified to make such a judgment. It should not be left for inspectors to argue the point with the company officials at the mine site. The minister was able with the stroke of a pen to change the terms of his own ministerial authorisation to enable the Ranger plant to reopen after he had closed it. At the very least, he should take similar action - and soon - to tighten up the obvious deficiencies that exist in the reporting requirements in the Ranger area.

Mr Speaker, I would like to conclude by saying that it is of some concern to me that standards laid down in the EIS can be dispensed with in such a manner and with so little explanation to the Assembly. Quite a serious incident occurred at Ranger a short time ago. It involved 2 workers allegedly going up to their waists in an acid bath which was also radioactive. It had some publicity in the paper. The Ranger manager, Mr Don Woods, said that they had gone into the liquid - the solution was made up of a mild acid and yellowcake - one man took his boots off, stood in the solution and so on. No one from the Department of Mines and Energy would comment on the situation. The minister and senior aides were also unavailable for comment. I have now received a letter from the Federated Miscellaneous Workers Union of Australia - it is the first letter of its kind that I have received - in response to this press release:

Dear Mr Collins.

Re the Ranger Uranium Mines clarifier incident, the NT News printed an article in which the mine manager from Ranger makes substantially incorrect statements. We were advised of the incident on Wednesday of this week when we met with our delegates committee and the heads of the Ranger company. We requested that the mill superintendent be summoned to answer the allegations, and we also spoke to the men involved. The facts are as follows:

- 1. Two men went into the solution, which was both acid and radioactive. up to their waists. One removed his shoes to get better traction.*
- 2. The Department of Mines and Energy advised the company that 2ml of the solution they were up to their waists in, if ingested, would be fatal.*
- 3. The department also threatened to close the mine down if Ranger could not come up with an answer as to why men had been exposed to this kind of danger.*
- 4. The men were concerned about entering the clarifier, but did so after the company radiation officer had said there was no danger to them.*

In short, we are very concerned at the company's apparent callous disregard for the safety and wellbeing of our members. I request that you put the necessary pressure on the minister concerned to facilitate a full investigation and the severest penalties be imposed as threatened by the Department of Mines and Energy in closing the mine down.

Yours faithfully,

Mr HARRIS (Port Darwin): Mr Speaker, recently I returned from a Commonwealth

Parliamentary Association conference. It was the first such conference that I had attended, and what a wonderful experience it was. Apart from the break - we all need a break at times, and often we are unable to find the time to take a break - it gave me an opportunity to meet and to exchange ideas with people from all over the world. It is an experience that I will never forget.

The conference to which I refer is the 27th Commonwealth Parliamentary Association Conference which was held in Fiji and was attended by the member for Fannie Bay and myself. I would like to take the opportunity to report to the Assembly on the trip and on the conference itself. I am not wearing my Bulla shirt, as I mentioned to the Leader of the Opposition at a function recently. But I will have something to say about that a little later.

After somewhat of a shaky start, not in terms of engines falling off aeroplanes but in terms of rearranging the schedule, we arrived in Fiji. When we left Brisbane, all of us felt that our next port of call would be at least outside Australia. You can imagine the surprise on some of the passengers' faces when there was an announcement to the effect that we would shortly be arriving in Rockhampton. We were leaving Brisbane to go to Fiji and we were heading north and landing. There was a transport strike at Brisbane and the Boeing 737 which was to take us from Australia to Fiji was not able to take on fuel at the Brisbane airport. So we were directed to Rockhampton to refuel. For 30 minutes we sat inside that aircraft whilst refuelling was carried out and whilst we were not bothered by flies during that period, Mr Speaker, you can rest assured that it was most uncomfortable. Thirty minutes in a confined space with 100-odd bodies is not my idea of spending a pleasant half hour.

One of the other unfortunate incidents that occurred as a result of this stopover was that we had to stop for 2½ hours at Noumea. I understand that you have been to Noumea airport, Mr Speaker. Again, the reason for this was that the crew, because we had stopped at Rockhampton, had run out of hours. I will not go into any great detail on the stopover itself other than to say that it was a most peculiar experience. The plane landed, the crew disappeared and we were left to our own devices for 2½ hours. There was no evidence whatsoever of authority, there were no lights and there were no communications. When communication did eventually come, it was in French; it was no good to the member for Fannie Bay or myself. There were nice soft chairs but it was a most peculiar setup.

Just as mysteriously as everyone disappeared from the scene, everyone came back and there was a great hive of activity. The crew arrived, the lights were turned on, we were put on the plane and we headed off to Fiji. We eventually arrived at Nandi late on the evening of 6 October. From then on, we were treated extremely well. We were met at the airport by a representative of the Fiji branch of the Commonwealth Parliamentary Association and arrangements were made for our flight to Suva.

I might comment here, if only because it nearly caused a divorce in the Harris family, that I was informed that the aircraft that was to operate this particular leg of the journey from Nandi to Suva was a little smaller than a Fokker Friendship. Mr Speaker, that was an understatement. It was indeed smaller than a Fokker Friendship. When my wife was asked to step onto the scales, and I could see the hackles rising, I backed off. I am sure the Clerk of the Assembly would have backed off too if he had been over there in Fiji. It had been quite a day. We had a pleasant trip from Nandi to Suva and we arrived there about 11.30 pm.

On the conference itself, it was the biggest Commonwealth Parliamentary

Association conference ever. There was a full complement of delegates from the CPA branches. I think there was one branch that missed out. Of course, the number of branches is growing every year, and this year the Fiji branch looked after a total of 425 people. I think that you would all agree that, to look after that number of people, is a big effort. It is quite obvious that holding a conference of this size would create enormous problems not only with the programming aspects but with accommodation and with catering. With only a few minor hitches, everything went off extremely well. I think that the Fiji branch, the host branch, should be congratulated on this whole exercise. It was extremely well carried out.

The conference itself was divided into 2 sections. Both of the conferences were held in Suva. The first conference was the Small Nations Conference which was held at SPEC headquarters - SPEC standing for South Pacific Bureau of Economic Cooperation. The main CPA conference was held at the Suva Civic Centre. The first of the conferences was the 2-day conference of small countries. I feel here that the Northern Territory branch of the CPA should thank the Leader of the Opposition for sowing the seeds that got us the invitation to not only attend but also to take part in that Small Nations Conference. We attended as a small legislature. I believe that, if this conference continues in conjunction with the main CPA conference, it will be of tremendous benefit to small legislatures such as we have here in the Northern Territory.

It was also interesting to note that, after our initial contact with the delegates of the small nations, we seemed to stick together for the rest of the conference. There were a lot of friendships made there. I think that some of them will be lasting friendships.

The topics that were covered at both of the conferences appeared to be perennial in nature. I do not mean that to detract from their importance. They are very important topics. Otherwise, they would not continue to appear on the notice papers at various conferences and seminars throughout the world. Topics such as 'member of parliament', 'scrutiny of the executive' etc are topics which legislatures are still trying to come to grips with. The problem of course is that, whilst there are many areas of common interest in CPA branches, and in particular the small nations branches, the answers to those problems vary considerably. It may be because of the cultural structure. Particularly in the South Pacific region, that plays a big part in their systems. It may be the size of the legislatures or the number of constituents. It may be the geographic position. But all of these things have a vital bearing on the type of system that will best suit the needs of a particular community. In that regard, it was interesting to listen to the comments that were made by the delegates at the Small Nations Conference.

At the end of the Small Nations Conference, we were given a questionnaire and both the member for Fannie Bay and I agreed that the Small Nations Conference had been successful, that it was of benefit and that it should continue. We also put forward a suggestion which may improve the Small Nations Conference in future: that there be an open section included on the agenda where the delegates could discuss any particular matter that they wished; for example, to report progress or to pass on some other information that may benefit a small nation or another branch of the CPA.

We will also be putting forward to the executive of the Northern Territory Branch of the CPA that, if the Small Nations Conference is still taking place in 1988 - that is the year that the main CPA Conference is due to be held in Australia - that the Northern Territory host the Small Nations Conference. We will be getting in touch with the Darwin branch about that possibility.

The 9 days between the Small Nations Conference and the main conference itself gave the host branch, Fiji, the opportunity to show off its country to the delegates, to the observers and to the spouses, and what a wonderful country it is. I might say here that I believe that this particular aspect, the aspect of seeing the country, seeing the industries and meeting the people, is a very important part of the conference itself.

There were views put forward at the general assembly that consideration should be given to reducing the period of time that members are away from their areas. They felt that the 21-day period was far too long. A further suggestion was that the main conference continue on from the Small Nations Conference and that they do away with the sightseeing. I believe it would be a shame if this occurred because that 9-day period, where one sees the country and meets the people, gives one an opportunity to mix with the delegates from other areas and to discuss different issues with them. I believe that is a very important aspect of the conference. By all means, consideration could be given to grouping the 2 conferences together, the main conference following the Small Nations Conference. But let us not get away entirely from the tourist bit.

Mr Speaker, I am going to run out of time and I still have to cover the tour and the main conference. I will do that tomorrow.

Mr TUXWORTH (Mines and Energy): Mr Speaker. I would like to respond to the comments of the Leader of the Opposition. I would like to advise the member - and this will come out in the report on the incident at Ranger when it is ultimately published in a week or two - that the reporting of procedures will be improved to the degree that every incident that takes place on the lease will be reported daily to the office of the Secretary of the Department of Mines and Energy. Further, the manager of the mine will be reporting daily on any incident to his head office in Sydney. That might go a long way towards allaying the concern and fears of the Leader of the Opposition.

He raised 2 points that I would like to touch on briefly. The first one is the fact that the mine was closed because the company was operating outside an authorisation, had operated outside it for some weeks, had intended, as far as one can see, to continue doing so as long as it was allowed and, on being challenged about the matter, did not have a great deal to offer in its defence. That is the guts of why the mine was closed. It was the attitudinal problem of the company rather than the technical one of whether the exposed tailings were bad for the environment or the life and safety of anybody.

The second issue is the 'lowering of standards', as the Leader of the Opposition would put it. I cannot accept that there was a lowering of standards. Perhaps in his eyes that is what it is but the technical requirement by the environmental people is that the tailings be kept wet. When the tailings became dry, it is then that they are able to give off radon daughters which can be harmful to the environment. In a wet state, there is no threat to the environment by the emission of radon daughters. It does not matter whether it is wet by 2cm or 2m. I can demonstrate it with this paper clip in a glass of water. By taking 2 metres of water out of the pond, it does not become any less wet. I guess that is really the technical issue that the environmental authorities address themselves to.

The Leader of the Opposition said that I changed this authorisation with a stroke of a pen. Let me say that authorisations are varied from time to time. I would think that, since the construction at Ranger began, some 5 authorisations have been varied. They are not varied by the stroke of a ministerial pen alone. The variations are put before the Supervising Scientist, the Department of Mines and Energy and the NLC. The Department of the Environment has a role to play

and, in some cases, so does the Department of Trade and Resources. All of these groups are asked to give an approval to the technical application by the company for the variations of an authorisation and, in fact, for the authorisation in the first place.

There has been no abandonment of responsibility nor any 180-degree turn. When the company put its papers to me on Friday afternoon, they had been approved by the department, by the Supervising Scientist, by the NLC and by Home Affairs. At that stage, I had an opportunity to say whether the government would agree to the variation of the authorisation and, in this case, that is what happened. I can accept that the Leader of the Opposition has concerns about these things. If it would help him to be briefed from time to time by officers involved in the investigations, I could organise for that to happen so that he has a better understanding of it. I did not rise this afternoon to be facetious, Mr Speaker. I am trying to make a point that we are not operating outside environmental requirements that are deemed to be so important by us all.

Mrs O'NEIL (Fannie Bay): Mr Speaker, I can only comment that, if it is as simple as paper clips in glasses of water, why did the Fox Commission, which considered long and hard, think it was a matter of significance?

Mr Speaker, along with the member for Port Darwin, I had the pleasure of representing our local branch of the Commonwealth Parliamentary Association at the conference in Fiji. I can assure members that, despite the arduous journey which we endured in order to get to Fiji, it was certainly a very worthwhile exercise. Fiji is a beautiful place, a multi-cultural society with a population of over 600,000 people living on over 300 islands in the middle of the Pacific. Its main industry is sugar but it also relies very much on tourism. We in the Northern Territory can probably learn a little from their activities in the tourist industry since it is so important to us also.

Mr Speaker, as the member for Port Darwin said, and I will certainly try not to bore members by repeating those points which he raised, the Small Nations Conference preceded the trip around the island and the major CPA conference. It was bearing in mind the importance of this to our small legislature in the Northern Territory and the role which our delegate at the last conference, Mr Collins, had played in ensuring that small territorial branches were able to benefit from the Small Nations Conference that the CPA executive decided to send more than one member. I believe it was a wise decision - particularly as I was the person who benefited - but I believe that the point was made to the Commonwealth Parliamentary Association, to the executive and to other members that we felt that the exercise was most important to territorial as well as national branches. It was demonstrated during the course of the Small Nations Conference that things we had in common extended across all the branches regardless of the limits or otherwise of their power. The point, I believe, was very well made.

For me, the most enjoyable aspect of the whole several weeks was the Small Nations Conference. I do hope that, if we are successful in ensuring that a future conference will be held, we might even be successful in convincing the CPA that we could change the name of those conferences to that of conferences of small branches. Hopefully, we will be able to achieve that. It was certainly very useful and very relevant and even the people that we met were absolutely fascinating. For the benefit of members, I would like to read out a list of the branches that were represented at the Small Nations Conference because it gives some demonstration of the far-flung nature of the Commonwealth and the sometimes exotic nature of Commonwealth parliaments. Those represented were from the Bahamas, Bermuda, Cayman Islands, the Cook Islands, Dominica, the Falkland Islands, Gibraltar, Guernsey, the Isles of Mann and Jersey, Kiribati, Nauru,

Norfolk Island, the Northern Territory, North-west Territories of Canada, Prince Edward Island, St Helena, St Lucia, the Solomon Islands, Tonga, the Cocos and Western Samoa.

One almost needs to get an atlas out to know what countries one is talking about. I must confess that, until I received the papers relating to the conference, I had no idea that St Helena was a member of the Commonwealth Parliamentary Association. Indeed, the delegate from that branch, so isolated is his island in the middle of the Atlantic Ocean, spent fully 3 months away from home, travelling by ship to London, which was the only means of transport between St Helena and the outside world, and then to the Pacific and then back to London for his ship home. So important do these small nations feel their presence in the Commonwealth and appreciate the opportunity to express their point of view and also to learn from others that that delegate was prepared to make the sacrifice of being away from home for 3 months.

The topics of the Small Nations Conference were predictable but nevertheless very relevant to us and that became obvious as discussion progressed. They were: the party system and the role of the opposition and non-party systems developed in the Channel Islands and the Isle of Mann; the duties of elected, nominated and official members in small countries; budgeting procedures and the scrutiny of public expenditure, which of course interested me greatly; codes of conduct and conflict of interest and staffing in small legislatures; and facilities for members including information services. Between us, we spoke on 4 of those 5 topics which is perhaps one of the advantages of having more than one person present. Certainly, the atmosphere was relaxed and friendly, comparatively informal and people generally felt bound together by those things we had in common.

Mr Speaker, as far as representatives from small branches and perhaps more remote parts of the globe are concerned, members from large countries might in a friendly but sometimes derogatory way think that they are pretty small and unimportant. However, members from small branches felt a great deal of pride because we know that our small legislatures with comparatively small numbers of constituents come closer to true democracy than it is possible for large legislatures in very large countries. As the member for Port Darwin indicated at its conclusion, participants requested that such conferences be held in future and raised a large range of suggested topics that could be usefully discussed.

The venue for that conference was the Headquarters of the South Pacific Bureau of Economic Cooperation. It was a delightful setting. We were all quite delighted with the architecture of that building set in and open to large shady gardens. The architecture was typical of the Pacific: wooden structures with high ceilings and wide verandahs which created a very cool and pleasant atmosphere. It occurred to me that when we get around to considering a design for a new parliament house for the Northern Territory, we might also consider how we can revert to such a simple low-energy, more appropriately tropical architectural style such as was demonstrated at that venue. It certainly worked very well as a site for a conference which is similar to the way we function in the Assembly. I believe it would certainly be something to consider.

Between the conclusion of the Small Nations Conference and the opening of the large annual conference, delegates were able to see some of Fiji. A trip around the main island of Viti Levu was organised and we were able to see aspects of the sugar industry which is so important to Fiji, and also aspects of the tourist industry which the member for Port Darwin and I found we could learn from.

The main conference began when we returned to Suva, the capital of Fiji.

It was officially opened at a most impressive ceremony in the grounds of Government House by the Governor-General of Fiji, Ratu Sir George Cakabau. His address was preceded by most impressive traditional Fijian ceremonies of welcome, including the presentation of the most valued symbol, the whale's tooth, the preparation of yakona, the drink of the Pacific Islands, and other aspects which have traditionally been the way in which visitors have been welcomed to Fiji in the past. That was certainly a most impressive sight and I do have some photographs if members are interested to see them.

The larger conference was in complete contrast to the Small Nations Conference. There were many hundreds of delegates gathered together in the large venue. The topics were also quite different: the Commonwealth and world security; control of pollution and protection of the environment; commodity prices and the relations between industrialised and primary producing countries; the relevance of the Westminster parliamentary system in a changing world; parliament and the scrutiny of the executive; and the MP, his responsibility to the nation, to his party and to his constituency.

There was a great deal of competition from delegates to speak on these occasions. In all but one of those plenary sessions, the list of speakers was longer than the time available for them to speak which indicates to people that delegates did go with a sense of commitment to the purpose for which they had been sent by their branches. More informal opportunities for discussion were available at the panel sessions which discussed issues such as the social consequences of continuing inflation and unemployment and population growth and control. It was particularly interesting for us to be present at the elections which only take place once every 3 years within the CPA. A new chairman was elected for the next 3 years. The Honourable Gerry Ottenheimer, a member of the House of Assembly of Newfoundland, Canada, was elected to the position of chairman of the organisation.

It is impossible, Mr Deputy Speaker, to adequately express how well we were received, how courteous were the people of Fiji and how friendly and how limitless were their efforts to make us feel welcome. They are certainly the most friendly and gracious people and I would hope that other members of the Assembly might in future have an opportunity to visit Fiji if they have not already done so. It is not without its problems as is the case with all small nations. It is dependent on 1 or 2 commodities for its income and has some problems associated with being a multi-racial country but there is, nevertheless, a genuine desire apparent among the people to overcome those problems and work harmoniously to the benefit of all.

Mr Speaker, I must thank the branch for giving me an opportunity to attend, and also my husband who had the privilege of being one of 2 male spouses who participated, the other being Mr John Carroll, the husband of an Australian Hansard reporter who was assisting the local branch.

While it is difficult to present concrete examples of how delegations to such conferences benefit the Territory, having had the experience, I strongly believe that we benefit from the advantage of meeting parliamentarians from all over the world, getting to know them, gaining some comprehension of other people's problems and experiences at first hand and also gaining information and examples as to how we might better perform our functions as parliamentarians, organise our business or manage our economy. Mr Deputy Speaker, if I may, I will point out the interest you took as a delegate, in how the Fijian authorities are coping with the problems of palm beetle and coffee bush. We found we had several things in common with the Fijians. Certainly you spent a lot of time in discussion with their officers about these problems. In such ways, apparently little ways, we benefit.

Once again I must thank the branch for allowing me this opportunity to attend and, finally, say that it gave me an understanding of what the Commonwealth of Nations is about in a real way that I had not appreciated before. I saw delegates from all parts of the world, gathered from nations small and large; as small as the Falkland Islands with a population of 1800 people and as large as India with over 650 million. Delegates spoke many different languages. Some came from places where there has been French influence and places such as Cyprus in the Mediterranean. Yet people were bound together by what they had in common as members of the Commonwealth and it certainly was a most edifying experience.

Mrs PADGHAM-PURICH (Tiwi): Mr Deputy Speaker, this afternoon I would like to speak in the adjournment debate on the reply I received from the Minister for Transport and Works to a question I asked this morning. I asked if it was the government's intention to grant drivers' licences, in certain circumstances, to 16-year-olds. I was pleased to hear that the minister is considering this question.

Mr Deputy Speaker, over the last 4 to 5 weeks, an increasing number of parents of 16-year-olds have brought one main thing to my attention about drivers' licences. It is that their 16-year-olds are either earning their living with a job or they are apprenticed to a particular trade. Because they are 16, they are unable to get a driver's licence. They all live in the rural area. In addition to the people who have made direct requests to me for help, I understand that there are others who have boys and girls of 16 who are apprenticed to trades and who have made their own arrangements regarding transport. There are quite a number of families in the rural area with youngsters who are trying to do the best they can by learning a trade and supporting themselves, and I feel that some consideration should be given to their request for a driver's licence under certain circumstances.

I understand that, under certain conditions, 16-year-olds can get a driver's licence. They can undergo a course of training at a high school when they are 16 and, provided they pass this course successfully, they can have a driver's licence. Unemployed 16-year-olds who do a course at the community college can be eligible to obtain a licence. It is a slightly different course but the end result is the same in that both groups of 16-year-olds end up with drivers' licences.

Whilst I agree that it is a good thing that unemployed youth be helped as much as possible to get work, it is a bit ironical that people who are not employed can get a driver's licence but those who have the capability of getting a job cannot get a driver's licence if they miss out on the course. I will not go into too much detail but many 16-year-olds would like to undergo the driving course at high school, but are unable to do so as a result of their date of birth. Sometimes there is a clash of times and, with the best will in the world and although they have the capabilities, they are unable to undergo this driving course.

For these 16-year-olds who cannot drive, there are several things available. There is a bus service to the rural area which it might be said they should use. However, the buses are patronised mostly by people who have jobs and the most popular runs are in the morning and the afternoon, the times which are not suited to the requirements of the apprentices. This seems to apply to all of them. An alternative is for the parents or friends to run a family taxi service, fetching and carrying the apprentices from their places of employment and the community college.

Whilst I agree that legislation should follow the wishes of the people, my own children could all drive when they were 11. They seemed to want to learn

at about that age but they only drove around the property. They did not drive on the highway. I think this applies to most country children; they learn to drive a car or a motorbike. Perhaps not all of them are as responsible as others. When the minister considers the granting of licences to 16-year-olds, if certain reservations are expressed that a 16-year-old may not be sufficiently responsible to react properly in the case of an emergency, perhaps some form of restricted driver's licence could be looked at. This could be along the lines of a licence to enable a student to drive to and from work in daylight hours. There are certain restricted licences available to people who have offended against the laws of society; for example, those people convicted of drunken driving. They can get licences to drive at certain times. I feel that something similar could be looked at for these 16-year-olds.

Mr Speaker, while I am on the subject of drivers' licences, it was also brought to my attention by a particular person I have been talking to that there are a number of people who are driving illegal vehicles in the Northern Territory. Some of them have number plates on them; some of them do not. It was put to me that there are about 4000 motorbikes legitimately registered in the Northern Territory but there are about 2000 bikes being driven by people who have no legal endorsement to drive those vehicles. It was also put to me that there is what I would call a racket operating. Not enough attention seems to be paid to it. I refer to people who come here from interstate, with state plates on the car and state licences. They do not renew them when the time is due and the excuse usually put forward is that third party insurance costs more in the Northern Territory. I cannot comment on this, Mr Deputy Speaker. I have not had time to check the figures between the Northern Territory and the states. However, if it is true, I feel that there is something sadly wrong with the thinking of these people. The irresponsibility is so outstanding that something must be done to track them down and make them toe the line. If these people are involved in accidents in the Northern Territory and they are without insurance, they may get off scot-free but any other person who is involved in the accident may have to pay the penalty for his irresponsibility.

In answer to a question about the traffic lights at the corner of Berrimah Road and McMillans Road, the Minister for Transport and Works said he would be looking into it last week. They are still not operating. I do not know whether it is a good thing. Perhaps when people see the flashing yellow lights they slow down automatically, but it is a very busy intersection. It only needs one irresponsible driver to zoom through that intersection and there would be complete chaos.

Mr Deputy Speaker, I would like to speak about 2 instances of secrecy in government departments. They were completely unnecessary and I do not know whether the particular public servants were just being bloody-minded or not. I rang one government department and spoke to a reasonably senior public servant. I identified myself and the reason for my request which was the surname of a person to whom I was sending a parcel. I was not quite certain how it was spelt. I was familiar with the person's christian name but not his surname. This information was refused. That was the Department of Education. Subsequently, I found out whom I was talking to and perhaps I can form my own opinion as to why this information was initially withheld from me. However, I pointed out at the time - I hope politely - that it was a bit unreasonable to withhold the information that I was reasonably requesting in view of the fact that anybody who has lived here for a few years and who knows his way around can get information from one source if not from another.

The second instance of secrecy occurred some time ago. I had made an inquiry of an officer in the Department of Primary Production. I requested the name of a certain person who was on a tender board. I must admit that I did

know at the time who the person was - perhaps I was being bloody-minded then. This information was refused to me, and it took 6 weeks for me to obtain it through legitimate channels.

The point I make is that, whilst I agree that perhaps some information should not be freely available, the information I sought on these 2 occasions was completely innocuous: I gave my name, I identified myself and I gave my reasons for wanting the information. I hope this sort of thing does not happen in the future. It is a bit pointless for somebody to refuse information to a member of the Legislative Assembly because we can all find it out one way or another. It may make it difficult for the member of the Legislative Assembly but that is all. I do not know whether it gives the person who refuses the information any joy.

In conclusion, Mr Deputy Speaker, I would like to say again that I hope sincerely that the minister will look at the idea of granting licences; under certain circumstances, to 16-year-olds in the Northern Territory, having regard to the fact that the youngsters who have asked me, and the parents of youngsters who have approached me, all have good and valid reasons why those young people in their particular situations should have access to these licences.

Mr BELL (MacDonnell): Mr Deputy Speaker, since the member for Tiwi has mentioned the difficulty she has had in obtaining information from government departments, I thought it might be an apposite time to mention the difficulties I have had in that regard. I seem to be handing bouquets left, right and centre to the Minister for Lands and Housing and, indeed, to the Minister for Health. I have always found the departments that they administer totally cooperative; more than happy to provide briefings about a whole range of matters.

Unfortunately, I cannot, as much as I would like, cast bouquets in the direction of the Minister for Community Development. I applied to the Secretary of the Department of Community Development for a general briefing in that area. It is no longer relevant, I suppose, because it is not my shadow responsibility, but I think that it is perhaps instructive that the Assembly be advised of the difficulties I had in obtaining briefings in that regard. I contacted the secretary of that department and he referred me to the minister. This was done in writing or by telegram. The minister then referred me to the Chief Minister. Correspondence had to be sent from the Leader of the Opposition to the Chief Minister. I sought briefings in 3 areas. I was given briefings in one. I was told that I would have to reapply through the Leader of the Opposition for briefings in the other 2 areas.

All I can say is that I am somewhat thankful that I will be spared the difficulties involved in obtaining briefings from that department. I think the pleasure will go to my colleague, the member for Fannie Bay. I sincerely hope the Minister for Community Development takes this to heart when he reads it in Hansard in the morning.

The 2 matters that I particularly want to address - and due to the lateness of the hour I will attempt to be as brief as I possibly can - are matters of considerable importance in my electorate. One of them is restricted areas under the Liquor Act. The other one is the authority of community councils on Aboriginal communities.

The member for Stuart mentioned today the effect of the restriction on take-aways in Aboriginal communities. He mentioned that the effect of that restriction had been a very positive one in many regards. I would heartily endorse that assessment. I would briefly like to share with the Assembly my personal experiences in regard to the difficulties that have been caused by take-away outlets in my electorate.

A number of members may indeed have visited the hostelry at Glen Helen, the Glen Helen Lodge. A beautiful place it is. However, some time ago the sale of fortified wine in particular increased over a 12-month period. In one year, the figures went from 30 flagons of fortified wine to 76,000 flagons of fortified wine. That is 76,000 flagons of wine shared amongst a population of about 2,500.

At that time, 1977, I was living in a community, one of the most doubtful beneficiaries of that influx of fortified wine. At most times, I found life on an Aboriginal community to be a very enriching experience for myself and for my family. About the only time I ever doubted the effect that it might be having on my children was during this exact period when, day after day, horrendous incidents of human tragedy occurred just as a matter of course. For example, I can remember late one afternoon stepping out of my front door, sniffing the air and not really being sure of what I could smell. It was a late winter's day and the air was fairly heavy with smoke. The smell was reminiscent of a furry animal being thrown on a fire. I turned around and there was one of the men of that community. His face was burnt. There were very deep burns all over his face. He had been involved in a drinking party. There had been a fight. There had been a fire nearby. I do not need to explain the rest. They were the sorts of things that happened until take-away sales were restricted at Glen Helen.

I mention that because I wish to put in context the issue of restricted areas for Aboriginal communities. My experience is that different communities have reacted to it in different ways. I believe it is a very good piece of legislation. I think it has gone a long way towards helping Aboriginal communities to gain some control over a problem that has continually caused disruption. If, under certain circumstances, a community chooses a restricted area in which permits are issued, these are always referred to the local council. The authority of local councils is to that extent corroborated by the restricted area law.

In my electorate, some communities have chosen to have no permits. There are no permits, for example, at Papunya. At Hermannsburg, at Areyonga, permits are issued by the local council to certain people. At Santa Teresa, they use the restricted area in a very sensible way to prevent the bringing in of fortified wines. The sale of beer is still carried on there, so it is a different type of restriction. I mention those to demonstrate the flexibility of the legislation.

The reason I raise these issues tonight is because I have had representations about a situation that developed at Warrabri. Predictably, the effect of restricted areas in which no permits are given is that expatriate non-Aboriginal staff on those communities may be less inclined to take positions there. From talking to certain people who do those jobs, I know that that is certainly something that is considered.

In the situation at Warrabri, there has been undue pressure placed on the council to change the restricted area from one with no permits to one with permits. I do not wish to give names and personalities in this matter. I do not believe it would serve any purpose. I am sorry that the Minister for Health, in whose electorate Warrabri falls, is not here with us this evening. I understand that he was at a meeting at which the council changed its decision. I would be very interested to hear his account of that particular meeting. I have heard a number of them and I am not convinced that the council at Warrabri was given an adequate chance to consider the implications of, for example, the police station closing and of teachers being unprepared to go to such places when there was no police station. There was no thought given to the possibility of the community, with a restricted area but without a police station, being better able to manage its own affairs under those circumstances.

As I say, I would very much like to hear the Minister for Health give his account of the negotiations because - and the information that I have in this regard is that the authority of the council at Warrabri has been seriously damaged - I believe that the council has been subjected to too much pressure to overturn a decision that it took previously. A considerable section of the population believed that the situation should not have changed; that is, that no permits should be issued at Warrabri.

Mr STEELE (Ludmilla): Mr Deputy Speaker, it is that time of the year when you look outside and you say to yourself, 'Well, it is pretty nice in Darwin'. I guess you do not think too much of the problems that the people have down the track. The greatest problem they have at the moment is a lot of rain. I am very pleased to see that. But my electorate would be disappointed if I did not pay some regard to its problems in this onset of the wet season. It is that time of the year when a local member needs to point out to the responsible authorities the problems in his electorate. Ludmilla was fortunate enough to secure a place in the recent Territory Tidy Towns Competition. That is surprising due to the fact that it has a lot of long grass, unkempt blocks, drains and roads that give people continuous headaches and things of that nature.

Mr Deputy Speaker, I was very interested in reading 'From the Lord Mayor's Desk' with Cec Black in the Darwin Sun on 11 November 1981. I will read out this particular article:

The responsibility for the management of the operations of the Darwin city council must rest with the aldermen who have been elected solely to represent Darwin and no other. Darwin is unique as it has myself, 12 aldermen and 19 members of the Legislative Assembly elected to represent its citizens in 2 governments. There will inevitably be some conflict in matters dealt with by both state and local government representatives. It is well known that a lot of the matters referred to members of the Legislative Assembly should have been referred to aldermen as they are matters within the operation of the council.

In small electorates where votes are so very important, it is hard for a member of the Legislative Assembly to refer a constituent to an alderman. A vote may very well be lost. That voter may influence a dozen others. They must strive to refer constituents to aldermen. Furthermore, the members of the Legislative Assembly all have electorate offices and some staff to assist them. The aldermen are part-time but have no office and no staff. What is more, aldermen have to work for remuneration. The allowance of up to \$3000 per year, which they get, is inadequate.

The council has made a submission to the Northern Territory government for an increase which has been referred to the Northern Territory Remuneration Tribunal for consideration.

The problem is that a lot of complaints never reach an alderman so that the alderman is unaware of a problem when decisions are being made by the council which might reflect upon it. I firmly believe that aldermen must be allocated part-time shared staff to assist them in the investigation of complaints. This should enable complaints to be dealt with more speedily and perhaps better. When this is done, there can be no excuse for a complaint not being referred to an alderman.

The work of the Darwin city council is expanding and must be handled professionally by the aldermen. No longer can this be done in spare time. This does not mean that matters should only be referred to

aldermen in business hours. The members of the Legislative Assembly and the council both have jobs to do. Each should attend to his/her own with full reference to the other without unnecessary duplication.

I tried to get a response in the Darwin Sun but, for some reason, it was not printed:

Dear Sir,

Comments published by the Lord Mayor of Darwin, Cecil Black, in his column last Wednesday present a strange lecture of admonishment to electors of the city. Darwin is not unique in having a number of elected members on a local government authority and a Legislative Assembly. A similar situation applies throughout Australia with additional representation in most areas through the Legislative Council, the Senate and the House of Representatives.

Perhaps the prime reason the citizens of Darwin approach their MLA's for action in local government areas of responsibility could be that either the aldermen elected to represent them are unknown or that the Darwin city council is slow to respond or fails to respond to requests for action.

From my own experience as the member for Ludmilla, there appears to be a considerable lack of communication between council and ratepayers. Unnecessary duplication would be avoided if residents could get quick responses to their problems in the areas of local government responsibility. A surprising number of residents have approached me to take up their causes because of the lack of reaction by the local authority whose duty it is to serve the ratepayers.

Too many times, representations by myself and aldermen representing the electorate appear to have fallen on deaf ears. Whilst agreeing that aldermen serve in a voluntary part-time capacity, the Lord Mayor should remember that they volunteer for election as responsible members of the community they serve to serve its occupants.

That is a fairly bland response, I suppose. The facts are that, in some areas of the Ludmilla electorate, there has been very little response. I think that some of the government departments have let us down in some respects. I will relate some of the problems that we have had to deal with out there over the years.

Over the last 2½ years, we have had 27 representations on drains, mostly in writing. Some of them involved telephone calls which were recorded. Mr Deputy Speaker, if you do not think a crocodile will crawl out of one of those drains one day and bite a kid, well I expect that you will read about that in a newspaper in due course.

The council insists on not having anything to do with footpaths, even when it owns them and they are not serviced by houses alongside. A good example is Fitzer Drive which connects Dick Ward Drive to Bagot Road. I have had 21 representations about Fitzer Drive, most of them about the swimming pool business that occupies pride of place the second house on the left as you turn off Bagot Road. I even had the aldermen of that area saying to me that they thought that that land was not even owned by the city council and why should they worry about it. The land is squarely the responsibility of the Darwin city corporation, and I wish to God it would fix it up.

The Narrows Road has caused a fair bit of comment over the years, plus many petitions in this Assembly. I have lost count. Certainly, it dates back to around 1976. All that was required then was a fellow called Mr Peter O'Shea to fix up the access which was attracting people to go through that area at great speed. I even wrote to the Liquor Commission, but it was not much help. Finally, the council decided to do something about it. It closed the road and probably caused as many troubles as it tried to solve.

Members may remember that Dick Ward fought very strongly for a better deal for the people in Wells Street. I think that the aldermen, councillors and mayors of that day were sympathetic to those problems. We have a situation now where the council, without any reference to anybody in Wells Street, has decided to make it 2-way again after all the problems that were endured many years ago. That is what I was advised. Anyone who had any experience in Darwin at all would know the history of Wells Street and just how horrific those problems may have been to people. I would strongly implore the council to make sure of its facts before it opens that road up again to 2-way traffic.

Mr Deputy Speaker, I do not think I will be in the Assembly during the adjournment debate tomorrow afternoon. I have to go to Milikapiti to talk to the Tiwi Land Council. I would like to wish my colleagues the very best for Christmas and the coming year, and also to thank the Clerk, the Speaker and the people who have worked so hard for us during the year; the whole 24 days plus overtime. I thank them very much for their assistance.

Mr D.W. COLLINS (Alice Springs): Mr Deputy Speaker, next Monday, all being well, with the aid of the Minister for Transport and Works, the cooperation of the Alice Springs Town Council and the Legion Bus Service in Alice Springs, a 6-months' bus trial should get under way. This was something which was promised at the last election. I welcome this trial and the support that it has been given by the people involved. It is up to the people of Alice Springs to make use of it. It is not going to be an extended hour-by-hour service. It is basically designed to help get mothers with children, pensioners and other people into town for shopping. But it is a start and I look forward to seeing just how well it goes.

Someone suggested a life-saving method which, when tried initially, appeared to work but then seemed to fail. I would think that it would be a reasonable thing to try now, although I do not know why it failed when it looked as though it might have worked. I think that members should give due consideration to a possible reason for failure. I think it should be treated seriously and not lightheartedly because people's lives are at stake. I was surprised and dismayed at the attitude of our honourable member for St John this afternoon.

The honourable Leader of the Opposition is well known for his anti-uranium stance: I believe he has quite a phobia about it. There were a couple of instances over the year which displays this very well. Firstly, there was the Nabarlek incident. I referred this week to just how quickly the Leader of the Opposition has been able to concoct a succinct story together on some of the bills before the Assembly. In relation to Nabarlek, you have never seen a better story woven. The Brothers Grimm would have been proud of the exercise of his talents. In this Assembly, he said: 'Well, it could be just scuttlebutt; it could be hearsay but I would like the matter checked and reported upon'. He seemed to be taking a fairly reasonable attitude. However, when I returned to Alice Springs on the Friday after the first week of the sittings, I was very dismayed to hear over the ABC national news the implied statement that there was a massive spill of highly concentrated waste material at Nabarlek. This was being broadcasted to an unquestioning, uninformed and sometimes very

gullible public and was generally being accepted. The media grabbed it and made a great play of it. In essence what really happened at Nabarlek was nothing more than an overflow of rainwater.

Mr B. COLLINS: Mr Deputy Speaker, I do not wish to raise a particular point of order. Could I advise the Assembly that you, as Chairman of the Sessional Committee, will be making a statement on this matter. This has been pointed out to me on previous occasions by the Chief Minister. Perhaps the member could keep in mind when he is making his statement that it does not conflict with the statement that the chairman of that committee will make.

Mr D.W. COLLINS: Mr Deputy Speaker, I just hope that the media will take the opportunity to redress the situation. However, I fear that, once things are said, they can never be completely redressed and refuted.

Then we have the Ranger incident and the problems out there. Let's get a few things in perspective. For a start, the refining process takes about 97% of the uranium out of the rock and the tailings contain about 3%. Therefore rock in the ground has 33 times as much uranium in it as the tailings have. As a result, it would be 33 times as productive of radon gas. I was reading the Supervising Scientist's report the other week. It talks about possible methods of handling the tailings. I need not go into what has already been said by the minister about keeping the tailings wet. The excessive caution of 2m of water suggested by the company was well beyond the acceptable standards. Since the Supervising Scientist and all these other people are happy, we will have to go along with it.

I would point out that, if uranium mining goes ahead in Alice Springs, it will be very difficult indeed to have a tailings disposal method similar to the one that Ranger suggested. I commend the Leader of the Opposition for his ability to keep uranium miners and the Mines and Energy Department on their toes. I think that has a positive side. However, in all of what he says, I and the public cannot help detecting an anti-uranium stance. This must be somewhat of a dilemma for him in his new role as leader because he has to appear to be reasonable not just to his own electorate but to the whole of the Territory. In my pre-election campaign, I met several people who said to me, 'I normally vote Labor but, with the attitude of Labor to mining, I am afraid I would be voting my job away and in no way can I possibly support them'.

With the anti-uranium view firmly acknowledged and held in conscience by the Leader of the Opposition compared with the people's jobs and livelihoods, which are also to be considered, he has something very difficult to reconcile electorally. It is his Achilles' heel. I shall observe his political gymnastics in the future with considerable interest.

I was very pleased to receive support from both sides of the Assembly for my suggestion that a speed limit would be a way to attempt to reduce the accident rate of vehicles with traytops transporting large numbers of people. I would also like cognizance to be taken of whether or not the driver had been drinking before driving. It is a horrendous problem. It is difficult to police but I believe that if it is not policed, it will not be obeyed and the speed limit will not be observed. People's lives are in the balance so let us hope that nobody takes that one lightly.

Finally, the term 'expatriate' was used by the member for MacDonnell. I take exception to that term. It is a term one tends to use for Australians who have worked in New Guinea and to me it presents the idea of 2 nations and gives some sort of credence to that article in the Weekend Australian that said that we are heading towards apartheid in Australia. Australian citizenship has been granted

to Aboriginal people and I firmly support that. As far as I am concerned, we cannot afford the luxury of 2 nations. In spite of the many problems involved, there is only one way to go and that is as one nation.

PERSONAL EXPLANATION

Mr BELL (MacDonnell) (by leave): The word 'expatriate' comes from the Latin 'patria', a native country. To the people who live at Warrabri, to Aboriginal people who live in their country, wherever they are, it is their country and that is what the word means. It makes no implications as far as nationality is concerned.

Mr ROBERTSON (Leader of the House): Good heavens, I cannot let that piffle go unchallenged. Mr Deputy Speaker, every person in the western world who used the English language interprets the word 'expatriate' as a person who visits another nation. What we have heard from the member opposite was the greatest insult that has ever been delivered in any parliament or in any forum to Aboriginal people since non-Aboriginals first came to this country. What the gentleman has said this afternoon is that, when Australian citizens go to a particular area which he chose to designate within Australia, they either cease to be Australians, thereby becoming expatriate, or, when Aboriginal people exist in a certain area, that area ceases to be part of Australia. Aboriginal people have voted for that member opposite as is their right as citizens of this country and citizens of the Northern Territory to do so. To claim that, because they are Aboriginal, then that land ceases to be part of the Northern Territory or part of Australia and any Australian who goes to that piece of Australia ceases to be Australian is an insult not only to Aboriginal people but to every non-Aboriginal person in the Northern Territory.

PERSONAL EXPLANATION

Mr BELL (MacDonnell): Mr Deputy Speaker, I seek leave to make a further personal explanation. I believe that I have been misconstrued.

Mr DEPUTY SPEAKER: What is your personal explanation?

Mr BELL: The honourable leader suggests that I was implying that these particular places were not part of Australia.

Mr DEPUTY SPEAKER: The question is that the Assembly do now adjourn.

Motion agreed to; the Assembly adjourned.

Mr Speaker MacFarlane took the Chair at 10 am.

SUSPENSION OF STANDING ORDERS

Mr TUXWORTH (Health) (by leave): Mr Speaker, I move that so much of Standing Orders be suspended as would prevent 2 bills relating to drinking in public places to be read a first time together and 1 motion put in regard to, respectively, the second readings, the committee report stages and a third reading of the bills together and the consideration of the bills separately in the committee of the whole. I foreshadowed presentation of these bills yesterday.

Motion agreed to.

LIQUOR AMENDMENT BILL (Serial 169)

SUMMARY OFFENCES AMENDMENT BILL (Serial 170)

Bills presented together and read a first time.

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

I quote: 'It is chronicled that 11 days after the first fleet's arrival, the night they let the women off the ships, sailors asked for and were given rum to make merry. Soon, as the first fleeter recorded, they began to be elevated and all that night there were scenes of debauchery and riot which beggared a description'. Mr Speaker, this very same problem is still with us and causes the community and this government very great concern.

On 2 March this year, a working party, under the chairmanship of the Solicitor-General, was appointed by Cabinet to examine all aspects of reducing drunkenness, including hours of sale of liquor, responsibilities of licensees, drinking in public places and alcohol abuse education. The working party gathered together documents relating to the issue of drunkenness and approached its task upon the basis of that material, taking into account the specialised and general knowledge and experience of each member gained in the discharge of his respective duties and as members of the community.

In considering the issue of drunkenness generally, the working party contemplated 5 areas: the cause, education of the public, control of supply, sanctions for abuse of liquor and the rehabilitation of abusers. Each area was considered in detail and the working party made its report in April 1981 with recommendations in those areas. In May 1981, the Chief Minister and I issued press statements outlining the proposal put forward by the working party in order to attract public discussion and comment. A number of submissions were received from the public and from private organisations and the working party was requested to finalise its recommendations in the light of public comments.

These 2 bills seek to implement some of the final recommendations of the working party. In the area of control of supply, the working party considered the problem of relatively easy access to liquor through the medium of premises open for sale of liquor for consumption away from those premises. The working party recommended that the Liquor Act be amended to give the Administrator power to make regulations restricting the hours during which liquor may be purchased for consumption away from licensed premises. However, the working

party was fully aware that such restrictions may cause problems where certain take-away sales do not contribute to public drunkenness; for example, wholesalers delivering to retailers and stores which make up bush orders. To cater for these problems, the working party recommended that the Liquor Commission be given power to grant a licensee the right to supply liquor outside the times set down by regulation where a licensee satisfies the commission that the liquor taken away from his premises is not likely to be consumed in public or lead to public drunkenness.

Clause 4 of the Liquor Amendment Bill puts into effect these recommendations by appropriately amending the regulation-making power in section 128 of the Liquor Act. Subsection (2)(c) of section 31 relating to the power of the Liquor Commission to issue licences with conditions as to the days and times licensed premises may be open for sale of liquor is amended to take account of the new regulation-making powers.

The question of a sanction for abuse of liquor in the form of freedom to drink liquor in a public place rated high in the deliberations of the working party. The party noted that the offence of drinking liquor in a public place under the repealed Licensing Act continues in force today under section 131(1)(a) of the Liquor Act and recommended that the offence be transferred to the Summary Offences Act. In respect of this offence, the working party further recommended: '(a) that "public place" be widely defined and include private land on which the offender is trespassing, the onus of proving permission to be on private land to rest on the accused;' - which would be the situation anyway under section 15 of the Criminal Law and Procedure Act - '(b) the restriction on drinking in a public place be in respect of any such place within a 2 km radius of all licensed premises; (c) provision be made whereby the authority controlling the public place can obtain a certificate of exemption from the commission; and (d) that the prohibition not operate where there is a liquor licence in effect for a public place'. These recommendations are put into effect by clause 2 of the new Summary Offences Amendment Bill which seeks to introduce a new part into the Summary Offences Act covering drinking in public places.

Finally, Mr Speaker, honourable members will note that, as the offence of drinking in a public place will be transferred to the Summary Offences Act, clause 5 of the Liquor Amendment Act makes reference to the continuation in force of section 140C of the repealed Licensing Act, which provides for the offence of drinking in a public place, found in section 131(1)(a) of the Liquor Act. I commend the bills to honourable members.

Debate adjourned.

AUDITOR-GENERAL'S REPORT 1980-81

Continued from 24 November 1981.

Mr EVERINGHAM (Chief Minister): Mr Speaker, I think this will be the Commonwealth Auditor-General's last report on the activities of the Northern Territory government. If that be the case, then I should like at the outset to express my appreciation to the Commonwealth Auditor-General, Mr K.F. Brigden, and his predecessor, Mr D.R. Steele-Craik. Mr Steele-Craik was of tremendous assistance to the Northern Territory government in its formative stages in establishing audit procedures and financial arrangements generally. I would like also to express the thanks of the government, and I am sure of our departments and officers, to the staff of the Auditor-General. I know that there are altercations from time to time between departmental officers and the staff of the Auditor-General's Office. People do not always see eye to eye but I think that the Auditor-General has done a good job and has materially assisted the Northern Territory government to overcome its establishment pangs.

It is not the wish of this government that our links with the Australian Auditor-General be severed at this time. It is a result of the recommendations of the ministerial review of the federal government's activities, the Razor Gang. As I informed this Assembly previously, I have made representations to the Prime Minister that we should continue to be able to avail ourselves of the services of the Australian Auditor-General. At the time of self-government, it was agreed between the Territory and the Commonwealth that the Territory would, where it seemed appropriate, rather than have duplication, use those agencies of the Commonwealth that could assist us, and perhaps save the taxpayer money.

Unfortunately, this is no longer applicable in the case of the Auditor-General. We shall do everything we possibly can to circumscribe the levels of cost increases that the carriage of the function may involve us in. I am happy to report to the Assembly that Cabinet has approved the recruitment of a Northern Territory Auditor-General and an establishment staff in the order of 6 or 7 to set up the Northern Territory office of the Auditor-General which will be necessary to administer affairs in the likely event that the bulk of routine audits of departments and agencies in the Territory will be carried out by private accountants. This plan seems to be proceeding satisfactorily at this stage.

I would also like to express my thanks to Mr Brian Walton, formerly an officer of the Department of Mines and Energy, who agreed to come back from retirement to act as a consultant to the government to assist in establishing the office of the Auditor-General. Mr Walton has worked with Mr Alan Morris of the Department of the Chief Minister and arrangements seem to be going fairly smoothly at the present time. Consultations have been held with the various accountants and their professional bodies and I was agreeably surprised at the level of the applicants for the position of Auditor-General. I am hopeful that an announcement may be made in the near future that a very suitable person has been recruited for this extremely responsible position. I can assure honourable members that, so far as I have any say in it, very sound and responsible people will be recruited to back him up. It is important that we have a sound Auditor-General's office and that it be capable of standing up to pressures that may be brought to bear on it from time to time.

After reading this report, I am sorry that some of the things in it were not brought to my attention by my senior officers before. It is disappointing to me, Mr Speaker, on a personal basis, sometimes to read things that I should have been informed about earlier. I say that with regret.

The departmental accounting and property manuals were again raised in this report as in the previous one and I am informed that further progress has been made since the report was prepared. The manuals for the Ombudsman, Department of Primary Production and Department of Education are finished. The Chief Minister's Department will have a draft ready for presentation next month. The Department of Mines and Energy manual is now in progress and, for the Public Service Commissioner's office, some sections are completed and others are still in progress.

As usual, Mr Speaker, the report makes a number of references to deficiencies and shortcomings in departmental accounting procedures. The report indicates that, in the majority of cases, the matters raised have already been resolved or an appropriate course of action has been agreed to. There are a few instances where further attention is needed. There is nothing which is particularly serious. In some ways, it is regrettable that the report addresses so many matters which have already been resolved.

The principal areas identified as not yet resolved are in the Department of Transport and Works: the bus service and the Government Printing Office. In the case of the bus service, I think that we ought to assign it a heraldic device: a shield with a bucket mounted on it with a hole in the bottom of the bucket and a stream of dollars going through. It seems to me that really that is about the only satisfactory accounting device to apply to the bus service.

In the Department of Primary Production - the research services and the brucellosis and tuberculosis campaign - rectification work for accounting procedures needs to be done. For the Department of Mines and Energy, the Auditor-General picked up that prospectors who do not hold current miner's rights are using the facilities of the metallurgical test centre. I am not terribly aggrieved by that because, whilst I would like every miner to hold a miner's right, I think since the Eureka stockade miners have only held miner's rights when they have absolutely had to.

In respect to the Department of Health, stores and stores accounting, the master assets register, the Darwin Hospital group and the Liquor Commission's revenue all presented accounting problems. These are being worked on and I hope that these problems will be resolved during the course of this year. In the Department of Community Development, the grants-in-aid area apparently presented some problems as well.

It is always embarrassing, Mr Speaker, to have these deficiencies pointed out but I do not think that there is anything earth-shattering in this report. I hope that the fact that the Auditor-General has commented will be sufficient spur to ensure that these situations are rectified. Basically, it seems to involve sloppy procedures by some officers and certainly I will ask that these procedures be worked on.

In relation to my own Department of the Chief Minister, I notice that comment is made on the Information Service and, in particular, instances of unsatisfactory accounting. In both cases, the Auditor-General has indicated satisfaction with the measures that have subsequently been taken. I think that the Office of Information has now been put on a proper business-like basis and all necessary administrative and accounting procedures have been implemented.

It is beyond question that it is the function of the Auditor-General to inspect accounts and report on the accuracy of those accounts, and the adequacy of control procedures. Without doubt, the current report is based on this view of the role of the Auditor-General. Ideally perhaps, we should see the Auditor-General having a more important role in providing advice and support to departments to improve their accounting and other financial and administrative procedures. It would be great to put into practice those administrative ideas which are dear to many of us. One of the things that always restrains one from putting ideas into practice is the cost of implementation. A significant advantage of having a locally-based Auditor-General will be that he will have a total preoccupation with the affairs of the Territory government and he will perhaps be able to give consideration to much more than the routine auditing function.

There is one other matter in relation to my own department that I would like to bring to the notice of the Assembly. There are comments in the report in relation to the documentation of the purchase of a motor vehicle for the Northern Territory government's office. I sought explanations on this when I read the details in the report last Friday. It appears that, following agreement that a car should be bought for the then Northern Territory representative in Canberra, the amount necessary to purchase the car, namely \$6235, was transferred to that person's own bank account in Canberra. The reason for

that, I am told, is that the official Northern Territory government account which was subsequently opened in Canberra was not then operating.

The car was subsequently registered in the name of the Northern Territory government's representative in Canberra rather than in the name of the Northern Territory government and the Auditor-General commented adversely on this. In response, I am told that the department advised the Auditor-General that the vehicle had been recorded in the assets register and would in due course be registered in the name of the department. According to the Canberra representative, there was difficulty in having the car registered in the name of the Northern Territory government in the ACT. I cannot understand why but that is what I am told. The car was subsequently sold for \$5750 to the Northern Territory government's representative in Canberra at the time that he retired from the service. The necessary approvals were given after quotes were received from Canberra dealers for \$5400 and \$5700. I have had my department check the valuation independently and I am satisfied now that the price was fair, reasonable and commercial.

I hope that those remarks amplify what appears in the Auditor-General's Report on that particular matter. The way the remarks are phrased in the report certainly gave rise to some suspicions in my mind. Whilst I find the course of proceedings highly unnecessary and somewhat irregular, at least in relation to the bank account and the registration, nonetheless it appears that everyone has acted quite honestly in the circumstances and decisions were taken which seemed right at the time. I would hope that, after what I have said, such practices will not be undertaken in the future.

Mrs O'NEIL (Fannie Bay): Mr Speaker, the opposition joins with the government in thanking those officers of the Commonwealth Auditor-General who have provided us with such a competent and comprehensive service since the time of self-government and very deeply regrets the decision of the Fraser government that the services of the Commonwealth Auditor-General will no longer be available to us in the Northern Territory. We are pleased to hear that speedy action is being taken to ensure that the transfer of functions will be done without unnecessary hardship, delay or confusion.

There are a number of items in this report which are very interesting to read. I was particularly interested in the references to the Fannie Bay/Nightcliff connector road and the large variations in contracts which were not adequately documented with that particular capital work. Of course, the Department of Transport and Works, dealing as it does with large contracts over a period of time always seems to attract the attention of the Auditor-General in his annual reports. It is interesting to note that the matter of grants-in-aid by the Department of Community Development and others which has been of some concern over a period of years seems to have been tightened up although the Auditor-General still has some reservations in this regard.

Finally, I refer honourable members to references to consultancies offered by the government to various people. In the last financial year, the Auditor-General has commented significantly on this and it is a matter of some public interest. The government has a practice of employing large numbers of consultants to undertake work for it and it is most important that, when that happens, the arrangements are properly documented. One gathers from the Auditor-General's Report that that has not always been done. It must also be ensured that the work for which those contracts are undertaken is satisfactorily completed.

Mr Speaker, this type of report is one which we feel members of the public should take more interest in. It certainly gives a very detailed view of the financial activities, and deficiencies where they occur, of government depart-

ments. We hope that the high standard which we have enjoyed in the last couple of years will continue under the new arrangements.

Mr DONDAS (Transport and Works): Mr Speaker, I would like to speak on the adverse comments in the Auditor-General's Report regarding the Department of Transport and Works.

In May 1981, the Auditor-General recommended that certain steps be taken in the presentation of accounts by the Government Printing Office. The department adopted the recommendations and presented the accounts accordingly. At the same time, it also employed an outside firm of accountants to examine the bookwork and administration side of the Government Printing Office to satisfy itself that everything was in order. I am happy to say that the report from the private firm substantiated that everything was under control in the Government Printing Office. The financial statement, which was requested by the Auditor-General, was submitted in November this year.

Regarding the Darwin bus service, its accounts are now being reviewed in line with the Auditor-General's recommendation. It is hoped that the revised documents will be with the Auditor-General no later than the middle of December.

Regarding the Northern Territory Fire Brigade, we have already taken remedial action with the exception of the completion of the security store at Albatross Street. That store is supposed to be ready by the middle of December. We must remember that we have had problems in the operation and administration of the Fire Brigade during the course of the year. The government took steps in line with the recommendations of the Williamson Report to upgrade the Fire Brigade at senior officer level to overcome some of the problems that we were experiencing. That was certainly highlighted by the Auditor-General. He commented that we had changed the structure for upper-rank officers. With the change, hopefully, there will be no further problems in that area.

Regarding the Fannie Bay/Nightcliff connector road, the Auditor-General went to great lengths to try and work out what was going on in the minds of the officers of the Roads Division of the Department of Transport and Works. I have been advised that normally a 2-coat seal is specified for heavy-traffic roads giving a life expectancy of about 8 years. Ideally, surfacing in urban areas is with bituminous concrete. A decision at the design stage was taken to use 1 seal instead of bituminous concrete because there was likely to be subsidence. It could cope with this by being more flexible. It was intended to overlay the whole section with bituminous concrete at a future time after the full subsidence occurred. What happens is that certain sections of the road will take longer to settle than other sections. There is always a fear that a section might completely overturn itself during the settlement period. The decision was taken at that particular time because the road was over a swamp. It was also decided that the road would be overlaid with bituminous concrete in about 18 months time. Therefore, the decision was to use a 1-seal coat for this short period. There was a saving of money and that was considered to be worth while too. The other important thing was that time was saved in the construction. We were getting ready to close off certain sections of Bagot Road and the Stuart Highway for the construction of the overpass. That was also taken into consideration. We feel that all the variations of the contract were accepted by both parties. The government was satisfied with those arrangements.

A safety-rail was also mentioned. During the design stage, it was decided to include a timber safety-rail along Dick Ward Drive. After construction of

the road, it was realised that such a rail would be a traffic hazard. It was decided to use the concrete kerbing that is there now. It is much safer for traffic and it has not caused any problems at all. Some people might say that it would be a waste not to use that railing. The Department of Community Development is seriously looking at using it somewhere in East Point Reserve to control traffic, so it will not be wasted.

The Auditor-General also mentioned works in the Malak subdivision. He spoke about diaries covering several of the projects. These diaries already cover the evidence suggested by the Auditor-General. The current practice is that diaries are maintained on each individual project and when completed are kept at the appropriate area office.

The Auditor-General highlighted a number of deficiencies in the procedures covering consultants' commissions. However, he acknowledged that remedial action had been taken by the department and a circular has now been issued to redress these deficiencies. The Cabinet is very concerned at the way the department is negotiating with consultants for various design works. It does not take very long for consultants to notify government that one particular organisation is getting a little more work than another. It was brought to the attention of the Chief Minister almost at the same time as it happened. It was then brought to my attention and my department took on the investigation from there. We found no real cause for concern in the department's letting contracts to various consultants.

We have had a lot of trouble in trying to obtain proper documentation for the assets register. When functions were transferred from the Commonwealth, the register was deficient and consequently we have had trouble trying to finalise it. It is an ongoing process and hopefully it will eventually be completed.

Steps have been taken by the government to ensure that motor vehicles that are being used by public servants will still be home-garaged but in circumstances where the director of the department will have overall control to ensure that vehicles are not used for private purposes. In relation to telephone facilities, the department is trying to regulate the number of extensions being used in a department. We accept the criticism that there may have been some misuse in this area. We are trying to eliminate individual extensions and also place some STD access restrictions on that particular operation.

The Auditor-General also mentioned the amounts due by the Commonwealth. We are no longer collecting Commonwealth debts because the Department of Treasury and the Commonwealth government decided that the Commonwealth would collect accounts outstanding to it.

In conclusion, I welcome the Auditor-General's Report. It is a very important process of maintaining an outside influence and control over ministers and departments. With the establishment of our own Northern Territory Auditor-General's section in the near future, I hope that there will be some further liaison between the Auditor-General's office and ourselves much as we have input and discussions at a local level with the Ombudsman. I feel that the Ombudsman's role is very important and a locally-based Auditor-General will give us a further opportunity to solve problems before they become really large.

Motion agreed to.

RESIDENCES UNDER CONSTRUCTION LOTS 4165
AND 3985 SAVANNAH ESTATE - REPORT

Continued from 26 November 1981.

Motion agreed to.

LITTER CONTROL REPORT 1981

Continued from 27 August 1981.

Mr BELL (MacDonnell): Mr Speaker, the matter of litter is a very vexed one in Alice Springs in particular. It may not be such a problem or something that excites passion in your own hometown or in Darwin, but it certainly is a matter of considerable importance to people who live in Alice Springs. I would like to make a few comments about what is involved in the problem of litter.

It seems to me that there are 2 aspects: one is aesthetic and the other involves public health. I think the aesthetic question is the one that is uppermost in people's minds. I do not propose today to talk at length about the health hazards involved with litter. I believe that they are not really involved in this report. The health surveyors have available to them a number of acts under which they can deal with health hazards where they arise. The particular matter that I want to talk about is aesthetics. The report goes to some considerable length to talk about visual pollution and how it is abhorred by all of us.

Like other members of this Assembly, I do not particularly like to be confronted with a great pile of empty tin cans or similar rubbish. However, I would like to make the one small point that that, to some extent, is a culture specific point of view. I believe that it is a world view that we have that may not be shared by all Territorians. I do not particularly like to see large numbers of tin cans scattered around, but what bothers me is that Aboriginal people, particularly, are accused of moral laxity when they do not have the same abhorrence for a pile of tin cans that non-Aboriginal people have. This question has to be put into perspective. There are points of view in this matter that depend on people's view of the world around them. I am very keen to make sure that piles of rubbish are not left as a blot on the landscape but, given the multi-cultural nature of the Territory community, I think we have to take into consideration other views of the world and find appropriate litter control measures that take that into consideration.

I am very happy that in fact the Litter Control Report before us does that in a number of important areas. It addresses a number of problems. One of them is excess packaging. It has some very sensible things to say about it. I am a little worried that the approach to excess packaging has not been strong. I suppose it is important to say in this context that, in the Northern Territory, not a great deal of industry is involved in packaging. Most of the commodities that are on sale in the shops and supermarkets of the Northern Territory are transported from elsewhere. Perhaps it is not so important for this Assembly to consider legislation to control excess packaging. Excess packaging does occur and it bothers me. It bothers me as somebody concerned about trees. With the International Year of the Tree coming up, I daresay that the question of excess packaging will get an airing in that context.

Another area that the Litter Control Report addresses is the issue of deposit legislation. I believe that the honourable Minister for Community Development has recently taken a decision not to introduce deposit legislation.

That is a matter of concern to me; I think that deposit legislation is valuable. The report itself says that it will reduce littering and the arguments that it puts against such legislation do not seem to carry a great deal of weight. For example, it suggests that the introduction of deposits on beverage containers could lead to consumer preference towards drink containers without deposits, so that people will prefer a cardboard container of milk or fruit juice to an aluminium can of coca-cola. That is thought to give an unfair advantage to one section of the beverage industry. To me that does not seem to be an argument with a great deal of force. Governments do many things and industry does many things that confer advantage on one area to the exclusion of another. I suggest that the advantages to be obtained from deposit legislation would outweigh disadvantages in that regard.

Another argument against such legislation put forward by the report is the fact that placing deposits on cans would increase their cost. The report says that this would come to 4¢ per can and this would mean an increase in the cost of living for a family of 4 of \$100 a year. It does not seem to me that the report is looking at the equation fairly because the 4¢ per can has to be offset against the amount of the deposit that will be returned.

The report also said some sensible things about recycling and suggests that it be encouraged. The committee has recommended that this be kept under review. The issue of recycling is something pretty dear to my hear for purely economic reasons. I think that our responsibility for resources is such that we have to give every encouragement possible to issues involving recycling. Mineral resources are finite. At least publicly, we have to be seen to be supporting very strongly issues of that nature.

Mr Speaker, one particular area of the report caused me considerable disquiet. I raise it now. It made me quite angry when I first saw it. I have now had a closer look at the report and I can see that there are suggestions of merit in it. The matter that caused me a great deal of distress initially was to glance at the table of contents and see: 'Chapter 9 - Aboriginal Transient Camps'. As far as I am concerned, that is just not on. It is not on to refer to Aboriginal transients as a litter problem. I resent Aboriginal people being referred to as transients anyway, but that is another question and I will not labour it here. The matter of Aboriginal transient camps being regarded as a litter problem, however, I will. The committee itself had no representation from Aboriginal organisations. The advisory board recommended by the committee has no representation from Aboriginal organisations on it. The advisory board is to have representation from the Northern Territory government, from industry groups, from the Keep Australia Beautiful Council and from local government. In none of those areas is it likely that there will be consultation with Aboriginal people.

In the context of Alice Springs, it is worth mentioning a couple of initiatives that have been taken in this regard. The Alice Springs Town Council, for example, has set up a subcommittee to liaise with Aboriginal organisations with particular reference to the question of litter and that is to be applauded. One area in which this report is not quite so strong is consultation. That is the issue entirely. Litter control is very much a non-Aboriginal concern; it is the way whitefellas perceive the world around them. I suggest that the committee itself give more consideration to seeking consultation with Aboriginal groups living in particular areas, whether they are in 'sit-down camps' or 'lie-down camps'. They are expressions that are used in the report and regarded as having considerable anthropological force. They are expressions that I have not heard before in any description of Aboriginal people, and I am not particularly happy about them. However, I suggest that the committee take this matter of consultation a little bit more seriously instead of adopting chapters in its

report to beat Aborigines over the head with, saying: 'conform, conform, conform'.

In this regard, I intend to make a contribution of my own by way of consultation. In my electorate are a number of fringe camps, as there are in the electorates of the honourable members for Alice Springs and Stuart. In the near future, I shall involve myself in consultation on some of the issues involved in this Litter Control Report and I recommend that this committee do the same.

Mrs PADCHAM-PURICH (Tiwi): Mr Speaker, in rising to speak to this report on litter control today, I wish to say that I accept it with some cynicism. I am a bit tired of hearing how bad litter is around the countryside and how we are going to control it. Everyone seems to be talking about it and nobody seems to be doing much about it at all. This report is very similar to the previous one which was presented to the Assembly. Again, everyone repeats that our countryside, our streets and particular places are not as attractive as they should be or as pleasant to walk past as they should be as a result of the litter thrown around. Everyone talks about it; no one does much about it.

Mr Speaker, 3 main avenues are open. First of all we agree, if we live in an urban situation, that it is undesirable to have litter around. I do not care who lives in that urban situation. If we accept that we are all living together as Australians in an urban situation, it is undesirable to have litter around. It is all very well to talk about civil liberties but if someone - and it does not matter who it is - throws a can down over there, and it is generally accepted by the community that that is an undesirable thing to do, then it should not happen. There is also the big question of who will pick it up. If we accept the civil liberties angle and say it is all right for a person to throw a can down over there, what are we going to do about it? Will that person pick up the can himself? Should I pick it up because it offends me? Should I pay to have it picked up? Who should pay to have it picked up? Should the government pay? Should the manufacturers pay because they are getting an income from selling the contents of the can? Should the user pay because he has used the contents of the can and has thrown it down there?

There are several places that I would like to draw to the attention of the Assembly. One of them is not in my electorate but concerns 2 of my constituents. I would like to mention this in some detail. I live at the 13½ mile. There is a bus stop there. I understand 4 school buses stop there travelling from 4 high schools. I rang the principals of those schools last year about this but they each said children from their school could not be involved. There was a litter problem in this area. After I had made a few phone calls, a rubbish bin was put there of the same size as those we see around the city. It was a very nice rubbish bin and was used for a time. It appears that, before the bus reaches the 13½ mile bus stop where there is a change-over, a stop is made and the children on the bus buy drinks, mostly milk and sometimes cans of soft drink. I know exactly what they buy and in what quantities because I have seen the rubbish thrown around. I have gone into the subject of why the stop is made at this particular place for the children to get drinks. It is mainly for 2 reasons: one is to keep them quiet and keep law and order on the bus - and that is another question altogether - and the second is that it is a very long trip to places like Humpty Doo and the children naturally get thirsty and want a drink.

One day I drove into town at about 9.30 in the morning. Two men in a utility with a trailer were parked nearby. The men were picking up rubbish. I had occasion to return home past that bus stop at about 1.30 and the men had moved down the road to about the 12 mile. That is only a little over a

mile. That was as far as they had got because there was so much litter on the road. If my memory serves me correctly, that particular day a 44-gallon drum was put out to catch the rubbish. I went past there at 7 o'clock at night and there were 13 drink containers: 11 coffee milk containers and 2 soft drink containers. Those children were too lazy to throw them either in the bin or the 44-gallon drum. They just threw them on the roadside. All the work the men did in the morning went for nothing.

Mr B. Collins: I hope, while you were counting them, you picked them up.

Mrs PADGHAM-PURICH: I have my principles.

Mr Speaker, 2 of my constituents have shops at the Berrimah shopping centre. They both made representations to me, one shortly after the other, about the drinkers who frequent that area. There are drinkers who drink out in the open. When it rains, they take shelter and drink outside these 2 particular shops to the detriment of the customers, the owners and operators of the shops and their businesses. There are other drinkers across the road under the trees. Both groups, when they have finished drinking, leave their cans there. In this instance, the government paid for the removal of the rubbish. Both shopkeepers are ratepayers and the local government quickly promised to take remedial action and collect the litter.

The whole subject of litter must be considered from a sensible point of view. We must stop talking about it and do something about it. I pick up my own rubbish. Why should I pay for other people to have their rubbish picked up after them? They do not care about my civil liberties. I do not want to see rubbish thrown around. Why should I? I am speaking for a lot of people in the community who are careful enough to pick up their own rubbish. If they do that, why should they have to look after other people's rubbish because they are too lazy and inconsiderate to pick it up themselves. Whoever drops rubbish around should darn well pay to have it picked up.

Mr D.W. COLLINS (Alice Springs): The honourable member for MacDonnell made what he called 'a small point' about a culture specific point of view. He said that Aborigines do not view rubbish in the same way that we do and that we tend to claim that they are morally lax because of the way they view rubbish. He suggested that we try to see their point of view and that is fair enough. Between 2 groups, the sharing of views should definitely be taken into account. We should try to appreciate that. That was his point.

I would like to put the other point of view: the Aboriginal people also should try to share the view that we have and take that into account. It is a 2-way matter. I find that much of the poor opinion many European people tend to have of Aborigines is related very closely to the litter which they leave. The honourable member suggested that it is a question of aesthetics and does not greatly involve a health hazard. However, it is not just a matter of tin cans but also of smashed bottles. If smashed bottles and broken glass do not constitute a health hazard, I do not know what does. The sight of Aboriginal people sitting near empty rubbish bins with cans and broken bottles lying around them does not improve the view of Aboriginal people in European people's eyes. That is a fact. We should try to get across to the Aborigines that it is not a great effort really to put rubbish in bins where they are provided. I believe Aborigines would do a great deal to improve the view taken of them by European people if they would make that little bit of effort. The sight of broken bottles and so forth tends to conjure up visions of drunkenness, swearing and other bad behaviour which we generally find unacceptable. I believe that all honourable members should try to help promote that view.

The honourable member for Tiwi mentioned other reasons why people resent rubbish and that is the cost of cleaning up. It is expensive. The Alice Springs council expends a tremendous amount of money on cleaning up rubbish which has been left behind. This causes resentment because people know that their money is being spent in that area whereas, with a bit of thought and a bit of care, it could be used for other purposes. Not all situations where rubbish is left lying around involve Aborigines. I have seen houses around Alice Springs where the occupants take a real pride in keeping their yards clean. I say good on them and good for those who are helping and supporting them in this clean-up. When you talk to them, you can see that they are proud of their homes. It is a good thing.

I also mention Alcoota which the honourable member for Stuart and I visited earlier on this year. They have been given their own land. I was greatly impressed at the pride these people had, their cleanliness and the tree planting efforts that had been made. Certainly I support the idea of giving Aboriginal people small sections of these big blocks. Hopefully, pride in their environment will develop as was very evident at Alcoota.

The honourable member for MacDonnell mentioned objections to transient camps around the town. Many of these objections would disappear if the rubbish left at those camps was cleaned up. That is the main ground of complaint: the rubbish that is left there. I was very pleased to hear the member say that he was against litter. I hope he will act on it. He mentioned that he rolled a motor car a few weeks ago. I have heard reports that it sits on the nature strip at his own place in Alice Springs. If he has not done anything about moving it, I hope he will act upon it soon because people find it offensive.

Mr B. COLLINS (Opposition Leader): Mr Speaker, I must say for those Aboriginal families in Alice Springs who received the attention of the honourable member in his contribution to this debate that they will be very pleased that they have received the Denis Collins seal of approval. I am sure that all those Aboriginal people who have not quite met that standard will be encouraged by the leadership that he has offered this morning and will be chasing the same award for themselves.

Mr Speaker, the point that the honourable member for MacDonnell was making was that litter is a problem. He pointed out that he found it unfortunate that the litter committee had singled out Aboriginal people for special attention and had, in fact, devoted an entire chapter of the report to them but, at the same time, had not sought to give some official recognition to the fact that they would be consulted in future as to the possible procedures to be adopted to fix the problem. The honourable member for MacDonnell suggested that a solution to the problem that the honourable member for Alice Springs is so concerned about would be better achieved if initiatives were taken, such as those taken by the Alice Springs council, to include Aboriginal people in other than special chapters in reports. I think that the honourable member made his point well. Aboriginal people have a right to be offended by committees' pontificating about the problems they are causing and, at the same time, giving no recognition to the fact that they should be included in helping to achieve a solution to the very problem that the reports are talking about. In this case, an entire chapter was devoted to them and no suggestion was made that any method of consultation should be entered into or that they should be included in the boards that were recommended. I think the Alice Springs council has adopted a commendable initiative in this respect. The point was well made by the honourable member for MacDonnell and I hope his suggestions are taken up.

Mr PERRON (Treasurer): Mr Speaker, it is amazing that our committee must be supersensitive to the fact that it has devoted a page to Aborigines in a report. The so-called 'chapter' is a page and a little bit in a document that is fairly heavy. I think the committee failed to write a specific part of the report on a problem which is perceived, perhaps not by the opposition but certainly by many of the rest of the community, as one that is specific and should be addressed on its own. I was rather amazed at the view put forward by the honourable member for MacDonnell and clearly supported by the Leader of the Opposition, that because Aborigines have this 'culture specific point of view' - a phrase I am sure that we have not heard the last of - they do not share the same abhorrence of litter as non-Aboriginal people do and that therefore we should perhaps tolerate the situation and leave them to be Aborigines rather than try to make them white people. If a group of people wishes to reside in or come to a town in the Northern Territory, it should be required to adhere to the social norms of the town. It does not always happen of course and not only in the litter area. There is a whole range of other areas and there are laws relating to those which are enforced to varying degrees, most of them fairly unsatisfactorily.

I completely reject any concept that Aboriginal transient camps, which is what they are, in towns should in any way be condoned or tolerated as far as the presence of litter is concerned. I think that the committee that will advise me on various aspects of conducting a campaign to clean up and keep clean the areas concerned will certainly address this matter in the light of the social expectation of people visiting those areas. I would be very surprised if the honourable member for MacDonnell did not also take the view that Europeans visiting Aboriginal land should respect and adhere to the wishes of the Aboriginal owners. I would support that view but it seems that he does not want it the other way around.

The litter report does not say anything brilliant or new. I share the view of the member for Tiwi that there has been much talk and very little action on the litter question for donkey's years by governments of all persuasions. It is a people problem. I do not think that it is a problem that can be sheeted home to the manufacturers of cans, bottles, lolly wrappers or paper manufacturers who produce one of the most common forms of litter around the town - the thin piece of tissue for wrapping a sandwich or a hot dog. It is a people problem: some people litter and some do not. Efforts must be directed at those who litter; it is as simple as that. In trying to encourage people to understand that littering is socially unacceptable, you have the carrot and the stick and both will have to be used. This is what the campaign will be directed towards. I note with interest honourable members' views on the subject. We will see if we can make some improvement in the Territory situation over the next couple of years.

Motion agreed to.

ALTERATION OF NOTICE PAPER

Mr ROBERTSON (Leader of the House) (by leave): I move that the Draft Mineral Royalty Statement, the Northern Territory Ombudsman Annual Report, the Housing Commission Rents and Home Loans Scheme Statement and the Environment Committee Activities Statement be struck from the Notice Paper.

Motion agreed to.

SPECIAL ADJOURNMENT

Mr ROBERTSON (Leader of the House): Mr Speaker, I move that the Assembly, at its rising, do adjourn until 10 am Tuesday 9 March 1982 or until such other time and date as may be notified by Mr Speaker pursuant to sessional order.

Motion agreed to.

ADJOURNMENT

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

Mr B. COLLINS (Arnhem): Mr Speaker, yesterday on the adjournment, I am afraid I let my astonishment at the tripe uttered by the honourable member for Alice Springs get the better of my normal respect for Standing Orders and I certainly will not let that happen again.

Mr Speaker, yesterday in the adjournment the member for Alice Springs said some fairly extraordinary things. He made some allusion to public statements that I made in respect of the incident at Nabarlek. He said: 'In relation to Nabarlek, you have never seen a better story woven. The brothers Grimm would have been proud of him'. He was alluding to the fact that, as far as he was concerned, the public statements I made were fairy stories. I had a look at the press statements that went to the ABC. The honourable Minister for Mines and Energy knows full well that, at no stage, did I say inside or outside this Assembly any of the things that were attributed to me by the honourable member for Alice Springs. I am perfectly happy to cop any amount of flak for things that I say but I do not particularly like members manufacturing statements that I do not make and then replying to them.

The honourable member stated that the news broadcast said that I had spoken of 'a massive spill of highly concentrated waste material at Nabarlek'. In fact, as the honourable Minister for Mines and Energy knows full well, I said nothing of the sort. I pointed out that, although there was no great environmental disaster, there were deficiencies in the reporting and environmental protection in the area and that is true.

The honourable member then went on to make an even more extraordinary statement when he said that mostly he objected to the misleading things I was supposed to have said on the ABC because 'they were being broadcast to an unquestioning, uninformed and sometimes gullible public'. Mr Speaker, I do not share the same feeling of superiority towards my fellow Territorians as the member for Alice Springs appears to.

I must say that it was fairly interesting that that statement about the uninformed, gullible and unquestioning Territorians who listen to the ABC was followed by an astounding statement, particularly from a science teacher and a former deputy principal of a high school in the Northern Territory as to how he felt about tailings. What did he say about this very important matter? Uranium ore has 33 times more uranium than tailings and therefore uranium ore produces 33 times more radon gas than tailings'. That comes from a science teacher.

Mr D.W. Collins: It's true.

Mr B. COLLINS: He has just compounded it, I am delighted to hear. That also comes from a person who is a member of the Sessional Committee on Environment that watchdogs uranium mining. Could I suggest that, for the benefit of

this Assembly and for the benefit of any contribution that he might make to the work of the sessional committee, he does a little bit of homework. I do not like having statements attributed to me that I did not make when in fact the statements that were attributed to me were merely contained in the brain, such as it is, of the honourable member for Alice Springs. I would suggest that he should do a little bit of homework on the subject of uranium tailings.

He then went on to make a statement that I also took some exception to. He said in respect of Nabarlek: 'What really happened was nothing more than an overflow of rainwater'. Could I refer the honourable member to documents made available to every member of the Sessional Committee on the Environment and the excellent report produced by the Department of Mines and Energy which says in respect of this matter: 'In these circumstances, no definite conclusions can be drawn about the possibility of contamination by water escaping from the restricted release zone'. That point is made not once, but at least 10 times in this document. The fact is that no hard data is available as to whether it was rainwater or not. The report quite properly points out that no conclusions can be drawn despite the fact that the honourable member for Alice Springs chooses to draw conclusions.

I point out to the member for Alice Springs that there is a statement on the Notice Paper of this Assembly from the chairman of the sessional committee. I would suggest that, if the honourable member for Alice Springs wants to make what in fact is a minority report on a matter that was specifically referred to that committee, then he should assist the working of the committee by making those same minority reports to the committee. We had a meeting the other day to discuss the chairman's draft report. The honourable member for Nightcliff moved an amendment to the report to make it reflect more accurately the information that had been given to the committee. That amendment was accepted by the committee and has become part of the report. I am not suggesting that the honourable member does not have the right to speak at any time that he wishes on matters referred to the sessional committee. However, I was a little bit annoyed yesterday to find such a categorical statement, completely contradicting both the report of the sessional committee and the evidence given to the sessional committee, when the honourable member never took the trouble to indicate those sentiments to the committee itself when it was drawing up the report. I commend that action to the honourable member in future.

Mr Speaker, I wish to comment briefly on the Supervising Scientist's 1980-81 report. The report has some areas of concern that the Northern Territory government and, I am sure, the Minister for Mines and Energy will be paying some attention to. The report points out that he has inadequate staff, substandard laboratory facilities and a lack of accommodation for staff which is a disincentive for getting good staff. He also complains about unreasonable delays in receipt of data and the relationship between his office and the Northern Territory supervising authorities. I would like to quote a few passages from the report.

It says on page 5: 'In fact, unless the scientific staff resources available to the Supervising Scientist are significantly increased, the research institute will be ineffectual and unable to carry out the research functions envisaged when the office of the Supervising Scientist was established'. This is quite a serious complaint. It goes on to talk about the environmental protection authorities under the control of the Northern Territory government: 'The Northern Territory authorities have been tardy in providing 6-monthly reports to the co-ordinating committee and their content is inadequate to provide the material on which the Supervising Scientist could base a report upon the effectiveness of the Northern Territory's regulatory program'. That is a serious complaint also which needs to be given some attention and redress.

'A major shortcoming of the reports is a lack of clear definition of the authority's own monitoring and inspection programs designed to ensure the validity of the company's own monitoring programs and compliance with Northern Territory law'.

He also complains that authorisations have been issued by the minister without any prior consultation with the office of the Supervising Scientist. There have been cases where authorisations have been issued without prior consultation with the office of the Supervising Scientist or when insufficient opportunity was provided to consider and discuss the environmental matters arising from the authorisation. Examples are the authorisation to operate the Ranger treatment plant and the consultancies on the Jabiluka water management system. Again, these are serious matters that deserve consideration by the minister. It says on page 17: 'Some members of the co-ordinating committee have expressed concern at the lack of analysis and interpretation of monitoring results appearing in the monitoring reports of the companies. The reporting of raw data without discussion was considered unsatisfactory'. The serious complaints are that authorisations have been given without prior consultation, as is required by law, with the Supervising Scientist and that the reports of the Northern Territory supervising authorities have been tardy and contain inadequate data to make proper assessments. I am sure these matters deserve the urgent attention of the Northern Territory government.

One of the things that disturbs me about the environmental monitoring that is being carried out - and for the benefit of the honourable member for Alice Springs, I am not screaming disaster or contamination - is the multiplicity of the organisations involved in it: the Water Division of the Department of Transport and Works, the Soil Conservation Commission, the Department of Mines and Energy, the Supervising Scientist and so on. There is a pile of them and no wonder they need co-ordinating committees to get it all together. I would suggest that serious attention should be given by the NT government and the Commonwealth government to streamlining some of these procedures. In fact, the Supervising Scientist recommends precisely that.

Mr Speaker, I would like to conclude by bringing to the attention of the Assembly a circular that emanated from the Department of Education. In case I run out of time, I will say now that I would like the Minister for Education to withdraw it. The circular shows a considerable lack of attention and consultation. The circular is No 81/62. It has been issued to all schools, director north and south and regional superintendents. It has gone right across the Territory. It refers to the unfortunate position of children becoming sick or injured at school and the subsequent medical care they may receive. I would like to quote from it:

Re: Department of Health charges. The introduction of charges for health services in urban areas and Aboriginal settlements in remote areas has implications for schools, residential colleges, children currently funded on ABSEC grants and the general population . . . (1) It is the responsibility of parents to pay any costs associated with their children being taken by departmental personnel to a health facility where charges are made. This accords with what has happened in the past. (2) If the treatment is required because of an emergency situation, the Health Department will provide the service and seek payment later. A potential problem is where school staff believe the situation is an emergency and the health department personnel do not. In such a situation, payments will have to be made at the time of treatment. In the case of a child who belongs to a family which has a health-care card, there is no problem; treatment is free. Where this is not the case there are a number of options open to principals: (a) a child returns to school without treat-

ment; (b) a child is given money by the parents; (c) the Health Department has advised that, if there is a disagreement between the school and the health authorities as to whether or not the situation is an emergency, treatment will be given if it is known that the child's family has health cover. Schools will have to obtain this information from parents with regard to health cover including parents in Aboriginal communities.

It then goes on to say: 'Schools can expect parents to provide the information ... the family health-care card number may be requested by the principal but some parents may be reluctant to give it. The Health Department advises they can approach the Department of Social Security to get this if the parent will not give it. If a principal encounters a problem, the Health Department will probably assist in getting the number if parents do not want to give it. Residential colleges will have to operate in the same way'. I am paraphrasing now; I cannot read all of it. When students are travelling interstate, the above procedures will apply, except in Queensland. It then talks about school excursions. The final paragraph reads: 'It will be necessary for principals when enrolling students in the 1982 school year to obtain appropriate medical information from parents and record it on the enrolment form. New enrolment forms will be printed in due course but, in the meantime, principals will have to devise their own system of recording'.

Mr Speaker, considering the current problems that are associated with the user-pays system - and the Minister for Health would be the first to acknowledge them - I think this is an ill-thought-out proposal. I think it needs further consideration. I say in all sincerity that I think the parents' councils of schools should be consulted before this is implemented. I would suggest to the Minister for Education that he should withdraw this circular pending rather better consultation between school councils, perhaps the principals' association which has to implement this thing, the Teachers Federation perhaps and anyone else interested. In giving careful consideration to the lack of procedures outlined in this document, I feel that it will cause horrendous practical problems for sick kids and the parents of kids who happen to become sick while they are at school. I ask the Minister for Education to withdraw the circular and rethink it.

Mrs LAWRIE (Nightcliff): Mr Speaker, yesterday I made some mention of fisheries enforcement and how much better it was when under the control of the Fisheries Division rather than the Police Force. The Chief Minister, who has responsibility for the Police Force and who was responsible for the transfer of the activity, referred to my statement as 'sensationalist tripe'. He also stated that the same people were engaged in fisheries enforcement as the section had been transferred holus-bolus from fisheries to the Police Force. Mr Speaker, that was incorrect, and the Chief Minister should take more care before making statements to the Assembly which prove to be misleading.

At the time of the changeover, there were 6 fisheries enforcement officers plus 2 mechanics. The mechanics worked on the boats and, in fact, drove the boats. Those 2 gentlemen went across to the Police Force but they were not fisheries enforcement officers in the true sense. Of the other 6, 4 went to the Police Force. The senior person, the one with the most experience, stayed with the Fisheries Division; he did not transfer. The next most senior person went to wildlife enforcement as he too did not wish to become part of the Police Force. So, of the 6 fisheries enforcement officers, 4 went to the Police Force, the senior man stayed with the Fisheries Division and the other man went to wildlife enforcement. I do not think that it is necessary to read their names out but, if any members want them, I have them here.

When the Chief Minister referred to my statement putting the case for the transfer of fisheries enforcement back to the Fisheries Division, he called it 'sensationalist tripe' and intimated that that was what he expected from me. Mr Speaker, may I say that my 'sensationalist-tripe' outlook is shared by the majority of fishermen in the Northern Territory, both professional and amateur. If it is tripe coming from me, it is tripe coming from them because I am representing them in this place.

Along with espousing this tripe, I must also draw to the attention of the Assembly the support given to me for this view by the Australian Public Service Association. It wrote the following letter to me, to the Chief Minister, to the Public Service Commission and to Mr Jon Isaacs:

Re: Fisheries Inspectors.

It is evident the experiment of incorporating the fisheries inspectors in the police structure has not been successful. Public statements have shown their dissatisfaction with this move and indicate that the unit has not carried out any meaningful actions but, rather, has become more a show pony in the view of the amateur fishing fraternity.

In regard to the members of this association who were forced into this transfer, their positions have been eroded. The senior position has been abolished thereby removing any promotional opportunity. They are employed beside police officers carrying out the same duties but with a great disparity in salaries and conditions. The unit's morale is at its lowest and the only future is the eventual phasing out of the unit. Surely the police department has sufficient duties to occupy them full-time and allow the fisheries inspectors to again build up the expertise to assist the public without having a police officer present.

Hopefully, you will review this matter and take action to rectify the position, both for the benefit of the community and members of this association who are involved.

That letter was dated 15 October 1981. It was from the Australian Public Service Association and was signed by Keith Ward, N T Branch Secretary-Treasurer.

I have more 'sensationalist tripe', Mr Speaker. This time it is from the Amateur Fishermen's Association of the Northern Territory who presented the following submission to the Barramundi Review held under the aegis of the Department of Primary Production. It is dated October 1981:

Fisheries Enforcement.

The main objective of the Fisheries Enforcement Unit should be to apprehend those offenders whose actions are likely to upset the balance of, or have a detrimental effect upon, a particular fishery. Minor offences are of secondary importance and should be treated as such.

Over the past 12 months, AFANT has been evaluating the performance and efficiency of the new Fisheries Enforcement Unit with a view to comparing it to the operations of the previous Fisheries Enforcement Unit which was directly controlled by the Fisheries Division. To make a proper evaluation of the performance of both units, the association has spoken both to past employees of the Fisheries-controlled unit and to active employees of the present Police Force-controlled unit. The association has also discussed the subject with many fishermen from both the professional and amateur ranks and has examined the numbers and types of apprehensions and convictions made by both units.

I pause there to say so much for the Chief Minister's aside this morning about they know where I am getting my information from. Every fisherman in the Northern Territory has the information. The submission continues:

The official reason given at the time for the changeover of the unit to the Police Force from the Fisheries Division was that a fisheries enforcement unit operating under police control would be more efficient. It is the view of this association that, since the changeover, the exact opposite has been the case.

Unofficial figures show that expenditure by the new Fisheries Enforcement Unit (not including new vessels) has been many times the amount allocated for the same period to the previous Fisheries Enforcement Unit. With so much extra funding and with the availability of 6 more operational men, one would have thought that good results were imminent. Unfortunately, that has not been the case. Figures indicate that very few worthwhile convictions have been made since responsibility for the unit has been transferred to the Police Force. In fact, for the active 12-month period prior to the changeover, the Fisheries Division-controlled unit made approximately 5 times the number of major convictions that the present unit has made. Most of the convictions made by the present unit have been minor and most certainly would not have a damaging effect upon a fishery.

Considering the excellent work of the previous Fisheries Enforcement Unit in the 12 months prior to the changeover, it is hard to imagine what justification could have prompted such a decision to be made. It is even more puzzling when it is remembered that, officially, no person in either department or outside organisation originally recommended it.

If the changeover was made on a test basis, it has obviously been a failure and the unit should be transferred back to the proper authority and be provided with the same funding as is presently wasted by the police unit.

Amateur fishermen have put forward a number of reasons why they consider the present Fisheries Enforcement Unit to be ineffective:

- (a) Very few policemen have the field experience necessary to catch an experienced inland poacher on his home ground.*
- (b) Police are not casually approachable by members of the general public and therefore lose out on a valuable source of information which, for the previous Fisheries Enforcement Unit, often led to worthwhile convictions.*
- (c) The present unit is not employing guerilla-type tactics to anywhere near the extent employed by the previous unit.*
- (d) The present unit does not seem to be using any discretion, considering the almost unlimited powers at its disposal. Often it appears to be more intent on justifying its existence by ruthlessly enforcing the more trivial regulations within the act instead of getting on with the job of catching the poacher.*

AFANT is of the opinion that the police have had enough time to make the operation of the unit more efficient. Facts, figures, amateurs and professionals all agree that the unit was far more effective when it was controlled by the Fisheries Division, and it is the opinion of amateurs

and professionals alike that fisheries enforcement should be the responsibility of the Fisheries Division just as it is in the states. AFANT recommends that complete responsibility for fisheries enforcement be transferred without delay back to the Fisheries Division. Dare we say that professional poachers would like to see control of the unit remain exactly where it is?

The longer the time that barramundi poachers are allowed to run rampant on Territory inland waters, the longer will be the time that management of the barramundi fishery will be out of control for it is not the professionals or the amateurs who will decimate the barramundi stocks; it is the professional poacher.

Mr Speaker, I hope that the Assembly has now been advised that the opinions I was putting forward were not plucked out of the air. They were not gleaned from any dreadful source. They did not fall off the back of a truck. They reflect the opinions of amateurs, professionals and people who want to see barramundi poachers apprehended. The matter of apprehensions and people brought before the courts is a one of public record. All one has to do is monitor the activity in the court, and that is exactly what those fishing organisations have been doing in an effort to protect their industry.

The Chief Minister said quite rightly that now, with the transfer to the police department, other resources were available, including helicopters and fixed-wing aircraft. I will give the Chief Minister an example of how these fixed-wing aircraft were supposedly used to help trap poachers. Information was passed that there were people illegally netting in a river mouth. The police Marine and Fisheries Enforcement Unit sent a fixed-wing aircraft to where the nets were set. It flew low over the alleged poachers, flew back to Darwin and the officers said 'Yes, they are there'. I think it was 2 days later - it could have been 36 hours later - that the police launch arrived. But, surprise, they were not there anymore! Surely, that is not the way to catch a poacher. The large-scale poacher is a very skilled operator, as we all know. Advance warning by flying low over him in a police-marked aircraft does not help.

I will give another example of people's dissatisfaction with the way things are running at the moment. A professional fisherman was proceeding along water with a boat under tow. The first boat was motoring; the second boat was under tow. A police launch approached. The fisheries enforcement officer, who happened to be a policeman and not a fisheries officer, said: 'Stop that boat'. The master of the vessel, who had his other boat under tow, of course had to take some time to stop under way in the open sea or the towed vessel would have rammed him up the stern. Meanwhile, the police launch was zapping round and round saying, literally: 'I told you to stop that boat!' I cannot repeat the master's reply in this Assembly. He was attempting to stop the boat but there is an established nautical equation about stopping a boat under way, particularly when it is towing another large boat.

The Chief Minister will probably think that I have some vested interest in attacking the Police Force. I do not have. I think it is doing a marvellous job in law enforcement in the Territory. But I share the concern, as Patron of the Amateur Fishermen's Association of the NT and as an ex-professional fisherman, of the way in which enforcement procedures are being carried out at the moment. The figures are there in the courts. The Chief Minister got up and said that I had not given sufficient details. I have with me typed details of every case because we have had people sitting there watching the cases for this very purpose: to evaluate whether or not fisheries enforcement was better transferred to the Police Force or remaining with fisheries. The opinion of

all the fishermen in the Northern Territory is that it should go straight back to where it was. I would point out to the Assembly that it is not only a matter of people being transferred across; it is now a matter of directing fisheries enforcement officers in the way in which they will operate.

It is clear that the Fisheries Division - I am standing up for a government department - has the expertise which the police at present do not have. That is why its conviction rate was so much higher and that is why it was able to employ the tactics which allowed its fisheries officers to catch the poachers. Mr Speaker, that is what this debate is all about.

Motion negatived.

ABORIGINAL HERITAGE BILL (Serial 171)

Bill presented and read a first time.

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

There are, at present, 3 pieces of legislation in force in the Northern Territory that touch upon the subject of Aboriginal sacred sites. They are: the Aboriginal Land Rights (Northern Territory) Act passed by the federal government in 1976; the Aboriginal Sacred Sites Act, passed by this Assembly in 1978; and the Native and Historical Objects and Areas Preservation Act, passed by the Legislative Council as an ordinance in 1955.

The Aboriginal Sacred Sites Act relates exclusively to the identification, registration, proclamation and protection of sites which are sacred to Aborigines and otherwise of significance according to Aboriginal tradition, including land which under the act is declared to be sacred to Aborigines or otherwise of significance according to Aboriginal tradition. The Native and Historical Objects and Areas Preservation Act also provides protection to land which comes within that definition and in this regard a duplication of responsibilities exists. This act also deals with objects of ethnological, anthropological, archaeological and historical interest and value.

It is a fact that there is often a strong relationship between objects of spiritual significance to Aborigines and sites or areas which are significant to them. Because of this, and because there is logic in identifying and drawing together things of cultural and ethnic significance in respect of Aborigines, the Northern Territory government has decided to rationalise those aspects of these 2 acts which relate to Aboriginal people and Aboriginal culture.

This may be achieved by the enactment of a bill, to be called the Aboriginal Heritage Bill, which will replace the Sacred Sites Act and those parts of the Native and Historical Objects and Areas Preservation Act which refer to areas and objects of significance to Aboriginal people.

Another concern which the government has is in respect of the definition of sacred sites. In the Aboriginal Sacred Sites Act they are defined as follows:

'Sacred site' means a site that is sacred to Aborigines or is otherwise of significance according to Aboriginal tradition and includes any land that under this Act is declared to be sacred to Aborigines or of significance according to Aboriginal tradition.

This definition is virtually identical to the definition in the Aboriginal Land Rights (Northern Territory) Act, where there is also a broadly-based definition of Aboriginal tradition.

The definition of 'sacred site' in its present form is extremely broad in application and very narrow in effect. It is very broad in that it applies not only to sites which may be sacred to Aboriginals or important to Aboriginals but also to sites which are 'otherwise of significance according to Aboriginal tradition'. In the wellknown case *Marika v Nabalco* before Mr Justice Blackburn which heralded the emergence of the land rights movement, an opinion was given by one of Australia's leading anthropologists of the old school that there was probably not a square inch of Australia that is not of significance by tradition to Aboriginals.

If this is true and it is related to the definition of 'sacred site' as it presently exists and also the prohibitions and penalties which exist in both the Aboriginal Sacred Sites and the Aboriginal Land Rights (Northern Territory) Acts, we have a situation which is verging on the ridiculous. Not only should no development whatsoever be undertaken in the Northern Territory but we may all be committing an offence by our presence in the Northern Territory and that may apply to many Aboriginals as well. Of course it will be argued that that scenario is so ridiculous that provisions of these acts would never be pursued to that extent and I certainly agree with that argument. Nevertheless, the definition remains so broad that it is likely to be applied in a way which unreasonably inhibits both the government and the wider public.

The definition is narrow in effect in that it fails to recognise that sites or areas which are sacred or otherwise of significance to Aboriginals have different values ranging from the sacred and the dangerous through to those which are of historical and other interest. The prohibitions and penalties which may apply also fail to recognise these differences. The bill will provide for the recognition of these differing values and for more appropriate conditions to apply to them according to their classification. Accepting that the areas or places referred to in the act have different values, it is a misnomer to refer to them all as a 'sacred site'. I propose to redefine the sites as sites of significance with a provision for those which are in fact sacred to be identified as such. I believe that this will give greater meaning to those sites which are really sacred in the eyes of Aboriginal people than is the case now where they are lumped together with those which are of far less significance.

The provisions in the Aboriginal Sacred Sites Act for the registration of sacred sites allows this to be done by the Aboriginal Sacred Sites Protection Authority unilaterally without advice to either the government or the public. Indeed, it is the policy of the authority that the register will be confidential. This is of particular concern to the government where it is exercised in respect of sites wholly or partially within a town or a planning area within the meaning of the Planning Act. The government must take note of the fact that the accepted projection of population growth for the Northern Territory is almost 5% with variations, of course, between the different centres. In the longer term, it is charged with a responsibility to develop the Northern Territory in a way which moves it towards a greater degree of self-reliance. In the shorter term, it must plan development of urban areas to provide for the projected growth of its urban population. This is an immediate and an on-going responsibility and will result in serious problems if it is delayed and lead times are not met. Not only does delay result in insufficient serviced land being available when it is needed but it results in a substantial escalation in costs and considerable inconvenience.

I think that I can best demonstrate the problem by telling you in some detail of the particular problem we are facing in the planning and development of one urban area in the Northern Territory. The area I refer to is the Sadadeen East industrial subdivision in Alice Springs. This subdivision was an approved item on the 1980-81 design list. The project was programmed to meet projected demand for industrial lots after the supply from the Mount Nancy subdivision has been exhausted. It was anticipated that the first stage comprising 30 lots would be turned off in 1983. Subsequent development would be staged in line with demand. The Sadadeen East site was identified as the most suitable in terms of planning and financial constraints. An order of cost estimate of \$1.55m was to provide access and external headworks to the subdivision which has an ultimate potential size of 250 lots of about 0.2 hectares in area. A Commonwealth report of December 1975 which was made public as far back as 1976 indicated that this valley would be required for urban development. In March 1980, the Northern Territory government exhibited, and gave wide publicity to, the proposed town plan for Alice Springs indicating the Sadadeen Valley was required for government purposes. There were no objections to the proposed zoning of this valley from the Central Land Council or any Aboriginal people. As a result, the Northern Territory government commenced the planning of industrial blocks in the area with a view to including an item in the 1981-82 capital works program. Planning for the industrial area had been completed and this was to be followed by a ground survey of the area.

In January 1981, the local Aboriginal people first expressed concern that a survey line threatened their secret valley. Several meetings were held involving the Director of Lands, Southern Division, the Stephens and Rice families, custodians, the Central Land Council staff and Tangentyere Council staff. An agreement could not be reached. The Aboriginals were adamant that development of any kind would not be agreed to. The Acting Chief Minister, the honourable Marshall Perron, met with Aboriginal people and others interested in the area on 3 April 1981. He indicated that, while the Northern Territory government would be prepared to amend the design of the proposed industrial area to take account of and protect actual sites as it had already done in the Sadadeen residential area, it would find it difficult to agree to a blanket closure of the valley as proposed by the Aboriginals. The government was also concerned at the substantial additional cost which would be involved in redesigning the access road to the valley which would also provide access to the proposed residential subdivision in the Undoolya Valley further east which will be required in a few years. He also stressed the need for the government to plan well in advance for development to take account of the projected increase in population from about 16,000 or 17,000 at present to about 30,000 in 1990. Advice was later received from the Aboriginal people concerned that they were not prepared to identify actual sites and were pressing for a blanket closure of the Sadadeen Valley to all people except those who have a traditional Aboriginal interest in the valley. They asked that an alternative site for the industrial subdivision be selected but were not able themselves to clear another location.

The outcome of all this and the failure to reach agreement on the utilisation of the area whilst still recognising and protecting sites of importance to the Aboriginal people has placed the future of this project in doubt. It is most likely that development of an alternative site will be inhibited by the presence of sacred sites although there is no indication at this stage that there would be a similar blanket objection to the alternative locations. The associated cost penalties, the differences between servicing the Sadadeen East site and the alternatives are as follows: firstly, the valley to the northwest of the abattoir - additional expenditure \$1.35m to service up to 180 lots; and, secondly, south of the MacDonnell Ranges in the vicinity of the sewerage ponds - additional expenditure \$1.3m to service up to 250 lots.

Mr Speaker, I seek leave of the Assembly to have incorporated in Hansard a memorandum from the Secretary of the Department of Lands to myself, setting out in more detail the cost factors and other problems involved in finding and servicing an alternative location for an industrial subdivision in Alice Springs.

Leave granted.

MEMORANDUM

TO: CHIEF MINISTER

FROM: SECRETARY,
DEPARTMENT OF LANDS

RE: BRIEFING NOTE -
COST AND TIME PENALTIES OF PROHIBITION ON DEVELOPMENT
DUE TO SACRED SITE CLAIM OVER SADADEEN EAST

A. Provision of Industrial Land

The Sadadeen East Industrial Subdivision is an approved design list item. The site was identified as the last suitable pocket of land for development within the town area.

An order of cost estimate for the provision of access and external headworks is \$1.155m. The total expected lot turnoff for the area is 250/.2ha. lots, with the first stage of 30 lots to be let for private development for turnoff during 1983. It is anticipated that further stages would be serviced to provide a continual supply of industrial land.

An appraisal of 3 alternative sites is given below:

(a) The Valley to the N.W. of the abattoir.

Location: The abattoirs are location at the end of Smith Street, adjacent to the rail spur, 4km. from the town centre. A sealed road services the abattoir. The site under consideration lies to the N.W. and is currently declared a stock reserve.

Area: The abattoirs currently occupy approximately 5ha. and will require a further 15ha. if not relocated. This leaves approximately 40ha. for general industry purposes, which would yield 180 x .2ha. lots. This yield is half that of the Sadadeen East Industrial proposal.

Direct Servicing Costs:

Power -	extend existing line to boundary of subdivision approximately 2km.	25,000
Roadworks -	sealed access road required from abattoir buildings to boundary of subdivision approximately 2km.	400,000
Water -	300mm main approximately 2km.	250,000
Sewerage -	new line to connect to existing main approximately 2km.	300,000

Total - \$975,000

Other costs:

Siting of an industrial subdivision adjacent to the abattoir would require the abattoir to discharge its effluent into the sewerage system. The increased load would bring forward the

proposed works to increase the size of sewerage ponds and reticulation mains. The interest forgone in investing the \$3m., 5 years earlier, is a cost attributable to the industrial development of $\$3.0m \times 10\% \times 5 \text{ years} = \$1.5m$.

Comments on Site:

- indications are that a sacred site claim will be made over this area, resulting in same problems as at Sadadeen East. Unless some assurance is obtained that development will not be impeded by such a claim, this site cannot be regarded as a real option.
- close proximity to township is an advantage.
- existing rail spur to abattoir.
- some land having been used for carcass burial may limit the soil-bearing capacity and pose engineering problems for development.

(b) South of MacDonnell Ranges - vicinity of new sewerage ponds.

Location: Proposed site lies 4km. along the T&W road servicing the sewerage treatment ponds. It lies approximately 1km. beyond the new treatment ponds and to the north of this road.

Area: An area of 50-100 ha. is suitable for industrial development. This will yield between 200 and 300 lots of .2 ha. size.

Direct Servicing Costs:

Power -	Line from existing feeder (4km)	50,000
Road -	upgrading of existing road to sealed rural standard (4km)	800,000
Water -	main to existing bulk transmission main (4km) and water tank	1,500,000
Sewerage -	new pump station and reticulation to ponds	100,000

Total - \$2,450,000

Timing: Lot turnoff could be achieved by 1983 if this item received committal of funds early 1981/82.

- Comments:
- T&W have requested land to be set aside for sewerage treatment works in this area.
 - area is adequate to satisfy demand until 1990.
 - the 6km. distance from the township may not be acceptable to some potential users.
 - the site is well off the highway, and would not create any eyesore.
 - additional traffic flows through the Gap may lead to congestion.
 - this site is not encumbered by any known sacred sites. However, under current legislation the possibility exists of a claim being made once proposals for development are made public.

(c) Roe Creek Area

Location: Adjacent to the proposed Roe Creek Noxious Industry Zone, sited 20km. south of Alice Springs.

Area: This area is unconstrained in physical size. Services from the noxious industry zone would be adequate to cater for an industrial subdivision of 250 lots.

Direct Servicing Costs:

The viability of this site depends of services for the noxious industry zone already being completed.

Assuming this, the only headworks costs will be to connect up to services for the noxious industry zone.

Access road - approx. 1km.	\$200,000
Water main - " 1km.	120,000
Power - " 1km.	10,000
Sewerage - " 1km.	150,000

Total - \$480,000

Timing: Cabinet has deleted servicing of the Noxious Industry Zone from the 1980/81 Design List. Unless reinstated, the adjacent general industry zone would not be completed by the target date of 1983.

- Comments:
- \$3.14m. is required to service the Noxious Industry Zone before this site becomes viable for general industry.
 - site is located 20km. from the township which is unacceptable in Alice Springs terms. It may be difficult to attract private developers for fear of not being able to sell the serviced lots.
 - development of this site will generate additional regular traffic through the Gap which is already congested at times.

B. Implications for Access to the Undoolya Valley

The Undoolya Valley has been identified as the next possible area for new town development. Planning for links to the Undoolya area provided for 2 routes. The Sadadeen Arterial via the Sadadeen East Valley was to provide the southern link, whilst the existing Undoolya Road and proposed Undoolya Link Road to form the northern and less important link.

If the Sadadeen route does not proceed, Undoolya Road will require up-grading to arterial standard. Preliminary order of cost estimates indicate little variation in cost, whether it is the Sadadeen or Undoolya arterials which provide the main access to the Undoolya Valley. However, other penalties will be imposed by using Undoolya Road as the only access.

- Undoolya Road can be developed to a maximum of 6 lanes, without further acquisition. Predicted traffic flows suggest that 8 lanes will be needed eventually. With dual access provided by both the Sadadeen Arterial and Undoolya Road, a total of 8 lanes would be available.

- a single access road between the CBD and Undoolya, may cause traffic flow problems.
- Undoolya Road passes through existing residential development. It is undesirable that such a road should be upgraded to a major arterial.

C. Delay to the Completion of the Subdivision of Sadadeen Stages 2 and 3

The proposed Sadadeen Arterial was to form the southern boundary of Sadadeen Stage 3 residential subdivision.

The prohibition on development in the Sadadeen East Valley will require rerouting of this arterial, if the development restrictions are upheld.

Until the resolution of the location of the arterial road is finalised, the subdivisional area and layout cannot be completed for Stages 2 and 3, and private developers cannot be invited to bid for the development lease over these areas.

Any delay in resolution of this issue will be matched by an equivalent delay in the target lot turnoff date for Sadadeen residential of June 1982.

D. Conclusions

- 1) Cost comparison of developing Sadadeen East Industrial area and 3 alternative sites.

Site	No. of Lots	Total Cost \$m.	Cost/Lot \$
Sadadeen East	250	1.155	4,600
Abattoir Valley	180	2.475	14,000
South of MacDonnell Ranges	250	2.45	9,800
Roe Creek	250	.48	1,920

excluding 3.14m. required
for servicing of adjacent
Noxious Industry Zone.

- 2) Social and environmental considerations:

Sadadeen East area was identified as the most desirable based on non-financial factors. The alternative sites have drawbacks as follows-

a) Abattoir site

- subject of probable sacred site claim
- unattractive siting adjacent to abattoir

b) South of MacDonnell Ranges

- 6km. distance from township is the outer limit of acceptability
- close proximity to sewerage ponds causing noxious odours and unpleasant work environment

c) Roe Creek

- too distant from town to be considered a real option for general industry site users

3) Implications of sacred site claims

- The upholding of the sacred site claim over Sadadeen East Valley will result in the servicing of a more expensive option for industrial land and rerouting of the Undoolya Arterial to be a less desirable alternative.
- indirect cost of this claim is the wasted planning and design work which is already well advanced.
- time penalties will inevitably occur as uncertainties on the outcome of the sacred site claim will halt further decision making and design work.
- all of the options identified for industrial development have the possibility of being the subject of further site claims, under existing legislation.

D.F. DARBEN

24.3.81

Mr RVERINGHAM: Mr Speaker, I have dealt in some detail with the particular difficulties associated with the Sadadeen industrial area because I am hopeful that it may bring home to members the reality of the problems and the impossible situation which a government faces in undertaking its responsibilities when it is completely shackled in this way. This particular example, whilst posing an immediate difficulty, is symptomatic of a far greater problem which exists for all urban areas where sacred sites are not disclosed during the planning stages for development. Because a possible solution to the Sadadeen problem was for a new location to be developed, and because this would require substantial funds in addition to those which would have been required had the project gone ahead as planned, I wrote to the Prime Minister on 24 March 1981, setting out the difficulty and seeking financial support for the cost penalties involved in developing an alternative site. I seek the leave of the Assembly to incorporate in Hansard a copy of the letter I wrote to the Prime Minister.

Leave granted.

Right Hon. Malcolm Fraser C.H. M.P.
Prime Minister,
Parliament House,
CANBERRA 2600

My dear Prime Minister,

Alice Springs is the second largest town in the Northern Territory and is growing at a rapid rate.

Due to the topography of the town and its environs, we are severely restricted in the availability of land for development, for both residential and industrial purposes. Whilst we have some areas still available for residential development, all suitable land for industrial development has been taken up and it is now necessary for my Government to commence

opening up virgin land for this purpose. The preferred option for industrial development is in the Sadadeen Valley on the East side of Alice Springs. A Commonwealth report of December 1975, which was made public as far back as 1976, indicated that this valley was required for urban development and there has been subsequent documentation.

In March 1980, the Northern Territory Government exhibited and gave wide publicity to the proposed town plan for Alice Springs indicating the Sadadeen Valley was required for government purposes. There were no objections to the proposed zoning of this valley from the Central Land Council or any Aborigines. As a result, the Northern Territory Government commenced the planning of industrial blocks in the area, with a view to including an item in the 1981/82 capital works programme. Planning for the industrial area had been completed and the next step would be a ground survey of the area.

We have now been advised by the Aboriginal Sacred Sites Protection Authority that a group of Aranda people have asked that the whole of the proposed industrial area be registered and protected under our Aboriginal Sacred Sites Act which is complementary to your Aboriginal Land Rights (N.T.) Act.

Reports provided by the Aboriginal Sacred Sites Protection Authority indicate that the area has a number of sacred sites in it and is used for initiation purposes.

It is vital that an industrial area be developed for Alice Springs where there is an acute shortage of serviced land and my Government is under great pressure to see that this is done quickly. Taking into account availability of services, proximity to the town and economic aspects, the Sadadeen Valley is the obvious choice and we would wish to proceed with its development. Other options add time and cost penalties to the development and there is no guarantee that they will not similarly be inhibited by sacred sites considerations. If we are not to be in a position to meet the need by using the Sadadeen area cost penalties associated with the development of an alternative site would appear to be in the order of \$1.5 million depending on the alternative location decided upon.

The purpose of this letter is to ascertain your attitude to providing these additional funds by way of compensation. In developing the Sadadeen Valley, we would make every endeavour to avoid the actual sacred sites, but would find it impossible to preserve the isolation being sought for initiation purposes. My officers will seek an early meeting with yours to discuss the matter.

Yours sincerely,

PAUL EVERINGHAM

Mr EVERINGHAM: Mr Speaker, the Prime Minister replied on 11 May that, while he welcomed any action to protect sacred sites, he would not be prepared to have the Commonwealth assist in covering the additional costs involved in developing the subdivision at an alternative location. Other responses from the Commonwealth also indicated a complete lack of understanding of, or concern about, the seriousness of the position for the Northern Territory government which has resulted from the federal government's legislation relating to the

special rights of Aboriginal people in the Northern Territory. Therefore, Mr Speaker, it behoves this Assembly to attempt to clean up the mess itself. The Aboriginal Heritage Bill will provide for the recognition, registration and/or proclamation of sites, wholly or partly within a town or planning area within the meaning of the Planning Act, to be determined by the Administrator only upon the recommendation of the Executive Council. But it will also provide for the Administrator to determine the conditions which will apply to such sites.

Mr Speaker, for some time now the Commonwealth has been pressing the Northern Territory government to fully accept the functional and funding responsibilities for the Aboriginal Sacred Sites Act and this approach was further reinforced by the recommendations of the Lynch committee. As it stands at present, the Northern Territory act makes provision for an Aboriginal Sacred Sites Protection Authority which may require funds for the conduct of meetings of members, the employment of persons, the administration of the act, the protection of sites both legally and physically, the acquisition of sites and the enforcement of the provisions.

The act provides that funding will be by way of appropriation by parliament, allocation by the Legislative Assembly and other moneys collected. The proposed budget for the authority must be submitted to and approved by the Minister for Aboriginal Affairs. To date, funding has been by the Department of Aboriginal Affairs by way of specific purpose grants to the Northern Territory government. It should be noted that the act was drafted and passed before the Memorandum of Understanding and other aspects of self-government were fully negotiated and the funding aspects of the act, making the principal funding source the Department of Aboriginal Affairs, gave no consideration to an inclusion of funds in the general purpose grants. The specific purpose funding by the Commonwealth was intended to take account of the policy-setting role of the federal act and the requirement by the Commonwealth for the Legislative Assembly to enact this complementary legislation.

While the Northern Territory government accepts the principle that it should have the full functional responsibility for the administration of legislation relating to sites of significance to Northern Territory Aboriginal people, it has recognised that the protection of these sites could become a very expensive undertaking if and when physical protection becomes necessary and if acquisition of such sites is required. To date, funding has been for establishment purposes and we have not really experienced costs for the physical protection of sites, enforcement of the act and the potentially more expensive process of payment of compensation for acquisition. Very few of the many thousands of sites have been registered and none have been declared and this foreshadows a significant requirement for field work and research not yet fully experienced. It is obvious that we have not reached a plateau in funding requirements for this purpose and we have, therefore, been of the view that the Commonwealth should continue funding by way of specific purpose grants until the real funding needs become more evident. Our negotiations with the Commonwealth up to date indicate that it is reluctant to face up to these needs realistically and members will be aware of the funding crisis which faces the authority because of an inadequate transfer of funds from the Commonwealth for this purpose for this financial year. We are still negotiating a more adequate level of baseline funding to cover this function. In the belief that satisfactory agreement will be reached, provision has been made in this bill at this stage to transfer the administrative and financial responsibilities for the legislation from the Minister for Aboriginal Affairs to a Northern Territory government minister.

Mr Speaker, in my view, the bill does not depart substantially from the main principles of the Aboriginal Sacred Sites Act or the Native and Historical Objects and Areas Preservation Act. It does aim to remedy some problems which have become evident, to deal with sites of significance more realistically than is presently the case, and to make provision for the changed and changing constitutional and functional arrangement between the Northern Territory and the Commonwealth governments. Apart from that, it is really a tidying up exercise.

Finally, as there has been speculation by the media about this bill, I think I should inform members that I have written to the Right Honourable the Prime Minister and the chairmen of the 3 Northern Territory statutory land councils to inform them of the intention to introduce this bill and of the broad principles it will follow. In the letter to the land councils, I said:

I recognise that there will be considerable public interest in the legislation which I propose, and that Aboriginals, in particular, will want to have some influence upon it. Therefore, I am planning to introduce the Aboriginal Heritage Bill into the Legislative Assembly in the November sittings and allow it to lie in the Assembly for sufficient time to allow negotiations to take place between the Northern Territory and Commonwealth governments and the 3 land councils and for full public debate to occur.

I have written to the Prime Minister and informed him of my intention. I believe that by introducing the legislation in this way, the opportunity to consider the real issues will be thrown open to the public.

Debate adjourned.

ADJOURNMENT

Mr EVERINGHAM (Chief Minister): Mr Speaker, I move that the Assembly do now adjourn.

I would like to take this opportunity of very briefly wishing you, Mr Speaker, and all other honourable members, the compliments of the season. I would like to extend those seasonal greetings to the Clerk, the Deputy Clerk and other staff of the Assembly, to Hansard staff, the staff of the Government Printer, the Legislative Drafting Office and so on, without whose efficient functioning during the year, this Assembly would not have proceeded as smoothly as it invariably seems to do, even under sometimes trying circumstances.

Mr HARRIS (Port Darwin): Mr Speaker, before speaking on the subject that I wish to address today I would like to make some comments on the remarks that were made by the Leader of the Opposition in relation to the Supervising Scientist's report.

As the Leader of the Opposition and other members of the sessional committee know, in my capacity as Chairman of the Sessional Committee on the Environment, I contacted the minister with concerns that I had in relation to the Supervising Scientist's report as well. My queries were sent across to the department on 12 November. Many of the issues that I raised were raised by the Leader of the Opposition also. I have received comments from the department. Those comments will be distributed to members of the sessional committee for their consideration. I have also distributed to the sessional committee the Supervising Scientist's report and asked that, if they have any comment to make on that report, they bring it to my attention.

I might also say, Mr Speaker, that if anyone has a cause of concern in the uranium mining area would he please let the sessional committee know. That applies not only to members of the sessional committee but also members of the Assembly and members of the public. If they let us know, then we are able to investigate and look into these matters in the proper way.

Yesterday I started reporting to the Assembly on the 27th Commonwealth Parliamentary Association Conference which was held in Fiji and attended by the member for Fannie Bay and myself. I have already spoken on the trip across to Fiji and also on the Small Nations Conference, which I believe was of most benefit to the member for Fannie Bay and myself. I will not go into detail on the actual tours other than to say that once again I congratulate the host branch, the Fiji branch of the Commonwealth Parliamentary Association, for those tours; they were truly wonderful to take part in.

The thing that stood out most during this particular period was the temperament of the Fijian people. I feel that we could learn a great deal from their attitude. Wherever one went there were happy, smiling faces; nothing seemed to upset them. The only fault, if it can be called a fault, is that the Fijian people tend to do things at a rather slow pace. I think probably that is the same with many people in the Northern Territory as well. During the opening address, the Deputy Prime Minister suggested to the delegates and observers: 'Whilst in Fiji would you please slow down'. I think that most of the delegates, observers and others who attended that particular conference did slow down.

Another point that stood out during the whole conference was the colourful and casual dress that was worn on all occasions except the official opening. The equivalent to Darwin rig in Fiji would be a bulla shirt and long trousers. A bulla shirt is a colourful shirt, Mr Speaker. Quite frankly, I cannot see why in Darwin we should not fall into a similar dress pattern. I am not advocating that we wear bulla shirts in the Assembly. I believe tradition and certain standards should be upheld. But I cannot see why Darwin rig cannot include bulla shirts instead of shirts and ties. We live in a tropical area and I believe that bulla shirts would fit in extremely well.

The member for Fannie Bay mentioned the topics which were covered at the conference itself and I will not go over those again. There are 1 or 2 issues that I would like to raise with members of the Assembly. One topic was raised on more than one occasion and I think that it would have been raised at other conferences: that the conference itself should be able to move resolutions which could then be implemented in other forums. Some felt that, if the CPA is to gather year in and year out to express what we already know on many topics, these conferences will continue to be expensive vacations. I do not know if I agree with that last comment but that was the feeling of some of the delegates. They put forward the view that the CPA conferences should be able to come forward with resolutions. It is something that people attending conferences in future should perhaps take on board. I think it will continue to be raised at future CPA conferences.

Another point that concerned me somewhat was the poor showing that the Australian candidate in the election for chairman of the CPA had. Of the 187 delegates entitled to vote at this particular conference, only 26 voted for the Australian candidate. When you consider that, of those 26 votes, 13 were probably from the Australian delegation, things do not point too well in that regard. What makes it worse is that all of the delegates who were present were aware of the financial assistance that Australia had given to the running of that particular CPA conference.

Someone slipped up somewhere. I understand that, at the last South Pacific Region Conference which was held in the Cook Islands, it was decided that a representative from the South Pacific region would be nominated to contest the election for chairman of the CPA. It was also decided that that member would come from Australia. It was not until we reached the Coral Coast 2 days before the actual conference that the Australian delegates put forward a candidate. By that time, the Malaysian and other delegations who you would expect to support the Australian nomination would have committed their votes. If a candidate is being put forward to contest such a position, it is important that delegates be notified of the nominee well in advance.

Whilst in Fiji, I had a look at the work that had been done on biological control of insect pests and noxious weeds. I have not really had time yet to put everything together in a form that could be submitted for consideration by the Minister for Primary Production but I will do that. Biological control of insect pests and weeds has been practised in Fiji for a number of years and I know that it has met with success on a number of occasions. I am aware that they have had problems but they have been successful in certain instances. A good example of that is with the rhinoceros beetle which at one stage threatened to wipe out all the coconut palms in Fiji. They introduced a virus, not a parasite, which affected the rhinoceros beetle and now that particular beetle is under control. They have also had success in the control of aquatic weeds, for example salvinia. They introduced a grasshopper and a moth which only attack salvinia. Once the salvinia is dead then the moth and the grasshopper die. The Fijian Department of Agriculture was very helpful to me in providing information. I hope to pursue the matter.

One other thing that I noticed whilst I was in Fiji was that coffee bush is starting to grow on the main island. I drew it to the attention of one of the research officers in the department and suggested that they should keep their eye on this particular plant otherwise it will eventually take over their island as it has Hawaii.

Mr Speaker, there are only 2 other matters that I wish to mention. Firstly, a suggestion was put forward that a map of the world be included in the members' conference handbook in future giving the location of all CPA branches. Secondly, I would like to inform members that the next CPA conference is to be held in the Bahamas. I do not know who will be putting in for that particular conference.

Once again, I would like to thank the Fiji Branch of the CPA for making the 27th Commonwealth Parliamentary Association Conference a conference that I will always remember. I have something to remember that conference by, Mr Speaker. All of the delegates and observers were issued with one of these beautiful tapa satchels when we arrived at Suva. I will treasure that.

Finally, I would like to thank the Northern Territory Branch of the CPA for giving me the opportunity to take part in that conference. I join with the Chief Minister in wishing all other members and also the staff of the Legislative Assembly a happy Christmas and also a happy and prosperous New Year.

Mr SMITH (Millner): Mr Speaker, I would like to say a few words on the somewhat vexed question of public funding of election campaigns. It is probably of more immediate relevance to me than to other members of the Assembly. I wish to raise it in relation to 2 or 3 incidents which took place in the Millner by-election. Unfortunately, the question of public funding of election campaigns and whether in fact such public funding should take place sidetracked the Millner by-election campaign from time to time. There were 3 examples of action taken by the government party in the Millner by-election which I wish

to refer to now in discussion of this question.

Under the present system, there is sometimes a very thin line between what is legitimate government information and what becomes party propaganda. Certainly, I think that applies to the first item that I wish to refer to: the letter from the Chief Minister to all Territorians which is headed: 'Fellow Territorians'. It starts off: 'I am writing to you directly to explain increases in some taxes and charges. Recently pamphlets have been circulated which try to give a distorted, if not dishonest, view of the situation'. My information from most members of the Millner electorate is that that is as far as they got, because it is not a very attractive pamphlet to read.

I accept that the honourable Chief Minister has a right to comment on things like cost increases put out by other organisations, particularly the Trades and Labour Council. I think in this instance he was referring to material put out by that council. What I cannot understand is that whilst the Trades and Labour Council's information, which I was largely responsible for preparing, was released at about the end of June, this letter from the Chief Minister did not reach electors in Millner and, I have to assume other Territorians, until the second week of the election campaign. While there is no doubt in my mind that the comments of the Chief Minister are legitimate, I think that his timing had more than the usual amount of political cunning behind it.

The second matter has not achieved public attention yet. I concerns the almost miraculous appearance of a big, new billboard at the Rapid Creek Water Gardens Centre. I happened to come across a letter from the Director-General of the Chief Minister's department to the Secretary of the Department of Transport and Works. I was so intrigued by the letter that I took it down and I will read it in full. It is addressed to the Secretary of the Department of Transport and Works:

It is noted that the Water Gardens development project at Rapid Creek has a small sign fronting Trower Road indicating this is a project being undertaken by the Department of Transport and Works. The Chief Minister has asked that a large billboard display sign be erected indicating an artist's impression of how the gardens will look generally when completed. The Chief Minister has asked that this sign be erected as a matter of some urgency and preferably within the next couple of weeks.

That sounds very fine and public-spirited. But the date is interesting, 21 October, only 3 days after the previous member for Millner announced his intended resignation from the Assembly.

Unfortunately, the Chief Minister is not here so I cannot ask him to explain why there was this sudden urgency to put up a sign on the edge of the Millner electorate; I cannot ask him why the sign that seems to have been needed so urgently could not have been erected earlier. However, I admit that I was a little astonished, having read this letter and noted its contents, that the honourable Minister for Transport and Works, in response to a question without notice this morning, could not provide the reason why this sign was erected so urgently.

Mr Dondas: You asked me the cost.

Mr SMITH: The honourable minister forgets that I asked the government's reason for erecting the sign. He asked that the question be placed on notice and promised a reply at a later date. It seems that his memory in this business is rather short. I think it is quite clear from all the circumstances that the

erection of this billboard was very much a political exercise from which the government hoped to gain political benefit.

The third matter concerns an issue which is very well known to members of the Millner electorate and to the public of Darwin generally. It is the letter from the Minister for Mines and Energy to the electorate of Millner concerning what he thought to be an election issue. Again, it is a pity that the honourable minister is not here because I have not had the opportunity to thank him for his part in the winning of my campaign. His letter was on official Department of Mines and Energy letterhead and headed: 'Dear Constituent of Millner'. It was signed personally by the minister. It is quite clear that it played an influential role in the Millner by-election campaign through the reaction it produced. Even in his absence I would like to thank him.

Mr Perron: One day you might win one by yourself!

Mr SMITH: Very likely! One day you might make it more interesting by putting up a better candidate.

Mr Speaker, this letter concerns me. The honourable Minister for Mines and Energy indicated that the cost to the government was about \$600. Although that amount on its own is not considerable, there is an important principle involved. I think that the best thing the minister can do is repay that \$600 to the government so that no accusation can be levelled at him that government money has been used for party political purposes. If he is not prepared to take this course, I think the general public will conclude that in fact there is one-sided public funding of election campaigns already. I think the general public will find it strange that the government is able to use its resources in such an obvious and blatant political exercise whilst refusing access to public funds to other parties for contesting elections or by-elections to ensure that their point of view gets across.

I submit that in the Northern Territory there is a better case than almost anywhere else for public funding of election campaigns. I think this turns on the size of the Northern Territory, the fact that there are isolated population pockets, and the media and other means of communication are less developed in the Northern Territory than in other places. It is much more difficult for political parties of all persuasions to get their point of view across in the Northern Territory than in more densely populated areas. It throws a greater weight on political parties to raise money, to circulate information and to send representatives to meet people on a person-to-person basis. Allied to that is the fact that political parties in the Northern Territory are small reflecting the small size of the population. Small parties are expected to do what is a much more demanding job than parties in other areas are expected to do. I would submit that we are selling the people of the Northern Territory short by not providing from the public purse sufficient funds for the electors of the Northern Territory to be given a thorough understanding of the policies of all political parties, the opportunity to analyse those policies and to then vote having made up their mind from all the information that has been given to them. For that reason, if for no other reason, the issue of public funding should be debated seriously in this Assembly and amongst the public at large. It should not be thrown out of the window and disregarded without adequate discussion.

To give the government credit, it has led the way in developing legislation concerning the pecuniary interests of members of parliament. I congratulate it on this. I think it is a very forward step. I think everyone in the Northern Territory has much more confidence in members of parliament since this legislation was introduced. It seems strange to me that, whilst being prepared to

make members of parliament declare their interests once elected, the government is not prepared to do anything about declaring where money comes from to get those people into power. It almost seems that the government has something to hide in this area. It is not something I wish to pursue at this stage because it is only associated with the major point, not the major point itself. But it would be a much more consistent approach, having adopted pecuniary interest legislation, for public funding legislation to come next.

Mr DOOLAN (Victoria River): Before I forget, I would like to offer the compliments of the season to all honourable members and their families.

There are a couple of matters I would like to touch on this afternoon. I have been asked by some of the residents of Batchelor to comment on what they consider to be a totally inadequate water supply for their township. It seems that Batchelor invariably runs short or completely out of water at times during the dry season for many different reasons, not necessarily because people use too much water. Although there is an elevated storage tank which has a 1000 kL capacity, it is never full during the crucial months prior to the wet season. Twice during this year the school was forced to close because of lack of water in the storage tank which did not fill overnight. My information is that the person with responsibility for checking the level in this tank lives at Adelaide River some 20 miles away. Residents consider that this is quite unsatisfactory because of the contact and travel time, which are naturally unavoidable. That is no reflection on the gentleman who does the job.

During most of the dry months, there has been insufficient water pressure to turn the sprinklers on and people claim that at times they were lucky if they could wash the soap off themselves when they had a shower. During the worst of the dry season, this lack of water pressure and sometimes lack of any water at all presents a serious danger to the town. In the event of a house fire, for instance, there is no way in the world that the water pressure would be sufficient to fill the fire hose.

I do not believe that any honourable member would dispute the fact that, as small towns go in the Territory, Batchelor is unique. It is well laid out and surrounded by green lawns and shady trees. It is a quiet and peaceful place. I know of no other town which is so beautifully laid out and so green and so pleasant to be in. Naturally, therefore, residents are justifiably proud of the place and I want to keep it green and shady, Mr Speaker. But it is pretty much an uphill battle to do so with water in such short supply. Water is needed not only for domestic use and for gardens, but for the lawns and gardens at Batchelor College, at the school, in-service houses, in-field centre, the oval and for the new college which is being erected on the western side of Batchelor.

Apart from the shortage of water, the quality of the water is by no means good. The water resources people feel that it is drinkable, but it is most unpalatable looking. It is either a dirty brown or a very murky-white colour. The population of Batchelor is rising and will continue to rise, thus adding a further strain on the existing water supply.

Mr Speaker, I have previously brought to the attention of members of this Assembly the existence of a vast deposit of phosphate at Rum Jungle. I asked the Minister for Primary Production about it the other day. I have information that a Mr Timms, the Australian Commissioner on the British Phosphate Commission, has warned that Australia can expect a significant escalation of the cost of superphosphate. Even though the British Phosphate Commission is a non-profit organisation - that is, the product is supplied to distributor at cost and the profit element is put into the mining of rock at Christmas Island - there must

consequently be some addition to the price of phosphate, as well as an increase through normal inflation. Also allegations have been made that the commission has funded a stockpile of rock retained on Christmas Island by increasing the price to primary producers. No one should know that better than yourself, Mr Speaker.

One particular deposit of phosphate at Rum Jungle is estimated to be in the vicinity of 5 million tonnes and I will check my figures. This phosphate could not be considered high grade as it is mixed with homotod. Nevertheless, it has been assayed at 44% pure. Surely such a deposit warrants in-depth investigation. The information that I am able to secure to date is that, although superphosphate acts much faster to the advantage of crops, crushed rock phosphate lasts 3 to 5 times longer, and the sulphuric acid in superphosphate can, in time, poison the soil. It is also possible to mix raw sulphur with phosphate which makes the beneficial effect of the phosphate act much faster. It can have no possible detrimental effect on the soil.

It is known that approximately 2 t of rock sulphate were taken from Rum Jungle some years ago and crushed at Mount Wells Battery. This phosphate was later used at the Katherine Experimental Farm and records are surely available somewhere which would give us an idea of the results of this particular experiment. If advantage is eventually to be taken of this Rum Jungle deposit - and one can only hope that for the good of Territory farmers rock phosphate is mined there - then it is more than obvious that this would lead to a further increase in population as well and the use of a great deal more water than is presently used at Batchelor. As existing water supplies are already inadequate, I would urge an immediate inquiry into the Batchelor water supply.

There is one other thing I want to touch on briefly. I do not want to reopen the debate on litter and Aborigines but I might offer some explanation. I want to say that, for something like 40,000 years, Aborigines never knew what a litter problem was because they did not have litter. They are nomadic people. They did not stay in a static camp. They moved on all the time. They were hunters and food gatherers. They might have stayed for a short time when there was a particularly good crop of yams or wild plums available. They ate all the food they could get hold of. They left no litter. If they killed animals, their dogs cleaned up the bones.

I am talking about Arnhem Land. I will tell you about the people at Maningrida. I am not talking about 150 years ago; I am talking about 30 years ago when I first went out there. They never even had a problem with the disposal of faeces. They had a particular reason for this. They had no such thing as bone-pointing in that country, but they did have a horrible practice to get even with somebody. If you burnt his faeces and got a local doctor blackfella - as they used to call them - to sing him, you could make him sick and he would possibly die. Therefore, if somebody wanted to defecate, he went miles into the bush, dug a hole, cleaned it up, and covered his tracks. You just did not have litter.

Much complaint is being made that there are camps for itinerants. What I am saying is that they are a nomadic people. It is not unusual for them to wander about. Admittedly, they have got to learn our ways. It will be beautiful when they do. But after 40,000 years of their own culture, their own way of life, we are expecting them to learn ours in 30 years. It is quite unreasonable.

Mrs PADGHAM-PURICH (Tiwi): Mr Speaker, this afternoon I would like to speak on quite a serious subject. It does not concern me directly. I hope it never does. I would like to comment on the situation as it relates to drug offences in the Northern Territory.

I feel and others feel very strongly that the sentences passed down by the courts are completely out of keeping with offences committed. I am only concerned with drug offences, especially hard drugs like heroin. I have a list of offences that were committed and the sentences that were handed down. This list is available to anybody who takes the time and trouble to check through newspaper records.

I would like to begin by commenting on the relevance and aptness of particular sentences passed down for offences and also the inconsistency of sentences. In any situation where a judge gives a decision - whether at a flower show, a dog show or in the courts - the layman must see justice in the decision. He must also be aware of the knowledge of the judge on the subject and consider the merits of the judgment in relation to community standards. There must also be impartiality and consistency in the judgment.

My main points relating to this list concern the aptness of sentences and inconsistency. One case of possession of 2 g of marijuana brought a fine of \$150, another case of possession of 2 g of marijuana brought a fine of \$75 and another case of possession of 60 g of marijuana brought a fine of \$100. The person who had 60 g of marijuana had 30 times more than the one who had 2 g yet his fine was two-thirds of that received by the latter. This is gross inconsistency. It might be all very well to say that the third chap was luckier than the first chap. I had not given this much thought until I paid a visit recently to Berrimah Prison. As part of their work, prison officers try to help rehabilitate prisoners. They said one of the hardest things that they had to combat was the inconsistency of jail sentences. One person gets 6 months for a certain offence and another chap gets 2 years for the same offence. It is very hard to convince the second person that it was just the luck of the draw. Because he sees unfairness in the whole setup of justice, it does not make him think very clearly about his future conduct. He will say, 'What the hell! Justice is really blind after all so why should I worry too much?' He will not give much thought to rehabilitation because he will think that society is against him anyway because he cannot see justice in his sentencing.

We pass laws in this Assembly relating to certain matters and we stipulate a maximum penalty. It has been said in other places that it might be better if legislation stipulated minimum penalties but the adversaries of this idea say it would take away the discretion of the judge or magistrate in the particular case. I wonder now if this would not be a bad thing. In most of these drug cases, the punishment does not fit the crime. In most of the cases the punishment is just a figurative slap on the wrist of the person who has offended against society, a weak admonition to go away and be a good boy or girl in the future. Perhaps it is a 2-year good behaviour bond or 6 months or a year in gaol for a very bad offence against the drug laws.

Our judiciary must give more thought to the fact that their decisions determine community behaviour much more than our passing of legislation in the Assembly. If the sentences are seen to be weak in relation to particular offences, our community standards of conduct will deteriorate and more crimes of a similar nature will be committed. It has been put to me time and time again by police and prison officers that offenders against the drug laws in the states receive sentences befitting their crimes. It seems to be known all over Australia that, if you are into that sort of a way of life, Darwin or the Northern Territory is the place to be because of the weak sentences that are handed down. Conversely, if the sentences are firm, which does not happen much these days, one would expect less of that sort of crime.

Mr Speaker, I will give some figures. In the first case, a person was convicted for producing and possessing cannabis. He was sentenced to 3 years with

a non-parole period of 8 months which, in effect, means the actual sentence was 8 months. In another case, 2 people were both convicted in relation to a cannabis plantation. One received a good behaviour bond for 3 years and the other a gaol sentence with a non-parole period of 9 months.

Another case was the notorious one of 3 people coming into the Northern Territory from interstate. This is a classic example of the weakness of sentencing in the Northern Territory relating to the possession of drugs. These people brought 130,000 cannabis seeds into the Northern Territory and from those 130,000 seeds, they stood to grow 40,000 plants of cannabis. From these 40,000 plants of cannabis, they stood to reap a street value of \$12m. Two people were released on a good behaviour bond of \$1000 in their own recognizance and the third person was sentenced to 6 months imprisonment. Considering the crime they intended to commit and what they stood to gain from it, the sentences passed down were ridiculous.

The next one concerns a person who was convicted in relation to selling cannabis resin - a good behaviour bond for 18 months; the next one - 66 deals of cannabis resin - good behaviour bond for 2 years. Now we come to a case of possession of heroin. This person was convicted and fined \$200. The maximum penalty for this offence is \$5000. Persons convicted for possession of heroin got a good behaviour bond for 2 years and \$5000 in their own recognizance.

It has been put up to me that, in many cases, good behaviour bonds are broken, again and again. In my innocence of the system of sentencing I thought that, when a good behaviour bond is broken involving a sum of money - in that case \$5000 in their own recognizance - it meant that that money was forfeit. That is not the case. Good behaviour bonds are broken and, in many cases, another good behaviour bond is imposed. That \$5000 is a bit of a laugh. In many cases the person does not own \$5000 and the bond is not guaranteed in any way. The amount is fairly irrelevant because it is never called in.

The next case, Mr Speaker, refers to a conspiracy to import heroin. The person involved was placed on a good behaviour bond for 12 months. In the next case 52.4 g of heroin were imported into Australia and that person, in effect, was sentenced to 9 months imprisonment. The next person imported 40 g of heroin and 6 g of opium and that particular person was released on a good behaviour bond for 3 years. It gets more and more ridiculous.

There is a concurrence of opinion among drug enforcement agencies around the country that only a minute number of drug offenders are ever apprehended and only a minute quantity of the illicit drugs on the market are ever seized. This is particularly true, it is felt, of drug importers and of smuggled drugs. It will always be impossible to produce any figures that will amount to any more than a guess.

The proof that only a very small number of offenders and a very small quantity of drugs ever come into the hands of the police can be seen in the fact that any city or town in Australia always has a plentiful supply of drugs of any kind. People do not generally grow, manufacture, smuggle or deal in drugs for any other reason than to make money. No one would dispute that there is huge money in the buying and selling of drugs, particularly of drugs purchased overseas at the source of supply for a pittance and ultimately sold in this country for gigantic profits. Where there is the lure of big money from illegal enterprises there must be strong deterrents to discourage people from entering into them. I do not think that is happening here in the Northern Territory, Mr Speaker. I feel that serious consideration must be given to the situation as it holds now and I hope that it can be remedied in the future.

Finally, Mr Speaker, following from my professed interest in canines and my great interest in dogs for many years, I was very pleased to hear yesterday from the honourable member for MacDonnell that next year is going to be the International Year of the Tree.

Mr D.W. COLLINS (Alice Springs): Mr Speaker, I feel I should reply to a couple of the points made by the Leader of the Opposition this morning. The only reasonable interpretation of the ABC report that I heard was that there actually was a massive spill of highly concentrated radioactive waste from Nabarlek. If the honourable Leader of the Opposition will look at what I said as reported in Hansard, he will note that I did not attribute the statement to him. I was not sure whether it was him or the ABC's somewhat liberal interpretation of what was said in this Assembly. I am quite happy to accept that he did not put out a press release. However, at this late stage, I will try to get a copy of the ABC news release so that we can have a look at it. The honourable member may find that he has been misrepresented and he may be happy to help refute what was said to the people of Australia, not just the people of the Territory. When I mentioned uninformed people, that is exactly what I meant. When one is listening without concentrating, the subconscious mind tends to take things in without discrimination. That is a well known fact to anybody who understands anything of the way the brain functions.

Mr Speaker, when I said yesterday that 33 times as much uranium would produce 33 times as much radon I meant in a unit time. It is a natural radioactive decay process; I meant exactly that. The ore is 33 times more concentrated in uranium, therefore, it will produce 33 times as much radon gas which has only a short half life period - a few minute actually - before it changes. I will stake my reputation on that. Everything I learnt in physics means nothing if that simple proportion, 33 times uranium producing 33 times as much radon is wrong. I assure you that it is not. Those who support the Leader of the Opposition with their giggles and guffaws over there only point up their own unfortunate ignorance in the matter. I will agree with the Leader of the Opposition that if, once the ore is out of the ground, it is not covered, then the chance of that radon escaping is greatly increased. That is why some other method is needed to hold it in. However, that was not the point under debate.

The term I used yesterday about rainwater was 'in essence'. Hansard did not get it quite right but I did use the term 'in essence'. From my reading, the water did not escape over the wall in a great rush, Mr Speaker; it flowed back into the works area. If there had been radiation significantly above the normal, the detectors would have picked it up in the soil. I stand by that also. One pernickety point I would make is that Hansard, of course, was not cleared to be quoted. During the last session of this Assembly we were instructed that the daily Hansard should not be quoted. I do not really mind.

Finally, I want to reinforce what the honourable member for Tiwi said about the drugs issue. There appears to be some support opposite for the legalisation of marijuana. I have had a look at sentences relating to hard drugs. In theory, there are very stiff penalties: 9 years for the first offence, 15 years for the second offence, 25 years for the third offence. This is for hard drugs such as heroin. These are maximum sentences. I really do wish that our legislation had the word 'maximum' alongside of penalties because many people do not understand that particular point. However, if one cares to have a look at the cases - and some were quoted here by the member for Tiwi - it will be seen that, in practice, what the courts are doing is pitiful. I would not like to be a member of the drug enforcement squad, considering the effort that they have to put in to try to apprehend offenders and win cases, only to find good behaviour bonds and weak sentences handed down. One would be tempted to say: 'Why bother?' I have been deluded by thinking that we had

tough laws on hard-drug runners. I believe the public is being deluded. I think it would be well for all members of this Assembly to have a careful look at the information and check it out. I think we should try and make what efforts are needed to deter drug running, growing and supplying etc. If I had no moral conscience and someone asked me what is the best way to make a quid, I would say: 'Get into the drug business in the Territory because, if you get caught, you are not going to cop much anyway'.

Mrs LAWRIE (Nightcliff): Mr Speaker, it was certainly not my intention to rise to speak in the adjournment debate a second time but I must express my absolute abhorrence at the statements that have just been made by the member for Alice Springs. He stated our courts are pitiful. That is an unwarranted slur on the independence of the judiciary. I might also add that I noted that the member for Tiwi - probably very carefully - said that 'press reports indicate sentences are' and then she went on to detail her case. I would suggest to the member for Tiwi that, if she wants to retain any credibility whatsoever, instead of relying on press reports, which I think 80% of members have criticised over the years, she attend the courts in person, as I have, and listen to these very sad cases. She could then hear the evidence from both sides and the reasoned judgments of our judiciary as to why it handed down the sentences. Mr Speaker, that was the most unwarranted, biased and slanted slur on an independent judiciary that I have ever heard and I totally refute it. Both members stand disgraced.

Mr B. COLLINS (Arnhem): Mr Speaker, another of my colleagues was going to do this particular job but, as I have been given the opportunity of speaking again, I will. I extend the best wishes of the opposition to all members of the Assembly for the Christmas season. I hope it is a safe season for everyone. I also extend the thanks of the opposition to the Clerk and his staff for the very considerable assistance they have given us, as they always do, throughout the year. I also thank the Clerk and his staff for the meticulous manner in which they proofed and processed the legislation that we put through this Assembly. Many people do not realise that it is the Clerk and his staff of the Legislative Assembly who ensure that the pieces of paper that end up in the Information Office are exactly the way they came out of the Legislative Assembly. It is an important job and it is a difficult job. They do it meticulously. I also extend the thanks of the opposition to Hansard staff as well. I wish all members of staff of the Legislative Assembly and members the best for Christmas.

Mr BELL (MacDonnell): I would like to commence, Mr Speaker, by endorsing the comments of the Leader of the Opposition and the congratulations he passed to yourself and to the staff. Particularly as the new member in the Assembly, I very much appreciate the help that the Clerk, the staff and the Hansard people have given me in a variety of circumstances.

There are a few points I would like to make comment on in the adjournment debate. The first one follows on from the speech of the member for Alice Springs. He suggested we were in favour of legalising marijuana. I could not help a wry smile when the member for Tiwi was giving us a brief rundown on the economics of the cannabis seed. As the member for Nightcliff suggested, it could be a cash crop for the Territory. My thought was: far be it from us to legalise marijuana. However, it seems to me that if the government is prepared to legalise casinos, it might have a look at marijuana as well.

I wish now to make a few brief comments on the answer of the Minister for Lands and Housing this morning. In an earlier debate in this session, I made comment on some letters that the minister had sent. I suggested at that stage that it was quite possible, depending on the wording of certain letters, that

the minister may have misled the Assembly. It would appear that, through the use of a few clever little phrases in the October letter which he read this morning - such as 'for the time being' and 'that the matter was under review' - he gave himself an out. It appears that he has not misled the Assembly at all. However, I would draw members' attention to the alacrity with which the minister gave the Assembly information on this matter during the June sittings and the alacrity with which the minister declared that it was a falsehood that he had told the proprietors of Tempe Downs one thing and then did another.

I think the evidence before members is such as to convince them that the minister, in some ways, has obfuscated the truth. We should look a little closer too at the reason he gave for changing his mind on that matter. In October 1980, he was not going to extend the lease because it was under claim under the Land Rights Act. In May, that was no longer his reason. He was going to give it to some other claimants. He suggested that this was because he found that the claim was a repeat claim. I would suggest that this is a red herring. You cannot scotch a red herring, I suppose, but it is certainly a red herring. Let me just say clearly now - and the minister knows it - that no claim was ever heard over that particular area.

I would now like to speak on the rather strange reaction I had yesterday from the member for Alice Springs and the Leader of the House over my use of the word 'expatriate'. I was quite amused and bemused, I suppose, at the strength of the reaction on both parts. I would just like to have a closer look at this word, Mr Speaker. The Leader of the House almost accused me of treason for using a phrase such as I did to describe people who go to work on Aboriginal communities. The member for Alice Springs also suggested that the only appropriate use of the term is in describing people who went from one country to another. In this particular case, he cited Papua New Guinea. Certainly the term has been used frequently in that context.

I would suggest that both gentlemen are using the term in a fairly restricted way. Far be it from me to adopt the patronising tone that a number of people on the opposite benches do but I do feel constrained to explain to members exactly what this term means. Here I should apologise. It was explained to me afterwards that perhaps I have been incorrect in my use of the personal explanation under Standing Orders. I will endeavour to do it more properly in future. I will take the opportunity now of explaining what I sought to explain under inappropriate circumstances.

The root of the word 'expatriate' is 'patria'. It is a Latin word which is derived from another word of very wide usage. The root word for 'patria' is 'father'. In Latin, it is 'pater'. It is a word that occurs throughout the Indian subcontinent and throughout Europe. As the member for Sanderson explained to me, in Sanskrit, the word is 'pitua'. In German, it is 'vater'. In the other germanic language, English, it is 'father'. It has the forms in the romance languages that I explained. In French, it is 'pere' and in Spanish, it is 'padre'.

The idea involved in that is not necessarily, as the Leader of the House suggested yesterday, congruent with the nation state. The native land might not necessarily be Australia. The Leader of the House was quite happy to refer to the Territory as a native country. In fact, both honourable members were being a little bit niggardly in suggesting that this phrase might not be applied to even smaller areas than the nation state and, whether it is Aboriginal people or non-Aboriginal people, they might refer to a particular section of the country as the place where they come from. In that context, it was rather out of order for both honourable members to take me to task on the use of that particular word in that context.

There is one other matter I wish to speak on in the adjournment and I hope the honourable Minister for Community Development is awake this afternoon. I asked a question this morning about the Urban Lands Unit in his department. The Minister for Lands and Housing, in relation to NT Portion 1097, has been more than helpful in giving information in order that the process of government and opposition can be carried out. Unfortunately, the Minister for Community Development has not shown the same openness. I have sought a briefing. I have asked a question in the Assembly and I have been told to put it on notice. I find that quite amazing. I will not go through the difficulties that I have had in obtaining a briefing on this matter. I did that yesterday and I will not bore honourable members with those details again. The honourable minister has put a great deal of red tape in the way of my trying to obtain information about this. The question I asked was: 'What is the role of the Urban Lands Unit and how many staff does that particular unit employ?' The honourable minister went to a great deal of trouble to heap scorn on my head and suggest that I must be some sort of ignoramus if I expected him to have on the top of his head the number of staff a particular unit of his department employs.

The other matter, the role of the Urban Lands Unit, was not a particularly unreasonable question to expect a minister to be able to answer off the top of his head. I am surprised that the minister cannot give some sort of information about what the Urban Lands Unit actually does, why it is there and even a rough idea of how many people it employs - whether it is 5 or 50. The only reason that I can imagine why the honourable minister is so reluctant in these matters and so jealous of his little empire is that perhaps he has not got the energy to divert to making sure that there is a free flow of information between government and opposition in this regard and perhaps his, shall we say, extra-mural business interests make this a little bit difficult for him and make the safeguards that he is seeking absolutely necessary.

Mr LEO (Nhulunbuy): Mr Speaker, I will not take up much of the Assembly's time. I will begin my thanking yourself and members of the staff. I congratulate the new member for Millner on entering the Assembly; it was a very interesting campaign to say the least.

The previous speaker was talking about questions on notice and how they are answered by ministers. At the previous sittings of this Assembly, I asked the Minister for Health whether he could give an assurance that the services provided at the health centre in Nhulunbuy would not be downgraded. I do not know whether you remember the minister's reply but it was a very confident: 'Most certainly, Mr Speaker'. I returned to the township of Nhulunbuy and found that quite a number of services had been moved out of the health centre and had gone to the hospital. I wrote to the minister and reminded him of his answer and quoted the Hansard page. His reply went something along the lines that the services had not been downgraded but they had been transferred. I think that is a wonderful piece of semantics. The health centre at Nhulunbuy provided a number of services that, in the view of the residents of Nhulunbuy, were much better provided than at the hospital. There seems to be quite a bit of reorganising within the Department of Health generally. Considering the minister's categorical, 'Most certainly, Mr Speaker', in reply to my question and the transfer, this seems to be more of an exercise in semantics than a continuation of the minister's policy.

I also asked the Minister for Education a question without notice: whether or not the department had undertaken a study into the effectiveness of the Gove community library as an educational facility. The minister's reply was, 'Yes'. I do not think he heard the question properly. Actually, he had indicated that he will undertake an inquiry. I do not think he will be surprised. I think various members of the Department of Education have expressed

their fears and made their thinking known to the minister. Every educationalist with whom I have spoken at the high school has concluded that the library is totally inadequate. I am confident that, when the minister conducts his inquiry and it is completed, he will be left with that conclusion. I hope he will act promptly in accordance with it. I do not wish to pre-empt the findings of such an inquiry, but I am more than a little confident. I am very sure that the Department of Education will have to rethink the practice of establishing community libraries or give a lot more priority to design if that is to be the trend in library facilities in schools.

In closing, Mr Speaker, I would once again like to thank yourself, members of the staff and my parliamentary colleagues.

Mr SPEAKER: Honourable members, I wish all members a merry Christmas and a happy and prosperous New Year, and Mr Norm Campbell sitting as the Remuneration Tribunal has assisted members materially in this regard. To the Clerk, Assistant Clerk, staff, Hansard staff and the press, I wish all the season's greetings. I thank them for their help and cooperation in the past year.

The Assembly stands adjourned until Tuesday 9 March 1982 or until such time and date as notified to members by the Speaker.

Motion agreed to; the Assembly adjourned.

ADJOURNMENT

Aboriginal communities, restricted areas 1776
Agricultural policies and research in NT 1662, 1664
Alice Springs, bus service 1780
Amateur Fishermen's Association, submission 1800
Australian National Railways, Ghan service 1658
Ayers Rock, education facilities 1621
Batchelor, water supply 1818
Black Cec, letter to Darwin Sun 1778
Borroloolua powerhouse 1662
Casuarina High School 1661
Coastal surveillance 1658
Commonwealth Parliamentary Association Conference in Fiji 1768, 1771, 1814
Department of Community Development, cooperation with members 1776
Drivers' licences for 16-year-olds 1774
Drug offences, attitude of judiciary 1819, 1822, 1823
Education Department, circular on medical treatment 1798
Election campaigns, public funding 1815
'Expatriate', definition 1781, 1782, 1824
Fireworks 1618
Fisheries enforcement 1799
Garden Point, withdrawal of nursing sister 1656
Government departments, secrecy 1775, 1776
Illegal motor vehicles 1775
Kintore Ranges, education facilities for community 1619, 1665
Legislative Assembly, sitting days 1655
Litter, attitude of Aborigines 1819
Ludmilla electorate, city council responsibilities 1780
Millner Division, by-election 1655
Minister for Mines and Energy, letter to Millner residents 1817
Nhulunbuy -
 community library 1825
 diversification of industry 1666
 health services 1825
Old Timers' Rural Village 1657
Outstations, water supply 1665
Phosphate deposits at Rum Jungle 1818
Police Force -
 description of squads 1618
 resignations 1617
Ranger Uranium Mine, closure 1764, 1770, 1780, 1796, 1813, 1822
Rapid Creek Water Gardens Centre, billboard 1816
Scarves presented to female members 1617
Seasonal greetings 1813, 1823, 1826
Tempe Downs pastoral lease 1660, 1661, 1824
Traffic lights, McMillans Road 1775
Trailers, multiple registration system 1619
Urban Lands Unit 1825

BILLS

Abattoirs and Slaughtering Amendment (Serial 131) 1628
Aboriginal Heritage (Serial 171) 1803
Aboriginal Land Amendment (Serial 96) 1676
Appropriation 1981-82 (Serial 151) 1586
Building Societies (Serial 88) 1684
Bushfires Amendment (Serial 97) 1676
Caravan Parks Amendment (Serial 132) 1628
Construction Safety Amendment (Serial 160) 1625
Criminal Code (Serial 167) 1671
Energy Pipelines (Serial 142) 1577, 1715
Essential Goods and Services (Serial 137) 1599
Fences Amendment (Serial 98) 1676

Fish and Fisheries Amendment (Serial 126) 1741
Food and Drugs Amendment (Serial 127) 1738
Food and Drugs Amendment (Serial 133) 1628
Food Standards Amendment (Serial 134) 1628
Inspection of Machinery Amendment (Serial 161) 1626
Justices Amendment (Serial 140) 1634
Land and Business Agents Amendment (Serial 125) 1629
Liquor Amendment (Serial 145) 1740
Liquor Amendment (Serial 169) 1783
Local Courts Amendment (Serial 139) 1634
Local Government Amendment (Serial 71) 1668
Local Government Amendment (Serial 124) 1635, 1719
Local Government Amendment (Serial 155) 1670
Mining Act 1980 Amendment (Serial 166) 1669, 1762
Motor Accidents (Compensation) Amendment (Serial 152) 1714
Motor Vehicles Amendment (Serial 135) 1651
Northern Territory Disasters Amendment (Serial 168) 1708
Northern Territory Tourist Commission Amendment (Serial 165) 1713
Parole of Prisoners Amendment (Serial 159) 1713
Pet Meat (Serial 163) 1711
Petroleum (Prospecting and Mining) Amendment (Serial 146) 1633
Petroleum (Prospecting and Mining) Amendment (Serial 150) 1634
Public Health Amendment (Serial 130) 1628
Small Claims Amendment (Serial 158) 1714
Statute Law Revision (Serial 128) 1740
Statute Law Revision (Serial 162) 1712
Stock Diseases Amendment (Serial 99) 1676
Stock Routes and Travelling Stock Amendment (Serial 100) 1676
Stock Routes and Travelling Stock Amendment (Serial 154) 1627
Summary Offences Amendment (Serial 101) 1676
Summary Offences Amendment (Serial 170) 1783
Superannuation (Serial 164) 1682
Tenancy Amendment (Serial 157) 1709
Territory Insurance Office Amendment (Serial 115) 1654
Territory Parks and Wildlife Conservation Amendment (Serial 129) 1653
Traffic Amendment (Serial 136) 1720
Traffic Amendment (Serial 153) 1624, 1749

DIRECTION OF ACTING ADMINISTRATOR 1623

DIRECTION OF TREASURER 1623

DISTINGUISHED VISITOR

J.C. Kerin MP 1623

MOTIONS

Appointments to standing committees 1623
Auditor-General's Report 1980-81 1577, 1784
Commissioner of Consumer Affairs - Third Report 1577, 1732
Litter Control Report 1790
Report of Inquiry of NT Remuneration Tribunal Relating to Aldermen 1728
Report of Inquiry of NT Remuneration Tribunal Relating to Magistrates 1727
Report of Inquiry of NT Remuneration Tribunal Relating to Members of the
Legislative Assembly 1729
Report on residences under construction on Lots 4165 and 3985 Savannah
Estate 1667, 1790
Sessional Committee on the Environment - First Report 1708

OPPOSITION OFFICE HOLDERS

Deputy Leader of the Opposition 1577
Leader of the Opposition 1577

PERSONAL EXPLANATIONS

Mr Bell 1664, 1782
Mrs Lawrie 1650

PETITIONS

Old Timers' Rural Village 1623
Overpass on Trower Road 1707
Prawning licences 1707
Zoning in Brinkin 1707

REPORTS

Auditor-General's Report 1980-81 1577
Commissioner of Consumer Affairs - Third Report 1577
Sessional Committee on the Environment - First Report 1708

RESIGNATION OF MEMBER

J.M. Isaacs 1577

RETURN TO WRIT

Millner Division 1684

SUSPENSION OF STANDING ORDERS 1675, 1749, 1783

INDEX TO MEMBERS' SPEECHES
24 November - 2 December 1981

BELL N.R.

ADJOURNMENT

Aboriginal communities, restricted areas 1776
Ayers Rock, education facilities 1621
Department of Community Development, cooperation with members 1776
'Expatriate', definition 1782, 1824
Government departments, secrecy 1776
Kintore Ranges, education facilities for community 1619
Seasonal greetings 1823
Tempe Downs pastoral lease 1660, 1824
Urban Lands Unit 1825

BILLS

Abattoirs and Slaughtering Amendment (Serial 131) 1628
Appropriation 1981-82 (Serial 151) 1596
Caravan Parks Amendment (Serial 132) 1628
Energy Pipelines (Serial 142) 1580, 1715
Essential Goods and Services (Serial 137) 1607
Food and Drugs Amendment (Serial 127) 1738
Food and Drugs Amendment (Serial 133) 1628
Food Standards Amendment (Serial 134) 1628
Local Government Amendment (Serial 124) 1635
Public Health Amendment (Serial 130) 1628
Traffic Amendment (Serial 153) 1758

MOTION

Litter Control Report 1790

PERSONAL EXPLANATIONS 1664, 1782

COLLINS B.

ADJOURNMENT

Education Department, circular on medical treatment 1798
Legislative Assembly, sitting days 1655
Millner Division, by-election 1655
Ranger Uranium Mine, closure 1764, 1796
Seasonal greetings 1823

BILLS

Appropriation 1981-82 (Serial 151) 1590
Energy Pipelines (Serial 142) 1577
Essential Goods and Services (Serial 137) 1601, 1614
Fish and Fisheries Amendment (Serial 126) 1741, 1748
Justices Amendment (Serial 140) 1634
Land and Business Agents Amendment (Serial 125) 1632
Liquor Amendment (Serial 145) 1740
Local Courts Amendment (Serial 139) 1634
Motor Accidents (Compensation) Amendment (Serial 152) 1714
Petroleum (Prospecting and Mining) Amendment (Serial 146) 1634
Petroleum (Prospecting and Mining) Amendment (Serial 150) 1634
Statute Law Revision (Serial 128) 1740
Territory Insurance Office Amendment (Serial 115) 1654
Territory Parks and Wildlife Conservation Amendment (Serial 129) 1653
Traffic Amendment (Serial 136) 1724
Traffic Amendment (Serial 153) 1757, 1762

MOTIONS

Litter Control Report 1794
Report of Inquiry of NT Remuneration Tribunal Relating to Members of the
Legislative Assembly 1731

INDEX TO MEMBERS' SPEECHES
24 November - 2 December 1981

PETITION

Prawning licences 1707

COLLINS D.W.

ADJOURNMENT

Alice Springs, bus service 1780
Australian National Railways, Ghan service 1658
Coastal surveillance 1658
Drug offences, attitude of judiciary 1822
Ranger Uranium Mine, closure 1780, 1822

BILLS

Building Societies (Serial 88) 1688
Essential Goods and Services (Serial 137) 1609
Land and Business Agents Amendment (Serial 125) 1632
Motor Vehicles Amendment (Serial 135) 1651
Territory Parks and Wildlife Conservation Amendment (Serial 129) 1654
Traffic Amendment (Serial 136) 1722
Traffic Amendment (Serial 153) 1753, 1762

MOTION

Litter Control Report 1793

DONDAS N.

BILLS

Motor Vehicles Amendment (Serial 135) 1653
Traffic Amendment (Serial 136) 1727
Traffic Amendment (Serial 153) 1624, 1760

MOTION

Auditor-General's Report 1980-81 1788

PETITION

Zoning in Brinkin 1707

DOOLAN J.K.

ADJOURNMENT

Agricultural policies and research in NT 1662
Batchelor, water supply 1818
Litter, attitude of Aborigines 1819
Phosphate deposits at Rum Jungle 1818

BILLS

Appropriation 1981-82 (Serial 151) 1593
Energy Pipelines (Serial 142) 1581
Local Government Amendment (Serial 124) 1638

D'ROZARIO J.

BILLS

Abattoirs and Slaughtering Amendment (Serial 131) 1628
Building Societies (Serial 88) 1689, 1695
Caravan Parks Amendment (Serial 132) 1628
Essential Goods and Services (Serial 137) 1604, 1613
Food and Drugs Amendment (Serial 133) 1628
Food Standards Amendment (Serial 134) 1628
Local Government Amendment (Serial 124) 1640
Mining Act 1980 Amendment (Serial 166) 1762
Motor Vehicles Amendment (Serial 135) 1652

INDEX TO MEMBERS' SPEECHES
24 November - December 1981

Public Health Amendment (Serial 130) 1628
Traffic Amendment (Serial 136) 1725
Traffic Amendment (Serial 153) 1754, 1762

EVERINGHAM P.A.E.

ADJOURNMENT

Casuarina High School 1661
Seasonal greetings 1813

BILLS

Aboriginal Heritage (Serial 171) 1803
Aboriginal Land Amendment (Serial 96) 1676
Appropriation 1981-82 (Serial 151) 1589, 1597
Building Societies (Serial 88) 1693, 1694
Bushfires Amendment (Serial 97) 1676
Criminal Code (Serial 167) 1671
Energy Pipelines (Serial 142) 1585
Essential Goods and Services (Serial 137) 1600, 1613
Fences Amendment (Serial 98) 1676
Fish and Fisheries Amendment (Serial 126) 1745, 1748
Land and Business Agents Amendment (Serial 125) 1632
Northern Territory Disasters Amendment (Serial 168) 1708
Small Claims Amendment (Serial 158) 1714
Statute Law Revision (Serial 162) 1712
Stock Diseases Amendment (Serial 99) 1676
Stock Routes and Travelling Stock Amendment (Serial 100) 1676
Summary Offences Amendment (Serial 101) 1676
Superannuation (Serial 164) 1682
Traffic Amendment (Serial 153) 1759

MOTIONS

Auditor-General's Report 1980-81 1577, 1784
Report of Inquiry of NT Remuneration Tribunal Relating to Aldermen 1728
Report of Inquiry of NT Remuneration Tribunal Relating to Magistrates 1727
Report of Inquiry of NT Remuneration Tribunal Relating to Members of the
Legislative Assembly 1729

REPORT

Auditor-General's Report 1980-81 1577

HARRIS T.

ADJOURNMENT

Commonwealth Parliamentary Association Conference in Fiji 1768, 1814
Ranger Uranium Mine, closure 1813

BILLS

Building Societies (Serial 88) 1684
Essential Goods and Services (Serial 137) 1608
Land and Business Agents Amendment (Serial 125) 1630
Local Government Amendment (Serial 124) 1636

MOTION

Sessional Committee on the Environment - First Report 1708

REPORT

Sessional Committee on the Environment - First Report 1708

INDEX TO MEMBERS' SPEECHES
24 November - 2 December 1981

LAWRIE A.D.

ADJOURNMENT

Amateur Fishermen's Association, submission 1800
Drug offences, attitude of judiciary 1823
Fisheries enforcement 1799

BILLS

Appropriation 1981-82 (Serial 151) 1595
Essential Goods and Services (Serial 137) 1603
Fish and Fisheries Amendment (Serial 126) 1742, 1746
Local Government Amendment (Serial 124) 1644, 1719
Traffic Amendment (Serial 136) 1721
Traffic Amendment (Serial 153) 1752

PERSONAL EXPLANATION 1650

LEO D.M.

ADJOURNMENT

Nhulunbuy -
community library 1825
diversification of industry 1666
health services 1825

BILLS

Appropriation 1981-82 (Serial 151) 1591
Essential Goods and Services (Serial 137) 1599, 1612
Motor Vehicles Amendment (Serial 135) 1651
Traffic Amendment (Serial 136) 1720

MacFARLANE J.L.S.

ADJOURNMENT

Seasonal greetings 1826

O'NEIL P.F.

ADJOURNMENT

Commonwealth Parliamentary Association Conference in Fiji 1771
Scarves presented to female members 1617

BILLS

Appropriation 1981-82 (Serial 151) 1586
Building Societies (Serial 88) 1686
Essential Goods and Services (Serial 137) 1600
Land and Business Agents Amendment (Serial 125) 1629
Motor Vehicles Amendment (Serial 135) 1651
Traffic Amendment (Serial 153) 1749

MOTION

Auditor-General's Report 1980-81 1787

PADGHAM-PURICH C.N.

ADJOURNMENT

Drivers' licences for 16-year-olds 1774
Drug offences, attitude of judiciary 1819
Fireworks 1618
Garden Point, withdrawal of nursing sister 1656
Government departments, secrecy 1775
Illegal motor vehicles 1775

INDEX TO MEMBERS' SPEECHES
24 November - 2 December 1981

Old Timers' Rural Village 1657
Police Force -
 description of squads 1618
 resignations 1617
Trailers, multiple registration system 1619

BILLS

Abattoirs and Slaughtering Amendment (Serial 131) 1628
Appropriation 1981-82 (Serial 151) 1592
Caravan Parks Amendment (Serial 132) 1628
Energy Pipelines (Serial 142) 1582
Essential Goods and Services (Serial 137) 1611
Fish and Fisheries Amendment (Serial 126) 1744
Food and Drugs Amendment (Serial 127) 1738
Food and Drugs Amendment (Serial 133) 1628
Food Standards Amendment (Serial 134) 1628
Local Government Amendment (Serial 124) 1638
Petroleum (Prospecting and Mining) Amendment (Serial 150) 1634
Public Health Amendment (Serial 130) 1628
Territory Parks and Wildlife Conservation Amendment (Serial 129) 1653

MOTION

Litter Control Report 1792

PETITION

Old Timers' Rural Village 1623

PERRON M.B.

ADJOURNMENT

Kintore Ranges, education facilities for community 1665
Outstations, water supply 1665

BILLS

Appropriation 1981-82 (Serial 151) 1598
Local Government Amendment (Serial 71) 1668
Local Government Amendment (Serial 124) 1648, 1719
Local Government Amendment (Serial 155) 1670
Motor Accidents (Compensation) Amendment (Serial 152) 1715
Parole of Prisoners Amendment (Serial 159) 1713
Tenancy Amendment (Serial 157) 1709

DIRECTION OF ACTING ADMINISTRATOR 1623

DIRECTION OF TREASURER 1623

MOTIONS

Commissioner of Consumer Affairs - Third Report 1577, 1736
Litter Control Report 1795
Report on residences under construction on Lots 4165 and 3985 Savannah
Estate 1667

REPORT

Commissioner of Consumer Affairs - Third Report 1577

ROBERTSON J.M.

ADJOURNMENT

'Expatriate', definition 1782

BILLS

Essential Goods and Services (Serial 137) 1602
Local Government Amendment (Serial 124) 1647, 1720
Traffic Amendment (Serial 153) 1750, 1761

INDEX TO MEMBERS' SPEECHES
24 November - 2 December 1981

SMITH T.E.

ADJOURNMENT

Election campaigns, public funding 1815
Minister for Mines and Energy, letter to Millner residents 1817
Rapid Creek Water Gardens Centre, billboard 1816

MOTION

Commissioner of Consumer Affairs - Third Report 1732

PETITION

Overpass on Trower Road 1707

STEELE R.M.

ADJOURNMENT

Agricultural policies and research in NT 1664
Black Cec, letter to Darwin Sun 1778
Ludmilla electorate, city council responsibilities 1780

BILLS

Northern Territory Tourist Commission Amendment (Serial 165) 1713
Pet Meat (Serial 163) 1711
Stock Routes and Travelling Stock Amendment (Serial 154) 1627

TUXWORTH I.L.

ADJOURNMENT

Ranger Uranium Mine, closure 1770

BILLS

Construction Safety Amendment (Serial 160) 1625
Energy Pipelines (Serial 142) 1715
Food and Drugs Amendment (Serial 127) 1739
Inspection of Machinery Amendment (Serial 161) 1626
Liquor Amendment (Serial 145) 1741
Liquor Amendment (Serial 169) 1783
Local Government Amendment (Serial 124) 1642
Mining Act 1980 Amendment (Serial 166) 1669, 1763
Summary Offences Amendment (Serial 170) 1783

VALE R.W.S.

BILLS

Liquor Amendment (Serial 145) 1741